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8 Organized Distrust: If it is there and that Effective, Why Three Recent Scandals?

Abstract: In the field of society and politics, Popper replaced the question of who should rule by that of how to reduce damages rulers impose upon their subjects. Popper's answer was organized distrust, institutions like periodic elections for public posts and the separation of powers. By detailing three scandals that played out in the 2010s, this contribution asks to what extent organized distrust was effective in these instances. The first case is that of fraud by the Dutch social psychologist Stapel. Our conclusion is that serial offenders are not likely to be caught by the much-praised double blind review system. The second scandal is deceptive software in cars for monitoring emissions. It came about through three causes. First, the European Union set emission standards, but left surveillance to national governments, making for Hobbes's covenants without swords. Second, national organizations for applied research did find that emissions were too high, but were not allowed to publicize this, making for Durkheimian fatalism. Third, executives of car companies set impossible goals for engineers, making for Mertonian anomie in the form of fiddling. The third scandal is sexual abuse of minors by Catholic clergy. Catholic authorities settled cases behind closed doors, lowering the number of trials because victims did not have models for complaints. All in all, Popper's methodological individualism should allow for corporate actors next to individual actors, so that Coleman's proposition of increasing asymmetries in contemporary societies may be tested.

8.1 Personal trust and organized distrust

Trust cements societies, confidence of people in each other lubricates life. For the systematic study of societies, these avowals are a bit metaphorical. Yet an issue lurks here, and it becomes visible by spelling out corollaries of the thesis that *peaceful coexistence* is impossible without trust. To begin with: in societies rife with distrust, life will be solitary, poor, nasty, brutish and short – that is the old quote from *Leviathan* (Hobbes 1651). In addition: societies where doubts abound will *Collapse* – to borrow a recent book title (Diamond 2005). All this amounts to a major thesis in current sociology.

Yet there is a competing conjecture. In societies with the rule of law, free labor, elected politicians, and similar arrangements, unanticipated developments will

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occur like Smith's accumulation of stocks and rising real recompenses for labor, and Millar's less unequal balances of the rights of husbands and wives, fathers and children, masters and servants, as well as rulers and subjects. These provisions also promote processes like Durkheim's bonding between a society's members, and Weber's rationalization of economies, politics, and other areas of life. Societies with these arrangements institutionalize criticism and organize distrust, occasioning long-term trends studied by sociology's Scottish ancestors and its Continental initiators. So, there is the issue of trust and distrust. In this contribution we seek to deal with it, and we do so by way of a data driven essay.

8.1.1 A problem shift in studies of societies and politics

Popper argued – in *The Open Society and Its Enemies* from 1945, and more extensively in its 1952 edition with an augmented chapter entitled “The principle of leadership” – that theorizing about societies and their politics has been dominated since two millennia by Plato's ill-considered question of who shall come to rule a society's state. Rather, the pivotal question should be how to eliminate bad rulers without bloodshed, and how to reduce damages rulers impose on their subjects (Popper 1952: i, 121). This problem shift puts proposals for political reform in a different light, unifies them, and suggests additional amendments. Even if heads of states are benevolent and wise upon ascension, they – following Acton – may be corrupted by their exclusive rights to draft men as soldiers, tax households, convict persons who trespass rules protecting life and property, and issue travel documents. By voting in elections, people express trust in persons running for office. If leaders are elected for life, the impact of good ones who turn bad may be large. However, if laws demand that heads of states periodically face re-election, people may voice distrust by voting for their opponents in the next election. And if – as Bentham proposed – every subject is entitled to vote, harm will be even smaller. Other arrangements reduce the injurious impact of rulers by limiting their powers, and by balancing the curbed powers against other powers. Montesquieu's *trias politica* does away with the concentration of powers in one office held by one person, and amounts to another case of ‘organized distrust’. Popper did not use this expression, but it nicely sums up his argument.

Popper criticized his own theory that organized distrust lowers violence between rulers and subjects by maintaining that institutions are like fortresses. They should be well-designed – organized distrust would improve an institution's design. They should be well-staffed too – but Popper did not enter into that matter. So, how to fill that hole? We try to do so in this contribution.

Given the problem shift proposed by Popper for research on societies and their politics, the issue is not about the amount of trust of persons in one another, and the many data around on the people's trust in their government, the police, and the

courts, are irrelevant for Popper's new problem. This remains so if trust of persons in – say – banks, multinationals, and universities is ascertained. Following Popper, the consequential question is about non-personal entities distrusted or trusted by people, and the extent to which they contain arrangements allowing for and inviting comments, examination, and inspection. Some we mentioned, others include reports on funds raised and spent, and their certification by auditors. A complete list of provisions for criticism seems unattainable, as new stipulations may crop up after scandals, and a world without scandals will stay far away. That is why we conclude our dissection of three recent scandals with proposals for more organized distrust.

Accepting Popper's problem shift, it is wise in sociology to distinguish between on the one hand natural actors like you as a reader and the authors of this essay, and on the other hand states, or more generally corporate actors. This is a common distinction in jurisprudence. Of course, natural persons hold the political offices of states, but these natural persons have, given their formal position, additional capacities to act. The present contribution will not deal with the amount of trust of natural persons in corporate actors, but the way in which distrust of corporate actors is organized in contemporary societies like the Netherlands. This paper bypasses questions about organized distrust within their polities, and seeks to answer questions about organized distrust for three other corporate actors, to wit editorial boards of scientific periodicals, car companies, as well as churches. If Popper's theory of organized distrust is to demonstrate its mettle, it does so by its application to other types of corporate actors than states and their polities, for which it was developed.

8.1.2 Institutional individualism as a theoretical method for sociology?

In *The Open Society* Popper also argued in favor of theories with a specific content for sociology in general. These arguments have created quite some confusion. Popper asserted that sociology is autonomous, but rejected methodological collectivism, backed methodological individualism, at the same time opposing psychologism. It does not seem easy to square these proposals. We sort things out, and the outcome will be that the common distinction between hypotheses about collectivities and hypotheses about individuals – as featured in the debate in the United Kingdom assembled by O'Neill (1973) in *Modes of Individualism and Collectivism* – should be replaced by that between hypotheses about corporate actors and hypotheses about natural persons, and supplemented by the recognition that sociology's questions involve a combination of natural and corporate actors, as well as by explanations of societal phenomena that invoke corporate actors next to individual actors.

In “The autonomy of sociology”, a chapter of *The Open Society*, Popper pleaded for a sociology bypassing explanations that invoke human nature and its instincts. That would amount to sterile *psychologism*. According to Popper, it would be wrong to argue that the conventions of social life are outcomes of motives springing from the mind of individual persons. If motives are to explain societal phenomena, the explanation also should refer to the environment in which people live, in particular the institutions of their social setting. Popper then does not announce what should be trumpeted (ii, 90): the outcomes of human actions not only depend on the *motives*, but also on the *opportunities* of persons. Anyway, the term methodological *individualism* is unfortunate, because explanations adducing solely the motives of persons – or more generally human nature – are individualist too. This is perhaps why some scholars came to favor the tag institutional individualism, such as the philosopher Agassi in *The British Journal of Sociology* from 1974. We replace the term psychologism by the expressions instinctual individualism and motivational individualism.

What exactly is wrong, according to Popper, with instinctual and motivational individualism? One of Popper’s examples involves wealth. John Stuart Mill had maintained in 1843 that a finding to the effect of most goods being produced by markets, in the end can be derived from the tendency residing in human beings to pursue wealth. Popper disagrees by arguing almost – but not exactly and less overtly – like Smith, the founder of economics. Nations differ in their standard of living, how is this possible if all people had, have and will have the same propensity to improve their life? To answer this question, Smith (1776) in *The Wealth of Nations* did not coolly claim that this inclination differs in intensity from country to country. In some areas of the world people live more closely together than in other parts, and it is easier to transport goods on navigable rivers and seas than over hilly and rugged lands. Markets differ in size, and when markets are larger, work in factories become more divided, and the division of labor, in its turn, makes for cheaper products, higher profits, and an increase in a nation’s wealth. Some settings offer definitely more chances for improving one’s living standard than other circumstances, and the freedom of enterprise heralded by Smith augments them. It now is clear what the difference between Popper’s psychologism and individualism looks like. Some explanations invoke motives only, other accounts adduce motives plus opportunities. Later we discuss the *methodological* of Popper’s individualism.

Incest is Popper’s counterexample to instinctual individualism. To explain why every society forbids incest, it would not help to note that every young man everywhere goes out of his head when asked how often he has sex with his sister. Rather, the stronger a society’s sanctions against incest, the deeper its elders plant in juveniles the idea that incest is dead wrong, and as a consequence almost everyone everywhere is disgusted by it. Here it is a pity that Popper does not scrutinize the debate around 1900 between Westermarck and Durkheim. Westermarck held the first sociology chair in Europe, and postulated an instinct against incest, evolved by

natural selection. Durkheim took avoidance of certain marriages as the other side of rules promoting exogamy, and the taboo on incest in societies like his native France as a survival of the injunction – still present among Australian and North American aboriginals – to marry someone with a different totem. Durkheim hinted that this rule would decrease hostility between totem groups, and fulfill a societal need for peace.

But then – since persons may die of hunger and thirst – how is the societal need for peace met? In “La Prohibition de l’Inceste et ses Origines”, Durkheim (1898) held that among hunters and gatherers the men with one totem exchange women of their own totem against women of another totem offered by men of that totem, with peace as a byproduct. Lévi-Strauss (1949) developed this hint in *Les Structures Élémentaires de la Parenté* into a full-fledged theory. Durkheim also showed that among hunters and gatherers in Australia, adolescent men not only eschew sex with women of their own totem. Men and women of the same totem do not share meals, and as unmarried adults they avoid one another during leisure. The question of why no incest was a sub-problem of that of avoidance between persons of the same totem and different sex. O’Neill (1973) neglected Durkheim on incest.

Now a case of purported instinctual individualism that boils down to a case of budding institutional individualism, bringing out the issue of whether it is logically possible to explain societal differences by human nature. Hume, the infidel and friend of professor Smith (we allude to Rasmussen’s (2017) disappointing book about a friendship between two Scots who shaped modern thought), raised in *The Natural History of Religion* the question of the origin of religion, immediately turning it into that of its origin in human nature (Hume 1757). All the same, Hume had misgivings about the question of religion’s roots in human nature. He accepts that beliefs in several co-existing invisible and intelligent powers prevailed all over the world until (then) 17 centuries ago. However, since that time the idea of one such power spread all over Europe. In addition, no two nations with polytheism ever fully agreed in religious matters. What is more, some nations do not have a religion. All this does not square easily – so Hume notes – with the idea of human instincts the same in all times at all places.

How does Hume pull off instinctual individualism? He does not, and spins instinctual into institutional individualism. Hume winds up his *History* by stating that ‘(t)he universal propensity to believe in invisible, intelligent power, if not an original instinct, . . . at least (is) a general attendant of human nature’. Even if one were to know what amounts to a general attendant of human nature, it does fall outside the scope of instinctual individualism, and when the content of Hume’s specific hypotheses is considered, Hume strays even more from it. In his discussion of polytheism Hume posits that if for persons visible factors do not do the job of explanation, they will postulate invisible and intelligent powers: the vicissitudes of human lives – in particular sickness, want, and adversity – suggest many powers influencing

human weal and woe. Here – in our reading – Hume explains polytheism by appealing to the natural plus social environment. Also, the members of a society ‘reduce heavenly objects to the model of things below’, and out of several gods they ‘may represent one god as the prince or supreme magistrate of the rest, who . . . rules them with an authority, like that which an earthly sovereign exercises over his subjects and vassals’. In this account of monotheism – so we hold – Hume invokes an institution, and notably a corporate actor *absent* among hunters and gatherers. It is an earthly sovereign, and occasions in the mind of a sovereign’s subjects the idea of a heavenly sovereign. Finally, Hume takes his hypothesis about life’s vicissitudes as corroborated by noting that in his days gamblers and sailors are the most superstitious persons in Scotland. So, the people most vulnerable to capricious fortune, adduce the longest list of whimsical entities to account for how they fare. Two and a half centuries ago the division of labor did not comprise sports super stars.

