

## Hidden Traps: An Essay on Scandals

### *Commentary*

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During scandals, observers relying on media coverage tend to attribute their perception of triggering events not to their depiction by the media but to the events depicted. A cause of this misattribution is insufficient distinctions between grievances and scandals. A consequence is erroneous conclusions from the number of scandals to the number of grievances—and vice versa. A second consequence is false notions about the likelihood that the framing of grievances as scandals really trigger scandals. A third consequence is—because the media seldom report negative side effects of scandals—biased balances of the costs and benefits of scandals. Necessary are distinctions of four levels of actions: the levels of depicted events, of media depictions of events, of perceptions of events by the public, and of the impact of these factors on related behavior of decision makers in politics, business, science, and so forth.

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Scandals share a number of characteristics. First, scandals are triggered by an event that involves damage to property, people, or the environment. Second, the trigger event is not the result of natural processes or a coincidence but of decisions by people and organizations. Third, the damage is caused for selfish reasons and in violation of relevant values and norms. Fourth, values and norms change over time and differ from one country to another (Esser & Hartung, 2004). Fifth, the protagonist of the scandal could have avoided causing this damage and violating or ignoring the appropriate rules. Sixth, violations of norms are reported in the media both intensively and largely consistently (Entman, 2012; Kepplinger & Ehmig, 2004). Seventh, the actor does not just cause the damage, he or she is guilty. Guilt requires repentance as well as painful consequences: resignation, termination, social isolation (Geiger & Steinbach, 1996; Tiffen, 1999, pp.181–205; von Sikorski, 2018).

Scandals contain many hidden traps that also affect research into scandals. There are major political scandals caused by justified outrage over serious incidents: the arrest of Rudolf Augstein, publisher of the magazine *Der Spiegel*, on suspicion of treason. This led to the so-called Spiegel affair in 1962, in the course of which the minister of defense in West Germany was forced to resign. There are serious political

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incidents that do not lead to widespread scandals: the false claim by then U.S. secretary of state Colin Powell to the UN Security Council that "there can be no doubt that Saddam Hussein has biological weapons" (Solomon, 2013, para. 7). There are politically irrelevant events that lead to large political scandals: President Bill Clinton's affair with Monica Lewinsky (Sabato & Lichter, 1994). And there are major scandals in which the alleged event did not even occur: the case of the scandal in the city of Sebnitz triggered by a neo-Nazi murder which did not take place. The young boy who died was not murdered but died of a heart defect (Donsbach, 2001).

### Triggering Events and Scandals

There is a categorical difference between the incidents or events that might trigger scandals, and scandals themselves. For this reason, it is not possible to deduce the number and magnitude of scandals from the number and severity of violations of values or norms, nor is it possible to deduce the number and severity of such violations from the number and scale of scandals (Entman & Stonbley, 2018; Kepplinger, 2017b; Mancini, 2018; Pollack, Allern, Kantola, & Blach-Ørsten, 2018). An analysis of the relationship between events and scandals requires information on three key points: the triggering event, the intensity of media coverage, and the perception of the event by the public. In Germany in 1998, there were 2,015 known violations of values or norms in 22 regions.<sup>1</sup> More than 80% of these were reported in the media, with particular focus given to violations in the church (90%), while violations in the media were underreported (38%). In the same regions various newspapers published 2,527 detailed reports on 48 deliberately selected violations. In 11 cases, following input from local experts, the events were reported but not presented as a scandal. In 22 cases, events were unsuccessfully presented as a scandal. In 15 cases, events were successfully presented as scandal.<sup>2</sup> Thus, only some of the events presented in the media as a scandal in fact developed into a scandal. When events were not presented as a scandal, an average of 10 reports were published. When they were unsuccessfully presented as a scandal, an average of 65 were published, and when they were successfully presented as a scandal, an average of 86 were published.<sup>3</sup> It can be estimated that of the 2,015 known violations in these regions, only approximately 10% became scandals, and only 7% were diffused or minimized (Kepplinger & Ehmig, 2004).

The majority of political scandals are to be found in functioning democracies in North America and Western Europe. In these regions, the number of political scandals has risen significantly over the past decades (von Sikorski, 2018). Political power is most often abused in dictatorships and pseudo democracies. In these countries, there are few or no political scandals, as in large parts of Asia and Africa. One root cause for the lack of scandals in these countries is the lack of a free press. However, this can only account for a

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<sup>1</sup> Based on reports from 492 representatives of five competing unions, and 122 journalists.

