

SOC112: Social Control of Deviant Behavior

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Apology as Social Control

"The **researchers** involved in that study found the majority of claimants were driven more by the need to heal than financial needs. Specifically, 'respondents consistently highlighted the desire to be heard, to have their abuse acknowledged and their experience validated, and to receive an apology'" (Feldthusen, Hankivsky & Greaves 1999)

DJR: There are lots of calls for accountability in contemporary society. I submit, though, that most are but meagerly thought out and involve very simplistic notions of what it means and how it can be accomplished.

- I. Outline
- II. Introduction: Garfinkel & Apology as opposite of denunciation
- III. Black's typology
- IV. Examples
- V. Questions raised by Tannen
- VI. Our answer so far
- VII. Why is apology important?

Introduction

Why do we care? At the very general level of sociological inquiry, we note, following Tavuchis, that disruptions that require or occasion apologies provide opportunities to see the organizing principles of society (12.6-8). Such perturbations of everyday order provide a sort of strobe or stain or xray that allows us to see "society" happening. From a more practical p.o.v., apologies are important to understand insofar as they may be able to provide a piece of world construction after an act of deviance that other forms of social control cannot. And there is a connection with revenge – recall our lecture about vengeance. Transgressions can give rise to retribution, escalation, feuds. Apologies “strive to counter these tendencies...” (17). Apologies open oneself to retribution (put yourself at mercy of victim) vs. justification which tries to avoid feud because retribution would be illegitimate.

A classic response to the violation of social norms is ostracism, being sent away from one's community, a loss of membership, a stripping of identity, being told you are not one of us any more.

It is, by the way, classical in the literal sense. The word comes from the Greek 'ο Οστρα, a small shard of pottery, on which would be written the name of anyone you thought should leave town and anyone who got a majority would be ostracized for a year.

Similar forms of response include getting expelled, receiving a dishonorable discharge from the military, being deported, or coming home and finding your stuff thrown out the window by your partner and the locks changed.

These are all literal losses of membership. There are also less physical manifestations of the same thing.

Garfinkel's Degradation Ceremony

In a well known, but very short (5 pages), article, Harold Garfinkel (1956) noted that the paradigmatic behavior associated with the expression of collective moral indignation is public denunciation. What, he asked, is required for a good denunciation?

The point is that there are standard, idealized rituals by which a person is denounced such that his total identity, "what he is as a social object" (subject) is transformed, with one object (normal, upstanding, fellow member) is destroyed and another (deviant, outcast, not one of us) is created. The denouncer reveals the old identity as accidental, the new one as the underlying reality.

Here are the things the denouncer must do:

- 1) Get the witnesses to appreciate the perpetrator and the blameworthy event as instances of an extraordinary uniformity, that is, not as unique instances but as an example of a type;
- 2) The type must be shown to be devalued by contrasting it with its dialectical opposite. Two ingredients are essential -- the obviousness of the opposition and the goodness, desirability or sacredness of the opposite. Don't let the witness choose -- which is good and which is bad has to go without saying.
- 3) The denouncer has to speak not as a private individual but as a representative of the social community. He delivers his denunciation in the name of the supra-personal values of the group.
- 4) The denouncer must show that he has a right to speak for the group, that he himself is a supporter of the values in question.
- 5) The denouncer must fix his distance from the denounced and do the same for his witnesses.
- 6) The denounced person must be ritually separated, made an outsider, made strange.

The ideal type of degradation ceremony that Garfinkel describes is closest to the loud public denunciation we sometimes see when, say, a politician falls from grace in a scandal.

What Garfinkel is describing is a ritual, generally a verbal or discursive ritual, that accomplishes a social structural transformation. A member has behaved in a manner that is incompatible with our collective understanding of how members behave (or treat one another). If this is left to stand, we have to adjust our sense of who we are, of what the rules here are, of how we behave, of what kind of world we live in. Instead, we can denounce the perpetrator and save our community and our world by severing her/his membership relation.

What I want to suggest today is that an apology is something of the opposite of a denunciation. Someone whose actions make them either denounceable or denounced needs to make amends and recover the membership that has been lost.

