WHY SCANDALS (MIGHT) BE GOOD FOR DEMOCRACY

Brandon Rottinghaus

The 1919 baseball World Series in the USA saw the heavily favored Chicago White Sox fall to the Cincinnati Reds in an improbable 10–5 win in game 8 (of a best of nine series) of the annual game. After the series ended, discussion emerged that gamblers had paid off several White Sox players (termed “Black Sox” thereafter) – including slugger “Shoeless” Joe Jackson and star pitcher Eddie Cicotte. The eight accused big leaguers were indicted by a grand jury, put on trial for conspiracy, admitted to the crime, but were found not guilty on nine counts of conspiracy after the official records of their grand jury confessions mysteriously vanished. Capturing public sentiment about the heartbreaking scandal called the “Big Fix” was an article in the Chicago Daily News with the headline “Say, It Ain’t So, Joe” (Mitchell 2015). One day after the acquittal, Judge Kenesaw “Mountain” Landis, recently appointed as baseball’s first commissioner, permanently banned the accused eight “Black Sox” from baseball for life for “selling out baseball.”

Commissioner Landis was appointed to lead baseball through its roughest inning: accusations of price fixing in 1919 shocked the public and crippled faith in the nation’s nascent sports pastime. Baseball’s National League club President John Heydler expressed at the time a desire for a chairman to “rule with an iron hand” and proclaimed that “baseball has lacked a hand like that for years. It needs it now worse than ever.” The scandal and the actions of the former federal judge known for taking on corporations turned firebrand commissioner afterwards helped to cleanse the young sport in the darkest moment. Over the next several years, the shock-of-white-hair commissioner made it his mission to rid the game of crooks and gamblers who had found their way into the pockets of players and owners, including increasing accountability of the major league teams association with minor league teams and the process for funneling up-and-coming players to the big leagues (Pietrusza 2001).

The indelible effect of baseball’s first major scandal was a pivot point in how scandals were handled by major league sports and had ramifications for similar future events. Scandals in the political world, especially in the United States, are no different. Political scandals are frequently treated as a stain on the political system, resulting from poor personal judgment, lax rule enforcement, or bald political corruption. Media coverage treats these as unwelcome hiccups in an otherwise routine series of events. Yet, as a forest fire germinates and renews a field, political scandals may help the public and the media enhance accountability, renew trust in government, and focus on key issues of concern. In this chapter, I review the literature on the legacy and impact of political scandals and underscore the ways in which scandals have a potentially positive
effect on institutional accountability and voter attentiveness. In a concluding segment, I pose a series of future research questions, outlining an agenda for renewing our study of political scandals as an instrument of media and institutional systemic recalibration.

**The effect of scandals on democracy**

Political scandals can have impacts that are minor and short lived or major and long term, depending on the issues and players involved. The character of political officials as revealed through scandal is consequential to democratic politics and can inform us about the governing style and public accountability of these elected officials. For the American president in particular, Pfiffner (2004: 6) argues that “there is a widespread consensus in American politics that presidential character is just as important as intellect, organizational abilities, television presence, or effective public speaking.” Variations and violations of the implicit oath of reasonable harmony and clean governing are not tolerated by voters. Fousek and Wasserman (2010: 2) argue that “the public has continued to demand ethical leadership from its elected representatives. This is particularly true of the president, who sits at the pinnacle of government and sets the moral tone for the executive branch.” Such character issues are associated with political responsiveness to the public, political judgments, fidelity to one’s convictions, and democratic legitimacy (Galston 2010). Scandals, and the events that precipitate or follow them, have the potential to damage these often delicate relationships, especially in the aftermath of major violations.

As the most visible and central political figure in American politics, most politicians must deal with some form of political scandal while in office, either involving them directly, implicating them indirectly, or for executives, those that involve their appointees, nominees, or staff. Political cynicism may shape an individual’s responses to these scandals (Dancey 2012). Certain types of scandal may affect public support differently than others, and scandals that happened longer ago in time may have fewer consequences in declining approval than those that happened more recently (Doherty, Dowling and Miller 2011). There is clearly a negative effect of scandal on the public’s attitudes toward political actors; and individual-level predispositions often moderate this negative reaction. A president’s vulnerability to scandal (or the negative coverage relating to the scandal) is shaped by political context and is related to low approval among party identifiers, and a lack of congestion in the news agenda.

