

Scandal: The Sexual Politics of the British Constitution

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Scandals are titillating phenomena, intriguing and enjoyable for almost everyone except their victims. They often carry two highly attractive features: first sex, and second the opportunity of watching high and mighty people being revealed to have feet of clay and thus brought low. Much has consequently been written about scandals by journalists (for whom they represent gourmet meat and drink), scholars and others. However, until recently, most of this writing has been either descriptive, or indistinguishable from that about corruption, excess and abuse. Now historians, and even more political scientists, have rightly started seeing scandals as distinctive sorts of event.⁽¹⁾ Scandals generally derive from corrupt, abusive or licentious behaviour, but they are conceptually different. Essentially speaking, scandals occur when hitherto private behaviour, normally by persons in the public eye and often in positions of public trust (political, economic or social leaders, celebrities and the like), is widely revealed and scandalises large numbers of people. Even more than corruption or abuse, scandals are socially constructed, dependent for their existence upon changing societal values. Consequently, although scandals possess distinctive and enduring characteristics, their actual content, indeed the sort of behaviour capable of producing them, varies over time.

The behaviour in question is often the subject of previous gossip and rumour, but public revelation is required for it to become the subject of scandal. The process is thus heavily dependent upon the existence of a mass media, and scandals are seen as being 'mediated' ⁽²⁾, with the timing and character of public revelation being greatly influenced by the self-perceptions (as 'fourth estate', public watchdog, entertainer, profit-maker etc) and priorities of that media. Consequently, unlike corruption, abuse or excess, scandals are probably distinctive to societies in the past three hundred years or so.

Scandals have also increasingly come to be seen as highly important phenomena. They are indicator events

and (because they so often produce formal enquiry) often points of revelation: their timing and content are consequently capable, wittingly and unwittingly, of revealing much about the societies wherein they occur, and the ways in which those societies, their politics and their values, are changing. In the right circumstances, scandals can also have major effects: influencing values, helping remedy abuse, transforming political fortunes, undermining the legitimacy of ruling elites and even the system over which they preside.

It is in this context that we should place Anna Clark's highly interesting and entertaining *Scandal: the Sexual Politics of the British Constitution*. She focuses primarily upon the years 1760–1830, a period whose class and gender relations and intersections she has already done much to illuminate.⁽³⁾ The period has sometimes been called 'the age of scandal'⁽⁴⁾, and Clark argues that the prevalence of the phenomenon is both significant and influential. Sexual scandal in particular became a central component of social and particularly political life; a potent, though only partly controllable, weapon available to all participants in the political game. Clark focuses upon several scandals: the events surrounding John Wilkes's scurrilously laced attacks in 1763 on the king's constitutional right to appoint government ministers, and Wilkes's subsequent trial for blasphemy and sedition; the pornographically-flavoured furores between 1777 and 1788 surrounding the electoral interventions of Mary, Countess of Strathmore, and Georgiana, Duchess of Devonshire; the long-running attempt, starting in 1786, to impeach Warren Hastings, ex-governor general of India, for 'high crimes and misdemeanours'; the scandalous attacks upon the reputations of Mary Wollstonecraft and Hannah More in the 1790s; and the emphatic scandals surrounding first, the Army's commander-in-chief, the Duke of York and his mistress Mary Ann Clarke, and second, George IV and his estranged wife, Caroline. All these scandals and attempted scandals had or were given a strong and scurrilous sexual content, and were eagerly initiated and exploited by most male political participants and aspiring participants: by radicals seeking to undermine monarchical and aristocratic power, and open the system to popular influence; by Whigs and other reformers seeking to boost the role of parliament against the crown; and even by conservatives seeking to defend the status quo by attacking the probity of those perceived as undermining it – reformers, popular radicals and early feminists.

Scandals readily became political weapons not just because everyone could enjoy their often-pornographic content, but also because they represented highly accessible ways of exploring and debating serious issues. They could be presented as melodramatic stories, containing familiar themes of high-born villains, oriental despots, designing women, innocent victims and broken hearts. Though often outwardly trivial, exaggerated, even fictitious, their content could be made to symbolise much wider concerns. Thus radicals could use George IV's sexual excesses and ill-treatment of his wife as symbols of overweening monarchical and aristocratic power, decadence and corruption. His extravagant life-style could be contrasted with the sufferings endured by masses, and his neglected duties towards them. Conservatives of all kinds could use Mary Wollstonecraft's irregular love-life as an emblem for the disorder that the influence of French principles threatened to bring to England.

