

Unpacking the relational nature of scandals: A practice-based study

Abstract

While most studies on scandals traditionally perceive them as given facts involving solely the organization responsible for the transgression, this study recognizes their emergent and collective nature. Through the case of the Levothyrox scandal, we delve into the dynamics of the scandal process, illustrating how actors, through their practices, collectively contribute to its unfolding. On the one hand, we show that this process revolves around an oppositional relationship between the accused organization and the organization defending the victims. On the other hand, we show that this opposition unfolds in practice through different relational spaces (we called "arenas") made up of specific actors who are linked to each other. Our study unveils the multi-sectoral nature of scandals, wherein they unfold across distinct temporal and spatial dimensions. Furthermore, we illuminate how the practices specific to these diverse arenas are interlinked, highlighting the relational and sequential nature inherent in the evolution of scandals.

Keywords: Scandal, practice-based approach, social change

INTRODUCTION

Scandals can be defined as an action or a series of actions that provoke public indignation, a feeling of violation of morality, and that arouse strong discontent or condemnation on the public opinion (Adut, 2005; Molotch & Lester, 1974). As most studies consider a scandal to be an *a priori* fact, whose consequences for the organization need to be understood, a new stream is currently renewing our understanding of this phenomenon. It sees scandal as social construction process that involves not only the organization that has committed the transgression, but also other actors, notably the media. This constructivist perspective thus makes it possible to answer a central yet largely ignored question: Why do some organizational transgressions become scandals and others not?

However, while most research of the constructivist perspective has focused on the role of the media, it still ignores two theoretical dimensions of the phenomenon. First, other types of organizational actors than media are key in the process of scandal such as the organizations representing victims (e.g., non-governmental organizations, lobby groups, or victims' associations). Second, current studies on scandals do not acknowledge what are the relations between those different organizations (i.e., transgressor, groups advocacy, politicians...) while scandals are rarely the result of isolated actions. They often involve complex interactions between several actors, such as individuals, organizations, the media, regulators, and society at large. As we focus on actors and the actions they undertake *vis-à-vis* each other to understand the emergence of scandals, we propose a practice-based approach. Practice approaches focus on social actors' - such as individuals and organizations- doing and saying, and how they interact in specific contexts. Hence, we ask: *How does a set of heterogeneous organizations create a scandal in practice?*

To address this question, we empirically investigate the case of the Levothyrox scandal in France with a two-year qualitative in-depth case study. Levothyrox is a medication used to

treat thyroid disorders. This hormonal gland regulates several essential body functions, such as the cardiovascular system, weight and digestion. Today, it is the most widely prescribed prescription medication. Drawing on archival data and interviews, we were able to consider the different organizational actors involved and their practices all along the process of scandal emergence.

Our results are organized in two sections. The first section shows that the scandal of Levothyrox emerged through a process continuously involving a defendant and a victim and, by extension, a large set of heterogeneous organizations that - occasionally or permanently- gravitate around them. These organizations belong to four different *arenas* (media, scientific, political and judicial). In each arena, a specific set of relatively heterogeneous actors gathered around the defendant and the victims are involved in the same practices. The first section provides a full description of each arena by showing the actors and the practices that unfold in a particular time and space. In each arena, the specific practices that link the defendant and the victims to the other actors also generate consequences that impact the emergence of the scandal. The second section of our results shows that the scandal spreads from one arena to the other through a dynamic of practices' accumulation. This aggregation is necessary for the scandal process to unfold.

Our study contributes to better understand how scandals emerge in practice by broadening the scope of analysis to other actors than the targeted organization or the media . It shows that scandals are multi-sectoral in nature, i.e., they unfold in distinct temporal and spatial spaces (i.e., arenas). In addition, we reveal the practices that are specific to those different arenas are interconnected showing the relational and sequential nature of scandals unfolding.

THEORETICAL FRAMEWORK

TOWARDS A RELATIONAL PERSPECTIVE ON SCANDALS

Scandals are both a common and exceptional phenomenon in the social world. On the one hand, scandals have always been an intrinsic part of human history. From the Bacchanalian scandals (Roman Empire, 186 BC) to Watergate (USA, 1972-74), via the Dreyfus Affair (France, 1894-1906), the history of human societies is made up of controversial and immoral behaviors that run counter to established social norms. Scandals are also increasingly common thanks to new communication technologies (e.g., social networks) that have greatly facilitated mediatization and the direct transmission of public opinion without the intermediary of third-party actors such as journalists or political elites (Barkemeyer, Faugère, Gergaud, & Preuss, 2020). On the other hand, this form of social evaluation is an exceptional phenomenon. It is exceptional in its scale because a scandal consists in the public accusation of an individual or collective entity (Greve, Palmer, & Pozner, 2010) whose one action is unanimously recognized by a large number of people as a moral transgression (Adut, 2005; Molotch & Lester, 1974). In recent times, the Cambridge Analytica scandal stands out as a pertinent example. In 2018, this scandal revealed that political consulting firm had illicitly collected personal data from millions of Facebook users for the purpose of political manipulation. This revelation sparked widespread concerns in society regarding online privacy and the regulation of data. Scandal is also an exceptional phenomenon in the intensity of social changes it may produce. The impact of the Cambridge Analytica scandal transcended its immediate consequences for that political consulting firm and Facebook; it instigated significant societal changes. Citizens have become increasingly conscious of how their personal data is collected and utilized, prompting a more cautious approach to their engagement with social networks. Governments have responded by pressuring companies to revise their regulations on personal data usage, thereby empowering citizens with greater control over their information (Heawood, 2018).