Partisan politics plays a major role in the survival of scandal. Scholars have shown the key to surviving these affairs include public support and the ability to withstand an impeachment process as indicated by the co-partisan base of legislative support (Hinojosa and Perez-Linan 2006; Rottinghaus 2014). Partisan politics clearly affects the arc of a scandal as favorable partisans provide a soft cushion of support for a candidate embroiled in wrongdoing (Ginsberg and Shefter 1999; Shah et al. 2002; Puglisi and Snyder 2011). Prior support of an official in scandal has been shown to be a strong predictor of support during a scandal (Fischle 2000). The good news for presidents is that they can more easily maintain support of their fellow partisans (Edwards 2003) and, if necessary, persuade their fellow partisans to believe what the president says is correct (Ponder and Moon 2005) especially if the president’s actions are viewed as more partisan (Kriner and Schickler 2016; Cortina and Rottinghaus 2017).

What are the effects of scandals on the institutional side of things? Collectively, political officials do change their calculations when confronted with scandals involving different individuals. Strategically, scandals affect the capacity and political strength of individual officials differently, as administrations alter their institutional reactions by reasserting political strength (governors) or by narrowing opportunities for confrontation (presidents). Presidents tend to
be risk averse. Scandals cause presidents to veto less frequently, not to request more policy positions in the State of the Union, and, in some cases, to use fewer unilateral orders (for administration scandals not involving the president) (Rottinghaus 2015a). Presidents retreat from conflictual interbranch actions in their public and political strategies, even as their administration battles through scandals. Although they often shield themselves and their associates from scandal, presidents are realistic about their political situation in the midst of scandals (Rottinghaus 2015b; Nyhan 2017). On this point, they are more likely to come clean when the allegations that arise from the scandal are true, when they are involved personally in a scandal, or when government is divided. Hoping not to be netted in a larger scandal, presidents tell the truth in some cases.

U.S. governors are similarly resilient in the face of scandals but are actually more likely than presidents to use the powers of their office to divert attention from the scandal. For instance, Rottinghaus (2015b) finds governors are more likely to turn to unilateral executive strategies when confronted with scandals. With the occurrence of more state-level scandals in a given year, there were fewer bills enacted, more unilateral orders (of several types) issued, more frequent use of the executive veto in both regular and special sessions, and an expanded political agenda (especially when state executives are personally involved in scandal). When confronted with divided government, governors are more likely to stonewall when confronted with scandals. Governors also use their institutional and personal powers to navigate their way free of scandals. What explains this? Governors have more local influence over the politics of their states, and often with the media, allowing them to be more aggressive when confronting scandals than presidents. Indeed, governors were also found to succeed more on their agenda items, including tax policy and budget requests, after scandals. This is not to claim that governors are uniformly aggressive in responding to scandal; they focus less on contentious issues (education, welfare, and children) but more on consensual issues (tourism). They also avoid issues that may draw attention to their circumstances, such as moral issues.

Scandals also affect Members of the U.S. Congress whose scandalous actions can negatively affect public perceptions of political institutions (Bowler and Karp 2004). For instance, for Members of Congress who had one or more of their actions referred to the House Ethics Committee, these Representatives were less likely to be reelected (49%) than those Members who did not have a case referred (87%) (Praino et al. 2013). Members involved in scandals were also significantly more likely to be defeated in a primary (14%) than those not involved (4%). In general, Members who had cases heard by the House Ethics Committee, and likely used as an issue in the campaign, reduced their margin of victory by 14%. Others have found similar patterns (Dimock and Jacobson 1995). Basinger (2013) also found that the specific type of scandal matters: corruption scandals led to an 8% reduction in vote share, sex and financial scandals led to a 5% reduction in vote share. Republican incumbents are more strongly affected than Democratic incumbents (Welch and Hibbing 1997). The public may forgive a politician for a past indiscretion, but the effect in the short term can be costly (Doherty, Dowling and Miller 2011).

The potentially positive effects of scandals on democracy

This broad literature on scandals, ethics investigations, and corruption explains the scope and scale of the effect of scandals and outlines the contours of politics as the system grapples to respond. Although scandals often have negative consequences for the individual players and scuff up the integrity of the political system, the aftermath of scandals can have potentially positive effects on the political system.
Fostering partisan unity

Although partisan rancor surrounding scandals has been argued to exacerbate the friction in the system, partisanship also helps executives by coalescing their party around the White House’s policy goals after scandals (Rottinghaus 2015a). Partisanship, then, both helps and hurts executives embattled by scandal. The President’s co-partisans are more likely to approve of the President and less likely to desire to impeach the president, even after being informed about illegal activity. In contrast, out partisans are more likely to demand the President’s impeachment for both illegal and not illegal activity (Cortina and Rottinghaus 2017). This provides evidence of how partisanship persists (and even expands) during presidential scandals and how partisan linkages are important to surviving scandal. In effect, partisanship may serve as a backstop to a hasty reaction to a scandal and may prevent a rapid and unevaluated response to events that politicians find themselves in.

