

I Was Wrong: The Meanings of Apologies

Nick Smith, J.D., Ph.D.

University of New Hampshire

 **CAMBRIDGE**
UNIVERSITY PRESS

Introduction: Apologies as a Source of Moral Meaning in Modernity

Maimonides' *Hilchot Teshuvah*, compiled between 1170 and 1180, arguably provides the most recent philosophical monograph devoted to apologies.¹ Considering the relevance of apologies to moral philosophy and current general interest in acts of contrition, this surprised me. Philosophers have long delighted in scrutinizing suspect social practices, and apologies now seem more than ripe. We share a vague intuition that something has gone afoul with this ubiquitous gesture, a sense that apologies are rotting on the vine.

The arguments in this book track that intuition at various levels. We might think of our standards for apologies as buried deep within our evolutionary hardwiring, as primatologists have documented reconciliation protocols between chimpanzees. These "natural conflict resolutions" can look uncannily similar to handshakes, and from this perspective we might measure the quality of an apology by the amount of oxytocin released by the hominid on its receiving end.² Bad apologies, like spoiled fruit, do not satisfy our primal needs.

Alternatively, we might consider the steady stream of odd apologies in the daily news to be like hiccups of etiquette, passing symptoms of normative dyspepsia as we become accustomed to a multicultural buffet of beliefs and manners. Taking the long view of history, we live in a transitional age for apologies and we will eventually settle into more stable habits. Technological shifts accelerate these growing pains, as a connected world creates more opportunities to offend each other, capture these transgressions digitally, and reproduce them on command for anyone across the globe who might take umbrage.³ Gestures of contrition are also more likely to be captured in the public record, providing armchair moralists with more opportunities to scrutinize what they perceive as faulty apologies. Thus we have two opportunities to disparage wrongdoers: one for the offense and another for providing what we almost always find to be a flawed apology. If either George W. Bush or Hillary Clinton apologizes for a transgression, we can be fairly sure that their critics will seize the occasion to further question their character regardless

of the quality of the apology offered. Such is the nature of contemporary politics.

From an even more disconcerting perspective, perhaps our dissatisfaction results from the decay of vestigial customs once essential for religious rituals of repentance but now increasingly obsolete. According to this view, contemporary apologies signify the death twitches of expiring moral systems and those who complain about "disingenuous," "inauthentic," or "commodified" apologies suffer from nostalgia for a more principled age that probably never existed. We can diagnose the general health of our shared values by examining apologies, and something diseased courses through our cultural veins. I do not mean to suggest that the current state of apologies is symptomatic of the decline of Western civilization or something so dramatic, but surely its pulse beats in rhythm with the often-conflicting conditions of modern life. Regardless of my conclusions here, I hope that others will soon join me in thinking through the philosophical substance of these complex and occasionally spectacular moral phenomena.

Law, Commodification, and Apology

I began thinking systematically about apologies while working on another project considering the trend toward increasing commodification in law. When legal actors and institutions convert so many harms – from racial discrimination to the wrongful death of a child – into economic cost-benefit analyses, they can jeopardize certain forms of meaning incommensurable with money. Although money may offer a convenient means of measuring value in a complex and pluralistic world, many of us experience a vague moral discomfort when legal systems convert the worth of human life into dollars and cents. Something seems to be lost in the translation between moral and economic value. Given my sympathies for the Frankfurt School, one can imagine the contours of such an analysis.

In this context I thought that apologies might present opportunities for legal systems to honor meanings and values that seem incompatible with trends toward increasing commodification. In a legal system overrun with commercial logic, a simple apology might convey substantial meaning. A failure to apologize might compound an injury. Examples seemed to corroborate my pedestrian intuition. A close relative, for instance, was fired from her job the day after her employers learned she was pregnant. Although outraged by this transgression and suffering from considerable economic hardship as a result of losing her job, she did not want to pursue a legal claim because she imagined that the process would simply convert the moral offense into some form of economic compensation. As a woman of strong moral and religious values, for her the situation was "not about the money." Instead, she wanted something like an apology. She wanted the employers to admit they had treated her unfairly and to promise they would never cause another woman to suffer such an injustice. This was a matter of principle.

Her sentiments resonated with my experiences in civil and criminal law: despite the common conception that greed motivates litigants, many seek primarily moral rather than economic redress. If you can imagine the horror of having a loved one killed by a faulty product or a grossly negligent surgeon, receiving a monetary award for your loss might be significant for many reasons. This would be so even if the offender refused to admit wrongdoing, as we would expect within an adversarial legal system. Although money can be useful in many ways, however, no amount of cash could provide the sorts of meaning that you might receive if the offender apologized, accepted blame, took moral as well as fiscal responsibility for the loss, and then honored a commitment never to cause such harm again. Money may provide a common denominator for some losses, but often the most significant meanings cannot be reduced to a cash value. This seems like more than facile moralism.

We find the idea that apologies convey meaning beyond financial compensation in the oldest texts of the West. In *The Iliad*, for example, Achilles refuses to fight at Troy despite King Agamemnon's offer to mend their disagreement over Briseis by providing Achilles with gifts fit for a god. Agamemnon offers vast material wealth, the return of Briseis, and the choice among Agamemnon's own daughters in marriage. Achilles rebuffs the offer: "Not if he offered me ten times or twenty times as much as he possesses or could raise elsewhere . . . not if his gifts were as many as the grains of sand or particles of dust, would Agamemnon win me over." Instead, Achilles demands, "he must pay me in kind for the bitter humiliation I endured."⁴ Rather than material wealth, Achilles believes only something like a sufficiently painful apology could restore his relationship with the king. Thousands of years later, the words of a recent Canadian victim of child abuse echoes Achilles' sentiments: "I got an apology, and you can't put a price on that."⁵

At one level, it might seem that apologies would be incompatible with law, especially the sorts of law predominantly practiced in the contemporary United States. Adversarial law typically creates legal combatants engaged in a struggle to maximize self-interest, but apologies seem better suited to a context of moral reconciliation. My initial research into the role of apologies in law, however, indicated that certain kinds of apologies were increasingly common within legal institutions. Legal actors do in fact put a price on apologies. Expressions of contrition within legal institutions have increasingly become another commodity. Studies suggest that a few words of contrition, regardless of their sincerity by any measure, can dramatically decrease the likelihood of costly litigation. Thus if one were to say something like "I am sorry that the lawn mower we manufacture injured your child," evidence suggests that this provides a highly cost-effective means of avoiding litigation.⁶ Considering that a refusal to accept blame for an injury often provides the fundamental grounds for a dispute arriving in the courts in the first place, these findings encourage attorneys and litigants to offer apologetic

words without admitting guilt. It can be lucrative to apologize, in other words, so long as you avoid accepting blame.

Legislators recognize the tension between the disincentive to apologize or even offer gestures of compassion in legal proceedings (because of their often-ambiguous relation to admissions of guilt) and the ability of apologies to decrease litigation rates. To resolve this, legislation in numerous jurisdictions codified the notion that apologies can be mere expressions of sympathy – such as “I am sorry that your child was killed” – and need not accept blame for the injury. Settlement agreements may now explicitly negotiate the monetary value of an apology, for example offering compensation of \$10 million without any form of apology or \$7 million with an apology. The Federal Sentencing Guidelines allow judges to reduce punishment if a criminal defendant expresses remorse, giving convicts incentive to utter words of contrition penned by their attorneys but leaving the judiciary with little means of differentiating between profound expressions of regret and perfunctory attempts to please the court.⁷

Like me, you may be confused at this point. Can we really describe a statement that does not accept blame or admit wrongdoing as an “apology”? What counts as a “proper” apology in these situations? Who are the final arbiters? What standards do they apply? Do the powerful exploit our uncertainties about apologies to their benefit?

Apologies in Culture

These trends in law appear to parallel a broader social phenomenon. Nearly every day someone appears in headline news apologizing for something. Whether a politician, religious leader, corporate executive, celebrity, athlete, or anyone else who finds herself or someone she represents in disfavor, displays of contrition have become routine. As specious apologies become ubiquitous in contemporary culture, their value seems to decline like a form of inflated moral currency. Now when we bear witness to yet another famous person apologizing, our reflexes have become cynical. We question intentions. Does she apologize only to garner votes in the next election? To placate teammates or fans? To brace falling stock values after a corporate controversy? To take the blame for someone more powerful? To avoid or minimize incarceration?

The words and deeds of the apologizers often corroborate our suspicions. Something seems not quite right about many of the apologies we hear. What does it mean for the Pope to apologize for two thousand years of church-sponsored violence? Can he do that? Why does he offer this now? How can Bill Clinton apologize for the Rwandan genocide without accepting personal blame for his own calculated decisions not to intervene? Can a leader claim that she takes personal responsibility for a policy failure yet refuse to admit that she has done anything wrong? How can an executive appear on national television apologizing for the misdeeds of her corporation while

simultaneously denying in legal proceedings that any members of the institution committed the alleged wrongdoing? What should we make of the apology from a celebrity who seems to reoffend and apologize every few months? Self-help and corporate leadership manuals like *The Power of Apology: Healing Steps to Transform All of Your Relationships* and *The One Minute Apology* seem to profit from our confusions.⁸

Media outlets reproduce apologies in clips too brief to capture their subtleties, rewarding public figures who provide sound bite apologies and tuning out those who take time to develop the substance of their gesture. The same media also tear offenses from their contexts, leaving the falsely accused in delicate situations. If someone tries to defend herself, headlines will announce that she “refuses to apologize.” Within such a culture, the best strategy for damage control may be matching one distorting sound bite with another, saying that you are “sorry” but then explaining that you deserve no blame. Such exchanges typify the impoverished state of moral discourse in modern culture.

Sometimes these apologies seem laughably insincere, disingenuous, deceptive, manipulative, confused, or simply wrong. Since 2001, comedian Harry Shearer – responsible for *This is Spinal Tap* and many voices on *The Simpsons* – has riffed on the seemingly ridiculous nature of public acts of contrition in the “Apologies of the Week” portion of his radio show. Apologies, it seems, have become something of a joke.

We should not fail to appreciate the gravity underlying what may at times seem like a farcical comedy of apologies. The importance of these questions and the extent of our disagreements about apologies were dramatically evident in September of 2006. In an address at the University of Regensburg, Pope Benedict XVI included the following quotation, attributed to Byzantine emperor Manuel II Paleologus circa 1391: “Show me just what Muhammad brought that was new and there you will find things only evil and inhuman, such as his command to spread by the sword the faith he preached.” Although we could discuss at length the disclaimers, nuances, and judgments surrounding the Pope’s inclusion of this quotation, many took offense to the address. The Vatican quickly released the following statement:

As for the opinion of the Byzantine emperor Manuel II Paleologus that he quoted during his Regensburg talk, the Holy Father did not mean, nor does he mean, to make that opinion his own in any way. He simply used it as a means to undertake – in an academic context, and as is evident from a complete and attentive reading of the text – certain reflections on the theme of the relationship between religion and violence in general, and to conclude with a *clear and radical rejection of the religious motivation for violence, from whatever side it may come*. [The Pope] sincerely regrets that certain passages of his address could have sounded offensive to the sensitivities of the Muslim faithful and should have been interpreted in a manner that in no way corresponds to his intentions.⁹

Here the Vatican effectively claims that if those offended had read more closely, then they would not be offended. Regardless of whether we agree with the substance of the Church's response, we can notice that the Vatican offers something akin to what we might expect from an annoying boyfriend: "I'm sorry you feel that way, you are mistaken to feel that way, and I did not do anything wrong."

Some found the Vatican's statement unsatisfactory. Mohammed Habib, deputy leader of the Society of Muslim Brotherhood, questioned the Vatican: "Has he presented a personal apology for statements by which he clearly is convinced? No. We want a personal apology. We feel that he has committed a grave error."¹⁰

In an attempt to stem the growing tension created by his address, the day after the Vatican released its statement the Pope included the following comments in his weekly Angelus prayer:

At this time, I wish also to add that I am deeply sorry for the reactions in some countries to a few passages of my address at the University of Regensburg, which were considered offensive to the sensibility of Muslims. These in fact were a quotation from a medieval text, which do not in any way express my personal thought. I hope that this serves to appease hearts and to clarify the true meaning of my address, which in its totality was and is an invitation to frank and sincere dialogue, with great mutual respect.¹¹

Although major Western media outlets such as *Reuters* and *The New York Times* described this as an "apology" from the Pope without much reflection on the meaning of the term, others refused to recognize it as such.¹² Yusuf al-Qaradawi, an influential Egyptian Sunni scholar and host of a popular Al-Jazeera program, claimed that the Pope's statements "were no apology" but rather amounted to "an accusation against Muslims that they didn't understand his words."¹³ Mehmet Aydin, the Turkish religious affairs minister with a doctoral degree in philosophy from the University of Edinburgh, expressed similar reservations: "You either have to say this 'I'm sorry' in a proper way or not say it at all. Are you sorry for saying such a thing or because of its consequences?"¹⁴ Aydin thus wonders if we should read the Pope's statements as we would if someone explained that she was "sorry you feel that way" and thus regrets not her wrongdoing but your unfortunate response to her justified actions. Grand Sheikh of Al-Azhar Mosque Mohammed Sayed Tantawi, whom the BBC described as "the highest spiritual authority for nearly a billion Sunni Muslims,"¹⁵ insisted that the Pope still must "apologize frankly and justify what he said."¹⁶ Iraq parliamentary speaker Mahmoud al-Mashhadani described the Pope's statements as "inadequate and not commensurate with the moral damage caused to Muslims' feelings."¹⁷ Sheikh Mohammad Hussein, Grand Mufti of the Palestinian Territories, called for the Pope to issue "a personal and clear apology to 1.5 billion Muslims in this world for the insult."¹⁸

Others appeared openly uncertain. A leader of the Muslim Brotherhood first described the Pope's statements as a "sufficient apology," but later in that same day reversed course: "It does not rise to the level of a clear apology and, based on this, we're calling on the Pope of the Vatican to issue a clear apology that will decisively end any confusion."¹⁹ Still others, including Iranian President Mahmoud Ahmadinejad and Malaysian Prime Minister Ahmad Badavi, took more favorable views of the Pope's clarifying gestures. A representative from the Muslim Council of Britain called the Pope's statements a "good first step." Ajmal Masroor of the Islamic Society of Britain described the Pope's statement as "greatly noble."²⁰ According to the president of Rome's Islamic cultural center, Italian Muslims had accepted the Pope's apology and this was "a closed chapter."²¹

As religious leaders and heads of state debated the incendiary remarks and subsequent statements, students in Islamabad burned effigies of the Pope.²² Christian establishments were bombed in Nablus and Gaza City.²³ The Lashkar-e-Toiba allegedly issued a Fatwa calling for the Pope's death. According to one source, the Islamic Salafist Boy Scout Battalions promised to kill all Christians in Iraq if the Pope did not apologize properly.²⁴ Iraqi Al-Qaeda threatened to punish all "worshippers of the cross" for the Pope's remarks.²⁵ Two days after the Angelus prayer, two Somalis murdered a nun and her bodyguard in Mogadishu, allegedly in response to the Regensburg address.²⁶ According to Al-Jazeera, those who kidnapped and beheaded Christian priest Paulos Iskander had demanded a denunciation by his church of the Pope's statements in addition to a ransom of \$350,000.²⁷ To some degree, all of this resulted from perceived deficiencies in the Pope's remarks.

Might we appeal to some measure of apologies to adjudicate between these competing interpretations? This book explores the issues underlying these questions: What is an apology? What are its constitutive elements? Must it convey moral substance? How does it bear social meaning in various traditions and contexts? Has its meaning been subverted or abused within modern public and private life? Are its moral meanings – which surely evolved from notions of repentance shared by ancient religious traditions – becoming obsolete in a secular and multicultural era? Is our dissatisfaction with many contemporary apologies a form of nostalgia for the moral certainties of the past? Must we agree on the answers to these questions if we are to be morally compatible?

Apologies: A Philosophical Genealogy

Unfortunately, the history of philosophy offers little guidance in answering these questions and in fact only seems to confuse us further. The *Confessions* of both St. Augustine and Rousseau offer moments of contrition but do not give much explicit thought to the nature of apologies as such. Montaigne expressed his skepticism for the related practice of repentance.²⁸ Austin and

Searle offered some analysis of apologies as speech acts, but most research influenced by their discussions migrated into the field of linguistics. Levinas' notion of "apologetic discourse" in response to the violence of reducing the Other has become quite influential within Continental philosophy and various forms of Cultural Studies, but this notion of apology has become a rather technical concept typically invoked in radical contrast to the traditions of freedom and moral responsibility that inform more common usage of the term. Perhaps the most critical attention to the subject in the history of philosophy has been devoted to Heidegger's failure to apologize for his service to the Nazi Party.

