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DOSSIER: FIGHT AGAINST CORRUPTION: STATE OF THE ART AND ANALYSIS PERSPECTIVES

Mediated corruption scandals: a possible typology

Escândalos de corrupção mediada: uma possível tipologia

Escándalos de corrupción mediada: una posible tipología

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Abstract: This essay proposes a possible typology of mediated corruption scandals: market-driven corruption scandals, "custodians of conscience" corruption scandals, politically oriented corruption scandals. This typology is proposed in connection to the different social and political contextual conditions within which scandals develop. Particular attention is placed on the nature and the proceedings of the media system and the journalistic professionalism connected to each type of mediated corruption scandals. The essay insists also on the necessity to go beyond the usual attention that is placed on the western world that addresses most of the studies on corruption scandals: this represents just a minor part of the observable corruption cases. Literature on corruption and on media studies constitutes the basis for this essay.

Keywords: Mediated scandals. Corruption. Media system.

Resumo: Este ensaio propõe uma possível tipologia de escândalos de corrupção mediados: escândalos de corrupção orientados pelo mercado, escândalos de corrupção dos "guardiões da consciência", escândalos de corrupção com orientação política. Essa tipologia é proposta em conexão com as diferentes condições contextuais sociais e políticas nas quais os escândalos se desenvolvem. É dada especial atenção à natureza e aos procedimentos do sistema de mídia e ao profissionalismo jornalístico conectado a cada tipo de escândalos de corrupção mediados. O ensaio insiste também na necessidade de ir além da atenção habitual que é colocada no mundo ocidental que aborda a maioria dos estudos sobre escândalos de corrupção: isso representa apenas uma parte menor dos casos observáveis de corrupção. A literatura sobre corrupção e estudos da mídia constitui a base deste ensaio.

Palavras-chave: Escândalos mediados. Corrupção. Sistema de mídia.

Resumen: Este ensayo propone una posible tipología de escándalos de corrupción mediados: escándalos de corrupción orientados al mercado, escándalos de corrupción "guardianes de la conciencia", escándalos de corrupción con orientación política. Esta tipología se propone en relación con las diferentes condiciones contextuales sociales y políticas en las que se desarrollan los escándalos. Se presta especial atención a la naturaleza y los procedimientos del sistema de medios y la profesionalidad periodística relacionada con cada tipo de escándalos de corrupción mediados. El ensayo también insiste en la necesidad de ir más allá de la atención habitual que se presta en el mundo occidental que aborda la mayoría de los estudios sobre escándalos de corrupción: esto representa solo una pequeña parte de los casos observables de corrupción. La literatura sobre corrupción y estudios de medios forma la base de este ensayo.

Palabras clave: Escándalos mediados. Corrupción. Sistema de medios.



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Introduction²

Corruption largely feeds scandals and in particular mediated scandals. This takes place in many parts of the world: it takes place in rich countries with low level of corruption and in poorer countries featured by a dramatic diffusion of corruption. As it is well known precise numbers at this regard do not exist, but there is no doubt that large part of mediated scandals involve corruption, at least those scandals that have relevance for the debate in the public arena. Either these scandals help to sell newspapers copies or are use instrumentally for economic and political struggle as it will be suggested in this essay. Indeed, I suggest that there is a bias in the way these scandals are interpreted and discussed by the scientific community: mediated corruption scandals have different nature and are treated differently depending on the surrounding context.

Almost all existing literature on the matter focuses on Western, liberal democracies (Thompson 2000; Canel and Sanders 2006; Allern and Pollack 2012; Entman 2012). In particular, scandals that involve public figures have frequently been the subject of the studies. Specific cases have been analyzed and more theoretically oriented interpretations have been suggested, always taking into account the social and political realities of those countries, mostly in Western Europe and North America, that have long adopted the structures and procedures of what is usually defined as liberal democracy, even if relevant differences exist among these countries. News media are supposed to play a major role in controlling and uncovering unlawful behavior that contrasts with shared expectations in these countries.