Conciliatory Social Control

First, we have to remind ourselves of why we would even consider apology as a form of social control. Following Donald Black's way of thinking about social control, we

conceptualize it in terms of responses to conflictual behavior. Once again, we look at his typology:

Type	That is...	Focus
PENAL	punishment	act
COMPENSATION	payment for damage, making “whole”	consequences
THERAPEUTIC	medicalization, counseling	person
REFORM	change society	causes
PREVENTION	send a message, harden targets	opportunity
CONCILIATORY	apology, atonement	relationship

Our goal today is to try to really understand what we mean by saying that an apology is social control focused on relationships. Like Garfinkel, we will ask "what makes a good apology?"

Examples

- Canada Apologies from Churches Involved in Aboriginal Residential Schools
- US Apologies for Japanese Internment
- Pope Apologizes for Holocaust, Crusades, etc.
- Truth and Reconciliation Commission in South Africa
- Remarks By The President In Apology For Study Done In Tuskegee
 [http://www.healthsystem.virginia.edu/internet/library/historical/medical_history/bad_blood/apology.cfm] Clinton Remarks
[\[http://clinton4.nara.gov/textonly/New/Remarks/Fri/19970516-898.html\]](http://clinton4.nara.gov/textonly/New/Remarks/Fri/19970516-898.html)
- And perhaps the biggest contemporary apology question: Should the Government Apologize for Slavery? For some provocative thoughts see
[\[http://violettespage.com/apology.shtml\]](http://violettespage.com/apology.shtml)

Tuskegee

“On May 16, 1997, the surviving participants of the Tuskegee Syphilis Study and the members of the Tuskegee Syphilis Study Legacy Committee gathered at the White House and witnessed the President's apology on behalf of the United States government.

Clinton: “ The eight men who are survivors of the syphilis study at Tuskegee are a living link to a time not so very long ago that many Americans would prefer not to remember, but we dare not forget. It was a time when our nation failed to live up to its ideals, when our nation broke the trust with our people that is the very foundation of our democracy. It is not only in

remembering that shameful past that we can make amends and repair our nation, but it is in remembering that past that we can build a better present and a better future. And without remembering it, we cannot make amends and we cannot go forward.

“So today America does remember the hundreds of men used in research without their knowledge and consent. ...[I]hey believed they had found hope when they were offered free medical care by the United States Public Health Service. They were betrayed.

“Medical people are supposed to help when we need care, but even once a cure was discovered, they were denied help, and they were lied to by their government. Our government is supposed to protect the rights of its citizens; their rights were trampled upon. Forty years, hundreds of men betrayed, along with their wives and children, along with the community in Macon County, Alabama, the City of Tuskegee, the fine university there, and

“The United States government did something that was wrong -- deeply, profoundly, morally wrong. It was an outrage to our commitment to integrity and equality for all our citizens.

“To the survivors, to the wives and family members, the children and the grandchildren, I say what you know: No power on Earth can give you back the lives lost, the pain suffered, the years of internal torment and anguish. What was done cannot be undone. But we can end the silence. We can stop turning our heads away. We can look at you in the eye and finally say on behalf of the American people, what the United States government did was shameful, and I am sorry.

“The American people are sorry -- for the loss, for the years of hurt. You did nothing wrong, but you were grievously wronged. I apologize and I am sorry that this apology has been so long in coming.”

...

“...Today, all we can do is apologize. But you have the power, for only you - - Mr. Shaw, the others who are here, the family members who are with us in Tuskegee -- only you have the power to forgive. Your presence here shows us that you have chosen a better path than your government did so long ago. You have not withheld the power to forgive. I hope today and tomorrow every American will remember your lesson and live by it. ”

What Do We Want in An Apology? How Do They Work?

Let's start by looking at the two (repetitive) op-eds by linguist Deborah Tannen ("Apologies: What It Means to Say 'Sorry'" The Washington Post, August 23, 1998 and "I'm Sorry, I Won't Apologize" The New York Times Magazine, July 21, 1996). What's her question?

If apologies are so important, why are so many people resistant to making them?