Given the dearth of analyses of apologies in Western philosophical traditions, it is especially ironic that so many introductory philosophy courses begin with Plato's *Apology*. Socrates is anything but apologetic as the term has come to be understood. Instead, he provides an *apologia* (ἀπολογία) as was customary in the classical Greek legal system in rebuttal to the prosecution's accusations. *Apologia* still finds use in this sense of offering a defense of one's position, and the field of apologetics has come to be associated with the long tradition of defending and reinforcing religious doctrine – particularly Christian beliefs – through argumentation. Montaigne intends this justificatory use in his *Apology for Raymond Sebond*.²⁹ In modern parlance we consider an "apologist" to be a sort of spokesperson who promotes and defends causes by using various rhetorical strategies to spin facts and influence an audience, sometimes performing this service for pay. A White House press secretary or a corporate defense attorney comes to mind as a modern apologist compensated for her ability to forward partisan arguments.

The modern use of apology as an admission of wrongdoing rather than a defense seems to have gained momentum around the sixteenth century, when Shakespeare used it in *Richard III* to imply a kind of regret.³⁰ Johnson's 1755 dictionary noted the historical tension and steered the definition toward the modern sense: "Apology generally signifies rather excuse than vindication, and tends rather to extenuate the fault, than prove innocence."³¹ Hence the common usage of apology may have drifted from a general notion of a defense to a particular kind of defense in the form of an excuse. Johnson noted that this trend was "sometimes unregarded by writers," citing Milton's *Paradise Lost* for this insensitivity. Although I am no authority in historical linguistics, perhaps the secularization of morality occasioned the advent of modern notions of apologies to supplant ancient religious practices of repentance. Broadly influential philosophers like Maimonides facilitated this transition by speaking of apologies to god and fellow humans within the same text.

Thus even the etymology of apology pulls in two directions. On the one hand, we associate apologizing with repentance, confession, remorse, blame, and moral *defenselessness*. On the other hand, a considerable period of history understood the practice precisely as a *defense*. A third convention came

into usage around 1754 and defined "apology" and "sorry" as a poor substitute, as in a "sorry excuse for a friendship" or "crackers served as but an apology for dinner."³² *The Oxford English Dictionary* recognizes each of these forms as acceptable definitions of "apology."³³ Given this, consider the complex role of an attorney acting as a paid apologist in the old sense instructing her client to offer something like an apology in the modern sense because this may be her best rhetorical strategy for the optimal legal outcome. Now imagine the attorney carefully calibrating the apology to avoid admitting wrongdoing. It would not be surprising if the offended party in such a claim suffered from uncertainty about the meaning of such an "apologetic" exchange. Add to this the arguments in the two pioneering books on apologies – one by sociologist Nicholas Tavuchis and the other by psychiatrist Aaron Lazare – that both understand apologies primarily as social tools.³⁴ Lazare and Tavuchis provide extremely thoughtful analyses and I do not wish to underestimate the importance of the many pragmatic functions of apologies. Use, however, is only one source of apologetic meaning. In addition, not all of the uses of apologies and their imitators – even those leading to apparently beneficial consequences – are entirely good. How can we make sense of apologies as they transform from the ancient notion of a legal defense to the modern notion of contrition for wrongdoing, but then occasionally return to their roots as a kind of concealed legal, political, and personal rhetorical stratagem?

Why Study Apologies?

Readers might legitimately ask whether we should expend effort to understand apologies better. A thought experiment may provide the best way to answer that question: take a moment to identify the apology that would be most meaningful for you to receive.

Perhaps you think of an apology from a parent, a spouse, a sibling, a colleague, or an estranged friend. Perhaps the person who defrauded, disfigured, or humiliated you comes to mind. Perhaps you think of the leader of the platoon that bombed your town. Maybe an apology from the president of your own country would matter most to you. You might want an apology from a group, like the Nazi Party, the United Nations, the Janjaweed, or Enron Corporation.

I do not have any unusually traumatic events in my past, but when I consider the apologies that would be most meaningful to me I imagine that they would directly address my deepest pains, fears, values, and hopes. My life and my relationships would be fundamentally different after these apologies. Things would be better and more just. This book attempts to explain how an apology, which at first glance may seem like an artifact of old-fashioned etiquette, can have such power.

The following chapters describe the various ways that apologies can have meaning for us, but we can preview a few here. An apology can recognize

that we have been harmed, helping us to understand what happened and why. The person apologizing accepts blame for our injury and she explains why her actions were wrong. This validates the victim's beliefs, and she can begin or resume a relationship based on these shared values. The offender also treats us differently at the most fundamental level when she apologizes to us: instead of viewing us as an obstacle to her self-interests, we become a person with dignity. If the apologizer regrets her actions and promises not to repeat them, we can take some security in the hope that she will not harm us again. This provides a reason to trust the offender and may be terribly important if she is someone for whom the victim cares deeply. An apology can also provide the victim with relief for her injury, ranging from nominal gestures of communion to considerable economic compensation. An apology may also punish injustice.

When we think of apologies in these respects, we can appreciate why personal and political relationships may hinge on them and why a penitent act has the power to mend a broken family or avert a war. If we think of all of the festering injuries that cause so much pain in our intimate lives as well as our global conflicts, apologies often seem like the best means of cleaning and stitching those wounds. Whether a petty insult that has poisoned family dynamics for generations or an era of brutal oppression against a racial minority that haunts a nation, what I describe as a categorical apology can often serve as the most effective means of mitigating social conflicts.

Although apologies serve numerous purposes and we can think of their value in terms of these utilitarian benefits, they often strike at the heart of our deontological commitments and call on us to honor our basic duties. Apologies can also speak directly to our character and integrity. At a time when value and meaning seem to erode into a morass of selfish and nihilistic commercial culture, we often demand an apology when we refuse to allow an offender to disregard a moral principle. Apologies flag when someone crosses a line, patrolling the limits of our commitments to shared principles. In this respect, apologies have inherent as well as instrumental value.

Although apologies can be profoundly meaningful, many of us know all too well that this is usually not the case. At least three factors cloud our ability to judge apologies: 1) we are uncertain about what a full apology is and lack a framework for analyzing acts of penitence; 2) we often consider any gesture with a family resemblance to an apology – such as the bare utterance of the word “sorry” – to be equal to a full apology; and 3) given this confusion, we may accept whatever satisfies our lowest standards for apologies so that we can consider ourselves “apologized to.” I describe how apologies often convey muddled or deceptive sentiments and I prescribe a means of decoding such gestures. With this, we can understand the subtleties of apologies, be clear about what we want from apologies, and determine how particular apologies measure up to our expectations. If we desire a categorical apology for a serious injury, we need not settle for

less because of our confusion. Although it might seem harmless if someone provided an insubstantial apology for stepping on my toe, it could be a grave injustice for an offender to dupe a victim of abuse into settling for a purposefully deceptive apology. Whether an innocent mistake or an intentional manipulation of our confusion about apologies, this occurs regularly in quarrels among friends, expressions of remorse from convicts, and declarations between nations. When a victim knows what kinds of meanings she wants from an apology, she can hold the offender to these standards rather than artificially inflate the meaning of a few sympathetic words offered to mollify her. If she expects a categorical apology in a romantic or criminal context, vacuous or manipulative language will not deceive her. In addition, apologizing begrudgingly, equivocally, or evasively can embrace or compound the initial wrongdoing rather than repudiate and correct it. Fluency in the language of apologies should provide a defense against politicians, corporate executives, attorneys, criminals, or lovers who seek to use the illusion of their moral transformation to win our favor.

Under my theory we should view the words "I am sorry" with the same scrutiny we would apply to the words "I love you" spoken on a first date – the declaration may be meaningful in some senses but we would need to know much more before we could make a well-informed judgment. This renders the slogan from Erich Segal's *Love Story* claiming that "love means never having to say you're sorry" doubly problematic. Although I have some difficulty interpreting this statement, I suspect he intends it to convey the idea that those who love each other will always necessarily reconcile (or perhaps never need reconciling). Because love presupposes reconciliation and apologies provide but a tool to achieve reconciliation, apologies are of no use to those who love each other. Yet notice how such a statement elides the complexities of love and the complexities of apologies, compounding two banalities into a third regarding the relationship between love and apologies. With such adages lodged in our cultural memory we should not find it surprising that apologies within intimate relationships can be such a source of befuddlement and contention.

I should also emphasize the prescriptive component of my theory here. My point is not only to help us measure the apology we get against the apology we want. We might be entirely confused about apologetic meaning, and our desire alone does not determine what makes for a suitable apology. As we reflect on apologetic meaning, I expect that we will want more from apologies in our lives. Instead of seeking only an expression of sympathy, we might realize that we deserve much more and demand it. I hope that thinking about apologies in the ways I suggest will empower victims to some degree. Those who understand the contours of apologetic meaning should probably receive better apologies.

We can appreciate the meanings of apologies for the apologizer as well as for the victim. As the lucid work of Trudy Govier and Wilhelm Verwoerd

emphasizes, apologies are not only for victims.³⁵ Becoming literate in the dialects of apologetic meaning seems essential for our moral development. Apologies can anchor our moral lives, promising that our actions never drift too far from our values. As children, we learn about morality in large part when our parents and teachers admonish us to apologize so that we will reflect on the nature of our behavior and become integrated into a normative community. As we mature, apologizing can mark an occasion when we pause and self-consciously honor our abstract moral beliefs – we have wronged or have been wronged and we must denounce the trespass or risk losing the value jeopardized by it. Because of their importance to our moral growth, apologies have become integral to twelve-step programs such as Alcoholics Anonymous that attempt to reorient the moral lives of their members.

Understanding when and how to apologize can provide invaluable insights into our relationships with others. Since working on these issues, I have found myself increasingly aware of the moral dimensions of my daily interactions. Instead of tossing out half-hearted “sorrlys” when I fail to take out the trash as my spouse requested, for instance, I can now identify the deeper underlying harm (such as not listening to or respecting her), appreciate why I have indeed committed an offense that should not be taken lightly, and explain to her why I am really remorseful. Instead of arguing about the garbage, we realize that this spat really concerns how we treat each other. An increased apologetic acuity can provide insights into the moral core of our relationships and make us more socially wise. This does not entail that every apology in our lives must be categorical. We may take comfort in a mere expression of sympathy and we may appreciate the sentiment of a confused but well-intentioned attempt to apologize. In all of these cases, however, deciphering the apology should help us to understand our interactions better.

The Meanings and Complexities of Apologies

Apologies are far more complex than they seem and this study, like all of my favorite books, raises more questions than it answers. As I will discuss at length in the subsequent chapters, we face considerable temptation to apply some binary standard and declare whether something “is or is not” an apology. Instead of worrying whether an example “is or is not” an apology, I wonder how well it serves certain purposes and to what extent it conveys certain kinds of subtle social meanings. I will refer to these as a “loose constellation of interrelated meanings,” but others may prefer Wittgenstein’s notion of “family resemblance.”³⁶ In some cases, a victim may desire each of the forms of meaning I mention. In others, she may only seek one sort of meaning such as a sincere expression of sympathy or a remorseless payment to cover the cost of repair.

In the initial portions of this book I attempt to defend why I prefer speaking of the various “forms” of apologetic meaning rather than “is or is not” binary conceptions. I then consider the forms of meaning that I find most

illuminating, with much of my work devoted to the inexact science of parsing the distinct spheres of meaning from each other. I begin by considering how an apology can explain the history of an injury. Contested facts often lie at the heart of moral conflicts, and this meeting of the minds between the offender and offended can in certain circumstances be the most significant and hardest-earned aspect of an apology. I then brave the knotty question of the relation between apologies and responsibilities. I subdivide this into concerns regarding 1) the distinction between accepting blame and expressing sympathy, as we often find in the form of "I am sorry that X happened to you"; 2) the general relationship between causation and moral responsibility and how debates within this complex field relate to apologetic meaning; 3) the status of accidents and surprisingly common denials of intent in the form of "I didn't mean to X"; and 4) the problem of standing, where one person apologizes for another.

I then note the significance of identifying each moral wrong in the act to be apologized for. This entails both explicitly naming the offense as a blameworthy violation of a moral value and naming each violation rather than covering over a host of wrongs with an undifferentiated and generic statement of contrition. Categorical regret also plays a role. The categorically regretful offender believes her actions were wrong and she would not undertake them again if confronted with similar circumstances and temptations, which differs from a belief that the harm she caused was justified but unfortunate. I then consider the various ways in which the performance of the apology can alter meaning. The problems of reform and reparation present numerous points of discussion, as do questions regarding the emotions and intentions of the apologizer. Each of these spheres of meaning invokes lively debates within contemporary philosophy that I cannot hope to resolve here. Instead, I note their relevance by explaining how various presuppositions would color one's view of apologetic meaning.

After outlining these spheres of apologetic meaning, I consider the relationship between apologies and gender and the often-cited presumption that women apologize more than men do. The different meanings of apologies also track various religious and cultural traditions, and I briefly suggest how contemporary notions of apologies map onto diverse practices of repentance. From here I entertain the possible meaning of unusual cases of apologizing to animals, infants, machines, the deceased, and oneself. I conclude the initial sections by examining the relationship between apologies and forgiveness. In an attempt to reconstruct some helpful shorthand for thinking about different kinds of apologies, I then classify a few different types of apologies. Rather than a set of predigested answers or a checklist, I attempt to offer a guide to how we can think about individual apologies within particular contexts.

With this framework in place, I devote considerable space to identifying the sorts of meaning possible for collective apologies, such as those offered

by heads of states and corporate leaders. Such apologies, I argue, are often quite confused and face very serious objections if they claim to offer the sorts of meaning desired from individual apologies. The conclusion previews my next book, which will be devoted entirely to apologies in law.

I intend this introduction to prepare readers for an intricate account of apologies. For those seeking a succinct guide to apologizing, you might first read the section titled Varieties of Apologies and then consult other sections for clarification. If you have a strong stomach for moral nuances and would like to see how the sausage is made, I hope reading on repays your efforts.

PART ONE

Apologies from Individuals

In speaking of lies, we come inevitably to the subject of truth. There is nothing simple or easy about the idea. There is no "the truth," "a truth" – truth is not one thing, or even a system. It is an increasing complexity. . . .