The countries that have been investigated more often represent, as Curran and Park (2000, 3) have written, a "tiny handful": "it has become routine for universalistic observations about the media to be advanced in English language books on the basis of evidence derived from a tiny handful of countries". What scholars observe and discuss

in these countries rarely applies to other parts of the world where scandals represent completely different matters. This is particularly the case for corruption scandals, which are the focus of this essay. I would like to repeat that just as "journalism does not grow up in a vacuum" (Mancini 2018, 4), scandals, and mediated corruption scandals in particular, are also largely dependent on the social and political conditions within which they develop. They mostly depend on the forms and traditions of the political struggle in place in each country. As Canel and Sanders have written, scandals represent a "useful entry point in to the exploration of political culture" (Canel and Sanders 2006, 5). They may constitute a means to study the media system and the political system because they are closely intertwined, and what takes place within one field produces consequences on the other and very often originates within the other. Robert Entman, with his influential "Scandal and Silence", argues the same point, noting that the eruption and the development of scandals rarely depend on the importance and severity of either illegal or unfair behavior. Rather, as he writes, "whether scandals erupt, spread and persist depends far more on the skill of the partisan competitors and on the norms and the incentives governing news production than on the degree and nature of the official's offense" (Entman 2012, 7). This is also the thesis of John Thompson (2000, 116) when he writes, "while scandal has become an endemic feature of contemporary political culture, the conditions under which scandals occur and the ways in which they unfold do, of course[,] vary considerably from one context to another".

The surrounding context defines what a scandal is, why and how it is brought to light and how it develops. First, the definition of scandal depends on a plurality of legal and ethical parameters that are deeply inserted within the local culture. An important role in the definition of a scandal is also played by the surrounding political system, its structures and its level of conflict. This is particularly true for corruption scandals because

² This is a partially different version of an essay appeared in Mancini, Paolo. 2019. Corruption scandals and the media system. In *The Routledge companion to media and scandals*, edited y Howard Tumber and Silvio Waisbord. New York: Routledge. Kindle.

they are usually directly connected with the political system and with the public decision-making process. Moreover, the definition of "what a scandal is" and "why it erupts" largely depends on the structure and mode of operation of the media system. In the following pages, several factors will be discussed that contribute to the definition of scandal. In particular, I will focus on the reasons why a scandal erupts and why it is brought to light by the news media.

Different types of mediated scandals exist. These types are not related only to the matter on which they focus and the seriousness of the violation committed. A possible typology of corruption mediated scandals may be proposed that is derived essentially from the reasons and the goals that motivate reporters to cover a social behavior with public relevance that breaks the expectations diffused in a given society. In other words when and how a scandal becomes mediated and why. I will outline three types of media scandals and the reasons they erupt. Then I will discuss how they relate to different media and political systems. I propose distinguishing among:

- market-driven corruption scandals;
- "custodians of conscience" corruption scandals;
- politically oriented corruption scandals.

There is no doubt that each of these types is an abstract construction and does not exist in isolation; they are always mixed together. In a way, departing from the proposed typology, a "pure" type of scandal does not exist; rather, it is possible to talk of "prevalence". Some corruption scandals respond mainly to a competitive logic that combines with professional pressures included within the watchdog ideals of professional journalism. In contrast, other scandals are mostly motivated by political reasons while also paying attention to market competition. The "custodians of conscience" media scandals usually also respond to a market-driven logic.

Often, what establishes the "prevalence" of one type over the others are contextual factors addressing the development of a specific professionalism in journalism and setting the framework of relations with other social systems, especially with politics.

Market-driven corruption scandal

Uncovering a public figure who is accused of "abuse of entrusted power for private gain"³ (as in the widely accepted definition of corruption) represents a good occasion for media market competition.

