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Democracy and Scandal: A Research Agenda

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Abstract
In a recent edition of this journal, Scott Brenton (2012) announced a refreshing perspective on the relationship between political scandal and liberal democratic institutions: though scandals are often thought anathema to democratic politics, a cause of public distraction or a sign of institutional degradation, their effect may actually be to reinforce and rejuvenate the polity. We consolidate and then challenge this perspective. We begin by reconstructing Brenton's observations on scandal as a process model which we term the "scandal reform cycle". We then suggest a raft of challenges to the model to reveal the complexity of scandals and their uncertain institutional effects. Our larger ambition is to articulate the relationship between scandal and democracy not as a simple question but rather as an ambitious and timely research agenda.

Keywords
Scandal, democracy, institutions

1. Beyond Functionalism

In his recent article about the relationship between political scandal and liberal democratic institutions, Scott Brenton (2012) announces a refreshing perspective: though scandals are often thought anathema to democratic politics, a cause of public distraction or a sign of institutional degradation, their effect may actually be to reinforce and rejuvenate the polity. As he correctly points out, scandals are too often discounted as trivial, irrational or otherwise secondary political processes. For Brenton, scandals are a

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form of deviance in Durkheimian terms, and as such they generate solidarity and reinforce norms, even as they appear to most observers to cheapen discourse and distract from "serious" issues.

Brenton's vision of how scandals work expresses a tacit functionalism – not only does he refer to the *function* of scandal but he makes the broader argument that scandal plays an equilibriating role with respect to democratic institutions (2012:824). By revealing deviant behavior to the general public, and by castigating it, scandals energize those norms which have been breached. This can lead to the purification of institutions, including the exit of "bad actors", it can lead to institutional reform, it can increase institutional efficacy and, finally, and it can bolster trust in public institutions, such that a political equilibrium is restored.

In what follows, we consolidate and then challenge Brenton's perspective on scandal. We begin by reconstructing Brenton's observations as a process model which we term the "scandal reform cycle". We then suggest a raft of provisos to this model to reveal the complexity of scandals and their uncertain effects on public institutions. Though we do support Brenton's intuition, we show that the empirical reality of political scandal is far more complex than he allows, such that scandals can generate all manner of institutional outcomes – some good, some bad, some unclear in their near- and long-term significance. We see Brenton (2012) as having made a valuable contribution to our understanding of scandal and we aim to clarify and advance that contribution, to join him in calling for more research in this field, especially as it pertains to democracy. Our larger claim is that the relationship between scandal and democracy not as a simple question but rather as a research agenda. The operative question is not whether scandal is "good" or "bad" for democratic institutions but rather what accounts for variations in the effects of scandal, recognizing that much depends upon the character of the particular institutions in view. To answer this question we must extend Brenton's conceptual architecture and diversify and enrich its empirical referents. What follows is thus a corrective but also a call for more attention on what promises to be an important and complex field of inquiry.

2. How Do Scandals Reinforce Democratic Institutions?

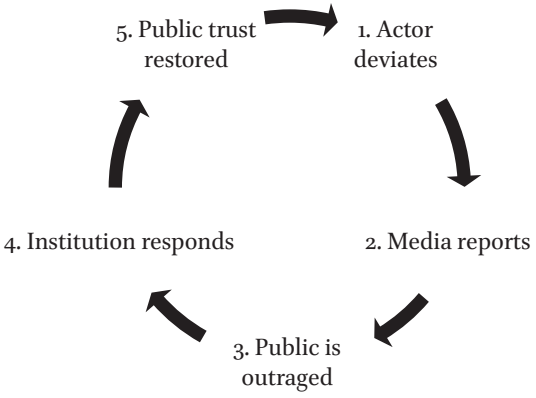
While we are largely sympathetic to Brenton's (2012) central claim that scandals can reinforce democratic institutions, we find it necessary to consider the proximate mechanisms through which this particular effect may be realized. To this end we set up a simple process model which trackssome of the key relations between scandals and political institutions. It should be noted that our model includes two features absent from Brenton: the institution's positive response to the scandal and the public's acceptance of this response as adequate. Without these two stages, it is difficult to envision how a scandal could reinforce public values or institutions, especially given that previous scholarship does not entertain this question (see Brenton 2012:818).

Brenton (2012) suggests a chain of actions and reactions which begin with deviant activity and end with a bolstered institution and public faith restored. In Figure 1, we reconstruct these actions and reactions in their simplest form as a cycle.