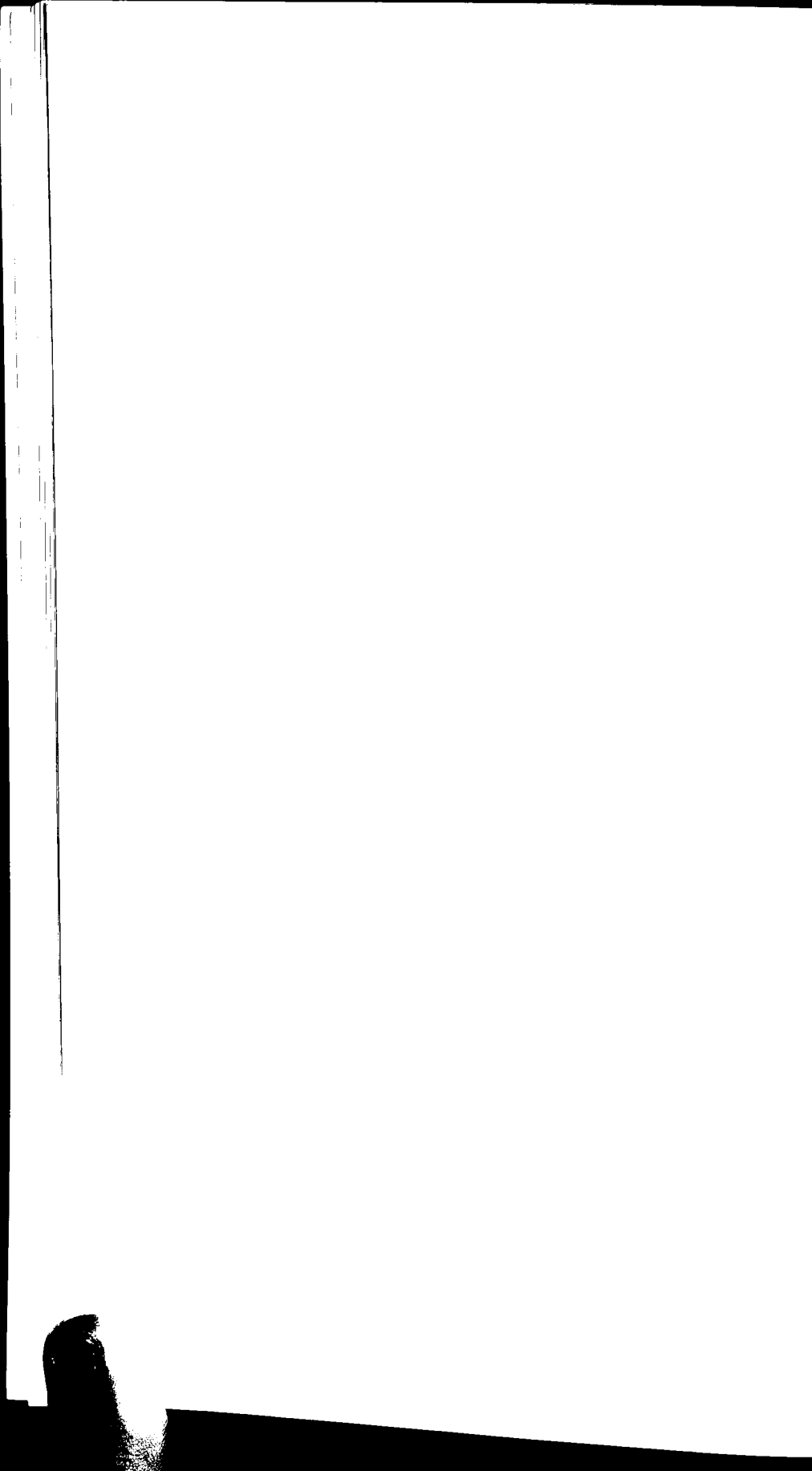
This is why the effort to speak honestly is so important. Lies are usually attempts to make everything simpler – for the liar – than it really is, or ought to be. . . .

It is important to do this because it breaks down human self-delusion and isolation.

It is important to do this because in so doing we do justice to our own complexity.

It is important to do this because we can count on so few people to go that hard way with us.

Adrienne Rich, from "Women and Honor: Some Notes on Lying"



CHAPTER ONE

The Meanings of Apologies

Much of our private and public moral discourse occurs in the giving, receiving, or demanding of apologies, yet we rarely make explicit precisely what we expect from a gesture of contrition. As a result, apologizing has become a vague, clumsy, and sometimes spiteful ritual. We intuitively understand that certain kinds of apologies can be life transforming for both victims and offenders. Some apologies, however, can be worse than none at all. Empty gestures may masquerade as soul-searching apologies, sometimes because this seems like the least burdensome means of restoring a relationship to its status quo. On other occasions, an offender may intentionally wish to deceive or manipulate a victim with an apology. Such duplicity occurs not only between adversaries but also among friends, relatives, and lovers. Whether an unrepentant executive orders her attorney to feign contrition so that an injured party will settle a claim or an abusive husband with no intention to reform says to his wife that he is "sorry that" she is upset, we can see how victims stand to suffer further injuries if they attribute more meaning to an apology than warranted.

This brings me to the passage from Adrienne Rich quoted at the outset of this chapter: "Lies are usually attempts to make everything simpler – for the liar – than it really is, or ought to be." Apologies are complex interactions, and many attempts to simplify them use 'sorry' to obscure injustices rather than to accept blame for wrongdoings. Many apologies lie.

Although I certainly have not discovered the "one true essence" of the gesture, I consider in some detail various elements central to historical practices of apologizing. By isolating these different aspects of apologies, we can gain a more honest understanding of how they form the nexus of meaning to which we refer in English as "apologizing."

I will use the neologism "categorical apology" to describe an apology that achieves meaning across each of the elements I discuss. We can understand a categorical apology as a kind of *prescriptive stipulation*, or, if you prefer, a regulative ideal. According to my account, a categorical apology amounts to a rare and burdensome act. Under certain circumstances, some forms of

apologetic meaning may not be possible regardless of how badly we desire them. This is not to say that we should dismiss anything short of a categorical apology as worthless, and I will provide classifications for typical noncategorical apologies as well. I hope that these distinctions will guide us toward the sorts of meaning we can strive for in any particular apology and help us to compare the apologies we receive with our expectations.

Rather than focusing on the semantics or definition of the term "apology," I am primarily concerned with the various kinds of *social meanings* of apologies. Instead of emphasizing the social significance of apologies as I do, one might approach their meaning from a different direction. A linguistic analyst might expect me to answer the question "What is the meaning of the word 'apology'?" Here "meaning" refers to something like the *definition* of the term "apology." From this perspective, the important philosophical work consists of determining the necessary conditions for belonging to the group of things called "apologies" and then measuring particular examples against this standard. The title of Louis Kort's essay "What Is an Apology?" captures the spirit of this methodology. Kort frames his evaluations according to the following calculus: "Let X and Y be people, and U be an utterance. Then, in saying U to Y, X apologizes to Y for something, A, if and only if the following conditions obtain. . . ."¹ One type of question guides such an analyst: "Is U an apology?" The answer to this question is either yes or no. Because it effectively presents us with two choices, I describe such approaches to apologies as binary.

Consider a few definitions from diverse methodological perspectives. Lazare, a professor of psychiatry, offers the following "basic definition" of an apology: "an acknowledgment of an offense and an expression of remorse."² While finding its primary inspiration in philosophers like J. L. Austin and John Searle, the "speech-act" tradition pervades treatments of apologies in linguistics and other social sciences.³ Austin classifies apologies as performative utterances because, under certain conditions, the act of uttering, "I apologize" is constitutive of the act of apologizing. Speaking the words "I apologize," to some extent, makes it so. This differs from uttering a statement like "I am flying" because speaking those words does not constitute the act of taking flight. For Searle, an apology is an example of an expressive illocutionary act and the "point of this class is to express the psychological state specified in the sincerity condition about a state of affairs specified in the propositional content."⁴ Searle believes that feeling is regret in cases of apologies.⁵

Some, like Marion Owen and other contributors to the academic literature on politeness, combine speech-act theory with the "face-saving" or "remedial interchange" theories of sociologist Erving Goffman.⁶ Goffman believes an apology in its "fullest form" has "several elements":

expression of embarrassment and chagrin; clarification that one knows what conduct had been expected and sympathizes with the application of negative sanction; verbal

rejection, repudiation, and disavowal of the wrong way of behaving along with vilification of the self that so behaved; espousal of the right way and an avowal henceforth to pursue that course; performance of penance and the volunteering of restitution.⁷

Like the preponderance of speech-act theorists, Goffman argues that apologies in all facets of existence are "drawn from a single logically coherent framework of possible practices."⁸

Despite the fact that Searle and Goffman devoted but a few pages between them to the subject of apologies, they inform many of the subsequent definitions. Following Goffman, linguist Janet Holmes defines an apology as "a speech act addressed to B's face needs and intended to remedy an offense for which A takes responsibility, and thus to restore equilibrium between A and B (where A is the apologizer, and B is the person offended)."⁹ Philosopher Kathleen Gill, also citing Goffman, provides the following "necessary conditions for apologizing":

1. At least one of the parties believes that the incident actually occurred.
2. At least one of the parties involved believes that the act was inappropriate. If the person offering the apology does not believe the act inappropriate, she must be willing to accept the legitimacy of the addressee having taken offense.
3. Someone is responsible for the offensive act. And either the party offering the apology takes responsibility for the act, or there is some relationship between the responsible actor and the apologizer such that her taking responsibility for offering the apology is justifiable.
4. The apologizer must have an attitude of regret with respect to the offensive behavior and a feeling of remorse in response to the suffering of the victim.
5. The person to whom the apology is offered is justified in believing that the offender will try to refrain from similar offenses in the future.¹⁰

Originating as a means of measuring the competence of those learning a second language, the Cross-Cultural Speech Acts Realization Project developed a system for analyzing apologetic speech acts across cultures and divides apologies into five components described as the "apology speech act set."¹¹ The system includes an "illocutionary force indicating device" (such as the words "I'm sorry"), an account of what caused the violation, the speaker's acceptance of responsibility for the harm, an offer to redress the injury, and a promise to forbear from reoffending.¹² Within such works we find tables indicating the "Operationalization of Apology Components and Definitions for Strength Ratings" and quantitative data measuring the outcomes.¹³

My own attempts to provide a definition of apologies collapsed under a barrage of questions. What if I express remorse for events that I did not cause in any obvious sense, for example the African slave trade or Rwandan genocide? Should this "count" as an apology? Have I apologized if I admit to causing the harm and provide some compensation, but I fear that I lack the self-restraint to act differently in the future? If I reoffend after uttering

heartfelt apologetic words and providing generous redress, do I annul my apology in some sense? Must I experience certain emotions to have apologized properly? If so, which emotions and to what degree of intensity? Or consider philosopher Glen Pettigrove's sensible view that "if we have no intention of making reparation, doing penance, and acting justly in the future, then the offer of an apology is infelicitous." Thus, he argues, "while an apology absent reparation may be an apology in form, it is not one in substance."¹⁴ But what if I apologize on my deathbed, understanding that I will regrettably never be able to complete penance, reform my behavior, or compensate the victim for the harms I caused her? If I am too poor to provide commensurate restitution, is an apology beyond my means? What if the person to whom I apologize is already dead? Can this "restore equilibrium" between us? What if my family practices a tradition requiring a repentant offender to bake an apple pie for the wronged relative, and no words are needed given the symbolic meaning of the pastry as a gesture of reconciliation? Would it be a mistake to describe an offering of this sort as an apology? More confounding questions surface when we ask about whether collectives can apologize. Does it make sense, for instance, to think of a nation as apologizing for events in its distant past? Questions of this sort riddled my attempts to offer a satisfying definition and left me with a sense that determining whether something is or is not an apology was not the question that most interested me.

I also came to realize that I wanted to think about more than speech and language. Language may relate to nearly all aspects of human social life, especially as understood by philosophers like Wittgenstein and Brandom. Searle, however, is the philosopher exerting the strongest influence on most interdisciplinary studies of apologies. He explicitly claims that to "study speech acts of promising or apologizing we need only study *sentences* whose literal and correct utterance would constitute making a promise or issuing an apology."¹⁵ Regardless of the importance of speech acts in the study of apologies, there are other aspects to rituals of contrition. In many apologies, the words exchanged provide but a glimpse into their meanings and their predominant social value unfolds in the gestures, actions, habits, and emotions of the participants. It also seems possible that one could convey considerable apologetic meaning without the presence of anything like a conventional speech act, as the earlier apologetic baking example suggests.

Some theorists limit their studies not only to the language of apologies, but also to specific words. Marion Owen's book devoted entirely to apologetic language studies "only those utterances that include phrases 'I'm sorry' or 'I apologise' and variants of these."¹⁶ For Owen, the "use of one of these key words guarantees that the move is remedial almost as unequivocally as the use of 'thank' constitutes thanking."¹⁷ Bruce Fraser agrees: "When the speaker utters, 'I apologize for . . .' there is no question that an apology has been made, or perhaps offered."¹⁸ This may be true according to some

technical sense, but I suspect that few of us would find a speaker appropriately contrite if she states "I apologize for your stupidity" after an intense argument. Similarly, linguistic analyses have focused on the locutionary structure of apologies to such an extent that some consider disingenuous acts of contrition to be legitimate examples of apologies, just as a broken promise remains a promise and a false assertion remains an assertion.¹⁹ Although this makes sense within a project that seeks only to determine what "counts" as an apology, it leaves unconsidered the fine-grained differences between apologies that make them significant to us.²⁰

Occasions also arise when an offender explains that she was morally wrong for causing harm to you, deeply regrets the pain you have suffered, provides generous compensation for the injuries, undergoes a radical transformation, and never commits the offense again. All of this could take place without the words "sorry" or "apologize" being uttered and the interaction could thus fall outside the scope of some studies of apologies. I expect such examples are quite common. Instead of offering the words "apology" or "sorry," we sometimes employ different methods to convey similar meaning. We might cognitively restructure the event, perhaps thanking a person we have wrongly delayed ("Thank you for your patience") rather than apologizing for our tardiness ("I apologize for making you wait").²¹ Alternatively, we might skip to requesting to be excused or granted forgiveness, as in "Please excuse me for wasting your valuable time." As numerous articles on obstacles faced by non-native speakers suggest, apologizing in other languages and between languages further complicates matters.²² Indeed, some cultures have no equivalent terms for "I'm sorry" and instead the offender self-denigrates or expresses appreciation for the victim's ability to bear the imposed burden.²³

I do not fault studies of the language of apologies for focusing on the proper domains of their areas of expertise to the exclusion of other perspectives. Indeed, I find their contributions invaluable. Because the philosophical study of apologies has focused on apologies as speech acts, however, I want to advise readers that I approach the subject from a different perspective. Instead of defining apologies and then judging what actions fall within the scope of this definition, I seek a theory of apologies capable of illuminating how this potentially profound interpersonal gesture can transform our understanding of our social world and ourselves. This shifts the focus from the *definition* of the term to its *value* within our lives. I want to know not only whether something is an apology, but also whether it performs certain functions and conveys desired meanings.

The Meanings of "Meanings"

In his 2003 book *Meaning*, David Cooper takes a broad view of meaning that I find compelling and applicable to the study of apologies.²⁴ In addition to the canonical texts in the philosophy of language, Cooper takes his cues

from Continental philosophers like Merleau-Ponty who understand humans as "traffickers in meaning" and words as things "into which the history of a whole language is compressed."²⁵ For Cooper, in order "to gauge the reach of meaning, we should attend to the use of the English word 'significance' and its cognates as well as to that of 'meaning.'"²⁶ In this sense, we can speak of the meaning of works of art and everyday objects like the bowler hat that repeatedly returns to a Kundera character, "each time with a different meaning."²⁷ As Cooper argues, "*anything at all* may, in the appropriate context, be spoken of as having meaning."²⁸ Cooper continues: "Just as a terrain may contain, but extend beyond, the fields that have been cultivated upon it, so the terrain of meaning extends beyond the fields of made-to-measure items." "Is there a name for that terrain?" he asks. "We might call it 'the world,' in the sense made familiar by phenomenologists... the world of things and events as... taken up into and related to our lives."²⁹ Here the study of meaning considers not only locution or syntax but also existence in its many layered and diverse forms. To underscore the point that all things can have different meanings depending on the contexts in which we find them and the frameworks through which they are viewed, we need think only of the diverse senses of meaning invoked by Grice's analysis of utterances, Heidegger's excursus on a broken hammer, Van Gogh's depiction of a wheat field, or Clov's jest in *Endgame*: "Mean something! You and I mean something! Ah, that's a good one!"³⁰ Even silence or nonsense will have different meaning depending on where we find it.

My primary question is not "What is the meaning of 'apology'?" but rather "What are the social meanings of apologies?" We share a sense that an apology can be monumental or insignificant, just as we might consider the day of our marriage ceremony more meaningful than a typical day at the office. This sense of "meaning" as a descriptor of the value or worth of an apology interests me most. Unless they restrict their study to a biological classification of "life," philosophers do not use "meaning" to refer to a definition when they speak of the "meaning of life." Instead, meaning invokes a "sense" of how the world and our experiences in it come to have importance for us. Meaning here includes not only what is signified, but also what is significant, valued, worthy, and interesting. Such existential meaning considers, as phenomenologists refer to it, *lived human experience* as well as the linguistic conventions that contribute to such experiences. From this perspective, we can see how a question like "What is marriage?" differs from asking, "What does it mean to be married?" Understanding the meaning of marriage requires conversations about the subjective beliefs, ambitions, and emotions of specific individuals as they occur within vast networks of social values, religious and political histories, gender roles, and economic forces. The same is true regarding the meaning of a first kiss, a dollar bill, or an apology. I therefore explore not only the question "What is an apology?" but also the broader issue "What does it mean to give and receive an apology

in a given context?" Here the significance of an apology relates to a broader cradle of meaning in which it nests, including ultimate frameworks such as those provided by religious worldviews. A benefit of this approach arises from its attention to how underlying social conditions inform nuanced interactions like apologies. The meaning of an apology does not exist exclusively within the minds of victims and offenders, but also within and because of the elaborate social space between them. This should also help us to remember that apologies hold meaning for offenders and communities as well as for victims.³¹

I argue that apologetic meaning can span several different "forms," "kinds," or "spheres" of value (to reference Michael Walzer's *Spheres of Justice*).³² Apologies can be valuable in diverse and distinct ways. I devote the bulk of the initial portions of this book to explaining the various kinds of meanings apologies can have, but they include things like the offender admitting that she did something wrong, accepting responsibility for the harm she caused, and experiencing appropriate emotions. Others have noted several of the elements of apologies that I will consider, but I enjoy the luxury of examining each element and the relations between the elements in more detail than previous treatments.