She uses a similar example in both pieces: a husband forgets to do something that matters to his wife and then treats the oversight non-chalantly and does not apologize. How would you describe the relational violence (if we can get a little graphic here for a minute) that this act accomplishes?

Tannen says that the "man's offense, from his wife's point of view, was a failure of feeling: He didn't seem to care that he had let her down," but "in the husband's view, apologizing would be pointless: It wouldn't change the fact that his wife didn't have her suit to wear to the meeting." What do you think?

Next, having written several books on differences between how men and women use language, she switches to a more explicit analysis of why men might be less likely to apologize than women, why they might follow Disraeli's dictum "never apologize, never explain."

"why men, on average, are more reluctant to offer apologies than women. Men tend to be more attuned to the power dynamics of conversations, and more inclined to avoid talking in a way that puts them in a one-down position: Apologizing entails admitting fault, and that weakens your position. Others could exploit that weakness in the future."

Just as an aside, this is related to a point made by one of the pieces that was on the optional list for this week. A Canadian scholar commented that there is lots of thinking to the effect that one cannot apologize without admitting guilt and so once things are in the legal system where one is trying to defend oneself in an adversarial process one cannot be expected to apologize. The result is that the legal system may produce the perverse and unintended outcome of less relationship rebuilding when it is used to resolve conflict. It may be that non-court based processes may increase likelihood of that victims' need to receive meaningful apologies will be fulfilled (Alter 1999).

But, she suggests, the equation of apologizing with weakness and vulnerability may be misplaced:

"All sorts of public encounters can be improved by apology. If your salmon is overcooked in a restaurant, a wise waiter will apologize and offer to replace it. Consultants advise small businesses that customers who complain and are stonewalled in response will never again do business with that company. But if a complaint is met with an apology and an offer to make restitution, the company often ends up with a more loyal customer than one who never complained in the first place.

Does this help us? I think so. It gives us one version of how apologies can be relationship building, how they can contribute to social capital that can be used in the future. She also gives us some material for our quest to figure out "[w]hat, after all, constitutes a good apology?":

First, it has to include an admission of fault. That's why "I'm sorry I hurt your feelings" (in private) or "I'm sorry if my remarks offended anyone" (in public) fall short. They seem to want to masquerade as an apology without

taking blame. Second, there has to be some promise of action to make amends. Finally, the apologizer has to seem apologetic--in other words, contrite.”

What makes a “good” apology?

From another source, we get this list: timely, sincere, appropriate, sufficient. What are the opposites of apology? Intransigence. Disrespect. Lack of remorse. Self righteousness.

OK, but what do apologies do?

If an apology is a good one, what can it accomplish? What do the givers and receivers of apologies get out of apologies?

- Salvaging or restoring a relationship.
- To express regret and remorse and to diminish pain of victim.
- To reduce or escape punishment.
- To relieve guilty conscience.

Then what IS an apology?

- Peace offering.
- Act of humility and humanity.
- Moderating force in face of retribution.
- Mental salve.

Tavuchis would have us look back at the etymology of "apology" to understand what it means in terms of what it's meant in the past. The OED gives three early definitions of the English word:

attempt to ward off an imputation or aspersion – that is, to dissociate oneself from a characterization 1533

justification, explanation, excuse 1583

explanation that an effect was not intended, expression of regret that an effect occurred, acknowledgement of offense 1594

Note the movement from removing harm to the apologizer to doing something for the victim. A gradual movement away from justifying, getting away with, etc. The point: it goes from being an excuse to saying one has no excuse.

An Apology is Not an Account

Stanford Lyman and Marvin Scott's article "Accounts," originally appeared in the ASR and later in their wonderfully 70sish *A Sociology of the Absurd*, is a contribution to the "sociology of talk." In particular, it is about the capacity of talk to “shore up the timbers of fractured sociation, its ability to throw bridges between the promised and the performed....” What does this mean? Daily life is chock full of disappointing behaviors. It's not just that "nobody's perfect," it's that everybody's imperfect but we carry around expectations based on idealizations, the perfect. This doesn't mean we set the standard too high. Rather, it means we operate in terms of standards, expectations, approximations that in reality we tend to aim at but frequently land wide of. For better or worse, most things that are subject to

that are also subject to valuative inquiry. The frequent gap between expectation and performance are marks of whether we are "good" or "bad" Xs (daughters, students, friends, drivers, housemates, customers, etc.).

