SCANDAL AND SOCIAL THEORY

Scott Brenton

The first written account of a scandal can be traced back to ancient Greece in 415 BC when Athenian commander Alcibiades destroyed the stone images of the gods and was accused of sacrilege (Neckel 2005). Over the centuries and as democracies emerged and developed, scandals came to be used negatively in order to gain political or some other power advantage: from eighteenth-century Britain when conservatives would depict libertines as threats to the family and the state (Clark 2003) to the late nineteenth century when professional journalists became involved as investigators. This continued into the twentieth century with politicians and political parties as key actors and by the end of the century scandals had become a feature of contemporary liberal democratic politics.

While the effects of frequent scandals are commonly and intuitively considered damaging to not only the scandalised but also the wider polity, many theorists have identified positive functions. One of the dominant strands of scholarly thought emanates from both early and later work by Émile Durkheim. Some of Durkheim’s early work examines how scandals strengthen the community’s collective conscience by punishing deviants to reinforce social cohesion. In a similar vein, Max Gluckman observes the use of gossip and scandals to vet potential leaders and ultimately to foster overall unity as smaller groups and cliques compete against each other. Scholars such as Jeffrey C. Alexander integrate Durkheim’s ritual theory with theories of social structures and processes to propose five conditions necessary for a fundamental crisis and ritual renewal, along with post-ritual ‘effervescence’. These theories offer different ways of thinking about scandals as indicators of democratic health.

Evolution of scandals

The ancient Greeks differentiated between oikos (the home), ecclesia (politics) and agora (public space). As Ortega (2004: 210) explains, the agora was ‘the space in which personal autonomy was achieved and placed at the service of supra-individual objectives in order to strengthen the city to which these citizens belonged’. The concept of the individual and public spaces developed simultaneously as free individuals and free discussion underpin the public sphere; this forum also constrained individuality with the expression of collective values. Scandals generally occur when the boundaries separating these spheres are transgressed, specifically when individual actions violate collective values or morals.
Over the centuries there have obviously been many changes, particularly an increasingly aggressive role of the media and a more personalised practice of politics, and detailing these evolutions could easily comprise this entire chapter. However, this is not the intended focus so the major change to be observed at this point is the proliferation of scandals in recent times, such that they are now considered commonplace and one of the general features of liberal democratic politics (Williams 1998; Neckel 2005). The role of the media and its relationship with the public sphere does still warrant some further examination though, and this will be addressed towards the end of this chapter.

In the first part of this chapter I will theorise the ‘function’ of scandals and critique the popularly held view that they are merely negative features of politics, particularly when their frequency is high. This is not to dismiss the negative effects, such as: heightened public distrust, suspicion or scepticism of government; a general aversion towards politics and politicians; and decreased confidence in all politicians and legislative institutions (Garment 1991; Williams 1998). Rather, it is to acknowledge the less appreciated positive effects, while noting that they are not mutually exclusive and that the same scandal can produce both negative and positive effects simultaneously. For example, suspicion and scepticism can increase public accountability while also promoting public acceptance of the human fallibility of elected leaders (Sabato, Stencel and Lichter 2000). Clark (2003) argues that scandals can enliven democracy and actually draw more of the public into politics with simpler narratives, and once involved they focus on deeper political problems and the outrage generated by scandal is used to mobilise constituencies around particular issues. This is of course very contentious, with many others maintaining that scandals only entertain—these criticisms will be canvassed in the second part of this chapter. Firstly, the foundational theory is established, drawing principally on the ideas of Émile Durkheim.

**Durkheimian sociology**

Some of Émile Durkheim’s early work examines how scandals strengthen the community’s collective conscience by punishing deviants so as to reinforce social cohesion. Durkheim defines the collective conscience (or consciousness) as the totality of common beliefs and sentiments of average citizens, which form an independent, determinate, cultural system. The following elucidation appears in Durkheim’s formative work *The Division of Labor in Society* (1984 [1893]: 38–39):

> The totality of beliefs and sentiments common to the average members of a society forms a determinate system with a life of its own. It can be termed the collective or common consciousness. Undoubtedly the substratum of this consciousness does not consist of a single organ. By definition it is diffused over society as a whole, but nonetheless possesses specific characteristics that make it a distinctive reality. In fact it is independent of the particular conditions in which individuals find themselves. Individuals pass on, but it abides.