Brenton's article is built around the Clinton-Lewinsky affair. Its key phases can be located within our model:

1. Clinton deviates by having a sexual relationship with Lewinsky.
2. Journalists report the story, which is mediated by large news organizations.

Figure 1
The Scandal-Reform Cycle



3. The mass public responds with a mix of fascination and outrage.
4. The White House, Congress and Department of Justice respond, culminating in a lengthy trial.
5. The public's trust in the institution is restored: the public accepts the political parties and their leaders as legitimate representatives.

If this account seems forced it is because Brenton selected an inopportune case to illustrate how scandal benefits democracy. Few political events in recent memory seem to so wholly to confirm the worst fears about the negative consequences of scandal for democracies, not in the least for its trivializing and coarsening effect on public discourse. The supposed deviance at the center of the scandal, a sex act between consenting adults, is surely trifling when compared to routine Presidential politics. The formal consequences for Clinton, impeachment – a fate worse than befell Nixon – appears startlingly out of proportion to the apparent offence. What is more, the trial not only distracted public attention from arguably more worthy subjects, but also triggered cynicism toward Clinton and the suspicion he bombed Iraq simply to distract from the scandal (Hendrickson 2002; Baum 2007). In addition to these admittedly diffuse effects the more concentrated effects of this scandal would include Kenneth Starr's troubling politicization of the role of special prosecutor. What positives, then, can be found in the Clinton-Lewinsky affair?

It is here that Brenton blazes out a decidedly more optimistic path than has been taken by other scholars of scandal, pointing to three positive aspects: the scandal indicates a lively and free press (a point which affirms Schudson 2005). Second, the scandal indicates a healthy mass public, one that can endure disputes without triggering serious divisions. Finally, while the affair undermined Clinton as a morally-acceptable president, it affirmed the presidency as a moral office. In other words, although they look like a degraded form of political exchange, such scandals are both useful means of challenging centralized authority and warning to future leaders to keep within the ambit of public values. This is not to say that the positives have entirely been ignored in the recent literature: prominently, Thompson (2000) recognizes that uncovering scandals may trigger increased levels of trust, while Alexander (2003) emphasizes the solidarity produced through conflictual politics. But among defenders of scandal, Brenton stands out for his faith that scandal is elevating and beneficial even in its least appealing manifestations.

Credit is due to Brenton for setting himself a challenging case – he certainly did not select on the dependent variable. And yet the case does not support any strong claims that scandals are necessarily positive, or even that they are inevitable features of healthy mass-mediated democracies. This is because the key actors, including politicians, the press, and the general public, do not always behave in the highly idealized fashion on which the scandal reform cycle depends. In what follows, we complicate the account of each stage of the scandal cycle, as depicted above. We show how the behavior of the actors embedded each stage can vary over time and between contexts. The aim in so doing is not simply to attack the scandal reform cycle but to begin the work of transforming it into a model which can explain variation not only in the effects of but in the *varieties* of political scandal.

3. Assessing the Scandal Reform Cycle

(a) *Political Actors*

Brenton's theory presents a narrow definition of the deviant in a political scandal as either a bureaucrat or a member of the government, that is, someone powerful (2012:841). Why "the political" should be restricted in this manner is entirely unclear, given that it narrows the scope of the theory but does not appear to enhance its power. Consider, for example, that political actors will at times attempt to generate scandals about non-political actors and institutions to secure political advantage. This was seen in Australia just prior to the 2007 federal election. At that time, Prime Minister Howard was facing a serious electoral threat (McManus 2007). To divert attention from the Opposition Leader, a darling of the media, Howard orchestrated a heavy-handed (and military-led) intervention into remote indigenous communities. The warrant for doing so was a report *Little Children Are Sacred* (Wild and Anderson 2007), which revealed the pervasiveness of alcoholism and child abuse in these communities, what was often referred to as the "breakdown" of Aboriginal society. The rub, however, was that the situation in these communities had been well-known among academics, bureaucrats and politicians for years, and that when action was finally taken Howard ignored nearly all of the report's recommendations while using the scandal of pervasive sexual abuse as a positioning device (Ring 2007). Many Australians saw this as deeply cynical endeavor. A scandal concerning one

part of the electorate was leveraged for political purposes by a politician, aiding electoral politics. And yet the state of indigenous communities was nontheless seen as scandalous. On Brenton's schema, however, such scandals are excluded from analysis because the subject of the scandal was an indigenous community rather than a politician. The same might be said for some of the greatest scandals in history, including the Dreyfus affair.

