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**The right measure of guilt: moral reasoning,
transgression and the social construction of
moral meanings**

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Abstract

Using a discursive and ethnomethodological analytic framework this paper explores the social construction of moral transgression and moral meanings in the context of coming to terms with the recent communist past in Eastern Europe. This paper illustrates some significant aspects of everyday uses of morality and the socio-communicative organization of public judgments on moral transgression. Moral reasoning around transgression took several forms: a) invoking everyday psychological categories and morally implicative descriptions associated with identities of persons and actions; b) drawing upon culturally available metaphors and images with roots in Judaeo-Christian ethics and morality; c) using the wider political context of coming to terms with the past as foundation and criterion for moral judgment. This paper argues that rather than attempting to analyze moral (public) judgment in abstract, one must focus on the everyday constructions and uses of morality found in social interaction and social responses to moral transgression.

Keywords: coming to terms with the past, discourse analysis, moral reasoning, moral transgression, everyday morality, public responses to transgression

Scandal and moral transgression

This paper explores the relationship between the public disclosure of wrongdoing and the social construction of transgression and moral meanings. It analyses a range of public reactions and commentaries to a public confession of having been an informer for the former Romanian secret police. The paper reflects on how social actors in the public sphere constitute morality and issues of transgressive behavior. It reveals how a public space of argument and judgment is constituted by drawing upon various interpretive procedures and sociocultural resources, and lay versions of morality that social actors mobilize. Largely due to the influence of mass-media, public reactions to transgression or wrongdoing are usually understood and explored through the (over)use of terms such as 'scandal' (Thompson, 2000), with issues and discussions of damaged or difficult reputation (Fine, 2001), public opinion and trust (Miller, 1999) not far behind. One usually speaks of 'scandal' by referring to 'public and media perceptions of specific behaviors and events that deserve moral opprobrium' (Fine, 2001: 131). The political scandal is usually considered the archetype of the public scandal.

Psychologists have considered public reactions to scandal and moral transgression in terms of 'motivated reasoning' (Fischle, 2002), the desire to preserve or protect existing beliefs and prior affect (Miller, 1999) and various other cognitive and emotional mechanisms that facilitate and influence social perception and social categorization (Schwarz and Bless, 1992; Bless et al., 2000). Others have focused on causal attribution and political accountability (Eagly and Chaiken, 1976), third-person judgments and mass-media issue framing (Joslyn, 2003) or predictors of evaluative responses to allegations of political misconduct (Gonzales et al., 1995). Psychological research on

public reactions to transgression takes the reasoning individual as its unit of analysis and tends to underplay the role of communication patterns in understanding moral transgression and responses to it. Moral reasoning is considered to be the expression (and outcome) of cognitive and emotional mental processes.

There is a sociology of scandal as there is a media and communication theorizing of scandal (Adut, 2008; Thompson, 2000). Among other issues, sociologists have focused on the moral nature of political scandals (Jacobsson and Löfmarck, 2008), scandals as morality tales/plays (Gamson, 2001; Jiménez, 2004). Scandals are understood as rituals and a 'confrontation between various systems of norms' (Jacobsson and Löfmarck, 2008: 203), instances of the existence or non-existence of polarization in society (Alexander, 1988). Scandals as rituals are sociologist's *litmus test*, they can serve as 'detectors of norms' (Neckel, 2005), reminders of society's 'underlying system of values and norms' (Jacobsson and Löfmarck, 2008: 208).

Media and communication theorists have offered a more thorough consideration of the relationship between political scandals and media (see, *inter alia*, Tumber and Waisbord, 2004; Schudson, 2004). For communication theorists scandals are "socially selected—or constructed—communication patterns. They can be defined as intense political communication about a real or imagined defect that is by consensus condemned and meets universal indignation or outrage" (Esser and Hartung, 2004, p. 1065). From the political and sexual vagaries of American presidents (Schudson, 2004) to media constructions of ethnic minority identity (Erjavec, 2003), moral language in the public sphere and associated issues of moral transgression are constituted in

communication and media practices. These practices mediate the relationship between the actor(s) involved, the act and the audience/public, and include (but are not limited to) styles of media reporting (Brezina and Phipps, 2010) media gatekeeping and agenda-setting (Williams and Delli Carpini, 2000, 2004), the link between scandals and political culture (Esser and Hartung, 2004), political image restoration and communication strategies (Blaney and Benoit, 2001).

The identification of aspects of individual cognitive functioning, systems of norms, and detailing the media ritual of news making (production and reception) and communication patterns (circulating and circulated in the public sphere) are seen as crucial ways to consider the shape and direction that moral reasoning takes, the construction of moral meanings and commentaries on transgressive behaviour. Yet, what makes a scandal a *scandal*, and why particular instances of behaviour are sometimes categorized as 'transgressive', 'scandalous', 'outrageous' is not always treated as an issue for social actors to negotiate and ratify. There is less interest in how social actors use culturally available discursive resources for explaining events, people, social relations and how these are actually used in argument. What is needed is a careful study of transgression (and meanings attached to it) as 'inevitable component of community life' (Prus and Grills, 2003: 4). Moral transgressions and public responses to it cannot be satisfactorily understood outside of actors, actions and audiences, social, moral and political contexts that frame these issues and everyday thinking about wrongdoing (Darley, 1992). A public space of judgment does not pre-exist socio-communicative occasions of use, but rather is constituted in and through socio-communicative practices of arguing and thinking about personal and group

identity, transgression and the morality of behaviour (Billig, 1996)¹.

