

Politicians Gone Wild

A Comparative Analysis of Political Scandals In New Zealand, The United States and France

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Abstract

The place of political scandals in the academic literature is contentious; scandals are commonly dismissed as distractions from the 'real issues' in a society. This thesis challenges that notion, instead arguing that political scandals are an important phenomenon in functioning democracies. Through a comparative lens, political transgressions since the year 2000 that have occurred in three liberal democracies, New Zealand, the United States and France, have been analysed. Transgressions by political actors in these jurisdictions of a sexual, financial and power nature have been applied to previously established frameworks. Observations about the political culture of these countries have been made as a result of this analysis. Four existing theories on the significance of political scandal – the functionalist theory of scandal, the no consequence theory, the trivialisation theory and social theory – were also tested. The social theory of scandal is concluded to be the most applicable to the case studies assessed. The social theory of scandal argues that political scandals can foster cultures of debate and criticism which is important to functioning democracies; however, political scandals of a large magnitude or high frequency can damage the public's perception of political actors and institutions. This analysis therefore serves as evidence that political scandals are not frivolous occurrences but instead are important indicators of societal values and can have important and lasting consequences. This thesis also considers political scandals in broader historical and cultural contexts, drawing attention to the pervasiveness of scandal as a topic of academic and public interest.

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Introduction

The risk of a political scandal has become an occupational hazard for those holding, or vying to hold, political office in all jurisdictions. Political actors are acutely aware of the damage a scandal can have; not only to the individuals involved, but the significant harm scandals can have on the reputations of political parties, governments and the wider political system. Political scandals are not merely entertainment for journalists and the public; political scandals are a vital part of a functioning democracy.

Political scandals play an important role in democratic societies and can create a level of intrigue and excitement about the workings of political life amongst the public. It is also no secret that scandals 'sell', with many journalists and media currently dedicated to exposing potential scandals. In recent years, this interest has become increasingly evident in New Zealand, as the political pages of the media have become filled with scandalous allegations regarding New Zealand's politicians. It is clear that politicians continue to fall to this peril of holding political office.

Due to New Zealand's small size and very open nature of government by international standards,¹ the regular occurrences of political scandal in New Zealand may be somewhat surprising. Political scandals are more commonly associated with events such as Watergate, or the Profumo or Clinton-Lewinsky affairs, rather than the actions of New Zealand Members of Parliament (MPs) such as Darren Hughes or Taito Phillip Field. However, the rising prominence of scandal in this country cannot be ignored any longer. This thesis intends to be the first step to recognising the importance of political scandal in New Zealand by addressing the clear need for academic literature on this subject.

This thesis will seek to bring New Zealand into the academic realms of scandal literature through a comparative analysis of political scandals with other jurisdictions. Specifically, this thesis will compare the situation in New Zealand with the United

¹New Zealand consistently tops the international transparency index. In 2012 New Zealand was deemed the most transparent nation. Transparency International, 'Corruption Perception Index 2012', *Transparency International*, 2012, viewed on 10 October 2014, <http://cpi.transparency.org/cpi2012/results/> In 2014 New Zealand was the second most transparent nation after Denmark, Transparency International, 'Corruption Perceptions Index 2014:results', *Transparency International*, 2014, viewed on 24 March 2015, <http://www.transparency.org/cpi2014/results>

States of America and France, two countries with a long history of scandals but with very different definitions of what amounts to a political scandal. This analysis will serve to highlight the elements of political scandal which are unique to the New Zealand environment: in particular, the unique view that New Zealanders have of their relationship with the state.

The comparative analysis that will form the crux of this thesis will draw heavily on the work of John B. Thompson, who has established a four-part sequential structure that political scandals follow. A number of recent examples of political misconduct in each of the three jurisdictions will be assessed. These cases will be examined to ascertain why certain acts of misconduct lead to political scandal in certain states and why other acts may not do so.

The thesis will also draw on the framework established by James Lull and Stephen Hinerman. They have formulated a series of conditions that must be satisfied in order to determine what acts or behaviours can be correctly labelled a political scandal. Lull and Hinerman's framework has already been applied to some overseas contexts, primarily in the United States of America. This essay will expand the application of that framework to the New Zealand political environment, using it to examine which political transgressions in New Zealand can be deemed a political scandal.

Following that analysis, the wider implications of political scandals will be analysed. This analysis will again draw on the work of John B. Thompson, this time focusing on the three theories he has established to explain the potential implications of political scandal for a society. The four theories – the functionalist theory of scandal, the no consequence theory, the trivialisation theory and social theory – are not compatible; each seeks to explain the wider implications of a political scandal in a contrasting way. By identifying patterns in the analysis of what is and is not a scandal, and then applying the theories to each of those events, this thesis will help to determine the theory that provides the best explanation for the significance of scandals in a society.

Before that more detailed analysis, some initial context around the significance of political scandals will be provided by reference to scandals in ancient and historical

times. This background research will enforce the premise that political scandals can, and have, played pivotal roles in many societies over time and thus deserve academic attention. The influence political scandals have in the arts will also be covered for this purpose. Scandals are drawn upon in the arts through a number of mediums and creative industries can capitalise on the levels of interest scandals generate among their audiences. This can be seen in a number of novels and television shows, culminating in the aptly titled recent political drama *Scandal*.

It could be argued that political scandals are too frivolous to merit academic attention or that scandals are an occurrence whose focus should be subsumed into tabloid news rather than an area for legitimate academic critique. These points could explain the relative dearth of academic literature in this area. However, the academic study of scandals can provide valuable insights into events that we have come to assume are a normal facet of political life. This thesis will study political scandals in New Zealand as social phenomena in their own right, attempting to understand the distinctive characteristics scandals take and analysing why particular events lead to a scandal in New Zealand, compared to different jurisdictions.

Scandals are often said to distract the public from real political issues in a society; however, if we wish to make sense of the prominence that scandals have come to assume in public life, an analysis of how scandals occur and what events in a society are likely to lead to scandal must be understood. Political scandals can test the relationship between those elected to political office and the electors, and ensure the accountability of politicians to the public. The study of political scandals in this manner can raise important questions about factors such as the role the media plays in shaping public debate, or the journalistic investigation of the private lives of those who exist in the public sphere. An understanding of political scandal can fundamentally influence comprehension of the very nature of a country's political culture. This thesis therefore hopes to shed light on what political scandals can add to the understanding of the political culture that exists in New Zealand in 2015.

Chapter 1: Literature Review

It is clear from how political scandals can dominate news cycles, and capture the public's attention, that such occurrences are an important facet of political life. Despite the prevalence of political scandals in all jurisdictions, the subject lacks significant scholarly research, particularly in the New Zealand context.² This dearth of research is perhaps due to the temptation to dismiss the occurrence of scandals as frivolous: a topic existing outside the realms of academic literature. However, academic literature on scandals has been emerging since the 1990s that challenges this assertion – arguing instead that political scandals are a phenomenon that should be studied in depth. In fact, even if one accepts the argument that political scandals are merely 'gossip', this topic is still important to study in the political context, as Niko Besnier states: "Gossip is central to the enactment of politics: through it people transform difference into inequality and enact or challenge power structures."³

It is important to assess the literature on the topic of political scandals before analysis of any kind can occur. This chapter seeks to assess the existing literature on scandals to determine the focus of previous academic work. The chapter looks at three key areas of this subject:

- 1) The first section of this chapter will define 'scandal' and, more specifically, 'political scandal'. 'Scandal' has a definition that is widely accepted throughout the literature and this definition will be set out in detail. In contrast, the term 'political scandal' is not defined consistently in the literature and there is debate about what explicitly constitutes the political aspect of 'political scandal'. This conflict will be discussed and a final definition provided in order to ensure clarity of use, both throughout this thesis and for future research.
- 2) The second section will examine the prevalence of political scandal in different societies. In particular, this section will look at the various reasons for the perceived prevalence of political scandals, including the fundamental basics of the relationship between citizens and their representatives, political

² Literature has begun to emerge on the topic of political scandals since the 1990s. Garment, Thompson, Lull and Hinerman, Markovits and Silverstein are authors who have contributed greatly to this relatively new area of research.

³ N. Besnier, *Gossip and the Everyday Production of Politics*, University of Hawai'i Press, Honolulu, 2009, cover page.

opportunity structures, the current role of personality politics in liberal democracies, and the role of the media in reporting on scandalous events.

- 3) The third and final section will assess the significance of scandals in society. This section will focus on two areas to examine the significance of political scandal: scandals in the arts and scandals throughout history. The discussion of scandals in the arts will assess the cultural aspect of society that is interested in the drama of political scandals. That discussion will centre on a case study analysis of the popular television show, *Scandal*. An understanding of the historical significance of scandals will be achieved through analysing scandalous events from ancient Roman, Jewish and Greek societies.

Overall, this literature review aims to summarise the information that currently exists on political scandals in the academic literature. The review will therefore expose the areas of political scandal that are currently lacking in analysis and thus illustrate the gaps in the literature, some of which the rest of this thesis will then attempt to fill.

1.1 Definitions

In order to accurately assess political scandals, clear definitions for the relevant key terms need to be established. Scholars specialising in political scandal have attempted to establish definitions for the term 'scandal' and, more specifically, for the term 'political scandal'. The following discussion examines this literature and attempts to resolve any existing conflict.

1.1.1 Defining Scandal

The term 'scandal' first appeared in the English language in the sixteenth century. Early uses of the word in the sixteenth and seventeenth centuries primarily had two distinct meanings. The first was used in the religious context to refer to the conduct of a person who brought discredit to a religion.⁴ The second originated from the Greek language, referring to scandal as a moral lapse or stumbling block.⁵ It is the latter that underpins our modern understanding of the term. Scandal is used more commonly

⁴ J. B. Thompson, *Political Scandal Power and Visibility in the Media Age*, Blackwell Publishers Ltd, Oxford, 2000, p.12.

⁵ Ibid.

today to refer to actions or events involving certain kinds of transgressions, which become known to others and are serious enough to elicit a public response.⁶

Thompson develops this definition by asserting that the term 'scandal' refers to actions, events or circumstances that have five similar characteristics. It is this definition that is now well regarded in the literature.⁷ The first of these characteristics, Thompson argues, is that the event, action or circumstance must involve a transgression of certain values, norms or moral codes. Thompson states that without some form of transgression there would not be any scandal. He also notes that the magnitude of the transgression must be taken into account, arguing that the transgression cannot be too small or too large.⁸ An example of a transgression too small to constitute a scandal would be a minor traffic offence such as a parking ticket. On the other hand, genocide, such as that carried out by the Khmer Rouge, would not be considered a scandal due to its scale and horror.⁹ Such catastrophes exceed what is normally associated with the term. Anthony King supports this aspect of the definition, stating, "Scandals occupy a sort of middle ground of impropriety".¹⁰

The second element of a scandal according to Thompson is that the event, action or consequence must involve an element of secrecy or concealment, but its occurrence is known or strongly believed to exist by individuals outside those directly involved.¹¹ Thompson states "scandals are characterised by a drama of concealment and disclosure".¹² If knowledge of a specific transgression remains only between the parties involved, then no scandal can or will arise.

The third element of Thompson's definition of scandal is that non-participants to the action, event or circumstance must disapprove of, and be offended, by the

⁶ Ibid.

⁷ Many academics refer to Thompson's definition in their own literature. One example of this is A. Dagnes who refers to Thompson's definition as 'first rate', A. Dagnes *Sex Scandals in American Politics: A Multidisciplinary Approach to the Construction and Aftermath of Contemporary Political Sex Scandals*, Bloomsbury Publishing, New York, 2011, p. 5.

⁸ Thompson., p.14.

⁹ Ibid.

¹⁰ A. King, 'Sex, Money and Power', in R. Hodder-Williams (ed.), *Politics in Britain and the United States: Comparative Perspectives*, Duke University Press, Durham, 1986, p. 175.

¹¹ Thompson, p. 14.

¹² Ibid., p. 18.

transgression.¹³ A scandal must incite some degree of public disapproval. According to Thompson, observers of the transgression must feel that the occurrence was an immoral act. Thompson acknowledges that disapproval and knowledge are often linked: “Epistemic and evaluative judgements are fused together in the responses of individuals who learn or hear about the transgression”.¹⁴ Thompson clarifies that although there are occasions where non-participants are profoundly upset by an event, this is not the rule in determining a scandal. This is because societies are pluralistic, with multiple value sets, and the weakening of traditional norms means that their moral force has been gradually attenuated.¹⁵ Sigward Neckel furthers this point when he says, “Scandals can be regarded as a civilizational indicator for the historical process of moral development. Only those things can become political scandals that have been accepted as norms in the public consciousness of the majority.”¹⁶ His point strongly suggests that, in order for a transgression to occur, a considerable portion of society must consider the transgression “scandalous”. Although Neckel uses the term ‘political scandal’, the point is applicable to the wider term.

Thompson’s fourth element for scandal is that some observers to the transgression must express their disapproval through public denunciation of the actions or events. It is not sufficient for individuals to disapprove of the actions or events; it is also necessary for some to express their disapproval to others.¹⁷ Thompson argues that a scandal is comprised of two parts – the act or transgression itself, and speech-acts: discussions that occur among the public and in the media.

The final aspect in Thompson’s definition of scandal is that the discussion and condemnation of a transgression must have the potential to damage the reputation of the individuals responsible.¹⁸ As scandals involve the disclosure of covert activities that transgress values or norms of a society, the release of the scandal creates a discourse that will often damage the reputation of those involved. Thompson states that it is not

¹³ Ibid., p.14.

¹⁴ Ibid., p. 18.

¹⁵ Ibid., p. 19.

¹⁶ S. Neckel, ‘Political Scandals: An Analytical Framework’, *Comparative Sociology*, vol. 4, issue 1-2, 2005, p.103.

¹⁷ Thompson, p. 20.

¹⁸ Ibid., pp. 22-23.

guaranteed that there will be damage to a reputation; however, the threat or risk of damage must be present.

The five components set out above are concerned primarily with the original transgression. Thompson and other scholars argue the definition of scandal is actually much wider than this. Often the original transgression is not the only act that comprises a scandal. An actor's response to the original allegations can often dictate the magnitude of the subsequent investigations and fallout. As Neckel states, "Characteristically in the course of institutional treatment of scandals, findings come to light – often unintentionally – that go far beyond the original occasion that triggered the scandal itself".¹⁹ Jo-Ann Young argues that when politicians are involved in a scandal the best course of action is to admit guilt and offer an apology early on; this not only decreases the likelihood of media speculation, but also prevents the emergence of other discretions, or outcry at any denial.²⁰ Young's point illustrates the importance of including actions subsequent to the original transgression as part of the definition. A single transgression cannot be considered in isolation from its resulting actions and consequences. Thompson addresses this issue by labelling the original transgression a 'first-order transgression'.²¹ He believes that any subsequent transgressions that emerge either during, or because of, the investigation into the original transgression should be considered 'second-order transgressions'.²² Therefore, according to Thompson, the term 'scandal' is a wide one that comprises both first-order and second-order transgressions.

It is also important to clarify what *does not* form part of the definition of scandal. Firstly, it is necessary to distinguish 'scandal' from 'gossip' and 'rumour'. The terms are similar, but have some clear distinctions.²³ Gossip is a form of talk among a bounded group of people about a third party not party to the conversation in a private setting.²⁴ Thompson argues that gossip implies a degree of familiarity between the interlocutors. This element of familiarity suggests that gossip cannot take place between total

¹⁹ Neckel, p. 102.

²⁰ J. Young, *Politicians' Responses During a Scandal, Assessing the Impact of Media Coverage*, MA Thesis, Victoria University of Wellington, 2012.

²¹ Thompson, p. 24.

²² Ibid.

²³ Ibid., p. 25.

²⁴ Besnier, p. 13.

strangers, or with an enemy, as the act of gossiping indicates shared knowledge about the subject matter and a degree of trust and confidence between the participants.²⁵ Gossip is often regarded as a reprehensible activity; however, it is argued to have many benefits in a society. Max Gluckman argues that the principal role of gossip is to contribute to social cohesion and to distinguish certain groups from others.²⁶ Niko Besnier agrees, stating, “Gossip provides a way of asserting the boundary between morally acceptable action and deviant behaviour, and thus helps to solidify consensus and to control dissent without recourse to direct confrontation”.²⁷

These points indicate that gossip is much more general than scandal. According to Thompson, “gossip is small talk which may or may not be true, which may be positive or negative in tone and which may be concerned with many different aspects of other people’s lives”.²⁸ Conversely, scandal involves the transgressions of societal norms that others know of and incites public outcry. Gossip involves private communication, whereas scandal can only exist when knowledge of an event becomes public. Gossip can fuel scandal and act to transfer information; however, gossip and scandal can only overlap substantially when gossip assumes a public character – i.e. through gossip columns.

Alternatively, ‘rumour’ refers to talk which is not based on definite knowledge. While gossip may or may not be true, rumour must be an unauthenticated report.²⁹ A rumour ceases to become a rumour when it is either confirmed or discredited.³⁰ Rumours fuel a scandal by diffusing information about the individuals or events at the centre of a potential scandal. When the rumour is confirmed or discredited, the scandal will either die out or increase in intensity. Therefore, although gossip and rumour often precede scandals, it is clear from the literature that these are three separate phenomena.

A recent example from the world of sports serves as a clear illustration of the definition of scandal set out in this section. Cyclist Lance Armstrong had been accused

²⁵ Thompson., p. 25.

²⁶ M. Gluckman, ‘Gossip and Scandal’, *Current Anthropology*, vol. 4, no. 3, June 1963, p. 313.

²⁷ Besnier, p. 16.

²⁸ Thompson, p. 27.

²⁹ Ibid. p. 28.

³⁰ Ibid.

of taking illegal performance-enhancing drugs throughout his esteemed cycling career but had always maintained his innocence. However, in 2012 conclusive evidence came out confirming the allegations. Armstrong was stripped of his many titles and he is now completely disgraced in cycling and wider sporting circles. All five of Thompson's primary criteria are clearly satisfied by this example: 1) Armstrong transgressed moral codes; 2) his cover-up and denial continued for many years; 3) non-participants disapproved of his actions; 4) the disapproval was expressed publicly; and, 5) Armstrong's reputation was severely damaged as a result of the transgressions. This case is also a good example of the key role second-order transgressions can play in a scandal: Armstrong's denials of his actions and attempts to capitalise on the subsequent attention are nearly as big a part of the scandal as the original transgression of drug-taking. Overall, the case of Lance Armstrong and his fall from grace clearly meets all aspects of the definition of scandal.

1.1.2 Defining Political Scandal

Unlike the broader term "scandal", the proper definition of the term "political scandal" is more contentious among scholars in this area. There are, however, some widely agreed upon elements that distinguish a political scandal from the more general definition of scandal that has been established above. The most fundamental of these elements is that a political scandal must incorporate a political figure such as a politician, aspiring politician or an elected or appointed official. However, it is not solely the actors that constitute a political scandal – the social relations and institutions must also be considered.

Markovits and Silverstein argue that the defining feature of a political scandal is the 'violation of due process'.³¹ Due process in this case means the legally binding rules, procedures and conventions that govern the exercise of political power. These processes are considered inherently open and accessible, public and inclusive. A dichotomy therefore exists as the nature of political power contradicts these open and accessible processes: the exercise of power is inherently privatising and exclusive.³²

³¹ A. S. Markovits and M. Silverstein, 'Introduction: Power and Process in Liberal Democracies', in Markovits and Silverstein (eds.) *The Politics of Scandal: Power and Process in Liberal Democracies*, Holmes and Meier, New York, 1988, p. 6.

³² Thompson, p. 9.

Markovits and Silverstein thus argue that political scandals lie in the overlapping realm between the logic of public process and the logic of power. This theory leads Markovits and Silverstein to argue that, by definition, political scandals can only exist in liberal democracies. They point out that the central tension between process and power that underlies political scandals is the same tension that inherently exists in liberal democracies.

Sighard Neckel supports this notion, stating, “the legitimation of ruling powers in liberal democracies is essentially based on the ability to achieve agreement to their measures without the use of violence”.³³ He goes on to state: “the creation of scandals is a political technique which is only conceivable under the condition that non-violent de-legitimation of political power is possible”.³⁴ Neckel elaborates further on why he believes political scandal can only occur in liberal democracies:

[For a scandal to occur] the set of social roles in society must have achieved functional differentiation; power and control bodies in politics must not coincide. That is why there are no political scandals in dictatorships, with the possible exception of those that the ruling powers publicly stage themselves because of the internal power struggles... The absence of political scandals is no evidence for moral superiority of the political staff [...] where there is no scandal there is strict control of opinions, repression and boredom.³⁵

Further to this, F. J. Harper asserts in the foreword to *Political Scandals and Causes Célèbres Since 1945*:

The concept of the *cause célèbre*³⁶ is almost [by] definition, one which belongs to the open society: it assumes the existence of loci of power outside the executive – in independent legislatures, or an autonomous judiciary, or a free and campaigning press. It likewise assumes the vulnerability of those who rule to overturning by means other than revolution or assassination; the existence of public opinion as an articulate

³³ Neckel, p. 103.

³⁴ Ibid.

³⁵ Ibid.

³⁶ A *cause célèbre* is defined as a controversial issue that attracts a great deal of public attention. For the purposes of this thesis the term will be used synonymously with scandal.

factor in the political equation; and the durability of institutions which can survive the fall or discrediting of the individuals who temporarily lead.³⁷

Our modern understanding of scandals has emerged, in part, due to the decline of aristocratic society. Neckel argues that political scandals did not occur in pre-bourgeois society; instead these societies were familiar with the notion of 'intrigues' and 'plots'.³⁸ Before the bourgeois state existed and before state institutions claimed to represent general interests, there could be no scandals. Neckel argues that political scandals can occur through two aspects of modern society: first, the joining of state actions to societal norms, and secondly, the public, which serves to control the state actions.

The argument that political scandals can only occur in liberal democracies has been widely supported in the literature.³⁹ However, what is missing from the arguments of Markovits and Silverstein, Neckel, and Harper is the importance the media play. An important aspect of political scandal is how the allegation(s), and later, the narrative, are circulated by the media. Therefore, it may also be argued that scandals can only exist in liberal democracies due to the tenet in liberal democracies of a free press. Larry Diamond argues that democracy and strong civil society make accountability possible. Accountability "requires a free press willing and able to expose corruption; an organised citizenry ready to monitor the political process and the conduct of public officials; and an assertive, independent legal system equipped to prosecute and punish official misconduct".⁴⁰ In countries that employ systems of governance other than liberal democracy, it is unlikely the media would be given warrant by the state to report on transgressions made by political figures. Therefore, a political scandal could not occur as it would be unlikely to generate widespread political discussion and interest.

Other aspects of "political scandal" are more contentious. Markovits and Silverstein state that scandals involving political figures are not necessarily political scandals at all. Markovits and Silverstein recognise sex scandals and financial scandals but argue that

³⁷ F. J. Harper, 'Foreword', in L. Allen et al (contributors), *Political Scandals and Causes Célèbres*, Longman Group, Essex, 1990.

³⁸ Neckel, p. 103.

³⁹ Markovits and Silverstein, Neckel, Thompson, and Harper all support this notion.

⁴⁰ L. Diamond and M. F. Plattner (eds), *The Global Resurgence of Democracy*, Johns Hopkins University Press, Baltimore, 1993, p. 101.

these do not constitute political scandals unless they involve an abuse of political power at the expense of process or procedure.⁴¹ Under this definition the infamous Profumo affair would only be regarded as a *political* scandal because of Profumo's second-order transgression: lying to the British Parliament, rather than his primary transgression of engaging in an affair with a Soviet spy.⁴² Markovits and Silverstein's argument helps to place political scandals in a broader institutional context, illustrating how political scandals are inherently connected to fundamental features of liberal democracies.

Although there are merits in this 'abuse of power' element of political scandal posed by Markovits and Silverstein, the narrow interpretation has been deemed problematic by other academics. For instance, Thompson has critiqued this aspect of Markovits and Silverstein's assessment of political scandal as too restrictive. Thompson argues that Markovits and Silverstein's definition is inappropriate because, according to their logic, if a scandal does not involve the pursuit of power at the expense of process, it is thus non-political.⁴³ Thompson argues that political scandals should instead be defined as: "a scandal involving individuals or actions which are situated in a *political field* and which have an impact on relations within the field."⁴⁴ Thompson elaborates on this definition by describing the political field as "the field of action and interaction which bears on the acquisition and exercise of political power".⁴⁵

This thesis will use Thompson's definition of political scandal. His primary assertion that a political scandal must impact on relations within the political field appears to be the one that best fits with what is commonly understood as a political scandal. In addition to being a commonly held notion, use of this definition will also maintain academic integrity as it appears to be more widely supported in the existing academic literature.⁴⁶ In contrast, Markovits and Silverstein's definition is too restrictive. Their

⁴¹ Markovits and Silverstein, p. 6.