<sup>2</sup> This classification is based on telephone interviews with 224 people in various roles and positions, who were directly involved in the incident in question. Events were presented as a scandal unsuccessfully when the media reports on the incident condemned it as scandalous, but according to those surveyed these reports brought about no appreciable reaction from the general public; events were presented as a scandal successfully when those surveyed described an outraged reaction from the public to the news stories.

<sup>3</sup> Media reports were generally neutral, even in cases where the story was reported as a scandal successfully. The average proportion of reports that denounced the events were 1%, 12%, and 16%.

part of the difference, as western democracies had a free press in the past but fewer scandals—despite the emergence of the penny press and yellow journalism in the late 19th century and the success of muckraking magazines in the early 20th century. Thus, the increase in scandals must have other causes. One cause is loss aversion. We are prepared to accept high risks to avoid or minimize damage and loss but avoid risks undertaken to increase goods in our possession (Tversky & Kahneman, 1986). In experiments, these gains or losses are a function of the experimental design. In real life, they depend on our current life situation as well as the situation we aspire to. Both change over time. The worse our current situation is, the more likely we are to accept risks to improve it. This includes violations of norms and values—for example, political morals, the rights to freedom, environmental damage. The higher our standard of life gets, the less likely we are to accept the same risks, because the marginal improvement in quality of life no longer suffices to offset the risk. In this way, the tendency increases to view violations as a scandal. As in postwar Germany, the conditions of living slowly improved, nobody complained about the smoke from the chimneys of factories and the pollution of the rivers, and the press did not criticize it. Everyone regarded these negative side effects of industrial production as necessary conditions for a better life. Two decades later, the standard of living had significantly risen and—due to new protection laws—the pollution of the air and water was significantly lower; as many people no longer tolerated environmental damage, the press increasingly covered such side effects and presented them as scandal, and environmental protection became a major political issue (Kepplinger, 1992; see also Hilgartner & Bosk, 1988).

A second cause can be seen in advancements in technology and science. Science continues to explain phenomena that were previously understood as natural events, showing that they are under human control. In the past, natural disasters were impossible to predict. Today, for example, storms, floods, and epidemics can be predicted. This makes it possible to identify people or organizations that have failed in their duty in the lead-up to such tragedies. The same is true with regard to the production of medication and food and for political decisions taken against the advice of experts. As people become increasingly aware that disasters can be explained and avoided, they become more sensitive to stories that allege misconduct and blame. Both developments are connected with a third: the idea that it is possible to act without risk. In the past, this would have been inconceivable to most people. Today, we expect this from others—politicians, engineers, doctors—and we are more likely to blame any mistakes or problems on errors made by those in control. The more developed a society or a country becomes, the more likely people are to blame disasters on questionable practices undertaken by those in positions of power. Therefore, the increasing number of scandals is not merely based on an increase in the number of violations of values and norms but on a change in manner these violations are perceived.

### **Scandals and Mediated Conflicts**

Scandals usually begin with the establishment of a frame (Geiss, 2016; Ruder, 2015). Enlightening examples are the framings of the launch of two commercial airliners. In 1983, a Soviet fighter jet shot down a Korean airliner, resulting in the deaths of around 300 people. *Time* and *Newsweek* used photomontages to give the impression that the Soviet plane was close enough to the Korean airliner that the pilot could easily identify the plane he shot at, and they reinforced this impression using a graphical reconstruction. In 1988, an American rocket shot down an Iranian plane with about 300 people. The cover of *Newsweek* showed a photo suggesting the rocket was fired at an unknown target. *TIME* mentioned the incident only at

the edge of its cover. There were minimal details of the victims. Both magazines used illustrations showing American soldiers confronted with complex devices, and they characterized the rocket firing as a tragedy. Both magazines adopted a victim frame, with the soldiers responsible for firing the rocket overwhelmed by their complex machinery (Entman, 1991).