Traditional 'struggles over symbolic power' (Thompson, 2000), issues of reputation, respectability and trust, are matters that can be studied through an analysis of (public) discourse and the 'conditions of responsibility' under which individuals are considered by others to be morally accountable for accounts and actions (Douglas, 1970). Social actors can draw on 'multidimensional social resources' (Schudson, 2004) such as trust and reputation, a range of discursive devices², textual networks of testimonies and opinion (public and private), rumours, official documents, and so on to construct version of events, to account for particular dispositions to act in a particular way, to manage personal, group or institutional responsibility, to deny or manage accountability for actions, and so on. In doing so, they construct, mobilize, defend different versions of lay morality and moral meanings³.

Deviance, morality and the reactions of others

Discourse and socio-communicative interaction plays a crucial role in situating others and ourselves in various "ethical spaces" and under the sphere of "ethical questions" (Taylor, 1989). Before a society or public can come to a consensus of condemnation and indignation or outrage, social actors need to engage with and construct moral stances and repertoires of morality (Breit, 2010; Tileagă, 2010). Moral stances and repertoires of morality are "always present in dialogue and discourse, at different levels and in different forms" (Linell and Rommetveit, 1998: 466). Studying public morality and moral reasoning entails a closer look at the morality and social construction of deviance (Ben-Yehuda, 1990; Cohen, 1980; Goode and Ben-

Yehuda, 2009; Thompson, 1998) and moral language that constructs deviance (Cowburn, 2010; Hunt, 1997). This has usually involved, to a higher or lesser degree, a focus on media itself, but less attention was paid to lay meanings of morality and moral meanings communicated and displayed in public responses to moral transgression. Public responses to moral transgression are not simply ways of relating or explaining transgression and morality; they are essentially *constitutive* of and continuously (re)shaping the relationship between transgression and morality.

Indignation, outrage, disgust, disbelief, are just some reactions to moral transgression. Reactions to moral transgression can take many forms, ranging from the extreme, where moral transgression can be associated with the dehumanization of the person and has oppressive effects (Tileagă, 2007) to accountability in courts (Atkison and Drew, 1979), telephone conversations (Drew, 1998), police interrogations (Edwards, 2006; Stokoe, 2010) or neighbor relations (Stokoe and Edwards, 2008). Various reactions to transgression provide opportunities for moral positioning and the display of moral reasoning (Cromby et al., 2010; Tileagă, 2010)⁴.

An absolutist view on deviance and social responses (Hendershott, 2002) sees social meanings in general (including moral meanings) as part of 'some necessary being that is timeless, eternal, external, and independent' (Douglas, 1970: 10) of people. In absolutist perspectives, deviance is seen as essentially harmful, undermining the social order. An absolutist view of deviance and morality 'overlooks the fundamental importance of people in deciding what is deviant ... overlooks the diversity of deviance' (Higgins, 2008: 16). In contrast, a constructionist/interactional view on deviance explores the processes in society that create deviance, how deviance is

socially constructed, organized and negotiated (Adler and Adler, 2000; Rubington and Weinberg, 2007). Interactional approaches to deviance contend that 'forms of behavior per se do not differentiate deviants from non-deviants; it is the responses of the conventional and conforming members of the society who identify and interpret behavior as deviant which sociologically transform persons into deviants' (Kitsuse, 1962: 253; see also Erikson, 1962; Becker, 1973; Lemert, 1974). If deviance is 'no more nor less than the way an act is received' then one can conduct detailed empirical observations on the act by 'observing its reception' (McHugh, 1970: 81). In order to achieve that, researchers of deviance can invoke a range of contextual, political, cultural factors that may help interpret the reaction of others⁵.

Understanding deviance and the reactions of others presupposes close attention not only to the way an act is received, how it is labeled and subsequently judged, but to how deviance (transgression) and moral meanings are linked by members of society in their everyday lives (Douglas, 1970), by observing and analyzing moral accounts *in situ*. Absolutist and relativist meanings of deviance are not only present in the theories of researchers of deviance. Lay members actively use, refine, transform such meanings in dialogue and social interaction with others. One could argue for the existence of a continuum between absolutist and relativist meanings of deviance and morality, with various different positions (sometimes ambiguous, ambivalent, indecisive) opened up by dialogue or constructed by lay members of society. Lay members of society are not passive recipients of moral meanings in society, but rather active producers, they can construct, mobilize, defend, defeat, argue against, a range of individual, contextual, political, cultural factors to interpret the reaction of others. Moral reasoning and

notions/conceptions of morality are constituted in the course of accounting activities and argumentative interchanges (Bergmann, 1998; Linell and Rommetveit, 1998; Sneijder and te Molder, 2005). This paper argues for studies of the social construction of deviance and moral meanings in naturally occurring socio-communicative contexts, studies focused on collective and interactional processes of constructing moral transgression (and audience reaction) in its own right (see Lynch and Bogen, 1996; Eglin and Hester, 2003; Rapley et al., 2003). Deviant action (and its interpretation) is intertwined in lay beliefs and reproduced in and through ordinary language. An act “becomes a transgression only in and through being taken up and sometimes indeed described precisely as a transgression” (Linell and Rommetveit, 1998: 466). Offering a culturally adequate explanation of moral transgression is linked to the contingency of the public sphere, where different opinions can be held, moral quandaries and ideological dilemmas exist.