⁴² The Profumo affair was a British scandal of the 1960s involving Minister, John Profumo's affair with a woman who was the alleged mistress of a Soviet spy. For a brief account see: J. Palmowski, 'The Profumo Affair', *A Dictionary of Contemporary World History*, published online 2008, viewed on 10 January 2015, <http://www.oxfordreference.com/view/10.1093/acref/9780199295678.001.0001/acref-9780199295678-e-1898>.

⁴³ Thompson, p. 93.

⁴⁴ Ibid.

⁴⁵ Ibid., p. 96.

⁴⁶ Dagnes, p. 5.

definition would likely exclude many potential scandals and subsequently have a detrimental effect on the quality of the comparative analysis central to this thesis.

Thompson's categorisation of political scandals into sexual scandals, financial scandals and power scandals will also be utilised in this thesis. These three terms are distinct from one another; a different set of societal norms is breached in each type. According to Thompson, sex scandals involve a political figure transgressing the governing moral codes relating to sexual conduct. Often sex scandals do not involve an illegal act. These scandals must involve the transgression of norms that relate to some degree of moral connectedness that incites public expressions of disapproval. The actions must be regarded by some as improper forms of conduct.⁴⁷ Financial scandals in the political context are based on the "disclosure of activities by political figures that involve an infringement of rules governing the acquisition and allocation of economic resources".⁴⁸ Financial scandals often involve breaking the law. Both these types of scandals can also be found outside the political sphere; however, the third type, power scandals, is unique to the political environment. Political scandals involve the transgressions of rules governing the exercise of political power.

1.2 Prevalence of Political Scandal

1.2.1 *Mass- Elite Interaction*

There are many explanations for the prevalence, or perceived prevalence, of political scandals. The first of these is the theory of mass-elite interaction, posed by Sighard Neckel. According to Neckel, the prevalence of political scandal centres on the basis of mass-elite interaction and political rule in society. Neckel argues, "Political scandals are constituted by two institutions of modern society: the joining of state actions to general norms and the instance of the public which serves to control state actions accordingly."⁴⁹ Neckel notes there is an inherent contradiction in politics between the short-lived power rituals and the long-term political problems of modern societies. The increase in political scandals, according to Neckel, shows the extent to which the

⁴⁷ Thompson., p. 121.

⁴⁸ Ibid.

⁴⁹ Neckel p. 103.

techniques of acquiring and preserving power have become independent of the objective ends of politics.⁵⁰ Politicians, as the primary political actors, exist in an inherently insecure position. To secure this position, they must go to enormous effort, running campaigns, building their image and struggling against their competition. This instability is particularly pertinent to New Zealand, where the three-year term is shorter than in many other jurisdictions, and where personality has immense impact on political popularity (personality is discussed in more detail below). New Zealand MPs therefore exist in an inherently insecure position.

Earlier, it was argued that political scandals only take place in liberal democracies. But while liberal democracies provide the necessary conditions for political scandals to exist, their foundations also explain the prevalence of political scandals in modern society. In a liberal democracy there is a conflict between representatives abiding by the norms of society and maintaining the power that is inherent in the political sphere. Neckel argues:

He [the politician] is in a fundamental role conflict, the result of which will make or break his political career. On the one hand he is as the political representative of the social community more obliged than other members of society to abide by its binding norms. On the other he is a power figure in parties or offices and thus less able than other members of society to follow these norms in the face of the functional requirements of power competition.⁵¹

Despite transgressions occurring by individuals in all facets of society, according to Neckel, when moral norms are violated by politicians it triggers a political scandal as political representatives are elected to represent the principle of moral obligations towards society as a whole.⁵² The state bases its normative validity claims on the guarantee of a certain formal principle of morality. “Moral obligations only apply to citizens insofar as the infringement of accepted rules of conduct is always presupposed

⁵⁰ Ibid.

⁵¹ Ibid., p. 104.

⁵² Ibid., pp. 105-106.

as an empirical fact; the political representatives are subject to moral obligation because they represent the principle of obligation itself.”⁵³

Pierre Bourdieu’s notions of delegation support Neckel’s views of political actors. Bourdieu argues that political representatives must create an impression that power is not only necessary, but that because of the special moral obligation of the delegates it is also in the best possible hands.⁵⁴ Therefore, in their speeches political representatives must appropriate the universal values of society and monopolise this collective morality. In doing so, representatives draw a line between themselves and the ordinary citizen. A citizen is not and should not be the trustee of public moral standards. Those who exact this of themselves pay for this privilege of power with the costs of being evaluated by the norms of this privilege.⁵⁵

What appear to be missing from Neckel’s analysis are the reasons why politicians and other political figures become the subject of scandals of a sexual or financial nature. It would seem that these scandals are not based upon the premise of the dichotomy existing between maintaining power and upholding the moral values of society. Instead, these scandals appear to exist on the basis of the exposure to temptation that many political figures experience. It is clear that certain transgressions of this nature lead to political scandal; however, what is unclear is *why* political figures engage in this conduct. In regards to sexual misconduct, it appears that the long hours, late nights, and extended periods away from family are major contributing factors. Financially, the availability of perks and credit cards may also be major temptations for many political figures. These elements, coupled with the idea of political figures as moral stakeholders of society, mean that any transgression is likely to be of some significance.

1.2.2 Political Opportunity Structures

Political opportunity structures are another useful way to explain the prevalence of political scandals. Herbert Kitschelt first coined the term in regard to the analysis of political protest; however, political opportunity structures can also be used to explain

⁵³ Ibid. p. 106.

⁵⁴ P Bourdieu, *Language and Symbolic Power*, Harvard University Press, Cambridge, 1991, p. 203.

⁵⁵ Neckel, p. 106.

political scandal.⁵⁶ According to Kitschelt, “political opportunity structures are comprised of specific configurations of resources, institutional arrangements and historical precedents”.⁵⁷ How this power is constructed dictates the transparency of a state: whether it is open or closed and whether it is indifferent to pressure.⁵⁸ According to Veronica Pujas and Martin Rhodes, “since it is likely that agents will seek to manipulate rules or exploit resources for private gain whatever the regime or organisation, systems will differ mainly in their capacity for preventing such behaviour”.⁵⁹ Pujas and Rhodes identify a number of developmental factors that are important in shaping these structures: relations between parties and the state; the effectiveness of political checks and balances; the rules and norms regulating financial and economic behaviour; and the nature of party finance regulation.⁶⁰

Kitschelt divides political opportunity structures into ‘input’ factors and ‘output’ factors. He establishes four factors to determine the openness of political regimes to new demands on the input side: the number of political parties that articulate different demands in electoral politics, the capacity of legislatures to develop and control policies independently of the executive, patterns of intermediation between interest groups and the executive branch, and how often new demands find their way into processes for formulating policy compromises and consensus.⁶¹ Kitschelt also establishes operational dimensions that characterise a state’s ability to implement policies or outputs: a centralised government, government control over markets, and independence of the judiciary. Kitschelt deems France’s input structures to be closed and the United States’ to be open. He also finds that France’s output structures are strong and the United States’ weak.⁶²

Pujas and Rhodes use these structures to explain the relative frequency of scandals in Italy, Spain and France. It is important to note that the analysis by Pujas and Rhodes is limited to scandals of a financial nature. They argue that certain structures can allow

⁵⁶ See, for example, V. Pujas and M. Rhodes, ‘Party finance and political scandal in Italy, Spain and France’, *West European Politics*, vol 22, no 3, July 1999 pp. 41-63.

⁵⁷ H. P. Kitschelt, ‘Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies’, *British Journal of Political Science*, vol. 16, no. 1, January 1986, p. 58.

⁵⁸ Pujas and Rhodes, p. 44.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Kitschelt p. 63.

⁶² Ibid., p. 64

for transgressions relating to corruption (abuse of power, improper use of finances and so on). It seems clear that political opportunity structures would also allow for the revelation of transgressions of any nature, as certain structures – such as those relating to transparency – can explain why transgressions are exposed so frequently in certain jurisdictions.

1.2.3 Personality Politics

The increased importance of political personalities can also explain the prevalence of political scandals. Political cultures across liberal democracies have evolved over time; and parties have migrated towards the centre of the political spectrum and partisan affiliations have become weaker.⁶³ This has seen the importance of personality politics increase. This phenomenon has been visible in the United Kingdom and United States for many years; however, the trend is now also apparent in other liberal democracies. For example, the popularity of the National Party at the 2011 and 2014 elections in New Zealand has been attributed in large part to the popularity of its leader, John Key, among the wider public.⁶⁴ The National Party appears to have recognised this importance as it purportedly relied heavily on “brand Key” as an election strategy.⁶⁵

This move toward personality politics across many liberal democracies has allowed room for scandal politics to become more salient. According to Tumber and Waisbord, “Individual reputations become increasingly more prominent in situations of partisan de-alignment and the disappearance of ideological confrontations that had historically dominated political systems”.⁶⁶ In other words, the careers of politicians are more dependent on personal credentials due to a decrease in party affiliation and the convergence of political parties towards the centre.⁶⁷ Politicians now increasingly court voters based on their character and personal qualities. Subsequently, this strategy seems to have legitimised a greater media and public focus on any character flaws or

⁶³ H. Tumber and S.R. Waisbord, ‘Political Scandals and Media Across Democracies, Volume I’, *The American Behavioural Scientist*, Vol. 47, no.8,, p. 1036.

⁶⁴ M. Safi, ‘New Zealand election: National party’s John Key claims victory – as it happened’, *The Guardian*, 20 September 2014, viewed on 20 January 2015, <http://www.theguardian.com/world/live/2014/sep/20/new-zealand-election-live>

⁶⁵ V. Small, ‘Still to be seen if Brand Key tarnished’, *Stuff.co.nz*, 19 August 2014, viewed on 26 September 2014, <http://www.stuff.co.nz/national/politics/polls/10396696/Still-to-be-seen-if-Brand-Key-tarnished>

⁶⁶ Tumber and Waisbord, ‘Political Scandals and Media Across Democracies Volume I’, p. 1036.

⁶⁷ Ibid.

personal misrepresentations. Political scandals, therefore, can represent the politics of embarrassment, where actors vie to publicise information in order to undermine the credibility and reputation of political rivals.⁶⁸

1.2.4 The Role of the Media

The prevalence of political scandals in modern society may also be explained through the evolution of the role of the media. The traditional role of the media in liberal democracies was to act as a fourth estate or watchdog over politicians and the government. Media organisations reported on strictly what they believed to be in the public interest. The public interest was defined more narrowly, with private matters seemingly considered well outside the scope of the term. For example, it is thought that the extra-marital affair that former New Zealand Prime Minister, David Lange, was having with his press secretary in the 1980s was well known in the press gallery; however, journalists did not believe it was in the public interest to report on such an event.⁶⁹

Viewed through the lens of that example, the current state of the media is almost unrecognisable. It is nearly inconceivable that today's press gallery would decline to report on an extra-marital affair conducted by John Key or any other currently prominent political figure. There are several reasons for this change in culture. Firstly, the emergence of the 24-hour news cycle has placed a requirement on media organisations to produce news more frequently. Political scandals lend themselves favourably to this environment as they are easy to report and can feature in the news for long periods of time.

The rise of the 24-hour news cycle has also corresponded with the decline of print media, and with it a decline in serious investigative journalism. In its place has emerged a less in-depth type of investigative journalism, one that focuses on stories that can be investigated more easily and provide entertainment for the public. This phenomenon is sometimes referred to as "tabloidisation". "Tabloidisation" refers to

⁶⁸ Ibid.

⁶⁹ J. Hartevelt, 'Imaginations ran wild over affair with Lange' *Stuff.co.nz*, 17 September 2011, viewed on 27 November 2014, <http://www.stuff.co.nz/dominion-post/news/politics/5640262/Imaginations-ran-wild-over-affair-with-Lange>

the influx of stories that are entertaining to the public, but often lacking in factual research or substantive policy content. The phenomenon of tabloidisation fuels scandals by encouraging news organisations to chase stories that may be full of drama, but lacking in substance.⁷⁰ These stories attract the public's attention, therefore increasing exposure of the news sources that print them, which subsequently make those sources more likely to continue to report these kinds of stories. This positive feedback loop results in the perception of an ever-increasing prevalence of political scandals.

It is important to note that tabloidisation does not necessarily mean that scandalous acts have become more commonplace. Instead the argument is that these transgressions are now reported on far more often and in far greater detail than ever before, leading to a greater number of scandals. The public sees more scandals and assumes there must be increasing levels of misconduct amongst political actors, even though this might not be the case. Brandon Rottinghaus agrees with the media's involvement in the perceived prevalence of scandals, arguing that scandals appear to be more prevalent "because the media is more invasive, communications technology is more pervasive, laws are stricter and political opponents thrive in using these tactics as political weapons".⁷¹

This section has outlined some of the different factors contributing to the prevalence of political scandal in modern society. What becomes clear from this summary is that a single factor on its own cannot explain the prevalence; it is in the interaction of the different factors that the real explanatory power lies. A combination of the inherent role of a politician, existing political opportunity structures, the growing focus on personality politics and the rapidly changing role of the media are together responsible for the rise in political scandal. Having outlined why scandals are prevalent, it is logical to next consider what impact this prevalence may have. The next section considers the significance of political scandals for society and politics.

⁷⁰ H. Tumber and S. R. Waisbord, 'Political Scandals and Media Across Democracies, Volume II', *The American Behavioural Scientist*, Vol. 47, no.9, p. 1145.

⁷¹ B. Rottinghaus, 'Surviving Scandal: The Institutional and Political Dynamics of National and State Executive Scandals', *Political Science and Politics*, vol. 47, issue 1, January 2014, p. 1.

1.3 Significance of Scandal

The significance of political scandals in different jurisdictions and over time has been discussed at some length in the literature. Many academics agree that scandals are an important aspect of any political system. As F. J. Harper states:

A theme [in political scandals] is the emergence – or at times collapse – of democratic institutions, and the adjustment of the powers of such institutions. In that sense the significance of political scandals and *causes célèbres* goes beyond their narrow historical contexts – they represent the turning points at which societies define their essential values or start out in new directions.⁷²

Political scandals can be seen as a microcosm of political reality. Theodore Lowi argues that studying politics under the conditions of scandal “is comparable to cells under the microscope”, and that “scandals are a useful exaggeration of reality”.⁷³ How a society responds to a scandal is therefore an illustration more generally of the functionality of the state. Different responses to political scandals may highlight inherent differences in the relationships between state and society. Tumber and Waisbord further this argument, stating, “Scandals allow us to analyse and gauge the effectiveness of democratic process and procedure.”⁷⁴ These arguments suggest that scandals can be viewed as broad indicators of the state of a civilization and more specifically of a state’s political culture. A study by Jürgen Maier in 2011 sought to address the impact of political scandals on political support. In doing so he was seeking to explain why political support both for parties and the political system has been declining over time in Western democracies.⁷⁵ Maier found that the occurrence of a political scandal led to a decrease in perceived trustworthiness of politicians across all parties, not just the politicians or party affected by the political scandal.⁷⁶ That study’s findings underscore the significance of political scandals as their prevalence can have implications for all politicians and how they are perceived by the public. However, whilst Maier found that trust of politicians across all parties decreased with the prevalence of political scandals,

⁷² F. J. Harper, ‘foreword’, *Political Scandals and Causes Célèbres*.

⁷³ T. J. Lowi, ‘Foreword’, in Andrei S Markovits and Mark Silverstein (eds.) *The Politics of Scandal: Power and Process in Liberal Democracies*, Holmes and Meier, New York, 1988, p. vii.

⁷⁴ Tumber and Waisbord, ‘Political Scandals and Media Across Democracies, Volume II’, p. 1035.

⁷⁵ Jürgen Maier, ‘The impact of political scandals on political support: An experimental test of two theories’, *International Political Science Review*, Vol. 32, no. 283, 18 November 2010, pp. 283-296.

⁷⁶ *Ibid.*, p. 291.

overall trust in the political institutions and democracy remained unchanged.⁷⁷ The outcome of that study allows two conclusions to be drawn: first, political scandals are significant, as they can have real and damaging impacts on the reputation and image of all politicians, whether they are involved in a scandal or not; and secondly, the exposure of political scandals and the condemning of those who violate social norms may in fact show the underlying strength of the political system and democracy as a whole.

1.3.1 Historical Significance of Scandal

Scandals have characterised political landscapes since the establishment of early civilisations. The occurrence of political scandals throughout ancient history provides insight into the significance of scandals more generally. Although it has been discussed in an earlier section that political scandals in the modern context can only occur in liberal democracies, it would be incorrect to assert that scandals have not occurred throughout history at all. The modern definition of political scandal has evolved due to many specific aspects of modern society (such as technology and modern political systems). As a result this section will refer to a simpler definition of political scandal that does not encompass such tenets. Specifically this section will reference Thompson's preliminary definition of political scandal: "a scandal involving individuals or actions which are situated in a *political field* and which have an impact on relations within the field."⁷⁸ Scandals in this sense have occurred frequently throughout history, often with serious cultural and political implications. As Tumber and Waisbord state, "if corruption is as old as politics, scandals are not novel developments either."⁷⁹ The constraints of this thesis do not allow for a thorough analysis of all major scandals that have occurred throughout history; however, it is useful to briefly discuss some significant political scandals, in order to illustrate the importance scandals have played in various civilisations over time. Although these events may not be based on strict historical occurrences, the telling of the stories has become historically significant themselves. The scandals outlined below cover a range of important early civilisations

⁷⁷ Ibid., p. 293.

⁷⁸ Thompson, p. 93.

⁷⁹ H. Tumber and S.R. Waisbord, 'Political Scandals and Media Across Democracies, Volume I', *The American Behavioural Scientist*, Vol. 47, no.8, p. 1031.

and all three of Thompson's different categorisations of political scandals discussed earlier: power, sexual and financial.

Ancient Greece: Power

Alcibiades (450-404 BC), as depicted by Thucydides in his history of the Peloponnesian War, was a politician and military commander in Athens. During the Peloponnesian War (431-404 BC) Alcibiades was assigned to sail to and conquer Sicily. Before he was about to leave it is alleged he vandalised the faces of stone images of the Athenian gods, thus committing a terrible sacrilege because these images were considered symbols of collective belief. Although Alcibiades never confessed to this transgression, as the only bust left unscathed was that of his friend Andocides, Alcibiades was accused of the crime. At this time, Alcibiades was also accused of profaning the Eleusinian mysteries (initiation ceremonies held for the cult of Demeter and Persephone) because his enemies claimed he had been seen dressing up as priests and priestesses in mockery of the religious rites. Once Alcibiades had departed for battle, he was prosecuted in absentia. He was condemned, declared cursed by the Eleusian priests, his property was seized and he was sentenced to death. Alcibiades, upon learning his fate, fled to Thurii, a Greek colony in Italy.⁸⁰

Ancient Greece: Financial

Another scandal from Ancient Greek society is that of Miltiades (554-489 BC). Miltiades led the Athenian victory at Marathon in 490 BC, which made him one of the most popular men in Athens. Miltiades used his popularity to convince the government of Athens that he required ships, men and funds to support a military campaign, the specifics of which were not known except that he would enrich the city with wealth. Miltiades sailed to the island of Paros to invade and capture its riches, as the inhabitants were Persian sympathisers. Herodotus states, however, that Miltiades sought to besiege this small island in retribution for words that were exchanged during the previous year. This challenge was not successful as the Parians hid behind their fortifications and kept Miltiades out. Miltiades suffered injury – cutting his thigh while

⁸⁰ R. Meiggs, 'Alcibiades' *Encyclopaedia Britannica*, viewed on 26 November 2014, <http://www.britannica.com/EBchecked/topic/13306/Alcibiades>

attempting to jump a surrounding fence. Miltiades returned to Athens with none of the promised riches. The Athenians censured Miltiades for defrauding the public. He was imprisoned; however, his wound became gangrenous and he was left to die in his prison cell. His children were required to pay the fine for his crimes.⁸¹

Ancient Rome: Sexual

The Roman Republic was founded on scandal, including the rape of Lucretia by Sextus Tarquinius, the son of King Tarquinius Superbus (r. 535 – 512 B.C.). Although there are variants of this story, a common version is that while the Roman army was laying siege to the city of Ardea, King Tarquinius and his son Sextus were debating the virtues of wives. They then proceeded to return home, to check on the wives, and found Lucretia weaving with her maids. The party awarded her the palm of victory and returned to their camp. However, Sextus remained behind and forced himself on Lucretia, who wrote to her husband to tell him. Her husband rushed back to Rome where Lucretia explained what had happened; she then killed herself. This triggered the rebellion that threw King Tarquinius Superbus out of Rome and began the Roman Republic.⁸²

Ancient Jewish Society: Sexual / Power

According to the Hebrew Bible (1 Book of Kings), Bathsheba was the wife of Uriah the Hittite. King David saw Bathsheba bathing and immediately desired her. King David seduced Bathsheba and she fell pregnant.⁸³ King David summoned Uriah from the army to convince him to re-consummate his marriage to Bathsheba in an attempt to conceal his transgression, as Uriah would believe the child was his own. Uriah was unwilling to violate a rule applying to warriors in service and remained with the troops instead of returning home. In what would be a second-order transgression, using his political power, King David sent an order to the General of the Army that Uriah should be placed to the front lines of the battle and left to the hands of the enemy. After Uriah was dead, David made Bathsheba his wife. According to legend, David's action

⁸¹ P. Treves, 'Miltiades the Younger', *Encyclopaedia Britannica*, viewed on 19 December 2014, <http://www.britannica.com/EBchecked/topic/383103/Miltiades-the-Younger>

⁸² T. J. Cornell, 'The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c.1000-254 B.C.)' in F. Millar (ed) *The Routledge History of The Ancient World*, Routledge, pp. 218-225.

⁸³ The editors Encyclopaedia Britannica, 'Bathsheba', *Encyclopædia Britannica Online*, viewed on 19 December 2014, <http://academic.eb.com/Ebchecked/topic/55962/Bathsheba>

was displeasing to the Lord who sent Nathan the prophet to reprove the king. Nathan convinced King David to confess to his transgression. Bathsheba's child was struck with a severe illness and died after birth; the King accepted this as his punishment.⁸⁴

Analysis

These brief historical accounts, given as examples, demonstrate that scandals are not a new phenomenon. It is evident that scandals have been a part of political life from what is widely considered the beginning of recorded history. It could almost be suggested that scandals are an inevitable occurrence when people assume political power; with that inevitability comes a widespread significance. The impact a scandal can have on a society is also clear from these examples. The fallout of a scandal has surely never before, and probably may never again, be as great as that of Lucretia in ancient Rome. Clearly not every scandal will trigger a rebellion that ends up removing a monarchy and establishing a new republic. The example may be extreme but the underlying point is the same: scandals have always been, and are always likely to be, significant events in civilisation.

It is not surprising that the content of the political scandals in many of the historical examples appears to be relevant to those particular times and contexts. For example, in the example of Alcibiades in Ancient Greece, while the destruction of symbols of collective belief by a power figure gave rise to unprecedented distress in the year 415 BC, such a sacrilege would probably be considered less relevant or controversial in modern society. However, although the specific content of scandals has changed significantly as cultures and civilisations have developed, the underlying themes appear to be remarkably consistent, as the following section illustrates.

1.3.2 Cultural Significance of Scandal

Political scandals are pervasive in many cultural aspects of society. The prominence of scandals in the arts is an indication of the extent to which the public has been captivated and intrigued by the subject. This section analyses two very different examples of political scandals depicted in the arts –*Richard III*, a play by William

⁸⁴ The editors Encyclopaedia Britannica, 'Amman' viewed on 19 December 2014, <http://www.britannica.com/EBchecked/topic/20889/Amman>

Shakespeare, and the popular contemporary American television show, *Scandal*. A case study analysis of each example will highlight the popularity of scandals – even across very different time periods and media – and the pervasiveness of scandal as a subject of popular entertainment.