Some attempts to turn an event into a scandal do not result in a scandal but rather in a mediated conflict—a controversy between opponents via mass media (Kepplinger, Brosius, & Staab, 1991). In a scandal, a consensus among media outlets is quickly formed regarding the causes of events as well as those who should be held responsible for what occurred. The question remaining is how and when the guilty should be punished. In mediated conflicts, by contrast, two camps are formed that present two competing versions of the event, including causes and people to be held responsible. One side claims that any violations of values or norms were inevitable and either hold those in power blameless or present a number of different causes. For this reason, mediated conflicts revolve around the ascription of blame. Examples of this can be seen in media coverage of German presidents Rau in 1999 and Wulff in 2011. The accusations against President Rau concerned a bank (WestLB) that was owned by the federal state whose government he led and that was paying for his business travel during the time when he was minister president of that state. A few months later, it was claimed that the bank had also paid for his private travel to political party events and to his birthday party with 1,500 guests. The accusations against President Wulff concerned his borrowing money from a friend at an unusually favorable interest rate to buy a house. This was followed by accusations of rich friends paying for his holidays, of receiving favorable treatment during air travel, and of having contact with allegedly questionable people. In an attempt to protect himself and his wife, he left a threatening message on the voicemail of the editor in chief of a newspaper, demanding that he be contacted before any further accusations were published. This action became known several weeks later and reopened the scandal, which at the time was fading from prominence.

Following a spectacular report on a lavish holiday, the state prosecutor applied to remove Wulff's immunity from prosecution, which inevitably led to his resignation in 2012. Wulff was prosecuted and acquitted of all corruption charges. Based on the larger financial sums involved in the case of Rau and the fact that that it was financed by a bank connected with his government, one could presume that his behavior was seen as more of a scandal than Wulff's behavior. This was not the case, as shown in reports in major media outlets on both stories. In reporting on the Rau scandal, 14% of all articles were negative, and 8% were positive. In reporting on Wulff, 41% of reports were negative while 2% were positive. Criticism of Rau developed into a mediated conflict and criticism of Wulff into a scandal. Rau rode out the media storm and remained in office, while Wulff was forced to step down (Kepplinger, 2017b, pp. 184–186).

### **Journalists as Actors**

Many scandals are initiated by individuals who have an interest in allowing the wider public a view of the backstage of political actions. These individuals normally remain in the background and provide journalists with anonymous information about the violation of values or norms, or they reveal previously unknown connections between persons and events (Entman & Stonbley, 2018; Lee, 2018; Ruder, 2015). Their success depends on journalists who are ready to distribute their information. These journalists might not only act according to professional guidelines but also have in mind political preferences, their own career

development, and the editorial line of the media organization they work for. In a survey of 552 editors and journalists in America, 90% said that media criticized politicians to make them follow the rules; however, half of those questioned admitted that media also report on the moral and ethical behavior of politicians to stir up controversy (Sabato, Stencel, & Lichter, 2000, p. 93). In semistructured interviews with 15 reporters who wrote articles on scandals surrounding the minister presidents of two German states<sup>4</sup> and 24 of the politicians' confidants, the majority of both groups ascribed each other primarily the following motives: acting for political reasons, interest in the truth, and revenge for events that happened in the past. The majority of both groups also claimed that journalists had deliberately exaggerated damning information. A minority believed that journalists had minimized exonerating information. An equal number believed that the media had not treated the politicians fairly (Kepplinger, Eps, Esser, & Gattwinkel, 1993).

Reporting on scandals is presumably influenced by differences in journalistic practices from country to country (Donsbach & Klett, 1993; Patterson & Donsbach, 1995; Reinemann & Baugut, 2014). Most journalists in Germany condemn violations of professional norms, for example, by reporting sensational details to trigger scandals (cf. Kepplinger, 2017a).<sup>5</sup> Based on a questionnaire that asked journalists to give their opinion on five real cases, it is possible to categorize 45% of German journalists as opponents of questionable professional practices, 14% as advocates, and 41% as indifferent. It is important to differentiate between journalists' opinions of the practices described and the arguments they make for and against these practices. For example, 13% of journalists who generally reject violating professional norms nevertheless justify such behavior by their colleagues with two arguments: They believe their colleagues recognized the truth behind the facts (superior insight), and they deny that journalists have a responsibility to be fair to the protagonists of scandals and to inform their readers of all relevant facts (duty; Kepplinger, 2017a, pp. 154–173). Journalists' own opinions can influence the slant of their reporting. In the U.S. between 2001 and 2007, the editorial line and opinions of journalists played a significant role in influencing the intensity of reporting on events that were perceived as scandalous. Newspapers that were ideologically aligned with the Democratic Party reported on scandals involving Republican politicians more intensively than scandals that concerned Democrats. Newspapers aligned with the Republican Party behaved in exactly the opposite manner (Puglisi & Snyder, 2011).