Of course, Hume was on the right track when explaining a society’s religion with the hypothesis that its members take invisible factors as resembling visible entities like human beings endowed with intelligence and will. All the same, Durkheim (1912) paved a way forward with the thesis that religions draw on societal analogies. He held in *Les Formes Élémentaires de la Vie Religieuse* that among Australian hunters and gatherers such sociomorphism was common, and that only in later stages of what now is called technological development, the tendency evolved to account for phenomena by willful and wise invisible entities. This anthropomorphism therefore cannot be an instinct and part of human nature, it is acquired under societal conditions. Topitsch (1958) sorted things out in *Vom Ursprung und Ende der Metaphysik*: people comprehend the faraway and unknown by analogy with the known and nearby, implying that to the extent people live in different settings, their thoughts about the distant and unfamiliar vary. With the cognitive and evolutionary turns in psychology, this principle gained ground. In Pinker (2002) thinking in metaphors is a human universal. However, for Pinker – ignoring Durkheim – anthropomorphization is a human universal too.

Now, what exactly is wrong, according to Popper, with collectivism? Popper contrasted individualism with collectivism, and took Durkheim (1895) – who pleaded in *Les Règles de la Méthode Sociologique* for an autonomous sociology – as a proponent of collectivism. Durkheim definitely favors seeking causes of societal phenomena among other societal phenomena, and he found them there too. According to Popper, in a sentence added in 1952 to the chapter entitled “The open society and its enemies” in his book with the same title, Durkheim’s methodological rule was that societies must be analyzed in terms of concrete social groups (i, 175). Popper’s examples of concrete groups are persons related by blood, people who live at the same place, human beings who shared a common effort, and persons who lived through hardships or joys together (i, 173). Popper (1952: i, 175) added that Durkheim did not appreciate that economic theories are concerned with abstract relations between people, like exchange of goods and cooperation in the division of labor.

These comments of Popper are largely off the mark. Durkheim (1893) did publish *De la Division du Travail Social*, pointing out that the division of labor makes people dependent upon others, and invites strikes, and showed in *Le Suicide* (Durkheim 1897) that a country's suicide rate is higher, when its economy overheats – *une crise heureuse*, and an abstract relation to that. What is more, Smith did not only envisage abstract relations. According to *The Wealth of Nations*, concrete relations subvert free markets: when sellers of the same good meet for amusement, they end up plotting a price hike. But it is true, Durkheim explained lower suicide rates by more integration in churches and households, as well in the population at large during times of war: three concrete groups.

Popper's (1952) chapter "The autonomy of sociology" argued against an even stronger form of collectivism. Popper just did not think much of explanations of societal phenomena involving factors like the general will, national spirits and group minds (ii, 91). These collective hypotheses – we agree – are decidedly less testable than hypotheses about group integration. However, with hindsight it was too easy to be down on them. The mathematicians Von Neumann and Morgenstern (1944) showed how interactive situations between rational persons can be analyzed using game theory, which provided arguments why in a prisoner's dilemma two rational persons will not attain the common goal. It is difficult to escape the impression that collectivists serving up hypotheses about the general will and group needs, were getting at similar conditions for mutually detrimental interaction.

The call to practice *methodological* individualism has been taken as differing from the declaration that in the end societies and groups do not exist, but only individuals. The latter is the thesis of *ontological* individualism. By postulating an autonomous sociology, Popper accepted the existence of societies. Now, if sociology is to be autonomous, it is perhaps better not to talk about human environments encompassing institutions, but to accept that corporate actors are real. States are very tangible: they tax households, draft men, jail criminals, and refuse passports and visas. Here a new issue crops up: why should sociology go after *methodological* individualism, when it is accepted that societies and corporate actors exist? Durkheim's quest for properties of groups making up societies, may be quite challenging, while corporate actors may have more resources than natural persons, which gives some priority to testing hypotheses about corporate actors relative to those on natural persons. Durkheim (1895) argued in *Les Règles de la Méthode Sociologique* against the mindset of answering societal questions by immediately bringing in individuals. He accepted that societies consist of human beings, but at any one moment societies also comprise concrete groups and institutions, adding that societies comprise material objects too, like houses and roads.

Philosophers of the social sciences like Popper tend to plug rock-bottom explanations, with persons being the fundamental elements of societies. All the same, at least some explanations of societal factors by other societal factors have turned out quite satisfactory, and no explanation ever reaches the lowest – or deepest –

level. Some scholars now hold that sociology's ultimate explanations should refer to human genes, and one also may argue that questions about human societies, should be sub-questions of questions about animal societies in general – how is it possible that human societies have much larger populations, living in peace, than societies of their close genetic relatives?

8.1.3 Multi-level modelling as a theoretical method

There is another argument against reducing sociology to propositions on motives and opportunities of persons. It is implied by Popper's (1935) *Logik der Forschung*, which argues – in section 70 – the impossibility of deriving macro- from micro-statements, since such a deduction requires assumptions about the frequency of micro-entities at the macro-level. Popper's argument – its example was from physics – implies that hypotheses on human societies cannot be derived from theories on human beings: it also should be known how many persons of this and that type make up societies. A national suicide rate cannot be derived from a statement with the chances for Catholics and Protestants to commit suicide: the ratio of Catholics to Protestants in this society should also be known.

Popper's argument seems unbeatable – but backfires. The auxiliary assumption to derive a guess on societies from an individual conjecture should refer to both societies and individuals. Such postulates are logically possible, which brings out that the collectivism-versus-individualism controversy was marred by a false contrast. In addition, statements referring to entities at the macro *and* micro level, may not only form a bridge between the macro-and micro-level. A higher-level proposition may refer to societies *and* their inhabitants, and so may a lower-level one. What is more, sociology's *questions* themselves may involve both individuals and societies. Sociologists studying changes in the degree of income inequality between the inhabitants of societies like the Netherlands, raise a question about two kinds of units, and when they postulate effects of left-wing parties and trade unions, they invoke two more entities. The questions raised are about persons-within-societies. Ultee (1998) brought individuals back in sociology's questions on societal features. That was an attempt to improve by way of concrete cases upon Homans (1964).

To what extent does sociology feature persons-within-societies and societies-comprising-persons? During the UK polemic about individualism or collectivism as a theoretical method for sociology, the tradition of empirical social research – firmly rooted in the USA – witnessed a hunt for 'contextual' effects. Lazarsfeld and his students searched for contextual effects in data on voting and various opinions for the USA in the 1940s and later. The expedition met a big success, when Butler and Stokes (1969) found a contextual effect on voting for Britain: if the district of a manual worker had a higher percent of manual workers, this person's chances to vote Labor were higher. In addition, Lazarsfeld's pupil Coleman (1966) tested the

proposition that grades of US pupils depend on their race, plus the racial composition of their school class. Race was an individual factor explaining individual grades, composition a contextual property. Van Tubergen, Te Grotenhuis and Ultee (2005) reported that for the Netherlands religious persons from a municipality with a higher percent of religious (rather than non-religious) inhabitants, were less likely to die of suicide.

Lazarsfeld and Menzel (1961) tried to codify the logic of research involving entities from various levels. Coleman, Etzioni, and Porter (1970) had a go too. These sociologists took a closer look at sociology's hypotheses than philosophers of the social sciences – like Nagel (1961), who is up next. For two decades now, multi-level statistical models are the rage, allowing for a proper estimation of individual and contextual effects.

Whereas Aristotelian logic only deals with statements containing a subject, copula and predicate, since 1900 relational logic is around, and it is known how to formalize statements involving several kinds of units. It is a pity that Nagel (1961: 535), when commenting on the collectivism-versus-individualism controversy in sociology held that expressions like 'the current President of the United States' only refer to an individual. This depiction bypasses the shift from old to new logic: the phrase refers to two kinds of units, a person and a country, and a relation between them: presiding over. The possibility of formalizing statements involving various kinds of units, has spread within the tradition of empirical social research through Opp's (1970) *Methodologie der Sozialwissenschaften*. If theoretical methods are to be tagged, our merger of collectivism and institutional individualism may be called multi-level modelling. The method advocated by us differs from the older ones by a frank acknowledgment of the existence of corporate actors, and a rejection of the rule to go immediately from the societal to the individual level, bypassing intermediate groups.

We wind up by addressing a question readers may have raised when we first mentioned institutional individualism as a theoretical method for sociology: what exactly is an institution? It must be said, the collectivism-versus-individualism controversy was unclear on what counts as an institution. Popper's (1963: 125, 133) enumeration in *Conjectures and Refutations* includes governments, grocery shops, insurance companies, police forces, schools, and stock exchanges, but counts states out. However, if a state is not an institution, it is a bundle of institutions.

To improve theoretical methods, it is crucial to distinguish first methods referring to persons only, from those postulating natural plus corporate actors. Then both types of methods should be divided by the properties of these entities. Some are 'inherent' – like human instincts and group needs -, others 'relational' – like the opportunities people have, including the walls states build around or in front of them -, and the groups making up societies. In "The aim of science" from 1957, reprinted in *Objective Knowledge* from 1972, Popper held that knowledge grows by turning seemingly 'inherent' properties into 'relational' properties (1972: 195). He

elucidated this thesis with cases from physics. In sociology, Lazarsfeld forged explanations with ‘contextual’ properties of persons – relations between them and their environment –, and hinted that apparently ‘global’ properties of societies – like their coherence – may be recast as ‘structural’ ones – the links between the groups part of these societies. Maritain (1923) had christened Aristotelian logic a logic of inherence, setting it apart from Frege’s and Russell’s relational logic from around 1900, and Barth (2018) inserted the distinction between inherent logic and relational logic into interesting hypotheses about ways of thinking as tied to well-known persons and societal movements.

For those interested in definitions, the Dutch sociology textbook by Ultee, Arts and Flap (1992), named a group of persons, who maintain ties not only by face-to-face-interaction, but also through an organization created for that purpose, for brevity’s sake an institution. The authors of the present paper now would replace in that long sentence the word organization by the expression corporate actor. But then, Popper was not interested in definitions, nor are we. We just defined institutions by stipulation as well as nominally, and avoided – like Popper – an essentialist definition.

8.1.4 Three scandals and organized distrust

In *The Asymmetric Society* Coleman (1982) argued – by borrowing a term from jurisprudence, and findings from Ronald Burt (1975) – that contemporary technologically more developed societies witness an increase in the number of corporate actors, not only bureaus of the state, but also charitable foundations, other tax-exempt organizations like universities, as well as companies with limited liability. This would make for a shift in the balance between natural persons and corporate actors, toward corporate actors. Adam Winkler’s *We the Corporations, How American Businesses Won Their Civil Rights* (2018), contains a chronology of corporate rights, corroborating Coleman’s claim about increasing asymmetry in favor of corporate actors.

In contrast to the thesis of Coleman (1982) and Winkler (2018), it may be held that some corporate actors work against other corporate actors, and tilt the balance a bit – or more – towards natural persons. At least, this is how we read research by Korpi and Palme (2003). These Swedish sociologists accounted for differences in various social security benefits between industrialized democratic states by variations in the percent of votes for left-wing parties and membership rates of labor unions. If in these countries left-wing political parties and labor unions were stronger corporate actors, the floor in the distribution of income for the natural persons of this country was placed at a higher level. Perhaps Korpi and Palme sinned against institutional individualism, because they did not analyze ‘individual data’, only data on states and other corporate actors. But then, so what? The power of some corporations may be countered by other corporations, with natural persons as winners.

The theoretical shift from states to corporate actors hints that Popper's theory that organized distrust lowers cheating and violence, may be right for states and their polities, but wrong for other corporate actors. Recent newspaper headlines assert that scientific periodicals publish papers with fake data, carmakers fiddle with emissions of harmful substances, and priests of the Roman-catholic church have sex with minors, while its hierarchy lets things pass. How is distrust in these corporate actors organized, if anything was organized? Three threads will link our analysis of these scandals.

To begin with, Popper admitted that institutions are only as strong as the persons staffing them. We add that special arrangements strengthen the actions of these persons. Knowledge and money for surveillance are obvious requirements, since it is an old trick of un-politics to regulate without proper enforcement. We will try to find out more in this respect for our three scandals, adding that penalties deter society at large, but noting that complaints against those in charge of corporate actors have been settled in silence out of court. So, we vary upon Hobbes (1651) that covenants without the sword are but words, and do not protect human life, their *prima facie* goal.

Secondly, we wonder to what extent a theory of Merton (1938) applies. In societies like the USA since the 1930s, people would be exhorted to live up to the ideal to get rich and attain that goal now rather than soon, but they lack the legitimate means to do so, making for fraud and infraction of laws in general. We will determine whether the rank and file of corporate actors invent improper actions if the goals held up by their supervisors vastly surpass older goals.