However, this idea of the collective consciousness did not endure throughout his later work, and Ritzer (2000) acknowledges that Durkheim himself was critical of the broad and amorphous character of the collective conscience, which was refined into the more specific concept of collective representations. Ritzer (2000: 83) defines collective representations ‘as the norms and values of specific collectives such as the family, occupation, state, and educational and religious institutions’. Thus the concept of collective representations is much more robust, with Ritzer proposing that it can be applied both generally and specifically and that it exists independently...
of any particular individual and with a greater temporal span than the lifetime of any individual. Whilst the term 'collective conscience' continues to be used throughout this chapter because of its moral connotations, it is important to note both this distinction and how Durkheim's theories have evolved. When morality is invoked in scandals, there is now a questioning of whose morality it is. Ritzer also discusses the changes in the common morality, such as the diminished significance of the collective conscience in societies with organic solidarity (compared with more traditional societies with mechanical solidarity). However, he also notes that the division of labour and the resulting functionalism are stronger bonds than the collective conscience (for a more detailed explanation see Ritzer 2000). Critics (of which there are many) of Durkheim refer to logical and substantive problems with functional approaches, but this can only be noted briefly here.

While some of Durkheim's ideas, particularly in his early work, might be considered to be underdeveloped, as a 'father of sociology' he does offer a useful starting point upon which many notable theorists in this field have based their analytical frameworks, and these will be discussed in this chapter. If anything, it is the theoretical gaps in Durkheim's work that make him more relevant, as they create more intellectual opportunities in this still emerging field. The earliest theorists working in this field include Jeffrey C. Alexander, who integrates Durkheim's ritual theory with theories of social structure and processes, and Andrei Markovits and Mark Silverstein, who draw upon Durkheim's work on social integration.

Alexander (1988) dissects the media cues and the broader social signifiers of scandals in his influential work, Durkheimian Sociology: Cultural Studies, in which he examines the Watergate crisis and the televising of the Senate hearings. He argues that:

To allow something to assume the form of ritualized event is to give participants in a drama the right to intervene forcefully in the culture of the society; it is to give an event, and to those who are defining its meaning, a special, privileged access to the collective conscience.

(201)

Alexander outlines five conditions through which a society experiences a fundamental 'crisis' and ritual 'renewal': firstly, sufficient (which is of course relative) social consensus that the event will be considered 'deviant'; secondly, significant groups must believe that the event threatens the 'centre' of society; thirdly, institutional social controls come into force; fourthly, mobilisation and the struggle of elites and publics takes place; and finally symbolic interpretation (ritual) and purification processes occur to dismiss the deviant or 'transgressive' threats while strengthening the symbolic, sacred centre of society. The media are of course ever present in each of these conditions. While this theory, with its references to 'deviants', 'purification' and the 'sacred', seems overly spiritual, it does at least introduce a useful perspective in viewing scandals as a political or media ritual with a higher purpose or with consequences beyond simply the effects on the individual or individuals at the centre of the scandal.

Alexander does make some important qualifications. Firstly, these stages are not 'automatic' processes, and neither are modern rituals ever complete, because Alexander is referring to a crisis rather than just a scandal. A crisis is a more fundamental threat to political stability. Secondly, not everyone will emerge from the ritual process with a shared set of beliefs. There will be disagreements about whether there was an initial transgression as the 'collective' morality is not singular nor universal. The transgressor may even survive the scandal without receiving substantive punishment, or the punishment may take time to be enacted. The reinforcement of the social order occurs through changes in social institutions and processes. Finally and most
significantly, a ritual ‘effervescence’, or the residue from the ritual, continues to permeate post-ritual life such that confidence in the political system is unaffected. Counter-intuitively, overall confidence may even increase, despite continued distrust in particular institutional actors and authorities. This is what happened after the Watergate crisis, which showed that the ‘system’ ultimately works. This claim is based on the fact that scandals generally do not cause fundamental reassessments of the legitimacy of the political system, but rather the practice of politics within that system.