As a result, and particularly for working-class radicals and middle-class reformers, the scandals of the period increasingly became points of public agitation about these wider issues amongst men, and in the short-term even amongst women. Queen Caroline's sufferings and George's attempts to divorce her on grounds of alleged adultery drew massive crowds on to the streets to support her cause, and then to demand a widening of popular access to a system so corrupt and oppressive as to permit and encourage the injustices and abuses that her problems seemed to symbolise. This and other scandals caused more enduring political animals to create and join political associations in pursuit of the same democratising end. By helping undermine the legitimacy of the old system and its traditional elites, to raise popular political expectations, and to create the civil society so often seen as underpinning successful democratisation, this and other scandals had significant effects upon politics in both the short and longer terms. Some, however, had more conservative results: Wilkes found his accusations about royal sexual excesses, and the 'petticoat influence' upon royal ministerial appointments that supposedly resulted, turned damagingly upon his own licentious life-style. Posthumous revelations about Mary Wollstonecraft's rather numerous amours drove early feminists from the political scene. Though less damaging, allegations about Hannah's More's supposed love life drove her and perhaps other energetic women into less ambitious and more patriarchy-friendly channels for their energies

and capacities than those they might otherwise have chosen. Scandals therefore could become instruments of agenda control and manipulation for conservatives as well as radicals, perhaps doubly so in this latter case because even male radicals were not above using tales of 'petticoat influence' if they served to undermine the system they were attacking.

Ultimately however, such control was limited. The problem with scandals was that, then as now, they were often points of irrepressible revelation about corruption and abuse. Governments could use the Six Acts to suppress explicit radical agitation and argument, and hamper and even suppress the radical press. However, it was much harder to prevent the reportage of the court cases and parliamentary enquiries that, then as now, arose from governments' attempts to denigrate opponents or put difficult issues on ice for a while. It was equally hard to prevent people drawing radical or reforming conclusions about the revelations of corrupt behaviour that such trials and investigations produced in gargantuan amounts. This in turn made scandals a factor helping slowly to undermine the politics of patronage and connection upon which aristocratic rule rested.

Anna Clark therefore can be numbered amongst the growing number of scholars who have come to see scandals as important phenomena capable of influencing events, albeit not always in predictable ways. In common with myself and others, she also sees them as highly indicative about the societies wherein they take place. She is certainly correct in claiming that her scandals have much to tell us about the roles and perceptions of the monarchy, aristocracy, parliament, and the emerging phenomenon of public opinion and opinion politics, in the late eighteenth and early nineteenth centuries. They also have much to say about the changing and constant features of gender relations, more particularly the narrow, and probably narrowing, roles permitted to women in this period.

Clark sets her scandals against a context of increasingly rapid social, political and cultural change in the decades after 1760, which these scandals both expressed and contributed to. Particularly important were the growing divisions within the political elite, especially those inspired by party, which produced increasing temptations to appeal to segments of the population below, notwithstanding fears about influences upon that population emanating from the French Revolution. Equally significant is the emergence of increasingly self-conscious groups of commercial, professional and industrial middling-class people, often informed by religious dissent, often intolerant of aristocratic excess and self-indulgence, and growingly impatient about the minimal roles they perceived to be allotted them in politics. Also important were first, the emergence of similarly impatient working-class and particularly artisan groups; second, the ambiguous position of women and the increasing constraints upon the roles legitimately open to them, as the separation of spheres became transformed from a mere situation into a dominant and legitimising ideology; and third, the increasing influence on all these groups of evangelicalism, with its tendency to moralise the content of politics, enhance trends towards respectable conduct, and reinforce women's role as the transmission-belt for morality within the family.