Thirdly – aiming to go beyond the idea that scandals result from ‘misfired two-person games’ – we hold that scandals feature several actors. Precisely because reviews by scientific journals involve several anonymous persons, fraudulent scientists will not easily be found out, since reviewers may take their task lightly, counting upon other reviewers, who do the same. Something similar may apply to the division of labor within car companies, and the levels of authority in the Catholic church.

A follow-up on the last point. Whereas the term institutional individualism got accepted in Anglo-Saxon sociology around 1970, in Dutch sociology in the 1980s the label structural individualism stuck. Are there structures which are not institutions? Raub and his pupils deserve credit for the attention paid to the prisoner's dilemma – and general game theory – in later Dutch sociology (Raub and Voss 1986; Raub, Buskens, and Corten 2015). So, does the prisoner's dilemma invoke a structure which is not an institution? We hesitate to say: upon closer inspection, not really. The sheriff holds an office, and tries to catch criminals because he faces re-election, whereas his trick to make suspects confess, is under normal conditions impermissible in a lot of present-day societies. Indeed, the prisoner's dilemma has

been taken as a two-person game, whereas its structure involves at least four actors, the two suspects of a crime, each as natural actors, the sheriff as a corporate actor, and a committee specified by law that determines electoral results.

8.2 Scandals in science

‘Is the scientific paper a fraud?’ That is the question Medawar (1963), Nobel-prize winner and director of the UK *National institute for medical research*, raised in a BBC lecture, printed in *The Listener*. He gave three answers, depending upon how the question is taken. Firstly, the question may be understood as about misrepresentation of facts. If so, the answer is ‘of course’ no. Secondly, if the question is interpreted as about deliberately mistaken interpretations, the answer is no too. Thirdly, the question may be comprehended as about the representation of thinking in a scientific paper, Medawar’s actual target. The answer to the question of whether scientific papers are a fraud in this sense is yes – according to Medawar. Editors of learned journals insist – at least in 1963 biology – on the form a) introduction, b) previous work, c) methods, d) results, e) discussion. That order betrays the false idea that science starts with observation, with theories coming later. Medawar then pays tribute to Popper: scientists should look out for refutations of conjectures.

This section deals with Medawar’s first question, and asks how it came about that Diederik Stapel from the Netherlands in the first decade of the 21st century published a series of articles with fake data in refereed social psychology journals. Of course, it may well be that scientists like Medawar would never call (social) psychology a science. Stapel made the *New York Times* (NYT) on November 2, 2011, with Carey’s “Fraud Case seen as a Red Flag for Psychological Research”, and on April 23, 2013, with Bhattacharjee’s “The Mind of a Con Man”. In 2012, the Dutch science reporter Van Kolschooten discussed the Stapel case in *Ontspoorde Wetenschappen* (*Derailed Sciences*).

A fourth reading of Medawar’s question – missed by him – is of interest for sociology. Hume (1757) was too fast in specifying the question of the origin of religion into the question of the origin of religion in human nature, and Durkheim (1912) sought the origin of religion in human societies. So, when it comes to scientific papers, do they twist the social processes by which they come about? Of course, papers are not written with the goal of a correct representation of social processes, but their aim is neither to tell how things happen in the minds of their authors. All the same, because editors prefer papers applying a particular plan, they all follow one format. The balance between the author as a natural person, and the academic periodical as a corporate actor, tilts towards the latter, and makes the question of how Stapel got his papers published more pressing. Stapel for umpteen publications

dreamed up answers to questionnaires, as well as observations in various public places, which may be taken as indicative of, and caused by, a larger mental disturbance, as yet to be identified. However, how did a long list of Stapel's papers pass the roster of referees for a succession of social-psychology periodicals? Why was organized distrust – in the form of reports by referees, who did not learn from a journal's editors the name of a manuscript's author, with that author not learning from the editors the names of those reviewers -, why was this double-blind referee system not effective in keeping out from these journals papers with faked data? Stapel lost his chair at Tilburg University in the Netherlands.

8.2.1 Three older frauds in academia

Since quality newspapers nowadays employ science reporters, irregularities in academia receive publicity, and when Stapel's data faking got out, journalists adduced precedents. We here detail three underplayed scandals. The first one shows that there is more to claims to priority in science than honor, and the second one is about an earlier case in psychology of forged data. The third one is directly relevant to Stapel's case: just as Stapel's students held that his data were 'too good to be true', so the statistician Fisher once argued that the biologist Mendel 'cooked' results.

First the discovery in the 1980s of the retrovirus responsible for acquired immune deficiency syndrome (AIDS), a name coined in the USA in July 1982. We follow findings reported in France (2016). The scientists involved are Robert Gallo from the *National cancer institute (NCI)* in Bethesda, Maryland, USA, and Luc Montagnier of the *Institut Pasteur* in Paris, France. On May 20, 1983 in separate papers in *Science* (France 2016: 104), Gallo and Montagnier described a retrovirus causing AIDS, to be called HIV in 1986. Gallo, the mind driving the field of retroviruses, was competitive and claimed the discovery (p. 216), but had found the retrovirus in a sample from Montagnier, who was branded by Gallo as 'prone to error' (p. 102). In February 1985 science journalists at a gathering in New York got it: here was a case of laboratory intrigue, and low-down thievery (p. 172). The meeting had been called by Mathilde Krim from the *American Medical Foundation*, a privately funded research campaign against AIDS. The *Institut Pasteur* started a law suit in August 1985, which became cantankerous (France 2016: 225). It concerned the royalties for a patent on the HIV-test filed by Gallo and NCI, six months after Montagnier and the *Institut Pasteur* had done so (p. 141). In June 1986 Salk, who was the first to develop a vaccine against polio, and had been embroiled in a similar dispute in the 1950s, mediated and failed. In March 1987 US President Reagan and Prime minister Chirac of France declared – at a joint appearance in the White House – that royalties were to be shared equally, with Gallo and Montagnier named as co-discoverers. When in 2008 the Nobel prize committee singled out the

discovery of HIV, the prize went to Montagnier and team member Françoise Barré-Sinoussi: Gallo did not share in (p. 227). That was the outcome of what sociologist Merton calls a priority dispute. A *Bible*-like battle of David versus Goliath ended with the wise weakling winning.

The second almost forgotten scandal is the Burt affair, after Cyril Burt (1883–1971), an English psychologist. Burt (1966) had published a correlation of 0.771 for the IQs of 53 identical twins reared apart, and of 0.994 for 95 identical twins reared together. Princeton psychologist Leon Kamin (1974) pointed out in *The Science and Politics of IQ* that Burt published a paper in 1955 with exactly the same correlations for 21 identical twins reared apart, and 83 reared together. That coincidence was too strong. It was not clear either how Burt (1955) found his identical twins reared apart, and the number seemed high. The raw data – if they ever existed – were burned with Burt's papers after his death, in accordance with his will. The journalist Oliver Gillie in October 1976 in the London *Sunday Times* was the first to openly suggest that Burt had faked data. From 1947 to 1968 Burt was assistant editor, sole editor, and again assistant editor of *The British Journal of Mathematical and Statistical Psychology*, and Burt often published in this journal. We did not gather how the double-blind referee system – if it already was in place – was applied to his papers.

The Mendel-paradox comes third. Gregor Johann Mendel (1866) published results of experiments on the inheritance of visible traits of garden pea plants – like flower color, and seed shape –, as obtained by artificially fertilizing plants differing in these traits. The statistician Fisher (1936) reworked Mendel's data, concluding that they were too close to theoretical expectations, and wrote that Mendel cooked data. Since Mendel's papers were not archived, and everybody accepts that the Augustinian monk grew peas in the garden of the Abbey of Saint Thomas in Brno, scholars have argued about what exactly Mendel did. We refer to Franklin et al. (2008), *Ending the Mendel-Fisher Controversy*. Mendel redid calculations when results differed too much, and lacked the statistical sophistication to redo them when they agreed. Nowadays standard procedures take care of outliers. They were not around in Mendel's days, and Fisher contributed to their development.

8.2.2 A Dutch social psychologist found out

Stapel studied psychology, got his PhD from Amsterdam in 1997, became a professor in Groningen in 2000, moving to Tilburg in 2006. In August 2011 three young researchers went to the chair of the department of social psychology, and voiced the suspicion that their professor fiddled. The results obtained with data Stapel had collected when – say – visiting schools, were 'just too good to be true'.

When Stapel was confronted by university authorities, he gave in. He had published in *Science* on his observations in the hall of *Utrecht Centraal*, the largest Dutch railway station. According to the faked findings, in waiting areas with litter,

white and black persons were less likely to sit next to each other than in clean areas. By visiting Utrecht, Stapel saw that the location foreclosed such findings, and it dawned on him that he would be found out. A militant vegetarian social psychology professor from Nijmegen, joined up with Stapel for a fake-data paper – in the end unpublished –, showing that people who eat meat are more likely to act selfishly. Suspicions were so concrete, that inquiries were started at every university where Stapel held a job: the *Levelt Committee* for Tilburg, the *Noort Committee* for Groningen, and the *Drenth Committee* for Amsterdam. They followed the same schedule: where are the data for each publication now, what did the questionnaire look like, what were Stapel's hypotheses, and were emails exchanged? Of the 130 articles in Dutch or English, 55 drew on faked data. Of 24 chapters in books to which Stapel contributed, 10 featured fraudulent figures. Another 10 articles probably resulted from deceit too. It is not clear whether Stapel initially altered scores in datasets only, and later invented full datasets, or whether Stapel from early on faked collecting data.

It is easy to criticize the final report of the *Levelt-Noort-Drenth Committees* from November 28, 2012. However, manuscripts are reviewed, academic periodicals keep author names away from referees, and do not give referee names to authors. So, given the import attached in this report to 'double-blind reviewing', an in-depth study of reviews on Stapel's rejects(-and-resubmits) might have been telling. Unfortunately, the committees performed no such analysis.

8.2.3 How did it come about that a social psychologist cooked data for such a long period?

When entering into the question of how Stapel's fraud was possible, newspapers mentioned the pressure to publish, and turned Stapel into the tip of an iceberg. That massive mountain would also comprise phenomena like spreading the content of one big article over several smaller ones with a lot of overlap. However, Stapel had tenure, and was rather relaxed. So, who was forcing him?

Of course, strong organizational demands may compromise objectivity. All the same, it remains to be seen whether some coercion to publish is that bad. Taxpayers deserve value for money, and what presses tenured professors to perform? Blau (1973) studied productivity differences between US university departments. These not only resulted from stronger or weaker selection among applicants. When the climate in a department is more oriented toward research – indicated by the number of graduate students and the import of publications for appointment –, the productivity of a member of this department – measured by the number of publications over a period – is higher. This contextual effect unearthed by Blau may be projected behind the research schools nourished by the Dutch Minister of education since the 1980s. The

Levelt-Noort-Drenth committees bypassed the question of whether Stapel's faked data would have come to light earlier within an active research school.

Merton (1973) assembled articles into *The Sociology of Science*. The ethos of science covers several values, and originality conflicts with disinterestedness. This would make for deviance, like fraud and plagiarism (Merton 1973: 309–321). Scientists also may abandon research, withdrawing in teaching or administration. By dissecting case histories, Merton showed that priority disputes do not occur simply because of big ego's, but mainly when bystanders take care that esteem for originality goes to the deserving. New forms of deviance may arise: the France-USA HIV-fight was also about royalties.

Merton (1973: 321) adds that any tendency toward fraud in science is curbed by another of its values: the pursuit of truth. Here he bypasses an important aim of science. Truth is, in Kant's phrase, a regulative idea: after tests with negative results, theories will get *thrown out*. Yet, by which regulative idea are they *ushered in* as worthy of testing? It is content, as discovered by Popper (1935) in *Logik der Forschung*. (A seemingly silly but surely serious elucidation: Dutch weather forecasts for the summer, like 'it may rain tomorrow, but it may be dry too' are definitely true, but without content; the statement 'it will rain tomorrow' says at least something, and the statement 'it will rain tomorrow and the day after' conveys more information.) Merton (1957) offered a content-rich theory: he generalized Durkheim's (1897) anomie theory for suicide to predict high US crime rates, and with a generalization of that generalization Merton (1973) explained deviance in science. Such multilayered and informative theories are rare in sociology.

We return from truth *and* content as regulative ideas in a science, to Stapel's sins. He succumbed to the temptation of presenting upbeat tests of theories from social psychology. So, *truth* was out as a regulative idea. However, did Stapel also commit crimes against *content* as a regulative idea? The answer to this question is a definite no. When Bhattacharjee (2013) interviewed Stapel, Stapel insisted that he loved social psychology – in our reading its grand questions and its quite informative theories – but had been frustrated by its messy experimental data. In his autobiography Stapel (2012) mentions as his favorite theories in social psychology – among others – the theory of cognitive dissonance, the impersonal impact hypothesis, the Laurel and Hardy principle, and terror management theory. These theories are rich in content, and it may well be that Stapel sinned against truth as a regulative idea, because of the many informative theories he not simply found in, but articulated for social psychology. Perhaps he liked their high content so much, that he could not stand their refutation. We leave it to others to counter this conjecture.