Shakespeare

William Shakespeare's *Richard III* is a play centred on the topic of political scandal. The play is set in medieval England during a period of peace after a civil war between the royal family of York and the royal family of Lancaster. King Edward IV from the York family is King, but Edward's younger brother Richard resents Edward's power and becomes malicious and power-hungry. The play follows Richard's aspirations to secretly take the throne. Using political manipulation, Richard marries a noblewoman, has his own brother, Clarence, executed, and then blames his death on his sick older brother King Edward, in the hope of accelerating Edward's illness. King Edward dies and Richard becomes the protector of England until Edward's oldest son grows up and can take the throne himself. Richard proceeds to kill members of the court who are loyal to the young princes. He then has the princes' mother, Elizabeth's, protectors arrested and executed, leaving the boys and Elizabeth unprotected. He then sends murderers to kill the children. This reign of terror causes the people of England to fear and loathe him for his actions. When rumours begin to circulate that a challenger is gathering supporters in France, many noblemen defect to join the forces. England is invaded and Richard is killed. Richard's niece, the younger Elizabeth, marries the challenger, Richmond (who is crowned King Henry VII), to unite the houses in England.

It is clear that the premise of *Richard III* meets the definition of a political scandal. Although *Richard III* is not set in a liberal democracy, the context of the play deems this element irrelevant. In the play, Richard commits a series of transgressions in his position as a political actor. Richard is then condemned by the public who express disapproval by defecting to support Richmond - the outcome of his transgression is that he is killed in battle with limited support. Although this may be a drastic outcome for a scandal, the example once again illustrates the significant impact a scandal – or in

this case a succession of scandals - can have. Furthermore, the enduring popularity of this play demonstrates the significant role scandals play in popular culture.⁸⁵

'Scandal'

Scandal is a political thriller television programme that was first broadcast in 2012. The show follows Olivia Pope, a political 'fixer' played by Kerry Washington who heads her own crisis management firm. Pope and her team are based in Washington, D.C. Each episode is loosely based around their job of preventing a client's transgression from becoming a full-blown (and career-destroying) political scandal. In 2013 *Scandal* was rated as one of the best dramas on television in the United States.⁸⁶ Although the extreme popularity of *Scandal* can be attributed to many different aspects,⁸⁷ the content of the show surely plays an important role.

Many of the cases Olivia Pope deals with would not meet the definition for a political scandal discussed previously in this chapter. Pope's work is largely to prevent widespread interest and discussion regarding a transgression. Pope recognises that if a specific transgression became known in the media, the public would clearly disapprove or be offended by it. She therefore prevents a scandal from breaking by ensuring it is 'handled' – either stopping the media reporting on the transgression, or manipulating the public's opinion to ensure a majority does not disapprove.

One of the biggest transgressions Pope must manage involves Pope herself as well as members of the President's campaign team; this occurs across seasons one and two. During the President's campaign, Pope and a team of others agree to 'fix' the election – ensuring the President will win. Much of the second season of *Scandal* revolves around this premise and it is eventually resolved by having the evidence destroyed so the public cannot find out. This example would be classified as a power scandal

⁸⁵ Other plays of Shakespeare likewise focus on scandals, particularly the tragedies: for example, sex scandal in *Hamlet*, power scandal in *Macbeth*, and betrayals concerning power in *Julius Caesar* and *King Lear*.

⁸⁶ J. M. Robins, 'The 7 Best TV Dramas of 2013', *Forbes*, 23 December 2013, viewed on 21 November 2014, <http://www.forbes.com/sites/maxrobins/2013/12/23/the-7-best-dramas-of-2013/>

⁸⁷ It has been noted that part of the show's success can be attributed to its popularity among African-American audiences as Kerry Washington became the first African-American female lead in a network drama in 40 years. The show also has a strong social media presence which it has been argued increases viewership. T. Vega, 'A Show Makes Friends and History: 'Scandal' on ABC is Breaking Barriers', *New York Times*, 16 January 2014, viewed on 27 November 2014, http://www.nytimes.com/2013/01/17/arts/television/scandal-on-abc-is-breaking-barriers.html?pagewanted=all&_r=0

because it involves political actors breaching the power they have access to. However, this potential scandal does not eventuate, as it never becomes public knowledge.

Analysis

The two case studies in this section are two very different examples of how scandals are portrayed in the arts. The popularity of both these works can be attributed, at least in part, to the content they are conveying. It can be assumed that *Richard III* and *Scandal* would attract very different audiences. This shows that the content of political scandals may be interesting to a wide range of people across age, gender and class lines. In briefly highlighting these two case studies it is clear that scandals play a significant role in different aspects of society and present an important theme for artists and audiences.

1.4 Conclusion

Despite the growing body of academic literature on this topic, at this point the existing literature has examined only some of the relevant aspects of political scandals. As this literature review has illustrated, the focus of the existing literature has primarily been around defining what a political scandal is, explaining the prevalence of these scandals and examining the broader significance of political scandals in society. This literature provides some guidance about these aspects of political scandal; it establishes a working definition for the term “political scandal”, shows the conditions that have led to the current prominence of scandal, and demonstrates that the significance of scandal is not a new phenomenon, although its expression has changed somewhat. These are valuable points, but there remain many unanswered questions.

Firstly, as the review has highlighted, the definition of “political scandal” remains rather contentious. This thesis intends to address this issue by applying the preferred definition to a variety of new examples in the hope that this may pinpoint which elements of the definition are lacking in precision and which aspects can be further clarified. Secondly, the existing academic literature on political scandal tends to be focused on scandals that have been centred in the United States of America, with a few examples taken from European countries. Yet as the discussion of the significance of scandals has illustrated, political scandals have been and are a widespread

phenomenon with widespread interest. The literature also makes clear that the study of scandals in a particular jurisdiction can provide important insight into the state of that country's political system and political culture. Therefore, research focus on a jurisdiction outside the existing narrow scope would add to the broad understanding of political scandals while providing valuable information about that specific country's particular political culture.

This thesis intends to achieve those aims by focusing on political scandals in New Zealand. This thesis will provide the first detailed analysis of political scandals in a New Zealand context. A unique approach will be taken to analysing these potential scandals in comparison with similar events in the United States of America and France. Currently no similar analysis exists in the literature, and this unique approach will therefore enhance the understanding of both the significance and prevalence of political scandals, both in New Zealand and more generally. The precise details of how this analysis will be conducted are set out in the following chapter.

Chapter 2: Methodology

This thesis will assess how political scandals in New Zealand fit into the broader literature on political scandals by way of a textual analysis. A textual analysis involves the systematic dissection and evaluation of both primary and secondary sources.⁸⁸ Specifically, the method for this thesis will involve the application of conceptual frameworks used to assess whether certain discretions in France, New Zealand and the United States meet the criteria for a political scandal. From this analysis, a number of theories will then be applied to the different contexts, and through examination of which cases met the threshold for scandal, a conclusion will be drawn as to which theory holds the most validity. This chapter will discuss the relevant parts of this methodology in depth: first with explanation of the case studies, then through the explanation and illustration of the framework and how it will be applied, and finally with a discussion and explanation of the theories that will be applied.

2.1 Case Studies

Scandals are reported on in such close detail in the media that it is easy to overlook any structural consistencies across political scandals in liberal democracies. Despite specific scandals appearing very unique in character, the fact that scandals do occur so regularly suggests there may be comparable causes, functions and meanings. This thesis hopes to get to the root of any similarities and common themes through a comparative analysis of political scandals. A comparative analysis can provide important insights into the political cultures of the states that are studied. Theodore Lowi conveys his support for this idea in the foreword to Markovits and Silverstein's *The Politics of Scandal* when he states:

Since politically relevant moral values vary from culture to culture and country to country, conduct that offends values deeply and widely enough to become a serious scandal will vary accordingly. On the other hand, since political values – e.g., standards about due process or the rules of the game – are likely to be common among countries with comparable political

⁸⁸ A. McKee, 'What is textual analysis?', in A. McKee (ed.) *Textual Analysis, Sage Research Methods*, Sage Publications Ltd, London 2003, pp. 2-34.

systems, conduct that is a scandal in one country ought to be a scandal in the others.⁸⁹

Further to this, what is considered corrupt or scandalous in some states may be considered acceptable in others. Pujas and Rhodes state: “it is perception of the practice that makes it corrupt and scandalous. Societies that modernise and democratise tend to move, albeit unevenly, through different phases of perception”.⁹⁰

Based on this logic, three countries have been chosen for the purposes of this thesis. France and the United States have been selected to provide insight into the New Zealand context. There are a number of reasons for specifically choosing these two countries as a comparison with New Zealand (the reasons for choosing New Zealand were outlined earlier). All three countries can be defined as liberal democracies; however, the three countries cover a range of political systems within this umbrella term. New Zealand is characterised by its Westminster system; the United States is a federal, presidential system; and France utilises a semi-presidential system.

The United States is a liberal democracy with a formative experience in rebellion,⁹¹ whereas the French formative experience is characterised by revolution.⁹² Lowi notes that both Tocqueville and Hartz argue that the formative experience of the state is indicative of its subsequent political behaviour.⁹³ In other words, the United States’ political culture is largely constructed through the experiences of the American Revolution whereas in the French example their political culture was developed through the experience of the French revolution. Following this argument, countries characterised by rebellions or revolutions are likely to have produced very different models of political behaviour.⁹⁴ According to Lowi, the radical (revolution) model might produce a citizen that is more apathetic to transgressions by ruling elites as they hold the opinion ‘things must get worse before they can get better’. In other words, if the behaviour of politicians worsens, some drastic measure will occur to restore balance.

⁸⁹ Lowi, p. ix.

⁹⁰ Pujas and Rhodes, p. 42.

⁹¹ Lowi argues that whilst the American Revolution was titled a revolution, it fits the description of a rebellion more accurately.

⁹² Lowi, p. x.

⁹³ Ibid.

⁹⁴ Ibid., p. xi.

However, the reformer (rebellion) may take the view that every indiscretion is a call for action.⁹⁵ This means that citizens expect a higher standard of conduct from their politicians to uphold the integrity of their institutions.

As for New Zealand, this country has experienced neither revolution nor rebellion of a magnitude anywhere near comparable to the other two countries. New Zealand's formative experiences come from the transplant of British culture, but in a very different way to the one in which British culture was implanted into the United States. Unlike the United States, the political culture in New Zealand maintains many similarities with the United Kingdom and it was on that basis that the decision was made not to use the United Kingdom as one of the countries for comparison. Instead, the comparative analysis will examine whether the contrasting historical contexts in the United States, France and New Zealand have produced variations in the types of transgressions likely to become political scandals in each of the respective jurisdictions.

The specific events to be studied have been chosen for a number of reasons. To maintain consistency, these have all occurred since the year 2000. The specific examples to be tested have been identified as falling within the realms of either power, financial or sexual transgressions. Three different events from each country will be assessed for each of the three different types of political scandal. How these case studies will be examined, specifically, will be discussed in the next section.

2.2 Conceptual Frameworks

Scholars have attempted to establish conceptual frameworks to assess and understand political scandals. This thesis will draw primarily on the framework established by Lull and Hinerman in *Media Scandals: Morality and Desire in the Popular Culture Marketplace*. According to Lull and Hinerman, in order to give the term 'scandal' academic significance we must be able to separate a scandal from a non-scandal.⁹⁶ This framework is drawn largely from the definition posed by Thompson for scandal. The criteria for determining a scandal, as posited by Lull and Hinerman, are as follows:

1. Social norms reflecting the dominant morality must be transgressed

⁹⁵ Ibid., p. xii

⁹⁶ J. Lull and S. Hinerman, 'The Search for Scandal', in James Lull & Stephen Hinerman (eds.) *Media Scandals: Morality and Desire in the Popular Culture Marketplace*, Columbia University Press, New York, 1997, p. 11.

2. The transgression(s) must be performed by specific persons
3. The actions must reflect an exercise of their desires or interests
4. Individual persons must be identified as perpetrators of the act(s)
5. They must be shown to have acted intentionally or recklessly
6. They must be held responsible for their actions
7. The actions and events must have differential consequences for those involved
8. The revelations must be widely circulated by communications media
9. This must be turned into a narrative
10. The revelation must inspire widespread interest and discussion.⁹⁷

Lull and Hinerman established this framework for the purpose of examining and assessing scandals in the media. The framework has therefore been posed in a general way in order to allow for analysis of the myriad of different transgressions that can occur across a society. For the purposes of this thesis the framework will be modified in order to encompass elements that are fundamental to the particular example of *political* scandals.

Some additional elements need to be added to this base framework to ensure that a thorough examination of political scandals can be carried out. In adding elements from the definitions of Thompson, Markovits and Silverstein and others (who contributed to the particular definition of political scandal discussed in the previous chapter) to this existing framework, a specific politically oriented framework can be established. Specifically, two elements will be added to the existing framework to ensure that specifically *political* scandal can be adequately tested. These elements are that the perpetrator must be a political actor and the actions must have an impact on the political field. The adjusted framework to be employed will thus be:

1. Social norms reflecting the dominant morality must be transgressed
2. The transgression(s) must be performed by specific persons
3. The actions must reflect an exercise of their desires or interests
4. Individual persons must be identified as perpetrators of the act(s)
5. Perpetrators must be political actors
6. They must be shown to have acted intentionally or recklessly
7. They must be held responsible for their actions
8. The actions and events must have differential consequences for those involved

⁹⁷ Ibid, pp. 11,13.

9. The actions and events must have an impact on relations within the political field
10. The revelations must be widely circulated by communications media
11. This must be turned into a narrative
12. The revelation must inspire widespread interest and discussion.

The fifth item in this framework has been added to ensure that the person involved in the scandal is a political actor. The ninth item has also been added to the existing framework to ensure that the transgression is relevant to the political field.

The application of this newly adapted framework can be illustrated through a previous example used in this thesis: the case of Lucretia in Ancient Rome. When the framework is applied to that example, it is clear the transgression meets all the elements for a political scandal. The social norms of the time were clearly transgressed. A specific person, in this case, Sextus, performed the transgression. The actions clearly reflected his desire for Lucretia and Lucretia herself identified him as the perpetrator of the act. Sextus was a political actor as his father was a king, and his act was clearly intentional. The event had clear implications on events and relationships within the political field, illustrated by the fact that it triggered a rebellion. As this story has survived for so long it is clear the transgression was widely circulated and turned into a narrative, one that inspired widespread interest and discussion that has continued into modern society. This analysis is illustrated in the following table:

Social norms reflecting the dominant morality must be transgressed.	✓
The transgression(s) must be performed by specific persons	✓
The actions must reflect an exercise of their desires or interests	✓
Individual persons must be identified as perpetrators of the act(s)	✓
Perpetrators must be political actors	✓
They must be shown to have acted intentionally or recklessly	✓
They must be held responsible for their actions	✓
The actions and events must have differential consequences for those involved	✓
The actions and events must have an impact on relations within the political field	✓
The revelations must be widely circulated by communications media	✓
This must be turned into a narrative	✓
The revelation must inspire widespread interest and discussion	✓

This table will be used to conceptualise each transgression that will be assessed to clearly illustrate whether they meet the threshold for a political scandal. After this conceptualisation has occurred a brief explanation of the different criteria will take place. This explanation will only take into account the contentious elements of the framework in each specific instance.

2.2.1 Sequential framework

Thompson uses a sequential framework in his analysis to document the development and culmination of scandals. This framework will be applied to this thesis in order to present various case studies. Thompson argues that scandals typically follow a standard pattern in their development. The sequential development of a scandal must occur over a period that is greater than a day but cannot continue indefinitely. The requirement for the scandal to last longer than a day was chosen because the allegations that appear in the media can only be the beginning of a scandal.⁹⁸ Whether the disclosure becomes a scandal depends on the way others respond. The scandal cannot go on indefinitely because a long-running scandal will reach a termination point when there is a confession, resignation, trial verdict or some other outcome. Alternatively the scandal will fade out as public interest wanes and media organisations cease devoting attention to the story.⁹⁹ Despite a variation in the time over which scandals can occur, it appears that scandals do have similar sequential development patterns. This structure has four stages: the pre-scandal phase, the scandal proper, the culmination, and the aftermath.

1. Pre-scandal

The pre-scandal phase begins with the initial transgression and also encompasses investigations by police, journalists or others, where information is revealed that may be of a scandalous nature.¹⁰⁰ This phase can also involve the publishing of material that is relevant to a scandal, although at the time it is not acknowledged as such. This phase

⁹⁸ Thompson, p. 72.

⁹⁹ Ibid.

¹⁰⁰ Thompson, p. 73.

is also characterised by gossip, often limited to political elites and journalists; however, this gossip remains as private communication.¹⁰¹

2. Scandal Proper

The scandal proper phase begins with the public disclosure of the action or event, which sets in motion the process of claims and counter-claims.¹⁰² This disclosure may in itself be small, but will trigger the sequence of events that can escalate rapidly. Thompson gives the example that this disclosure is likely to be a short item in a newspaper; however, in the current age this disclosure may be more likely to occur on a social media platform, such as Twitter, which encourages the more rapid circulation of information. During this phase the scandal is played out in the media, involving following the actors and constantly reporting on allegations. The actors may deny allegations, which can lead to the possibility of second-order transgressions. A denial is commonly met with further media attention, with those at the centre of the allegations involved in a strategic battle with media organisations and possibly opposition parties in Parliament: allegations are met with denials, threats of disclosure with threats of libel – hoping to either lead to a confession or to silence.¹⁰³ During the scandal proper phase it is generally unclear how the scandal will unfold. The actor(s) at the centre hope a lack of fresh allegations will cause the scandal to die out whereas the media and other actors hope for a confession.

3. Culmination

The culmination phase is when the scandal is brought to a head. This phase will often end in some kind of resignation, admission of guilt, sacking, or criminal prosecution.¹⁰⁴ This phase can also result in the collapse of the case that had been building against the relevant actors. The culmination phase may also simply occur when public interest in the scandal wanes, leading the scandal to gradually die out.

4. Aftermath

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid., p.74.

¹⁰⁴ Ibid., p.75.

The aftermath phase is the period of reflection back on the events and their implications. At this point, the high drama of the scandal has passed and those who were involved in the scandal (journalists, politicians, etc.) have the time and opportunity to engage in some reflection.¹⁰⁵ During this phase Commissions of Inquiry may also be established in order to undertake a review of the circumstances that led to the scandal, and to make recommendations about steps to take in the future to prevent these transgressions occurring again. During the aftermath stage a narrative is created and retold.

These four phases will be utilised in the analysis of each transgression to ensure a relative consistency in the narrative as each transgression is examined and assessed. This structure can only be applied to these events retrospectively as it is difficult to predict how a potential scandal will unfold whilst they are occurring. This is due to the inherently ambiguous nature of scandals. When testing the specific transgression, this four-part sequential framework will be used to explain the case study, putting the events into context. It is important to note that in many cases these transgressions will not meet the threshold for a political scandal; however, the terminology of ‘pre-scandal’ and ‘scandal-proper’ will be used in all cases for consistency in the narrative. Once the context of each transgression has been established, the revised twelve-part framework will be used to determine whether each case meets the criteria established for a political scandal.

2.3 Theories of Scandal

Different theories have been developed to explain the implications of political scandals across jurisdictions. These theories take opposing views on political scandals and their significance. The assessment of case studies in different settings will expose the validity of the different theories. The theories to be considered have been discussed by Thompson in *Political Scandal: Power and Visibility in the media age*.

2.3.1 No-consequence theory

The first theory of political scandal noted by Thompson is the ‘no-consequence’ theory. Thompson asserts with this theory that political scandals are inconsequential

¹⁰⁵ Ibid., p.76.

distractions produced by media preoccupied with personalities and celebrities which has turned the sensationalised disclosure of private lives of political figures into a self-perpetuating form of journalism.¹⁰⁶ Thompson notes that under this theory, scandals provide entertainment for the public, and embarrassment for the figure involved, but beyond these outcomes scandals have no lasting significance and tell us nothing of any value about social and political life.¹⁰⁷ Despite Thompson discussing the theory, he does not support the no-consequence theory of scandal. Although scandals do not generally impact on the institutional organisation and practical conduct of political life, in some instances changes are implemented – particularly in the wake of financial scandals. It is very difficult to find any proponents of the no-consequence theory, but there is a chance that the absence of visible proponents reflects the possibility that scholars who may perceive scandals as largely inconsequential events are unlikely to devote themselves to publishing material on the subject.

2.3.2 Functionalist theory

The second theoretical viewpoint on political scandal is the ‘functionalist theory’. This acknowledges that scandals can indeed have important consequences, but argues that these consequences are essentially conservative, as they involve a reaffirmation and consolidation of the status quo.¹⁰⁸ Scandals can be described as moments when a society confronts the process of disclosure, denunciation and retribution, ultimately reinforcing the norms, conventions and institutions which constitute the social order.¹⁰⁹ Scandals serve to reinforce social norms and conventions which were transgressed by the activities in question. Under this perspective, according to Thompson, scandals can be regarded as the secularised form of sin.¹¹⁰ Functional scandal theory (as it is also known) has been analysed in the sociology of crime literature, where, according to Jürgen Maier, “the act of uncovering and punishing crime can revive the violated norms and values.”¹¹¹ As a consequence, “the state’s successful efforts in the fight against crime can lead to an increase in the positive

¹⁰⁶ Thompson, p. 234.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid., p. 235.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Maier, p. 286.

evaluation of its institutions and representatives because they safeguard common values.”¹¹² Political scandal is analogous to this crime example; Maier goes on to state: “uncovering a political scandal and penalising politicians responsible for serious violations might foster citizens’ political integration and therefore should have positive effects on the evaluation of some political actors and institutions, as well as democracy as a whole”.¹¹³

2.3.3 Trivialisation / dysfunctional theory

The third theory of scandal to be tested in this thesis is the ‘trivialisation theory’. This theory emphasises the potentially deleterious impact scandals can have on the sphere of public discourse and debate.¹¹⁴ According to this theory, the media’s preoccupation with scandal appears to undermine the quality of public discourse and debate, focusing people’s attention on relatively trivial matters while the important issues are pushed to the margins of the public sphere. This phenomenon is compatible with the tabloidisation of the media, where competition for an audience has seen media outlets focus on scandals at the expense of substantive problems. The public has been bombarded with information about the private lives of politicians; politics itself has become intertwined with and inseparable from the entertainment industry. Howard and Tumber appear to agree with this theory, stating: “Scandals often meet a numb public opinion that, having become accustomed to continuous revelations about scandalous behaviour, increasingly finds fewer reasons to be scandalised”.¹¹⁵ According to Maier, “this theoretical approach assumes that political scandals – especially if they happen frequently – undermine support for the political system and its institutions”.¹¹⁶ The undermining occurs because citizens begin to assume that the political system provides an opportunity to violate norms and is not very effective in preventing wrongdoing.¹¹⁷

2.3.4 Social Theory of Scandal

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Thompson., p. 238.

¹¹⁵ Tumber and Waisbord, ‘Political Scandals and Media Across Democracies, Volume I’, p.1302.

¹¹⁶ Maier, p. 285.

¹¹⁷ Ibid.

The final theory of political scandal is the ‘social theory of political scandal’, formulated by Thompson. The crux of this theory is that “scandals are struggles over symbolic power in which reputation and trust are at stake”.¹¹⁸ Thompson argues that scandals do not necessarily undermine trust in institutions and destroy reputations, but they have the capacity to do so. The capacity to damage reputations and destroy trust for both individuals and institutions is what gives scandals such significance in this political theory.

The premise of this theory lies in the notion that scandals are struggles over symbolic power.¹¹⁹ Symbolic power, according to Thompson, refers to the “capacity to intervene in the course of events and shape their outcome, as well as the capacity to influence the actions and beliefs of others, by means of the production and transmission of symbolic forms”.¹²⁰ To exercise symbolic power an actor must have resources, including ‘symbolic capital’.¹²¹ Thompson states that reputation and trust are forms of symbolic capital. There are two types of reputation: skill-specific reputation (reputation built up by the deployment of skills) and character reputation (reputation acquired from being reliable and acting with integrity).¹²² Reputation in this instance refers primarily to character reputation as this form of reputation is more conditional and can be altered in certain environments, whereas skill-specific reputation is relatively constant. Reputation is a resource that an actor can use to pursue their interests. Furthermore, reputation is contestable as it relies on the opinions of others.¹²³ According to the social theory, “scandals are struggles over symbolic power in which individuals involved are actively and sometimes doggedly seeking to shape the impact of the unfolding events on their reputations and careers”.

Character reputation is especially important in the political sphere as often scandals expose dishonesty, hypocrisy or deceit that damages a political figure’s reputation, thus weakening their support in the political field. Scandals can also deplete the reputations of political parties and political systems. A major political scandal or many

¹¹⁸ Thompson, p. 245.

¹¹⁹ Ibid., p. 246.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid., pp. 246-247.