The final aspect of this context is the emergence of a mass media, particularly of myriad newspapers and periodicals directed at most levels of the population. If anything, Clark attaches insufficient weight to this factor. The media, then as now, were the crucial means by which gossip between persons was investigated (in so far as it was), widely spread, and thereby transformed into scandal, something capable of scandalising people in large numbers. Though she does not make the point explicitly, it is clear that these scandals were 'mediated', with their occurrence and flavour heavily conditioned by the political and competitive commercial concerns of newspapers and their journalists. Scandals were the ultimate embodiment of what a press baron of a much later age described as being the essence of 'news' – 'anything out of the ordinary'.⁽⁵⁾ Scandals sold newspapers; sexual scandals sold them better. In some ways, mediation was a doubly important influence upon scandal production because journalists seem to have been less concerned about, and certainly less able to ensure, the accuracy of the news they reported than their present-day counterparts. And if the press was important, so too were the growing towns which provided its markets and production centres, and began eroding the bases of social deference to a point where there was sufficient popular disrespect to provide a mass audience for scandal, ready to enjoy being scandalised, and the puncturing of elite pretensions which scandals entailed. This is a further factor confirming the impression that scandals,

and the politics of scandal, are primarily products of the past three hundred years.

There are aspects of this book some will find irritating, particularly Clark's tendency to use 'critique' as a verb, and her less forgivable habit of misting over the conceptually essential distinction between 'reject' and 'refute'. This is a media habit, and perhaps Clark has read a few too many newspapers. I am also uncertain whether modern political analysts would be entirely happy to endorse her classification of all the central events in her book as scandals. Sometimes she seems to assume that any conflict involving the deployment of scurrilous allegations must constitute a scandal. An opening definition along something like the lines offered above would have been analytically useful.

Nevertheless, it is hard to disagree with her central contentions: that scandals then as now represented enormously useful political weaponry to participants across the political spectrum, though the guidance-mechanisms with which they apparently came equipped left a lot to be desired. They were and are capable of considerable political impact. They could draw all sorts of previously excluded folk into the political process. And they have much to tell us about the societies wherein they have occurred.

I would probably want to go further than Clark in some respects. She argues that scandals are indicative of social and ideological change, and symptomatic of shifting moral values. I would suggest they tend most frequently to involve behaviour located near the often-hazy borderlines between allowable and illegitimate behaviour, and to occur when public values are shifting, normally in the direction of greater probity. Some scandals clearly involve conduct culpable under almost any scheme of values: child abuse for example. More often, though, those caught up in scandals tend to be people behaving in ways that society has previously been content to condone or at least tolerate, but who now find themselves on the wrong side of that shifting borderline. The resulting scandal can then shift values still further in the same direction.

Thus in the decades after 1760, the sexual licence that caused few problems to those who indulged earlier in the century now increasingly left such people vulnerable to revelation and scandalised public contemplation, particularly if they were women. The buying and selling of political and military office could be just about condoned as part of the system of royal and aristocratic patronage and connection, but could easily become the subject of scandal with only a slight shift of values, and under the impact of such scandal come to seem like the unpleasant outer edges of a corrupt system. Interventions by aristocratic women in electoral politics were just about permissible when viewed as part aristocratic paternalism, but could easily be rendered scandalous if viewed as 'petticoat influence'; and as such could then be used as radical weaponry against the power of the aristocratic ruling class and its 'corruption'. In the late nineteenth century, gas engineers who had been soliciting and accepting 'commissions' in return for the award of municipal contracts to coal and equipment contractors, and who had come to regard such payments as legitimate additions to inadequate salaries, suddenly found themselves held up to public obloquy as the corrupt recipients of bribes as the result of a series of scandals starting in Salford in 1887.⁽⁶⁾ In 1901, vast numbers of 'very respectable solicitors' who had got into the habit of 'mixing' their own money with sums they held in trust on behalf of clients, and speculating profitably with both, suddenly found their conduct declared execrable in the wake of the Benjamin Lake scandal. Lake, an ex-president of the Law Society who had speculated once too often and carelessly gone bankrupt, was tried for massive fraud and sent to prison for twelve years.⁽⁷⁾ In the late twentieth century, Conservative MPs became the subject of a series of scandals, electorally very damaging to their party, when they were discovered to have been asking parliamentary questions in return for cash from groups outside parliament. Thirty years previously, even political scientists had felt able to see similar practices as proper parts of the representative system:

In both (Britain and America), group interests have spokesmen in the national legislature and feed these spokesmen with specialised information for use in debate and committee work. A few groups draft legislation for their spokesmen to present, while many persuade their spokesmen to move amendments to Bills sponsored by the executive. In Britain, it is thought perfectly proper for MPs acting in this way to be paid fees or salaries by the groups.⁽⁸⁾