Coming to terms with individual and collective past

Various socio-political contexts across the world have offered social scientists ‘natural laboratories’ for the study of how individuals and groups retroactively confront and interpret their past. In Eastern Europe, the condemnation of former regimes, the various revelations of the personal and political weight and extent of collaboration with communist institutions of social control (i.e., the secret police), lustration and political accountability laws are only some examples of this process. One of the results of confronting personal and political past in Eastern Europe was the active, public disclosure of truths, individual secrets about previously unknown ties, compliance and collaboration with the communist state order and the state

control mechanisms. Concerns with guilt, complicity, trust, respectability, and the pernicious impact of the communist regime on individuals and national groups surfaced as (new) moral themes in transition to democracy.

I wish to place issues of moral transgression and social construction of moral meanings into the context of public confessions of public figures (intellectuals, politicians, journalists, clerics) on having collaborated with the Romanian secret police, the infamous *Securitate*. Some of the concerns raised here will bear similarity with concerns latent or present in other eastern European contexts. Public disclosures have usually taken various forms ranging from open letters sent to newspapers to avowals of ‘collaboration’ in media news interviews. In most cases, they have required (and invited) public reaction; they were part of a wider category of actions that were not explanatory transparent and required explanation in order to be understood. They were usually perceived as moves to preserve self-esteem or save face (Miller, 1999), but less as social performances engendering their own dialogical context, public response and associated social and ideological consequences for self and others.

Data are part of a wider project looking at the social construction of totalitarian/post-totalitarian past in talk and text (cf. Tileagă, 2008, 2009a, b; 2011, in press) and especially at the social production of disclosure and reconciliation with the past in public avowals of ‘collaboration’ with the *Securitate* from an extensive collection of public statements, made by politicians, public intellectuals, journalists, and clerics between 2000 and 2009, on their complicity with the Communist Secret police. Although public confessions of ‘collaboration’ could be found even before 2000, most of the public statements featured in media and news interviews, newspaper articles,

letters sent to newspapers, and radio and television panel debates, acquired prominence with the creation of The National Council for the Study of the Securitate Archives” (CNSAS), and the public being granted free access to the archives of the former *Securitate*. The creation the CNSAS, coupled with systematic attempts by the media to ‘expose’ those who were thought to have collaborated, has led to a series of public confessions by public intellectuals, clerics, politicians, journalists.

Data for this paper come from public reactions/responses (comments from public figures and online posts by members of the general public) to a letter sent by a Romanian public intellectual to a major Romanian newspaper, a ‘confession’ of having been an informer for the *Securitate* (for details on and analysis of the confession itself see Tileagă, 2009b, 2011). I have included public reactions that were either concomitant to, or have been produced in the first few weeks following the confession. I treat the issue of ‘response’ and ‘public reaction’ both as an issue of contiguity and sequence of texts (a text that is a response to another text), as well as a general feature of the democratic public space, where anyone can be seen, and able, to respond to or comment on some issue of collective concern. The materials in this paper are a mixture of the two. Both features involve the assigning of individual obligations, entitlements and responsibilities to self and others, as well as collective concerns with moral issues. I have not differentiated them in terms of the text genre (newspaper editorial, commentary, online post) as the main aim of the paper is to study versions of morality *across* text genres in terms of the social and discursive resources drawn upon by the writers of those texts⁶. Although most of the material is in the public domain, the values of privacy are observed and respected. To respect the privacy of commentators, the

excerpts included here are not identified by the name of their producer nor through the use of a pseudonym, and are given in their English translation.

The case under discussion was one of the first to reach public prominence in 2006, leading to fierce and heated public debate over the legacy of personal and political recent past in the Romanian media. The case was an especially significant and controversial one as it was intimately linked to the political project of officially condemning communism in Romania. The public intellectual in question was, at the time, a member of the Presidential Commission for the Analysis of the Communist Dictatorship in Romania (Tismăneanu, 2008). The commission's Report was the basis for the condemnation of the communist dictatorship as 'illegitimate and criminal'. It is a case that still reverberates today and is used as reference point whenever new revelations of 'collaboration' are brought to the public's attention. The case (and debate around it) provides a naturally occurring socio-communicative context for the study of discursive and ideological dynamics of democratic dialogue and the social construction of moral meanings in the Romanian public sphere.