¹²³ Ibid., p. 246.

minor political scandals can plague a political party and if scandals continue to occur this can lead to the perception that the political systems allows for these transgressions. Damage to reputation even applies to political structures more generally, where honesty, efficiency and integrity are important characteristics of a democratic system. Functioning democracies depend, to a degree, on social trust.¹²⁴ As political scandals can fuel suspicion and distrust they can have a negative impact on relations of social trust that facilitate political action.¹²⁵ This theory argues that political scandals create a climate where political actors are valued on their character rather than their competence. Fundamentally, frequent scandals can result in a culture of distrust and cynicism. Some levels of distrust and suspicion can be invigorating for a society as it can promote debate and encourage increased openness and accountability. However, there is a limit; too much distrust and suspicion can lead the population to withdraw from the political process.¹²⁶

2.3.5 Method for the application of theories

As these theories are applied to the case studies, the validity of each theory will be discussed. The extent to which each theory is supported by the research evidence may help to explain the varying implications for governing institutions and their processes. Scandals can either provide a diversion from the everyday workings of government and parliament, before returning to ‘business as usual’, or they can lead to substantial changes such as increased regulations on expenditure of ministers and MPs. Examining the four theories described above will help to answer which of these two outcomes is more likely.

2.4 Conclusion

This chapter has laid out the specific elements that will establish the discourse of the fundamental area of study in this thesis. To summarise, a total of nine different events will be examined for each of the three different countries. These examples will be selected to cover the three different types of transgressions established by Thompson: sexual, financial and power. For each individual case, the event will first be described using the sequential framework. Then each event will be categorised by applying the

¹²⁴ Ibid., p. 256.

¹²⁵ Ibid.

¹²⁶ Ibid., p. 259.

amended conceptual framework. Once this analysis to determine which examples have met the standard for a political scandal has been completed, the application of different theories can occur. This will highlight how New Zealand scandals fit within the existing literature on scandals and will shed light on which theory is applicable to the different contexts. The first category of political scandal to be thoroughly examined will be sexual scandals, beginning in the next chapter.

Chapter 3: Sex Scandals

The first type of political scandal to be assessed is scandals that are of a sexual nature. Arguably the most salacious type of political scandal, sex scandals are most renowned for filling the pages of tabloids. This chapter will analyse three recent sex scandals in each of the three jurisdictions and assess whether they meet the established definition for a political scandal, as per the amended Lull and Hinerman framework.

3.1 New Zealand

3.1.1 Event 1: Darren Hughes

Darren Hughes was a Labour Party MP from 2002 until 2011. In March 2011 Hughes resigned from Parliament after news became public that he was being investigated by the police. The investigation was a result of an 18-year-old from Victoria University of Wellington laying a complaint of a sexual nature against him. The pre-scandal phase began when Hughes attended a debate at Victoria University during Orientation Week, hosted by the Victoria University Debating Society.¹²⁷ After the debate, the MP and some students had a drink in town. Later that night, a young man was seen running naked in the Wellington suburb of Hataitai, where Hughes boarded at Labour Deputy Leader Annette King's residence. A police complaint was subsequently laid against Hughes.¹²⁸ The scandal proper phase began when allegations of a police complaint involving an MP were leaked to the media. It is unclear who leaked this information; however, a dialogue began in the media speculating as to who the MP was. During this time, other allegations against Hughes emerged, regarding advances made on a male Labour Party staffer during a previous work function.¹²⁹ The culmination phase was characterised by the admission by Hughes that he was the target of the police investigation, although he maintained his innocence throughout this period. As a precaution, Labour Leader Phil Goff stood Hughes down from his position as chief whip

¹²⁷ One News, 'Hughes Quits to Clear his Name', *TVNZ*, 25 March 2011, viewed on 17 December 2014, <http://tvnz.co.nz/politics-news/hughes-quit-clear-his-name-goff-4087524>

¹²⁸ C. Trevett, 'MP on Leave Following Complaint', *The New Zealand Herald*, 23 March 2011, viewed on 17 December 2014, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10714393

¹²⁹ D. Fisher, 'New Hughes Allegations', *The New Zealand Herald*, 27 March 2011, viewed on 17 December 2014, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10715181

while the investigation was ongoing.¹³⁰ Later Hughes was cleared of all charges due to the lack of evidence; however, he later resigned from Parliament. In the aftermath of the scandal, Hughes later relocated to the United Kingdom.

3.1.2. Event 2: Don Brash

In 2006, Don Brash, the leader of the National Party, was accused of having an extra-marital affair with Diane Foreman, a prominent Auckland businesswoman. Brash was challenged by one of his own MPs in relation to rumours circulating about an affair. The National leader refused to confirm or deny these allegations.¹³¹ The discussion was subsequently leaked to a newspaper. During the scandal proper phase Brash and Foreman both appeared in the media; however, both parties neither confirmed nor denied whether the affair took place. The culmination phase was signified by Brash taking two days leave, citing a need to sort out 'difficulties' in his marriage.¹³² The aftermath of this transgression involved discussion in the media of the importance of politicians' private lives. During the period of these allegations, the then Prime Minister, Helen Clark was also facing allegations regarding her own private life and the sexuality of her husband.¹³³

3.1.3 Event 3: Len Brown

Two days after Len Brown was re-elected Mayor of Auckland in October 2013, blogger Cameron Slater published blog posts alleging Brown had been involved in a two year long affair with a younger woman, later to be revealed as Bevan Chuang. The scandal proper began when an affidavit completed by Chuang was published on Slater's blog.¹³⁴ The culmination phase occurred several days later when Brown admitted to

¹³⁰ Newstalk ZB, 'Goff denies misleading media over Hughes probe', *One News*, 23 March 2011, viewed on 17 December 2014, <http://tvnz.co.nz/national-news/goff-denies-misleading-media-over-hughes-probe-4079259>

¹³¹ K. Marks, 'Dirty politics: Sex and smears, down under The Prime Minister's spouse is photographed in a clinch with a gay MP. The opposition leader is accused of having an affair. Has New Zealand's politics ever sunk so low?', *The Independent*, 9 September 2006, viewed on 18 December 2014, <http://www.independent.co.uk/news/world/australasia/dirty-politics-sex-and-smears-down-under-416569.html>

¹³² Ibid.

¹³³ A. Young, 'Bitter Clark savages rumours', *The New Zealand Herald*, 18 September 2006, viewed on 7 January 2015, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10401769

¹³⁴ C. Slater, 'Exclusive- The Affidavit', *Whale Oil Beef Hooked*, 15 October 2013, viewed on 7 January 2015, <http://www.whaleoil.co.nz/2013/10/exclusive-affidavit/>

the affair.¹³⁵ During this stage more information also emerged about Chuang's history. It was revealed that Chuang had been in a relationship with Luigi Wewege, who was a part of John Palino's (Brown's rival during the mayoral race) campaign team. Wewege allegedly put pressure on Chuang to reveal the affair.¹³⁶ In the aftermath of the affair the Auckland City Council launched an investigation into spending by Brown, which confirmed he had not engaged in improper expenditure.

3.1.4 Analysis

Event:	1	2	3
Social norms reflecting the dominant morality must be transgressed.	✓	✗	✗
The transgression(s) must be performed by specific persons	✓	✓	✓
The actions must reflect an exercise of their desires or interests	✓	✓	✓
Individual persons must be identified as perpetrators of the act(s)	✓	✓	✓
Perpetrators must be political actors	✓	✓	✓
They must be shown to have acted intentionally or recklessly	✓	✓	✓
They must be held responsible for their actions	✓	✓	✓
The actions and events must have differential consequences for those involved	✓	✗	✓
The actions and events must have an impact on relations within the political field	✓	?	✓
The revelations must be widely circulated by communications media	✓	?	✓
This must be turned into a narrative	✓	✗	✓
The revelation must inspire widespread interest and discussion	✓	?	?

3.1.4.1 Darren Hughes

The transgression by Hughes is clearly a political scandal. All elements of the Lull and Hinerman framework are satisfied. The first criterion – that social norms reflecting the dominant morality must be transgressed – will always be contentious as due to the

¹³⁵ Stuff reporters, 'Mayor Len Brown confirms affair', *Stuff.co.nz*, 15 October 2013, viewed on 7 January 2015, <http://www.stuff.co.nz/national/politics/9285772/Mayor-Len-Brown-confirms-affair>

¹³⁶ C. Espiner, 'John Palino: I was never part of any plot', *Stuff.co.nz*, 20 October 2013, viewed on 8 February 2015, <http://www.stuff.co.nz/national/9304635/John-Palino-I-was-never-part-of-any-plot>

pluralist nature of liberal democracies, societal norms have an element of subjectivity. However, two elements of Hughes' transgression appear to indicate that norms of the dominant morality – or the societal norms of 'middle New Zealand' - were transgressed: the age of the young man involved with Hughes, and the revelation of Hughes's sexuality. The fact that the complainant was an 18-year-old man was significant because it indicated a power imbalance between the two parties. Although attitudes towards homosexuality in New Zealand are relatively progressive,¹³⁷ the fact that Hughes' sexuality was unknown added another level to the controversy. As per the work of Neckel, to achieve a political scandal the set social rules in a society must have achieved functional differentiation.¹³⁸ The fact that a complaint was laid regarding a sexual incident indicates that this event achieved a functional differentiation from New Zealand societal norms.

3.1.4.2 Don Brash

It is not immediately clear whether there was a breach of societal norms in the case of Brash's affair. It can be argued that Brash's affair did not contravene societal norms because the act did not appear to offend society at large. A cable leaked from the United States Government that had been sent from the United States Embassy in New Zealand released on September 19th 2006 showed the voters were largely unaffected by the affair. Due to the New Zealand public's "fairly relaxed attitude towards sex, Kiwis seem largely unperturbed about Brash's alleged marital transgression ... Kiwis seem to be registering their distaste that their MPs' private lives are being made public."¹³⁹ Furthermore, Brash had marketed himself as a classic Libertarian within the National Party, as opposed to a social conservative. He had not campaigned during the 2005 campaign, nor marketed his personal brand, as one of particularly strong 'traditional family values'. The allegations against Brash emerged a year after the 2005 election, at a time when Brash's popularity was already low. Another cable sent on

¹³⁷ New Zealand's social progressiveness towards homosexuality is discussed in M. E. Porter and S. Stern *Social Progress Index 2014*, 3 April 2014, p.50. In this study New Zealand was also found to be the most socially progressive country in 2014.

¹³⁸ Neckel, p. 103.

¹³⁹ C. Francis, 'US Told of Panic at Don Brash's Affair', *Stuff.co.nz*, 3 May 2011, viewed on 18 December 2014, <http://www.stuff.co.nz/national/politics/4952918/US-told-of-panic-at-Don-Brashs-affair>

September 19th confirmed that the affair had not impacted on his popularity.¹⁴⁰ The interaction of societal norms, Brash's Libertarian brand, as opposed to one of social conservatism, plus the context of the revelations may have combined to reduce any significant public outrage about the allegations.

It is also unclear whether Brash and Foreman were held responsible for their actions. Brash resigned as leader of the National Party sometime after the affair was revealed but other causes may have played a bigger role in his resignation. In particular, the allegations of Brash's connections to the Exclusive Brethren, which emerged after Brash's affair came to the public's attention, may have played a greater role.¹⁴¹ Furthermore, there does not appear to have been any serious repercussions for Foreman resulting from her part in the affair. Thus, it is also not clear whether the actions and events had differential consequences for those involved. The allegations regarding the affair were widely reported on in the media but they did not dominate headlines as other scandals might be expected to, nor did the media attention last for an extended period of time – unlike the Darren Hughes scandal.

3.1.4.3 Len Brown

In applying the Lull and Hinerman criteria to the case of Len Brown, this transgression does not appear to meet the criteria for scandal. This is because Brown's affair does not appear to have offended the majority of the New Zealand public. The statement by the Prime Minister, John Key, that the affair was a "matter for Len Brown and his family",¹⁴² appears to reflect a larger societal view in New Zealand. Immediately following the affair, a One News poll showed 55% of Auckland residents wanted Brown to remain as mayor.¹⁴³ What appeared to be more offensive to the public was the way

¹⁴⁰ Ibid.

¹⁴¹ P. Spiller, 'Sect at centre of NZ political storm', *BBC News*, 23 November 2006, viewed on 7 January 2015, <http://news.bbc.co.uk/2/hi/asia-pacific/5410988.stm>

¹⁴² NZ Herald, 'Public opinion softens on Len Brown affair', *The New Zealand Herald*, 16 October 2013, viewed on 7 January 2015, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11141151

¹⁴³ One News, 'Len Brown sworn in, keen to put sex scandal behind him', *One News*, 29 October 2013, viewed on 7 January 2015, <http://tvnz.co.nz/politics-news/len-brown-sworn-in-keen-put-sex-scandal-behind-him-5662316>

Cameron Slater attempted to push the event in the media and the treatment of Chuang herself who later said she was ‘bullied’ into producing the affidavit.¹⁴⁴

3.2 United States

3.2.1 Event 1: John Edwards

A United States Senator, John Edwards, was caught up in allegations of an extra-marital affair between 2008 and 2010. The pre-scandal phase began in 2007 when the affair was reported in a tabloid newspaper, *The National Enquirer*.¹⁴⁵ The article cited claims that Edwards had had an affair with Rielle Hunter, a filmmaker hired to work on his presidential campaign, and that Hunter had since had a child as a product of the relationship. Both Edwards and Hunter denied the allegations. In 2008, the scandal-proper phase began with several mainstream news outlets reassessing the claims with reference to Edward’s future political career and his chances of becoming Barack Obama’s running mate. Edwards admitted that he did have an extended affair with Hunter, but he denied he was the child’s father.¹⁴⁶ Hunter’s sister claimed Edwards was the father and publicly stated that Edwards should take a DNA test to determine whether he was the father or not. At this point one of Edwards’ aides, Andrew Young, stated that he was the father of Hunter’s child. The scandal culminated in January 2010 with Edwards admitting he was the father of the child.¹⁴⁷ After this admission, Edwards’ wife, Elizabeth, who was battling breast cancer at the time, announced she was separating from her husband. In the aftermath of the scandal a grand jury investigated whether any of Edwards’ campaign funds were used to cover up the affair.¹⁴⁸ Hunter released a book about the affair and announced her breakup from Edwards on the day of the book’s release in 2012.

3.2.2 Event 2: Anthony Weiner

¹⁴⁴ K. Harley, ‘Chuang thought identity would stay secret’, 3News, 22 October 2013, viewed on 7 January 2014, <http://www.3news.co.nz/politics/chuang-thought-identity-would-stay-secret-2013102216#axzz3O6Sx7An0>

¹⁴⁵ E. Friedman, K. Morrison and J. Griffin, ‘Timeline: Edwards Affair Through the Years’, *abc news*, 3 June 2011, viewed on 16 January 2015, <http://abcnews.go.com/Politics/edwards-scandal-timeline-john-edwards-rielle-hunter-affair/story?id=9621755>

¹⁴⁶ L. Ferran, B. Ross, N. Shubailat and C. Francescani, *abc News*, 21 January 2010, viewed on 16 January 2015, <http://abcnews.go.com/GMA/john-edwards-admits-fathered-child-affair/story?id=9620812>

¹⁴⁷ Ibid.

¹⁴⁸ E. Friedman et al. ‘Timeline: Edwards Affair Through the Years’.

Anthony Weiner was a member of the United States House of Representatives from New York from 1999 to 2011 and later a candidate for mayor of New York City in 2013. Both his career as a politician and his candidacy for mayor were significantly affected by two 'sexting' scandals. Due to the constraints of this thesis, only one of these scandals will be analysed. The transgression to be discussed will focus on Weiner's candidacy for mayor of New York City. In order to provide context, part of the pre-scandal phase will involve a brief description of Weiner's initial affair.

Dubbed 'Weinergate',¹⁴⁹ Weiner's initial transgression involved accidentally posting a link to a micro blogging site, Twitter, in order to send a 21-year-old woman a sexually suggestive picture of himself. After several days of denying he had posted the image, he eventually admitted to sending the link, in addition to other sexually explicit photos and messages he had sent to women both before and during his marriage. Weiner initially refused to resign,¹⁵⁰ but he eventually relented under the pressure, resigning from Congress in June 2011.¹⁵¹ After two years out of the political field, Weiner announced in 2013 that he would be entering the New York City mayoral election. During this time more pictures and sexually explicit text messages by Weiner were released on the website *The Dirty*.¹⁵² During the scandal-proper phase it was revealed that these texts and images were allegedly sent to a 22-year-old woman Weiner had been in contact with between 2012 and 2013, under the alias 'Carlos Danger'.¹⁵³ In the culmination phase, Weiner confessed to sexting three women between 2012 and 2013.¹⁵⁴ The New York Times and other media outlets called on Weiner to withdraw from the mayoral race; however, Weiner ignored these calls. Weiner ended up coming fifth in the Democratic primary elections, obtaining 4.9 per cent of the vote.¹⁵⁵

¹⁴⁹ W. Bradley, 'Weinergate's Lasting Impact: The First Big Social Media Political Scandal', *The Huffington Post*, 6 July 2011, viewed on 21 January 2015, http://www.huffingtonpost.com/william-bradley/weinergates-lasting-impac_b_872585.html

¹⁵⁰ CNN Wire Staff, 'Weiner apologizes for lying, 'terrible mistakes,' refuses to resign', *CNN International*, 7 June 2011, viewed on 21 January 2015, <http://edition.cnn.com/2011/POLITICS/06/06/new.york.weiner/>

¹⁵¹ J. Winter, 'Weiner Resigns From Congress Over Sexting Scandal', *Fox News*, 16 June 2011, viewed on 21 January 2014, <http://www.foxnews.com/politics/2011/06/16/house-dems-may-boot-weiner-from-committee/>

¹⁵² T. McCarthy, 'New York mayoral candidate Anthony Weiner says explicit photo is of him', *The Guardian*, 23 July 2013, viewed on 21 January 2015, <http://www.theguardian.com/world/2013/jul/23/anthony-weiner-new-york-explicit-photographs>

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ A. Bycoffe, J. Boice, A. Scheinkmann and S. Shifflett, 'Live Results: New York City Primary Elections', *Huffington Post*, 9 September 2013, viewed on 21 January 2015, <http://elections.huffingtonpost.com/2013/nyc-primary-results>

3.2.3 Event 3: Bob Filner

Bob Filner was mayor of San Diego from December 2012 until August 2013. The pre-scandal phase began for Filner when his former aide called for the mayor to resign over allegations that Filner had made unwanted sexual advances towards his communications director, Irene McCormack.¹⁵⁶ Filner issued a public apology the following day, stating that he had disrespected women but argued he was not guilty of sexual harassment.¹⁵⁷ The following week the scandal-proper phase began with McCormack filing a sexual harassment lawsuit against Filner. During this time 17 more women publicly announced that Filner had also sexually harassed them.¹⁵⁸ The culmination phase was signified with Filner's reluctant resignation, following mounting pressure from various political figures.¹⁵⁹ In the aftermath of this scandal, Filner pleaded guilty to two counts of misdemeanour battery involving three different women.¹⁶⁰

3.2.4 Analysis

Event:	1	2	3
Social norms reflecting the dominant morality must be transgressed.	✓	✓	✓
The transgression(s) must be performed by specific persons	✓	✓	✓
The actions must reflect an exercise of their desires or interests	✓	✓	✓
Individual persons must be identified as perpetrators of the act(s)	✓	✓	✓
Perpetrators must be political actors	✓	✓	✓
They must be shown to have acted intentionally or recklessly	✓	✓	✓
They must be held responsible for their actions	✓	✓	✓
The actions and events must have differential consequences for those involved	✓	✓	✓
The actions and events must have an impact on relations within the political field	✓	✓	✓

¹⁵⁶ The Associated Press, 'Timeline of San Diego Mayor Bob Filner scandal', *Associated Press – The Big Story*, 15 October 2013, viewed on 21 January 2015, <http://bigstory.ap.org/article/timeline-san-diego-mayor-bob-filner-scandal-1>

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

The revelations must be widely circulated by communications media	✓	✓	✓
This must be turned into a narrative	✓	✓	✓
The revelation must inspire widespread interest and discussion	✓	✓	✓

3.2.4.1. John Edwards

The case of John Edwards' affair clearly meets the amended Lull and Hinerman criteria for a political scandal. Many aspects of Edwards' affair transgressed the social norms in the United States. Not only did he cheat on his wife, she was also battling what was eventually terminal cancer. He also lied repeatedly about fathering the child, and attempted to have his aide pretend to be the father. During the indictment proceeding, *Slate* published an article arguing "the court of public opinion has long since issued its verdict on Edwards".¹⁶¹

3.2.4.2 Anthony Weiner

Anthony Weiner's second sexting scandal clearly meets the threshold for a political scandal as per the Lull and Hinerman framework. It is clear that societal norms were transgressed in this instance. After allegations of further sexting by Weiner began circulating, Weiner's popularity dropped seven percentage points to lose the lead in the mayoral race. As, according to early polling, Weiner was an initial favourite to become mayor (despite being a disgraced congressman)¹⁶², his fifth placing in the Democratic primary strongly suggests that his transgression significantly affected a majority of the public, who expressed their disapproval of this behaviour at the ballot box.¹⁶³ The transgression by Weiner was perhaps also circulated more widely in the media due to his sheer stupidity. He had already lost his position as a congressman for sending explicit photos of himself and then, upon deciding to run for Mayor, more photos emerged of the same nature which indicated he had continued with this same behaviour since leaving office.

¹⁶¹ R. L. Hasen, 'A Cover-Up, Not a Crime: Why the case against John Edwards may be hard to prove', *Slate*, 3 June 2011, viewed on 16 January 2015,

http://www.slate.com/articles/news_and_politics/jurisprudence/2011/06/a_coverup_not_a_crime.html 16

¹⁶² T. McCarthy, 'New York mayoral candidate Anthony Weiner says explicit photo is of him'

¹⁶³ Ibid

3.2.4.3 Bob Filner

Filner's sexual harassment allegations also evidently meet the standard for a political scandal. Opinion polls conducted while these allegations were in the media found that 69 per cent of San Diego residents believed that Filner should resign because of his transgression.¹⁶⁴

3.3 France

3.3.1 Event 1: François Hollande

The current President of France, François Hollande, was caught having an affair with an actress, Julie Gayet, in 2014. After a pre-scandal phase characterised by months of rumours, the scandal-proper phase began with photos of Hollande published in a French gossip magazine, *Closer*, leaving Gayet's residence on the back of a moped. Upon publication of the photos, both Hollande and Gayet condemned the magazine for publishing the images, arguing that the publication was an attack on their privacy.¹⁶⁵ The scandal culminated with Hollande announcing that he and his common law wife, Valérie Trierweiler, were taking time to deal with their private lives.¹⁶⁶ He later announced his separation from Trierweiler. In the aftermath of the scandal, Trierweiler published a critical book on her relationship with Hollande.¹⁶⁷

3.3.2 Event 2: Nicolas Sarkozy

Nicolas Sarkozy attracted media attention while President in 2011 when it was alleged on Twitter that his wife Carla Bruni-Sarkozy was having an affair with French singer Benjamin Biolay.¹⁶⁸ This tweet signified the beginning of the pre-scandal phase. The scandal proper phase began when further allegations emerged on the blog *Le Journal*

¹⁶⁴ Reuters, 'Bob Filner Scandal: San Diego Dems To Meet Over Mayor's Troubles', *Huffington Post*, 25 July 2013, viewed on 21 January 2015, http://www.huffingtonpost.com/2013/07/25/bob-filner-scandal_n_3655504.html

¹⁶⁵ BBC News, 'Holland and Julie Gayet 'affair going two years'', *BBC News*, 17 January 2014, viewed on 28 January 2015, <http://www.bbc.com/news/world-europe-25772826>

¹⁶⁶ Euro News, 'François Hollande says he and Valérie Trierweiler going through a 'difficult and painful' moment', *Euro News*, 14 January 2014, viewed on 25 January 2015, <http://www.euronews.com/2014/01/14/julie-gayet-off-the-menu-at-François-hollande-s-annual-press-conference/>

¹⁶⁷ R. Mulholland, 'French kiss-and-tell: Valerie Trierweiler's book comes to Britain', *The Telegraph*, 15 November 2014, viewed on 25 January 2015, <http://www.telegraph.co.uk/news/worldnews/François-hollande/11233585/French-kiss-and-tell-Valerie-Trierweilers-book-comes-to-Britain.html>. See V. Trierweiler, *Merci pour ce moment*, Les Arènes, Paris 2014.