Market-driven corruption scandals are most frequent topic for scholars. Almost all books and articles that have been written on scandals focus on examples taken from countries where the news media are driven by a market logic and where, as John Thompson (2000, 32) writes, "scandal sells". Scandals are excellent opportunities to attract readers' and viewers' attention, and the assumption that "scandal sells" represents a sort of "constitutive law" for professional journalism. Reporters tend to act as "scandal hunters" and are aware that major stories about illegal, unfair and often unexpected behaviors can help to sell more copies of a newspaper. This is the assumption that primarily moves news gathering in the "tiny handful of countries" to which Curran and Park (2000) refer. Indeed, in most of the liberal democracies of Western Europe and North America and in a few other countries (Australia, New Zealand, etc), the news media are inserted within a competitive market where the exclusive news story, the "scoop", is considered a good occasion to score a winning goal in the market competition. The call by Robert Entman (2012) for more "calibration" in the coverage of scandals is largely due to the fact that the news media, in the expectation that "scandal sells", exacerbate the tone of the story, the language they use and, frequently, the gravity of the violation committed with regard to expected standards of ethical and socially responsible behavior. Exotic and strange details are exaggerated, and the focus

³ Transparency International. 2009. *The Anti-Corruption Plain Language Guide*. Berlin: Transparency International. Accessed on Jan. 12, 2020. <https://www.transparency.org/en/publications/the-anti-corruption-plain-language-guide>.

of the story is often placed on the single figure who committed the infraction, his habits and his private life as these are supposed to be more attractive for readers and viewers. To increase the appeal of the story, corruption is personalized and taken out of the surrounding context and directly refers to the single figure involved.

Market-driven scandals feature media systems that are organized along the competitive logic with sufficient autonomy from external influences, particularly of a political nature. In most cases, media outlets are the property of either single individuals or corporations that derive their profits essentially from the media products themselves and therefore are particularly interested in the largest circulation of their news stories.

In many cases, market-driven scandals do not imply the infringement of the rules that "govern the exercise of political power" (Thompson 2000, 91). Rather, they may imply the invasion of the spheres of privacy and intimacy. Indeed, sex and adultery scandals are often driven by market logic. Obviously, they are very common in the tabloid press, but the elite press as well may devote attention to these scandals if they involve public figures in the field of politics or business. Many cases may be labeled under this typology in countries around the world. There are many cases in the United States: Donna Rice and Gary Hart, Gennifer Flowers and Bill Clinton, the infidelities of George W. Bush, etc. In their book, Maria Jose Canel and Karen Sanders (2006) discuss three cases of British sexual misdemeanors: David Mellor, Tim Yeo, and Piers Merchant.

At the same time, such as has already been stressed, market-driven media systems (Hallin and Mancini 2004) feature a high level of journalistic professionalism and autonomy from other social systems. Within this context, there exists space for the assumed ethical principles of the profession to direct reporters' choices. Traditionally, the watchdog function is one of the major assumptions of the profession in the so-called liberal models of journalism (Hallin and Mancini 2004). The investigation and the discovery of unfair behaviors by public figures

represent an important part of the watchdog function and one of the legitimizing elements of the profession. As Herbert Altschull (1995, XIX) writes in his textbook on journalism in the US, the liberal ideal of journalism states that "the media must be used as agencies of social control".

Therefore, as noted, market-driven corruption scandals and custodians of conscience corruption scandals are often interrelated. In part, this overlapping confirms what was noted by Siebert, Peterson and Schramm (1956) in their seminal work "Four Theories of the Press": in specific situations and at specific times, it may happen that commercial pressures prevail over other aims of the profession. Therefore, the discovery of scandals is essentially perceived and used as a means to increase the circulation of the news rather than in response to the ethical principles of the profession.

If and when market-driven logic prevails, scandals are exacerbated and dramatized. Very often, the focus of the coverage shifts from underlining the social and ethical consequences of the unfair behavior to more appealing details of the personal figures involved, with possible exotic and even obsessive aspects of the event.

Silvio Berlusconi and his assumed affair with the underage Ruby is a scandal that largely follows the market logic while simultaneously responding to the ideals of watchdog journalism that is also driven by political reasons. This was a corruption scandal (Berlusconi forced the police to free the underage girl who was arrested after a theft), since the entire story evolved around the sex affair of Berlusconi and Ruby. In this case the three designed types of mediated corruption scandals mix together.

