

Legitimacy and Consensus in Moral Panic Theory

Introduction

The moral panic concept and its associated ‘folk devils’ made a lasting change in the way sociologists, as well as the media and popular culture, have conceptualised social phenomena (Cohen 1973; Goode and Ben-Yehuda 2009). However, critics have argued that the popularity of the concept reflects its “complete lack of theoretical, definitional, and evidential integrity” (Thompson and Greek 2012:1). There have also been calls for a moral panic theory that addresses the changing nature of modern social life, such as changes to the media landscape (deYoung 1998; McRobbie and Thornton 1995). It is not my intention to present another critique of the moral panic concept (see Critcher 2008). This paper attempts to build on the moral panic ‘toolkit’ by responding to a question posed by Nachman Ben-Yehuda (2009:2):

But what happens to moral panics in multicultural societies where morality itself is constantly contested and negotiated? Consensus about morality in such societies is not a simple or taken-for-granted issue and, therefore, the entire issue of launching moral panics within more general processes of moral entrepreneurship, legislation, policing and regulation has had to be reconceptualized.

My aim here is to suggest that, for some moral panics, Weber’s concept of legitimacy can enhance understandings of efforts by elite groups to maintain authority. Situating legitimacy within a moral panic framework places the focus on the “multifaceted relationships among diverse social agents, fragmented media, representation, and reality” in the social construction of a moral panic (Hier 2008:174). In doing so, this paper follows in the constructionist tradition, drawing on work by Eliche Goode and Ben-Yehuda.

Goode and Ben-Yehuda (1994a) list five criteria in the identification of a moral panic - consensus, concern, hostility, disproportionality and volatility. A full discussion of the relationship between legitimacy and these criteria is outside the scope of this paper. Here I outline a moral panic theory that incorporates legitimacy and the modification of consensus to 'consensus-making.' I illustrate the value of this approach using a content analysis of media reports of performance-enhancing drugs (PEDs), or doping, in elite sport. I have argued elsewhere that doping debate can be conceptualised as an institutionalised moral panic (McDermott, forthcoming). I first consider the relevance of situating legitimacy in moral panic theory before discussing the modification of consensus to 'consensus-making.'

Legitimacy and Moral Panic Theory

Legitimacy is a foundational sociological concern, and the work of Max Weber provides a useful starting point to discuss legitimacy and moral authority in modern social life. Weber was concerned with identifying the sociological basis of legitimacy and moral authority in modern industrialised societies (Cantelon and McDermott 2001; Thomas 1984). Weber (1969) emphasized that for any social system to maintain order its claims to legitimacy must be perceived as valid. This is significant as belief in the validity of such claims confirms the moral authority of claim-makers to determine appropriate attitudes and conduct for the group (Weber 1969). Morality is also important, as it orients social actions that mark community boundaries based on a set of social criteria, or rules, which evaluate "behavior and goals as good or bad, desirable or undesirable" (Ben-Yehuda 1986:495). In modern societies, moral boundaries and evaluations of behaviour undergo constant processes of negotiation and renegotiation by social groups (Ben-Yehuda 1986). In this context, enforcement practices, regulatory frameworks or procedural mechanisms are concerned with moral principles and justifications and must be open to public scrutiny to be seen as legitimate (Battin, Luna,

Lipman, Gahlinger, Rollins, Roberts and Booher 2008). In other words, claims to legitimacy and moral authority cannot be taken for granted, even when manipulated by elite groups.

Legitimacy emerges as a dynamic concept that is not necessarily clear or easily applied. It “appears to be relative, gradational, dynamic and ‘multi-dimensional’”, while the “bases of legitimacy may change and they may be analysed on such ‘dimensions’ as credibility, prestige and deference and in such aspects as economic decisions, political activities, propaganda” (Pakulski 1986:37). Examining legitimacy in a moral panic framework provides an opportunity to consider its ‘multi-dimensional’ character. This “implies that it will operate differently in different contexts, and how it works may depend on the nature of the problems for which it is the purported solution” (Suchman 1995:573). Similarly, moral panics do not necessarily follow formal stages consisting of a “beginning, middle and a predictable end” (Goode and Ben-Yehuda 2009:247). Rather, moral panics may produce different effects and take different forms leading to different outcomes under specific circumstances.

A legitimacy-based moral panic model also addresses the various theorisations of the media’s role in a moral panic. Some moral panic theorists argue that the media, rather than presenting objective accounts, are “cued in” to specific news topics by those in authoritative positions (Hall et al. 1978:57). This view has been criticised as underplaying the active role of other social agents as well as media challenges of dominant groups (Schlesinger, 1990, as cited in Critcher 2002; Goode and Ben-Yehuda 2009). Nevertheless, the media do play a key role in influencing elite groups and public opinion.