¹⁶⁸ C. Schpoliansky, 'Are French President and Ex-Supermodel Wife Involved in Extramarital Affairs', *ABC News*, 20 March 2010, viewed on 29 January 2015, <http://abcnews.go.com/Entertainment/nicolas-sarkozy-carla-bruni-rumored-affairs/story?id=10062204>

du Dimanche that Sarkozy was also having an affair with his junior Minister for Ecology, Chantal Jouanno.¹⁶⁹ During this time the scandal was reported on in international (mainly British) media. The French media, however, were largely silent.¹⁷⁰ The scandal culminated with *Le Journal du Dimanche* suppressing the blog and the media attention dying out. In the aftermath Sarkozy and Bruni-Sarkozy stayed together and although Sarkozy did not win re-election in 2012, that result has been attributed to factors other than the affair.¹⁷¹

3.3.3 Event 3: Dominique Strauss-Kahn

The head of the International Monetary Fund (IMF), and a probable French Presidential contender, Dominique Strauss-Kahn, was embroiled in a scandal in 2010 around allegations of the sexual assault and attempted rape of a hotel maid while staying in New York. In the pre-scandal phase, Strauss-Kahn was arrested on allegations of the sexual assault at the John F. Kennedy airport while boarding a plane to Paris.¹⁷² During the scandal-proper phase, Strauss-Kahn was sent to Rikers prison and placed on suicide watch, at which point he resigned as director of the IMF and denied the allegations.¹⁷³ After Strauss-Kahn argued that the encounter had been consensual, the credibility of the victim began to be questioned in the media.¹⁷⁴ Supporters of Strauss-Kahn even alleged that he was set-up to prevent his bid for the French presidency, with polls released after his arrest showing that 57 per cent of the French public believed the arrest was a set up.¹⁷⁵ Soon after his resignation, Strauss-Kahn was released on house arrest to a New York City apartment. The charges against Strauss-Kahn were eventually dropped due to a lack of evidence. Post-scandal Strauss-Kahn was charged with other sexual-related offences.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Commentators have argued that Sarkozy's defeat was due to his move to the far-right as well as his failure to address unemployment in France. A. Chrisafis, 'French Elections 2012: How Nicolas Sarkozy got it wrong', *The Guardian*, 6 May 2012, viewed on 6 February 2015, <http://www.theguardian.com/world/2012/may/06/french-elections-2012-nicolas-sarkozy-failure>

¹⁷² Huffington Post, 'Dominique Strauss-Kahn Freed: Timeline of the former IMF Head's Sex Scandal', *Huffington Post*, 7 January 2011, viewed on 25 January 2015, http://www.huffingtonpost.com/2011/07/01/dominique-strauss-kahn-freed-sex-scandal-timeline-_n_888882.html

¹⁷³ Ibid

¹⁷⁴ Ibid

¹⁷⁵ J. Bamat, 'Strauss-Kahn was set up, French say', *France24*, 18 May 2011, viewed on 6 February 2015, <http://www.france24.com/en/20110518-strauss-kahn-imf-chief-conspiracy-theory-france-opinion-poll/>

3.3.4 Analysis

Event:	1	2	3
Social norms reflecting the dominant morality must be transgressed.	✗	✗	✓
The transgression(s) must be performed by specific persons	✓	✓	✓
The actions must reflect an exercise of their desires or interests	✓	✓	✓
Individual persons must be identified as perpetrators of the act(s)	✓	✓	✓
Perpetrators must be political actors	✓	✓	✓
They must be shown to have acted intentionally or recklessly	✓	✓	✓
They must be held responsible for their actions	✓	✓	✓
The actions and events must have differential consequences for those involved	✗	✗	✓
The actions and events must have an impact on relations within the political field	✗	✗	✓
The revelations must be widely circulated by communications media	✓	✗	✓
This must be turned into a narrative	✓	✓	✓
The revelation must inspire widespread interest and discussion	✓	✗	✓

3.3.4.1 François Hollande

President Hollande's affair does not meet the threshold for a political scandal. Despite the extensive media coverage the affair generated, it appears that the French public did not overtly disapprove of the affair. In polls published following the revelations in *Closer*, a poll stated that 77 per cent of the country said the story was a private matter and should be treated as such.¹⁷⁶ Furthermore, Hollande's approval ratings were not significantly affected by the revelation of the affair. Hollande's approval ratings were already low – in part due to his economic policies and failure to address unemployment, rather than his personal life.¹⁷⁷ Treierweiler was also an extremely

¹⁷⁶ A. Stille, 'How American is the French Presidential Affair?', *The New Yorker*, 15 January 2014, viewed on 25 January 2015 <http://www.newyorker.com/news/news-desk/how-american-is-the-french-presidents-affair>

¹⁷⁷ BBC News, 'Holland and Julie Gayets' affair going two years'.

unpopular first lady, so did not generate a large amount of sympathy from the French public.¹⁷⁸

3.3.4.2 Nicolas Sarkozy

The affairs of President Sarkozy and his wife in 2011 also do not meet the threshold for a political scandal. As with François Hollande, the affair did not transgress societal norms. An article published by *ABC News* during the affair argued that affairs are so common in France that they are not considered news but instead interpreted with a 'c'est la vie' attitude – where affairs are viewed as a normal part of life.¹⁷⁹ Furthermore, due to the strict privacy laws in France, this transgression was not widely reported in the French media – it was carried largely by interest stemming from Britain.¹⁸⁰ The alleged affairs also did not lead to any negative consequences for Sarkozy or Bruni-Sarkozy.

3.3.4.3 Dominique Strauss-Kahn

The allegations against Dominique Strauss-Kahn meet the threshold for a political scandal, as per the Lull and Hinerman framework. The fact that the IMF is an international political body and that Strauss-Kahn is a former French Government Minister who was also considered a potential presidential candidate all serve as justification for his classification as a political figure. Strauss-Kahn did not run in the presidential race, indicating that there were differential consequences for those involved. Interestingly, the US media had a large role in fuelling the Strauss-Kahn scandal with their interest resulting from the fact he was the head of an international organisation, and that the transgression occurred in the United States.

However, a poll released following the allegations against Strauss-Kahn showed that 57 per cent of those questioned believed the sexual assault case may have been a set-up to frame Strauss-Kahn by his enemies.¹⁸¹ This would indicate the public perception of

¹⁷⁸ Ibid.

¹⁷⁹ C. Schpoliansky, 'Are French President and Ex-Supermodel Wife Involved in Extramarital Affairs'.

¹⁸⁰ It appears that an event can be seen as a 'scandal' outside the society in which it occurred, while inside it is not so viewed.

¹⁸¹ The Telegraph, 'Dominique Strauss-Kahn: poll shows Socialist Party could still win French election', *The Telegraph*, 18 May 2011, viewed on 25 January 2015,

Strauss-Kahn was not unanimous in condemnation. It could be argued then, that although the international public condemned his behaviour, the French public viewed the events differently. This difference in perception creates a tension in the analysis of determining a scandal. In this instance, Strauss-Kahn can be considered an international political actor due to his position at the IMF. The perception of people in the United States is therefore relevant. The domestic response is most salient though, because generally a political scandal has to impact on relations within a political field, and the French political environment was the main setting where this scandal (or transgression) played out.

3.4 Conclusion

These recent sexual transgressions made by political actors across New Zealand, the United States and France show that there are prominent differences in the type of transgression that can lead to political scandal in the different jurisdictions. For example, it is evident that any sexual transgression that can penetrate the media in the United States is likely to result in political scandal due to the stricter societal norms dictating the conduct of politicians. In contrast, New Zealand and France both appear to require an added element in the sexual transgression before it can be considered a scandal. Both countries seem to have stronger societal norms regarding the right to privacy in personal affairs. This is especially true for France where it appears the 'c'est la vie' attitude means most sexual transgressions are not reported on by the media at all. In fact, the one instance of a French sexual scandal involved the United States media dominating the coverage. A more in-depth analysis of these transgressions, and the similarities and differences of the responses, will occur in a later section, where both financial and power scandals will also be considered. The thesis now turns to examples of some recent financial transgressions in the three countries of interest.

Chapter 4: Financial Scandals

4.1 New Zealand

4.1.1 Event 1: Pansy Wong

Pansy Wong was a Minister in the National Party Government; she served as an MP from 1996 until 2011. The pre-scandal phase for Wong began in 2008. On taxpayer-subsidised trips to China, her husband engaged in business activities – an activity which is explicitly forbidden for Ministers when they are travelling using subsidised airfares. This allegation was revealed by Fairfax Media, and triggered an investigation authorised by the Speaker of the House, Lockwood Smith, into the travel perks granted to Wong over an extended period.¹⁸² Wong resigned as a Minister whilst the investigation took place.¹⁸³ At this point, the scandal-proper element began, as further allegations emerged regarding Wong's husband's involvement in deals between Chinese companies supplying locomotives to KiwiRail, New Zealand's state-owned rail provider.¹⁸⁴ The scandal culminated with Wong resigning from Parliament, resulting in the Botany by-election in 2011. This transgression by Wong also sparked a dialogue on the perks Ministers should have access to through taxpayer money, with opposition parties calling for a review of the travel allowance system.¹⁸⁵

4.1.2 Event 2: Shane Jones

Labour MP, Shane Jones, was the central actor in a financial transgression in 2010 when it was revealed that he had used his ministerial credit card to purchase 'blue movies' whilst staying at a hotel. Jones hired the movies in 2008 but reimbursed their cost from his personal account soon after. The transgression entered public awareness after the Department of Internal Affairs completed an audit on ministerial spending in 2010, analysing Ministers' transactions throughout an extended period.¹⁸⁶ The scandal-

¹⁸² T. Watkins, M. Kay and V. Small, 'Pansy Wong resigns cabinet spot over travel perk', *Stuff.co.nz*, 12 November 2010, viewed on 10 October 2014, <http://www.stuff.co.nz/national/politics/4337061/Pansy-Wong-resigns-Cabinet-spot-over-travel-perk>

¹⁸³ Ibid.

¹⁸⁴ J. Hartevelt, 'Inquiry into Pansy Wong's husband', *Stuff.co.nz*, 14 April 2011, viewed on 20 February 2015, <http://www.stuff.co.nz/national/politics/4885018/Inquiry-into-Pansy-Wongs-husband>

¹⁸⁵ A. Vance and M. Kay 'Pansy Wong investigation finds minor breach', *Stuff.co.nz*, 3 December 2010, viewed on 14 February 2015, <http://www.stuff.co.nz/national/politics/4420081/Pansy-Wong-investigation-finds-minor-breach>

¹⁸⁶ Stuff Staff Reporters, 'Shane Jones, Minister of Pornography', *Stuff.co.nz*, 10 June 2010, viewed on 10 October 2013, <http://www.stuff.co.nz/national/politics/3796622/Shane-Jones-Minister-of-Pornography>

proper only began when Jones initially could not recall whether the movies were of an 'R' rated nature or not.¹⁸⁷ He later confessed on Radio Live to purchasing pornography on his ministerial credit card. The culmination period involved the demotion of Jones from the front bench of the Labour caucus and the loss of his portfolios.¹⁸⁸ The aftermath of Jones's transgression saw a discussion of the events follow him for the remainder of his political career.¹⁸⁹

4.1.3 Event 3: John Banks

In 2012, ACT MP John Banks became embroiled in a controversy that would last through to 2014. The events revolved around donations he received during his campaign for Mayor of Auckland in 2010. The pre-scandal phase for Banks began in 2010 when he first met Internet mogul Kim Dotcom. Banks was flown to Dotcom's mansion where the subject of donations was allegedly discussed.¹⁹⁰ Banks requested Dotcom's proposed \$50,000 donation be split into two so it could remain anonymous (as \$25,000 was the maximum amount allowed under the Local Electoral Act 2001) – thus enabling Banks to assist Dotcom in future, if required.¹⁹¹ The scandal-proper phase began when police documents were released in 2012 that stated that Kim Dotcom had offered Banks financial support for his campaign during a meeting at Dotcom's mansion.¹⁹² It was alleged that Banks knew about donations received for his campaign but had recorded them as anonymous. In the culmination phase, two police complaints were laid against Banks.¹⁹³ The police subsequently investigated and in July 2012 found that there was insufficient evidence to prosecute Banks; however, a private prosecution was later brought against Banks and this time the judge found that there was sufficient evidence for the case to go to trial. As a result, Banks resigned as a

¹⁸⁷ NZPA, 'Jones admits using credit cards for porn', *The New Zealand Herald*, 10 June 2010, viewed on 10 September 2013, http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=10650884

¹⁸⁸ Ibid.

¹⁸⁹ ONE News, 'Shane Jones goes out on a high note', *One News*, 21 May 2014, viewed on 14 February 2015, <http://tvnz.co.nz/national-news/shane-jones-goes-high-note-5977191>

¹⁹⁰ The Queen v John Archibald Banks, NZHC 1807, 1 August 2014, *Scoop*, viewed on 8 January 2015, http://img.scoop.co.nz/media/pdfs/1408/2014_NZHC_1807.pdf

¹⁹¹ Ibid.

¹⁹² One News, 'John Banks faces media over donations scandal', *One News*, 18 September 2012, viewed on 7 January 2015, <http://tvnz.co.nz/politics-news/john-banks-faces-media-over-donations-scandal-5090478>.

¹⁹³ C. Keall and D. Williams, 'Dotcom donations complaints laid against Banks, police confirm', *NBR*, 30 April 2012, viewed on 7 February 2015, <http://www.nbr.co.nz/article/dotcom-donations-complaints-laid-against-banks-police-confirm-ck-117678>

Minister. Banks was convicted on 1 August 2014 and resigned from Parliament;¹⁹⁴ however, the conviction was later overturned and a retrial ordered after new evidence was submitted on appeal.¹⁹⁵

4.1.4 Analysis

Event:	1	2	3
Social norms reflecting the dominant morality must be transgressed.	✓	✓	✓
The transgression(s) must be performed by specific persons	✓	✓	✓
The actions must reflect an exercise of their desires or interests	✓	✓	✓
Individual persons must be identified as perpetrators of the act(s)	✓	✓	✓
Perpetrators must be political actors	✓	✓	✓
They must be shown to have acted intentionally or recklessly	✓	✓	✓
They must be held responsible for their actions	✓	✓	✓
The actions and events must have differential consequences for those involved	✓	✓	✓
The actions and events must have an impact on relations within the political field	✓	✓	✓
The revelations must be widely circulated by communications media	✓	✓	✓
This must be turned into a narrative	✓	✓	✓
The revelation must inspire widespread interest and discussion	✓	✓	✓

4.1.4.1 Pansy Wong

New Zealand societal norms are clear in regard to the misconduct of MPs using taxpayer money for personal gain. At the time, Prime Minister John Key indicated that he would fire Wong if she did not resign from Cabinet herself.¹⁹⁶ This indicates that Wong did not have the sympathy or support of her colleagues for her transgression.

¹⁹⁴ A. Young, 'John Banks to resign from Parliament', *The New Zealand Herald*, 8 June 2014, viewed on 8 January 2015, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11270036

¹⁹⁵ A. Bennett, 'John Banks' wife's obsessive detective work', *The New Zealand Herald* 28 November 2014, viewed on 8 January 2015, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11365907

¹⁹⁶ V. Small, 'Key would have sacked Pansy Wong over travel perk', *Stuff.co.nz*, 13 November 2010, viewed on 1 February 2015, <http://www.stuff.co.nz/national/politics/4342261/Key-would-have-sacked-Pansy-Wong-over-travel-perk>

Opposition MPs also came out strongly to condemn Wong, with then Labour Leader Phil Goff stating the transgression by Wong was 'outrageous'.¹⁹⁷ This transgression by Wong also meets the criteria for scandal as there was widespread interest and discussion after the transgression was revealed. In the aftermath of the Wong scandal, investigation occurred into the existence of a travel perk in New Zealand for MPs altogether. Both John Key and Phil Goff were in favour of abolishing aspects of the travel perk arrangement.¹⁹⁸

4.1.4.2 Shane Jones

Jones's transgression also clearly fits the Lull and Hinerman framework as a political scandal. Jones's act transgressed New Zealand societal norms. A journalist, John Campbell, illustrated this when, during an interview with Jones, he argued that the issue was not solely the nature of the films, but the fact they were purchased with taxpayer funds.¹⁹⁹ Despite the New Zealand public's comparatively casual attitude towards sexual conduct, as mentioned in the previous chapter, the fact that this transgression was sponsored by the taxpayer turned it into a violation of societal norms.

4.1.4.3 John Banks

John Bank's electoral donations clearly meet the criteria for a political scandal. The New Zealand public does not condone manipulating donations for political purposes. Furthermore, the fact that the donations were from the particularly infamous, and notoriously unpopular, Kim Dotcom,²⁰⁰ caused Banks's alleged behaviour to appear more unfavourable. This scandal also had significant impact on relations within the political field. Not only did Banks resign first as a minister and then from Parliament

¹⁹⁷ NZPA, 'Wong should be sacked from National's caucus – Goff', *NBR*, 23 November 2010, viewed on 7 February 2015, <http://www.nbr.co.nz/article/wong-should-be-sacked-nationals-caucus-goff-133653>

¹⁹⁸ M. Kay, 'MPs travel perk meeting', *Stuff.co.nz*, 16 November 2010, viewed on 7 February 2015, <http://www.stuff.co.nz/national/politics/4347683/MPs-travel-perk-meeting>

¹⁹⁹ Stuff Staff Reporters, 'Shane Jones, Minister of Pornography'.

²⁰⁰ Kim Dotcom is German internet mogul, who made millions of dollars as founder of the file sharing site Megaupload. At the time of the John Banks saga, Dotcom was residing in New Zealand facing extradition to the United States for breach of copyright. His participation in founding the Internet Party in 2014 made him extremely unpopular and untrustworthy in New Zealand. R. Blackstock, 'The fall of the house of Dotcom', *New Zealand Herald*, 23 November 2014, viewed on 20 February 2015, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11363084 and M. Nippert, 'Dotcom brand 'poisons' Mana' *Stuff.co.nz*, 21 September 2014, viewed on 20 February 2015, <http://www.stuff.co.nz/national/politics/10525483/Dotcom-brand-poisons-Mana>

altogether but new legislation was introduced as a result of the incident. Nicknamed the 'John Banks Bill',²⁰¹ amendments were made into law relating to local body elections - The Local Electoral Amendment Act - in June 2013.²⁰² The amendments tightened restrictions on campaign donations and clarified the definition of 'anonymous donation'.²⁰³

4.2 United States

4.2.1 Event 1: Jesse Jackson Jr.

Jesse Jackson Jr. was a Democratic Congressman from 1995 until he resigned amidst claims of financial impropriety in 2012. Jackson spent \$750,000 of campaign funds for his personal use, including the purchase of a \$40,000 Rolex watch.²⁰⁴ In June 2012, the pre-scandal phase began when Jackson took medical leave from the House. It was later confirmed that he was being treated for a mood disorder.²⁰⁵ The scandal-proper phase began in October 2012, when federal prosecutors and FBI agents investigated Jackson for the alleged misuse of campaign funds. In the culmination phase, Jackson resigned from the House, citing his health issues and the FBI investigation as his reason for doing so.²⁰⁶ He later admitted to violating federal campaign law by using campaign funds to make personal purchases.²⁰⁷ Jackson was sentenced to 30 months in prison.²⁰⁸

4.2.2 Event 2: Michael Grimm

²⁰¹ NZN, 'John Banks Bill' passes first reading', *3News*, 7 November 2012, viewed on 20 February 2015, <http://www.3news.co.nz/politics/john-banks-bill-passes-first-reading-2012110709#axzz3SoD9LOqr>

²⁰² Parliamentary Library, 'Electoral Amendment Bill 2013', *Bills Digests*, New Zealand Parliament, 12 September 2013, viewed on 7 February 2015, <http://www.parliament.nz/en-nz/pb/legislation/bills/digests/50PLLaw20881/electoral-amendment-bill-2013-bills-digest-no-2088>

²⁰³ Ibid.

²⁰⁴ G. Earle, 'Jesse Jackson Jr. plunders \$750,000 in campaign fund scam, feds charge', *New York Post*, 16 February 2013, viewed on 22 January 2015, <http://nypost.com/2013/02/16/jesse-jackson-jr-plunders-750000-in-campaign-fund-scam-feds-charge/>

²⁰⁵ S. Tareen, 'Jesse Jackson Jr. Expected Back From Medical Leave in Weeks', *Huffington Post*, 8 October 2012, viewed on 20 February 2015, http://www.huffingtonpost.com/2012/08/10/jesse-jackson-jr_n_1763760.html

²⁰⁶ C. Camia and S. Davis, 'Rep. Jesse Jackson Jr resigns from Congress', *USA Today*, 21 November 2012, viewed on 22 January 2015, <http://www.usatoday.com/story/news/nation/2012/11/21/jesse-jackson-jr-resign-congress/1719963/?csp=breakingnews>

²⁰⁷ A. Rafferty, 'Former Rep. Jesse Jackson Jr. admits to campaign finance violations', *NBC News*, 8 February 2013, viewed on 22 January 2015, <http://usnews.nbcnews.com/news/2013/02/08/16900082-former-rep-jesse-jackson-jr-admits-to-campaign-finance-violations?lite>

²⁰⁸ A. Southall, 'Jesse Jackson Jr. Gets 30 Months, Wife 12, to Be Served at Separate Times', *The New York Times*, 14 August 2013, viewed on 22 January 2015, http://www.nytimes.com/2013/08/15/us/politics/jesse-jackson-jr-sentenced-to-30-months.html?_r=0

Michael Grimm was a Republican Congressman from 2011 until he resigned in January 2015 after being charged with fraud, federal tax evasion and perjury.²⁰⁹ Although Grimm's charges in part related to his time as a business owner before he entered politics, one particular charge was regarding campaign finances during Grimm's 2010 campaign for Congress. In January 2014, the pre-scandal phase began with Diana Durand being arrested on charges that she had illegally donated \$10,000 to Grimm's campaign through straw donors²¹⁰ (the limit for personal donations was \$4,800).²¹¹ Grimm denied any part in this donations scheme and all knowledge of the straw donors. In April 2014 the scandal-proper phase began with Grimm being indicted due to prior business dealings. During the indictment, it emerged that in addition to illegal campaign financing, he had also under-reported the revenues of his business by over \$900,000 and had falsified tax returns based on this under-reporting.²¹² The scandal culminated with Grimm pleading guilty to charges of felony tax evasion. Despite initially refusing,²¹³ he eventually relented and resigned effective 5 January 2015.²¹⁴

4.2.3 Event 3: Tom DeLay

Tom DeLay was a Republican member of the United States House of Representatives from 1985 until 2006; he was also the House Majority Leader from 2003 until 2005. DeLay was convicted of money laundering in a campaign finance scheme. DeLay started a political action committee in Texas in 2002 that collected \$190,000 from corporate interests and sent it to part of the Republican National Committee. This group then distributed money to seven legislative candidates to skirt Texas law

²⁰⁹ S. Clifford, 'Grimm, Staten Island Lawmaker, Is Charged With Fraud', *The New York Times*, 28 April 2014, viewed on 22 January 2015, <http://www.nytimes.com/2014/04/29/nyregion/representative-michael-grimm-is-indicted-on-fraud-charges.html>

²¹⁰ A straw donor is a person who illegally uses other people's money for a political contribution in their own name. This is illegal in the United States, as you cannot be named as a donor with someone else's money.

²¹¹ J. Jorgensen, 'Diana Durand Pleads Guilty to Illegal Michael Grimm Campaign Contributions', *New York Observer*, 9 March 2014, viewed on 22 January 2015, <http://observer.com/2014/09/diana-durand-pleads-guilty-in-michael-grimm-straw-donor-scheme/>

²¹² D. Friedman and J. Marzulli, 'Rep. Michael Grimm pleads guilty to felony count of tax evasion, vows to stay in Congress', *Daily News*, 24 December 2014, viewed on 22 January 2015, <http://www.nydailynews.com/news/politics/rep-michael-grimm-pleads-guilty-felony-count-tax-evas-article-1.2054723>

²¹³ Ibid.