The success of attempts to portray events as scandals depends on contextual conditions over which actors outside and inside the media have no influence (Fernández-Vázquez, Barberá, & Rivero, 2016). Examples include other highly newsworthy events that can take over the new cycle and drown out a potential scandal. In 2007, the *Washington Post* carried a front-page story about a scandal relating to states attorneys in the U.S. If there had been other geopolitical events as newsworthy—for example, the war between Israel and Hezbollah in 2006—there would have been no space on the front page for a story about U.S. states attorneys. Another contextual condition is the general political feeling in a country. The probability of a *Washington Post* story about a sitting U.S. president developing into a scandal depends on the president's approval rating among supporters of the opposition party. In the unrealistic case of an 80% approval rating, the chance of creating a scandal is almost zero (Nyhan, 2014). As a hypothetical example, one could consider the situations of U.S. presidents Obama and Trump. Because of his popularity among the public and with a

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<sup>4</sup> Lothar Späth, 1990–91; Manfred Stolpe, 1992.

<sup>5</sup> Based on a representative online survey of 404 print media journalists.

large proportion of media outlets, Obama was well protected from potential scandals. One can assume that Trump's risk is significantly higher.

### Media Effects

At the core of a scandal are facts about events that did or did not take place: a politician's sexual relations, accepting illegal donations, breaking the law, dereliction of duty. In most cases, it is not possible to immediately ascertain if the information provided in media reports is correct. For this reason, various observers react in different ways. In scandals, reports and opinions quickly come in line with the dominant view of the events. Those who hold the dominant view see this move toward consensus as proof that they are right about the events. Nevertheless, everyone believes that he or she is forming the judgment independently (Sherif & Sherif, 1969). They are all experiencing an *illusion of autonomous judgment*: That which they believe to be their own judgment is, in fact, information they have learned informally. In addition, they become victims of an *essentialist fallacy*: They believe they are judging the matter itself—the seriousness of the misconduct at the heart of the scandal. In fact, their judgment reflects more or less the depiction of the event in the mass media. As media in different countries sometimes depict the same event in different ways, so the perception of the public differs as well as the political consequences for those involved (Kepplinger & Lemke, 2016).

Consuming media reports on a scandal calls up strong negative emotions, like outrage, disgust, fear, or anger. These emotions are often a reaction to alarming pictures. The pictures alone cannot explain the emotions, however, because emotions are also found in the absence of the pictures. Appraisal theory offers an explanation (Nerb & Spada, 2001). Emotions are the spontaneous consequences of an individual's assessment of a situation. If we believe that an event is caused by higher powers—for example, in a natural catastrophe—we react with sadness, as when viewing reports of the victims of the tsunami in Fukushima. If we believe that an event is the result of mistakes made by persons and organizations, we react with anger and outrage, as when viewing reports about ignored safety standards and incompetent management at the local nuclear power plant. To apply the theory to analyze the influence of reporting on scandals, the type and number of media stories provided and consumed must be measured with coordinated codebooks and questionnaires. The theory was tested in a field study analyzing media coverage of four political scandals in Germany.<sup>6</sup> Reports on the scandals displayed typical frames—the guilty parties acted out of selfish motives, they could have acted differently, they caused significant damage, and so forth. However, most reports contained only fragments of this frame, whereas the interviewees expressed the frame more or less completely. Presumably, they had unconsciously completed the typical frame, using information from multiple reports. This could be a cause of the illusion of autonomous judgment. However, their judgment was not a personal one, but a seemingly logical consequence of the combination of media stories. Because the interviewees themselves completed fragmentary frames, the number of reports viewed was a more

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<sup>6</sup> The "Visa Affair" that saw State Secretary Ludger Volmer lose his position in the wake of a scandal regarding the softening of visa restrictions; Foreign Minister Joseph Fischer, who could save his position but his reputation was severely damaged; the scandal surrounding former chancellor Gerhard Schröder's appointment to the board of a Russian company; and the scandal surrounding the German Federal Intelligence Service (BND) secretly shadowing journalists to discover weaknesses in the intelligence service.

important predictor of media effects than was the tone of the reports. Every new report probably activated the knowledge already assimilated, and reinforced it (Kepplinger, Geiss, & Siebert, 2012; cf. Lecheler & de Vreese, 2012; Mitchell, 2014).