8.2.4 The failure of double-blind reviewing as a form of organized distrust in social psychology

Why Stapel faked data is one question, why his faked papers were not stopped another. Of course, the double-blind referee system is not meant to keep out faked-data papers, it is supposed to improve their quality. However, quite a few very bad papers float down the hierarchy of journals, and vetting them is time consuming. In addition, incentives for referees to be constructive are weak: they do not receive a financial reward, and their reputation will not soar, since reports are anonymous – although some journals nowadays list referees once a year. Yet, authors are expected to be honest, and referees are able to spot dishonesties: in claims to a new research question, when presenting hypotheses from the literature, and as a part of data collection and analysis. But such deficiencies of the double-blind referee system, just do not explain how Stapel got a series of papers with faked data out of his office and into academic journals.

The historian of science Thomas Kuhn (1961) has argued that physics textbooks mislead when they present two columns of figures, one with expected results, and one with experimental findings, accompanied by the comment that the figures show reasonable agreement. According to Kuhn, no criterion to determine the degree of agreement is given, nor a justification for the cut-off point. But students – new to the scientific community – take home from the rows – made by reputable scientists – a benchmark for saying that their own results agree well or less well. Kuhn (1961) adds that physicists take a student lab report with overly close agreement as presumptive evidence of data manipulation. So, when Stapel was suspected by his students, their instinct was better than his. Stapel was stopped, but why was he not caught earlier on? His researchers did not nail him right after starting out, since the suspicion that results are too good to be true needs a parade of papers.

Following the blurb of Stapel's (2012) autobiography, Stapel now thinks that if he had acted more cunningly, he regularly would have let research go astray. He did not do so, since he got addicted to ever more beautiful results. Stapel (2012: 242) holds that the *Levelt-Noort-Drenth Committees* reported without speaking with him, and accepted remarks on his personality from various persons in interviews. According to Stapel it was unclear who said what, how interviews were conducted, which questions were asked, whether interviews were taken down by an experienced minutes secretary, and whether interviewed persons agreed with the way remarks appeared in the report.

With these bad jokes, Stapel miscasts the *Levelt-Noort-Drenth Committees*. They studied all his publications, and it is fair to say that no one ever did that. By combining Stapel's full output, his mode of operation could be traced. Indeed, that way cannot show up in a double-blind review. A referee may have misgivings when reading a published paper of Stapel, but when that person reviews a new paper by

him, this person does not know that it is again a Stapel. Double-blind reviewing does not catch serial offenders, since it hides series. An editor might have suspicions, but these remain qualms, because a serial offender abuses different journals. Although ‘the famous French sociologist’ Bourdieu filled his own journal *Actes de la Recherche en Sciences Sociales* – from its inception in 1975 until right after his death in 2002 –, we take it that Cyril Burt’s decades are over.

So, the answer to the question of how it is possible that Stapel’s fakes got through the double-blind referee system, is that they passed precisely because reviews are double-blind. In society at large, when it comes to transgressions of the penal code, the frequency of deviance is supposed to be lower, when the chances to be caught are higher and the punishment is more severe. The corporate actors involved – from police, by way of courts, to prisons – share information with one another, and some people have a longer criminal record than others, while first offenders receive a lower penalty. Scientific periodicals until now – and rather rightly so – do not provide referees with a list of an anonymous author’s earlier sins and good works. In addition, social-psychology journals in the years before the Stapel scandal, did not ask authors to make data available for re-analysis.

How now about Popper’s (1952: ii, 217) argument that objectivity in science is not ensured by the impartiality of an individual scientist, but forms an outcome of give and take between many scientists? Popper here asserts the import of organized distrust: ‘objectivity is closely bound up with the social aspect of scientific method, with the fact that science and scientific objectivity do not (and cannot) result from the attempt of an individual scientist to be ‘objective’, but from the friendly-hostile co-operation of many scientists.’ In the chapter on the institutional theory of progress in *The Poverty of Historicism*, Popper (1957) goes further by arguing that scientific progress is a matter of the free competition of thought, and political institutions that safeguard freedom of thought.

Somewhat in contrast to Popper’s hypothesis that progress in an academic field is attained by friendly-hostile cooperation between researchers, we hold that double-blind reviewing is but one form of organized distrust, and a weak one. If manuscripts are presented at scientific congresses first, cons are more likely to be caught. So, double-blind reviewing should be combined with a conference presentation, followed by formal remarks from an assigned referee. Of course, organizing conferences and preparing comments are burdensome, but these activities are more visible than handing in an anonymous review, so more praise for conference organizers and commentators might be forthcoming, if they are mentioned in a published paper. Indeed, departments might refuse money to attend conferences without tough trappings. In addition, since young researchers brought Stapel down, the probability of faked data may be limited by periodic meetings of research schools, in which young researchers thrash work in progress of seniors by re-analyzing their dataset.

Merton held that multiple discoveries are common in science. Our analysis of automobile emissions standards in the second decade of the 20th century will show that they also occur in car research.

8.3 (Un)like *Unsafe at Any Speed*: From the Volkswagen-scandal by way of *Dieselgate* to “Das Kartell”

In 1965 Ralph Nader published *Unsafe at Any Speed. The Designed-in Dangers of the American Automobile*. It was an immediate bestseller, and General Motors signed up private detectives, who tapped the Harvard-educated lawyer’s telephone for salacious talk, and hired prostitutes to catch Nader in the act. Politicians picked up Nader’s message, leading to air bag and seat belt requirements. In the long run, the number of car-accident deaths dropped dramatically: in the USA in 1965 five deaths occurred for every 100 million miles traveled in cars, and one death for every 100 million miles in 2015. According to our own back-of-the-envelope computations, in 1965 of every 1,000 persons who died in the USA about 26 died in a motor vehicle accident, and 14 in 2015. This decline is not as strong – an increase in the miles travelled in a year partly explains the difference.

On November 25, 2015, *The New York Times* (NYT) commemorated that “50 years ago, *Unsafe at Any Speed* Shook the Auto World”. The journalist Christopher Jensen quoted Nader as saying that he not only aspired to the level of getting a law through – the *National Traffic and Motor and Vehicle Safety Act* signed by President Lyndon Johnson in September 1966. Nader told Jensen that he also went after a federal agency to implement that law. Why exactly Nader wanted such an agency – nowadays known as the *National Highway Traffic Safety Administration* -, the newspaper does not intimate.

We like to think that Nader cherished two arguments. The first one is a derivation from Hobbes (1651): covenants without the sword are but words, and nowadays weapons house in agencies. The second argument is an analogy, and involves a casual observation: just as the confederate states who lost the American Civil War in 1865 did not pass laws stipulating equal treatment of former slaves – with a century passing before Federal troops escorted black pupils into all-white schools -, so it could not be expected that safety laws accepted at the Federal level, will be implemented by each of the four dozens of states making up the USA a century later. After the murder of President Kennedy, Johnson pushed through various strong-teethed federal laws implementing civil rights.

The NYT for its 2015 piece also interviewed a top executive at an automobile company. He liked neither Nader nor his book, but admitted that governments have

a role to play in automotive safety. Regulations level the playing field among auto-makers, set ground rules where everybody has to do something, and no one has to worry about competitive disadvantages. Safety laws are not only in the interest of car buyers, carmakers on their own cannot limit the dangers of driving.

It so happened that right before the 2015 commemoration, a new cars-scandal erupted. On September 18, the *Environmental Protection Agency (EPA)* of the US Federal government issued a notice of violation accusing *Volkswagen*, the German giant, of installing software to thwart tests for emissions of pollutants. *NYT*-reporter Jack Ewing told in *Faster, Higher, Farther* (2017), the inside story of the Volkswagen-scandal – as its subtitle goes. Dutch journalist Peter Teffer followed with *Dieseldgate*, detailing that more German car makers were involved, and pointing at inaction of the European Union (EU) and its 28 member states. Yet Teffer's diagnosis did not go far enough. According to documents presented by Peter Dohmen and Diermar Haranek (2017) in the German weekly *Der Spiegel*, all German carmakers in secret came to agree on the design of diesel engines, producing “Das Kartell”. We now review these studies to describe what exactly made for scandals, to determine to what extent they came about by a lack of organized distrust, and to suggest ways of dealing with them. We hunt for informative hypotheses, and sift out pertinent findings.

8.3.1 The Volkswagen-scandal in the USA: Discovering trick devices, with a lawsuit as follow-up

The major sources of energy in pre-industrial societies – whether their inhabitants subsist by hunting and gathering, cultivating gardens, or plowing fields – were human exertion and the harnessing of animals, for instance cows for plowing. Fossil fuels – coal, oil, and natural gas – are the major sources of energy in contemporary societies like the Netherlands. These sources at first made manufacturing the largest employment sector, leading to the tag industrial societies. It remains to be seen whether in future post-industrial societies, where modal persons earn their living in banking, health care, insurance, research, teaching, tourism, and other services, forms of renewable energy will predominate, like hydroelectricity, solar energy, and wind power.

When car ownership spread, it turned out that (post)industrial countries did not have enough oil in their soils – or under their seas -, and that a few other countries exported huge quantities of oil. The latter ones formed a cartel and hiked prices – so much for free markets dominating the contemporary globalized world -, leading to the first world-wide oil crisis of 1973, and the second one of 1979. These calamities in their turn prompted measures to lower oil consumption. Carmakers replaced battleships by compacts, and gasoline by diesel. When it was discovered that diesel engines emit less carbon dioxide – which contributes to global warming and rising sea levels -, and when major European countries began to tax diesel at a

lower rate than gasoline, diesel cars took off. However, they emit nitrogen oxides and fine soot, contributing to smog, asthma, lung cancer, and early deaths. The engineering problem was to cut down on these emissions, and German carmakers claimed in the first decade of the 21st century to have designed diesel motors connected with urea tanks, which scrubbed nitrogen out of the exhaust, and to have installed filters to catch soot. In this way emissions would conform to EU-issued norms. Because of rising euroscepticism, the EU left their enforcement up to each of its member states.

As Ewing (2017) tells the Volkswagen-scandal, the claim of clean diesel rested on laboratory tests ordered by carmakers. That they were suspicious, became public when Volkswagen started to export its diesel cars to the USA – where diesel had not caught on. The company aimed for higher exports of its diesel cars as part of a strategy to become the world's largest carmaker. Because of its corporate structure, with labor unions in its board, and Germany's federal state of Lower Saxony as a major stock owner, it was impossible to cut costs by trimming the number of employees. However, emissions standards were tougher in the USA than in the EU, and fines for violations higher.

In 2013 graduate students from the budget-poor *Center for Alternative Fuels, Engines and Emissions (CAFEE)* of West Virginia University in the USA, conducted research to honor a \$70,000 grant. CAFEE had obtained that meager sum from the *International Council of Clean Transportation (ICCT)*, a non-governmental organization that started out as a world-wide network for environmental officials. Its staff comprised former employees of EPA, which hands out penalties for violations of the USA *Clean Air Act*. It contained since 1990 much stronger emission standards, and high penalties.

ICCT knew that Volkswagens had difficulties in meeting (quite low) EU emission standards in tests conducted in European laboratories, and that its makers opposed higher standards because their implementation would be costly. However, they did pass higher US standards in US laboratories, and ICCT initially wanted to check the hunch that Volkswagen installed in diesel cars exported to the USA special parts to meet higher standards, components absent from dirty Volkswagens in Germany. That guess did not bear out: software in US Volkswagens was better in hiding out-of-bound emissions.

The West-Virginia students tested emissions from a Volkswagen Jetta, a Volkswagen Passat, and a BMW, all German passenger diesel cars exported to the USA, and did so in the laboratory, as well as on the road. It may shock experimental sociologists that these students also measured car emissions 'in the real world', but then most people do not drive cars in laboratories. The results for the laboratory tests agreed with those made available by the German car companies. However, when tested on the road, the emissions of two of the three cars turned out to be a multiple of those in the laboratory: the BMW emissions remained the same and acceptable, the Jetta emissions were 15 to 35 times higher than the USA standard,

the exhaust of the Passat 5 to 18 times. The West-Virginia students did not believe their first results, but in the end could not ascribe them to faulty measurements, or other such factors. They wrote up a paper of 117 pages, and presented a summary in March 2014 at a meeting of the *Real World Emissions Workshop*, sponsored by *The Coordinating Research Council*, itself funded by the petroleum industry and major car-makers. In the audience were persons from Volkswagen's emissions compliance department, officials from EPA, and employees of the *California Air Resources Board (CARB)*. Because of the peculiar location of California's major population centers, CARB sets tougher standards than US federal laws. The students only spoke about car A, car B, and car C, but because of the pictures presented, and the high level of knowledge in the audience, it was clear which carmaker violated emissions standards.