Some apologies offer considerable significance across all of the central forms of meaning, and I describe these as categorical apologies. Other apologies provide limited meaning for a few of the forms, and some expressions offer little or no apologetic meaning in any of the forms. Some meanings are primarily instrumental and serve other purposes; some apologetic meanings are inherently valuable. An apology can be highly meaningful in one way while being almost meaningless in another, for instance by accepting blame for an injury but failing to provide any redress for the harm. As in Walzer's *Sphere of Justice*, the meanings between the forms of apologetic meaning are largely incommensurable. If a tycoon injures me and writes me a generous check but refuses to admit wrongdoing, the meaning associated with accepting blame will be absent regardless of how much she pays me. Inversely, an admission of wrongdoing without redress would lack a certain kind of meaning regardless of how emphatically the offender denounces her actions.

We can use the following terms, some of which may resonate a bit differently across disciplines, to describe aspects of my methodology: multivariable, multidimensional, contextualist, and both descriptive and prescriptive without committing to a single moral theory. We might think that we can locate every apology on a single one-dimensional scale from the meaningless to the meaningful, but I claim that apologies achieve varying degrees of diverse forms of meanings in contextually specific fields of significance. The forms of meaning interrelate, but they can be sufficiently parsed for study. It also seems unhelpful to describe separate instances of even categorical apologies as "equally" meaningful. Perfunctory apologies for grievous injuries may be more meaningful in some respects than apologies for minor

harms that cover all of the forms. It is also possible that some apologies will be meaningful for reasons other than their quality as apologies, as I can imagine that an apology from my favorite celebrity for stepping on my toe could be significant for me even though I care little about its "apologetic" meaning.

The meaning of any apology derives from its particular actors and context, and I doubt it would be useful to argue for the existence of a necessary and universal essence of a social practice like apologizing in light of its range of meanings and cultural nuances. I do believe, however, that apologies can provide a core of coherent and profound meanings when we maintain the thick conception of them offered here. If we are "traffickers in meaning," to play on Merleau-Ponty's phrase, I offer something like an overhead view of the patterns of traffic in the sprawling cultural landscape of apologies. I try not only to describe those patterns but also to improve the signage and suggest better routes.

For the most part, we do not need to commit to any single underlying ethical theory when analyzing apologies. In some instances, our conceptions of apologies rest on foundational accounts of morality or endure as residue from times of greater normative certainty. Our commitments to shared principles can have many sources. Some understand their moral beliefs to be universally grounded while others live with a relativistic conception of their values. In order for us to share a value, however, we need not share a foundational account of that value. One's commitment to racial equality, for instance, may spring from any number of competing worldviews. Although I attempt to flag instances where a divergence in ethical frameworks might be salient, in most cases my claims should be equally compelling or disagreeable to Kantians, utilitarians, virtue ethicists, rational choice economists, and others. I try to note where consequentialists would take a distinct approach to an issue, and my account may occasionally appear Kantian when referencing dignity, respect, objectification, or instrumentalization. I invoke these notions not as a presupposed metaphysics of morals but because many readers will consider them essential reference points when evaluating social practices. To this end, I will also consider the relationships between apologies and various religious and cultural practices.

Despite these qualifications, I hope to demonstrate that for each injury there exist possibilities for more and less meaningful apologies. Approximations of categorical apologies – gestures that do not provide certain of the available kinds of apologetic meaning – can prove meaningful in their own right. We should take care, however, to understand how they fall short of categorical apologies because many mimic the meaning of full apologies without doing the required work.³³ I believe the elements outlined here are implicit in our commonsense expectations of apologies but that various social forces have caused slippages in meaning. We should correct this if we hope to achieve a better understanding of the practice and preserve its more

meaningful expressions. Rather than asking what an apology *is*, I hope to provide some insight into what an apology *should be* in various contexts.

Responding to Preliminary Objections

I should attempt to forestall a few potential confusions here. The notion of a categorical apology appears to belie my claim that I want to focus on social meanings rather than definitions: Ultimately, something is a categorical apology because it satisfies certain necessary conditions or it is not. Although I believe we – and I will say more later about who belongs in this “we” – have such a categorical apology in mind when we seek a “full” apology, I use the notion of a categorical apology as a matter of rhetorical convenience rather than as a metaphysical assertion. In other words, I offer a prescriptive stipulation to create a kind of shorthand for an apology that rises to a certain level of comprehensiveness and intensity. I could have raised or lowered the standard somewhat without losing its prescriptive force. My determination of what counts as categorical, I admit, is entirely contestable and the definitional questions raised against other theories can challenge my notion of the categorical apology as well. I leave readers to ask these questions of my account as they arise in particular contexts. I imagine that the substance of my analysis will be of value primarily in sensitizing us to the gritty details of apologetic meaning, and I would be delighted if this leads to more interesting questions about these enigmatic gestures. If someone desires a “full” apology, this text may help her think through what sorts of meaning that might require. Characterizing an offender’s actions as a categorical apology amounts to perhaps the least significant aspect of the analysis, and I hope that my neologism does not prove too distracting.

One might object that my lack of a final definition of apology renders me incapable of authoritatively describing actions that obviously do not amount to apologies as such. Some statements, we might think, are just clearly not apologies. Suppose my wife tells me that she will not share a meal with me until I apologize for a recent infraction. I respond by asking her to “please pass the salt.” By most accounts, my request for the salt surely does not deserve to be considered an apology. Notice the work we must do to explain why this seems so obvious. We will probably recite a list of meanings that my request does not satisfy, claiming that such meanings are essential components of an apology. Not only does my request not satisfy these criteria, but it also seems to fall short in every sense.

But what if the argument that gave rise to her ultimatum concerned my poor table manners, as my boorish habits have grown intolerable to her and she refuses to eat with me until I become more polite? In this light, my request that she “*please pass the salt*” takes on more significance as an indication that I have at least momentarily made an effort to reform. Perhaps from this moment forward I am a model of etiquette. What seemed like a clear example of something that was not an apology now drifts into a recognizable realm

of apologetic meaning. Alternatively, imagine that I said, "Sorry, please pass the salt." Does the presence of the word "sorry" make the gesture more apologetic? Would it now be "enough" of an apology to qualify? We need to know more. How did I intone the word? What were my intentions and emotions at the time? Did I reform my behavior? Or did I use "sorry" here as I might ask a stranger at the next table in a restaurant, "Excuse me, please pass the salt." Whether either gesture satisfies my wife will depend on the meaning she seeks. We can also imagine even less apologetic cases, for instance, if I responded to my wife's complaints about my manners by telling her that I find her sensibilities bourgeois and if she does not like eating with me she can file for a divorce. It would be difficult to find any apologetic meaning here, but I suspect we have little need for a framework like mine in such cases because neither of us contests "whether I have apologized or not."

As with all interesting philosophical discussions, each of these questions leads to more fundamental and difficult issues. Do my intentions determine the worth of my actions, or should my wife's perceptions and the consequences of my statement provide the best measure? What are emotions, are we in control of them, and must requisite emotional states accompany moral acts? Does our exchange around the dinner table represent an intricate moral drama between autonomous agents or an absurd struggle for power between petty and vindictive automatons? Fundamental questions of this sort haunt all social interactions, and I hope to explain how a robust treatment of apologies cannot ignore them.

According to my account, there are no precise boundaries regarding the significance of apologies. Just as they have throughout history, the meanings of apologies will surely change once again. As Nietzsche put it, we tend to act "as if every word were not a pocket, into which now this, now that, now several things at once have been put!"³⁴ Ultimately, "apology" provides but an artifact of human intellectual organization bobbing in the confluence of streams of meaning. Like a continually transforming river, no absolute boundaries mark its banks. We can, however, map the contours of the terrain and study the conventions and practices that run through its many tributaries.

Although a degree of indeterminacy seems prudential in any philosophical treatment of this kind, I hope to convince readers that it can be especially misleading to understand apologies as providing closure, finality, or even balance to the scale of justice. As Martha Minow has warned regarding political forgiveness, "[t]here are no tidy endings following a mass atrocity."³⁵ Whether there exists a ledger in the heavens against which we can compare the meaning of an apology and the meaning of injury may be an open question for some, but I know of no such standard on Earth. Instead, apologies provide another ritual within the infinitely complex nexus of life's meaning. I do not mean to imply that there are never clear examples of apologies or

that apologies leave us drowning in a sea of indeterminateness. Instead, we can appreciate that the dialectical nature of apologies immerses us in the richness of human experience.

A few further terminological notes may prove useful before we begin considering the various apologetic elements. As I discuss further in the sections on intentions and emotions, note that an apology can be "sincere" without being categorical. One can apologize, for instance with sincerity and in good faith to the wrong person or for something for which they have no standing to apologize. In other words, an apology can lack certain kinds of meaning even if the apologizer "really means it." I similarly avoid using "genuine" because of its definition as either authentic in origin or motivated by sincere intentions. Finally, I could place nearly every reference to the term "apology" in scare quotes given the contested status of many of the examples. That would be quite annoying, and I will instead trust readers to sustain their critical sensitivity to the complexities of the many usages of the term.

CHAPTER TWO

Elements of the Categorical Apology

A. Corroborated Factual Record

Contested facts often lie at the heart of moral injuries. From the outset, apologies stand a better chance of bearing significant meaning if the offender and the offended share an understanding of the facts relevant to the transgression at issue. Although our interpretations of events may evolve over our lifetimes, much of our understanding of our selves and our world results from piecing together ambiguous fragments of information into a moral narrative. Not only do we want to understand what happened after a confusing or traumatic event, but we also want the offender to share our understanding. With this, my version of events becomes more than my biased perspective. In truth and reconciliation tribunals, for instance, establishing an official account corroborating victims' claims provides a primary function of the proceedings. Family members want to know how their loved ones suffered or died, who pulled the trigger, who issued the orders, and other information relevant to their understanding of the injury. Such information not only allows victims to reconstruct and judge the transgressions, but it can serve to memorialize the event and elevate its status above rumor and hearsay. Confronting this record can also bring offenders to appreciate the full gravity of the injury, awakening them to the reality and scale of suffering at issue. Denial and minimization become increasingly difficult.

On some occasions, this may simply be a matter of the offender admitting what the offended already knows or believes: I clearly saw you destroy my property, and I want you to admit doing so either to me or to a third party. At other times, we may enjoy less certainty about the events. Suppose my wife and I return from a vacation to find the cherished rocking chair from my great-great grandmother destroyed. If my neighbor informs me that my eighteen-year-old son had an unauthorized party in our house while the rest of us were away, I will want to hear more from my son. Although I may not need to know all of the details regarding what transpired at the party, I will want to know the morally salient ones. Did he plan the party? Did the party consist of him and his two best friends, or was the house full of people he

barely knew? How was the chair broken, and who broke it? We can imagine the various sorts of information we might find pertinent in such a situation.

It can be difficult to distinguish the process of gathering information from the act of assigning blame. At this stage, we try to establish a record upon which we can judge wrongdoing; once we know what happened, we have a factual record to evaluate. Exculpatory facts may emerge in the process of learning about the events. My son might explain that he was studying with his two friends when several uninvited classmates stormed the house. If credible, such information would likely shift our moral judgments and thereby alter the meaning of – and perhaps the need for – an apology from my son. Again, we need a factual record to consider before an apology can go much further.

I should emphasize that the offender's mental states at the time of the offense will often amount to significant facts. What, for instance, were the offenders' intentions and emotions? Did my son throw the party to spite me in response to being punished? Knowing the symbolic meaning of the heirloom chair, did he intentionally destroy it as an act of contempt for our family? Did he mistakenly believe that he had permission to have a party while we were away, and the destruction of the chair resulted from an unforeseeable accident? I consider the role of these distinctions at length later, but I mention them here in order to point to their status as elements of a thorough factual account of an offense. Given the number of apologies that claim the offender "did not mean to" cause the harm at issue, it seems especially important to include this information in the record to the best of our ability.

This fact-gathering dimension of apologies may seem so obvious that we often miss it completely. If I confront my son about the party and broken chair and he responds by saying "I'm sorry" or even "I'm really sorry and it will never happen again," I have limited means of judging just what he did. For what does he apologize? What will he never do again? If I do not know what he apologizes for, then the meaning of the apology remains inscrutable to some degree. Consider a similar gap in the apology provided by scuba instructor Karl Jesienowski, who failed to notice that he returned to shore after an outing with two fewer customers than he departed with, leaving them to die on the Great Barrier Reef. "Somehow they fell through the system," he stated, "I apologize, I sincerely apologize."¹ Based on this statement, we do not know the circumstances surrounding the deaths. For just what, specifically, is he apologizing? Was he drinking on the job? Was the boat overcrowded and understaffed? Did the divers engage in risky behavior that might shift culpability to them and away from Jesienowski? Alternatively, perhaps an unforeseeable equipment failure played a prominent role in the accident. As I consider later, such details can be quite significant when assigning blame and evaluating the worth of an apology.

A crucial absence of information can occur even when the offender expresses considerable contrition, for example when Chinese Premier Zhu

Rongji responded to allegations that an explosion in a rural school killing thirty-eight children resulted from the underfunded school's efforts to raise money by manufacturing fireworks. He stated: "I believe that, no matter what the facts are, the State Council and I both bear unshirkable responsibility."² Although Lazare finds this a "successful apology" according to his criteria, it would convey more meaning if it explained precisely what occurred and stated Zhu's own as well and his government's role in the tragedy.³ Otherwise we do not know what Zhu accepts responsibility for, as he could be apologizing for initially denying the story, for not funding the schools adequately, for forcing the children to work, or for failing to promulgate safety standards that would have prevented such a catastrophe. Without the factual record established in this manner we also cannot judge if Zhu and the council have standing to apologize, as discussed later.

If the accused denies facts material to the offense, the discrepancy must be resolved before some forms of meaning will be possible. An apology will occasionally admit to general wrongdoing while strategically concealing or misrepresenting facts, and we should be wary of subreption in these cases. During his gubernatorial campaign, six women accused Arnold Schwarzenegger of sexually harassing them earlier in his career. He responded with the following statement:

I want to say to you, yes, that I have behaved badly sometimes. Yes, it is true that I was on rowdy movie sets and I have done things that were not right which I thought then was playful but now I recognize that I have offended people. And to those people that I have offended, I want to say to them that I am deeply sorry about that and I apologize because this is not what I'm trying to do.⁴

Notice the generality of his admission, as he confesses to "behaving badly" and doing "things that were not quite right." What exactly did he do? Did he sexually harass the six women or not, and how do we define that offense? Is he apologizing for such serious offenses, or merely expressing regret that his "playfulness" has been misconstrued? Is he admitting that he committed wrongful acts, but denying wrongful intent? Surely this matters not only for the meaning of Schwarzenegger's apology, but also for his political career and the underlying legal claims against him. Does he craft his words to limit his legal liability while still appearing like a reformed and sensitive man? Also note how Schwarzenegger spins the facts, apologizing for his behavior on "rowdy movie sets." Perhaps he offers this fact because we might believe that lewd behavior is more acceptable in the hypersexualized and objectifying backrooms of Hollywood, thus mitigating the offensiveness of his actions. Perhaps, in his estimation, his suggestion that he was involved in such sexual escapades would further enhance his status as an icon of machismo rather than a bumbling molester of the women who rejected his unwelcome advances. According to the harassment allegations, however,

several of the acts in question occurred in a gym, a café, a hotel room, and on a public street rather than on the mythological movie set.⁵

Another common strategy to frustrate a victim's attempt to establish a factual record involves a conditional apology, stating something to the effect of "if I did X, as you claim I did but I deny, then I am sorry for X." Senator Robert Packwood's public statements after being accused of sexually harassing at least a dozen women provide an infamous example of this. "I'm apologizing," Packwood said, "for the conduct that it was alleged that I did."⁶ Packwood insinuates that if the allegations were true then he would apologize, but he denies their truth. This allows him to recognize the norm at issue – that sexual harassment is indeed wrong – while denying that he has breached it. Although commentators often cite Packwood's statement as an example of a "bad apology," similar tactics are more common than we might think. Alleged offenders often say something like "If anyone was hurt by my actions, then I apologize." Whereas such a statement may confirm that the offender did *something* that some *may* consider offensive (I consider later the failure to affirm that others would be justified in taking offense), the offender refuses to recognize or name the injury at issue. This leaves open the possibility that there is no injury to speak of, and failing to confirm the existence of an injury may infuriate someone who claims to have been injured by the apologizer. We commonly find speakers of sexist or racist remarks prefacing their apologies in this way, speculating that "if anyone was offended by my comments, then I apologize." Setting aside the question of whether the remark indeed offended someone, an apology may be appropriate from a deontological perspective regardless of the consequences of a morally insensitive statement because not every wrong involves injury or offense to someone. One might need to apologize because she has breached a moral duty, and this could be the case even if no one claims to be injured. For these reasons we should be wary of apologies making use of an "if" in these ways. I will say more about this later.