Durkheim’s ideas have a particular resonance in liberal democracies, and the relationship between liberal democracy and political scandals has attracted considerable sociological attention. One of the pioneering works in this field is Andrei Markovits and Mark Silverstein’s *The Politics of Scandal: Power and Process in Liberal Democracies* (1988). In it they argue that the rituals of scandals concretise the overall legitimacy of the system by reaffirming due process and restraining the arbitrary exercise of political power, thus making the abstract values of liberal democracy tangible and visible to the citizenry. Like Alexander, a political scandal is described as a cycle with specific stages: an unusual event disturbs a period of political normalcy, a third party publicises the event provoking demands for punishment or reforms of the system, then normalcy returns—but it is only transitory. According to Neckel (2005), scandals in politics create opportunities to resolve social norm conflicts in a socially integrative and durable way. Thus social stability is not undermined as scandals are just temporary disruptions that ultimately reinforce the rules for the delegation of political power. For these reasons, Neckel describes political scandal as an exemplary form of conflict, in that opposing social claims to the validity of norms are contested and instruments of power are used.

Markovits and Silverstein (1988: 3) argue that ‘scandals are inherent in the very structure of politics and confirm Durkheim’s point that each social system needs pathologies for its successful reproduction . . . scandals constitute important ingredients in the maintenance and development of political life’. Neckel (2005: 102) concurs and further argues that by studying a social pathology social normality can be better understood. Neckel contends that scandals emerge from the normal business of politics itself, and thus reveal insights into private areas of political life. In each country different types of scandals are perceived differently; for example, sex scandals are deemed topical and newsworthy in countries like Australia, the United States and the United Kingdom, but not so much in France. Thus scandals can convey general features of the political culture in an abnormal and personalised way (Logue 1998).

The conception of scandals as a social pathology has provoked much debate in the literature. Logue, for example, does not interpret scandals as an aberration or even as pathology, but rather as a normal part of the political system, even though the public may claim to be outraged by them. Scandals offer a valuable insight into broader political life. Gamson (2004) largely agrees, observing that individual transgressors seem more normal than not. The circulation of cultural norms through the media focuses on the normative disorder and what cannot be believed. However, the public can begin to recognise the media’s frames that they do not necessarily share, and then become cynical of the media (Kenski 2003).

While Markovits and Silverstein’s work can be located in the Durkheimian tradition, they clearly acknowledge the limitations of some of his ideas. They critique his theory that transgressions are normal and help to reaffirm the violated belief and the social collectivity underpinning the belief, which Durkheim argues is necessary for the maintenance of social order. They question the simplicity of the framework based on the social function of norms, which they claim cannot satisfactorily explain scandals in the modern polity. Finally, Markovits and Silverstein (1988: 4) contend that the Durkheimian analysis ignores the importance of ‘the exercise of, and struggle for, political power’. They reason that power is fundamental to the construction
of social reality, public morality and the collective conscience, and is therefore the single most important element in a scandal. As the title of their book asserts, the issues of power and process are at the centre of their work.

Markovits and Silverstein (1988: 5) posit that ‘political scandals in the modern world can be understood only by developing an appreciation for this ambiguity concerning the use of political power—an ambiguity present to varying degrees in all liberal democracies’. This is supported by Neckel, who recognises that for scandals to occur there must be a functional differentiation between power and control bodies in politics, and therefore they are not a feature of dictatorships (other than stage-managed internal power struggles). Markovits and Silverstein review the philosophical inconsistencies between liberalism and democracy. Their theory focuses on the inherent tension between liberalism’s celebration of process as the mechanism controlling and limiting power, and democracy’s statist philosophy that is premised on furthering the communal good through the effective use of political power. It is this contradiction between these two traditions that characterises the political nature of scandals. They argue that, despite liberalism’s commitment to individualism and freedom, the liberal collective conscience also celebrates the ‘collective’ value of process, and that process is the public interest. Schudson (2004: 1237) argues that ‘representative democracy [or more precisely, liberal democracy] is a political system built on distrust of power and the powerful’.

Accordingly, Markovits and Silverstein argue that liberals’ inherent misgivings about political power are only accommodated by rule-driven political processes with clear procedures and public scrutiny. When processes are contravened against the common good, the transgression is perceived as being scandalous. Neckel (2005: 104) makes a similar observation in that political scandals always surface when political actors disrupt the normative inventory of politics. This disruption results in conflict between different power groups, and public opinion is used to delegitimise the social position of opposing groups. That is, public opinion is used to condemn either the transgressor embroiled in the scandal, or the prosecutors of the scandal. Gluckman (1963) notes that there are risks and potential penalties for excessive users of scandal or people who over-scandalise, while the victim may benefit from sympathy. Essentially Neckel interprets competing power groups contributing to the moral regulation of politics and scandal as a mechanism for informal social control. Consistent with the Durkheimian tradition, Neckel argues that ultimately scandals enable the symbolic reproduction of the ruling power conditions. In other words, any temporary disruptions to the practice of politics at the time do not significantly affect the overarching political system. Rather the system is strengthened in a functionalist sense by accommodating and resolving the temporary disruptions. For Markovits and Silverstein the rituals of political scandals and their resolutions (or in Durkheimian lexicon, punishments) concretise the overall legitimacy of liberal democracies, as abstract values are made tangible and visible, which reaffirms the functioning of processes.