Then things started moving. CARB launched a compliance project, and asked Volkswagen about the pollution control equipment in its cars, including how the engine software regulated doses of the urea solution. When the company was not forthcoming, CARB put more staff on the investigation. It gradually dawned on CARB that Volkswagen equipped its diesel engines with a special software device. In laboratories it made for the injection of urea into the emissions, but it was turned off on the road, where the sound of laboratory rollers is absent. When Volkswagen delayed the inquiry by evasive answers, EPA issued on September 18, 2015 a notice of violation against Volkswagen. The Volkswagen-scandal was born, and by early 2017 Volkswagen settled with CARB, EPA, and American car owners for \$2,000 million dollars. Lawsuits by car owners against automobile companies may be taken as an outcome of *Unsafe at Any Speed*. In the wake of that book, car owners successfully litigated carmakers for damages in accidents. Five decades later buyers were promised a car with clean diesel, and actually bought one for dirty driving. By the way, diesel not only reduces the health of persons driving a diesel car, but also the well-being of people who do not drive at all.

Ewing's account of the VW-scandal reads like another David-and-Goliath story. Volkswagen is the giant, and loses out because of David-like students. They study at an outpost of academia, struggle on US highways to measure car emissions, and do so with self-made instruments – which often break down. We think a more to the point analogy and more thorough analysis goes beyond two actors. It takes students as Davids too, but brings in two new Goliaths, and devalues Volkswagen. The giants are the agencies handing out stiff penalties. In our close reading of the *Bible*, Volkswagen turns into King Saul: David's master, who – with his varying moods – is not as benevolent and wise as before. In the *Bible* Saul is subdued by David's harp playing, in the Volkswagen scandal it gives Saul headaches.

8.3.2 How did it come about that Volkswagen fiddled?

According to Ewing (2017: 178–179), fiddling will have begun in the early days when software was installed in cars as a stopgap for unexpected difficulties. After that it

developed into a habit, and even later it turned into a competitive cost advantage for Volkswagen, at least before the trick was discovered by regulatory agencies. Supposedly no person at Volkswagen's higher echelons ordered the installation of deceptive software in cars for the US market. We hold it quite possible that upon discovery of tricks at the lower levels of Volkswagen, the higher echelons tacitly agreed with them.

Ewing (2017) also offers a deeper explanation, which reminds of Merton's explanation of high US crime rates. Ewing does not refer to it, and at first postulates a dysfunctional corporate culture – whatever that may be –, and then a succeed-at-all-costs culture, a thesis richer in content. When winding up, Ewing (2017: 261) offers a quite informative hypothesis: 'The pressure to meet corporate goals at any cost is hardly unique to Volkswagen', and 'Practically all corporate scandals stem at least in part from unrealistic targets coupled with draconian consequences for employees who fail to deliver, often combined with outsize rewards for the star performers.' Apart from the clause about big bonuses, this hypothesis is close to Merton's (1938) theory of anomie. The goals held up to persons as legitimate – in the Volkswagen scandal by the chief executive of the corporation that employs them –, cannot be attained with legitimate means, which makes people resort to illegitimate means – cheating with software. Merton (1938) calls this large discrepancy between legitimate goals and legitimate means anomie. Here Merton borrowed from Durkheim. Ewing (2017) adds to Merton's hypothesis that people do not resort on their own to illegitimate means, but avoid being fired upon a failure to reach that goal.

Economic pages of quality newspapers had carried the story that Volkswagen aimed to become the world's largest carmaker by way of diesel. Ewing outlines effects of this strategy in chapter titles: 'By all means necessary' and 'Impossible does not exist'. As a quote from Volkswagen's chief executive attests (Ewing 2017: 62), Volkswagen's goal was to be attained with any means necessary, that is, any means to attain this goal was allowed. And if persons within Volkswagen held that something was technically impossible, the answer was that impossibilities do not exist – according to Ewing a saying around in the company (2017: 90). In came illegitimate means. When a Volkswagen CEO was asked what he would do if engineers insisted that something was impossible, he answered that he would fire them, and bring in a new team, and if that squad were to say that it could not do it, he said he would fire it too (2017: 89). This style of managing emboldened subordinates to behave in the same way toward their inferiors. However, a weakling ran Volkswagen's department seeing to compliance with outside regulations.

8.3.3 Dieselgate discovered or not in Europe: JRC-Ispra and TNO-Delft

After September 18, 2015, the question in Europe was why the Volkswagen scandal had not been outed in Europe. The short answer is that it did come out there, a

short-long answer that other German diesel makers were involved too. The long answer is that neither EU authorities, nor any of its 28 members, made a fuss about the things that became infamous as Dieseldgate. The longest answer is that officials washed their hands in innocence and muddy water. Like Pilatus in the *Bible*, the EU claimed that it was outside its mandate to prosecute – carmakers.

This is our summary of Teffer (2017). If there is one good gal or guy in Teffer's account, it is the European Parliament. It decided on December 17, 2015 to appoint a committee to seek testimonies on 'the measurement of emissions *in* the car industry'. It may be nitpicking, but that title is a misnomer. Emissions were measured *by* the car industry itself, and it would have been a case of wise organized distrust to have car emissions measured *by independent agencies*, and to let them decide whether carmakers lived up to the standards specified in emissions laws.

It was known before September 18, 2015 in Europe that European cars surpassed EU limits on emissions of nitrogen oxides. One place was the EU's *Joint Research Centre (JRC)*. In the town of Ispra in Italy, it runs a laboratory for testing automobiles, and it developed PEMS, the portable emissions measurement system. With its help JRC determined car emissions outside the laboratory, and on the road while driving a car. (So, West-Virginia students designed instruments available elsewhere.) According to Teffer (2017: 34), JRC-Ispra reports from 2011 and 2013 show that emissions of various diesel cars on the road were much larger than those in laboratory tests. Teffer (2017: 35) adds that in its 2013 report Ispra suggests that the discrepancies may be accounted for by defeat devices, that made cars perform better in laboratories than on the road. Following Teffer (2017: 75), Ispra told the European Commission at a meeting on November 23, 2010, that on-the-road tests of diesel cars showed emissions 4 or 5 times higher than the norm. *JRC* did not name cars and companies.

That the Volkswagen Passat surpassed emission limits, was known in Delft in the Netherlands, where TNO (*Nederlandse Organisatie voor Toegepast Natuurwetenschappelijk Onderzoek*) has a section for car emissions. TNO – as the name says an organization for applied research in the natural sciences – investigated car emissions for the Dutch *Ministry of Infrastructure and Environment*. The Netherlands has a law that stipulates governmental documents to be made available to anyone who asks for specific ones, and a television program requested emails sent from the Ministry. A mail from January 11, 2012, mentions TNO-tests in the laboratory and on the road for a Passat, with higher values for tests on the road. TNO asked the Dutch company that imports Volkswagen for clarification. There are no minutes for a meeting on April 27, 2012, but an email from TNO to the Ministry from August 27, 2012, shows that Volkswagen did not send data promised on that occasion. In reply to a question by Teffer, a spokesperson for TNO said – apparently in 2017 – that TNO had decided in 2012 not to pursue its research on high Passat emissions, since it involved conditions deviating from the test for admitting this car on Dutch roads. However, an issue was whether this test was that good.

8.3.4 Why did Dieselgate languish in Europe?

When Teffer insisted, TNO stated that it does not enforce laws. Did TNO press findings on the Dutch ministry doing so? TNO said in 2017 that research for this ministry is not meant to contribute to law enforcement, and that TNO's main goal is to collect data on emissions in the real world. Yet TNO performs applied research, and an ultimate goal of such investigations is to safeguard public health. When Teffer visited JRC in October 2016, its expert on car emissions held that he is no watchdog, and that approval of cars to be driven on the road is a completely different branch of sport: it is the task of national authorities to act on JRC information. But then, why did JRC keep car names classified?

At hearings in 2016 of the special committee of the European Parliament, the in 2010 responsible member of the European Commission said that it was not the goal of the JRC-studies to catch cars and companies in the act, their sole purpose was to determine discrepancies between tests in the laboratory and on the road. But is not it exactly the task of the European Commission to learn from this discrepancy? The European Commission had its own defense: it issues regulations about emissions levels, but EU members were to implement them. Teffer adds: but why was JRC information not shared with national authorities issuing permits for cars to be driven on its roads?

Another justification for the inaction of the European Commission was that car-makers found loopholes in regulations. But then, why did the European Commission leave them open? In addition, the European Commission is there to initiate procedures, not to sit on the chair of judges deciding in a court case. Why did it do so? What is more, the argument of – say – Volkswagen that other carmakers were not persecuted, and all companies were not treated on equal footing, is a chutzpah. No police officer will accept of an individual to be fined for parking where this is forbidden, the argument that owners of other parked cars have not been charged.

The European Commission also might have taken action under its mandate to protect public health. Public health declines when standards are not met, but also when the number of law-abiding cars on the road rises. It may happen that soot and nitrogen oxides emissions by a car fall, but the total amount of soot and nitrogen oxides to which a pedestrian is exposed, goes up: the number of cars explodes, as well as the number of kilometers driven by each car. Emissions laws are to some extent a side show, and *Eurostat* – the EU statistical office – should present figures about causes of death, and chronic ailments. Just as US statistics about the number of death in car accidents per million miles driven may mislead, so may a trend toward tougher standards in emission laws.

All in all, the European Commission – as regards car emissions – did not hit upon the idea that in a budding union, progress occurs by court cases and precedents. Both Ewing and Teffer surmise that the staff of EPA and CARB had a broader view of the goals of their agencies than the staff of JRC and TNO. This is a too easy

explanation. Of course, the EU, unlike the USA, did not have an agency seeing to the implementation of its emissions laws, and this accounts for the discovery of the Volkswagen scandal in the USA. However, that argument amounts to confounding a remedy with a cause. An agency is a remedy, the cause is not only the anomic corporate culture at Volkswagen, but also – as we argue now – fatalism within JRC, TNO and the European Commission. The goals held up by Volkswagen were too high, those set by JRC, TNO and the European Commission too low.

Merton's anomie theory on crime rates improved upon Durkheim's anomie theory for suicide rates. Durkheim (1897) assumed that human desires are unlimited, while human beings lack the means to fulfill them all. According to Durkheim most societies have norms that adjust the goals and means of a person to each other. However, societies with free enterprise and free labor lack such norms, and the goals of persons will surpass their means, leading to suicide, particularly when free markets are booming. Merton (1938) objected to this human-nature explanation: the legitimate goals of the inhabitants of US society since the 1930s vastly outran the legitimate means at the disposal of a lot of them. Merton invokes the American dream, with its from-rags-to-riches stories. The discrepancy between legitimate norms and legitimate means, would make – so holds Merton – for the use of illegitimate means, like various forms of crime.

It so happens that Durkheim (1897: 311) contrasted anomie with fatalism, a situation in which the modest goals that people set themselves are considered illegitimate by society at large, so that 'their future' is 'mercilessly walled in'. He adds that fatalism occurs very infrequently, but it may account for the high suicide rate of married young men, and of married women without children. (Durkheim did not elaborate). When it comes to the effect of fatalism on economic crimes, fatalism in our way of reasoning makes for just doing one's job, like producing parts never to be assembled into cars.

We posit that fatalism prevailed within JRC and TNO. Results of these organizations did not go to the proper places, but these corporate actors just kept up research, perhaps hoping that results one day will be used by authorities issuing standards. The means of JRC and TNO were specific findings on emissions in laboratories and on the road. Their obvious goal was to publicize specific data on dirty emissions, but that was an illegitimate aim. Their legitimate goal was to produce test results for internal reports, which is a humble ambition indeed. This made for fatalism among the rank-and-file.