There may be cases in which the accused genuinely does not know what transpired, for instance if she were to awaken from a violent accident having no memory of committing a transgression attributed to her. An apology under such circumstances may not be able to provide the victim with meaningful information, and the offender might resort to apologizing on a record of events reconstructed by others. We can also be wary of those who claim not to have knowledge of the facts as a passive means of implying that no transgressions occurred. This returns us to Packwood, who later claimed that he "didn't know" three of the seven women accusing him of harassment and did not "recognize" their stories.⁷ Thus he offered another apology: "If I did things I can't remember, didn't know, or to people I didn't know, I'm embarrassed and I apologize."⁸ Packwood appears to apologize for *not remembering* rather than for the acts he allegedly fails to remember,

but even if he stated that he apologized if he harassed anyone, this would still surely lack most apologetic meaning. Suppose I state: "I apologize if I murdered Abraham Lincoln." We all know that I did not commit this transgression, and therefore I do not apologize. I merely recognize that if I were the murderer, then it would be appropriate to apologize. Again, I affirm the value at issue without implicating myself in transgressing it.

Like offenders, victims and accusers may also face temptations to misrepresent facts relevant to an apology. Victims might embellish their injuries for various reasons, and beyond cases of an offender's memory loss we can imagine situations in which a victim or her advocates hold power over the accused and coerce her into offering an apology for acts she knows she did not commit. A parent may command a child to apologize for something she did not do, and a sentencing judge might require a convict to apologize for an offense even if she maintains her innocence. An offender might also offer an apology based on facts later proven wrong or that both parties know to be inaccurate. In the former, parties may revise meaning across the spheres of apologetic value depending on the significance of the new information. In the latter, the apology may maintain various forms of meaning primarily oriented to the community without providing much of the meaning usually specific to the apologizer and recipient of the apology. In order to deflect blame within a political administration, for example, a cabinet member might stage a public apology to the president for committing an offense that both know is actually the president's fault.

Legal proceedings undertake factual discovery of varying degrees of breadth and depth in order to establish an official account sanctioned by the state. For some, this corroboration of their story and memorialization of their injury may constitute the primary benefit of the legal action. According to one study, most victims of crime consider learning what transpired and why as more important than restitution for the injury.⁹ In this light, Minow discusses Judge Marilyn Patel's 1984 *coram nobis* opinion reconsidering the U.S. Supreme Court's original decision in *U.S. v. Korematsu* upholding the constitutionality of the U.S. government's forced relocation of approximately 120,000 Japanese and Japanese-Americans to internment camps during World War II. For Patel, these proceedings allowed her to correct history not only by vacating Fred Korematsu's conviction but also by revising the factual record regarding Japanese internment within the law books of the United States.¹⁰ Such meaning is distinct from and incommensurable with that provided by the Civil Liberties Act of 1988, which provided an apology for the internment as well as \$20,000 for each surviving internee. Sir Hartley Shawcross, the lead British prosecutor at the Nuremberg War Crimes Tribunal, appreciated that his objectives consisted not only in convicting the accused Nazi offenders but also in recording facts for the ages: "This tribunal will provide a contemporary touchstone and an authoritative and impartial record to which future historians may turn for truth and future

politicians for warning."¹¹ Of course, problems of objectivity, indeterminacy, revisability, and inexplicability riddle all attempts to write history. As new facts and interpretations come into light or favor after an offender has issued an apology, meanings will shift accordingly.

We should notice that an offender might confess and recount her deeds without offering anything recognizable as an apology. Many conflicts never move past this stage, as the alleged offender may admit the deeds but dig in her heels and defend them. To use a humorous example, such a scenario unfolds over the course of a *Seinfeld* episode as George badgers an acquaintance progressing through the steps of the Alcoholics Anonymous program to apologize to him. George alleges that his friend refused to lend him his sweater because he said that George would "stretch out the neck hole." When George confronts him, the friend admits his deed, defends it, and offers sarcastic sympathy: "I'm so sorry that I didn't want your rather bulbous head struggling to find its way through the normal-size neck hole of my finely knit sweater."¹² Admissions and explanations may help us understand what happened and perhaps even why it occurred such that we can take measures to avoid similar harm in the future, but we can achieve this without anything like regret or remorse. In this light, consider G. H. W. Bush's defiant statement during the 1988 presidential campaign after a U.S. cruiser shot down an Iranian plane and killed 290 civilians: "I will never apologize for the United States of America, I don't care what the facts are."¹³

Lastly, *how* these facts become known will also influence their meaning. If the offender freely comes forward and provides an account that proves to be honest, accurate, and potentially ruinous in terms of economic, social, or legal consequences, this differs from learning about the events against the offender's will. If someone came to my door, explained to me that she had stolen my car many years ago, and wanted to apologize, this would be quite different from hearing an apology from her after she was convicted and awaiting sentencing for the offense. An admission of the former sort – if accompanied by other considerations discussed later – could be so morally significant that I might forgo legal action altogether.

B. Acceptance of Blame

1. Distinguished from Expression of Sympathy

I should first distinguish several senses of "moral responsibility" that apologetic discourse tends to conflate. First, I may have a *duty* – or what we can describe as a moral responsibility – to help others even if I did not cause their injuries. If I find a badly injured person lying in the street, by most accounts I should help her even if I did not cause her injury. Providing such aid is my moral responsibility regardless of whether I deserve blame for her condition. Notice how we can use this sense of moral responsibility as duty to describe

my obligations to provide charity or disaster aid relief even if I did not cause the unfortunate circumstances in any obvious sense.

Second, I might also have a nonmoral responsibility to remedy situations caused by others, for instance if my job requires me to fix problems that others create. This might apply to a janitor who cleans up after others or a president left to fix the problems created by her predecessor.

Third, moral responsibility can also mean that I caused a state of affairs and therefore any praise or blame for this should be directed at me. We can call this *causal moral responsibility*. I might explain that I am morally responsible for the injuries of the person lying in street because I forcefully restrained her when she attacked a child. Here I am responsible for the injury in the same sense that a police officer is morally responsible for a heroic rescue: I caused the state of affairs and I may deserve praise for doing so. Note that I can accept causal moral responsibility even if some disagree that my actions are praiseworthy or blameworthy, as a president may assert causal moral responsibility for an initiative regardless of its popularity.

Blameworthiness, which is most applicable to categorical apologies, admits both causation and wrongdoing. Here I might admit that I caused the injury as I attempted to rob the person and therefore I deserve all of the blame.

With those distinctions in mind, we can notice the ambiguity of a spouse or a political leader's claim that she "takes responsible for X." Does she mean that she will fulfill her moral duty to remedy an injury that she did not cause, that she is bound by her position to solve the problems created by others, or that she caused the harm and accepts blame for it?

Some gestures do not assert responsibility in any of those senses. Notice the differences in meaning between the following statements: 1) "Your grandmother died"; 2) "I killed your grandmother"; 3) "I am sorry that your grandmother died"; and 4) "I am sorry that I killed your grandmother." An historian might state the first claim when tracing your family genealogy, for instance explaining that "your grandmother died in 1950." She would not accept responsibility in any of the stated senses. A state executioner might speak the second, coldly recounting the fact of death and its cause in stating that "I killed your grandmother in accordance with governing standards of capital punishment." The executioner accepts causal moral responsibility and believes that the act is justified. Although these two statements could be uttered without offering anything that we might ordinarily understand as an apology, the third and fourth statements cause more confusion. We can distinguish between expressions of sympathy, which often take the form of "I am sorry that X occurred" found in the third example, from apologies that accept blame for an injury. Unless I am confessing to wrongly killing your grandmother and accepting blame for her death, we would not think of a phrase like "I am sorry that your grandmother passed away" as an apology. It offers sympathy rather than contrition.

The difference between such statements would be stark, for instance, if a friend indicated that she "accepts my apology" after I expressed condolences for her grandmother's death.¹⁴ Her response would indicate that she misunderstood my gesture, and it might provoke me to clarify that I did not intend to intimate that I harmed her grandmother. I might elaborate on how much I love the deceased, the depth of my sorrow, and perhaps my intentions to assist her family in this time of need. Conversely, if she responded to my gestures of condolences by exonerating me and explaining that I "hadn't done anything wrong," this would similarly reflect that we were miscommunicating. As referenced previously, these subtleties may cause particular difficulties for non-native speakers of English. Without minimizing the importance of sympathy, we can notice the clear difference between using the passive voice to state "I am sorry that your grandmother was killed" and the active voice to state "I am sorry that I killed your grandmother." The active voice claims responsibility. The passive does not. Thus when Cardinal Bernard Law states that "[j]udgments were made regarding the assignment of [child sex offender] John Geoghan which, in retrospect, were tragically incorrect," the passive voice allows Law to avoid explaining precisely who made those incorrect decisions.¹⁵ In this sense we can notice how factual questions (who made the decisions?) can be difficult to separate from assignments of responsibility.

The shared word "sorry" in statements three and four leads to a lack of clarity regarding the role of causation in apologies, which in turn creates a variety of confusions and possibilities for manipulation. It would seem comical to imagine criminal investigators misconstruing my condolences for my friend's grandmother's death as an admission of guilt, yet jurisprudential scholarship has paid considerable attention to questions regarding whether statements of sympathy should be excluded from evidence in legal proceedings.¹⁶ In testament to just how misguided popular conceptions of apology can seem, several states have revised evidentiary law to exclude sympathetic language – distinguished from admissions of any kind – from evidence in some legal proceedings.¹⁷ The need to legislate for such "safe apologies" suggests an astounding history of legal parties construing statements such as "I am sorry for your suffering" as an admission of guilt. Codifying measures to allow for expressions of compassion in legal contexts may reduce this confusion, but naming them "sympathy apologies" seems to perpetuate the conflation of sympathy and apology.

We can note here several examples in which officials attempt to deflect causal responsibility while still offering something like an apology. The effort to generate an on-line list where Australians can "apologize" (May 26 is "Sorry Day" in Australia) for their government's forcible removal of aboriginal people presents a clear case of eliminating causal responsibility from an apology. In order to encourage participation, the organizers state: "If you don't want to add your name to the list" you should not worry that your

signature would amount to an admission of responsibility because “[a]n apology says ‘This should not have happened; this should never happen again.’ It doesn’t say ‘I was there and let it happen; I am guilty.’”¹⁸ Nearly twenty-five thousand people have signed the petition. It seems difficult to discern how such an apology differs from the condolences offered for a deceased relative considered earlier. I might say “this should not have happened; this should never happen again” about any unfortunate historical event, including one such as the Holocaust that occurred before my birth. Yet until I accept blame for the event, such a statement looks more like a declaration than an apology. Few would construe an Auschwitz survivor’s statement that the Holocaust was wrong and should never happen again as an apology for the Holocaust, unless she accepted some blame – perhaps for collaborating with or failing to resist the Nazis. This is not to say that contemporary Australians cannot take responsibility for their part in contributing to the continuing suffering of aboriginal people, perhaps by enjoying unjust benefits at the expense of previously exploited people or by allowing, failing to remedy, or committing further acts of discrimination. We can mark a clear distinction, however, between declaring that others committed wrongs in the distant past and accepting personal blame for the transgression. Both may provide important meaning, but the meanings provided are distinct in form.

Because it has crystallized as a linguistic symbol of everything that we associate with apologizing, the word “sorry” can serve as an effective stratagem given the common conflation of its various meanings. Some exploit the confusion between statements accepting and avoiding responsibility, hoping that including “sorry” will cause the victim to believe that she has received a more meaningful apology than what the offender offered. Understanding the meanings of “sorry” is in part the work of this entire book, but we can note *prima facie* how “sorry” can refer to pity, sorrow, or misfortune (“I feel sorry for you”) on the one hand, or regret for causing a harm (“I am sorry for insulting you”) on the other. The notion of “sorry” as inferior or without merit – as in “a sorry state of affairs” or a “sorry excuse for a newspaper” – further complicates the use of the term. A strategically inserted “sorry” therefore often works as a red herring when an accused party wishes to appear contrite without admitting wrongdoing.

The offender’s acceptance of causal responsibility also releases the victim from doubts regarding her responsibility for her suffering. In domestic abuse cases, for example, the victim often mistakenly believes that her injuries are at least in part her fault. With moral responsibility delineated, we can properly transfer blame from a victim to the offender. Note, however, that a third party such as a judge can also accomplish this.

Consider President G. W. Bush’s statements concerning the torture of prisoners at Abu Ghraib prison. In initial interviews with al-Hurra network and the al-Arabiya satellite channel, he stated: “People in Iraq must understand that I view those practices as abhorrent” and “that what took place in that

prison does not represent the America that I know."¹⁹ Many commentators found Bush's defensive statements inadequate and called for an apology. The following day White House spokesperson Scott McClellan told reporters that the president was "sorry for what occurred" in the prison.²⁰ National Security Advisor Condoleezza Rice similarly expressed "the United States' deep sorrow over the U.S. troops' abuses against the Iraqi prisoners."²¹ Amidst a rising demand for Bush to personally utter an apology, later that week he included the word "sorry" in recounting his conversations with Jordan's King Abdullah II, stating that he was "sorry for the humiliations suffered by the Iraqi prisoners and the humiliations suffered by their families." He added: "I told him I was equally sorry that the people that have been seeing those pictures did not understand the true nature and the heart of America, and I assured him that Americans like me didn't appreciate what we saw and it made us sick to our stomachs."²²

Setting aside questions regarding whether the president was in any sense causally responsible for the torture because of the policies encouraged or permitted by his administration, we can see that none of his statements provide more than an expression of sympathy and a refutation of charges that Americans enjoy Iraqi suffering. Instead of accepting blame for the harm, the president's statements deflect accusations that the causal chain leads back to high-ranking U.S. officials and attempt to diffuse the impression of a sadistic U.S. military left by the gruesome images. Thus Bush's use of "sorry" offers condolences and a defense rather than an acceptance of his own causal responsibility or blame for the atrocity. Defense Secretary Donald Rumsfeld maintained this strategy: "To those Iraqis who were mistreated by members of the U.S. armed forces, I offer my deepest apology. It was inconsistent with the values of our nation, it was inconsistent with the teachings of the military to the men and women of the armed forces, and it was certainly fundamentally un-American."²³ Rumsfeld offered what he calls an "apology" while implying that he cannot take responsibility for the offenses because they are contrary to the military training he oversees. Such a claim supports the administration's position that a few rogue soldiers performed the acts.

The work of accepting personal blame was left for low-ranking reservists like Sabrina Harman, who by her own account operated under the presumption that Army intelligence "made the rules [for detention and interrogation] as they went" and believed that the job of "the MP was to keep them awake, make it hell so they would talk."²⁴ "As a soldier and military police officer," Harman stated, "I failed my duties and failed my mission to protect and defend." She continued: "I not only let down the people in Iraq, but I let down every single soldier that serves today [because my] actions potentially caused an increased hatred and insurgency toward the United States, putting soldiers and civilians at greater risk." By emphasizing the harm to fellow U.S. soldiers rather than to the detainees, she invokes a common problem that I discuss later regarding naming the lesser wrong. It is also similar to

the administration's tactic of responding to the torture primarily in relation to its impact on the United States' campaign rather than on those who were brutalized. After her conviction and during her sentencing hearing, Harman did not blur the issue of moral causation: "I take full responsibility for my actions. . . . The decisions I made were mine and mine alone."²⁵ We can notice here, as I consider later, the relevance of her audience. If she addresses fellow U.S. soldiers, they will be especially interested in an apology from her that appreciates the harm done to the U.S. effort.