Scandals have become an important topic in social sciences in the last decades (Adut, 2005). This is particularly the case in organization studies, as collective entities (organizations, institutions, professions) are often at the origin of scandals. Historically, most research on scandals have focused on the authors of the transgressions. They have uncovered the possible causes of scandalous organizational actions such as the search for strategic resources, the culture of the organization (Greve et al., 2010). These studies also examined extra-judicial negative and sometimes positive consequences of scandals (see Paruchuri, Pollock, & Kumar, 2019) in terms of competitiveness, status, shareholder value, or reputation (e.g. Piazza & Jourdan, 2017), and the contagion of these consequences to other players in the industry (e.g. Paruchuri & Misangyi, 2015). For example, the aftermath of the Cambridge Analytica scandal reverberated through various dimensions, triggering a substantial plummet in Facebook's stock value, a historic \$5 billion fine for violating user privacy, and a loss of user trust not only in Facebook but also in other similar social networks (Heawood, 2018). Studies on scandals also highlight how organizations cope with the negative consequences of their actions that have been perceived as scandalous by the public opinion (e.g. Pfarrer, Decelles, Smith, & Taylor, 2008). For instance, Warren (2007) showed how organizations involved in scandals seek to minimize its negative impact by transferring the responsibility of the transgression to individual employees. However, these studies often treat scandal as a preconceived notion, whether scrutinizing its causes or effects. In doing so, they overlook a fundamental aspect crucial for comprehending what constitutes a scandal: a transgression only assumes scandal status when deemed scandalous by public opinion (Adut, 2005; de Dampierre, 1954; Molotch & Lester, 1974; Piazza & Jourdan, 2017; Roulet, 2019). Consequently, these studies find themselves circling the phenomenon without truly grasping its underlying mechanisms.

Recent research has introduced a new perspective on the understanding of scandals. Unlike most studies of scandal, the studies in this stream understand scandal as a social

constructed process rather than a given fact with causes and consequences. Rather than considering scandals as facts, this new approach seeks to understand why some transgressions lead to scandals and others do not. By considering scandal as an emergent process, this perspective also pays closer attention to the actors involved, not just the perpetrator of the supposedly scandalous transgression. (Greve et al., 2010; Roulet, 2019). It's not so surprising that most studies focused on the role of the media in the emergence of scandals given that scandal inherently require media attention because transgressions are usually initially committed outside the attention of public opinion (Clemente & Gabbioneta, 2017; Roulet, 2018). The emergence of the Cambridge Analytica scandal, for example, hinged on the revelations from media outlets such as The Guardian and The New York Times in March 2018, shedding light on the company's data collection practices. These revelations not only sparked extensive media coverage but also quickly captured the attention of global public opinion, governments, and regulators (Heawood, 2018).

However, to date, two theoretical limits should be addressed to social constructivist perspective of scandal. Firstly, research adopting this emergent perspective tends to narrow its focus on specific actors, whether it is the targeted organization or the medias. Other types of organizational actors are key in the process of scandal emergence but ignored, such as those representing victims (e.g., non-governmental organizations, lobby groups, or victims' associations) (see for exception Daudigeos, Roulet, & Valiorgue, 2018). These organizations play a pivotal role in constructing a scandal by accumulating evidence and publicizing it. For example, advocacy groups dedicated to protecting user privacy and rights in the digital environment such as the Electronic Frontier Foundation (EFF) or the Center for Digital Democracy, significantly contributed to raise public awareness about data privacy, calling for reforms, and holding companies and governments accountable during the Cambridge Analytica scandal. However, little is known about other organizations than the targeted organization or

the medias, their roles, and the configurations in which they operate. Secondly, current studies on scandals often fail to acknowledge the relations between those different organizations (i.e., transgressor, groups advocacy, politicians...). In other words, they tend to ignore the actions these entities take in relation to each other and how these actions may or may not lead to the emergence of a scandal. Scandals are rarely the result of isolated actions; they typically involve complex interactions between various actors, including as individuals, organizations, the media, regulators, and society at large. Clemente and Roulet (2015) demonstrated that a scandalized public opinion emerges through the cascading flow of information from one actor to another. While this emphasizes that scandals follow a “logic of contamination” (Adut, 2005: 221), it overlooks how these actors actively contribute to building such logic. Taking a broader perspective that considers the numerous interactions among various involved actors is crucial for understanding the emergence of the scandal.