Analytic approach

Ethnomethodology and discursive psychology conceive of socio-communicative practice as moral order (Jayyusi 1991; Edwards 2003). The analysis takes a discursive and ethnomethodological analytic focus (Edwards, 2005, 2006; Eglin and Hester, 2003; Lynch and Bogen, 1996) on publicly available social practices that constitute moral identities, moral meanings and accounts of transgression. The main analytic focus is on describing how moral transgression (having collaborated with the secret police) is accounted for in

everyday moral terms. From an analytic viewpoint (and in as far as moral reasoning is concerned), there are several implications of this. First, moral perspectives and moral meanings can be studied as publicly available cultural resources, displayed in social actors' discourse. Constructions of morality and moral meanings are made available in the course of discursive activities such as volunteering an opinion, delivering a public judgment, considering "what it means to be moral". Second, the sociocultural/discursive organisation of moral reasoning can be studied as constructive of various argumentative and moral identity spaces and positions. A discursive and ethnomethodologically inspired analysis points to a different approach by which moral reasoning can be understood. It contends that for lay reasoners, morality and moral meanings are basic features of social-relational world, to be talked about, negotiated, critically asserted, or simply, sometimes, taken for granted. Moral reasoning is a matter grounded in our 'grammar' of using ordinary language concepts (e.g., psychological categories), and common sense (universalist or relativist) assumptions about persons, activities, social relations (e.g., ethics of human relations, moral and motivational societal schemes for understanding the person, the act and context). Issues of sincerity, responsibility for actions, guilt are matters that social actors accomplish communicatively using a range of sociocultural resources. Analytically, the question is not *why* people respond in these specific ways, but rather *how* local constructions of morality work and *what* their expression accomplishes. The focus is on understanding the social organization of moral and political accountability by pointing to various lay sociocultural resources that operate in social/public settings and actions (such as passing a public judgment on a matter of transgression). The focus is on the locally generated interpretive

procedures, locally contingent moral reasoning that serves some purpose: setting the scene of the ‘morality play’, proffering an accusation or defence, painting an image of the person, explaining behaviour and context, discounting responsibility, and so on.

Analysis

The analysis points to the existence of a variety of interpretive procedures that organize and authorize the expression of particular moral meanings around transgression. This paper concentrates on elucidating the workings of three such interpretive procedures: a) deploying everyday psychological categories and morally implicative categories and descriptions to construct moral versions of people, actions and character; b) drawing on culturally available metaphors and images with roots in Judaeo-Christian ethics and morality used to manage the moral standing of the person and ground an ethic of human relations; and c) invoking the wider political context of coming to terms with the past as foundation and criterion for public judgment.

Psychological categories, motives and public morality

The preliminary contours of public morality are drawn in terms of psychological reactions. These are prompted by the way the issue is introduced to readers on the front page. The main headline and sub-headline on the main page read:

[1] “Those informed on by Antohi are shocked and silent”

[2] “Sorin Antohi’s confession on his collaboration with the Securitate has engendered a lot of reactions. Those probably concerned by his information notes prefer, as a general rule, to remain silent”.

The main headline’s use of psychological language works to create a

world-picture where accountability for actions (informing on someone) and actors (the 'informer' and those informed on) engender moral responses and reactions. Moral responses are framed using everyday psychological categories ('shock' and 'silence'). These categories qualify the public response as a psychological attitude; their co-location implicitly tells something about the social object being reacted to. There is an implicit orientation in the headline to 'shock' and 'silence' psychologically *fitting together* as reasonable forms of response. This is not simply a matter of 'referring to private mental states but, rather, are part of how actions and actors are made publicly accountable' (Locke and Edwards, 2003: 253). The direct reference to the act and organizational accomplishment of accountability (information notes) in [2] complement the opening description in [1] by further tying accountability for action, actors and moral meanings. A space of public judgment is thus opened. On the front page, public reaction is limited to those who may have suffered the consequences of the act. Inside the newspaper, public reaction is further constituted (see [3] and [4]).

[3] "Sorin Antohi is judged with leniency and severity"

[4] "The confession of the CEU historian regarding his past has engendered numerous reactions amongst the leading intelligentsia in Romania"

In [1], [2] and [3] only the name of the person is given. In [4] there is a move to identification in terms of category membership of the offender and audience of confession. The news of transgressive behaviour and reactions to it are introduced through the description 'the historian from CEU' and the reference to 'leading intelligentsia' as the audience of the confession. The category membership of the offender projects the relevance of the category

membership of concerned audience and response (Eglin and Hester, 2003) (an intellectual being judged by other intellectuals). *Identifying* the offender (and the audience) places the act and the person in the wider context of social judgment, as both *subject* and *object* of public judgment.

Introducing the contrasting descriptions of the act of social judgment (leniency and severity) [3] and the category membership of both offender and audience [4] the headline manages the relevance and newsworthiness of the issue being reported. In both [3] and [4], the selection of descriptions accomplishes moral work.