To understand the dynamics of political scandal, we need a broader conception of who and what a political scandal can concern, not in the least because a more expansive notion will accord better with what is generally understood to be political and because it would allow to examine a larger population of cases.

(b) *Media Response*

The media, as conceived by Brenton, are not necessarily investigative aces but they do report on scandal in a straightforward, if "unlovable" (Schudson 2005) manner. Their primary interest, it would seem, is to draw public attention to a deviant actor and to scrutinize the institutional response to this revelation. But "the media" is a far more diversified institution than Brenton allows, with changing incentive structures and competitive logics accounting for much of the variation we see in the quality (and perhaps consequence) of political scandal (Adut 2008). As Fine (1997) notes, the owners of news media act with commercial and political interests of their own, thereby shaping the "supply side" of scandal. The media blows up small deviant actions while ignoring much greater ones. Further, parts of the media routinely adopt a state of permanent opposition towards a government or a political question. The yellow journalism of the Gilded Age finds its match in the churning partisanship of 24–hour news networks. This is seen today in Fox News and its constant scandalizing of President Obama's religious commitments, and its invention of the "climate change hoax" (Skocpol and Williamson 2012). The upshot: from the perspective of democratic institutions, scandals may erupt around the wrong forms of deviance or, more troubling still, they may erupt over nothing.

A further limitation with Brenton's conception of the media is that it seems to rely on a traditional gatekeeper model. On this account, newspapers and television stations play the primary role in shaping public opinion, most importantly because of their agenda-setting powers. This model does

consider the increasing significance of new and social media in generating scandal. Indeed, Twitter, Facebook, YouTube, and others, function like megaphones for gossip and rumor, the most basic stuff of scandal. Given the power of social media, the distinction between "liberal democracies" and other kinds of regime is blurred. Social media played a significant role in facilitating the Arab Spring while new media, as in the case of WikiLeaks, revealed the scandalous behavior of governments across the region (Walker 2011).

Yet another drawback to the scandal reform cycle is that its scope seems limited to the analysis to national states. Certainly, much valuable research could be done comparing political scandal at sub-national levels. Further, it should be clear enough that scandals can be international affairs. When the *New York Times* reported on the tendency of the families of senior Chinese officials to become extremely wealthy during the official's terms in office, the ensuing scandal was transnational, unfolding in Chinese communities everywhere and generating serious repercussions in both China and the United States (Barboza 2012). In China, the reporting caused embarrassment among senior officials and lent further weight to the cause for political reform. In the United States, the effects were more troubling: Chinese hackers infiltrated the *New York Times* to identify the newspaper's sources (Perlroth 2013).

(c) *Public Outrage*

Scandal is constituted in public outrage. Yet for Brenton, the fact of public outrage is assumed – it is a hydraulic response to revelations of deviance. In fact, there are many circumstances where the public will not be outraged despite the existence of a serious forms of political deviance, as Adut's (2008) research on Oscar Wilde has made clear. Publics can become tired of scandal and desensitized to even the most shocking material (e.g. Coser 1988; Carruthers 2008). This can occur where public institutions are in a constant state of scandal, but it can also occur where the media has sought to trigger a scandal for its own financial or political gains. It is also possible that the number of scandals at any point in time exceeds the capacity of either the media to report them or the public to follow them with sufficient focus. While Brenton suggests that two scandals at once might be problematic, this is mostly speculation, though it might be worked up

into a research hypothesis. Another possibility still is that the public – or at least a public – is all too eager to respond to scandalizing reporting. Here we might consider the "paranoid strain" in the American psyche, for want of better terms (cf. Kay 2010). Indeed, in situations where non-deviance sparks protest, institutions are in a bind – and there is little reason to expect good democratic outcomes. The central point is that the public response to media reporting is itself an important variable. Publics differ in their behavior across countries and within countries over time, and such differences will likely shape the effects of scandal.

(d) *Institutional Response*

The scandal-reform cycle assumes that institutions will punish deviant actors, if necessary, undertake reform. This is hardly the only way that institutions respond to scandal. Consider, for example, the scandal caused by WikiLeaks with regard to the "Collateral Murder" video (Cohen and Stetler 2010). Bradley Manning was identified as responsible for the original leak. Although there was deep public concern about the nature of the operations and what they revealed about modern war-fighting, the military and government response was not to investigate the incident but to prevent future leaks. To this end, Manning was treated with unusual severity; despite his fragile psychological state, he was held in solitary confinement for more than a year. Human rights activists labeled this part of a government strategy of "chilling," whereby Manning was used to discourage future deviance, where "deviant" is defined as "whistleblower". (Greenwald 2010; Pilkington 2013).