In this research, we acknowledge that a scandal is a relational process that is based on actions emanating from different actors, by which they oppose, avoid, or join each other. Drawing from this observation, we propose broadening the study of scandals to its different actors (i.e., not only its targets or vectors such as medias), the nature of their interrelated actions and the contexts of those actions as the scandal unfolds.

A PRACTICE APPROACH OF SCANDAL

As we focus on actors and their relationships to understand the emergence of scandals, we propose a practice-based approach. Practice approaches focus on social actors’ - such as individuals and organizations- doing and saying, and how they interact in specific contexts. Although different traditions may exist to understand practice theory, we rely on the view developed by Nicolini (2012) and Nicolini and Monteiro (2016) that consider practices as spatially and temporally dispersed nexus of actions oriented towards a particular purpose or end

(Nicolini, 2012; Nicolini & Monteiro, 2016; Schatzki, 2002). Specifically, a practice-based approach is appropriate for the study of scandals as relational process for at least three reasons.

First, a practice-based approach helps to grasp the situated and emergent nature of social phenomena. Scandals do not occur in a vacuum, but are often rooted in specific social, economic, and political contexts. A practical approach allows us to grasp these different contexts (both in terms of space and time) and to identify the reflexive actors that act in these contexts to amplify, understand, or even prevent the scandal (Feldman & Orlikowski, 2011; Schatzki, 2002). Second, a practice-based approach is specifically suited to understand the relational nature of scandals because it recognizes the collective and interconnected nature of actions. We here adopt a configurational perspective (Nicolini & Monteiro, 2016) of practice that helps capturing large scale phenomena by considering that actions are taking place in various spatial and temporal contexts and that there are interconnected (Nicolini, 2007). Consequently, we consider that a scandal only emerge through a set of practices that exist in assemblages, configuration or nexus (Hui, Schatzki, & Schove, 2017; Nicolini, 2012; Schatzki, 2002). Practical approaches are finally interesting because they recognize that conflicts or tensions can exist between different components of a practice (Nicolini & Monteiro, 2016). This is very relevant in the study of scandals and each scandal brings together various actors who have different and sometimes contradictory objectives, contributions or actions. Through their practices, reflexive actors may then individually or collectively create a room for resistance and change (Nicolini & Monteiro, 2016) by relying on certain set of actions over others. As a consequence, the components of the practices that emerge in the scandal process are not necessarily aligned : a practice can unfold while encompassing competitions and tensions among actions unfolding through divergent actors (e.g. defendant and victims).

By adopting a practice approach that allow to capture the emergent and relational dimension of a scandal, our article aims at answering the following question: *How does a set of heterogeneous organizations create a scandal in practice?*

METHODS

This research is a single case study, based on the scandal of the Levothyrox® (Yin, 2004). This scandal caught our attention for three reasons. The first reason is the important visibility in the media and the great attention that the latest change of formula (Digimind, 2019) has revealed in the public opinion. The second reason is the large number of different actors involved in the scandal (corporations, patient association, state, parliament, health authorities, scientists...). This revealed the multi-actor and relational nature of the practices involved in the scandal emergence. The third reason is methodological as the levothyrox is a recent scandal. Therefore, we could have at our disposal a various set of data throughout the process, including various social networks contributions.

EMPIRICAL DESCRIPTION

Numerous scandals have emerged in the social world over the last 60 years. Among these scandals, the health field has not been left behind, eroding the trust granted by public opinion to industrialists and public health authorities (Digimind, 2019). Because of its media scope, the Levothyrox® is probably the scandal that has had the greatest impact over the past three years in France. Between July 2017 and 2019, it was indeed the most cited drug in the traditional media as well as on the social network Twitter (Digimind, 2019).

Located at the base of the neck, the thyroid is a gland that produces hormones that are essential to the functioning of the human body. It participates in the regulation of functions such as heart rate, moods, body fat, sexuality and digestion. In France, about 6% of the general population (about 4.5 million people), the vast majority of whom are women (more than 85%), suffer from a dysfunction or absence of hormonal production from this gland. Of these people,

40% are undergoing drug treatment prescribed by an endocrinologist (i.e., 2.4 million people) (Assurance maladie, 2017). But this treatment is complex : on the one hand, because it requires extreme precision of dosage (to the microgram), and on the other hand, because the thyroid balance is specific to each human.

Levothyrox® is currently the main drug prescribed for this treatment. Developed and marketed by a German pharmaceutical corporation since 1973, and now sold in more than 100 countries (Casassus, 2018), it was launched in France in 1999. Levothyrox® quickly acquired a monopoly situation on the French market (Assurance maladie, 2017) due to a twenty-year patent and a great complexity of dosages that makes it difficult for patients to transfer from one drug to another. With 2.4 million daily patient-users (Dray-Spira, Colas, Bertrand, & Zureik, 2019), it is currently the best-selling prescription drug in France, and the third best-selling drug among all drugs. A few months after the drug was marketed, two associations were created by patients with two objectives : (1) to provide a support and advices to patients, for example by providing a discussion forum for them to share their medical situations, and (2) to publicize this disease to the general public, the public authorities and the medical profession.