Actual commentaries on the confession are introduced through using descriptions for actors as well as for social judgment which are an essential part of the 'descriptive apparatus' through which members of a culture access their commonsense knowledge of moral order and moral meanings (cf. Bergmann, 1998). Everyday (psychological/emotional) categories such as 'shock', 'surprise', 'upset', 'pain', etc. are vernacular ways to manage and index (types of) personal reactions and are used by commentators to position themselves towards the act and the person under discussion ([5], [6], [7]). They are not merely references to inner, psychological processes, but ways of talking that have public currency and used in managing accountability (Edwards, 2005; Lynch and Bogen, 1996).

[5] "I write these lines with great pain in my heart. For me Sorin Antohi was and remains a dear friend, a person of spirit, an unflinching democrat"

[6] "It's been 24 hours since I received Sorin's letter, I cannot quite come to my senses. I knew he had "file problems", a few months ago I was even certain, but I was shocked of what he went through, starting at 17 years of age"

[7] "I am perplexed and saddened. At the moment I am too shocked to comment coherently Sorin Antohi's confession. It's good he had the strength to do it, even if so late"

The use of everyday psychological categories ('pain', 'shock', 'perplexed', 'saddened') mediates a realistic moral concern around the discrepancy between reality and expectations, and the counter-intuitive, unexpected nature of the news and the act. They do not refer to private mental states but rather index the person's (initial) stance, *moral reaction*: some values, norms, attitudes have been breached. They can also be seen as attending to possible common sense inferences and rhetorical alternatives at stake in the reporting (cf. Edwards, 2005).

What the reactions make visible is a moral order of social judgment where Antohi's eligibility for social intercourse with others is reassessed. Psychological categories are tied to descriptions of the person and activities that are used to imply moral qualities and attitudes of the person. They seem to support an initial 'dialogic orientation vis-à-vis the other' (Bakhtin, 1984: 243). The use of psychological categories mediates the assessing of each other's moral character. The explicit moral and psychological dimensions invoked in media and lay descriptions of moral transgression project (and invite one to participate in) a morality play (cf. Eglin and Hester, 2003: 130). Moralization is not a given and default response, psychological descriptions soften, mitigate unilateral moralization and open a space of judgment for the act, the person and social context.

Akin to the researcher of deviance, commentators try to understand what the moral profile of the 'deviant' is, what kind of person the offender is. This entails a negotiation and argument over wrongdoing perceived as affecting or not affecting someone's moral standing as a person. One way to manage this is to offer arguments about moral character and personhood. In

order to become the object of moral judgment behaviour must be construed as a matter of choice and intention, and the person as showing a particular kind of moral character.

For some commentators moral transgression is constituted through locating it in an actor endowed with particular characteristics and moral character (hypocrisy, opportunism, duplicity) and driven by immoral 'motives' (desire to avoid external detection, self-seeking, self-serving, dissimulation).

[8] "the so-called "confession of the great intellectual", spilled melodramatically in the media, now, that his uncovering was imminent, it is just the most recent indication of the hypocrisy with which Sorin Antohi treats his public, his friends and himself"

[9] "That he is one of the most valuable Romanian intellectuals ... does not erase the simple and incontrovertible fact ... that he is a disgusting scoundrel, completely self-seeking and self-serving"

[10] "Why is it so hard to understand that Sorin Antohi is an opportunist through and through, raised with communist morals and models. Once a traitor, always a traitor... he knew that his day of reckoning was near when people will find out what human stuff he is made of"

[11] "I had enough of morally corrupted intellectuals and opinion leaders, who ... spend their time hiding the black blots from their file, with the required duplicity meant to gain them an advantage over the concrete reality and their fellow others stuck in unprofitable principles ... it would be better to pity those who have been the true victims of the Securitate, and not of their own opportunism"

The public act of confessing wrongdoing is seen as a confirmation of an already existing moral character and motivational constellation of traits which are, now, surfacing. [8] – [11] draw upon an absolutist view of deviance and morality. [8] – [11] are moves of reducing a person's moral character to 'some unified core' on which one can pass moral judgment (Hitlin, 2008: 4). This means judging the person by ignoring alternative descriptions of the act, person or situation, and seeing 'only those deeds and qualities that confirm the malefactor's transformed identity' (Fine, 2001: 35). A 'moral essence' is

imputed through the deployment of negative attributes of the person which are indicative of his moral character. A person's moral character is treated as if it were an unchanging object of social judgment. Commentators act as if they had objective, privileged knowledge of the person's intention.

An objectivist and essentialist view of morality is used to constitute a situated moral order which is linked to moral character and immoral motives as accountable dimension of conduct (tactical/strategic, intentional, planned character of the confession). In these accounts, moral character and motive work together, and inform each other. Negative inferences regarding a person's moral character, the implicit moral significance of the act and explicit moral profile of the person can be seen as stemming from depicting moral character *and* identifying (hidden) tactical 'motives' in relation to the timeliness of confession. The understanding of persons and reasons for actions is tied to the attribution of an underlying problematic, questionable motive (see also 12-15) .