An account is statement made by a social actor to **explain** unanticipated or untoward or unexpected behavior. "Unexpected" means that the context (you seem to be a nice person) within which the act occurs (you lashing out with expletives) would lead others to predict other behavior. Assuming the observed behavior is real, they can only make sense of it by adjusting their understanding of the context (you are not such a nice person). By "explain" we mean put the behavior in a context that relieves it of the force of its unexpectedness.

Accounts are not called for when we engage in completely routine behavior because "everyone knows what it means." It is when there is a disjuncture around meaning that an account is necessary.

We now generalize from "unexpected" to "against the rules" (whatever they may be). In response, an actor can either admit that the act was a violation or claim that it was not AND s/he can either take responsibility or not.

		Wrongness Admitted	
		Yes	No
Responsibility Admitted	Yes	Reason?	Justification
	No	Excuse	

Excuses – admit act is bad but deny responsibility

- I. Accidents
- II. Defeasibility
 - A. Lack of knowledge
 - B. Lack of free will (duress, undue influence)
 - C. Denial of intent
 - D. Denial of knowledge of consequences
 - E. Gravity disclaimer: I knew there was a problem but didn't know it was this big a problem
 - F. Intoxication, diminished capacity
- III. Biological Drives and other Fatalistic Forces
 - A. Contrast "universalistic achievement orientation" vs. "particularistic ascriptive orientation" – blaming things on my gender, SES, neighborhood, etc.
 - B. "men are like that" "typical woman" "it's the booze speaking" "it's the prozac speaking" "she's from a broken family" "s/he's thinking with her/his ___"
 - C. What can you do? A girl's gotta...
 - D. When ya gotta go, ya gotta go.
- IV. Scapegoating
 - A. Connects with existing status hierarchies. Reflects them.

Justifications – words that neutralize act or consequences

Recognize the act is wrong BUT in THIS circumstance on this occasion it's different

- V. Denial of injury – "doesn't hurt anyone" "he can afford it" "it was just among friends" "it was a joke"

- VI. Denial of victim – victim deserved it...
 - A. Proximate foes = people who have hurt me
 - B. Incumbents of normatively discrepant roles = e.g., gays, the poor, pimps, etc.
 - C. Groups with tribal stigma
 - D. Distant foes = e.g., reds, politicians, the rich
 - E. Objects
 - 1. Associated with above
 - 2. Neutral or ambiguously owned
 - 3. Objects with low or polluted value
- VII. Condemnation of condemners – others do worse things
- VIII. Appeal to loyalties – the act served a higher good
- IX. Sad stories – compare narratives in Mason-Schrock

Honoring Accounts

Accounts, as pieces of "talk," are interactive. They only exist, in a manner of speaking, in the space between us. (By contrast, techniques of neutralization are things an actor tells herself to relieve any internalized resistance she might have to a behavior.) If an account is honored equilibrium is restored to the relationship, and the flow of exchange begins again, if not, the infraction stands and the relationship can be harmed or changed or destroyed.

Members of a social circle: friends, kin, etc., accept accounts that strangers would not. Delinquents, criminals, amongst themselves give accounts that others would not accept.

The acceptability of an account depends on its according with 'what everyone knows'..

Unreasonable and illegitimate accounts: not honored when account does seem adequate to the gravity of the situation, to appeals to an unacceptable 'vocabulary of motives'.

Strategies for Avoiding Accounts

Whether a call for an account is honored can be up for grabs. A number of techniques can put off the demand.

Mystification : "It's a long story...." There is an account but I can't tell you. (Sherlock Holmes with Watson: "Well you see Watson, it was like this"...)

Referral : "You need to talk to my boss..."

Ambiguous and generic accounts: "Mistakes were made..." Or "there are some complications...." Charismatic leaders, doctors, lawyers, spies.

Identity switching

-Where were **you**?

-None of you're business, you're a wife.

-What kind of father are you?

-I'm a man - and you're a woman.