The reference to America is appropriate since similar scandals involving similarly marginal conduct by congressmen occurred at around the same time. This prompted one analyst to observe:

legislators need to understand what constitutes proper conduct and where the boundaries of unacceptable conduct lie. These have proved difficult to define both because they have rarely been made explicit and because they have evolved over time, often in response to scandals. Thus scandals sometimes arise because legislators are behaving in accordance with a code or practice that has become outmoded.⁽⁹⁾

It follows from the foregoing that I also agree with Clark's contention that scandals have tended to occur at particular points in time when particular sorts of circumstance have been in place: a shifting moral borderline; the emergence of groups at odds with prevailing values – the expanding middling classes in the eighteenth century, or (in relation to the Lewinski scandal) America's Christian fundamentalists in the late twentieth. I would add, and Clark would probably agree, that scandals tend to occur under particular sorts of regime – in democracies and regimes undergoing democratisation; and in declining authoritarian or (and here we can perhaps locate Britain between 1760–1830) semi-authoritarian political systems. They occur amongst the two latter sorts of regime when social change is creating new social groups discontented with the existing order, new demands and shifting moral borderlines, but where the presiding elites lack the control to prevent the emergence of scandal. Clark gives some emphasis to the claim that the scandals of her period failed to destroy the system as they arguably helped to do in France partly because of effective government repression. However, it is evident from her book and from other sources that this repression was no more than partially effective. This was partly because the myriad radical press in particular was difficult to control even with the 'taxes on knowledge', particularly once 'unstamped' newspapers began emerging. It was partly also because scandal, with its points of formal revelation often created by government itself, is almost inherently uncontrollable for such regimes. If you set up enquiries or stage trials, it is hard to justify preventing even government-supporting papers from reporting them. Where scandals can virtually never emerge is in effective totalitarian regimes: abuses might be vast but control and terror is so great that they cannot be reported, unless the state decides to use them against its opponents.

I would also agree with Clarke's contention that scandals can become agencies of democratisation – granting the point that British franchise reform only came to be seen in this way sometime after its initiation. They can certainly draw all sorts of groups into the political process; they can also help undermine the legitimacy of traditional systems. One theme worthy of investigation would be how far the Royal Commission system established in 1852 to investigate electoral corruption allegations operated in this way. The commissions certainly became powerful agencies for the generation of political scandal, and probably helped shift public values in the small towns, where corruption was most likely, towards seeing 'customary payments' for voting' as 'bribery'. However, I would probably want to add, *contra* Clark, that modern scandals may be starting to take people out of politics, producing a widespread and often unthinking cynicism about democratic politics and politicians.

One final point: Clark wants to see modern sexual scandal as indicative of the same social and ideological trends she perceives as underpinning those after 1760. While this might be true of the USA, I am far less certain about the claim in relation to Western Europe. Here, these affairs seem more like 'pseudo scandals', capable of considerable damage to politicians even to democratic systems, but not really the product of

genuine mass scandalisation – the 1960s and 1970s did not happen for nothing. Rather, they are the ultimate mediated events, generated and maintained because titillation sells newspapers in the modern, desperately competitive media world.

Notes

1. Amongst the most recent publications, see J. B. Thompson, *Political Scandal: Power and Visibility in the Media Age* (Cambridge, 2000); for a sample of recent writing, and some useful bibliographies, see *Scandals in Past and Contemporary Politics*, eds. J. Garrard and J. Newell (Manchester, forthcoming 2005).[Back to \(1\)](#)
2. Thompson, *Political Scandal*, p. 31.[Back to \(2\)](#)
3. A. Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class* (Berkeley, Calif., 1995).[Back to \(3\)](#)
4. T. H. White, *The Age of Scandal: An Excursion through a Minor Period* (1950).[Back to \(4\)](#)
5. Lord Northcliffe, quoted in R. Pound, and G. Harmsworth, *Northcliffe* (1959), p.110.[Back to \(5\)](#)
6. J. Garrard, *The Great Salford Gas Scandal of 1887* (Altrincham, 1988).[Back to \(6\)](#)
7. The phrase is from the *Solicitors Journal*, 2 Feb. 1901, p. 231. Described in John Garrard, 'Scandals, an Overview' in Garrard and Newell.[Back to \(7\)](#)
8. A. H. Birch, *Representation* (1971); for forthright defence of such conduct, see S. E. Finer, *Anonymous Empire: A Study of the Lobby in Great Britain* (1961).[Back to \(8\)](#)
9. R. Williams, *Political Scandals in the United States* (Edinburgh, 1998), p. 89.[Back to \(9\)](#)

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