For instance, Miller Vonnahme (2014) finds that exposure to scandalous information about a candidate had an immediate negative effect on evaluation, but the magnitude of this negative effect declined over time, especially among the candidate’s supporters. Partisanship was a ballast against further slippage in the polls. Similarly, President Clinton was able to maintain his approval ratings (and his job as president) by persuading his supporters that he was still a credible and active political figure and the general public that the fervor surrounding the Lewinsky scandal was politically motivated (Sonner and Wilcox 1999). This may be because partisans are less likely to be attentive to the events of a presidential scandal (Dancey 2012). Partisan cues help in this phenomenon where presidential approval during scandal is strongly affected by elite partisan cues in addition to a priori public support from partisans (Woessner 2005). Politicians who are seen as more “hypocritical” (for instance, running on family values but being caught in an extra-marital affair) are more likely to be seen negatively in general and as incompetent in office (McDermott, Schwartz and Vallejo 2015).

Parties who don’t learn the lesson about party orientation and partisan blame, especially after a scandal, may find themselves struggling politically. The scandal involving Mark Foley’s improper behavior towards several congressional pages contributed substantially to the Democratic tide in the 2006 midterm elections. Disapproval of the Republican leadership’s seeming indifference to Foley’s immorality not only aided Democrats running for Congress, but it also helped Democrats running for Governor (Cobb and Taylor 2014). Specific reform proposals following scandals are often mired in partisan conflict; however, Congress has been shown to be willing to engage in institutional maintenance when necessary, but even non–ideological issues like “good government” reforms become mired in ideological and partisan conflict in a polarized era (Dancey 2014). Party commonality allows for the public to understand more easily and punish (potentially) a party for wrongdoing. This phenomenon improves accountability.

Directing attention to issues

The American public is notoriously inattentive to politics, often even being unable to answer basic questions about the players, politics, or the process. Scandals may change that. Public attentiveness to some accused public wrongdoing is heightened during scandals. For instance, in polling from CNN after the break of the Lewinsky scandal, only 10% of those polled reported that they “never” discussed the Clinton sex scandal with other people, whereas 35% responded every day or nearly every day, and 21% a few times per week. Two decades after Watergate, almost all of the polled public (91%) was able to identify Richard Nixon as the president who had to resign because of scandal. This is partially driven by media coverage.
Major scandals receive a bulk of the coverage (Basinger and Rottinghaus 2012) but even minor scandals receive some coverage.

Scandals may also help to change public discourse about issues and candidates. Scandals are argued to increase the quality of discourse in the media about issues or about the role of citizens (Thompson 2000: 238). Governors and president are more likely to address issues of concern to the public, such as pocketbook issues like health care, the economy, and welfare issues (Rottinghaus 2015a). Schudson (2004) argues that major scandals like Watergate offer a language and framework for public discourse that helps to set in motion an understanding about future scandals. These corrections are necessary in democracies that “encourage distrust of authority.” However, others challenge the assertion that scandals blossom the media’s protective role in American politics. Williams and Delli Carpini (2000) argue that the Clinton–Lewinsky scandal represented the virtual elimination of the gatekeeping role of the mainstream media because there are no “discrete gates” through which information passes. They conclude, if there are no gates, there can be no gatekeepers (p. 61).

Purging wrongdoing from inside

The shelf life of individuals involved in scandals varies, but cabinet officials have a shorter time than most. For instance, appointees and cabinet and subcabinet officials are more likely to be shown the door as a result of involvement in scandal. Executive branch nominees are a unique case clearly more sensitive to the onset of scandal than other offices as the effects are more pronounced for these offices. Presidential nominees are also much more likely to have their scandals end in their nominations being removed (Rottinghaus 2015b). This end is especially likely when there are more scandals in an administration, when the president’s approval is higher, or when the economy is better. In these cases, congressional scrutiny of the president’s nominees is likely to be greater, especially by the opposition party, making these factors an increased risk for nominees. Likewise, divided government increases the risk of a failed nomination; this is not surprising since nominees face greater scrutiny when the president faces more opposition in Congress. This scrutiny helps to promote an external accountability.

Systemic corrections

The system as a whole is attentive to political scandals, even small ones. This is true of both external and internal actors and actors over whom the chief executive has varying degrees of control. The executive branch internally responds to more scandals by looking for the manifestation of corruption in other parts of government, causing a larger footprint of scandal than just on the office or the individual. The U.S. Congress responds to more national scandals by holding more hearings to investigate malfeasance, wrongdoing, or corruption (Kriner and Schickler 2016). Each of these reactions is meaningful and reasonable: There are both internal and external checks on the aftermath of executive administration scandals allowing for the system to recalibrate. At the state level, economic growth, government spending, or looser ethics laws signal more gubernatorial scandals (Rottinghaus 2014).