The Negotiation of Identities:

Why does it seem like there is a contest involved in the negotiation of identity? Because there is. "Every account is a manifestation of the underlying negotiation of identities." These identities are relative to one another and relative to membership in a community. When human beings bump into one another they act out a drama that answers questions such as "who are you?" and "why are you here?" and the drama involves agreeing on answers based on how we treat one another and how we explain how we treat one another.

Accounts: appeals to logics that remove agency and accountability. Apologies do the opposite, they claim agency, humbling the agent rather than the act or the victim.

Tavuchis

Relational and substantive aspects. DJR would add "world constitutive" too. T

1. act cannot be undone, but
2. cannot go unnoticed without costs:
 - current and future relationship
 - legitimacy of rules
 - network : yes it's between parties but they are in network and it has effects there.

Window on questions of MEMBERSHIP, DEVIANCE, CONFORMITY

Reaccrediting membership, stabilizing precarious relations

What is apology-worthy? Two extremes. At one end, things for which no accountability is really there and at the other things that are too horrible to be balanced by an apology.

CALL – active struggle against forgetting and denial. Transform the transgression into occasion for apology.

APOLOGY – "seeking confirmation of our credentials as members"

FORGIVENESS – action by the injured party.

Importance of the actual apology as an interactional act. No guarantees. Vulnerability.

Simmel (36): important aspect of forgiving is that it does NOT involve reduction in reaction or abhorrence or rejection of the act. We can DECIDE to forgive. But this is not same as forgetting. There is a taking control, evidence of power of will. Capacity to be irrational.

DJR: tension between integration and differentiation again.

Modes of Apology

Interactional – dyadic at core. Arendt: forgiving and promising require the OTHER.

Does it really make sense to talk of apologizing to oneself? No. Perhaps accepting oneself, etc. but not the same. DJR: yes and no – there is a dynamic of acceptance of self as flawed and yet respectable that does bear some relation. But there is danger that it slips into being an account if there is no deep experience of existential dialectic.

Importance of public quality.

Role of third parties --

Pedagogy of apology --

Topic: Distinguishing Apology from Excuse, Justification, Explanation

Distancing oneself from actions vs embracing them. Cf. Existentialism: I am my deeds.

Accounts re: slavery “That was legal at the time.”

"Apology and Reconciliation" on The State of Things (2005)

What did we hear in the radio show? Discussion between a man whose family had owned slaves and who had connected up with descendants of those slaves. A psychologist who studies apology and forgiveness.

They cite ideas about atonement (after Desmond Tutu). It requires three pieces:

- recognize
- ask for forgiveness
- promise to do different in future

And they note that restitution is left as later topic. Why is this relevant for us? For one, we've called compensation a different form of social control and one that has a different focus. It's about the material consequences of an act. Here the focus is different:

- Restoration of self respect and dignity
- Reassurance that we have shared values
- Validation of other person's experience (why denial of injury is so harmful)
Importance of acknowledging the reality of the event.

What was the refrain offered by several callers? "I want recognition that we built this country." Reparation alone often not enough. Rather, we want admission., acknowledgement.

What did you make of the cautiousness of the guest whose family had owned slaves? My take on this was that it revealed the very delicateness of the whole operation of reconciliation. How, after a wrong like slavery, or the holocaust, there is no magic bullet that will restore the relationship. There may be steps that will improve the relationship, but there is no erasing history. Forgive and forget is not always an option. Forgive and move on may be.

Corporations

We will focus on corporate actors in a few weeks, but a few comments since they came up in this piece. What was the case? Wachovia bank "apologizing" and financially accounting for its role in the slave trade. What about companies, corporations? Why is it important that they "do not have souls"? What do we make of the fact that they may have been motivated only by desire to do business in Chicago? Do we think of them as insincere? Should we hold corporations to the same standards as people?