In contrast to the effects that media reports have on the broader public, the “reciprocal effects” (Kepplinger, 2007) that media reports have on those involved in a scandal have received very little attention. Protagonists of a scandal are more intensely drawn to critical stories and process them differently from uninvolved bystanders. Half of the members of Parliament of the German States whose party was “attacked” or “heavily criticized in the media” read “far more stories about their party than normal”; almost two-thirds read “individual stories for more attentively than normal”; and more than a third consumed “media channels that they normally do not” (Marx, 2009, pp. 101–103). They consumed an unusually large amount of media content and exposed themselves to an unusually high dose of negative information. However, as with most people, they believed that the strongest effects were felt by others (Joslyn, 2003; Perloff, 2009). As usual, the third-person effects increased with the size of the comparison group: Fewer than half of the politicians believed their colleagues were strongly affected, while two-thirds believed voters in general were strongly affected (Marx, 2009, pp. 105–114).

The majority of people caught up in a scandal see themselves as victims of the media, even in cases where they admit that they have acted in the way they are accused of having acted (Kepplinger, 2017b, pp. 127–142). There are three major reasons. First, a large number of reports contain false as well as true accusations, and the protagonists feel they cannot defend themselves effectively against these false accusations. They cannot speak to everyone who has been exposed to the accusations, and they cannot convince all of those whom they reach (Cobb & Taylor, 2015). Second, they are presented as egotistical and self-interested actors, while they see themselves as victims of the situation they were caught up in. This discrepancy is the result of the different perception of actors and observers, or the *fundamental attribution error* (Storms, 1973). Third, the volume of reporting on the scandal interferes with their ability to work and endangers their status with colleagues, subordinates, and the voting public. The results are negative emotions in the protagonists, including the feeling of helplessness. In-depth interviews with 14 prominent Norwegian politicians revealed that their psychologic reactions in scandal “are similar to those of the general population, including strong negative emotions, powerlessness, and symptoms of stress such as anxiety, sleep disturbances, and loss of energy. For some, these experiences become overwhelming and potentially traumatic, leaving long-lasting psychological wounds” (Karlsen & Duckert, 2018, p. 17). In extreme cases, political scandals end in the suicide of the protagonist. There is no systematic documentation of this; there are, however, examples. After being heavily attacked in the media for a long time in Germany, former minister Jürgen W. Möllemann, an experienced parachute jumper, jumped to his death<sup>7</sup>; in the UK, weapons expert David Kelly is presumed to have committed suicide (2003)<sup>8</sup>; in France, former prime minister Pierre Bérégovoy shot himself (1993)<sup>9</sup>; and in South Korea, former President Roh Moo Hyun jumped to his death while hiking (2009).<sup>10</sup>

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<sup>7</sup> He was condemned for his criticism of Israel’s conduct toward Palestinians, among other things.

<sup>8</sup> He was condemned for expressing doubts about the existence of weapons of mass destruction in Iraq.

<sup>9</sup> He was condemned for his questionable loan business.

<sup>10</sup> He was condemned for his role in a broader corruption scandal.