[12] "Anothi's letter surfaces in a moment where rumours regarding his collaboration with the Securitate have risen in intensity ... The confession of the historian Sorin Antohi is a very intelligent defence where the pressure from the Securitate becomes the main justification for being an informer... It is therefore an act without moral significance"

[13] "I think that an intellectual becomes a lesser person when he renounces principles and starts to calculate (that he may lose his job, that he won't be able to get his kids to the best schools, etc)"

[14] ""This is clearly a disaster minimization strategy. He said to himself: the shit will hit the fan, better take an umbrella"

[15] "A failing can be forgiven, but hiding it for so long, and writing about it only under Damocles's sword cancels the effect it would have had if it would have been done out of conscience at the right time"

Comments engender a reductionist logic of morality where simply

observing the 'facts', the external situation, one can simply infer the character of the actor, the quality of the act, what and how was intended, or what motives are operative. Comments such as these engender an objectivist, absolutist version of morality, where the deviant act is consistent with moral character, seen as *deriving* from (pre-existing, deep-seated) moral characteristics and questionable motives of the person.

Moral standing and ethic of human relations

An 'objective reading' of the person's moral character and motives can be seen as supplanting the need for an alternative discussion of the tension between moral conscience and ethics (rules and transgression of rules). But not all commentators share the same moral world-view. Some argue that one needs to disentangle the act from the person; one needs to link the act not only to the person but also to social context. There is a perceived tension between someone's conscience and ethics (rules, norms, social relations). These are still arguments about moral essence and personhood but in contrast to previous moral positions they rely on a subjectivist, relativist view of morality. This creates a situated moral order where what the person has done remains alien to what he or she 'really' is. Issues of personal conscience of the offender are separated from issues of ethics (rules, norms and transgression of these rules and norms).

It is the relative moral standing of the person in society not the act in itself that is the source of justification for moral judgment. It is only in this way that 'an offender can be forgiven even if the offence cannot be forgotten' (Margalit, 2002: 199).

[16] "I congratulate Mr Antohi for his confession... from now on I see

him as a free person – because he has told the truth and truth liberated him. I congratulate him for confessing, this tells me that his conscience has remained untouched”

Judaeo-Christian ethics and morality is used as a resource for passing a judgment; it creates a humanistic orientation and framework of social judgment: by confessing and telling the truth the offender is liberated.

According to Judaeo-Christian ethics someone’s ability to confess and feel remorse attests that the person is not essentially 'corrupt'. Through confession the person assumes responsibility for the deed and thus creates a distance between the act and the doer. The account in [16] draws on a very specific culturally available metaphor and image of redemption (truth as redemptive) in order to manage moral character and motive. This is part of a wider collection of culturally available metaphors and images with roots in Judaeo-Christian ethics.

[17] “Every saint has a past, every sinner has a future” a saying goes. What Sorin Antohi has achieved starting from the 80s, so after the period in which he was an informer, for the salvation of the dignity of Romanian culture cannot be sponged over by philistine indignation”

[18] “Those who will throw the stone at him should know that, freeing himself through confession, Antohi has unburdened himself of a weightier stone – the one from his own soul”

[19] “I am not going to throw the stone at Antohi ... I don’t think we should judge these revelations in terms of disappointment: in as far as the risks of deconspiration are concerned, we know where we are coming from, where we are going, and what obstacles need to be removed”

Concepts of sin and morality are entrenched in religious pictures and metaphors. These views contend that one cannot reduce a person’s moral essence to some prototypical image of transgression on which to pass moral judgment. The response to attempts at penitence is not erasure of sin, but rather the possibility and the suggested need for the reassessment of social

communication and interaction with others. The picture of sin as human project and redemption [17] and heavy burden [18] place the judge in a position of sharing 'the sinner's burden of sin' (Margalit, 2002: 185-186). The biblical references to 'throwing the stone' in [18] and [19] are vernacular, almost idiomatic, ways to allude to the foundational, Judaeo-Christian dilemma of how to react towards and treat the other, dilemma that implies the recognition of a reflexive relation that one has with oneself. The same dilemma is also manifest in the perceived link between redemption and timeliness of confession.

[20] "Choosing, at last, to talk about his own degradation, Sorin Antohi is on the road to a too long postponed redemption"

[21] "Early? Late? How can we measure the time of pain, fear, shame? ... Those who know the answer should throw the stone, cos' the hand needs a justification! ... as with regards to mistakes? Who is without?"

[22] "... A person of his standing has fallen at some point (but it has also risen! ... although not quite fully ... as he confessed everything late)"

Social judgments that use Judaeo-Christian ethics as resource place the deed, the person and social judgment in human(istic) perspective. They state an obvious, taken for granted ethics, an ethics of thick human relations, a dialogical ethic, and not one based on formulaic accusations and unilateral moralization. They also express the possibility and the need of re-accession, the reestablishing of the relationship between social judge and offender.

Religious pictures and metaphors that express a relation to sin and redemption contain an underlying ontology about the reflexive relationship that one has with oneself and others. The issue of casting judgment and, especially, the entitlement to judge is at the core of Judaeo-Christian ethics. This is also available as a cultural resource to be used in the management of

moral accountability.