It would, however, be a misrepresentation to generalise the media as a conduit for dominant interests, or audiences as passive consumers of information. Audiences bring their own predispositions and interpretations to reading and viewing ‘news,’ which influences the meanings they attach to information and perceptions of media credibility (Goode and Ben-

Yehuda 1994b; Reiner 2007). This means that, similarly to other elite groups, media organisations must actively work to maintain their legitimacy and public perceptions of credibility, neutrality and objectivity in their presentation of news (Chermak 1997; Sacco 1995; Schneider 1985). Thus, while perhaps often supporting dominant groups' claim-making activities, the media do not simply provide forums for the discourse of elite groups but can play a role in directing and influencing narratives around particular social issues, driven by their own organisational needs – including legitimacy.

Goode and Ben-Yehuda (2009:90) describe the media as the 'beating heart' of a moral panic. Nevertheless, despite extensive media coverage, not all moral panics become parts of the social environment (Best 1999; Hilgartner and Bosk 1988). Cohen (2002:1) acknowledged that "sometimes the panic passes over and is forgotten ... at other times it ... might produce such changes as those in legal and social policy or even in the way society conceives of itself." The forms of moral panic of interest here are those that lead to a problem-specific institutional response or enforcement mechanisms, such as legislation or regulatory frameworks that "criminalise or otherwise deal with" the deviant behaviour (Goode and Ben-Yehuda 1994b:152). These forms of moral panic are important for organisational claims to legitimacy. They signal to "threatening agents" that the community is prepared for imminent danger and provide opportunities for elite groups to position themselves as leaders in law and order campaigns or protecting the health or integrity of a community (Goode and Ben-Yehuda 2009:138).

More significantly, a problem-specific institutional response enables dominant groups to respond to challenges and reassert their power and values, or claims to authority and legitimacy, through a regulatory framework (Gusfield 1963; Schneider 1985). As Gusfield (1967:178) notes, these actions demonstrate "which cultures have legitimacy and public

domination, and which do not. Accordingly it enhances the social status of groups carrying the affirmed culture and degrades groups carrying that which is condemned as deviant.”

However, to maintain support, dominant groups must engage in ongoing work to generate consensus, from the public and other stakeholders, that the particular behavior or issue in question continues to threaten social order and warrants a strong institutional response.

Consensus or Consensus-making?

A central element of a moral panic is consensus from a range of social actors that an issue is problematic and requires action to resolve (Cohen 1973; Goode and Ben-Yehuda 2009).

However, consensus can be fractured with the character, causes, and consequences of the problem as well as measures to solve the threat subject to dispute and collective negotiation (Garland 2008). Similarly, claims to legitimacy occur in competitive arenas comprised of a range of stakeholder groups with diverse and conflicting interests. In this context, consensus does not adequately capture the complex interactions and potential conflicts among dominant groups or the role of legitimacy in contemporary debates.

In some moral panics, ‘consensus-making’ more accurately captures the interactive processes involved in selecting, presenting and maintaining attention and concern over issues as social problems. This includes convincing claims about the definition, legitimacy and urgency of problems as well as “who is responsible ... and how they should be resolved” (Sacco 1995:154). Consensus-making also more accurately describes the way in which elite groups’ use the media to present and maintain concern over particular social issues and associated ‘folk devils’ who are perceived to threaten social stability.

In some moral panics, such as doping, ‘consensus-making’ more accurately describes the interactive processes and power relationships between groups that are evident in the debate. Dominant stakeholders, such as the World Anti-Doping Agency (WADA) and elite sport

governing bodies (SGBs) have diverse interests and use anti-doping policies to achieve specific outcomes that are relevant to their particular communities. The modern sporting context includes athletes, coaches and the public, amongst others, as stakeholders who also have an interest in anti-doping initiatives. Consequently, consensus-making more accurately reflects the multi-dimensional and contested nature of elite SGBs' efforts to generate and maintain support for particular anti-doping responses. To illustrate the modified moral panic criterion of consensus-making in legitimacy focused moral panic theory, I use a content analysis of media reports¹ of doping in elite sport.

Legitimacy and Consensus-making in the Drugs in Sport Debate

The content analysis revealed that the media, elite SGBs and stakeholders, including athletes, discuss doping in a way that suggests consensus that it threatens sport and is a global issue requiring a concerted, harmonised effort to resolve. According to an International Olympic Committee (IOC) spokesman: “The ***fight against doping*** in sport is a ***daily battle***, which must be ***fought in concert*** by the sports authorities, sports teams, athletes and coaches, and governments” (Associated Press 2007c). Athletes also indicated that anti-doping required a concerted effort by ‘clean’ athletes: “It's not our mess, but as people passionate about the sport ... it's our responsibility to clean it up ...” (2004 Olympic women's 100 metre silver medallist Lauryn Williams in Perez 2008). Governments described doping as an “ever-present spectre,” stressing that the danger from doping was widespread and permanent (Bowen 2007). Media reports emphasised the extent of doping and highlighted the need for an effective institutional response:

The World Anti-Doping Agency will adopt a new code in the strengthening of ***global efforts to combat doping*** ... the ***core document*** adopted in 2003 as the ***framework for the global harmonized fight against doping*** ... revising the Code is intended to fine-

tune its provisions based on the experience gained to date and to *strengthen global efforts against doping* in sport ... (Xinhua 2007)

This language generates support for the claim that sport is endangered and that doping destroys “the value of sport ... Its credibility, its function as a provider of role models and its approval by the public are being put on the test” (Deutsche Welle 2007).