²¹⁴ A. Rogers, 'Embattled Rep. Michael Grimm to Resign from Congress', *Time*, 30 December 2014, viewed on 22 January 2015, <http://time.com/3649360/embattled-rep-michael-grimm-to-resign-from-congress/>

forbidding corporate contributions to political campaigns.²¹⁵ The scandal-proper phase began with an indictment being sought against DeLay in 2005 – a grand jury rejected this attempt. However, a second grand jury issued an indictment for criminal conspiracy in 2005. A third grand jury indicted DeLay for money laundering.²¹⁶ This scandal culminated with DeLay resigning from Congress in 2006.²¹⁷ In the aftermath, DeLay was convicted and sentenced to three years in prison. DeLay later appealed this and was successful due to a lack of evidence.²¹⁸

Event:	1	2	3
Social norms reflecting the dominant morality must be transgressed.	✓	✓	✓
The transgression(s) must be performed by specific persons	✓	✓	✓
The actions must reflect an exercise of their desires or interests	✓	✓	✓
Individual persons must be identified as perpetrators of the act(s)	✓	✓	✓
Perpetrators must be political actors	✓	✓	✓
They must be shown to have acted intentionally or recklessly	✓	✓	✓
They must be held responsible for their actions	✓	✓	✓
The actions and events must have differential consequences for those involved	✓	✓	✓
The actions and events must have an impact on relations within the political field	✓	✓	✓
The revelations must be widely circulated by communications media	✓	✓	✓
This must be turned into a narrative	✓	✓	✓
The revelation must inspire widespread interest and discussion	✓	✓	✓

²¹⁵ R. Barnes and R. J. Smith, 'DeLay convicted of money-laundering charges in campaign finance scheme', *The Washington Post*, 25 November 2010, viewed on 22 January 2015, <http://www.washingtonpost.com/wp-dyn/content/article/2010/11/24/AR2010112400545.html>

²¹⁶ T. Stutz, 'Earlier Jury Declined To Indict Delay', *The Dallas Morning News*, 6 October 2005, viewed on 22 January 2015, http://articles.sun-sentinel.com/2005-10-06/news/0510051155_1_grand-jury-delay-and-two-laundering

²¹⁷ J. Weisman and C. Cilizza, 'DeLay to Resign From Congress', *The Washington Post*, 4 April 2006, viewed on 22 January 2015, <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/03/AR2006040301787.html>

²¹⁸ CBS News, 'Court: Tom DeLay's money-laundering convictions won't be reinstated', *CBSNews*, 1 October 2014, viewed on 22 January 2015, <http://www.cbsnews.com/news/court-tom-delays-money-laundering-convictions-wont-be-reinstated/>

4.2.4 Analysis

4.2.4.1 Jesse Jackson Jr

It is clear that Jackson Jr's transgression meets the threshold for a political scandal. The actions in this case were particularly condemned for two main reasons: 1) his father is prominent civil rights activist Rev. Jesse Jackson, and 2) one of his main platforms in Congress had been to raise the minimum wage as well as other policies advocating for the country's poorest citizens. Notably, Jackson had also co-authored a book with his father, *It's About the Money*, which stated that 'living above your means is a sin'.²¹⁹ As Jackson had clearly ignored his own advice in this instance, his financial transgressions were therefore not only illegal but also strongly hypocritical. Hypocrisy is particularly intolerable to the public, who largely elect political figures on their values and promises.

4.2.4.2 Michael Grimm

Despite the fact that the main aspect of Grimm's transgression related to his conduct prior to entering politics, the act can still be considered as a political scandal. The extended investigation by the FBI only occurred as a result of the issue with Grimm's campaign finances and also took place while Grimm was a political figure. The transgression by Grimm was widely circulated in the media and had differential consequences as he was forced to resign.

4.2.4.3 Tom DeLay

DeLay's campaign finance transgression can also be categorised as a political scandal. Despite the fact that the charges against DeLay were eventually overturned, the transgression still had differential consequences as DeLay was forced to resign. DeLay was held accountable through the indictments and court appearances. Again, the allegations of illegal campaign funding were widely circulated in the media. The DeLay

²¹⁹ J. Kass, 'Jesse Jackson Jr, didn't read his own book: It's all about the money!', *Chicago Tribune*, 21 February 2013, viewed on 14 February 2015, http://articles.chicagotribune.com/2013-02-21/news/ct-met-kass-0221-20130221_1_jesse-jackson-jr-elk-book

transgression stayed in the media until 2014 when he was finally acquitted, indicating the transgression had been turned into a narrative.²²⁰

4.3 France

4.3.1 Event 1: Jacques Chirac

Jacques Chirac was President of France from 1995 until 2007. In 2011 he went on trial for diverting public funds during his time as Mayor of Paris (1977-1995).²²¹ The pre-scandal phase began during Chirac's tenure as Mayor of Paris, where Chirac allocated funding to fictional employees to benefit his own political party.²²² Many others were investigated and convicted relating to these allegations;²²³ however, Chirac had been exempt from investigation due to his role as Head of State.²²⁴ When questioned about these allegations as early as 2001, Chirac dismissed them as 'hot air'.²²⁵ In 2007 Chirac announced that he would not seek re-election. After this announcement Chirac was placed under formal investigation for this misuse of funds, signifying the beginning of the scandal-proper phase. In 2009 Chirac was indicted and ordered to stand trial.²²⁶ This indictment made Chirac the second French Head of State to face prosecution since the Second World War.²²⁷ In the aftermath of the scandal Chirac was found guilty of diverting public funds, abuse of trust and illegal conflict of interest. Chirac was given a suspended sentence due to his age, health and the fact that he was a former Head of State.²²⁸ Chirac maintained his innocence throughout the entire affair; however, he did not attempt to appeal the conviction, citing his poor health as the reason for not doing so.²²⁹

²²⁰ R. Ramsey, 'Analysis: The Court of Public Opinion, Revisited', *The Texas Tribune*, 12 December 2014, viewed on 19 February 2015, <http://www.texastribune.org/2014/12/12/analysis-court-public-opinion-revisited/>

²²¹ These events fall within the scope of this thesis because the scandal itself did not begin until 2011, even though the original transgression took place before the year 2000 – see 'Methodology' section, chapter 2.

²²² The Guardian, 'Jacques Chirac found guilty of corruption', *The Guardian*, 15 December 2011, viewed on 22 January 2015, <http://www.theguardian.com/world/2011/dec/15/jacques-chirac-guilty-corruption>

²²³ Significantly, Chirac's political ally, Alain Juppé, was convicted in 2004. B. Crumley, 'Former French President Jacques Chirac Convicted on Corruption Charges', *Time Magazine*, 15 December 2011, viewed on 29 January 2015, <http://world.time.com/2011/12/15/former-french-president-jacques-chirac-convicted-on-corruption-charges/>

²²⁴ Ibid.

²²⁵ B. Crumley, 'Chirac Faces Charges. French Shrug', *Time Magazine*, 30 October 2015, viewed on 29 January 2015, <http://content.time.com/time/world/article/0,8599,1933473,00.html>

²²⁶ CNN Library, 'Jacques Chirac Fast Facts', *CNN*, 10 November 2014, viewed on 29 January 2015, <http://edition.cnn.com/2013/01/21/world/europe/jacques-chirac-fast-facts/> Marshall Pétain was the first head of state to face prosecution after World War II.

²²⁷ The Guardian, 'Jacques Chirac found guilty of corruption'.

²²⁸ Ibid.

²²⁹ B. Crumley, 'Former French President Jacques Chirac Convicted on Corruption Charges'.

4.3.2 Event 2: Hervé Gaymard

Hervé Gaymard was the French Minister of Finance from November 2004 until his resignation in February 2005. The pre-scandal phase began for Gaymard when satirical and investigative newspaper *Le Canard Enchaîné* disclosed that the French government had been funding an apartment for Gaymard and his family. This apartment allegedly cost the French government a monthly rental of \$18,470.²³⁰ It also emerged that the funding included \$3,300 a month for maintenance and parking spaces, and \$42,000 to renovate the apartment. The rental of the property did not break any laws as French convention allows free housing for ministers.²³¹ During the scandal-proper phase Gaymard argued that he had done nothing wrong.²³² Gaymard was interviewed by *Paris-Match* magazine where he argued he had taken the apartment due to his limited means, as he could not own his own property.²³³ He later confirmed, however, that he also owned a large apartment, which was being rented out at a high rent.²³⁴ The scandal culminated with Gaymard announcing that he and his family would move out of the apartment. In response to the allegations the Prime Minister, Jean-Pierre Raffarin, issued new guidelines for the size of apartments ministers could obtain at the state's expense.²³⁵ In the aftermath Gaymard resigned in February 2005, as a result of his transgression.²³⁶

4.3.3 Event 3: Sylvie Andrieux

Between 2005 and 2008, a Socialist Party MP, Sylvie Andrieux, was alleged to have misused 740,000 euros of public funds.²³⁷ Andrieux siphoned this money by allocating grants to fictional associations, which were made to look like social projects helping

²³⁰ E. Sciolino, 'Paris Minister Quits in Scandal Over His Apartment', *The New York Times*, 25 February 2005, viewed on 29 January 2015, http://www.nytimes.com/2005/02/25/international/europe/25cnd-paris.html?_r=0

²³¹ Ibid.

²³² C. Wyatt, 'French minister in flat scandal'.

²³³ AP, 'France loses another finance minister, this time over an apartment scandal', *Gulf News*, 27 February 2005, viewed on 28 January 2015, <http://gulfnews.com/news/world/other-world/france-loses-another-finance-minister-this-time-over-an-apartment-scandal-1.278864>

²³⁴ Guardian staff, 'French minister offers to quit over flat scandal', *The Guardian*, 25 February 2005, viewed on 29 January 2015, <http://www.theguardian.com/world/2005/feb/25/france1>

²³⁵ C. Wyatt, 'French Minister in Flat Scandal', *BBC News*, 17 February 2005, viewed on 29 January 2015, <http://news.bbc.co.uk/2/hi/europe/4274993.stm>

²³⁶ Guardian staff, 'French minister offers to quit over flat scandal'.

²³⁷ S. Pilgrim, 'Socialist's vote-buying reveals Marseille corruption', *France 24*, 23 May 2013, viewed on 29 January 2015, <http://www.france24.com/en/20130523-vote-buying-socialist-mp-corruption-marseille-sylvie-andrieux-france/>

disadvantaged youth and deprived neighbourhoods.²³⁸ This money was used to buy votes in her Marseille constituency. This misappropriation of money was first noticed by an anti-money laundering group, Tracfin.²³⁹ The subsequent inquiry showed that public money was also going to the purchase of personal items. The scandal-proper phase began when Andrieux was criminally accused of these transgressions along with 21 other defendants.²⁴⁰ Andrieux maintained her innocence, stating that she knew nothing about the claims. This scandal culminated when Andrieux was found guilty of vote-buying and sentenced to three years in jail, as well as being banned from serving in office for five years. She was also ordered to pay a significant fine. Andrieux disputed the sentence, claiming it was unjust. By appealing the sentence, she was able to remain in parliament while the appeal process occurred. Andrieux announced she would not take part in the 2014 elections, stating that she would not participate in elections until her innocence was recognised.²⁴¹ Elements of Andrieux's transgression may be regarded as a breach of power, including the fact she was using public funds to influence members of her constituency to vote in a certain way. However, the primary aspect of this transgression was Andrieux's siphoning of public money; hence, the categorisation of this transgression as of a *prima facie* financial nature.

4.3.4 Analysis

Event:	1	2	3
Social norms reflecting the dominant morality must be transgressed.	✗	✓	✗
The transgression(s) must be performed by specific persons	✓	✓	✓
The actions must reflect an exercise of their desires or interests	✓	✓	✓
Individual persons must be identified as perpetrators of the act(s)	✓	✓	✓
Perpetrators must be political actors	✓	✓	✓
They must be shown to have acted intentionally or recklessly	✓	✓	✓
They must be held responsible for their	✓	✓	✓

²³⁸ Ibid.

²³⁹ N. J. Carragher, 'MP on trial for misappropriation of public money', 4 March 2013, viewed on 28 January 2015, <http://www.rivieratimes.com/index.php/provence-cote-dazur-article/items/local-minister-on-trial-for-misappropriation-of-public-money.html>

²⁴⁰ Ibid.

²⁴¹ At the time of writing, this appeal has not progressed.

actions			
The actions and events must have differential consequences for those involved	✓	✓	✗
The actions and events must have an impact on relations within the political field	✗	✓	✗
The revelations must be widely circulated by communications media	✓	✓	✓
This must be turned into a narrative	✓	✓	✓
The revelation must inspire widespread interest and discussion	✓	✓	✓

4.3.4.1 Jacques Chirac

Despite the gravity of the charges against Chirac his transgressions do not appear to meet the threshold for a political scandal. This conclusion is largely due to the strong disapproval that met the announcement that Chirac would stand trial. Many politicians on both sides of the spectrum objected to the trial taking place, arguing that the allegations were 15 years old and that the trial only risked sully the reputation of a 76-year-old man who was one of the most popular public figures in France²⁴² – the month Chirac was convicted he enjoyed an approval rating of 76 per cent.²⁴³ There were also arguments that having a former president charged had affected the global reputation of France.²⁴⁴ The disapproval of the trial may have been also due to the fact that the corruption charges only involved acts that benefitted Chirac's party and not himself personally. The conviction of Chirac also did not impact on relations within the political field. This was largely due to the age of the convictions and the fact that Chirac no longer had an active role in the political sphere. For all these reasons, the conviction of Jacques Chirac for corruption does not meet the criteria for a political scandal.

4.3.4.2 Hervé Gaymard

Although, at first glance, the allegations against Hervé Gaymard appear to be less severe than those against Jacques Chirac, this transgression does meet the standard for a political scandal. The actions of Gaymard did contravene French societal norms,

²⁴² Bruce Crumley, 'Chirac Faces Charges. French Shrug'.

²⁴³ Ibid.

²⁴⁴ Ibid.

largely due to the fact this form of corruption was for the benefit of Gaymard and his family directly, rather than for a political party as in the case of Chirac.²⁴⁵ Gaymard was also condemned because in his role as Finance Minister he had been championing funding cuts, and stating that he would cut down on government spending.²⁴⁶ Journalist Elaine Sciolino argued at the time that there was little sympathy for the minister due to the “extravagance and hypocrisy by the man who is supposed to be the country’s champion of public spending cuts”.²⁴⁷ There was also a severe housing crisis in Paris at the time, which made Gaymard’s actions appear even more abhorrent to the public.²⁴⁸

4.3.4.3 Sylvie Andrieux

It appears that Andrieux’s conviction for the embezzlement of public money does not meet the criteria for a political scandal, as it is uncertain whether the act sufficiently violated societal norms. Many of Andrieux’s peers from Marseille, even those from rival parties, found the decision unjust.²⁴⁹ The conviction of Andrieux does not appear to have impacted on the political field, or to have had differential consequences due to the fact that Andrieux immediately appealed the sentence, so therefore did not have to resign from parliament.

4.4 Conclusion

Analysis of financial transgressions across the jurisdictions has revealed significant differences in the attitudes of the public towards political figures. The most noticeable trend is that the New Zealand public appears to react strongly to any improper use of public funds, as does the United States. In contrast, the French examples appear to show that whether a transgression becomes a political scandal or not in France is dependent on whether the breach was for personal use or for the benefit of a political party. This pattern and other similarities and differences across the three jurisdictions will be analysed in more detail later. For now, we turn to the third and final type of scandals: those related to the exercise of political power.

²⁴⁵ Ibid.

²⁴⁶ E. Sciolino, ‘Paris Minister Quits in Scandal Over His Apartment’.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

²⁴⁹ S. Pilgrim, ‘Socialist’s vote-buying reveals Marseille corruption’.

Chapter 5: Power Scandals

5.1 New Zealand

5.1.1 Event 1: Taito Phillip Field

The pre-scandal phase for Labour MP Taito Phillip Field began in 2005 when Television New Zealand reported that Field had hired a Thai man facing deportation to work on his house in Samoa. It was alleged that Field then asked Associate Immigration Minister Damien O'Connor to review the man's situation. Work permits were subsequently issued to the man and his wife. Field asserted there was no connection between these two events.²⁵⁰ After the release of these allegations, Prime Minister Helen Clark announced there would be an inquiry into the potential conflict of interest. Throughout 2005, further allegations were revealed including a claim that he bought a house from a struggling constituent and then sold it for a large profit.²⁵¹ In July 2006 the report on Field was released and the scandal-proper phase began. The report found no explicit conflict of interest; however, it criticised Field's judgement. Field asserted that the report exonerated and vindicated him of any wrongdoing.²⁵² However, parties in opposition argued that Field was corrupt and had misled the inquiry. Reports later stated that Field threatened Clark that if she did not reinstate his ministerial positions, he would leave the Labour Party and stay on in Parliament as an independent. After the release of the report the culmination phase of Field's saga began, with the police launching an official investigation into Field, eventually charging him with 40 counts relating to bribery and corruption. Field was later found guilty of 11 of 12 charges of bribery and corruption as an MP after the Crown said that he had Thai nationals carry out work on his properties in return for immigration assistance between November 2002 and October 2005.²⁵³ He was also found guilty of 15 of 23 charges of wilfully attempting to obstruct or pervert the course of justice. The charges related to his evidence to an inquiry into the work on his homes.²⁵⁴ Field was jailed for

²⁵⁰ NZPA, 'Taito Phillip Field Case: Timeline', *New Zealand Herald*, 23 November 2007, viewed on 29 November 2014, http://www.nzherald.co.nz/taito-phillip-field-case/news/article.cfm?c_id=1501207&objectid=10441517

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ NZPA, 'Guilty Verdicts For Taito Phillip Field', *The New Zealand Herald*, 23 November 2007, viewed on 29 November 2014, http://www.nzherald.co.nz/taito-phillip-field-case/news/article.cfm?c_id=1501207&objectid=10441517.

²⁵⁴ Ibid.

six years.²⁵⁵ In the aftermath phase of the transgressions by Field, politicians noted the implications Field's offending would have on Parliament and all MPs, with Prime Minister John Key making a public statement about how the actions of Field reflected badly on Parliament.²⁵⁶

5.1.2 Event 2: Aaron Gilmore

The pre-scandal phase for National backbench MP Aaron Gilmore began during the annual National Party Conference in Hanmer Springs. Gilmore and friends were drinking at a hotel, when Gilmore called the waiter who was serving the group "a dickhead".²⁵⁷ He is also alleged to have handed over a business card to the waiter, asking if the waiter knew who he was.²⁵⁸ It was also contended that Gilmore threatened to have the Prime Minister's office have the waiter fired.²⁵⁹ A member of the dinner party subsequently passed the nature of the incident on to the media because he asserted that Gilmore had failed to take responsibility for his actions.²⁶⁰ During the scandal-proper phase Gilmore apologised for his actions; however, political commentators questioned the sincerity of this apology.²⁶¹ During this phase, further revelations from Gilmore's past were made, such as threatening co-workers with the power of his position as an MP whilst he was working at the Ministry of Building, Innovation and Employment before he was elected to Parliament.²⁶² After these revelations, the culmination stage began; Gilmore apologised again, this time in a way that was considered more sincere;²⁶³ he subsequently resigned from Parliament after

²⁵⁵ D. Gadd, 'Taito Phillip Field Jailed for Six Years', *Stuff.co.nz*, 6 October 2009, viewed on 29 November 2014, <http://www.stuff.co.nz/national/crime/2934748/Taito-Phillip-Field-jailed-for-six-years>

²⁵⁶ M. Field and C. Francis, 'Jail Time Looming for Taito Phillip Field', *Stuff.co.nz*, 5 August 2009, viewed on 20 November 2014, <http://www.stuff.co.nz/national/crime/2720621/Jail-time-looming-for-Taito-Phillip-Field>

²⁵⁷ I. Davison, 'MP Aaron Gilmore makes tearful apology', *New Zealand Herald*, 7 May 2013, viewed on 19 February 2015, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10882006

²⁵⁸ L. Burr, 'Do you know who I am' – Aaron Gilmore', *3News*, 2 May 2013, viewed on 20 November 2014, <http://www.3news.co.nz/Do-you-know-who-I-am---Aaron-Gilmore/tabid/1607/articleID/296316/Default.aspx>

²⁵⁹ Ibid.

²⁶⁰ 3News online staff, 'Gilmore sorry for 'boisterous' dinner', *3News*, 2 May 2013, viewed on 1 October 2014, <http://www.3news.co.nz/MP-calls-waiter-dickhead---report/tabid/423/articleID/296256/Default.aspx>

²⁶¹ T. Manhire, 'Aaron Gilmore and the non-apology apology', *The Listener*, 2 May 2013, viewed on 19 February 2015, <http://www.listener.co.nz/commentary/the-internaut/aaron-gilmore-and-the-non-apology-apology/>

²⁶² The Scoop Team, 'MBIE releases Gilmore emails-Text version', *Scoop Independent News*, 10 May 2013, viewed on 20 November 2014, <http://www.scoop.co.nz/stories/HL1305/S00083/mbie-releases-aaron-gilmore-emails-text-version.htm> Gilmore was a Member of Parliament twice. He worked at MBIE in between his stints in parliament.

²⁶³ I. Davison, 'MP Aaron Gilmore makes tearful apology'.

considerable pressure to do so from the Prime Minister's Office.²⁶⁴ In the aftermath of the scandal, Gilmore returned to his home in Christchurch. A dialogue continued in the media regarding Gilmore's apologies, the role of politicians and their treatment of constituents.

5.1.3 Event 3: *Dirty Politics*

The 2014 New Zealand election campaign was characterised by the publication of a book by Nicky Hager entitled *Dirty Politics*. The book was based around leaked emails of a blogger, Cameron Slater, who was in contact with many political figures. The publication of this book uncovered many power breaches worthy of assessment; however, due to the constraints of this thesis, only one prominent power breach will be examined.

A specific chain of emails revealed in *Dirty Politics* was between Slater and the Prime Minister's press secretary, Jason Ede. It was revealed that coordination between Slater and Ede was occurring regarding specific Official Information Act requests and political rivals for Slater to attack on his blog. In particular, Ede and Slater had colluded on a political attack on the then Labour Leader Phil Goff. In this instance the pre-scandal phase involved the coordination between Ede and Slater followed by the investigative journalism by Hager. In 2011 an investigation was undertaken by the SIS into a group of Israeli backpackers. Both Key and Goff were briefed separately on this investigation. When questioned about this by the *Southland Times*, Goff denied he had been informed of the investigation. On July 25, Slater posted an article to his blog calling for Goff's resignation and appealed to the head of the SIS, Warren Tucker, to produce the briefing notes confirming Goff's knowledge of the event.²⁶⁵ The next day, according to the information in *Dirty Politics*, Slater sent an OIA request to Tucker asking for copies of these briefing notes and details of any acknowledgement that Goff had read them.²⁶⁶ These documents were declassified and released the same day the request was sent – this is exceptionally unusual as standard processing time for OIA requests is

²⁶⁴ A. Bennett, 'Aaron Gilmore to resign', *The New Zealand Herald*, 12 May 2013, viewed on 19 February 2015, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10883127

²⁶⁵ C. Slater, 'Goff Needs to go', *Whale Oil Beef Hooked*, 25 July 2011, viewed on 9 January 2015, <http://www.whaleoil.co.nz/2011/07/goff-needs-to-go/>.

²⁶⁶ N. Hager, *Dirty Politics*, Craig Potton Publishing, Nelson, 2014, p. 38.

20 working days.²⁶⁷ The scandal-proper phase began with the release of *Dirty Politics* in August 2014. Questions began to be raised in the media regarding the conduct of Key's office and its relationship with Cameron Slater. The culmination phase was signalled by the announcement that an investigation would occur by the Inspector General into the behaviour of the SIS. In the aftermath of this particular *Dirty Politics* scandal – one of several recounted in the book – the report by the Inspector General indicated the SIS had violated its obligation to remain politically neutral.²⁶⁸ Rebecca Kitteridge, director of the SIS, apologised to Phil Goff, Labour Leader Andrew Little and to John Key.²⁶⁹

5.1.4 Analysis

Event:	1	2	3
Social norms reflecting the dominant morality must be transgressed.	✓	✓	✓
The transgression(s) must be performed by specific persons	✓	✓	✓
The actions must reflect an exercise of their desires or interests	✓	✓	✓
Individual persons must be identified as perpetrators of the act(s)	✓	✓	✓
Perpetrators must be political actors	✓	✓	✓
They must be shown to have acted intentionally or recklessly	✓	✓	✓
They must be held responsible for their actions	✓	✓	✓
The actions and events must have differential consequences for those involved	✓	✓	?
The actions and events must have an impact on relations within the political field	✓	✓	✓
The revelations must be widely circulated by communications media	✓	✓	?
This must be turned into a narrative	✓	✓	✓
The revelation must inspire widespread interest and discussion	✓	✓	✓

5.1.4.1 Taito Phillip Field

²⁶⁷ Ibid., p.39.