In March 2012, the French national agency for drug safety (ANSM) stated in a study that Levothyrox® had two dysfunctions: (1) instability of its active substance from one box to another, and (2) the appearance of intolerant side effects for some patients caused by the presence of lactose in the formula. Based on these elements, the agency asked the pharmaceutical corporation to modify the Levothyrox® formula "*with the intention of making it more reliable over time*"¹ (ANSM, 2018). After obtaining authorization from this same agency in March 2016, and then informing healthcare professionals of this change in formula, the corporation launched the newest product one year later, in March 2017. France was the first market for this new formula, with the corporation's short-term plan to roll it out to other existing

¹ « En vue d'une plus grande stabilité dans le temps de celle-ci » (in French).

markets and new markets (e.g. China). Two months later, in May 2017 and while the new formula was deployed at more than 70% (Dray-Spira et al., 2019), many patients reported unexpected and sometimes combined side effects, such as abnormal weight gain, chronic fatigue, abundant hair loss, or intense episodes of cramping (Casassus, 2018). An important part of the population denounced a health scandal and demanded the return of the old formula. To date, 12 online petitions collecting a total of 881,444 signatures have been launched, and more than 30,000 reports of side effects have been made to public health authorities (Cour des comptes, 2019). This protest movement was coupled with significant media coverage, giving this episode the apparent features of a health scandal. As previously mentioned, Levothyrox® was between July 2017 and 2019 the most cited drug in the traditional media as well as on the social network Twitter (Digimind, 2019). Following this mobilization and media coverage, the main patient associations finally obtained from the public authorities a temporary re-marketing of the old formula developed by the M. corporation (renamed *Euthyrox*), as well as the marketing of other formulas developed by other laboratories competing with this laboratory. It is estimated that approximately 30% of patients have switched to these other formulas (Assurance maladie, 2017).

DATA COLLECTION

This research consists of a single, in-depth case study (Yin, 2014) using two types of data. We collected data from March 2017 to the present (process still ongoing). First, we used 222 archival documents (850 pages). We collected 92 press articles that include local and national newspapers. Most are in text format, but others are in the form of video reports viewed on the YouTube streaming platform. We also collected 23 official press releases from the three groups of actors involved in the scandal (i.e. the two patient associations, the health authorities, and the pharmaceutical corporation concerned). Then, we used 142 testimonies from patients that used the new Levothyrox® formula and who were reporting side effects. Those testimonies

mainly come from the forum set up by the associations of patients-victims and a massive Facebook discussion group counting thousands of contributors. Finally, we collected 12 scientific studies from the three groups of actors involved in the scandal. We also conducted 6 semi-structured interviews with members of the association of victims (see Figure 1.).

Table 1. Synthesis of data collection

<i>Levothyrox case</i>	
<i>Archival data</i>	222 documents (850 pages)
	142 testimonies from patient-consumers
	92 press articles
	23 press releases
<i>Interviews</i>	6 interviews (with members of association of victims)
<i>Data collection period</i>	2017-today (from the new formula)

DATA ANALYSIS

Our data analysis encompasses four steps. According the complexity of our case, the first step was to understand the empirical context of our study. This phase has lasted for about six months and supposed to realize two parallel tasks. On the one hand, we reconstructed the "backdrop" of the scandal to understand how Levothyrox® has been designed and marketed by the pharmaceutical corporation (M corporation), how it is regulated by healthcare institutions (ANSM), how it is prescribed by doctors and how it is used by patients. On the other hand, we retraced the detailed scandal timeline through which we emphasized the main events from March 2017 (change of formula of the Levothyrox®) to today (i.e., trials against the corporation and the national agency for drug safety (ANSM)). These events are keys as they strongly contributed to the emergence and the unfolding of the scandal. At this point of the data analysis,

two observations caught our attention. First, we realized that some actors who were not the media nor the author of the transgression played a significant role in the process. In particular, an association of thyroid patients played a central role in the emergence of a scandal as their actions widely contributed to increase the media coverage towards public opinion. Secondly, we interestingly observed that these various profile of actors involved in the scandal emergence seemed to operate in different spaces and time around the patients and the corporation defendant. Their practices occurring in different time and spaces appeared to be interconnected in order to explain the unfolding of the scandal. These observations allow us to sharpen our research question and theoretical framework that rely on a practice-based approach of the scandal.

The second step of our data analysis was to identify the actors through which the scandal unfold. To do so, we firstly listed all the actors involved in the scandal (e.g., patient associations, corporations, government...). We then grouped them into *arenas of actors*. By *arena*, we meant all actors engaged at a particular moment in time and space in specific *doing and saying* that contributed -deliberately or not- to the emergence of the scandal. In this stage, we then contextualized each arena by identifying all the actions undertaken by actors in a specific time and place. It appeared at this time that some actors were specific to arenas (e.g. "lawyers" in the "judicial arena") and that others interfered in several arenas (e.g. patients association or the defendant corporation).