More generally, modern governments, like all large organizations, have developed great capacities to limit the repercussions of deviance. Crisis management is a profession. Public relations firms can give off the impression that their client has resolved an issue, e.g., by implying that the deviant actor was a 'bad apple' in an otherwise upright organization. Alternatively, an organization might introduce minor changes in order to represent themselves as reformed. Note that that corporate social responsibility initiatives are energetically pursued by deviant firms, and this for obvious reasons (Vogel 2005). In such circumstances, the absence of organizational change can mean that the deviant activity can continue but escape public scrutiny.

(e) *Public Trust Restored*

On this final phase of the cycle we see most clearly the shortcomings of a functionalist approach. While it is refreshing to think that scandals are positive rather than negative, the effects of scandal on a mass public must be analyzed, not assumed. All news becomes old news at some point, but this does not mean that a mum public considers a scandal resolved, let alone that its trust in democratic institutions is restored. At one extreme, we can imagine scandals transforming into cultural traumas, such that their failure to be properly dealt with scars national self-understanding (Sztompka 2000). The question of how and why publics respond to a scandal, and how the meaning of this response can be known, is thus an important site of research – one that cannot be simply bypassed with functionalist assumptions.

In addition to this epistemic challenge, we also find a conceptual limitation in a singular focus on liberal democratic states – an approach we have already problematized in light of the proliferation of transnational and non-traditional forms political communication. But our position need not turn on the changing character of modern politics alone. In fact, it already appears in Durkheim's writings on democracy (Giddens 1971). Note well that for Durkheim – from whom Brenton takes his original inspiration – democracy was not understood in terms of any basic set of institutions, like the franchise or division of powers. His understanding of democracy was more abstract: it centered on broadly dispersed public communications and their capacity to shape the agency of the state. While there are many institutions and practices which support the abstract phenomenon of democracy – the freedom of speech being one – the study of scandal should not restrict itself to formal institutions. A more expansive approach would see scandals as democratic phenomena which can turn up in unlikely places.

On these terms the influence of the New York Times on Chinese political institutions, as well as the communicative power of transnational Chinese-language social media, can rightly be seen as democratic. And if we take this view the scope for the study of scandal and democracy opens right up, allowing us to see complex linkages between different kinds of polities, new and old media forms, and various kinds of political activism. Indeed, if we see democracy in communicative terms, we soon realize that scandals cannot be neatly bounded within national states, nor can they be read off particular institutional designs. Understanding scandals in this way will

require new conceptual tools which enable us to make ambitious comparisons within and across states and other institutional forms.

4. Conclusion

Near the end of his article, Brenton claims that "Political scandals can only occur in liberal democracies and serve a useful purpose". We argue that scandal is a far more complex, variable, and indeterminate process than is permitted by such a restrictive position, which we have termed the scandal reform cycle. Scandals can reinforce democratic institutions but they can also degrade them, and via many conceivable pathways. Further, political scandals are not limited to national states, nor are they limited to democratic polities, and their generation and effects do not depend on freedom of speech nor on the institutions of the "old media". In fact, given their increasingly fragile state, the "old media" and liberal freedoms are no guarantee that deviance will be transformed into scandal, let alone are the guarantors of meaningful reform. Scandals are not a singular entity and they do not have a discernable function. They are emergent social phenomena produced by the complex and unpredictable interaction of numerous actors. To understand scandal within and across modern polities, we require a far more sophisticated set of tools and concepts than those provided to date. The approach we have suggested acknowledges the cultural dimensions of scandal but begins with a more detailed account of the varying institutional, political, and normative motivations available to different actors and groups who are routinely embroiled by scandal. It emphasizes the plain fact that scandals are both skillfully navigated and leveraged by political actors. The bigger question is how scandal, an inescapable fact of modern political life, can be harnessed to serve democratic institutions. But this is no simple question – it is one fit for an ambitious research agenda.

Because they appear trivial, because they elicit strong emotions, and because they exist in such variety, scandals seem to resist sociological analysis. But our disciplinary hesitancy to approach scandal as an important political phenomenon needs to be resolved. Scandal is a crucial means by which democratic institutions are reinforced, eroded and transformed, and the study of scandal is a powerful means to uncover the meaning and structure of democratic politics.

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