²⁶⁸ A. Young, 'Dirty Politics: SIS director's three apologies', *The New Zealand Herald*, 25 November 2014, viewed on 9 January 2015, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11364052

²⁶⁹ Ibid.

In applying the Lull and Hinerman framework to Taito Phillip Field, this case fits obviously as a political scandal. The social norms breached by Field are clear. Field was the first MP to be charged with corruption in New Zealand. "Bribery and corruption strikes very much at the heart of who we are as a people," Crown Prosecutor, Simon Moore stated after the verdict.²⁷⁰ The egalitarian nature of New Zealand society and the open nature of governance were contradicted through the actions of Field; this case is clearly in breach of New Zealand societal norms.

5.1.4.2 Aaron Gilmore

It is clear that the incidents surrounding Gilmore's eventual resignation constitute a political scandal. The societal norm that was breached is not immediately clear. On further consideration, however, it would appear that Gilmore, in asserting the importance of his position, breached egalitarian norms reflected in what is known as 'tall poppy syndrome.' This syndrome is a norm prominent in New Zealand society;²⁷¹ New Zealanders take pride in their modesty, and do not appreciate people thinking overly highly of themselves.²⁷² Those who act in a grandiose manner, such as the way Gilmore acted, are thus often subject to a strong public reaction.²⁷³ By using his political position in an attempt to gain preferential treatment, Gilmore also breached the due process of politicians – a tenet of a political scandal that must be met even when applying a narrow definition of political scandal, such as that posed by Markovits and Silverstein.²⁷⁴

5.1.4.3 Dirty Politics

It is unclear whether the case that emerged from the publication of *Dirty Politics* can be defined as a political scandal, as per the Lull and Hinerman revised framework. The publication of *Dirty Politics* coincided with the 2014 election campaign and the sheer quantity of revelations and allegations in the book meant that adequate media

²⁷⁰ M. Field and C. Francis, 'Taito Phillip Field Guilty', *The Dominion Post*, 5 August 2009, viewed online 20 November 2014, <http://www.stuff.co.nz/dominion-post/news/politics/2720587/Taito-Phillip-Field-guilty>

²⁷¹ J. Kirkwood, 'Tall Poppy Syndrome: Implications for entrepreneurship in New Zealand', *Journal of Management and Organisation*, 1 November 2007, viewed on 19 February 2015 <http://www.kamtech.co.nz/assets/TallPoppySyndrome.pdf>

²⁷² Ibid.

²⁷³ B. Edwards, 'A dissenting view of Aaron Gilmore', *Brian Edwards Media*, May 13 2013, viewed on 20 November 2014, <http://brianedwardsmedia.co.nz/2013/05/a-slightly-dissenting-view-of-aaron-gilmore/>

²⁷⁴ Markovits and Silverstein, p.6.

coverage of each transgression was hard to obtain. The complicated and messy nature of the allegations meant that no clear narrative was established. It can be assumed that the work of Slater and the Prime Minister's Office was counter to societal norms in New Zealand; however, the consequences for the individual parties involved were mixed. Ede resigned from his job in the wake of the *Dirty Politics* scandal; however, Slater continued to blog and the Prime Minister's popularity was not unduly affected. In fact, the 2014 election result showed resounding support for the John Key-led government which was re-elected.

5.2 United States

5.2.1 Event 1: Rick Perry

Texas Governor Rick Perry was indicted by a grand jury in August 2014 for abusing his power by eliminating funds for the Public Integrity Unit,²⁷⁵ the state's public corruption unit. The pre-scandal phase began with the Texas District Attorney, Rosemary Lehmberg, being arrested for drunk driving in April 2013. Perry called on Lehmberg to resign and threatened to veto funding for the Public Integrity Unit if she did not.²⁷⁶ It is alleged that some Republicans had been trying to take money away from this division.²⁷⁷ The office was also investigating Perry's project – the Cancer Prevention and Research Institute of Texas (CPRIT). The scandal-proper phase began when Perry vetoed the funding for the Public Integrity Unit in June 2013. At this point, the public watchdog group, Texans for Public Justice, filed a complaint against Perry's office.²⁷⁸ In August, Judge Robert Richardson announced that a special prosecutor would review the complaint. Perry's office responded by saying that Perry's actions (in relation to funding) were a constitutional use of his authority as Governor. The scandal culminated with a grand jury indicting Perry. In the aftermath, Perry retired as Governor on 20 January 2015, as he had planned; he did not resign from his position.

5.2.2 Event 2: Chris Christie

²⁷⁵ This is the same department that prosecuted Tom DeLay: see chapter 4, financial scandals.

²⁷⁶ T. Henry, 'TIMELINE: Governor Rick Perry's Felony Indictment', *KUT.org*, 15 August 2014, viewed on 23 January 2015, <http://kut.org/post/timeline-governor-rick-perrys-felony-indictment>

²⁷⁷ Ibid.

²⁷⁸ Ibid.

The pre-scandal phase for New Jersey Governor Chris Christie began with the closure of two of the three traffic lanes in Fort Lee used to access the George Washington Bridge and New York City between the 9th and 13th of September 2013. These lane closures led to massive traffic delays on New Jersey streets for five days.²⁷⁹ The scandal-proper phase began immediately after the closure of the lanes, when it emerged that they had been closed on the orders of one of Christie's aides. It was alleged that the lanes were closed in retaliation against the Fort Lee Mayor, Mark Sokolich, for not supporting Christie in the 2013 gubernatorial election. Throughout this time, Christie denied he had any advance knowledge of the closures. The scandal culminated with the resignation of several of Christie's staff members; others were fired. During the culmination, Christie announced that a review would occur into the incident. In the aftermath of the scandal, the internal review cleared Christie of any wrongdoing and placed all blame on his senior staff members. The report was widely criticised as being a whitewash (i.e. a cover up);²⁸⁰ however, subsequent reports likewise cleared Christie of involvement in the lane closures.²⁸¹

5.2.3 Event 3: George Ryan

George Ryan's pre-scandal phase occurred throughout his time as Illinois Secretary of State from 1991-1999.²⁸² In 1994, a family with six children were killed in a car crash when a piece of a tail-light assembly fell off a truck and trailer and bounced beneath a minivan, which caused the gas tank to explode into flames. Initial investigation revealed that the driver of the truck did not meet the requirements to hold a truck driving licence.²⁸³ As licencing was administered by the Secretary of State's office, an investigation began into how the driver had obtained a licence. An internal investigation revealed that Ryan's office had been providing unqualified truck drivers with licences in exchange for bribes, including, in this instance, a bribe from the driver

²⁷⁹ NBC New York, 'Timeline: New Jersey's George Washington Bridge Scandal', *NBC New York*, 8 December 2014, viewed on 23 January 2015, <http://www.nbcnewyork.com/news/local/Timeline-George-Washington-Bridge-Scandal-Chris-Christie-Fort-Lee-Bridgegate-239431091.html>

²⁸⁰ Ibid.

²⁸¹ Ibid.

²⁸² Although this is outside the specified time constraints of this thesis, the scandal did not eventuate until after the year 2000. See 'methodology' section, chapter 3.

²⁸³ D. Schaper, 'Former Illinois Gov. George Ryan Heading to Prison', *NPR*, 6 November 2007, viewed on 14 February 2015, <http://www.npr.org/templates/story/story.php?storyId=16051850>

involved in the crash.²⁸⁴ A further investigation expanded over eight years. During this time Ryan was elected as Governor of Illinois in 1999. The scandal-proper phase began with the announcement that Ryan would not run for re-election in 2002 due to a federal corruption probe. The scandal culminated in 2003 with Ryan being charged in a 22-count indictment – this included racketeering, bribery, extortion, money laundering and fraud. The indictment stated that Ryan had steered state contracts to friends in exchange for gifts.²⁸⁵ In 2006 the scandal concluded with Ryan being found guilty of all charges.²⁸⁶

5.2.4 Analysis

Event:	1	2	3
Social norms reflecting the dominant morality must be transgressed.	?	✓	✓
The transgression(s) must be performed by specific persons	✓	✓	✓
The actions must reflect an exercise of their desires or interests	✓	✓	✓
Individual persons must be identified as perpetrators of the act(s)	✓	✓	✓
Perpetrators must be political actors	✓	✓	✓
They must be shown to have acted intentionally or recklessly	✓	✓	✓
They must be held responsible for their actions	?	✓	✓
The actions and events must have differential consequences for those involved	?	✓	✓
The actions and events must have an impact on relations within the political field	?	✓	✓
The revelations must be widely circulated by communications media	✓	✓	✓
This must be turned into a narrative	✓	✓	✓
The revelation must inspire widespread interest and discussion	✓	✓	✓

5.2.4.1 Rick Perry

²⁸⁴ Ibid.

²⁸⁵ S. Tareen, 'George Ryan Attorneys Appeal Former Governor's Corruption Conviction', *Huffington Post*, 7 February 2012, viewed on 19 February 2015, http://www.huffingtonpost.com/2012/07/20/george-ryan-attorneys-app_n_1688961.html

²⁸⁶ CNN Library, 'George Ryan Fast Facts', *CNN*, 11 February 2015, viewed on 19 February 2015, <http://edition.cnn.com/2013/09/26/us/george-ryan-fast-facts/>

The indictment of Rick Perry does not appear to meet the threshold for a political scandal. Firstly, it is unclear whether social norms were violated in this instance because the indictment against Perry was criticised on both sides of the political spectrum, with many arguing he had acted within his powers as Governor.²⁸⁷ Secondly, as Perry had already announced his intention to retire before the indictment and allegations against him had surfaced, it cannot be said there were differential consequences for Perry as he had announced his retirement before he was indicted. The verdict was unlikely to have any influence on any subsequent decision by Perry to seek the Presidency.

5.2.4.2 Chris Christie

The closure of the lanes at Fort Lee by Chris Christie's staff members meets the Lull and Hinerman threshold for a political scandal. To use the power of a Governor to create major traffic delays due to a personal grievance was clearly against the dominant social norms. During the scandal-proper, Christie's support declined severely.²⁸⁸ This decrease in popularity shows that the public perception of Christie suffered because of the closures (showing an impact on the political field). The decrease in Christie's popularity could also be considered as Christie being held responsible for his actions – or for the actions of his staff – by the public. More explicitly, as a number of Christie's staff members lost their jobs, it is clear other actors were held responsible for their actions as well.

5.2.4.3 George Ryan

George Ryan's office issuing driver licences in exchange for bribes clearly meets the threshold for a scandal in terms of the Lull and Hinerman framework. The fact that six children died as an almost direct result of Ryan's abuse of power makes the act especially worthy of condemnation. Ryan was also held to account for his actions as he was sentenced to prison in the aftermath of the scandal.

²⁸⁷ C. Campbell, 'Even Liberals Think The Indictment Of Rick Perry Looks Weak', *Business Insider Australia*, 16 August 2015, 23 January 2015, <http://www.businessinsider.com.au/liberals-criticize-rick-perry-indictment-2014-8>

²⁸⁸ K. Jenkins, 'Christie Stabilizes, Bridgegate Interest Down, But Voters Worried About State', *Fairleigh Dickinson University's Public Mind Poll*, 3 June 2014, viewed on 23 January 2015, <http://publicmind.fdu.edu/2014/breakeven/>

5.3 France

5.3.1 Event 1: Kader Arif

The French Junior Minister of Veterans Affairs, Kader Arif, resigned from his position in November 2014 after allegations that he had awarded lucrative government contracts to his family members.²⁸⁹ The pre-scandal phase began in September 2014 when *Mediapart*, an online investigative journal, revealed that Arif's offices had been searched by police who were investigating allegations of favouritism.²⁹⁰ A preliminary investigation was launched into the contracts that had been awarded to companies belonging to Arif's brother and nephews in Toulouse, where Arif was a prominent political figure. The scandal-proper phase began when Arif responded to the allegations, stating that he was not concerned about the investigation.²⁹¹ The scandal culminated in November 2014 with Arif announcing he would resign from his ministerial position out of respect for ministerial function.²⁹² In the aftermath of the scandal, Arif stayed on as a Member of Parliament whilst the investigation continued.²⁹³

5.3.2 Event 2: Serge Dassault

Serge Dassault, a billionaire entrepreneur and conservative senator, was embroiled in controversy in early 2014 following allegations of corruption during his tenure as Mayor between 1995 and 2009 of the Parisian suburb of Corbeil-Essonnes. The pre-scandal phase began when two men announced they had been targeted by a gunman ordering them to cover up corrupt election tactics. The two men had previously spoken out against a system where Dassault's cash was exchanged for votes.²⁹⁴ It was suspected that Dassault had operated an extensive vote-buying system that influenced the outcome of elections in 2008, 2009 and 2010 which were either won by Dassault

²⁸⁹ N. Huet and N. Vinocur, 'Another French minister resigns over suspected ethics breach', *Reuters*, 21 November 2014, viewed on 4 February 2015, <http://www.reuters.com/article/2014/11/21/france-minister-idUSL6NOTB33K20141121>

²⁹⁰ M. Magnaudeix and M. Delean, 'French minister resigns amid corruption allegations', *Media Part*, 21 November 2014, viewed on 4 February 2015, <http://www.mediapart.fr/journal/france/211114/french-minister-resigns-amid-corruption-allegations>

²⁹¹ Ibid.

²⁹² PressTV, 'French minister resigns over favoritism allegations', *PressTV*, 22 November 2014, viewed on 4 February 2015, <http://www.presstv.com/detail/2014/11/22/387026/french-minister-quits-over-ethics-breach/>

²⁹³ At the time of writing, the investigation into Arif's favouritism had not concluded.

²⁹⁴ A. Chrisafis, 'French billionaire Serge Dassault fights corruption scandal', *The Guardian*, 20 September 2013, viewed on 4 February 2015, <http://www.theguardian.com/world/2013/sep/20/serge-dassault-fights-corruption-scandal>

or his close associate, Jean-Pierre Bechter.²⁹⁵ Dassault admitted using his personal wealth to help residents in his constituency, but denied acting illegally. At this point two investigations began by police, the first regarding claims that Dassault paid local constituents to secure their votes and the second to confirm whether the attempted murders were related to the alleged vote-buying.²⁹⁶ The scandal-proper phase began when *Mediapart* published a recording where Dassault appeared to admit making payments to secure Bechter's victory in 2010. During this time Dassault could not be arrested due to his parliamentary immunity. In February 2014, the scandal culminated with Dassault's immunity being lifted, at his own request, and he was arrested by anti-corruption police on suspicion of vote-buying.²⁹⁷ In the aftermath, Dassault remained as a Senator while the investigation continued.²⁹⁸

5.3.3 Event 3: *Éric Woerth*

Éric Woerth was the French Budget Minister from 2007 until 2010 in Nicolas Sarkozy's government. The pre-scandal phase began when *Le Canard Enchaîné* reported that Woerth had coordinated the sale of a state-owned race track at Compiègne for one-eighth of its value.²⁹⁹ The race track, worth approximately 20 million euros, was sold for only 2.5 million euros.³⁰⁰ The scandal-proper phase began when Woerth denied the allegations. He later denied any wrongdoing, arguing that the sale was legal and in the interest of the state.³⁰¹ It also emerged that the company which bought the race track was owned by an acquaintance of Woerth's, meaning that Woerth had used his position to contravene standard procedure.³⁰² Woerth threatened to sue *Le Canard Enchaîné* for libel. The scandal culminated with Woerth announcing he would resign as treasurer of his political party, The Union for a Popular Movement (UMP). Woerth remained in the French parliament (and government) as Minister for Labour and an investigation was launched into the sale. In the aftermath of the scandal the case

²⁹⁵ Ibid.

²⁹⁶ Ibid.

²⁹⁷ France 24, 'Police release billionaire questioned over vote buying', *France 24*, 22 February 2014, viewed on 2 February 2015, <http://www.france24.com/en/20140219-french-senator-tycoon-serge-dassault-custody-vote-buying-france/>

²⁹⁸ At the time of writing the investigation into Dassault's vote buying was still being investigated.

²⁹⁹ A. Cowell, 'New Reports of Fiscal Impropriety by Sarkozy Aide', *New York Times*, 14 July 2010, viewed on 3 February 2015, <http://www.nytimes.com/2010/07/15/world/europe/15france.html>

³⁰⁰ Ibid.

³⁰¹ Ibid.

³⁰² Ibid.

against Woerth was dismissed by the Court of Justice in 2014 due to a lack of evidence.³⁰³

5.3.4 Analysis

Event:	1	2	3
Social norms reflecting the dominant morality must be transgressed.	✓	✓	✓
The transgression(s) must be performed by specific persons	✓	✓	✓
The actions must reflect an exercise of their desires or interests	✓	✓	✓
Individual persons must be identified as perpetrators of the act(s)	✓	✓	✓
Perpetrators must be political actors	✓	✓	✓
They must be shown to have acted intentionally or recklessly	✓	✓	✓
They must be held responsible for their actions	✓	✗	✓
The actions and events must have differential consequences for those involved	✓	✗	✓
The actions and events must have an impact on relations within the political field	✓	✗	✓
The revelations must be widely circulated by communications media	✓	✓	✓
This must be turned into a narrative	✓	✓	✓
The revelation must inspire widespread interest and discussion	✓	✓	✓

5.3.4.1 Kader Arif

This transgression may not have ordinarily met the standard for a political scandal, as the transgression itself does not seem to contravene France's societal norms; however, the context during which this transgression emerged may have dictated the outcome. During this time Hollande's government had been plagued by a number of transgressions by different Ministers.³⁰⁴ The fact that a number of political figures in Hollande's government had fallen to different acts of misconduct undermined

³⁰³ AFP, 'Hippodrome de Compiègne: no need for Eric Woerth', *News Directory*, 11 December 2014, viewed on 2 February 2015, <http://news.newsdirectory1.com/hippodrome-de-compiegne-no-need-for-eric-woerth/>

³⁰⁴ For example Hollande's budget minister Jerome Cahuzac had recently resigned due to the revelation that he had secret bank accounts in Switzerland. Hollande's communications adviser and strategist, Aquilino Morelle, resigned over accusations of past conflicts of interest during his work for pharmaceutical firms. Huet and Vinocur, 'Another French minister resigns over suspected ethics breach'.

Hollande's campaign pledge to run an 'exemplary republic'.³⁰⁵ The fact that Arif's act was counter to Hollande's pledge could have potentially made the transgression seem more significant. The far-right parties in particular condemned Arif, using his transgression as part of a broader attack on the government.³⁰⁶ These attacks centred on the frequency that different members of the socialist government were falling to political scandal, using these events to accuse Hollande's government of being corrupt.³⁰⁷

5.3.4.2 Serge Dassault

Despite the severity of the allegations against Dassault it is unclear that the transgression adequately meets the standard for a political scandal. As stated above, Dassault voluntarily lifted his own parliamentary immunity and remained as a senator in the French Parliament. This indicates there were not differential consequences for those involved, and Dassault was not held responsible for his actions. Because Dassault remained as a senator the transgression also did not appear to influence relations in the political field.

5.3.4.3 Éric Woerth

The transgression by Éric Woerth appears to meet the criteria for a political scandal. Woerth's involvement in the selling of the race track came in the wake of a scandal involving campaign funding, so the attention on Woerth during this time meant that public opinion was predisposed to be less than favourable. The other aspects of the Lull and Hinerman framework are also met in this instance, including the criteria that there must be differential consequences for those involved: Woerth resigned from his roles as Budget Minister and as Treasurer of the UMP Party in the wake of the revelations.

5.3.5 Conclusion

³⁰⁵ Ibid.

³⁰⁶ Ibid.

³⁰⁷ AFP, 'French minister resigns over favouritism probe in fresh blow to Hollande', *Ahramonline*, 21 November 2014, viewed on 5 February 2015, <http://english.ahram.org.eg/NewsContent/2/9/116088/World/International/French-minister-resigns-over-favouritism-probe-in-.aspx>

This chapter has revealed certain trends pertaining to the perception of public power in the different states. For example, any breach or perceived breach of power in New Zealand is likely to result in a scandal due to strong egalitarian societal norms. Transgressions involving power in France and the United States are more complex, and it is less clear whether a scandal will breach societal norms in each context. These trends speak to the different political cultures of the three countries, and their perceptions of, and relationships with, political power. The next section will provide a thorough examination of the political scandals that have been discussed in the previous three chapters and will discuss some trends and patterns that have been illustrated. The next section will also apply these trends to the theories discussed in the methodology section to begin to discover which theories are more relevant to the different jurisdictions.

Chapter 6: Lessons

The previous three chapters have examined a total of 27 case studies covering political transgressions across New Zealand, the United States and France. The two main purposes of this chapter are to provide a clear analysis of the trends and patterns that are evident, and to apply the case studies to the theories of political scandal. In doing so, this chapter will link aspects of the existing literature discussed in chapter 1 – specifically relating to both the significance of political scandals and explanations for the prevalence of political scandals. First, however, this chapter will offer some observations regarding the transgressions studied in the previous three chapters. These observations will then be tied together to provide generalisations about the relationships between politicians, the media and the public in each of the three jurisdictions. Finally, this chapter will look at the framework that has been utilised throughout the thesis and evaluate the framework's utility in explaining and categorising what is and is not a political scandal.

6.1 Observations

6.1.1 *Sex Scandals*

From the transgressions of a sexual nature studied, it appears that New Zealanders, and to an even greater extent the French, are largely uninterested in the personal lives of their politicians. The affairs of both Don Brash and Len Brown did not meet the criteria for scandal nor did the affairs of Nicolas Sarkozy and François Hollande. In both these jurisdictions it appears that to become a sexual scandal, there must be an element of abuse of power, or at least a real or perceived power imbalance. The two sexual transgressions that met the standard for scandal in New Zealand and France both had these features. In the case of Dominique Strauss-Kahn, the perception was of a wealthy, powerful Frenchman taking advantage of a hotel maid. In the New Zealand example of Darren Hughes, a young – and therefore presumably vulnerable – male was the victim and there was also an alleged lack of consent. These clear discrepancies in power were the main difference between these two cases and the other instances of political figures having sexual transgressions. This dichotomy shows that the real or perceived abuse of their positions may have been more offensive to the public than the sexual act itself.

This phenomenon is in contrast to the United States, where all sexual transgressions studied resulted in a political scandal. It would seem that the voters (and media) in the United States take a great interest in the private lives of the politicians they elect. It seems likely that this interest stems from the strong focus on politicians embodying societal values in the United States. The United States example therefore illustrates Neckel's view, that politicians are elected to embody societal norms. This theory will be discussed in more detail in the following sections.

6.1.2 Financial Scandals

The financial transgressions studied have provided an insight into important similarities and differences within the jurisdictions studied. It appears that the New Zealand public has the lowest tolerance for improper financial use by political actors as all three financial transgressions in New Zealand met the standard for a political scandal. The openness of the New Zealand political system – where any financial transgression is likely to be reported on and uncovered – is almost certainly a major reason for this finding. The financial case studies from the United States also all resulted in political scandal, again indicating a low tolerance for any financial misstep by political actors. It is important to note, however, that in the United States examples, all three of these scandals were the result of criminal investigations; two of the French examples were also the subject of police investigation. In the New Zealand examples, only one transgression – that of John Banks – involved a criminal investigation. This point is significant because it appears the political conventions and structures in New Zealand may work to reveal or mitigate any financial transgression before the police can intervene.

It is also significant that the only transgression to meet the threshold for scandal in the French context was that of Hervé Gaymard. On the face of it, this transgression was far more minor than that of Jacques Chirac's or Sylvie Andrieux; however, Gaymard's transgression benefitted him personally, whereas Chirac and Andrieux's actions were beneficial to larger groups of people. This pattern strongly suggests that financial misconduct is more acceptable to the French public when the transgression benefits a party or entity, rather than an individual. This pattern does not appear to have been

displayed in either New Zealand or the United States, where financial transgressions appear to be intolerable regardless of whom they benefit.

6.1.3 Power Scandals

Scandals that involve a real or perceived abuse of power also reveal distinctions among the jurisdictions studied. The New Zealand scandal regarding Aaron Gilmore appears particularly unusual in comparison to the other transgression of this type. The norm that was breached by Gilmore, a tall poppy syndrome-type norm, is an inherently 'New Zealand' idea. For this reason, if the exact actions of Gilmore were conducted, for example, by a Senator in the United States of America, or to a greater extent, by a French political figure, it is unlikely a scandal would result. There are several reasons why this is the case. In the United States it is unlikely that a member from the restaurant would report such an incident while in the French context it is unlikely, even if reported, that the transgression would attract media attention. It is more acceptable in the United States and France for political actors to carry an air of importance than it is for MPs in New Zealand, where there is a strongly entrenched egalitarian ideal.