In the third step of our analysis, by following in time and space the actions oriented toward the same purpose, we were then able to bundle actions into practices. In the last step of our data analysis, as we identified practices that contribute to the emergence of the scandal, we finally questioned the connections between these practices.

MAIN FINDINGS

Our results are organized in two sections. The first section shows that the scandal of Levothyrox® emerged through a process involving systematically at first a defendant and a group of patients that claimed to be victims. However, our analysis shows that, by extension, a large set of heterogeneous organizations gravitate occasionally or permanently around these key main actors with their very own structure of power, objectives and interests. Our findings emphasize that these heterogeneous actors belong to four different *arenas* (media, scientific, political and judicial). In each arena, a different set of relatively heterogeneous organizations gathered around the defendant and the victims are involved in specific doings and sayings in a particular moment in time and space. The first section provides a full description of each arena by showing the actors but also their practices and how they unfold in a particular time and space. The second section of our results shows that the scandal spreads from one arena to the other through a dynamic of practices' accumulation. This aggregation is necessary for the scandal process to unfold. Indeed, in each arena, we identify that the unfolding of specific practices generated further consequences that ultimately impact both the unfolding of the scandal and the actors that were involved in the process.

THE PRACTICES BEHIND A SCANDAL IN DIFFERENT ARENAS

The first section of our results shows that the scandal of the Levothyrox® unfolds through four different arenas of actors and five practices that are specific to each arena.

The media arena

In the media arena, both patients (the French association of Levothyrox® patients – AFMT) and defendants (M. corporation) try to leverage the media to serve their own interests. At first, patient testimonies have been reported to local newspapers but the AFMT managed to increase national media coverage regarding Levothyrox® new formula's side effects. In August 23rd of 2017, the patients' association has managed to reach the front page of a major

national “Le Parisien”, which helped patients to reach crucial attention from public opinion and to massively collect additional testimonies from potential victims that did not know what to do. This practice we labelled “voicing” unfolds through various actions: the emergence of whistle-blowers such as Sylvie Robache who has launched online petitions ; the support of famous celebrities and actors who raised the voice of victims towards the national drug safety agency, sometimes even by talking about their very own experience of the side effects associated to the new formula. This practice of “voicing” also unfold through the emergence of a common and massive complaint initiated by the patients that have gradually joined victims’ associations such as the AFMT or other structures (e.g. “living without Thyroid” association).

As the victims attempt to raise public awareness on the problem associated to the new formula, the M. corporation that labeled and design the Levothyrox® defended its medicine through press releases, justifying its claim by the 32 million euros spent on its development and the legal authorization given by the French health authorities. Consequently, given the growing protests, the national drug agency has been forced to set up a toll-free number. Initially set up to monitor the market launch of the new the Levothyrox® formula, the toll- free number however has been quickly saturated - thereby legitimizing the actions undertaken in the “voicing” practice. At that moment and as quotation 1 show, public opinion has started to take very seriously the problem of the Levothyrox® new formula : the new drug reliability on the market as well as the “official” information shared with patients has been severely questioned, and this despite the attempts of M. corporation to defend its product. A total of 31,411 reports have then been recorded on the dedicated reporting platform of undesirable effects (reporting.social-health.gouv.fr) and the .

“ According to the pharmacovigilance report made public at the end of January by the national agency for drug safety and health products (ANSM), the number of reports of adverse reactions attributed to the new formula of Levothyrox® was 17310 in November,

30 of 2017 (Which means only 0.75% of patients who use this drug). But for Vivre sans Thyroïde (Living without Thyroid) association : ""The authorities are in fact referring only to the 17,000 patients who have completed before the end of November 2017 complex reporting procedures in pharmacovigilance, and not to those (at least one million) who did not tolerate the new formula and changed treatment under medical supervision". ""

AFP report published in Le Monde newspaper (March 8, 2018)

Table 2. Practices emerging in the media arena

<i>Practice name</i>	<i>Aim</i>	<i>Actions undertaken in this practice</i>	<i>Consequences</i>
Voicing	Increasing media coverage regarding Levothyrox® new formula side effect	<ul style="list-style-type: none"> • Online petition • Emergence of whistleblowers • Celebrity interviews to publicize the issue • Mass reporting to the ANSM toll-free number • Press release from the company 	<ul style="list-style-type: none"> • Structuration of the opposition (creation of association ; convergence of complaints) • Protection of the corporation reputation