JRC, TNO, and the European Commission said that emissions surveillance was not their task. Researchers worth their salt, would see to it that their results arrive at the right places, and European politicians up for re-election would go after violation of emissions standards. Few organizations did, their mindset was fatalist: people did not go after modest goals, justified inaction by pointing to a limited task, and no one leaked to a popular car periodical names of cars failing real world tests. European politicians were so estranged from European thought, that they forgot

Hobbes's dictum about covenants without swords. And they did not hit upon the idea that when an authority at a certain level of decision-making issues a law, this authority should provide for an agency at the same level that implements these rules. It is accepted nowadays that when asked to account for one's action, it will not do to state that one was ordered to do so. But apparently, when asked why one did not do anything, it is considered a good excuse that one was not required to do so.

8.3.5 “Das Kartell” discovered in Germany

Ewing (2017) and Teffer (2017) suggest that the problem with nitrogen oxide emissions of diesel cars was, that companies were afraid to tell owners that their cars needed frequent refills of their urea tank, twice as frequent as oil checks. This should not be much of a difficulty for car designers, as this tank may be enlarged. Why the design was not adapted, became clear in Dohmen and Hawranek (2017). They found that other German carmakers came to fiddle with software for their diesels too.

EU laws against cartels are strong, and the EU sees to it that its members implement them. In connection with a case of fixing steel prices, the *Bundeskartellamt* raided on June 23, 2016, offices of Audi, BMW, Daimler, Porsche and Volkswagen. By-products of the catch were documents showing that the companies had made secret agreements about the design of cars with diesel engines. They did so in meetings of their experts. An issue was the size of urea tanks. If they were to become larger, the price of a car would rise too much. But also, if it were too large, the car could not be fitted with a high quality stereo set, and car owners would not be able to transport their golf sticks in their golf bag to their golf court. In the end, the companies decided upon a small tank. Its disadvantage was more frequent refills of urea, and that was reduced by defective software, installed by more companies than the one who was first to be found out. Of course, the decision to go after tanks of the same size, limited competition, and therefore was illegal. When the *Bundeskartellamt* found out, Volkswagen decided to cooperate as chief witness: Volkswagen gave away the other companies, in exchange for a lower penalty. A bit later Daimler confessed, now competing with Volkswagen to become the first chief witness in a cartel case against German automakers. The prisoner's dilemma was there in the Wild West of the USA in the 19th century, and is there now in Germany and the EU.

8.3.6 Car manufacturing and organized distrust

How much organized distrust was there as regards the corporate actor Volkswagen? One might find organized distrust within Volkswagen itself, at the level of Germany, and at that of the EU. In the Volkswagen scandal, organized distrust failed on all three levels.

Did Volkswagen have internal arrangements to check that it lived up to the law? Controlling departments were better staffed in the US than in Europe (Ewing 2017: 109, 125). However, Volkswagen's department – supposed to keep engineers abreast of regulations – lagged behind those of other carmakers. That EPA and CARB strictly enforced pollution rules, was not appreciated enough, and jurists were not in on the exact US penalties for cheating. Volkswagen did not yet have rules in place that would allow a whistle-blower to report a violation without fearing consequences.

In addition, Volkswagen had a board supervising its executive board. Such a structure is common nowadays in many organizations, not only in business enterprises. The main tasks of the supervisory board are appointing new CEO's and selecting outside accountants to check the company's books. For the rest, the ideal supervisory board critically follows the actions of the executive board from some distance. In the case of Volkswagen this did not result in organized distrust. The chief executive of Volkswagen for nearly ten years, Piëch, became president of its supervisory board. In addition, the Piëch family was the main shareholder of Volkswagen. So, Piëch was not independent.

States may influence organizations within the boundaries of their territory. States formulate laws, for example about criteria new cars have to meet to be driven on the roads. They may also create agencies to monitor whether laws are enforced or remain dead letters. As to car emissions, the USA was and is different from Europe. In the USA the federal state acts. The European Commission did not act in the Volkswagen scandal, the right to do so rested with the separate EU member states.

In the USA, 'Washington' wrought 'covenants with a sword'. Since 1990 the Clean Air Act contained strong standards, and high penalties – and apart from EPA, there is CARB. Once irregularities were discovered these agencies bombarded Volkswagen with questions. In contrast, the EU's emissions rules contained loopholes, and had to be enforced by national states, in case of cars more so than as regards other means of transportation. European agencies exist for airlines, the maritime sector, railways, but not motorways (Teffer 2017: 199–206). No state in the EU kept cars off the road after they failed tests. At best member states stipulated minor penalties for makers of polluting vehicles. The most important conclusion attained – after two years! – by the special committee of inquiry of the European Parliament, was that a serious mismanagement had occurred in the measurement of harmful emissions by diesel cars – at the level of the member states as well as that of the EU.

Finally, organizations testing whether cars pass or fail emissions standards, should be independent of car companies. Early on, companies tested their own cars, and it also happened that small firms checked for big producers whether their cars were OK. According to EU-law, a car certified in one country, is allowed on all EU roads. This occasions a race to the bottom. A European agency helps.

8.4 Scandals about sexual abuse of minors by Roman-catholic clerics in various countries

In *Faster*, Ewing quotes an ICCT'er (2017: 175): only if sure, an investigator will accuse a carmaker of cheating on emissions, *since it is like accusing a priest of child sexual abuse* (our italics). We now turn to scandals of sexual abuse of minors by clerics. Part of our argument is that, precisely because people want to be sure before acting, seemingly small-scale scandals fester. Another element is that precisely because cases are not decided in court, but settled behind closed doors, penalties do not deter other clerics. In addition, precisely these arrangements lower the chances that anyone else who was sexually abused as a minor by a cleric, goes to the police, and declares so – or that parents declare that a cleric sexually abused their child. Finally, abuse of minors – although more common than statistics say – is rare. All this makes for a societal process like that involving an emperor without clothes. No one dares to tell him of his nudity, since he is supreme, but once someone has said that the emperor is clad in Adam's attire, the emperor's nakedness is all over the empire.

Sociology's initiators took up the theme of sex and society. Weber's *Gesammelte Aufsätze zur Religionssoziologie* – taken from a journal he co-edited – touch upon the effects of religious ethics on eroticism (Weber 1920–1921: i, 554–556). And Durkheim's *L'Année Sociologique* published in 1898 his piece on the topic of incest – in the first issue of his own periodical. By studying Australian aboriginals, Durkheim tried to purge blurring factors. In doing so, he acted not unlike engineers who test car emissions only in laboratories, and sociologists who take experiments as ultimate tests.

Next to Durkheim's question of the causes of a universal incest taboo, stands that of the extent to which people violate it. Frequencies will be small, but are – like suicide rates – societal phenomena: *regularities* occur in the degree to which a society's members *trespass* its *rules*. Durkheim noted incidents of incest, and we discuss his remarks since they throw a peculiar light on Durkheim's thesis on how ideas on superior powers originate. When dissecting an eye-witness report on a corroboree of Australian aboriginals, Durkheim (1912: 309) mentions that at such a staging of a story about primeval ages, sexual rules are broken: men exchange their wives, and incestuous unisons – although in ordinary times condemned as heinous – occur in the open and without punishment. This happens at night, when people are overexcited by music. Perhaps not only Pink Pop and Woodstock are about sex, and drugs, and rock-and-roll. This may account for high corroboree attendance, assemblies that – following Durkheim – bear and nourish the idea of forces surpassing human beings.

In the 1960s countries like the Netherlands witnessed a sexual revolution. The new hormonal anti-conception pill began more sex before marriage, and while cohabitation without marriage once was frowned upon, it became rife. In several

countries, homosexuality used to be outlawed, and in others publicly ridiculed, nowadays marriages between persons of the same sex are concluded in town halls, with relatives present. It is true, marriages between close kin remain barred. However, as regards the theme of sex and society, more interesting are recent scandals in western countries, showing that Roman-catholic clerics sexually abused juveniles, with Roman-catholic authorities covering up for clerics who sexually molested minors. Reports almost exclusively are about priests abusing boys.

This section mentions relative frequencies of sexual abuse of minors by Catholic clerics, and estimates the percent of clerics who did so, but its main question is why it took so long for persons who were sexually abused, to stand up, and tell that Catholic clerics did so. According to §249 of the Dutch penal code, sexual acts between parents and their minor children are punished by up to six years in prison, as well as sexual acts between a minor and a person who instructs, cares for, or watches over a minor. An earlier version was more concrete, and mentions parents, guardians, teachers and clerics. The abstract formulation implying misuse of authority was chosen, not to leave clerics out, but to encompass other concrete culprits. A contemporary example is sports instructors.

Figures on sexual abuse of minors differ from more familiar statistics on other crimes published by national statistical offices. The latter refer to events during one year, the former state how many persons were abused or not *in the years of their youth taken together*, and how many priests during *their whole career* did or did not abuse a child. This way of counting makes for higher figures, but less so if minors are victimized later on by another cleric, and if perpetrators are serial abusers.

8.4.1 The USA scandal

Sexual abuse by Catholic clergy was first reported in 1985, by US national newspapers. A priest from Louisiana confessed to have molested 11 minors. In 2002, *The Boston Globe* published on abuse of minors in the Boston diocese. This prompted the assembled American bishops to ask *John Jay college of criminal justice* in New York City for a large-scale study. According to *The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests in the United States* from 2004 (the *Jay Report*), 4% of all US priests from 1950 to 2002 abused at least one minor. All in all, 4,392 priests abused 11,667 minors (Goodstein 2004). Sources were questionnaires to dioceses, urged to search archives.

News on abuse of minors by clerics spread to other countries, and therewith reports were ordered for – among others – Australia, Belgium, Ireland, and the Netherlands. In Australia, 7% of all Catholic priests between 1950 and 2010 were accused of sexually abusing minors (Anonymous 2017). This figure seems higher than the 4% for the USA from 1950 to 2002. We found no comparable figures for perpetrators in the Netherlands, but unique data about victims.

8.4.2 The discovery that minors were abused in the Netherlands

That Dutch Catholic priests sexually abused minors, became a public concern after newspaper *NRC* and broadcaster *Wereldomroep* on February 26, 2010 publicized testimonies of three victims of the brothers and fathers of the *Congregation of Salesians* from one convent plus seminary. This made for 700 new testimonies by persons as minors part of the Catholic educational system. Joep Dohmen's (2010) *Vrome Zondaars (Pious Sinners)* contains results of this investigative journalism.

Dutch Catholic education swelled after the 1900 act of compulsory schooling, as well as the 1917 act financing religious schools to the same extent as public ones. Religious pillars were highest around 1960: Catholic children visited Catholic schools with teachers from the Catholic clergy, protestant pupils went to schools with elders as supervisors, while non-religious persons visited public schools. With the 1962 Vatican council the Dutch Catholic pillar started reeling, and it had toppled by 1990. Among Catholic parents, sending children to a boarding school of their own faith, was more common than among Protestant parents (we will give figures). According to Dohmen (2010: 273), in half of the hundred Catholic boarding schools for boys in the Netherlands in 1958, pupils were sexually abused by their clerical teachers or wardens. Orphanages and reformatories, where children and clergy lived under one roof too, were more likely to count victims. Priests abused altar boys, children who came to confession, choir members, scouts, and nephews and nieces. Some cases of abuse lasted years.

Under pressure, Catholic bishops and priors congregations conceded to an independent inquiry into sexual abuse of minors within Catholic organizations. Thus began the *Deetman Committee*, led by a former Secretary of State for Education, publishing in 2010 *Seksueel Misbruik van Minderjarigen in de Rooms-Katholieke Kerk (Sexual Abuse of Minors in the Roman-Catholic Church)*.

Deetman (2010) estimates that between 1945 and 1985 in the Netherlands a few thousand minors were severely sexually abused (meaning penetration) by Catholic clerics. When including less severe cases (like groping), the number rises to 10,000 or 20,000. Misuse decreased at the end of the seventies, when ordination for priesthood had crashed, and troves of clerics left their church.

Compared with studies for other countries, Deetman (2010) contains a novelty: findings for a large sample representative of the Dutch population above the age of 40 years in 2010. (Apparently there was no point in asking younger persons, since their exposure to an educational system run by nuns and priests was too low). The 34,324 respondents with complete data were part of an internet-panel. Of them (Deetman 2010: 564), 31% stated to have been raised as Catholic, and of all these Catholics 9% had been at a boarding school, children's home, orphanage, or seminary. For the 69% not raised as Catholics, this percentage is 4. This confirms what was assumed about Catholic education.