South Africa Truth and Reconciliation Commission

AKA TRC

History Basics

“the TRC, which was mandated to establish ‘as complete a picture as possible of the causes, nature and extent’ of gross human rights violations; to grant amnesty to perpetrators who fully disclosed their misdeeds; to restore the dignity of victims by giving them an opportunity to tell their stories and by recommending reparation; and to provide recommendations for the prevention of future abuses.” 714

Nagy's Questions

Rosemary Nagy uses a novel to walk us through an analysis of the strengths and weaknesses of South Africa's "truth and reconciliation" process. She notes at the start, that it's an important topic because there is “little consensus in South Africa about what must be done, and by whom, in order to achieve reconciliation.” All along the way what she makes clear to us is that there is nothing simple about putting a society back together after a trauma like Apartheid.

A key motif in her analysis is the question of balancing the looking backward and the looking forward:

whatever that might be (Hamber and van der Merwe, 1998; Dwyer, 1999). Does reconciliation depend upon moral atonement, or is formal recognition of past wrongdoing sufficient? How much should a nation look backward in order to move forward? What kinds of obligations result from complicity and benefit from past violence?” (709)

Ultimately, the question is

“what it means to be responsible and to take responsibility, particularly, how deep a moral transformation is needed and of whom it should be expected.”

She notes that there is a "delicate balance between responsibility and vilification, reconciliation and denial." We might scoff at this from our moral high horses, but let's remember that this is a case of a community trying to put itself back together. History is not a reversible process. Once the world is the way it is, the path to the next "good place" may be a difficult one.

Rather, he challenges us to wrestle with the moral, psychological and political complexities that arise in different quests for accountability. He does so by doggedly rooting out the basic conflict between *pro forma* and morally transformative interpretations of the connection between reconciliation and responsibility 711

pro forma view,

he draws parallels between white South Africans and Jaspers' criticism of 'people turned from Nazis into democrats five minutes after 1945'

DJR: problem is to be satisfied with proforma apology may leave underlying divide intact. To really push for explicit redressing of past gets us into unknown territory. 711-712

"the difficulties that arise with morally transformative approaches to reconciliation"

For example, if, as Villa-Vicencio argues, only collective memory and the acknowledgement of moral guilt (following Jaspers) can overcome moral indifference and initiate 'something new', these cannot be forced. The call for moral confession can be politically alienating, resulting in withdrawal rather than reconciliation. Static identities of oppressor and victim, repentant and forgiver, may stand in the way of collective political renewal. Moralising approaches may give victims a monopoly over the past or, alternatively, reconciliation can become overly dependent upon the moral generosity of victims. In other words, it is not self-evident that morally transformative approaches are suitable or politically workable.

While refusing to be vilified, he also relinquishes almost everything – his job, his home, his reputation – without a fight, effectively exempting himself from the future. 713

"kaffir" would be Dutch-Boer speak for a black man

Coetzee thus prompts an inquiry into the extent to which reconciliation depends on acknowledgement, by whom, and for what. 714

TRC focus was on actual acts. Nagy and others raise question about accountability for the atmosphere and context of day to day apartheid.

In short, gross violations cannot be dissociated from the structural violence of apartheid. The accountability of individual perpetrators is embedded within the accountability of political leaders, which is embedded within the broader moral responsibility of beneficiaries. 715

The TRC complained that during its hearings on apartheid civil society: With rare individual exceptions, the response of the former state, its leaders, institutions and the predominant organs of civil society of that era, was to hedge and obfuscate. Few grasped the olive branch of full disclosure. Even where political leaders and institutional spokespersons of the former state claimed to take full responsibility for the actions of the past, these sometimes seemed to take the form of ritualised platitudes rather than genuine expressions of remorse. (TRC, 1998, vol. 5, p. 196) [715]

The TRC is not to blame for recalcitrance, moral dishonesty or simple human

nature. But what requires examination is how, as in *Disgrace*, the conflict between

pro forma and morally transformative approaches produced unbalanced and incommensurate

narratives of responsibility and reconciliation.716

Appendix: "Techniques of Neutralization"

An early theory of delinquency was the idea that delinquents have a whole set of deviant norms. One can imagine the temptation to say that it is -- delinquents certainly do things that I wouldn't do, and yet they do seem to work according to some norms and rules. Sykes and Matza argue that delinquents operate with pretty much the same norms as the rest of us but that they have ways of re-defining behaviors so that they aren't thought of as violating these norms.