The political arena

Following the practice of *voicing* that emerged due to actions undertaken in the media arena, the structuration of victims in various associations has led the defendant to gradually act in order to protect its organizational reputation. Simultaneously, the recognition of a major health issue among potential groups of victims also encouraged them to extend their voice outside the media arena. The political arena gradually arise with the intention of capturing the attention of all government, national drug safety agency and elected representatives. While the toll-free number has been saturated with potential victims and patients, the responsibility of the French drug safety agency has been quickly pointed out. Simultaneously, victims' association (AFMT mainly) relied on the media coverage to put pressure both on M. corporation that designed and marketed Levothyrox® and on the national drug safety agency (ANSM). This

practice we label “*engaging the opposition*” undertaken various actions: the AFMT organized various protests in September the 8th of 2017 and in May, the 2nd of 2018 in front of the national assembly in order to question political authorities about Levothyrox® new formula and the lack of political consideration regarding patients ‘side effects. To stand up against the formula changes, the victims associations also worked to obtain the support of politicians such as the European deputy Michele Ravasi or the former representative Gérard Bapt. The practice of engaging the opposition also unfold through the request of the AFMT to release the authorizations and researches that supported the marketing of the new formula - which has ultimately highlighted various conflicts of interests between the national drug safety agency and the M. corporation. This caused great confusion at the highest levels of government, forcing the Ministry of Health to act as a mediator to ease frictions. On September 15th of 2017, French Minister of Health announced that the corporation has been asked to temporarily propose the old Levothyrox® formula for those who ask for it. A new practice of mediating unfolded in the political arena with the aim of creating a space of discussion and avoid an escalation of blame games and controversies. Through this practice, the government engaged in various meetings with patient associations and victims. On October 31st of 2017, the Social Affairs Committee of the French Parliament also launched a flash mission on the Levothyrox® to “*evaluate the disputed distribution of a new formula of Levothyrox®* .” A dozen auditions were held with patient associations, the National drug safety authority, the M. corporation, representatives of pharmacists, and experts in endocrinology and pharmacology. In the political arena, the simultaneous unfolding of both practices of *engaging the opposition* and of *mediating* created a huge confusion and a *status quo* (see verbatim below) between the different arenas involved as each side seeks to prove its legitimacy and challenge the other's claims. On one hand, the victims and their supported arenas were calling for a boycott of the new formula, while on the

other hand the defendant and his supported arenas wanted further investigation to prove the reliability of its medicine.

It is in this context of status quo, where the Ministry of Health and the ANSM would like to close this unwieldy file, that the French association of thyroid patients (AFMT) came to protest again in front of the National Assembly and the Ministry of Health this Wednesday, May 2, 2018. On this occasion, the association announced in a press conference that it had analyzed tablets of Levothyrox® old and new formula and that they contained nanoparticles of metals, including heavy metals: iron-chromium, chromium-nickel, iron-chromesilicon, ferrochromium-aluminum.

TV5 Monde information (May 5, 2018)

Table 3. Practices emerging in the political arena

<i>Practice name</i>	<i>Aim</i>	<i>Actions undertaken in this practice</i>	<i>Consequences</i>
Engaging the opposition	federating a community to put pressure on the others	<ul style="list-style-type: none"> Public demonstrations in front of the national assembly Support from political deputies 	Call for a boycott and gain of power
Mediating	creating a space for discussion to ease friction	<ul style="list-style-type: none"> Ministerial meetings with victims and patient associations Flash investigation commission 	Loss of credibility (conflicts of interests; failures of negotiations)

The scientific arena

Later, the scientific arena has emerged and gathered experts and researchers that have been mandated by victims and defendant to reveal their very own version of the truth. In this arena, actors engage in a practice of *investigating the truth* that aims at collecting as much objective information as possible in order to support a specific narrative in the scandal, based

on technical and scientific knowledge. This practice is supported by the publication of various scientific analysis on the new formula that have been successively mandated by the AFMT (patients association) or M. corporation. In this arena, defendant and victims relies on specific expert such as CNRS studies (French national scientific research center) to legitimate their specific position. All along the way and as the verbatim below shows, blame games and struggle of power were highlighted as, on one hand, victims associations (AFMT or living without Thyroid) have called for the necessity to *“Lift the institutional opacity on the genesis and scope of the health crisis triggered by the national agency for drug safety who did not published all the reports and analysis behind the new formula”*. On the opposite side, M. corporation has called for a conspiracy theory that only aimed to damage the company profit.

The accumulation of various expertise mandated in this arena has not been successful as neither the corporation nor victims associations managed to reach a proper agreement. Even the requested studies and additional information in the political sphere do not ease the existing tensions and lawsuit quickly appears to be undeniable.

Nanoparticles with iron-chromium, chromium-nickel and iron-chromium-silicon were found, whereas in the old formula there were only a few steel fragments”, explained Jacques Guillet, a doctor who has conducted analyses on behalf of the AFMT (French victims’ association). This specialist in nuclear medicine said he had examined “several dozen tablets” of Levothyrox new formula and old formula (now called Euthyrox). The M. corporation immediately denied “formally the presence of nanoparticles” or any “steel debris” in the Levothyrox drug. On the France info channel, the pharmaceutical corporation strongly rejected “this type of misrepresentation and announcement effect, which only worries patients without any scientific evidence to back it up.