Occasionally offenders will go so far as to utter words accepting personal responsibility only to retract their meaning. Bridgestone-Firestone CEO Masatoshi Ono offered the following statement in response to his role in the deaths and injuries of numerous drivers of vehicles equipped with his company's tires: "I come before you to apologize to you, the American people, and especially to the families who have lost loved ones in these terrible rollover accidents. I also come to accept full and personal responsibility on behalf of Bridgestone-Firestone for the events that led to this hearing."²⁶ Given that Ono claimed to accept full responsibility for the "events that led to this hearing," he appeared to accept blame rather than merely express sympathy or recognize a duty to assist the injured parties. As investigations unfolded, however, Ono explained that he intended this statement to offer merely "sympathy expressed for those individuals who operated vehicles using our products and got into accidents." Even though he was on the record explicitly accepting "full and personal responsibility," he explained that he meant only to offer condolences: "If we are deemed responsible for the accidents, that is another matter. However, there are maybe outside causes that caused the accidents. Then, I wouldn't say we're responsible for the accidents."²⁷ Thus even when the offender describes her statements as an apology and accepts responsibility, such statements may not be what they seem considering the ease with which we move between distinct notions of responsibility. We can also view President Bush's statement after Hurricane Katrina in this respect. "Katrina exposed serious problems in our response capability at all levels of government," he confessed. "To the extent the federal government didn't fully do its job right," he declared, "I take responsibility."²⁸ Yet he leaves us to wonder about the nature of such responsibility if he admits no personal wrongdoing of any kind, not even for his appointment of an unqualified crony to head the Federal Emergency Management Agency.²⁹

2. Causation and Moral Responsibility

In order to accept blame, the offender must parse precisely for what she is causally responsible. Although this may seem simple enough in many cases, assigning blame for injuries opens a range of notoriously knotty issues regarding the metaphysics of causation and its relation to moral responsibility. I cannot provide even a cursory overview of this broad and deep field,

but I will mention a few concerns briefly here in order to flag areas where issues of causation can create contested meaning in apologies.

An example may help illuminate the sorts of difficulties I have in mind. Suppose I have an appointment to meet a friend for dinner, but at the last moment I decide to attend a film with other friends. In the rush to make the movie on time, I do not even call my friend to cancel our dinner meeting. As in many cases, issues of causation and blame are straightforward: I wronged my friend, she should trace any harm she suffers as a direct result of this wrong to me, and I should apologize to her. But what do we mean by "direct result" of my choice? Suppose that an attacker robs my friend while she stands waiting for me on the sidewalk outside of the restaurant a few minutes after our prearranged meeting time. Is this also my fault? Should I accept blame and apologize for the criminal offense as well as the missed meal? What if she begins to feel increasingly insecure in all of her relationships as she waits for me, triggering a severe bout of debilitating depression requiring years of therapy and medication? Am I to blame for this as well?

Although the questions raised by such examples may seem somewhat unusual, consider tobacco executive Nicholas Brookes' statement during a class action suit against his industry: "I have sincere regrets that many of the [remedial activities] we are now embarked on doing could have been done sooner." He continued: "To the extent that any of those things either changed your decision not to quit or would have allowed you to quit smoking sooner, or not to have taken up smoking in the first place, then I sincerely apologize to you."³⁰ In such a case, issues of causation and moral responsibility raise questions that can profoundly transform the meaning of his statement. Is he accepting blame for a slight increase in the probability that a few consumers may have smoked more cigarettes because of his corporation's actions, or does he accept responsibility for the long-term health consequences of his products on specific individuals? Should he apologize to the families of lung cancer victims and accept the economic responsibility for these losses, or should smokers bear this responsibility for failing to exercise their will to quit? What if one of these individuals died not from lung cancer, but rather from gross medical negligence when being treated for a minor smoking-related ailment? Such questions raise complex and contentious issues regarding the metaphysics, morality, politics, and law of causation, and the meaning of an apology of this sort hangs on these underlying conundrums. Given the political charge now conducted by the very idea of "personal responsibility," we should be wary of this polemical landmine.

Returning to the missed dinner example, in one sense I caused my friend to be robbed. If it were not for my violation – or "but for" my offense – that particular injury would not have occurred considering that we would have been safe inside the restaurant if I had kept my promise. According to what some refer to as "direct causation" or "causation-in-fact," personal responsibility attaches through physical causation in this way.³¹ We might

think of a hailstorm as being "responsible for" breaking a window in the same sense that a vandal might be "responsible for" the same damage. Different notions of responsibility are typically at work here. In the first case, we do not cast moral judgment on the natural cause when we think of the hail breaking the window. We do blame the vandal, however. Determinations of physical causation do not require us to mind our moral values as carefully as we do when assigning guilt. It is rather unhelpful, therefore, to analyze the dinner example from this perspective because under such a theory events are so interconnected that we cannot attribute responsibility to anyone in particular. According to some theories of direct causation, my friend's mother would also be responsible for her daughter's injury because "but for" her giving birth to her daughter she never would have suffered the injury.

One might argue that all events are caused by the sum of all of their antecedents, making the most distant causes of my friend's assault coterminous with the origins of the universe. If it were not for the cooling of the planet, European colonization, her parents' choice to attend the same college, the economic conditions that left the assailant jobless and poorly educated, and my decision to go to the movies, the robbery would not have occurred. Yet when we speak of moral causation and blame, we require more than tenuous physical connections. Assertions of moral responsibility require us to determine what we *should* hold someone responsible for because her agency best accounts for the outcome. Despite all of the background conditions required for people to be able to fail or succeed, our determinations of praise and blame rely on a belief that we find an individual's agency the most relevant factor in explaining the moral dimensions of life. Our conceptions of blameworthiness allow us to make causal delineations based on moral criteria, and therefore we can distinguish between wrongs rather than conflating all misfortunes into a stream of inevitable and inseparable ills. Even though I have done something wrong when I abandon my friend, it would seem intuitively mistaken to consider me responsible for any wrong that might subsequently befall her throughout her life. Yet how do we distinguish between the harms for which I *should* be considered responsible and those too remote to attribute to my actions?

Unlike the "but for" standard often referred to as the test for "causation in fact" or "direct causation," proximate causation is a legal construct fashioned according to moral and political considerations that serve to prevent moral causation from stretching back into an infinite regress.³² H. L. A. Hart and A. M. Honore's landmark *Causation in the Law* describes proximate causation as a means of drawing sensible boundaries on webs of causation: "Whenever we are concerned with [causal] connection, whether for the purpose of explaining a puzzling occurrence, assessing responsibility, or giving an intelligible historical narrative, we employ a set of concepts restricting in various ways what counts as a consequence." Such limitations "colour all

our thinking in causal terms; when we find them in the law we are not finding something invented by or peculiar to the law. . . .”³³ As Justice Andrews stated in his classic dissent in *Palsgraf v. Long Island R.R.*, “[w]hat we mean by the word ‘proximate’ is that, because of . . . public policy . . . the law arbitrarily declines to trace a series of events beyond a certain point.”³⁴ Prosser and Keaton restate *Palsgraf’s* conclusion: “The doctrine of proximate cause reflects social policy decisions based on shared principles of justice.”³⁵ According to proximate causation, we attribute causal responsibility according to our moral beliefs regarding who should and should not be morally and legally responsible for harms. Inquiries into moral responsibility cannot merely trace an empirical chain of events to a source, but rather must judge where culpability should fall – it is a primarily prescriptive rather than descriptive task. Assignments of proximate causation, in other words, are determined according to stipulated norms more than discovered facts. Thus the nuanced norms regarding moral causation prevalent in our cultures guide our thinking about apologies.

The causal chain traced by a proximate-cause analysis can be broken by a supervening cause, which Prosser and Keaton describe as “an act of a third person or other force which by its intervention prevents the actor from being liable for harm to another which his antecedent negligence is a substantial factor in bringing about.”³⁶ This legal doctrine maps onto commonsense notions of blame. Just as a criminal court would not charge me with the assault of my friend after I missed our dinner, I am not proximately responsible for the assault because the attacker’s decision to cause the harm is such a morally salient event in this story. Although my actions may be inconsiderate, within most moral lexicons we can distinguish my blameworthy actions from those of the robber because the latter result from a distinct blameworthy choice by another person that breaks the chain between my actions and the robbery. Even though I have done something wrong when I abandon my friend, it would overreach to charge me with the robbery committed by another. My apology can accept responsibility for breaking our appointment, but it might be a stretch to blame me for the robbery. My apology probably could not accept blame for the assault without tracing responsibility so far up the chain of causation as to risk rendering our notions of freedom, agency, and responsibility meaningless. Nevertheless, I could express my sympathy over the robbery. If, however, it was reasonably foreseeable – noting the additional discussions required to determine a standard of reasonable foreseeability – that placing her in this situation would be dangerous, then I would deserve some blame for the injury. My apology should accept blame precisely for two separate wrongs: missing our meeting and placing her in danger. In such a case I should apologize for both wrongs even if an attack did not occur, which illustrates how we can accept moral responsibility for intangible harms such as exposing others to risk, committing various sins of omission, or indulging in “victimless” crimes.

One might object to the notion of responsibility informing this account of proximate causation by asserting that it is too thin and wedded to a liberal notion of agency that insulates individuals and groups from the remote consequences of their actions. One might assert, for example, that this narrow conception of responsibility allows wealthy nations to claim they are not to blame for global poverty, given the difficulty of tracing the actions of individual agents at one end of a complex economic system to the systemic indigence perpetuated at opposite ends. In such cases those sympathetic to the structural causes of destitution seek to extend the causal chain from the economic choices of rich Western corporations and individuals to the suffering of others. I take this worry seriously.

Suppose for the sake of argument that we can establish that a catastrophic flood like that experienced after Hurricane Katrina causes poverty in a region. The area enjoyed great wealth before the disaster, the disaster destroys the economic infrastructure, and the area suffers a bout of poverty while it is being rebuilt. Also presume that the flood did not result from global warming and therefore from the economic activity of developed nations. Then presume that the damage did not result from the failure of international agencies to meet their moral duty to provide better levy systems or flood preparedness programs. In addition, presume that the ensuing poverty does not result from exploitative development of the devastated area. Also set aside questions considered in the following chapters regarding whether we can attribute blame to collective agents like nations and corporations. These are many presumptions, which is my point. If we could make a bright-line determination that the president of the United States did not proximately cause the damage, then an apology from him would be limited with respect to his ability to accept blame for the disaster. Questions regarding moral causation are rarely so clean, especially in matters of poverty within interconnected global markets.

Consider how Marxists and Libertarians would debate questions regarding the nature of economic exploitation or the duties of international agencies to prevent such disasters. The ideologies would hold very different views on who bears responsibility and thus who should apologize for even such a "natural" event. As we have seen with Hurricane Katrina, the water and wind were only part of the problem. We now understand Katrina as a catastrophe of human failures instead of a mere natural disaster. This does not, I believe, make the underlying principle less persuasive: if we can determine that someone did not proximately cause something – however contested matters of causation may be in any given case – then an apology from her will lack meaning related to accepting blame for the harm. Yet if one could successfully argue that commercial practices in which I participate proximately caused the poverty at issue, we could attribute responsibility to me and an apology accepting such blame would be warranted.³⁷ Rather than jettison notions of responsibility and proximate causation, a successful argument of

this sort would continue to operate within the framework of proximate causation by extending the operative moral categories to include remote victims. This also does not speak to whether the United States would have a moral duty to provide relief in such a situation, even if victims agreed that it was not causally responsible for the harm. It does clarify, however, the distinction between a duty to aid and a responsibility to apologize. Because not all of my moral responsibilities are triggered by my fault (I may have a duty to care for an ill parent even if I did not cause the sickness), I need not apologize for causing all injuries even if one were to make the claim that I have a duty to everyone who suffers. We can surely distinguish between accepting a moral duty for those we have not harmed and offering an apology that accepts blame for those we have harmed.

Notice here how questions regarding blame may fluctuate according to any number of formal or informal agreements that assign responsibility. If the United States had agreed to an international treaty that required its military to provide adequate levy systems to the area in question but then failed to do so, we can see where blame would fall according to such provisions. We often organize our private responsibilities according to similar arrangements, but with varying degrees of explicitness. Suppose I usually water the houseplants, but I forget to do so before we leave for a long vacation. We return to dead plants. My wife also forgot to water the plants, but the blame falls primarily on me because of our habits. If I refuse to accept exclusive blame for this loss (supposing that our plants had considerable value to us), we would need to navigate this set of previously implicit responsibilities.

Attributions of culpability remain central to apologies even when we operate with culturally diverse conceptions of responsibility or skepticism regarding the conceptions of freedom undergirding notions of personal choice. Given their dependence on the tradition of the autonomous individual taking causal responsibility for her breach of moral principles, the sorts of meanings I attribute to apologies seem like they might be a by-product of the European enlightenment. Our everyday notions of blame – for example those at work in romances, criminal justice systems, schools, and businesses – remain firmly bound to the voluntaristic notion of the discrete individual moral agent failing or succeeding even though the philosophical roots from which these notions grew have increasingly less cultural grip. Our conceptions of dignity remain wedded to notions of personal responsibility, even if some may be uncomfortable citing Kantian or religious traditions to justify such assertions. I suspect that even the hardened determinist wants an apology that apports blame when someone wrongs her and the most reductive brain scientist holds her friends personally accountable for their wrongdoings.³⁸

We typically act as if we possess moral freedom even if we think that this is an intellectually dubious presumption, perhaps because we are unwilling to part with the existential meaning provided by our conceptions of autonomy.

P. F. Strawson offered a powerful related argument, claiming that the practice of holding people responsible does not depend on a commitment to a metaphysical belief that people are free, but rather arises according to the degree to which we value the actions of others.³⁹ Thus our notions of responsibility spring from our experiences of concrete interpersonal relationships as well as from a quest for intellectual consistency. If we cannot reconcile our commonsense view with theoretical debates about determinism, lived practices of ascribing culpability typically win out. Marion Smiley pursues this emphasis on how a context structures conceptions of blameworthiness, considering in *Moral Responsibility and the Boundaries of Community* how our judgments of culpability track our social, political, and economic conditions and values.⁴⁰

Competing notions of the intricacies of proximate causation may vary within the cultural traditions discussed later, but the practice of attributing blame in some sense appears to be an enduring aspect of human experience. Without this broadly held commitment to human agency, apologies would be devoid of a central aspect of their meaning. The details of how causation and moral responsibility unfold in any particular apology, however, can be a complex matter in that the process of assigning blame implicates many of our deepest and often unreflective beliefs. Some of us may think seriously about moral responsibility for the first time when we consider the nature of an injury we have suffered or caused, and this may not be the most effective occasion to reflect on the matter if we are eager to blame others or excuse ourselves. Thankfully, precision is not always essential in these matters. Parties can negotiate the sorts of meanings desired in each case, and a degree of uncertainty may be appropriate in private apologies in a manner foreign to criminal law.

The binary choice between conviction and exculpation in criminal courts leads to a range of causal conundrums, such as how to assign liability when two individuals separately deliver a lethal blow to the same individual. Or consider Leo Katz's example:

Henri plans a trek through the desert. Alphonse, planning to kill Henri, puts poison into his canteen. Gaston also intends to kill Henri but has no idea what Alphonse has been up to. He punctures Henri's canteen and Henri dies of thirst. Who has caused Henri's death? Was it Alphonse? How could it be, since Henri never swallowed the poison? Was it Gaston? How could it be, since he only deprived Henri of some poisoned water that would have killed more swiftly even than thirst? But if neither had done anything, Henri would still be alive. So who killed Henri?⁴¹

Although such examples may riddle criminal jurisprudence, apologies offer the flexibility for all of the malefactors to accept blame for their actions and intentions. Alphonse, Gaston, and any wrongdoers in such examples could apologize specifically for their role in the harm. If your bullet strikes a victim a millisecond after your accomplice has delivered the fatal blow, apologies

from both of you could accept blame for your wrongdoing. Blame, in other words, is not exhausted once one person has claimed it. Accordingly, I can offer a meaningful apology to my friend for missing our meal and leaving her on the street where the assailant robbed her even if neither of us is certain about the precise degree to which I contributed to the likelihood of the robbery. She may simply wish for me to recognize that, in addition to skipping our dinner, I placed her in danger. Or perhaps we are both committed to Guido Calabresi's probabilistic theory of responsibility, in which case we could tailor the apology accordingly.⁴² Or maybe she demands that I take full blame for the robbery, perhaps more than I am willing to accept.