In a moral panic the media provide an important site for claim-makers to construct issues as problematic based on the threat that the deviant behaviour presents to social order (Goode and Ben-Yehuda 2009). These types of constructions can lead to an institutionalised moral panic, where concern is captured in “ongoing, long-lasting organisational structures” to control or eliminate deviant behaviour (Goode and Ben-Yehuda 2009:247). For example:

Drug-free sport in general is Utopia ... There are about 400 million people practising sport on this globe, there are not 400 million saints on earth. Cheating is embedded in human nature and *doping is to sport what criminality is to society*. You will *always need cops and judges and prisons and jails and rules and regulations* (IOC President Jacques Rogge cited in Agence France-Presse 2008a)

This call for a strong institutional and regulatory response to doping provides further support for the moral panic criterion of consensus-making. There is also evidence of consensus-making in media reports in comments by former WADA president, John Fahey. He argued that the “extremely important” anti-doping efforts of WADA “must succeed” to maintain the stability and survival of sport and values popularly associated with it: “Otherwise, I think sport will wither and probably die if we can't get integrity back into it by fair play” (Associated Press 2007b). According to WADA the elimination of doping is essential to protect the very essence of sport. This is best accomplished by applying the anti-doping knowledge and enforcement practices that WADA are accumulating:

They (the *public*) *do not have the same confidence* they once had, but does that mean we can *return the sport to its very essence? To the fair play concept?* We must ... *If we do not, then part of the world as we've known it for all of our lives is going to leave us*, because the public will desert any sport in time that they are not satisfied has integrity in the way in which it operates ... We are smarter than we used to be ... *we are learning more and we're targeting, our investigations are becoming effective.*

(WADA President, John Fahey in Agence France-Presse 2008b)

Fahey's consistent reference to 'us' and 'we' provide evidence of consensus-making not only that doping is an ongoing and widespread issue, but that it requires a concerted and strong institutional response. Although claiming that anti-doping 'investigations are becoming effective' the ongoing threat doping presents to 'part of the world as we've known it' amplifies, and justifies, the need for WADA's continued efforts. The suggestion that the value and integrity of sport is under attack highlights the need for institutional action to 'combat' drugs in sport.

The position of the media as powerful agents of social control also enables criticism and challenges to the version of events postulated by moral panic claim-makers. While a primary element used to attest to the efficacy of the WADC framework involves testing procedures and technology, these are not without their critics. The media provides a forum where other groups, including some elite athletes, criticise the anti-doping framework:

"This is *not a battle for or against doping*, because *we all are against doping*. It's a *battle against the system* which does *not respect the fundamental rights of individuals*,"

Kashechkin's lawyer, Christian Botteman, said Friday. (Associated Press 2007a)

This comment highlights the multi-dimensional aspect of legitimacy in the doping debate. The issue raised here is not a lack of consensus or the necessity of anti-doping regulations.

Rather, the problem concerns the definition of the situation, in particular, athletes' rights to fair and equitable treatment. These types of media reports reveal tensions between organisational stakeholders and lead other claim-makers, such as athletes, to challenge WADA's practices, if not its legitimacy.

Conclusion

A modified moral panic model that includes a Weberian-inspired consideration of legitimacy helps us answer the question posed by Gusfield (1981:5) decades ago: "Who and what institution gains or is given the responsibility for "doing something" about the issue?" In other words, claims of legitimacy and moral authority can contribute to the construction of a moral panic, in this case doping, making them central elements to consider critically.

Placing legitimacy at the core of a moral panic analysis also addresses criticisms of Cohen's original model and later adaptations, such as Goode and Ben-Yehuda (1994a; 2009). In particular, the subjective aspect of legitimacy highlights how dominant groups work to generate and maintain support for their claims to authority, which are contested by a range of other stakeholder groups. Although privileged, elite groups cannot take for granted claims to the moral authority or legitimacy to 'pull the strings.' Rather, these groups must, at least to a certain extent, work to generate and maintain support for an institutional response to a specific problem that is of particular concern, which is a central feature of a moral panic (Beamish 2009).

In contrast to societal control culture imposed from the top-down, authority and legitimacy must be negotiated. This constructs the public as active participants that filter messages, including those from the mass media, through complex social networks and knowledge frameworks (Reiner 2007). The diversity of stakeholders in modern life also means that there are different notions of how legitimacy operates in particular communities (Kidd et al. 2001;

Pakulski 1986). Considering legitimacy analytically captures power relationships between organisations and the way these shape debates. It expands the analysis beyond the somewhat limited observation that economic imperatives or issues of social control motivate elite groups. Rather, situating legitimacy within a moral panic framework demonstrates that elite interests, including the ability to pursue a commercial agenda and maintain control of their particular community, rests on perceptions that their authority is legitimate and valid.

¹ Data sources for the content analysis consisted of online reports from international media agencies in 2007-08. I looked for headlines with the keywords 'doping' or 'drug' with inclusion limited to publishers with 15 or more articles resulting in a data set of 571 articles.

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