Interview in France Bleu (May, 2nd of 2018)

Table 4. Practices emerging in the scientific arena

<i>Practice name</i>	<i>Aim</i>	<i>Actions undertaken in this practice</i>	<i>Consequences</i>
Investigating the truth	The victim and the defendant try to restore their own version of the truth	<ul style="list-style-type: none"> • Medical analyses of the new formula ordered by the AFMT • Call for the publication of the Levothyrox conformity note from the ANSM • CNRS studies and scientific reports commissioned by the pharmaceutical corporation • Analysis of toll-free number incoming calls 	Scaling up: from blame games to a national health issue

The judicial arena. We identified that the emergence of the scandal is also and finally supported by one last judicial arena in which legal actors (i.e. law firms and legal offices) are actively involved in the process around the defendant and the victims. In this arena, both defendant and victims surround themselves with legal experts in order to either be legally and collectively recognized as a victim (AFMT) or to defend themselves (M. corporation). *Recognizing the damages* is a practice that unfold through a range of actions mainly initiated by the victims who locally structured a community to initiate civil and criminal proceedings (ex. Corsica SOS Thyroid in the south of France). Various collective procedures have then been initiated starting 2017 in different cities in France (Marseille, Lyon, Paris) both against M. corporation and the national agency for drug safety. First, a civil action has been initiated in October 2017 for alleged lack of information from M. corporation regarding the change of Levothyrox® formula and for the prejudice of anguish (500 files launched in the city of Toulouse and sent to the court in the city of Lyon, where Merck corporation has its headquarters). On June 25th of 2020, the Lyon court ruled that the corporation was guilty of moral prejudice due to its failure to inform patients about the launch of the new formula and

ordered M. corporation to pay €1,000 in moral prejudice to 3,300 patients. The ruling states that: *"When the composition of a medicine changes, and this change in formula is not explicitly indicated in the package insert, the manufacturer and the operator may be accused of a failure to provide information", which may "cause moral prejudice"*. Simultaneously in Toulouse in November 2017, the court sentenced M. corporation to make a significant number of boxes with the old formula available “without delay” in drugstore in the region of Haute-Garonne. In the meantime, many patients living not far from the borders obtained the old formula in neighboring countries. These civil actions are different from the criminal action already filed (more than 7000 complaints) and in which the court has opened an investigation starting 2017 in Marseille and Toulouse. The court of Toulouse asked in November 2018 to conduct an expertise on 42 victims and complainants that were suing Merck to check on the causality between the new formula and their side effects. In March 2nd, 2018, in response to the thousands of complaints filed (aggravated fraud, danger to life and health, lack of information), a judicial investigation against X was opened by the Marseille public health unit. In November 2018, this complaint has been extended to include "involuntary homicide". The patients have been waiting for recognition of their victim's status and expected a continuity in the old formula distribution. Recently in October 2022, the French Branch of the M. corporation has been charged and placed under judicial supervision for “aggravated fraud” following the audition of the President of the corporation at the health section of the Marseille judicial court. The company is required to post a €4.3 million bond to cover damages and legal expenses.

Another collective action for 'lack of information' and 'prejudice of anxiety' is being conducted in Lyon. Recently, a collective claim in the Parisian court (Tribunal de grande Instance de Paris) has been transferred to the Lyon court (Tribunal de Grande Instance de Lyon). We can see that the judicial authorities are trying to put some order by grouping all the cases under the jurisdiction of a single court and a same team of

judges. The words 'health crisis' are not innocent and are now used by several patients' associations and their lawyers.

France 3 TV info region (May, 2018)