**Tribal politics and moral leadership**

While the specific events and the moral, ethical and legal issues raised in each scandal differ, the evocation of such questions is precisely what defines scandals and provides a basis for comparison (Lull and Hinerman 1997). Unlike written legal codes, moral and ethical codes are contentious, therefore scandals can produce different consequences for different transgressors. Drawing upon the work of folklorists and anthropologists, such as Gluckman, Bird (1997) proposes that scandals should be analysed in terms of the values being expressed and how the story interrogates morality. According to Bird long-running scandals attempt to make an overarching moral statement about right and wrong.
Anthropologist Max Gluckman’s studies of tribal groups provide parallels with political parties and groups competing for power and influence. Gluckman (1963: 308) contends that gossip and scandals can have important positive virtues:

Clearly they maintain the unity, morals and values of social groups. Beyond this, they enable these groups to control the competing cliques and aspiring individuals of which all groups are composed. And finally, they make possible the selection of leaders without embarrassment.

That is, gossip and scandals are used to vet potential leaders. Gluckman theorises that scandals unite groups within a larger society as cliques struggle against each other for status and prestige. That is, while cliques use gossip and scandals against each other, they are also used to define the broader social values. For something to be scandalous or worthy of gossip, it must be in contravention of a social value, and the fact that the contravention is seen as negative reinforces the social value and brings the larger group together. As politics is a competition for power, and is inherently ‘dirty’, the ideal conditions exist for scandals to flourish. The pursuit of political power is also discussed by another ‘father of sociology’, Max Weber, in his pivotal essay *Politics as a Vocation* (see Weber 1918/1919).

Durkheim examines the privileged position of the machinery of government in possessing and expressing symbolic authority. While churches perform a similar role, their reach is more limited in secular or multi-faith societies. Politicians also occupy a privileged position due to expectations that as representatives of society they will also personify the collective morality. Neckel (2005) maintains that politicians have a special status that gives both legitimate power and a moral burden, in that they are required to be even more ‘moral’ than ordinary citizens because of their perceived moral obligations to society. Scandals are based on transgressions that are perceived to dishonour a public office or position in society (Williams 1998).

Politicians often campaign on a platform of personal integrity and impeccable character, which risks scandals alleging ‘double standards’ and hypocrisy when the transgressor’s behaviour is inconsistent with the norms and values they publicly espouse (Thompson 1997: 41; Tumber and Waisbord 2004: 1036). In this way scandals expose what Tumber and Waisbord (2004) identify as a duality underlying politics: between what is said and what is done; between idealised and ‘dirty’ politics; and between publicly legitimated norms and actual behaviour. The ‘hidden face’ of power is revealed, which undermines the manufactured public facade and is shocking. Yet politicians persist in constructing a public facade despite these risks. Weber is one of the earliest theorists who saw the modern professional politician as exhibiting charisma, passion and a unique principle of personal responsibility (Mahler 2006). Engaging in politics as a ‘vocation’ meant embodying the ethics of responsibility and the ethics of conviction. According to Mahler (2006), politics as a vocation is more than practising politics for personal gain: the individual’s relationship to politics should be characterised by a ‘sense of duty’. This moral sense of duty is often at the heart of the perceived violation.

In terms of political scandals, loss of public office is the most obvious form of punishment. Neckel (2005: 208) argues that elections provide an intermittent opportunity for a termination of political power. However, Logue (1988) argues that simply punishing the transgressor does not necessarily produce greater system legitimacy, which is dependent on the effectiveness of the response. Although Logue does acknowledge that individual punishment does encourage vigilance, which is crucial to the maintenance of a healthy liberal democracy, Durkheim (1984 [1893]: 62–63) defines the function of punishment as follows:
It does not serve, or serves only very incidentally, to correct the guilty person or to scare off any possible imitators. From this dual viewpoint its effectiveness may rightly be questioned; in any case it is mediocre. Its real function is to maintain inviolate the cohesion of society by sustaining the common consciousness in all its vigour. If that consciousness were thwarted so categorically, it would necessarily lose some of its power, were an emotional reaction from the community not forthcoming to make good that loss. Thus there would result a relaxation in the bonds of social solidarity.