"Custodians of conscience" corruption scandal

I use the definition of "custodians of conscience media scandals" after the title of one of the most well-known and important texts on investigative journalism, "Custodians of Conscience: Investigative Journalism and Public Virtue" by Ettema and Glasser (1998). In the authors' words, journalism has "the possibility to enhance virtue in the conduct

of public affairs" (Ettema and Glasser 1998, 7). This sentence summarizes decades of discussions and statements that have followed the appearance of the "social responsibility theory of journalism" (Siebert, Peterson, and Schramm 1956). Beyond contributing to selling copies of the newspaper, journalism is charged with responsibilities to the community within which it acts. Investigating all cases that break "virtue in the conduct of public affairs" is a major goal of journalism. Corruption scandals represent infringements of public virtue, and journalists have the responsibility to bring these cases to light. Many of the previously discussed scandals have been revealed not only to "sell copies" but also because they offer journalism the opportunity to perform some of the most important ideals of the profession after long periods of investigation requiring considerable resources. The movie "Spotlight" represents very well the type of scandals I am referring to.

In particular, with regard to corruption scandals, the news media are expected to play a double function: a tangible one (e.g., investigating, reporting and controlling specific cases of corruption) or an intangible one (e.g., reinforcing a shared sense of common interest and good) (Stapenhurst 2000). Both functions enhance public virtue. The former is more immediate and may produce direct consequences (the punishment of the guilty), whereas the latter may produce positive effects over a longer period.

Specific aspects of society at large and more specific arrangements of the media system allow and foster this type of scandal. The surrounding political culture of the country is undoubtedly an important element. Journalism is facilitated in investigating possible unfair behaviors when acting within societies that feature a high level of rational legal authority. Indeed, very often the infringement of rules may appear more dramatic and may be fairly persecuted when it occurs within a framework of rules that have universal validity and fair application. In other words, "custodians of conscience" scandals occur within societies that feature universalism rather than particularism and where moral standards are not susceptible

to clientelistic interpretations.

Within such a context, journalists are more often encouraged to embody and defend an idea of general interest that is widely shared within the community and that contrasts with particularistic interests. Professional journalism itself develops within a framework of consensual ethical rules that identifies and distinguishes this specific profession from others and from other social organizations. Indeed, "custodians of conscience" media scandals are possible if professional journalism is clearly separated from other external powers, not just from the government, and if business and political interests are unable to address the choices of reporters that do not depend on external resources. Obviously there are occasions when this "ideal" view of the journalist work is contrasted by media instrumentalization and pressures of different nature that even in countries featured by large diffusion of the idea of general interest move journalists and media outlets to act following other aims.

In most cases, "custodians of conscience" corruption scandals combine with "market-driven scandals". It is possible to assume that in certain social contexts, the ideals of a watchdog profession are more relevant than the needs of market competition with regard to the choices of the reporters. It is not easy to identify which of the two prevails. It is possible to assume that "custodians of conscience" media scandals prevail where the level of rational legal authority is higher and where civil society more easily embodies attitudes aimed at the general interest. This occurs in more cohesive societies with lower levels of political polarization and division. In these contexts, journalism is also characterized by a high sense of the profession and its duties in the face of the entire society, not just of its own readers. In any case, free market competition is needed to ensure sufficient margins of autonomy to reporters.

The story that the British paper *The Daily Telegraph* started in 2009 on the expenses of MPs and that erupted in a large scandal that forced the Speaker of the House and some MPs to resign and others not to run again (few were arrested)

is a good example of this mixture of "custodians of conscience" ideals and pressures from the market. There is no doubt that the story about the unlawful use of the money allotted to MPs was brought to light in the spirit of competition with other British papers. At the same time, it also responded to a logic of control over the behavior of public officials (Winnet-Rayner 2009). Throughout the story, journalists acted as spokespeople of British citizens with continuous reference to public opinion and its reactions while they simultaneously pursued the aims of market competition.⁴

The US Pentagon Papers and the Watergate cases embody the "logic of custodians of conscience" at its best; even if there is no doubt that they also responded to market competition pressures. In his book "A Good Life", Ben Bradlee, the editor of the Washington Post, which brought to light both scandals, clearly recognizes this double valence. Telling the story of the Pentagon Papers scandal and how the Post obtained the secret papers by Daniel Ellsberg and discussing the doubts and problems that the publication of the papers could raise, he writes, "getting beaten on a story is bad enough, but waiting to get beaten on a story is unbearable" (Bradlee 1995, 310). At the same time, with regard to the Watergate story, he proudly recognizes the important function of public service that The Washington Post performed and that was awarded the Pulitzer Price for Public Service.