Persons declared whether or not they were, before the age of 18 and against their will, sexually approached by a non-kin adult. Of all Dutch persons older than 40 in 2010, 10% reported as a youth to have experienced unwanted sexual advances by an unrelated grown-up. Deetman (2010: 564) also presents percentages for four subsamples. Of persons raised as Catholic and part of at least one of the four institutions, where juveniles spend day and night, 21% answered yes to the abuse question. The percentage is 22 for persons who have been in at least one of these establishments, but were not brought up as Catholic. If persons were raised as Catholic and did not visit any foundation, the percent is 12, and it is 8 for those who did not grow up as Catholic and never were part of one of the four institutions where young people visit school and sleep.

These data only inform on whether or not a person and potential *victim* was raised as *Catholic*. How many of their *offenders* were active for *Catholic* organizations? That is the key question, and the Deetman (2010: 564) presents pertinent data from a follow-up survey among all 2,454 sexually abused persons. For these abused persons, the percent abused by adults active in Catholic organizations was 6. For people raised as Catholics, once part of an establishment, and sexually abused, 33% of their abusers was active for a Catholic organization. This percent is 9 for sexually abused persons raised as Catholics and never in a foundation. For the whole sample of 34,324 persons, the percent abused as a minor by an unrelated adult from a Catholic organization was 0.6.

Taken together, figures do not tell well on the Dutch Catholic church. The *difference* between the 8% of sexual abuse for those raised as Catholic, but outside an institution where they stayed during the night, and the 12% of abuse for persons brought up as Catholic and part of such an establishment, attests to this. So does the *difference* between the 9% abused as minors by an adult active in a Catholic organization for those raised as Catholic and never in a night-foundation, and the 33% abused by such an adult, for all abused persons raised as Catholic and part of such an institute.

Figures do not tell well either on growing up in any day-and-night institution. Of minors raised as Catholic, and part of such an institution, 21% was sexually abused, *similar* to the 22% for those not raised as Catholic, and having lived in such a place. A follow-up ordered by two Dutch ministries on sexual abuse in institutions for juveniles – as well as on corporeal violence and mental violence – was issued in 2019. It did not involve enough cases for statistical analysis, and is skipped here.

Deetman (2010) advised the creation of an agency to which people could report by hotline to have been sexually abused as minors by clerics, and lodge a complaint, which was to be heard, and might lead to compensation. This *Reporting Centre* issued annual reports, listing the administrative course of calls. To assess the implementation of organized distrust, we quote from page 118 of the English version of its *Report on Activities 2011–2018* (Reporting Centre 2018), its final report.

From spring 2010 – the agency’s start – to December 1, 2017 the hotline received 3,712 calls. Of these rings, 1,650 remained a verbal report, 10 a verbal complaint, and 2,056 resulted in a written complaint (a footnote elucidates the discrepancy of 4). Of all written complaints, 251 were withdrawn, and 334 were settled before a hearing – meaning damages were awarded behind closed doors. A board heard 1,471 complaints (now figures square). Of those complaints, 13 more were settled during the hearing, 20 fell outside the board’s jurisdiction, 113 were judged inadmissible, 318 without good reason, and 1,002 valid (when summing, we miss 5 cases). At the time of the final report, for 946 valid complaints damages had been fixed, with another 7 complaints having been settled. The difference between 1,002 and 953 ($946 + 7$) is not accounted for. (Did in these cases people forgo compensation, or was the final report finished before the agency closed?) The 946 valid complaints for which damages had been fixed, were awarded in total 28 million euros. In an NRC news article, Dohmen (2017) quotes that amount from the *Final Report*, adding that – according to documents that are not public – for 403 settlements 13 million euros were paid out, that is, for deals behind closed doors. Reporting Centre (2018: 118) gives 354 ($334 + 13 + 7$) settlements, and we counted (Reporting Centre 2018: 159–159) a higher number, to wit 402 settlements.

The upshot is that, just as for commercial companies organized distrust takes on the form of professional bookkeeping and independent auditing, so for corporate actors like churches organized distrust involves consistent administration – on top of financial disclosure. These types of organized distrust were not fully implemented in the Netherlands in the 2010s in regards sexual abuse of minors by members of the Catholic clergy during the decades after World War 2.

8.4.3 How did it come about that abuse of minors became public only when minors had grown up?

If punishments are more severe and apprehension chances higher, a state’s laws will be trespassed less frequently. This rich-in-content, well-corroborated hypothesis from classical criminology (Beccaria 1764, Bentham 1789) pertains to apprehension and penalties by the state. But how would a state’s police learn that a cleric sexually abused a minor? That cleric will have told this child to remain silent, and if a minor brings itself to telling its parents, these parents first go to a local church authority. This power-that-be will check with the cleric named, who may deny. The chances of a police report about the priest are small, since physical traces – if any – will have gone. The cleric’s chances of transfer will be high, as well as this cleric’s chances of backsliding. If a cleric who abused a minor sexually, is not brought before a public court, sentencing does not deter other priests either.

We now generalize an interesting hypothesis from Jim Rutenberg’s piece in the *NYT* for October 22, 2017, on media moguls and prospective actresses, as occasioned

by #MeToo. A major reason for the delay in US movie stars stepping forward, would have to do with out-of-court settlements, in which victimized women obtain financial compensation, and vow silence. In the same way, deals behind closed doors about minors sexually abused by clerics, decrease the chances that parents of abused minors declare #WeToo. The same goes for grown-ups abused as minors. To repeat, the Dutch hotline led to 2,056 written complaints, of which at least 354 (=17%) were settled off the record. Before 2010, a couple of well-publicized examples would have given abused persons courage to speak out, but such instances were rare. The balance between natural and corporate actors favors the Catholic church. For the opposite reason, when a few others have already stepped forward, more adults will come forward a bit later to tell that clerics abused them. In addition, just as parents are unlikely to report to the police their own child for misconduct, so the Catholic hierarchy with low probability will tell on its clerics. The prolonged contestation of the separation of Church and State by the Catholic church – in place for the Netherlands since Napoleonic times – will have contributed to the infrequent referral of sexual abuse of minors to the police.

8.4.4 Abuse of minors and organized distrust

Since research is scarce, words were wasted on the question of whether the pledge of celibacy for Catholic clerics attracts gays and lesbians, the question of the extent to which Catholic rites occasion homosexuality with minors, as well as the question of whether Catholic schools tend to do so. We are grateful to the *Los Angeles Times* for collecting questionnaires completed by 1,854 priests in the USA in 2002, and to Andrew Greeley, who analyzed them in *Priests. A Calling in Crisis* (2004).

According to priest and sociologist Greeley, American priests do not differ from ordinary men in several relevant aspects. One idea of conservative Catholics is that abuse of minors entered the Catholic church, because of a growing relative number of homosexual priests. There is some truth in it. Since 5% of all men is homosexual, the 16% homosexuals reported by Greeley (2004:39), amounts to a clear-cut overrepresentation, and speaks against same-sex sex occasioned by their vow not to marry a woman. Indeed, the percent of heterosexual priests living in celibacy was higher than the percent of homosexual priests doing so: 86 versus 63 (Greeley 2004: 41).

Ross Douthart in the *NYT* of March 28 and 30 (2010) harnessed *Jay report* data. Numbers for accused priests and abused minors spike around 1970. The rise was strongest in sexual misconduct over a long period for priests with teenage boys, with short-term misconduct involving children aged 12 years or younger increasing less. Douthart takes this to confirm the thesis that sexual misconduct within the Catholic church climbed because of the sexual revolution in society at large.

Of all imaginable causes of sexual abuse of minors by priests, the media invoked lack of organized distrust the least. How little was there as regards sexual abuse of minors by Catholic priests? The laws of the Dutch state against sexual abuse of minors were in place, and had an eye for misuse of minors by authorities. Yet despite a *School inspectorate*, the state probably monitored Catholic organizations less closely than public ones, and Catholic ones would not have accepted detailed reporting. Catholic congregations ran schools, and what they did outside school hours was out of reach. The Dutch state let the autonomy of church bodies prevail above the well-being of minors entrusted to them. In this way, a law by and large remained words. Supervision was warranted – precisely because Catholics clerics live outside the world. Nowadays the idea that every school should have an in-house child psychologist reporting regularly to the school inspectorate would meet little resistance. It would have been way out – even for boarding schools only – in the 1950s.

Organized distrust was lacking within Catholic organizations too. Culprits did not have to leave their congregation – indeed, that would have been a very severe punishment. (It has occurred, even with cardinals, see Elizabeth Dias and Jason Horowitz 2019). Offenders were reassigned – which may have been something of a reward. Seemingly things were in good order within the Catholic church. It had its own laws, and there was a church court. However, church law contained the directive that in case of misuse by a priest, the victim and witnesses should remain silent.

The Vatican regarded enforcement of church laws as a task for country cardinals: the highest level of a corporate actor delegates duties to a lower level. *Statistics Netherlands* records the number of persons convicted for §249 of the Dutch penal law – and Drukker's (1937) criminal-sociological study on sexual crimes in the Netherlands has a time series from 1911 to 1930. In contrast, the *Statistical Yearbook* of the Vatican publishes the numbers of priests called, but not the number of infractions of particular church laws. Recently the Vatican did some things. Abuse of minors by priests now always should be reported to the police. This amounts to admitting that it often was not done. The limitation in church law for sexual crimes was extended from 10 to 20 years after the event.

8.5 Was organized distrust always there, and was organized distrust always effective?

The present paper replaced a Platonian by a Popperian problem: in the field of politics and society, the misconstrued question of who should rule, should make way for the questions of how bad rulers may be eliminated without bloodshed, and how the damage they do may be minimized. We did not enumerate in advance forms of organized distrust, and added types while dissecting three scandals.

This contribution's main thesis was Popperian too, and held that organized distrust limits the harm rulers do to the ruled. We replaced Popper's distinction between instinctual and institutional individualism, by that between theoretical methods which postulate individuals only, and methods that bring in natural and corporate actors. The latter of these methods we dubbed, somewhat lightheartedly, multi-level modelling. To assess our central hypothesis, we employed data from investigative journalism. We did so in the understanding that in sociology not so much findings on societies are in dispute, but hypotheses. In everyday life motivational accounts get higher billing than situational explanations, and societal research may show that this should be the other way around. We weighed our main thesis by dissecting three recent scandals: fraud in an academic field, fiddling with software by cars companies, and sexual abuse of minors by clerics of the Catholic church.

8.5.1 Findings on three scandals – outside politics – compared

We were pleasantly surprised with the host of data on our three scandals uncovered by investigative journalism. A difficulty was that data refer to still continuing series of events.

The Stapel scandal in social psychology was closed, but whether Dutch universities took effective measures, remains to be seen. Also, in the wake of more fraud, US social psychology is cleansing the house: flag-bearing experiments – like the Robbers cave experiment by Sherif (1961), the experiments on obedience to authority by Milgram (1963, 1974), the Stanford prison experiment by Zimbardo (1973) – have not been successfully replicated (Carey 2018). As to future frauds, we await a Stapel-like scandal in Dutch sociology. It may not involve fake data, but a massive massaging of a mis-constructed multi-moment multi-actor multi-context mega-dataset.

To prop our Stapel dissection, we cited older controversies, but one of them was not closed either. Behind the priority dispute about HIV – settled by the 2008 Nobel prize – lurk questions about how AIDS spread. One of them is the extent to which the medical establishment stumbled, public health authorities failed, and *Act Up* – a gay grass roots movement – accelerated the introduction of drugs suppressing the HIV virus. This issue is brought out in the 1987 bestseller *And the Band Played On* by *San Francisco Chronicle* reporter Randy Shilts, Larry Kramer's 1992 play *The Destiny of Me* – situated in New York -, and Robin Campillo's 2017 movie *120 battements par minute* – happening in Paris.

As the main culprit of our second scandal, Volkswagen is in the dock now – with the possibility that a CEO confesses to knowing of trick software -, and the EU designs tough laws, and adjoined agencies.

The abuse of minors by Catholic clerics – the third scandal we dissected – is also on-going. It shifted from the USA to Europe, is reaching Latin America, and

now embraces the complicity of the Catholic hierarchy. Of late it became public that male clerics violated female ones (Horowitz and Dias 2019). All the same, the media tended to bring the scandal down to priests abusing minor males.