[23] “We, the moralist and moralizing people, I don’t think we quite have our hands clean to accuse. Of course we can observe, we can know and we can evaluate, we can demand and we can draw conclusions. Maybe we could look at ourselves and show more decency”

[24] “To judge Antohi harshly, when I don’t know who is sufficiently without stain to be able to do it, can only lead to a chronic environment of suspicion ... to less togetherness, ultimately”

[25] “How many of the 20 million former Romanian socialist citizens could truly, looking at themselves, raise the stone and throw it at a child of 17 who has made a common choice under the sway of a state of mind very common at the time, fear”

Relying on Judaeo-Christian ethics and morality as a resource does not mean that a common-sense, objective conception of deviance is denied, but that it is replaced with a conception of deviance that originates in a humanistic orientation, one that starts with thick relations between people, and not with motive, intention or personality. All these are views that suggest that true ethics and social judgment requires partiality, not impartiality. This proposes a normative view of shared morality that requires the recognition of the moral status of the judge (as well as that of the offender) and the wider premises of public morality.

From personal to political accountability

The questions that researchers of deviance ask are as relevant to them as they are to lay members of society. Is deviance harmful or helpful? What are its broader social and political effects? How much is out there (still undiscovered)? Both researchers of deviance and lay members of society usually contend that the answer to these questions does not make sense outside of social and ideological context. Coming to terms with the individual,

personal past interweaves with coming to terms with the national, collective past. Some commentators treat this process as entailing the ‘identification of the correct principles of morality as a project that must be carried out collectively by all those potentially affected by their adoption’ (McMahon, 2000: 514). Using the political and ideological context as explanatory and accounting device is one way in which the reacting public can manage this task.

The revelation of personal truths becomes a vehicle for revealing wider societal, political and ideological truths, and public concerns with ‘knowing the truth’. In a way, commentators ‘seek to accommodate both the desire to locate causal or moral responsibility in the actor himself, and the urge to locate causes in the wider society’ (Eglin and Hester, 2003: 97). They seek to accommodate an individual and collective dilemma of responsibility.

[26] “We must know the entrails of the dictatorial system and understand its enormity in order to establish the right measure of guilt”

[27] “We must know this past in order to get rid of it. Sorin Antohi is helping us. We should appreciate him for this and we need to move on. There is still a lot of work to do and there is no time to waste”

This is a move from the particular case to the general state of affairs, from personal/individual to political and ideological accountability. Antohi’s confession is accounted for in terms of an explanation and illumination of the wider ideological context of coming to terms with the communist past. Past wrongdoing does not solely say something about someone’s personality, but rather something about issues and circumstances located in past and present political arrangements. It is the foundation for clarifying things, drawing conclusions around past responsibilities that are consequential to coming to terms with the past; the confession *stands for* something, it *points to* the

broad struggle of understanding the accountability of the past; ultimately, the confession is an instrument of moral and political action.

[28] “This biographical drift expresses the extreme pathology of a world (communist and postcommunist), more than a personal weakness”

[29] “Sorin Antohi’s confession contributes to that moral clarity that I have constantly championed”

[30] “It seems to me that the merit of Sorin Antohi’s confession is that it gives us the possibility to nuance things. We would have proceeded with axe in hand: those are bad, those are good”

[31] “The Sorin Antohi case is another argument for the condemnation of communism – we see, once more, the degree to which communism degraded people”

The context of coming to terms with the past is both foundation and criterion for moral judgment. It could be argued that this is a way through which moral activities of a person are mitigated or neutralized by being positioned within a supra-individual political, ideological frame. But that would not tell the whole story and would not capture the flexibility and dynamic of social judgment. Taking the wider political context into account allows the commentators to manage moral accountability by placing it on a continuum between essentialism and relativism, and distinguishing between the moral character of Antohi and that of (still unknown) others. The now *known*, *revealed* facts of Antohi’s personal accountability point reflexively to *not known*, *not yet revealed* political and moral accountability. The known, revealed facts also point to the nature, and the wider context of coming to terms with the past, to *absent* moral courses of action, *absent* personal responsibilities.

[32] “I don’t have condemnation words for Antohi, my problem is with those who continue to hide and are in public positions”

[33] “... Where are those who have triggered the illness of the spirit in which we now suffer?! Where are those that have defeated some of the best amongst us?!”

Both Antohi and commentators are implicitly aware that there is no simple, magical way of undoing the past. Both can be said to agree on the possibility of changing our *interpretation* of the past. The wider (ongoing) political process, that of reconciliation and coming to terms with the past, places the person and his/her actions within a political and ideological frame. The contours of public morality are given by the identification of social and political effects of personal confession. Commentators are making a case for extending moral accountability searches to others and other (still undiscovered, unaccounted for) manifestations of the insidious communist moral order. A reflexive relationship is constituted between moral transgression, personal accountability and wider political context.

Discussion

This paper has intended to understand the social construction of transgression and moral reasoning in a context of coming to terms with the past with the recent communist past. The analysis presented an exploration of the rhetorical construction of moral meanings, the situated 'practical grammar' of everyday explanations of moral transgression. In this paper I have revealed some aspects of situated public morality and hopefully shown how moral reasoning and social judgement enlists various kinds of morality stances and constructions. The interpretative activity of social actors parallels that of

researchers of deviance: What causes people to commit deviance? What kind of person is the offender? Is deviance harmful or helpful? What are the broader social and political effects of deviance? How much is out there (still undiscovered)? What is a morally acceptable account for a self-confessed deviant action? Akin to the professional researcher, members of society draw upon absolutist and relativist views of deviance and morality that have implications for the interpretation of transgression, actors, actions, social and political context.