Durkheim reasons that unanimous community aversion is needed to strengthen the consciousness explicitly, as it signals that collective sentiments and the communion of shared beliefs are unbroken.

The new public sphere

One of the biggest critics of the contemporary media is Félix Ortega, who identifies some of the more disturbing features of the ‘new’ public sphere. According to Ortega (2004: 220), the new public space of politics is not interested in real problems, interests or affecting political decisions, but rather is an inconsistent and unregulated discourse that lacks logical imperatives—or in Ortega’s words it is a ‘world of fiction’. Ortega argues that media focus on impact, novelty and spectacular images and events, and reasoned discussion is rendered superfluous as it cannot effectively compete with the realities of news production including time and format constraints. However, this analysis exaggerates the supremacy of tabloid values in the media, and indeed assumes homogeneity within the media.

Ortega argues that the media have ‘colonised’ the public sphere and created what he describes as a new public space of politics. According to him (2004: 217–221), the media’s role has changed and now defines the public sphere: the media both control and have transformed the space. The public sphere and the media have become almost interchangeable; however, Ortega fails to appreciate fully that within the public sphere there are multiple narratives and multiple issues and events comprising a single political scandal. Scandals can enable an interrogation of the collective conscience in different media and in public discourses, while Ortega’s arguments pertain to the tabloid media in particular. Furthermore, Ortega’s argument assumes that politics only exists within the public sphere. However, his critique is useful in addressing the question of whether scandal coverage does contribute to an informed public sphere and therefore whether it legitimately belongs there.

This also raises the issue of why the media choose to make certain issues visible in the first place, and whether the media are actually being guided by the public interest. Schudson (2004: 1237) argues that democracies are more vulnerable to the imperfections and corruptions of their leaders because the media in liberal democracies are more aggressive. It is not that transgressions and corruption do not occur in closed societies—in all probability they occur just as much or even more—it is that such events are not subject to the same scrutiny. In this sense, exposure shows that the ‘system’ is actually working. However, visibility has not only been given to corruption and other transgressions against the state—quite the contrary. According to Ortega the media often exhume intimacy as opposed to constructing the supra-individual sphere, or in other words, the private sphere in terms of individual privacy is no longer regarded as private.

In the new public sphere, if even one media outlet chooses to make something visible, it becomes public. This idea of mediated visibility is also addressed by sociologist-cum-scandologist John Thompson, who argues that political scandals have become more pervasive as visibility through the media has increased. Thompson (2005: 49) states that ‘mediated visibility is not just
a vehicle through which aspects of social and political life are brought to the attention of others: it has become a principal means by which social and political struggles are articulated and carried out.

Schudson, drawing upon some of Thompson’s earlier ideas, is critical of the application of Durkheimian theory to some scandals because there can be an entertainment dimension that reaffirms political cynicism rather than reinforcing collective values. For example, Schudson’s (2004: 1236) interpretation of Watergate is that the public grew cynical and disaffected rather than renewing their commitment to the system, despite the system resisting corrupting forces. However, the liberal democratic political system was not criticised and remained fundamentally unchanged. The cynicism was directed towards political actors and even the media, and there was at least some cosmetic or symbolic reform before the public recommitted to the system. Logue, who is also critical of some of the positive functionalist effects of scandals, acknowledges that they can actually weaken confidence in individual leaders while simultaneously strengthening confidence in liberal democracy.

**Conclusion**

This chapter has traversed some challenging terrain as many of the theories are somewhat contradictory when comparing the theorist’s earlier and later work, or are heavily nuanced or qualified, or engage with only certain aspects of another theorist’s ideas while steadfastly contesting other components. Rather than present a completely consistent and integrated account, the purpose has been to showcase some of the diversity, but within a functionalist perspective that emphasises the positive effects. In order to do so, a distinction has been made between the practice of politics and the underlying political system, and between the actors and institutions, including the media as political actors. While the intentions behind exposing scandals may be nefarious, the system of accountability is shown to be healthy. Transgressive behaviour, while also concerning, is part of human fallibility and in some senses unavoidable when money and power is present. The systemic responses are more significant and also generally more reassuring.

**References**