These differences are consistent with Lowi's justification for scandals in different jurisdictions. The formative experience of revolution in France has led to a culture where people do not react to political transgressions, because they believe things must get worse before they can get better. In the United States, a formative experience characterised by rebellion has resulted in a culture where virtually any transgression by a politician may become a cause for concern. Finally, in New Zealand the formative experience was based on egalitarianism and a rejection of the British class structure. This experience had the effect of creating a culture where any instance of a politician acting 'above' anyone else is unacceptable. Thus we can see how the different formative experiences in each jurisdiction have had a significant impact on the political culture of each country and subsequently on what transgressions are likely to result in scandals.

Overall, it appears that a breach or abuse of power by political actors is generally involved with *any* type of political scandal, even those of an ostensibly sexual or financial nature. As mentioned above, the sexual scandals in New Zealand and France

only achieved that status because some form of abuse of power or power imbalance was present. The financial cases in fact seemed to have an inherent power element, most likely because to have access to funding generally requires a position of power – the French financial transgressions assessed are all testament to this point.

The publication of *Dirty Politics* and the fact that transgressions within it did not lead to political scandal indicates a possible change in New Zealand's response to breaches of power. From the transgressions of both Aaron Gilmore and Taito Phillip Field it would be assumed that each of the transgressions outlined in that book would meet the threshold for scandal; however, this was not the case. There are different explanations for why this did not meet the threshold for scandal, one explanation being that the book uncovered a series of complex events with no single narrative that appealed to the public. However, even considering this explanation, the fact that these transgressions did not meet the standard for a political scandal signals the potential for a major reinterpretation of the relationship between the New Zealand public and political actors, and to overall societal norms. The fact that this transgression did not meet the criteria for scandal may signal to politicians that the public is becoming more tolerant or more ambivalent with regard to the conduct of political actors, which has the risk of reducing levels of institutional integrity.

These differences are consistent with Lowi's justification for scandals in different jurisdictions. The formative experience of revolution in France has led to a culture where people do not react to political transgressions, because they believe things must get worse before they can get better. In the United States, a formative experience characterised by rebellion has resulted in a culture where virtually any transgression by a politician may become a cause for concern. Finally, in New Zealand the formative experience was based on egalitarianism and a rejection of the British class structure. This experience had the effect of creating a culture where any instance of a politician acting 'above' anyone else is unacceptable. Thus we can see how the different formative experiences in each jurisdiction have had a significant impact on the political culture of each country and subsequently on what transgressions are likely to result in scandals.

6.2.1 Globalisation and the Media

The examination of case studies in the previous three chapters also raises interesting observations relating to explanations for the prevalence of political scandals. From these case studies, the most significant factor in explaining the prevalence of political scandals appears to be the changing role of the media, particularly in New Zealand and France. The tabloidisation of the media has blurred the lines when it comes to identifying political scandal. Due to the pressure to continually publish news stories, the media can peddle a transgression even if traditionally the behaviour it involved did not offend the wider public. An example of this change is François Hollande's affair with Julie Gayet. The affair did not transgress French societal norms, yet it was widely circulated in the international media, especially in the United States and United Kingdom. Because this affair was so widely publicised internationally, on the face of it this affair could easily be perceived as a political scandal. To an extent, the same phenomenon can be seen in New Zealand – stories about Len Brown's affair were continually published in the media despite the limited response from the public. The rise of tabloidisation can therefore be seen as an explanation for the prevalence of political scandals in liberal democracies. The increase in this phenomenon may also lead to political scandals being published with even greater frequency in the future.

The size of a country is also a factor in assessing media coverage. New Zealand is a small country – a transgression becomes known and is quickly 'national news'. France is a much larger country and there is a higher threshold for something to become newsworthy. The United States is a large, federal world power. A story may be harder to raise to newsworthy status given the size of the country and the nature of the system.

6.2.2 Political Opportunity Structures

The different political opportunity structures in the United States, New Zealand and France also can explain why transgressions are more prevalent in certain jurisdictions. The configurations of resources, institutional arrangements and historical precedents in the different countries can explain why certain events become a scandal.³⁰⁸ The

³⁰⁸ H. P. Kitschelt, p. 58.

construction of power within a state dictates the transparency with which a government is expected to operate. Subsequently, whether or not a state is indifferent to power can explain why some power transgressions lead to scandals whereas other transgressions do not. For example, as previously stated, New Zealand is well regarded as a highly transparent state. This transparency means that any breach of power is likely to be revealed and condemned. In contrast, France is rated 26th on the international transparency index, tied with Estonia and Qatar, while the United States is ranked 17th.³⁰⁹ This discrepancy in transparency may explain why an abuse of power such as the Aaron Gilmore incident led to a scandal in New Zealand, whereas similar transgressions by Rick Perry and Serge Dassault in the United States and France respectively did not meet this standard. The political opportunity structures in the United States and France, in this instance, may encourage such conduct due to the less-open nature of the political sphere.

6.2.3 Personality Politics

The case studies examined also provide insight into the rise of personality politics and the impact this rise is having on the prevalence of political scandals. The importance of individual personalities in the political sphere has arguably given opponents opportunities to attack the character of individuals, this has made personal missteps susceptible to becoming a political scandal. This explanation fits with most of the transgressions studied. Individual reputations were particularly important in electorate support for Jesse Jackson Jr, Rick Perry and John Banks (among others). In each case the transgressions resulted in a reduction in ideological conformity, where voters began to look past the partisan leanings of the political figure and at their personal reputation instead. Overall, the case studies have illustrated that there will be differential consequences for those involved depending on whether a transgression calls into question their reputation. And with the rise in personality politics, it would seem that reputations are increasingly often being called into question.

6.2.4 Mass-Elite Interaction

³⁰⁹ Transparency International, *Corruption Perception Index 2014*.

Neckel's notion of mass-elite interaction as an explanation for political scandal also appears to have relevance in analysing why certain transgressions led to scandals. According to Neckel, the prevalence of political scandal centres on the basis of mass-elite interaction and political rule in society. Politicians are in an insecure position, elected as an embodiment of societal norms whilst attempting to remain in their positions of power. The fact that politicians are supposed to embody societal norms can be illustrated through the transgressions of a sexual nature that have been studied. The fact that all the transgressions studied in the United States were considered a scandal, while not all in France and New Zealand were so regarded, indicates that social norms regarding sexual conduct are much stricter in the United States than in New Zealand and France. This example illustrates how judgments about what constitutes a political scandal reflect societal norms.

6.2.5 Conclusion

It is unhelpful to argue that there is only one correct explanation for the prevalence of political scandals (or the trajectory that a scandal may take, once underway). Instead, it is more accurate to conclude that each of the above explanations can be useful, at least in part, for explaining why scandals play such an important part in modern liberal democracies. These explanations cannot be applied in isolation. Each of them have an important role in explaining the prevalence of transgressions among politicians and why certain transgressions will lead to scandal in different instances.

6.3 Application to Theories

Thompson has outlined four theories for explaining the significance that political scandals have in liberal democracies. To recap, the theories are: the no-consequence theory, the functionalist theory, the trivialisation theory and the social theory. These theories take opposing stances on the significance of political scandals for a society. The application of the case studies to these theories has some use in illustrating and highlighting flaws with these theories

6.3.1 No-consequence theory

The first theory of political scandal to be examined is the 'no-consequence' theory. This theory asserts that political scandals are inconsequential distractions produced by

media as a by-product of tabloidisation.³¹⁰ Scandals, under this theory, provide entertainment for the public, and embarrassment for the figure involved, but have no lasting significance and tell us nothing of any value about social and political life.³¹¹ This theory is strongly inconsistent with the case studies examined in the previous chapters. Although the phenomenon of tabloidisation does appear to be occurring in the United States, and can be seen in France and New Zealand as well, it is incorrect to assert that political scandals do not have any lasting significance and are merely distractions for the public.

The New Zealand examples provide the strongest evidence to counter this theory. Many political scandals in New Zealand have resulted in significant changes to the political process, particularly scandals of a financial nature. For example, the scandals of Pansy Wong and John Banks resulted in discussion around certain aspects of the political system: travel perks in the case of Wong, and campaign funding in the case of Banks. In fact, the Banks scandal led directly to legislative change. These two examples illustrate that the no-consequence theory cannot apply in this instance,

The idea that the scandals studied tell us nothing about political and social life – another important facet of the no-consequence theory – is also incompatible with the evidence presented in this thesis. Despite the fact that in most cases the political scandals studied did not lead to legislative change, it cannot be said that they tell us nothing about political and social life. The fact that the Lull and Hinerman framework incorporates the element that an act must transgress societal norms means that any transgression, whether a scandal or not, sheds light on overriding societal norms in that jurisdiction. For example, the fact that in all cases studied, sexual transgressions that penetrate the media become a scandal in the United States, but do not necessarily do so in New Zealand and France is instructive with respect to the societal values in all three jurisdictions.

Overall, this theory could be considered unhelpful in the political scandal literature. The theory minimises the potential for exploring a phenomenon that occurs across liberal democracies due to the dismissive nature of the theory itself.

³¹⁰ Thompson, p. 234.

³¹¹ Ibid.

6.3.2 *Functionalist theory*

The second theoretical viewpoint on political scandal is the ‘functionalist theory’. This crux of this theory is that scandals can indeed have important consequences, but that these consequences are essentially conservative, as they involve a reaffirmation and consolidation of the status quo.³¹² This theory takes the position that political scandals ultimately reinforce the norms and conventions that constitute social order.³¹³

Elements of this theory are shown through application to the case studies analysed; however, overall this theory offers an overly simplistic explanation of the significance of political scandals. The observation that scandals ultimately reinforce norms and conventions of social order does appear to relate to many of the case studies analysed. A consolidation of societal norms in most instances is seen through the analysis of scandals of a sexual nature. The transgressions studied across the different jurisdictions did appear to generate responses from the public that were in line with strongly entrenched political values and societal norms.

However, this theory does not take into account the fact that the opposite effect can also be seen: political scandals can also drive a shift in societal norms. The 2014 election in New Zealand and the publication of *Dirty Politics* is an example of shifting societal norms. Prior to the emergence of that book, it is safe to assume that at least one of the cases covered in it would have resulted in a political scandal. The fact that none of the revelations from this book led directly to a scandal shows that there has been a possible shift in societal norms relating to the conduct of politicians in New Zealand. Where previously power abuses like the actions of Aaron Gilmore would reliably lead to scandals, following the publishing of *Dirty Politics*, it would seem that the New Zealand public has tired of these types of news stories, shifting the societal norm towards greater acceptability (or perhaps apathy) for abuses of power.

6.3.3 *Trivialisation / dysfunctional theory*

³¹² Ibid., p. 235.

³¹³ Ibid.

Trivialisation theory emphasises the toxic impact scandals can have on the sphere (and level) of public discourse and debate.³¹⁴ According to this theory, the media's preoccupation with scandal appears to undermine the quality of public discourse and debate, focusing people's attention on relatively trivial matters while important issues are sidelined. Although some of the case studies examined in this thesis, particularly those of a sexual nature, did not lead to any significant discussion of *political* issues – Anthony Weiner's sexting scandal certainly did not improve the calibre of public discourse – this theory does not accurately depict the significance political scandals can have for political systems and to the nature of political discussion in societies. The strongest examples that negate trivialisation theory are the cases from the United States. Despite the fact that transgressions by politicians are particularly prevalent in this jurisdiction, a high proportion of these transgressions still meet the threshold for a political scandal. In this context, then, scandals are *not* met with 'a numb public opinion' as Howard and Tumber would suggest³¹⁵ but rather with widespread interest. As interest leads to discussion and debate about these issues, this is important as lays the foundation for more meaningful discussion.

Financial scandals in particular, and particularly in the New Zealand context, do not fit within this theory. Firstly, it cannot be said that a financial discretion by a political actor is a trivial matter. Generally financial scandals involve the misuse of public funds for personal use of some description – a serious matter given the importance of effectively allocating public funds. Secondly, the public did not ignore the financial scandals that occurred in New Zealand – in contrast; the transgressions initiated significant dialogues about ministerial perks and campaign finance laws. The fact that two of the French financial examples and all of the United States financial examples resulted in criminal investigations further adds to the argument that these were not trivial matters. Overall this theory is unhelpful in the assessment of political scandals, as it does not appear to adequately address the complex nature of political scandals in the jurisdictions studied.

6.3.4 *Social Theory of Scandal*

³¹⁴ Thompson., p. 238.

³¹⁵ Tumber and Waisbord, 'Political Scandals and Media Across Democracies, Volume I', p. 1302.

The social theory of scandal appears to most accurately reflect the significance of political scandals according to the case studies examined. The premise of social theory – that political scandals are based primarily around political capital of reputation and trust – can explain why some transgressions led to political scandal in certain jurisdictions but not in others. The social theory of scandal argues that scandals in and of themselves are not necessarily negative aspects of, nor distractions from, political life because they can encourage cultures of debate and criticism. However, scandals of a large magnitude or high frequency can have negative impacts on a democracy, specifically with regard to perceptions of government institutions. The transgression by Kader Arif illustrates this point. His transgression negatively impacted on the government, as it was the latest in a series of scandals that had plagued the French government at the time.

The social theory is therefore the most useful because it takes a more balanced approach than the previous three theories to the phenomenon of political scandals. The more balanced approach to the study of political scandals means the same criticisms applied to the previous three theories – that they offer an overly simplistic view of the significance of political scandals – cannot be applied to the social theory. This theory allows for the fact that political scandals can work both ways, being illustrative of political culture as well as influencing political culture.

Social theory argues that a high frequency of scandals or scandals of a large magnitude, can have negative impacts on voter participation and voter turnout as the public can become disillusioned with politicians and political structures. This thesis has not attempted to test how scandals influence voter participation in liberal democracies, so this aspect of the social theory cannot be analysed in this thesis. However, despite this, the social theory of scandal does still have applicability. The focus on reputation and trust as an explanation for why scandals are significant to democracies also highlights why certain transgressions lead to scandal whereas others do not. For example, the New Zealand *Dirty Politics* example appears to fit this explanation. Despite the alleged transgressions in the book involving varying degrees of abuses of power, they did not meet the threshold for political scandal. Political capital can help to explain this outcome. The high levels of political capital Prime Minister John Key had built up

through his reputation led to the New Zealand public trusting Key's versions of events. He also benefitted from the fact that the person leading the campaign against him was Kim Dotcom who had an untrustworthy reputation in the eyes of the public, and therefore much lower political capital – the author Nicky Hager, was viewed in a similar way to Dotcom in this regard. The French financial transgression featuring Jacques Chirac illustrates the same phenomenon. Chirac's popularity (i.e. his reputation) was cited as one of the reasons his act did not meet the threshold for a political scandal.³¹⁶

Social theory ultimately argues that scandals are important parts of functioning democracies as they foster cultures of criticism, and debate. Cultures of debate and analysis do appear to be seen in the examples studied. When the transgressions were widespread in the media they were not solely reported on in what would be considered 'tabloid' manner. Often much debate was stimulated, across all three jurisdictions, about the different issues that are raised from the transgression. Media coverage of political scandals, leading to an outcome, also contributes to accountability, an important element in a liberal democracy based on law, order and egalitarian values

6.3.5 Conclusion

From application to the theories it has emerged that the social theory of scandal is the most applicable to the case studies analysed in this thesis. The other theories examined offer either overly simplistic views of political scandals – when in fact these are inherently complex phenomena – or dismiss scandals as harmful or frivolous, overlooking the benefit a focus on scandals can have in liberal democracies. It is now useful to examine the primary tool of analysis in this thesis, the frameworks themselves, in order to determine how useful these frameworks have been as a means of providing consistent and relevant assessments of the case studies chosen.

6.4 Validity of Framework

6.4.1 Conceptual Framework

³¹⁶ See chapter 4, financial scandals.

The framework of Lull and Hinerman has proved useful to assess scandals across jurisdictions and has proved to have applicability in the New Zealand context. Tailoring the Lull and Hinerman framework to the specifications of this thesis proved useful in this context, particularly the element 'the actions and events must have an impact on relations within the political field'. This additional element enabled useful distinctions be made between what would be a *political* scandal as opposed to a general media scandal. The transgression involving Jacques Chirac is a good example of this clause determining the outcome of a test. If this element had not been included in the assessment, the transgression may have incorrectly met the standard for a political scandal. Adding the political components to the framework enabled an analysis to occur that adequately encompassed the elements of a political scandal, as opposed to a general media scandal, as discussed in great detail in the literature review in chapter one. This extra element therefore adds relevance to the framework when used in this context.

Although the framework is certainly a useful tool in analysing political scandals, it is not without flaws. It could be argued that some of the elements of the framework are redundant as they can be incorporated into the process of selecting a transgression. In most cases, awareness of a transgression only occurs when it has already been circulated in the media to some degree, so this criterion will almost always apply. Only if the person completing the analysis is personally aware of private events that never penetrated the public sphere, a rather unlikely event, will that criterion potentially not be met. The element that 'the transgression must be performed by a political actor' also seems rather redundant and was met in every example considered in this thesis.

To improve the framework, the most contentious aspects of the Lull and Hinerman amended framework could be condensed to three main clauses: 1) that the social norms reflecting the dominant morality must be transgressed; 2) that the actions must have an impact on relations within the political field; and, 3) that the revelation must be widely circulated in the media. Although the other clauses are certainly applicable and useful for providing context around the scandal, these three points appear to be of most use in determining when a political scandal will occur or in distinguishing specifically 'political' scandals from other events. In instances outside of the political

field, whether a scandal will eventuate appears to hinge on whether the transgression is widely circulated in the media and whether it violates societal norms.

6.4.2 Sequential Framework

The sequential framework developed by Thompson was also useful in providing consistency to the case studies and how they were to be examined. As many cases are complex and influenced by a variety of factors, it can make the transgressions appear difficult to apply to the conceptual framework at first glance. However, in utilising this sequential structure for analysis, a relative consistency could be applied to each transgression despite the fact they varied considerably in content and character. Utilising this framework can have its limitation, however. In some instances the scandals studied did not fit neatly within the sequential framework for a variety of reasons. The New Zealand *Dirty Politics* example had many transgressions emerge from it; reducing the book to one transgression felt somewhat artificial and was probably detrimental to the quality of the analysis. Furthermore, the sequential framework could be expanded to include potential comebacks and recoveries. The 'aftermath' phase of the framework does not have a finite stage and in many cases has had to encompass lengthy time periods and numerous subsequent events. It could be useful to break down this stage into 'immediate aftermath' and 'later stages' to ensure a greater level of consistency in the analysis.

6.4.3 Overall Evaluation

The frameworks utilised for this thesis have formed the basis of the assessment. Although the frameworks are not without their flaws, fundamentally they have provided a useful and consistent for comparative analysis. In particular, the conceptual framework proposed by Lull and Hinerman has proved to be a consistent and useful tool for distinguishing among transgressions and accurately determining whether a particular transgression meets the standard for political scandal. The sequential framework by Thompson has also proved to be a valuable tool in deriving the context of each transgression to enable such an assessment to occur.

6.5 Further Research

Although this thesis has hopefully addressed some gaps, the literature on political scandals remains sparse in many areas, particularly with relation to New Zealand. As a result, it would be useful to conduct further research on political scandals in the New Zealand context. For example further research should look at whether New Zealand's voting system has had an impact on the prevalence of political scandal. Under the majority system of First Past the Post (FPP) the two major parties had an unofficial accord where they may have kept personal discretions out of the media. It is possible that under the multi-party, proportional system of Mixed Member Proportional (MMP) this understanding has been discarded, potentially resulting in an increased prevalence of political scandals in this country.

It would also be useful to conduct quantitative research to support aspects of this thesis. Content analysis could be used to help establish how widely a transgression is circulated in the media. The relationship between the frequency of political scandals and transgressions in jurisdictions such as New Zealand and the effects on voter turnout is another important issue worthy of quantitative study. This type of research could provide more weight to the different theories assessed in this thesis, particularly with reference to Thompson's social theory of scandal.

Political scandals would also be understood in more detail if further research were undertaken regarding the length of the impact of a scandal. This thesis has revealed that although there may be differential consequences for a political actor in the aftermath of a scandal; often these actors can make 'come backs'. It would be useful to formulate an assessment that could determine in which instances a political actor may be able to return to the political field after their scandal and what factors might play a role in this return.

6.6 Conclusion

This chapter has offered a discussion of many of the important issues raised in the assessment phase of this thesis. It has also connected many of the points raised in the literature review to the case studies that have been examined. This chapter therefore forms the most significant analysis of the thesis. It has been shown that there are many opposing viewpoints on the significance and prevalence of political scandals. This

chapter has shown that the social theory of scandal is the most applicable to the case studies in examining the significance political scandals have for liberal democracies. Overall, this analysis provides new insight into the nature of scandals in France, New Zealand and the United States – and the similarities and differences in the composition of political scandals in these three countries.

Conclusion

This thesis has sought to examine the similarities and differences between political scandals in New Zealand, France and the United States. Such an analysis has brought New Zealand into a body of academic literature from which it has otherwise largely been absent. Through the application of a number of case studies that have occurred in these three jurisdictions since the year 2000 to different frameworks, several conclusions have been drawn regarding the political environments in each country.

This research has firmly established that political scandals are not trivial matters and are instead important indicators of many aspects of functioning liberal democracies. Political scandals are intriguing to audiences, as shown through the depiction of political scandals throughout history and in the arts. This intrigue proves that scandals are not just distractions but create interest and excitement around aspects of the political process. Political scandals have also been shown to be important to democracies through the application of the case studies to four established theories. Despite the merits of each of the theories, it has been shown that the social theory of scandal is most pertinent to explaining the impact political scandals can have in a society. This theory argues that because scandals can deplete reputations of, and trust in, political actors and institutions, scandals can have significant and lasting impacts on different societies. Scandals can encourage political cultures of criticism and debate, which overall is healthy for a functioning democracy. It is only when scandals occur repeatedly or on a large scale that a negative political climate can result – which may lead to low voter turnout and apathy towards political actors and institutions. Considering the fact that scandals occurring with great frequency can be detrimental to perceptions of political processes, the fact that there is an increasing trend towards tabloidisation is concerning.

With the increased tabloidisation of the media, it may be seen that frameworks and criteria for assessing political scandals, such as that of Lull and Hinerman, will become even more important. Such frameworks act to distinguish what truly is a political scandal as opposed to media fuelled “scandal-mongering”. Due to this increase in tabloidisation it is important that commentators take note of the different elements of

a *true* political scandal, as it becomes easy to label any transgression reported on in the media as a *prima facie* scandal purely based on the frequency of the media coverage it receives, instead of looking to the societal norms in question and response from the public. Furthermore, as the role of the media continues to change towards a tabloidisation composition, it is useful to note that different elements of such frameworks should be weighted differently. As it becomes more common for any transgression to be widely circulated in the media, other aspects of the frameworks will become more pertinent in making the distinctions and judgments about what constitutes a scandal. In this instance, it becomes clearer that whether the transgression actually does breach societal norms is the most important determining factor in whether a transgression meets the political scandal standard.

It is important that the study of political scandals continues to occur, as political scandals offer insight into the relationships among the public, the media and the state. The study of political scandals is also important as it can provide indications towards the changing nature of political cultures and the evolution of the media. This thesis has offered some insight into these elements of political scandal, particularly through the changing nature of the interpretation of transgressions in New Zealand and also in France, with the changing role of the media in publicising political transgressions.

With many different factors leading to an increasing prevalence of political scandals (perceived or real), it may be that the public increasingly will become indifferent to serious acts of misconduct by their political representatives. It would be extremely detrimental to functioning democracies if people in different countries, whatever the cultural differences may be, did not feel dismay and outrage at behaviour carried out in reckless disregard of appropriate and well-established norms.

Through the changing frequency and composition of political scandals in New Zealand, the negative impacts of social theory are beginning to emerge. The ambivalence that characterised New Zealanders' response to the significant abuses of power shown in *Dirty Politics* may be the beginnings of a culture of distrust towards New Zealand's politics and political system. It is important that society continues to challenge and question the actions of political actors to ensure the existing culture of debate is not

diminished. This call to action applies to academics too; they must continue to pursue this cultural phenomenon so it can be accurately understood. What would truly be a scandal is if academics were so indifferent to the occurrence of political transgressions that they regarded the topic as unworthy of systematic study.

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