### Functions and Effects of Scandals

The central theme of the functional theory of scandals is their positive social and political functions (Alexander, 1988; Durkheim, 1965; Hondrich, 2002). Some authors do not refer to functional theories but concentrate on positive effects of scandal, neglecting their negative side effects (Sass & Crosbie, 2013; Tumber & Waisbord, 2004a, 2004b; Waisbord, 2000). This is built upon the often implicit assumption that social systems can only exist if they fulfill specific functions—for example, the safety of citizens and sanctioning illegal activity. For this reason, such functional scandal theories see scandals as the functional equivalents to the function of the institutions under whose responsibility the neglected tasks fall. Journalists and media who report scandals are compensating for the failures of these institutions. From this theory, one can derive the conclusion that every violation of values or norms should be reported as a scandal. Functional scandal theory is similar to the theory of general prevention in jurisprudence. This states that all crimes should be discovered and all criminals arrested, tried, and sentenced. The better this process works, the more it functions as a deterrent for potential criminals, and the greater the general trust in the criminal justice system will be. Functional scandal theory has been confirmed by numerous case study analyses. For example, following the BSE (“Mad Cow Disease”) scandal in Germany, effective preventive measures to protect against BSE were introduced; and following the “Flick Affair,” a West German corruption scandal in the early 1980s, new rules were introduced to prevent questionable financing of political parties. As a result of scandals regarding tax evasion among prominent people, the number of those who reported themselves to the German Finance Department for tax evasion has risen significantly (Kepplinger, 2017b, pp. 207–220). In all these cases, the media compensated for functional weaknesses of other institutions.

In recent years, the legal theory of general prevention has been modified or abandoned, because so many people break the law that even fewer would follow the law if everyone knew how often the law was broken (Moore & Tumin, 1949; Popitz, 1968). Do these arguments also hold for the functional theory of scandals? Using data from the study in Germany mentioned above (Kepplinger & Ehmig, 2004), one can conclude: If all known violations led to scandals, the number of transregional scandals would increase from around 25 per year to around 250. However, only about 7% of the triggering incidents would be avoided. Most likely, reporting on every violation as a scandal would have relatively few positive effects and many negative consequences. Many political scandals have negative, neglected side effects—they are dysfunctional but rarely discussed in functional theories of scandals. They include questionable political decisions—Germany’s precipitate, expensive, and environmentally damaging decision to stop all nuclear power generation following the Fukushima scandal (Kepplinger & Lemke, 2016); questionable legal practices—the trial of Christian Wulff following a final accusation that was based on a false media report (Niggemeier, 2014); and deaths and suicides of the protagonists of political scandals, as this consequence does not bear a reasonable relation to the misdeeds that were accused.

The most important negative effect is the long-term erosion of trust in political institutions. In this context, one must distinguish between the effects of political scandals in pseudo democracies and in democracies, as well as between the effects of individual scandals (Cappella & Jamieson, 1997; Funk, 1996) and their general influence, regardless of case (Bowler & Karp, 2004; Kumlin & Esaiasson, 2011; Lipset & Schneider, 1983; Maurer, 2003; Mitchell, 2014; Moy & Pfau, 2000; Nye, Zelikow, & King, 1997). There are no systematic investigations of these differences, and it is not possible to prove that erosion of trust in

political institutions is the consequence of negative reporting (von Sikorski, 2018). However, in the case of established democracies it is possible to rule out that political scandals strengthen trust in the political system. Because of the reasons listed above, the functional theory of political scandals is at least as questionable as the functional theory of general prevention, which leads one to ask: In what cases does it make sense to turn violations of values and norms into scandals, and in what cases is it questionable?

### **Benefits and Costs of Scandals**

To make a rational judgment about the advisability of turning an event into a scandal, two factors must be taken into account: the severity of the violation that is alleged to have taken place and the magnitude of the negative effects caused by turning this event into a scandal. The following two statements might be generally accepted: The more severe the violations are, the more valuable it is to report them as scandals. The larger the negative effects of a scandal are, the more questionable it is to report on events as a scandal. Based on these assumptions, two conclusions can be drawn. First, if over the course of time the violations become more serious and the negative effects of reporting become less serious, then it becomes increasingly necessary and worthwhile to report on the events as a scandal. Second, if over the course of time the violations become less serious and the negative effects of reporting become more serious, then it becomes increasingly superfluous and questionable to report on the events as scandals.

The calculation balancing costs and benefits can be estimated for individual scandals as well as for individual states. With respect to states, we can say: The less democratic a country is, the more worthwhile it is to report on violations as scandals, because there is no other possibility for reform and so the end may justify the means. The more democratic a state is, the more questionable it becomes to report on such events as scandals, because there are political and administrative alternatives in seeking solutions. As a consequence, we may conclude that in most liberal democracies, the negative side effects of reporting on scandals can be more severe than the positive effects. In most pseudo democracies and dictatorships, the opposite is true. This also holds for many western countries in the 19th and early 20th centuries, which at the time were still pseudo democracies.

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