The paper has identified several aspects of how moral transgression is reacted to and thus socially created, and the moral work of reasoning and explanation in which members of society are involved. Moral reasoning around transgression and moral meanings took several forms: a) invoking everyday psychological categories and morally implicative descriptions associated with identities of persons and actions; b) drawing upon culturally available metaphors and images with roots in Judaeo-Christian ethics and morality; c) using the wider political context of coming to terms with the past as foundation and criterion for moral judgment. Uses of these resources construct essentialist and relativist views of deviance and morality, as well as spaces in-between. These aspects do not exhaust the variability, flexibility, and variety of public arguments and commentaries on accounts of 'having been an informer' for the Secret Police. They illustrate, though, some significant aspects of understanding the social organization of moral and political accountability. Rather than attempting to analyze moral judgment in abstract, or independently of its social context, this paper argues that one must focus on the everyday uses of morality found in social interaction and

communication. This entails taking seriously the idea that “morality remains both a prerequisite and a product of the engagement in dialogue” (Linell and Rommetveit, 1998, p. 472).

One must be able to describe the social organization of morality ‘under which the members of society consider any concrete thing to be moral or immoral (approvable or disapprovable).’ (Douglas, 1970: 12). Such an analytic focus takes into account the intimate link between characterizations of actors and characterizations of acts, and between modes of explanation and the social construction of actor, actions and morality for situational, practical purposes. A discursive and ethnomethodological approach can help us describe in more detail the socio-psychological dynamic of production, recognition and reaction to moral transgression and the role of interpretive communities that constitute and display systems of moral categorizations, absolutist and relativist conceptions of deviance, normative rules and norms, moral categories and presuppositions for persons, events, institutions, political contexts, and so on. The character of moral reasoning on transgression in the public sphere is shaped in ways that can be said to reflect the different versions of everyday meanings of morality within a community.

Notes

1. A scandal is a *scandal*, in the first place, not solely because individuals are known or discovered to have committed moral transgressions, but that in doing so a 'center of public attention and discourse' (Fine, 2001: 131) is created. 'Political scandals' create (and sometimes, lead to the rehearsal of) vocabularies and frameworks for public discourse (cf. Schudson, 2004), lay versions of morality and identity.

2. People commit acts they see as wrong and they use various discursive techniques to disavow deviance and present themselves as normal and the act in terms that are culturally appropriate and acceptable (Cromwell and Thurman, 2003; Overstreet and Yule, 2001; Scully and Marolla, 1984; Sykes and Matza, 1957). In the explanation of people and human action, social actors drawn upon 'vocabularies' of motive as explanatory devices (Mills, 1940; Blum and McHugh, 1971; Berard, 1998).

3. Media 'scandal' discourses construct and mobilize various versions of lay morality and moral meanings through a shift from reporting the specific event that causes outrage (the individual's own version of wrongdoing, his/her confession) to the contextualization and recontextualization (Wodak, 2011) of (seemingly related) more general concerns whose role is to help reveal the individual's 'real' agenda, concerns or vested interests in presenting a specific version of events to the public: the 'moral character' of the individual and those around him, the moral 'culture' of the group, society, political party of which the wrongdoer is a member, analogies and extrapolations to others 'scandals', and so on. Such public discourses in the media, associated to the

short or long 'career' of a scandal, may involve considerable transformations and distortions.

4. The reaction of others, emotion, shame and concerns with integration/reintegration (Braithwaite, 1989) have the power to redefine people (and their activities), and sometimes lead them to abandon their 'respectable identities in favor of secondary deviation and deviant identities' (Best, 2004: 64).

5. It is not what might potentially *explain* the reaction of others that matters, but rather how 'definitions of right and wrong are established and maintained, how collectivities in every society struggle over notions of what is to be demarcated as acceptable and unacceptable behavior, beliefs, ... what and who will be honored and respected, what and who will be ignored, accepted, tolerated, and condoned' (Goode, 2004: 46-47).

6. I have not divided the accounts I included in this paper in those of 'accusers' and 'defendants'. Not only is that a tricky operation, but also in doing so one would miss the variety of social positions available to and taken up by members of society. Is there is a tendency for accusers to draw upon 'absolutist' allegations (internal attributions of responsibility to the person and act), whereas defendants tend to draw upon 'contextualist' explanations (external attributions to the context in which the act was performed)? There is also the important question of the temporal distribution of responses to transgression, the temporal distribution of expressions of essentialist and relativist/contextualist stances. Do the former tend to be associated with

quick, 'common-sense' reactions, whilst the latter associated with more reflective stances, based on detached pondering of possible influences and complex contingencies? It would be interesting to find out whether such tendencies really existed in Antohi's case, but that is something beyond the scope of this paper. I thank one reviewer for drawing my attention to these aspects.

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