Politically oriented corruption scandals

Politically oriented corruption scandals represent a different matter. First, they are rare, but they do exist, within the liberal and democratic corporatist models of journalism that is within societies featured by high level of rational-legal authority (Hallin and Mancini 2004). However, they are more common within the polarized pluralist model and other models of professional journalism that may present similar features. They mostly occur outside the previously discussed

"tiny handful of countries". These scandals are instrumentally covered by the press essentially to attack possible competitors in the field of politics or in the field of business.

A good example of this type of scandal is embodied by the Russian word "kompromat", which Alena Ledeneva (2006, 58), author of the book "How Russia Really Works", defines this way:

the word *kompromat* has no direct equivalent in English. Its literal translation – compromising material – refers to discrete information that can be collected, stored, traded or used strategically across all domains: political, electoral, legal, professional, judicial, media or business.

"Blackmail" is another word that is used in Central Eastern European countries to refer to scandalous news that is expressly diffused to destroy the reputation of adversaries.

In most cases, the development of politically oriented corruption scandals is directly dependent on the owners of the news media outlets who have specific interests in politics or business. Through the news media, they foster their own interests or the interests of close allies. For them, corruption scandals represent a good occasion to attack possible or actual competitors. The origin of these scandals is almost always dubious. In many cases, they derive from investigations conducted by reporters, but they are originally motivated by leaks from dubious and undisclosed sources. Not rarely, these sources are agents of secret service: obviously this produces even more confusion. The instrumental use of these scandals lies in the way the scandal is narrated, in the language that is used, and in the aspects and the frames that address the entire story and that aim to achieve the often secret objectives of news stories. Digitalization may push further the number of "politically oriented corruption scandals" as Twitts of Posts may contain accusations, more or less true, against persons or groups that are circulated as part of a denigration campaign against politicians, businessmen. Fake news

⁴ Mancini, Paolo. 2016. The duck house and the green underwear: how members of parliament spend their allowance. A study of different interpretations of "unethical" behavior. Paper presented at the Anticorruption Seminar, Athens, May. https://anticorrrp.eu/publication_type/article/.

are obviously a principal instrument of these campaigns. Often they give life to much longer coverage involving the legacy media too. If digitalization may represent a further instrument of control over illegal and unfair behaviors, at the same time, in certain contexts, it may give life to a twisted and dubious circulation of news.

Politically oriented scandals do not respond to the ideals of the so-called liberal model of journalism, and they do not play a relevant role in fair and detached watchdogs. The statement "free press is bad news for corruption", which summarizes very well the role that a free press may play in the face of corruption scandals (Brunetti and Weder 2003), does not work in this case. On the contrary, the press provides a poor service to the entire society, increasing confusion and uncertainty and conveying the idea that corruption is almost inevitable because it is so frequent and diffused with regard to leading public figures.

Politically oriented corruption scandals respond to objectives and reasons that are deeply inserted within either political or business competition. They have much less to do with the ethics of a detached professionalism. Nevertheless, they may also respond to objectives of market competition. Indeed, if the reason for news stories on unfair and illegal behaviors is usually to be found within the structure of the political and business struggle, these stories may help to "sell copies". Market competition may play a role even if the major reason is found elsewhere. Indeed, as Colin Sparks has written with reference to the situation in post-Communist countries, in many countries, the news media represent a sort of "political capital" to be used for a plurality of goals, not just to make money (Sparks 2000). We observe politically oriented corruption scandals in countries where the media system is characterized by a high level of partisanship in connection with both political organizations and large corporations and industries. Very often politically oriented corruption scandals go together with high level of political and institutional volatility. State institutions are weak and not well established featuring what has been

called a situation of "politicization of the state" (Grzymala-Busse 2003) where different groups try to affect the construction of State institutions also through campaigns involving politically oriented corruption scandals. Parties too are volatile institutions: they are not well established, they appear and disappear within a very short period of time and politics is organized around single figures of politicians rather than around parties with a strong political ideology and with a diffused organization. "Assassination campaigns" is a good definition for the corruption coverage that is possible to observe in these countries.