To counter this penchant, a new Deetman committee published *Seksueel Misbruik en Geweld tegen Meisjes in de Rooms-Katholieke Kerk* (*Sexual Abuse of and Violence against Girls in the Roman-Catholic Church*) in 2013. It addresses the follow-up question of sexual abuse of female minors by clerics, but does not break down tables from the *First Deetman Report* (2010) after gender. From some figures (Deetman 2013: 46), and others in Deetman (2010: 52), we estimate that of all Dutch men above 40 years, 0.8% as a minor was sexually abused by an unrelated adult active in a Catholic organization, and that this percentage for women is 0.2. Because of the small number for abused girls (39 out of 173 abused youths), Deetman (2013) omits percentages – although the total sample is unusually large. (Given the earlier on presented 0.6 percent of men plus women abused as a minor by an unrelated adult active in a Catholic organization, the average of 0.2 and 0.8 weighed for the share of women and men in the total sample, should amount to 0.6. It does not, perhaps of rounding errors.) Sexual abuse by clerics of male relative to female minors remains an interesting topic.

Moreover, Deetman missed a chance to deal with the follow-up of whether priests tend to abuse boys, and nuns girls. It so happens that the Reporting Centre's *Report on Activities 2011–2018* has a data-matrix for 860 cases of sexual abuse of minors by clerics leading to compensation, and it yields frequencies for gender combinations. We do not resist temptation, and compute that 3% (24) of all cases involved female clerics. In 17 of them a female minor fell victim to a female cleric, with 7 female clerics abusing a male minor (since these numbers are small, we omit percentages). From the 836 cases with male clerical perpetrators (97% of all cases), 83% (691 cases) pertains to abuse of boys, and 17% (145 cases) of girls. The answer to our same- or other-sex follow-up question is yes.

When explaining scandals, we were guided by three tenets for devising auxiliary assumptions. The first one was to identify, next to regulations, corporate actors seeing to their execution. This idea meant to fill a hole Popper's thesis that institutions should not only be well-designed, but also well-staffed. The police pursues acts forbidden by a country's penal laws, other laws sometimes are put into place by other corporate actors. Whereas an US agency oversaw car emissions, the EU did not have one. As regards abusive priests, the police at most played a small part.

In testing Popper's theory of organized distrust, we also wished to bring in other and older theories, and we mentioned Hobbes's proposition that covenants without swords remain words, and Merton's anomie theory. Hobbes's idea made us hunt for corporate actors who see to it that violations of laws are punished, and Merton's anomie theory was useful for analyzing Stapel's fraud within social psychology, and the Volkswagen scandal: the goals corporate actors like universities and car makers hold up to their employees as legitimate, may be so high that

employees resort to illegitimate means, like faking data and fiddling with software. However, when dissecting the Volkswagen scandal we also returned to Durkheim's complementary theory of fatalism – in governmental agencies overseeing car companies. Since that theory about low legitimate goals set by agencies and ample available means rarely is invoked, we are hesitant about this near-novelty.

Our dissection of the scandal that clerics sexually abused minors, brought in hypotheses from classical criminology. Punishment is designed to deter a person who trespassed the law, from doing so another time. That is specific prevention. However, it is not likely that assigning an abusive cleric to a similar job in another diocese, without it knowing about this cleric's past, will deter this cleric. Supposedly punishment also deters other people from performing the punished act. This is general prevention. In case of priests who sexually abused minors, general prevention was not likely either. The church settled cases behind closed doors, and in exchange for financial compensation, victims and witnesses promised to remain silent. Public punishment deters more than secret sentencing. We also ventured that if punishment is public, people who later become victim of a similar crime – particularly when its frequency is rather low – are more likely to go to the police, and declare that they became a victim of it, compared to dealing with complaints behind closed doors. This may be called the general encouragement effect of public punishment: help for other victims to speak out.

Finally, we had decided not to press our dissection of scandals into the strait-jacket of settings with just two actors. Stapel's fraud was discovered, not by academic periodicals, but students. If all of Stapel's papers had appeared in one periodical in a short time, its editor might have noticed that his data were fishy. But Stapel published in many journals, and double-blind reviewing does not bring out that one author always obtains fantastic results. Stapel's students found the results obtained with his data too good to be true. The Volkswagen scandal did not come to light in the US because the US did test, and the EU and its members not. It was known in Europe that Volkswagen's diesels emitted more than allowed. Volkswagen's fiddling with emissions came to light in the USA, because Federal Washington had strict laws, stiff penalties, as well as a special agency, whereas the EU left surveillance of weak standards to its members. Our dissection of sexual abuse involved not only minors and priests, but also parents, church authorities, and the police.

Reviewing the results obtained by our guidelines for the generation of auxiliary assumptions, it may be wondered whether we replaced structural individualism, so prominent in Dutch sociology, by cultural individualism. We do not really think so. Anomie and fatalism indeed are part of a culture enwrapping individuals. But the theoretical section of this contribution, pleaded for statements referring to both corporate and individual actors. In our concrete accounts, corporate actors – like Volkswagen's CEO and directors of research agencies – held up norms to ordinary human beings.

8.5.2 Further questions on various forms of organized distrust – in politics

The general question guiding our dissection of scandals was: if organized distrust is there, and that effective, why three recent scandals? The short answer is that in two scandals organized distrust was absent. It remains to be seen – if the Volkswagen scandal had not come to light in the USA, say because Volkswagen had decided not to export diesels to it -, exactly when it would have become public in Europe. And it may well be that laws on sexual abuse of minors will be trespassed rather frequently as long as the Catholic church stipulates celibacy for its clergy. Laws on sexual abuse of minors by whatever person, are difficult to enforce anyway, since minors do not notify the police.

In one scandal organized distrust was ineffective: double-blind reviewing will not kill off big fraud in academia. We suggested two other forms of organized distrust. The first was periodic meetings of research schools in which junior members flog research in progress of seniors, the second that a paper up for publication, indicates its vetting at a conference. As regards abuse of minors, we proposed a child psychologist in educational institutions. Rules protecting whistleblowers would help employees of corporate actors limiting their legitimate goals, and fostering a fatalist culture. Proper bookkeeping and consistent administration remain important tools for inspection agencies.

To test Popper's theory of organized distrust, we dissected scandals, and it may be wondered why we bypassed a financial scandal. We had decided to spotlight the Netherlands and Holland-within-Europe, and although the 2008 financial crisis hit Holland hard, it did not occur because of Dutch disgraces. Yet, after reading *De Eurocrisis* by Dijsselbloem (2018) – Dutch minister of finance from 2013 to 2017, and chair in those years of the Euro-group of all 17 euro-countries – we almost changed our mind. Dijsselbloem's summary of his observations: 'As always, the effectivity of what we erect together in European context, depends on the power of our institutions, and the extent to which our rulers, including the politicians among them, are like actors master of their lines' (Dijsselbloem 2016: 165, our translation). This quote – without a reference to Popper – is richer in content than Popper's principle that institutions should be well-designed and well-staffed.

Now a pungent criticism of our questions on scandals. Were they attuned to testing Popper's theory of organized distrust? After some pondering, not that closely. Our test involved several assumptions. The central thesis was that organized distrust eliminates or limits damages rulers inflict upon their subjects when making and executing laws. The classical auxiliary assumption going with it, says that periodic general elections are the only or main form of organized distrust in politics. For academic periodicals, car companies, and churches, we pointed to other forms of organized distrust. Another auxiliary assumption held that scandals reveal vast violations of laws and massive personal damages.

A check of the last assumption, made us review our initial decision to skip politics as a test for our central thesis. We still take scandals as proper test cases. However, we bypassed political scandals, as other scandals would test our prime proposition more severely. But then, if no political scandals arise, has organized distrust been omnipotent? The auxiliary assumption of periodic general elections as the only form of organized distrust is *plainly false*, but as to *content* its alternative of more forms of organized distrust is *watery*: these forms lower the damages rulers inflict on their subjects too, but it remains elusive to what extent they do so. So, it is worthwhile to raise questions on the size of the outcomes of these forms of organized distrust: are they as small as implied by the initial auxiliary assumption of one major form of organized distrust? This strategy for testing hypotheses does not start from scandals or other ‘negative’ effects, but from additional forms of organized distrust as ‘positive’ causes. As the final number of this show – and food for thought for follow-up questions – we present a recent instance of organized distrust within politics, but emanating outside parliament.

Germany was late in decriminalizing sexual acts between adults of the same sex, and late in giving same-sex couples the right to marry. Was the former the cause of the latter, as the journalist Görlach (2016) implied in “Germany’s Retro Record on Gay Rights”? Less than a year later, German parliament gave same-sex couples the right to marry. How did the pertinent proposal make it to the legislative agenda? The left in parliament was too weak, and within the right (CDU-CSU) the more conservative branch (CSU) had the overhand in this matter. Hence a persistent inconsistency between marriage law and a constitutional right to equal treatment.

The law for same-sex couples to marry, landed in German parliament through organized distrust, which may not be recognized quickly as such. Ministers and prime-ministers, in line with organized distrust, answer questions by members of parliament. They also give speeches at public meetings outside parliament, and would flout organized distrust, if they repeatedly ducked questions from the audience. We now posit that a question by an ordinary German citizen to Germany’s prime-minister during a public gathering, led to the extension of German laws allowing marriages between a man and a woman, to marriages between persons of the same sex, whether male couples or female couples. Whereas questions from an audience seem less effectual than questions in parliament, in this case an unforeseen question from the audience was surprisingly consequential.

On Monday June 26, 2017 Germany’s chancellor Angela Merkel took part in a meeting at the Maxim Gorki Theater in Berlin organized by *Brigitte*, Germany’s largest women’s magazine. At the end, its readers had an opportunity to ask questions. Few women rose, and a man got up asking Merkel with resoluteness in his voice the simple and short question ‘When will I be able to marry my boyfriend, and call him my husband?’. The audience applauded, Merkel rambled, then said she recently had seen how a lesbian couple took care of eight stepchildren, added she opposes same sex-marriage, and finished by saying she would allow a vote in

parliament, with the members of her CDU-CSU party free to vote according to their conscience. On Friday June 30, 2017 that vote was cast. A query from a man in the audience of a meeting organized by a women's magazine caused a stir, and Merkel's reply ended a stand-off in German parliament. We take it, that if someone had addressed this question at a similar meeting a couple of decades earlier to the (then) German chancellor, it would have caused a disturbance in the audience and a scandal in the papers.

The man who addressed Merkel was Ulli Köppe, 28 years young, raised in Saalfeld in the federal state of Thüringen, and earning his living in Berlin as event manager. Did Merkel misspeak, were *Brigitte* readers rightly surprised? According to journalist Lindhout (2017), the German CDU – to avoid a polarizing issue in the 2018 elections – recently discussed a free vote. So, did Köppe's resort to a form of organized distrust advance same-sex marriages in Germany with a few months only?

We here only state this question, but wish to underline its import, and that of similar questions. The question of marriage for same-sex couples is part of a larger question in societal theory, that of the conditions under which laws become stricter or more lenient, and change in other ways. Are more cases around of an effect of organized distrust from outside parliament? As a preliminary: how to pose questions about *The Emergence of Norms*? We allude to Edna Ullmann-Margalit's (1977) book.

To begin with, the question of how norms arise does not refer to any specific norm. This increases the danger of cherry picking when theorizing (Ultee 1996). Auxiliary assumptions are far from ancillary, and here we propose to select *specific* questions before applying *general* theories.

Also, our questions about scandals at first were about the infringement of *substantive* laws, but when analyzing scandals, we began to raise questions on *procedural* laws as causes of transgressions of substantive laws. We compared procedures in one state with those in another state, and in other corporate actors. Sexual acts with minors are forbidden – that is material law –, penalties in one country may be more severe than in another, court cases are conducted behind closed doors or in public, some criminal proceedings are precluded by lapse of time, and more of such adjectives. We also entered into the question of how substantive laws and procedural laws change. So, apart from the division of actors in natural and corporate actors from jurisprudence, we applied its distinction between substantive and procedural law. Indeed, it should be employed in breaking down questions about the emergence of specific norms into more doable smaller questions.

The question of same-sex marriage suggests another rule for picking specific questions on norms. The law against sex between adults of the same sex, held in France until 1791, the Netherlands until 1811, and Germany until 1969. When studying the emergence of a norm at a particular time and place, the auxiliary assumption of no original norm and evolution towards the current norm, may fail: for some time possibly an opposite norm prevails. Questions about the emergence of norms should specify in which period, and from what to what, a change occurred.

Finally, specific questions on norm shifts should invoke unexpected findings. One surprising change in Western countries after World War 2, was that marriage became possible for same-sex couples. Which other remarkable changes are instances of the general question of how norms shift? In passing we pointed to three. Nader (1965) published *Unsafe at Any Speed*, which found strong support in US congress. *Act UP*-Paris speeded up the introduction of drugs against AIDS, and NRC-reporter Joep Dohmen (2010) investigated sexual abuse of Dutch minors by clerics, contributing to reparation for victims.

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