In prosecuting corrupt officials, prosecutors are more willing in general to initiate additional cases involving public corruption when there are higher level executive scandals in the White House (especially involving federal officials) and the governor’s mansion (especially involving state and local officials). This is consistent with how states react legislatively to scandal—Witko (2007) finds that initiative at the state level, a liberal government, strong good government groups, legislative professionalism, and scandal increase the likelihood of a state increasing the
stringency of their regulations. The findings suggest that the rise in prosecutions only occurred after record high numbers of executive scandals at the national level, suggesting a high threshold before concerns about systemic corruption arose. Inspectors general also increase their audits and overall investigatory activity in the wake of more administration scandals, responding positively to signals about possible systemic corruption. The ripple effect of scandals, then, has a longer-term effect than presumed, one that often is unseen but creates a favorable outcome for accountability.

Watergate, the most notorious scandal, serves as a good example of a scandal that corrected the system in multiple ways (Olson and Holland 2003). The consequences of Watergate included the birth of investigative journalism, judicial limits to the power of the president (especially related to extra-constitutional matters not related to national security), campaign finance reform, and expanded Congressional oversight. These changes, in addition to the political changes, made Watergate the standard by which all other political scandals are judged.

**Future research questions**

Scholarship on scandals at all levels has demonstrated these events to be consequential and impactful on the political scene. However, there are still critical questions about the ramifications of scandal, media coverage of the events, and the consequences to the political system.

*Do scandals increase trust in other institutions not involved in scandals?* The rash of sexual harassment scandals involving the U.S. Congress in 2017—many leading to high profile resignations—may have the effect of increasing support for other political institutions like the executive or judiciary or the media. Scholars have addressed how citizens view government more favorably following the introduction of campaign finance regulations (Primo and Milyo 2006) but have less clear understanding of how the public views other governmental and social institutions.

*How and in what capacity do scandals produce new rules to address wrongdoing in the future?* We know that ethics laws have changed the occupational makeup of state legislatures (Rosenson 2006). We also know that ethics reforms do not necessarily make government “scandal proof” (Mackenzie 2004; Rosenson 2009). Ethics Commissions are also found to reduce occurrences of political corruption at the state level (Crider and Milyo 2013). The connection between scandals and the emergence of specific laws to address the law breaking or ethical infractions of those scandals is not, however, well understood (see Witko 2007).

*What does post-scandal coverage by the media look like?* Do the media focus more on accountability by public officials or institutions? How quickly does this coverage fade? Basinger and Rottinghaus (2012) find just four scandals—Watergate, Iran-Contra, Whitewater, and Monica Lewinsky—are responsible for over 60% of news coverage of scandals. Overall, 15 scandals (and 23 subjects of those scandals) received more than 50 front page stories in the New York Times. Mitchell (2013) argues that voters eventually reach a saturation threshold after which additional repetition of scandal information has negligible effect on evaluation in the absence of ongoing coverage. The longevity and content of this post-scandal coverage is not well known.

*Does this media coverage on scandals encourage public engagement or clearer public understanding of party ideologies?* There is debate about how much and what type of coverage scandals generate. Brody (1998) and Brody and Jackman (1999) argue that the public were fully engaged and attentive to details about the Lewinsky scandal, while Bennett (2002) argues that the scandal was only followed by segments of the public (blacks, those with higher education) but not others (age and gender had no effect). Miller (1999) argues in reference to the Lewinsky–Clinton scandal that the media did not fulfill their role as “watchdogs.”
Conclusion: the (positive?) impact of scandals

The media, executive branch officials, legislators, and prosecutors all have a responsibility to protect their interests and the political system. In the aftermath of scandals, the media investigate charges of corruption, malfeasance, or lying. Executive branch officials often withstand scandal by expanding their political muscle. Legislators probe individuals and events, evaluate the evidence, and use this information in political ways to sanitize the system or, if necessary, to impeach or remove an official. Prosecutors and other investigators determine whether laws have been broken and the severity of these infractions. Thus, while the public may quickly tire of scandal, forgive the participants, and return to routine political activity, the system plays a longer game. The extent of the impact, especially positive effects as the system attempts to recover, is less well understood. This chapter has provided a clear roadmap for exploring the beneficial aspects of scandals for the political system.

Notes
2 https://baseballhall.org/hof/landis-kenesaw

References
Why scandals (might) be good for democracy


Brandon Rottinghaus