Indeed, politically oriented corruption scandals fit perfectly with Thompson's idea of a politics of trust. With the weakening of ideological ties between citizens and party organizations and with the increasing personalization of political life that he observes in the Western world, "people become more concerned with the characters of individuals" (Thompson 2000, 112) and with their reputations. Scandals become a sort of "credibility test", and in many cases, they are used to undermine and destroy the reputations of political competitors. These conditions are much more developed in countries outside the Western world.

The contextual conditions that produce politically oriented corruption scandals are very different from the ones we have discussed in the previous types of scandals. First, very often, these scandals are produced by media systems that are not fully independent. They do not produce sufficient profits and therefore become the properties of single figures or corporations with interests outside the world of the media. Owners invest money in these enterprises, which may be used as instruments to affect the decision-making process and to ensure a voice in the public arena. A good example comes from Eastern European countries. After the fall of the Berlin Wall, many publishing industries in Western Europe invested in these countries. However, after several years, they found that the investment was not as profitable as expected, and pressures from governments and political and business actors were so prevalent that they found it preferable to retreat and sell their local

enterprises to the vested interests that had spurred their retreat. Vaclav Stetka (2012) concludes an interesting paper on this retreat by referring to the words of foreign investor Bodo Hombach, CEO of the German WAZ Media Group who made such a retreat, which confirm the previous discussion: "oligarchs in the Balkans are buying newspapers and magazines ever more often to exert political influence and not to win money" (Stetka 2012, 441). Mediated scandals represent a good instrument to exert such influence.

More generally, these countries feature a low level of rational legal authority where particularism prevails over universalism. Through their news outlets, politicians and businessmen intend to defend and foster their particularistic interests, and journalists do not share a unique professional identity characterized by a recognized framework of ethical and professional rules. They are either an active part of the political and business struggle or victims of the pressures deriving from press owners and other actors.

A perfect example of politically oriented media scandals is the one, among the many, that involved Silvio Berlusconi, his newspaper (in fact, the property of Silvio Berlusconi's brother) *Il Giornale*, and his initial ally and later competitor Gianfranco Fini. When the scandal erupted, Gianfranco Fini was Chairman of the Italian House of Deputies and, until a few months earlier, a close ally of Silvio Berlusconi. Their alliance progressively came to an end. At that point, the Berlusconi-owned newspaper *Il Giornale*, after receiving an undisclosed leak, began to attack Gianfranco Fini, who was also the head of a party, *Alleanza Nazionale*, with the accusation of having sold for a very low price to the brother of his girlfriend a beautiful villa in Montecarlo that was the property of *Alleanza Nazionale*. This case involves all the ingredients of a politically oriented scandal: an undisclosed leak; a political figure, Silvio Berlusconi, who was also the owner of a newspaper, *Il Giornale* (and, as is well known, a large media corporation); and the instrumental use of a scandal to attack the reputation of a

political actor who was becoming a possible competitor of the owner of the newspaper (Gerli, Mazzoni, and Mincigrucci 2018).

Political instrumentalization may also drive scandals that are inserted within the competitive logic or even the "custodians of conscience" logic. The case that involved Hillary Clinton and her use of a private email address was widely covered by the news media, but there is no doubt that it had a politically oriented slant and was used by her competitor Donald Trump during the 2016 election campaign.

The competitive logic of the French mass media system has leaned toward particularistic aims on several occasions, particularly in the case of Minister Pasqua, a Gaulliste Minister, who was attacked by the center left "*Le Monde*" for a corruption scandal, whereas the rightest "*Le Figaro*" presented scandals involving the leftist Guerini (Mancini et al. 2016).

In other words, situations that are characterized by market logic, strong professional autonomy and a high level of journalistic ethics are not immune to the risk of instrumentalization. Scandals, mostly corruption scandals, are a tricky matter; their origins are often unclear and undisclosed. Their development is often subject to undue dramatization and exaggeration that, as Entman (2012) states, require accurate calibration.

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