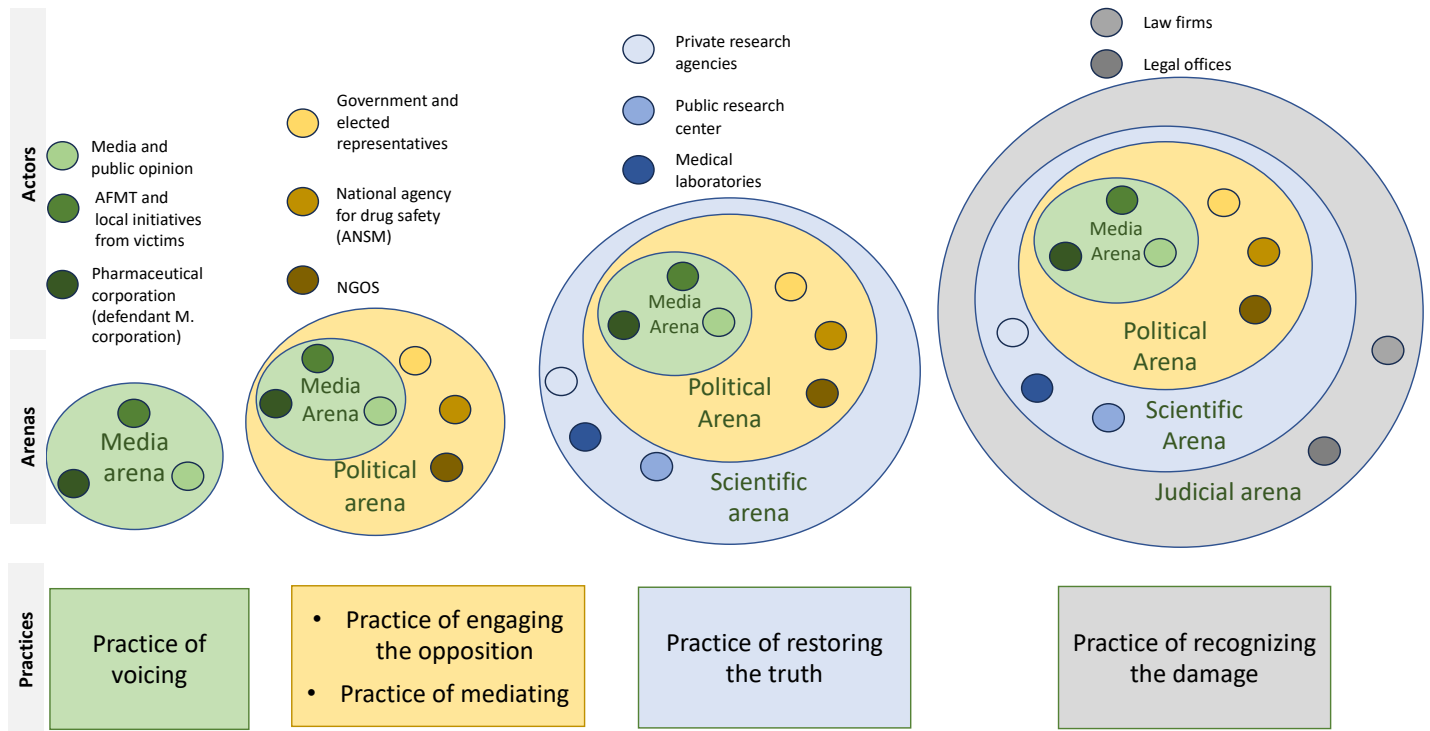
Table 5. Practices emerging in the judicial arena

<i>Practice name</i>	<i>Aim</i>	<i>Actions undertaken in this practice</i>	<i>Consequences</i>
Recognizing the damages	Recognizing the status of victim or obtaining compensation	<ul style="list-style-type: none"> • Completing a judicial investigation (trial; prosecution ; appeals) • Forwarding the case to the investigating judge • Filing of a complaint against X and against the company 	The scandal nature of the Levothyrox® new formula is legally informed

A SCANDAL AS A PROCESS OF ACCUMULATED PRACTICES

The second section of our results shows that these different practices driven by various arenas are necessarily aggregated for the scandal to fully emerge (see figure 2.). During our analysis, we noticed that a practice generated some consequences in a particular arena that supported the unfolding of the following practices in the next arenas. For example, the practice of voicing unfolding in the media arena critically helped victims to converge their claims around the idea that the new formula led to undesirable effects. Very quickly, the toll-free number initiated by the national agency for drug safety has been overloaded and the political arena has emerged. In the same vein, thanks to the spread of scientific investigations and technical reports, associations of victims managed to collectively structure their community and gain reliable information to pursue a legal action (judicial arena). The scandal process then ultimately results in the accumulation of all these practices initiated simultaneously by the various arenas. It is therefore not a single arena that allows the scandal to emerge but rather the accumulation of practices carried by the victim and the defendant that are both supported by actors of the media, political, scientific and judicial arenas.

Figure 1. Configurations of practices in the emergence of the scandal



CONTRIBUTIONS

This paper explores the scandal process and how actors, through their practices, collectively contribute to its emergence. Our study makes two main contributions to the practice and scandal literature.

While existing studies on scandals often limited the analysis to the actions undertaken by one single actor (i.e., the target or the medias), our research proposes a relational perspective on scandals by adopting a practice lens. This perspective depicts scandals as a process that emerges through the relations between various actors that unfold in and across distinct but connected interactional spaces we called “arenas”. In each arena, actors converge through specific practices that are supported by a bundle of actions unfolding in a specific time and space. Various arenas have been identified in our article: media, political, scientific and judicial

arenas. In doing so, our article acknowledges the central role of the media the defendant and the victim in the emergence of a scandal (as identified in the literature) but does not however limit the analysis to the single development of the media arena. We recognize in our argument the central role of the media, the defendant and the victims as pivotal actors in the process but our results have shown that the scandal emerges only when different arenas of actors that surround such key players are present. Therefore, understanding the scandal requires a global understanding of the different arenas that are driven by the practices of the key players but also of all the other actors that gravitate around them.

Second, we also showed the relations between arenas and then revealed the interconnected nature of practices as the practices unfolding in one arena create specific conditions for supporting the development of the practices in the other arenas that successively emerge. For instance, the practice of collecting information and scientific knowledge in the scientific arena helps victims' associations to professionalize their argument and make them more reliable to reach the political arena so that new practices can emerge. Consequently, what happens to be a local issue involving one specific arena scales up across different arenas and become, in practice, a massive public scandal. As figure 2 shows, our results then show that practices only exit in assemblage to ensure the emergence of the scandal.

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