In a climate where victims often take expressions of sympathy for apologies, a person expressing sympathy may be seen as accepting blame for wrongdoing that is not her fault. If more than one person should share blame for causing an injury but only one comes forward to either offer sympathy or accept responsibility, others may view her as absorbing all of the blame.⁴³ This relates to an interesting observation by Janet Holmes, who claims that women respond to apologies with counter-apologies more often than men do.⁴⁴ I consider the role of gender in apologies later, but the use of counter-apologies seems quite important. In my own experiences, I find that when someone offers me a robust apology I am more likely to offer an apology of my own than to merely "accept" her apology. If a friend apologizes for arriving an hour late to a meeting, I might minimize the offense against me by noting that I was able to catch up on my reading while I waited. I might also deflect some of the blame away from her and toward me, for example by claiming that I should have called to confirm the time or that I should not have insisted that we meet on a day when she was so busy. Why would I do this? Numerous reasons come to mind, including my desire to avoid confrontation, move beyond an uncomfortable situation, and restore the relationship as quickly as possible. I may also be acting out of politeness or generosity. I suspect, however, that counter-apologies also serve as recognitions of the difficulties of assigning moral responsibility and isolating fault. In response to the gray areas in questions of moral causation, at times we split the difference of blame. Sharing the burden in this way, even if one party clearly deserves the bulk of blame, makes us collaborators in the apology rather than adversaries. We can then understand the apology as mutually accomplished, and Deborah Tannen describes this gesture of accepting some responsibility (even if you must invent a fault to admit) as a "courteous way of not leaving the apologizer in a one-down position."⁴⁵ We should understand apologies as a collaborative and dialectical process, and at least one social scientist has noted how this complicates quantitative analyses of apologies that study only one speaker in an apologetic exchange.⁴⁶ If we combine this complication with each of the variables discussed in my account, we can sense some of the difficulties of conducting empirical research in this area.

My task here is merely to note how such questions of causation, responsibility, and blame impart meanings to apologies. An awareness of such subtleties should help us understand the sorts of meaning at stake when attributing blame within apologies. I also hope this helps to demonstrate the various shades of apologetic meaning.⁴⁷ Without being disingenuous or otherwise mistaken, I can consistently accept blame and apologize for committing a wrong even if I believe that the victim shares some responsibility with me or that I bear no culpability for some portion of the harm.⁴⁸

3. Accidents and Denials of Intent

Apologies for non-negligent accidents typically deny intentionality and therefore do not accept blame.⁴⁹ This would be evident, for example, if I missed the aforementioned dinner meeting with my friend because a meteor struck me on the head while I was on my way to the restaurant. When I decide to skip the dinner in favor of viewing a film, this choice renders me responsible and blameworthy for the subsequent harm. I do not choose, however, for the meteor to strike me. As a result, we are disinclined to think that I caused the harm to my friend waiting for me because I have not done anything wrong. An act of nature, rather than my will, absorbs causal responsibility. If I attempted to apologize and accept blame after a meteor strikes me, I hope that my friend would understand that any harm she suffered was not my fault and therefore an apology accepting blame would be inappropriate. In this respect, Walt Whitman seems to consider himself a force of nature like a meteor when he declares in *Leaves of Grass*:

I know I am august,
I do not trouble my spirit to vindicate itself or be understood,
I see that the elementary laws never apologize. . . .⁵⁰

To return to the conflict between Agamemnon and Achilles in the *Iliad* mentioned earlier, this distinction appears to have a long tradition. After Nestor calls on Agamemnon to offer a "humble apology" to Achilles, Agamemnon admits to his counselors that Achilles' refusal to fight at Troy resulted from the king's wrongful taking of Briseis: "the account of my blind folly that you have given us is wholly true."⁵¹ "Blinded I was – I do not deny it myself," he announces, and "since I did give in to a lamentable impulse and commit this act of folly, I am willing to go back on it and propitiate him with a handsome indemnity."⁵² Despite offering great riches, Agamemnon's pride later prevents him from admitting his moral failure to Achilles: "I am older and more royal than himself. Therefore, let him now obey me." Achilles refuses to be bought, as his honor stands beyond price, but he returns to battle to avenge the death of Patroclus at the hands of Hector. At this point, Agamemnon asserts that he was "not to blame" for Achilles' grief: "It was Zeus and Fate and the Fury who walks in the dark that blinded my judgment." Given the power of the gods "that takes complete

command," he asks, "What could I do?"⁵³ In comparing himself with a god, he recounts how Hera even deluded Zeus.⁵⁴ Here Agamemnon recasts the events not as a failure of his will but rather like being struck by a meteor. Like a natural event or a bout of insanity, on this account Agamemnon is not morally responsible for the interventions of the gods. Also notice that Agamemnon does not explain why the gods would conspire against him in this way other than their desire for Greek death, thus blocking an inference that Agamemnon somehow deserves this fate as punishment and is therefore indirectly responsible for the consequences.⁵⁵ According to Mark Edwards, "Agamemnon is not suggesting that any wrongdoing on his part" caused the gods to manipulate him and this accounts for his "ungracious and jealous, not humble or apologetic" and even "taunting" and "mean-spirited" tone.⁵⁶ Nevertheless, while Agamemnon deflects moral responsibility into the heavens, he willingly pays a "ransom" to return Achilles to the battlefield: "since I *was* blinded and Zeus robbed me of my wits, I am willing to make amends and pay you ample compensation."⁵⁷ He compensates Achilles for his loss while not exactly accepting blame for it.

In the exchange between Achilles and Agamemnon, Homer provides an insight taken up by Montaigne in the sixteenth century. Montaigne's argument seems worth reproducing here at length:

For myself, I may wish, on the whole, to be otherwise; I may condemn and dislike my general character, and implore God to reform me throughout, and to excuse my natural weakness. But I should not, I think, give the name of repentance to this, any more than I should to my dissatisfaction at not being an angel or a Cato. My actions are controlled and shaped to what I am, and to my condition in life. I can do no better. And repentance does not properly apply to things that are not in our power, though regret certainly does. I can imagine numberless loftier and better disciplined natures than mine: but this does not make me amend my character, any more than my arm or my mind grow stronger by my conceiving some other man's to be so. If to imagine and desire a nobler way of conduct than ours were to make us repent of our own, we should have to repent of our most innocent actions, in as much as we may rightly suppose that a more excellent nature would have performed them more perfectly and with more nobility; and we should wish to do likewise. When I look back on the conduct of my youth, I find that I generally behaved in an orderly manner, according to my lights; that is as much as my powers of control can manage. I do not flatter myself; in similar circumstances I should always be the same. It is not a single spot, but rather a general stain that dyes me. I know no superficial, middling, or formal repentance. It must touch me in every part before I can call it so. It must pierce my bowels and pain them as deeply and as completely as God sees into me.⁵⁸

Here Montaigne affirms Homer's suggestion that repentance and apology apply most directly to events "in our power." If not within our power, it makes little sense to take responsibility for them. Yet what if, Montaigne suggests, we consider the totality of our natures as beyond our power? I can only be as good as I am, and "I can do no better." If I am "stained" throughout, Montaigne suggests repenting for a single spot – an isolated

transgression – will always be superficial. Thus if I repent, I must repent for the entirety of my nature. Moreover, what if we consider the determination of my basic character as beyond my power, which might prove a sensible presumption for many worldviews? In this respect, Agamemnon might have blamed more than his momentary lapse of judgment on the gods. Again we see how conceptions of apologies and repentance buckle if not buttressed by modern notions of agency and responsibility.

These examples also mark the difference between being excused, justified, and forgiven. In Anglo-American criminal law since the early nineteenth century, “excuses admit that the deed may be wrong, but excuse the actor because conditions suggest that he is not responsible for his deed.”⁵⁹ Thus even though an act is wrong, blame shifts away from this actor. A valid justification (like self-defense) establishes that there was no wrongdoing. Forgiveness, as I discuss in some detail later, takes many forms but typically pardons me in some sense after finding me guilty.

Common usage does not always conform to the legal definitions of the terms. If an injury was accidental, then an apology does not give the victim a reason to believe that it will not happen again because the threat is out of the apologizer’s control. Here we can notice the subtle differences between someone saying “excuse me” and offering an apology. When requesting that you “excuse me,” I typically assert that the harm or inconvenience I caused you is somehow justified and I seek your recognition of the legitimacy of this claim. According to legal concepts, I should probably say “I am justified” rather than “excuse me,” but the former sounds abrasively self-righteous. If I serve tables in a crowded restaurant and need to carry a tray through a line of customers, asking patrons to excuse me as I bump into them would seem appropriate because they would understand that I am not committing a trespass against them. My actions are justified and I seek recognition and tacit permission rather than forgiveness.

This is not to say that moral wrongs must be intentional or that morally culpable intentional actions cannot contribute to accidents. Suppose I miss the meeting with my friend because I had too many drinks the night before, forgot to set my alarm clock, and overslept. I did not intend to break our date but I failed to honor the social engagement. It is tempting to consider missing the appointment an accident, but failing to set the alarm differs from being struck by the meteor because the results can be directly traced to my failure to meet my responsibilities. I also should foresee that overindulging the night before could lead to these consequences. When unintentional negligence contributes to harm, we can apologize and accept blame specifically for that. If I am carefully driving down the road and a nail punctures my tire, causing my car to swerve and collide with another vehicle, I will probably only express sympathy to those bearing the costs of this accident because it did not result from intentional or negligent moral error on my part. I did

not do anything wrong. If, however, I was driving while intoxicated or over the speed limit and this caused me to run over the nail, I should apologize and accept blame for that specifically. An offender can be caught between offering an excuse and making an apology when she is uncertain if she has committed a moral trespass or been involved in an accident. The phrase "I'm sorry, but . . ." may fill this interim. If a legitimate excuse follows the "but," then an apology accepting blame may not be warranted.

This may illuminate another sort of exchange. Suppose I preface an apology to a friend by first explaining that just before I wronged her I missed the train, my migraine headaches struck, and I learned that she had insulted me the day prior. I continue to claim, however, that all of this is irrelevant; I was wrong for insulting her and I accept blame for doing so. If such information is irrelevant, why do we include it so often? I suspect this results from our ambiguity about the nature of apologies, which leaves us in a sort of penitential purgatory. On the one hand, we do not want to accept blame and hope the injured party will excuse us or find our actions justified. Hence we offer some evidence in support of this strategy. On the other hand, we realize that such information might appear as an attempt to diminish our responsibility and that this cuts against our ability to fully apologize. We offer the information to the offender for her to consider the possibility of our reduced agency or moral justification, but we then denounce it as irrelevant and affirm our agency so that we can try that strategy as well. In other words, we play both sides by asserting that we might not need to apologize, but if that argument is not convincing we will apologize anyway.

The factual components of apologetic statements often leave victims with insufficient information to evaluate whether harm was intentional, negligent, or accidental. U.S. National Park Director Bob Stanton, for example, offered this statement after a fire intentionally set by his agency to manage a forest grew out of control and destroyed more than two hundred homes: "I want to express on behalf of the National Park Service our deepest apology to the men and women of Los Alamos and all of New Mexico."⁶⁰ We are unclear if the destruction was truly accidental (perhaps because lightning or an unforeseeable wind contributed to the blaze) or if the agency was somehow negligent and thus morally culpable for the blaze. Until we know more, the moral status of the apology remains opaque. We can also notice here that I need not intend the precise harm in order to accept blame for it, for example if I aim to shoot person A but misfire and shoot person B. Shooting B would be accidental, but I have still committed a moral trespass because presumably I should not be shooting at anyone. I should, therefore, distribute my culpability to unintended consequences. In such a case, I would owe apologies to both A and B, and the apologies would differ in light of the mental states attached to the distinct wrongs of intentionally trying to shoot A and shooting B while aiming for A. Matters would be different

still if I am a police officer with moral justification for shooting A but B unforeseeably jumps into my line of fire. If I have not done anything wrong, I cannot convincingly accept blame for B's injury.

This brings us to perhaps the most common rhetorical strategy for deflecting moral responsibility within apologetic statements: the caveat asserting "it was not my intention to. . . ." Although I will consider the importance of the motivations for apologizing later, here I am concerned with the offender's characterization of the mental states motivating the actions allegedly causing the harm under scrutiny. Many offenders attempt to deny intentionality in order to mitigate blame, for example by claiming that they "didn't mean to" cause the harm. If I did not intend the harm, then it seems like an accident for which I am not morally responsible. I found the frequency of this strategy rather astounding, and a few of the most egregious examples should bring to mind many more.⁶¹ Assistant U.S. Attorney Kenneth Taylor, after referring to potential jurors from eastern Kentucky as "illiterate cave dwellers," asserted that the "comment was not meant to be a regional slur." "To the extent that it was misinterpreted to be one," he explained, "I apologize."⁶² After MSNBC commentator Michael Savage stated to a caller, "Oh, you're one of the sodomites . . . [y]ou should get AIDS and die, you pig," he offered the following: "If my comments brought pain to anyone I certainly did not intend for this to happen and apologize for any such reaction. I especially appeal to my many listeners in the gay community to accept my apologies for any inadvertent insults which may have occurred."⁶³ In both instances the offenders attempt to convert a clear and grievous moral trespass into an accident for which we should not blame them. Such instances leave us to wonder what the offenders' true intentions could possibly have been if not to cause offense. If not to berate the potential jurors and the caller, why would Taylor or Savage utter these slurs? Rarely do offenders offer a window onto their allegedly misunderstood mental state and provide a convincing alternative intention. This also reminds us that the mental state of the offender before and at the time of the offense holds significance not only because it bears on her moral responsibility, but also because it fills in important details about the factual record. The offender's mental states can provide some of the most important historical facts that a victim seeks to understand, and in this respect the analysis of the offender's mind can be an important component of corroborating the historical record as discussed earlier.

A related ploy involves claiming that the injuries resulted from an accidental word choice for which we should excuse the transgressor. Consider former House Republican leader Dick Armey's statement after referring to openly homosexual Representative Barney Frank as "Barney Fag": "The media and others are reporting this as if it were intentional, and it was not. I repeat, this was nothing more than the unintentional mispronunciation of another person's name that sounded like something that it was not."⁶⁴ Frank's reply expresses an appropriate skepticism: "There are various ways

to mispronounce my name, but that one, I think, is least common."⁶⁵ After Senator Trent Lott's apparent endorsement of Strom Thurmond's 1948 segregationist platform at the celebration of Thurmond's 100th birthday in 2002, on several occasions Lott attributed the controversy to "a poor choice of words,"⁶⁶ explaining that "his words were wrong"⁶⁷ and "conveyed things [he] did not intend."⁶⁸ Tom DeLay has blamed his offenses on speaking "in an inartful way,"⁶⁹ and Senator Orrin Hatch described one of his offenses as a "mix-up in words."⁷⁰ Representative John Cooksey cited an errant "choice of words" as the culprit in his stating that civil liberties should be suspended for anyone wearing a "diaper on his head." "If I offended Arab Americans, I regret my choice of words," Cooksey stated, as if he questioned whether his slur offended anyone.⁷¹ Representative Robert Doran claimed that he was "not even aware that those words had come together in a sentence" after calling a Soviet news commentator "a disloyal, betraying little Jew."⁷² In a further attempt to separate the core of their moral self from the wrongdoing, Lott and others often describe the accident as a "mistake of the head – and not the heart."⁷³

Attempts to convert moral offenses into unintentional accidents seem especially common when the accused wishes to explain that, despite appearances, she is "not a racist." When J. Peter Grace, appointed by President Ronald Reagan to head a cost-cutting committee, argued that "900,000 [Puerto Ricans] live in New York, and they're all on food stamps, so this food stamp program is basically a Puerto Rican Program," Grace claimed that he was "deeply hurt by the misconceptions . . . that [he] is a racist." "I am not a racist," he asserted, "nothing could be further from the truth."⁷⁴ A Florida baseball umpire claimed that there "was no anti-Semitism whatsoever on [his] part" after calling an officiating administrator a "stupid Jew bitch."⁷⁵ Professional golfer Fuzzy Zoeller insisted that his comments "were not intended to be racially derogatory" after referring to Tiger Woods as "that little boy" and requesting that Woods – as the winner of the Masters tournament with the honor of setting the menu for the Champions dinner – "not . . . serve fried chicken . . . or collard greens or whatever the hell they serve."⁷⁶ Atlanta Braves pitcher John Rucker, who uttered some of the most racist statements by a public figure in recent memory, stated: "I am not a racist. I should not have said what I did because it is not what I believe in my heart."⁷⁷ A Florida sheriff explained that his letter advising hunters to prey on African Americans given the "shortage of big game animals" should not be construed as hateful because he "never thought of it not being taken as a joke because [he is] not a racist."⁷⁸ Even Jesse Jackson has played this gambit, making the following statement in response to his description of New York as "Hymietown": "However innocent and unintended, it was insensitive and wrong . . . I denied and do not recall ever making such a statement in any context that would be remotely construed as being either remotely anti-Semitic or anti-Israel."⁷⁹ In each of these examples, the offenders attempt

to dissociate racist behavior from their "true" innocent selves by claiming that the offense was unintentional, accidental, or otherwise not a reflection of their "hearts." Offenders often fail to accept blame for their actions when resorting to this tactic, instead attempting to convert moral errors into morally neutral accidents within the very language of their apologies. I should also mention here how many offenses of this sort result from attempts at humor where the offender takes imprudent risks and then attempts to limit the damage caused by her poor judgment by claiming that she "was only joking."