“our argument is that much delinquency is based on what is essentially an unrecognized extension of defenses to crimes, in the form of justifications for deviance that are seen as valid by the deviant but not by the legal system or society at large” [666]

So the delinquent has available a vocabulary of rationalizations for his own actions. But these don't only work in retrospect (or from perspective of others -- see C. W. Mills); they can also make deviance possible/conceivable. If internalized norms are a form of social control, here is a way that they can fail. The deviant can remain committed to the dominant value system because he can qualify its demands sufficiently to permit his deviant behavior.

Their techniques are:

- 1) denial of responsibility
 - a. unintentional
 - b. due to causes beyond one's control
 - c. allows one to deviate without making a frontal assault on norms
- 2) denial of injury
 - a. *mala per se* vs. *mala prohibita*
 - b. no one is hurt by action or victim can well afford it
- 3) denial of victim
 - a. victim transformed into wrongdoer, into deserving it, etc.
 - b. perpetrator thinks of self as avenger
 - c. Robin Hood syndrome
- 4) condemnation of the condemners
 - a. see condemners as hypocrites, etc.
- 5) appeal to higher loyalties
 - a. conflict of loyalties solved at the expense of victim or loyalty to law and society in favor of smaller group to which perpetrator owes some kind of allegiance. Psychologically we sometimes see people trying to take credit for their being faithful to the smaller group.

These techniques are extensions of patterns of thought already expressed in society, they are, in other words, a part of our collectively held cultural tool boxes. What do they accomplish? They sever the link between behaviors as texts in the world and the actor as author of those texts. They prevent us from reading back from the act to the actor's "soul." They undermine the existential idea that "I am my acts" allowing, in its place, an explicit bad faith: "that wasn't really me" or "that wasn't really bad." In either case, it leaves the act and its consequences "out there" creating a sort of moral rupture that somebody has to deal with.

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Outtakes

Mark's Apology Note Generator [<http://www.karmafarm.com/formletter.html>]

The Apology Line : This Web site is dedicated to the memory of Allan Bridge and the Apology Line, an art project he began in 1980 and ran until his untimely death in 1995. The rich legacy of this project consists of over 1,000 cassette tapes filled with confessions and people's innermost thoughts and feelings, which were recorded over the telephone during this fifteen year period.

[<http://www.apologyproject.com/>]

DJR: apology has to, in some way, be the opposite of what Garfinkel's "degradation ceremony." There, the condemner speaks for society and separates the target from society. What happens in apology? Apologizer invokes society and the other? Admits one's own fall from grace?

One line of research looks at victims' needs to receive apologies in order to recover from abuse and such.

"Research into the needs of victims of institutional child abuse, carried out for the Law Commission by the Institute for Human Resource Development, reported that survivors need to receive apologies from those responsible for wrongdoing.¹⁵ A separate study into the therapeutic effects of court and non-court based processes used to resolve claims of sexual abuse made very similar findings. The **researchers** involved in that study found the majority of claimants were driven more by the need to heal than financial needs. Specifically, "respondents consistently highlighted the desire to be heard, to have their abuse acknowledged and their experience validated, and to receive an apology."¹⁶ B. Feldthusen, O. Hankivsky & and L. Greaves, "Therapeutic Consequences of Civil Actions for Damages and Compensation Claims By Victims of Sexual Abuse," 12:1 C.J.W.L. [forthcoming in 1999] text accompanying note 26 16 Feldthusen,

Hankivsky & Greaves, *supra* note 2 at text "Findings-Motivations and Expectations".

[http://www.lcc.gc.ca/research_project/ica/pubs/apology/part_2-en.asp]

Foucault. Importance of apology on the scaffold. Reinforces the truth of the punishment. Legitimizes it?

Lack of apology leaves open option of infraction as protest. It can undermine norms.

Why do we want to hear that someone is sorry?

For victim it may "unlock the door for healing"

DJR

meditation on kids' fascination with "is it a venial or mortal sin?"

Apology requires more than my not liking what you did or my being disadvantaged for what you did.

Investigate. Series of things that require or don't require apologies.

Point: the victim has to be able to identify with an abstract sense of the moral order.