Finally, we should note how these issues bear considerable importance for a Kantian given the centrality of intentions when assessing the moral worth of an act. Although a utilitarian may find the offender's mental state of secondary relevance compared with the consequences of her actions, the deontologist should believe that intentions are essential to assigning blame and evaluating the moral status of an apology.

4. Standing

These considerations regarding moral causation speak to what legal doctrine describes as "standing," a procedural requirement ensuring that only legitimate disputants adjudicate claims and that random parties cannot bring actions simply because they may hold an intellectual interest in the outcome. In the realm of apologies, I can only convey certain types of meaning if I am morally responsible for the harm.⁸⁰ As much as I might like to, I cannot accept blame and categorically apologize for civilian casualties during World War II because I was born after the conflict. I lack standing to convey such meaning. Likewise, if I harm my brother, my wife cannot categorically apologize for me no matter how sincere and sympathetic she may be. Only I, as the person causally responsible for the injury, have authority to accept blame for the harm and apologize accordingly. This parallels the similar notion that a victim has exclusive authority to issue certain types of forgiveness for harms against her, as I would have no standing to forgive Nazi executioners of a murder even if the victim was a relative of mine. I could forgive them for the harm they have done to me in leaving me without a grandparent, but presumably I cannot forgive for the entirety of the murder itself. I consider the relationship between apologies and various forms of forgiveness in more detail later.

Although they may not be able to accept causal responsibility, third parties can corroborate the victim's account of the event, apportion blame, vindicate her moral principles, legitimate her suffering, and provide reparations. Even these, however, will convey different meanings when performed by someone other than the offender. Only an offender accepting blame can provide much of an apology's possible meaning. Only the offender can undertake her own moral transformation. Only the offender can denounce her own commitment to the wrong. Only the offender can end the harm that she continues to

perpetrate when she refuses to recognize the victim as a moral agent worthy of redress. Only the offender can promise that she will never commit the transgression again because it is wrong. Only the offender can build trust between her and the victim. We should also not forget that an offender might take as much meaning from providing an apology as a victim would.

In the desire to mend relationships, however, we often disregard concerns regarding standing. Families appear to suffer the most confusion in their attempts to bypass standing considerations, for instance when parents apologize for the acts of their children. If parents leave a young child alone when they should be supervising her and during this time the child damages a neighbor's property, the parents can apologize and accept blame precisely for their failure to supervise. Presumably the parents proximately caused the child to be alone, but if we can attribute some degree of moral agency to the child then we will likely consider her to have proximately caused the damage. Only she would have standing to provide certain forms of apologetic meaning. The reduced agency of children and parental desire to accept blame for their children's actions complicate cases of parents apologizing for young children, but these mitigating factors wane as children develop. According to conventional accounts of moral causation, a parent cannot categorically apologize for the acts of an adult child unless we can attribute independent moral responsibility to the parent for the transgression. If we claim that a parent who abused her child is partially blameworthy for any crimes that her child commits, the parent could categorically apologize for mistreating the child. Allowing the parent to accept full blame for the actions of the adult child, however, would eviscerate notions of blameworthiness in the same sense that imprisoning parents for the crimes of their adult children would offend our basic sense of justice.

The case of Susan Smith – the woman who drowned her two children by strapping them into her car and sinking it in a South Carolina lake – provides an example of an unmistakable standing failure. Smith initially claimed that a black kidnapper abducted her children, causing police to interrogate local African-American men during the investigation. In response to the racial tension caused by Smith's false accusation, her brother subsequently stated: "It's real disturbing to think that anyone would think this was even a racial issue. We apologize to all the black citizens here in Union and everywhere." An African-American resident understood that Smith's brother lacked standing to apologize, stating that "he didn't have to do it. She did."⁸¹ Some forms of apologetic meaning attach to offenders – personally and inextricably – by their causal responsibility for the harm. Unlike money and other fungible commodities, we value apologies in their particularity of origin. As a nontransferable good, we cannot delegate the full work of apologizing to an attorney, a proxy, a successor, or an heir. Like forgiveness, this entails that the offender's death forecloses the possibility of a categorical apology. Many other sorts of apologetic meaning are available, but some are lost forever.

We can also notice in the Smith example how the apology from her brother functions not as an acceptance of blame for the racial injustice but rather as a declaration that he finds such acts unacceptable. When someone apologizes for the actions of someone closely identified with her, the apology may seek not to accept blame for the harm but to deny it. By publicly denouncing the actions of someone close to us, we distance ourselves from the person and behavior that would otherwise be associated with us. Thus if our parents make sexist comments to a houseguest in our presence, we might offer the guest an expression of sympathy in response to this behavior in order to block the assumption that we endorse our parents' offensive views because they raised us.⁸² We could convey such sentiments simply by denouncing the wrong rather than couching it in apologetic language, but we often combine the condemnation with an expression of sympathy ("I am sorry you suffered through those disgusting comments.") and thus we tend to think of these exchanges as apologies even though the speaker lacks standing to accept blame for the harm.

Lazare appears to find a causal relationship between the apologizer and the inflicted harm to be less important, arguing that "just as people take pride in things for which they had no responsibility (such as famous ancestors, national championships of their sports teams, and great accomplishments of their nation), so, too, must these people accept the shame . . . of their family, their athletic teams, and their nations."⁸³ Although I appreciate his effort to cast both pride and shame widely, I question the substance of these notions when disconnected from moral causation. It seems like an odd form of emotional nepotism for one to take personal pride in the accomplishments of her ancestors, just as it seems mistaken to feel proud of one's inherited wealth or the accomplishments of her favorite professional sports team.⁸⁴ One could take personal pride if she did something to bring about this state of affairs – perhaps by contributing in some way to the team's success – but then her pride should be limited to that contribution. A mistake appears to be at work here between experiencing personal pride and being *proud of* others. I can feel proud of my ancestors for their role in the Underground Railroad, but I could be equally proud of your ancestors for such accomplishments. Pride attaches to a person via notions of proximate causation. I have nothing to be personally proud of with respect to the accomplishments of my ancestors unless I claim that a causal connection does exist, for example by asserting that I share my great grandmother's courage. Although religious notions of "original sin" would resist this, according to all secular accounts of moral responsibility that I am aware of I do not deserve praise for the feats of my ancestors just as I do not bear the same blame for their mistakes. I consider this in more detail in the context of collective responsibility in later chapters. If I have wrongly benefited from offenses of my predecessors, however, for instance if I knowingly spent an inheritance of wealth gained from slavery, I would be responsible specifically for that wrong and could categorically apologize accordingly.

One might object that this view underestimates the extent to which people identify themselves through narratives. Insofar as my self-understanding includes acts of heroism of my ancestors, I might take pride in a distinguished family history that I feel called upon to extend. My family history imposes a burden or calls upon me to uphold a tradition. Such normative views downplay the importance of causation. I address this concern in more detail in the context of collective apologies, but I can note two points here. First, certain morally robust versions of praiseworthiness and blameworthiness must track causation. If my grandparent was a racist and a murderer, this does not entail that I am either. This insight drives our sense of injustice regarding punishing children for the sins of their parents. Second, we can distinguish between responsibilities to redress injuries we cause and for which we should accept blame and duties to care for those harmed by others. Thus even if we often do feel pride or shame for the deeds of our ancestors, we can question whether we should experience these emotions.

The identity of the person receiving the apology can also trigger concerns about standing. I may be the best person to accept blame and offer an apology, but apologize to the wrong person. If I harm you but then apologize to my therapist or in prayer to my god, this may provide little meaning for you. I might also apologize primarily for the benefit of or at the insistence of someone besides the victim, for instance because I realize that I will only be accepted by others if I apologize to you even though I would otherwise disregard your claims for an apology. This brings to mind a child commanded by a teacher to apologize to a classmate if she wishes to avoid further punishment, causing the child to utter an apology to meet the demands of the teacher rather than the needs of the injured peer. In some instances the person to whom I wish to apologize may be deceased, rendering certain forms of meaning between us forever lost. Even if President Bush wished to apologize for the civilian casualties in the Iraq War, his gestures would have limited meaning for the dead except perhaps in the deontological sense that I discuss later with an example from Kant. I consider these questions a bit further in relation to the process of performing an apology.

This requirement creates serious difficulties for collective and institutional apologies, as we can see how Pope John Paul II's apology for the Catholic Church's role in the Crusades and British Prime Minister Tony Blair's apology for the Irish potato famine present numerous questions regarding their standing to apologize for injuries that they clearly did not cause. I address these issues at length in the subsequent chapters. I also evaluate in that context the various means by which an individual member of a collective might delegate standing to apologize.

C. Identification of Each Harm

The next three sections consider the interrelated aspects of the apologizer identifying each harm, recognizing the values underlying each harm, and

affirming the breached underlying value. First, I consider the surprisingly complex process of identifying precisely the harms at issue. We can subdivide this first concern into two issues: naming an offense other than the primary concern of the victim (what I call the "wrong wrong" problem) and conflating multiple wrongs into one general apology without recognizing each offense.

The initial problem arises when the offender addresses conduct other than the offense for which the victim seeks an apology, thus leading her to apologize for the incorrect offense or the "wrong wrong." In her report to the Law Commission of Canada, Susan Alter recounts Bishop Hubert O'Connor's response to sexual assault charges against him. Instead of apologizing for the sexual assaults, he apparently expressed regret for "breaking his vow of chastity."⁸⁵ O'Connor may have needed to apologize to his church and his god for violating their rules of conduct, but I doubt that the victims were primarily concerned by the fact *that* he had sex. An apology only for breaking the vow fails to identify the moral difference between consensual sex between adults and the alleged assaults. Also consider former Montana Senator Conrad Burns' response when he found himself under scrutiny after a constituent asked how Burns could live in Washington D.C. "with all those niggers" and Burns replied that doing so was "a hell of a challenge." Burns stated: "I deeply regret having related a story from the campaign trail which could have been interpreted that I share racist views."⁸⁶ Of course the primary harm at issue is not *that he told the story* but rather the racism motivating his response to such a hateful question. We likely want an apology specifically for the racism rather than for his poor political judgment that allowed the remark to slip into the public sphere. The same logic appears to be at work in former Houston city council member Jim Westmoreland's response to his complaint that the Houston airport be renamed "Nigger International." Westmoreland stated: "I'm truly sorry for the problems my actions have caused."⁸⁷ Like Burns, Westmoreland does not name the racism and the harm at issue but instead regrets the "problems" he may have caused. He leaves us to wonder what problems he refers to, as he may only regret the damage done to his political career. Perhaps if he lived in a district that rewarded racial hatred, he would have nothing to regret. Once again, this flags potential differences between consequentialist and deontological views of apologetic meanings by contrasting apologies that refer to the consequences of an act with those that denounce that inherent wrongness of an offense. Here we can also scrutinize apologies that refer only to the "tone" or form of a controversial statement in this respect.

My second concern relates to conflating multiple harms into one apology that fails to identify each offense. If I destroy my spouse's cherished tomato plant and then try to blame our dog, I have both lied and disrespected her efforts to cultivate a garden. If she learns of my actions and I offer a bare "I am sorry" instead of identifying each offense and explaining what

I am apologizing for, then she will be left to wonder which offense I intend the apology to address. Perhaps I am apologetic for lying, but I have no regrets about destroying the plant because I prefer to use the space for a horseshoes court. Unless I identify both wrongs in my apology, my wife will be limited in her ability to judge its meaning. In cases of historically significant harms or international disputes, it can be tempting to apologize for only the most grievous offenses while ignoring all of the lesser offenses contributing to and enabling them. Imagine, for instance, the difference between one statement from a U.S. president generally "apologizing for the Vietnam War" and volumes of apologies cataloguing every moral harm committed by Americans during the conflict. Whereas the former would surely carry meaning in some respects, the latter could achieve fine-grained significance for those victims who might otherwise go unacknowledged by a broad expression of contrition. These issues often arise in matters of collective apologies, which I consider later.

Bill Clinton's August 1998 public address regarding the Lewinsky scandal offers a further example of the subtleties of this element. He stated: "Indeed, I did have a relationship with Miss Lewinsky that was not appropriate. In fact, it was wrong. It constituted a critical lapse in judgment and a personal failure on my part for which I am solely and completely responsible."⁸⁸ Here Clinton isolated the personal rather than the political failure of the extramarital sexual relation and accepted blame for this private offense only. Clinton subsequently reinforced the personal nature of his offense and avoided apologizing for his perjury: "Now, this matter is between me, the two people I love most – my wife and our daughter – and our God. I must put it right, and I am prepared to do whatever it takes to do so." Under pressure to address the political nature of his actions, he later identified that specific wrong: "I know that my public comments and my silence about this matter gave a false impression. I misled people, including even my wife. I deeply regret that."⁸⁹ Now he names not only the affair, but also his subsequent deception regarding the affair. Perjury and infidelity are distinct harms, and we could add others in this case. Engaging in sexual relations with an intern, for example, might be considered an abuse of power similar to a professor sleeping with her students. Such behavior would be reproachable regardless of whether Clinton was married or lied about the affair under oath, yet this wrong goes unnamed.

D. Identification of the Moral Principles Underlying Each Harm

Suppose I say the following to my wife: "I was wrong for destroying your tomato plant and then blaming it on the dog. I am sorry." Now imagine that my wife asks me why I am sorry for destroying her plant, and I respond by saying that "I really wanted a salad for lunch and now I'm sorry I won't be able to have a tomato in it." This, I suspect, would be the wrong answer. My wife probably does not seek an expression of disappointment regarding

the state of my lunch, but rather recognition that I disrespected her. Here we move from naming the harm to identifying the moral principle breached in committing the harm. For her, the tomato may be inconsequential but my trampling on the fruit of her labor may signify a general pattern of my denigration of her activities. Pairing the particular harm with the abstract principle raises the stakes of my apology by isolating the discrete nature of the wrongdoing so that we can denounce it as such. This discussion runs parallel to concerns that the offender determines precisely what she is responsible for so the parties can disentangle the causal chain and match each transgression with the moral principle violated.

Veronica Berlusconi, wife of former Italian Prime Minister Silvio Berlusconi, demonstrated considerable acumen with respect to this aspect of apologetic meaning after her husband quipped on a television program that he would marry a woman on the program if he were not already married. Veronica Berlusconi found the remarks "damaging to her dignity," and after her husband refused to apologize to her privately she publicly demanded an apology from him on the front page of a national newspaper.⁹¹ Her husband crossed a line, she explained, and "this line of conduct has a sole limit, my dignity as a woman." She continued: "Today for my female children, already adults, the example of a woman capable of defending her own dignity in her relationships with men takes on a particularly significant importance." She found this an essential lesson for her son as well, teaching him "to never forget to keep among his fundamental values respect for women." By constructing her demands in this manner, Berlusconi made clear that she sought not only reconciliation with her husband but for the former prime minister to publicly recognize and honor her dignity as a woman. An apology that offered any less would not suffice.⁹¹

In this respect we can return to Sabrina Harman's statements regarding her role in Abu Ghraib. Recall her words: "I failed my duties and failed my mission to protect and defend. I not only let down the people in Iraq, but I let down every single soldier that serves today. My actions potentially caused an increased hatred and insurgency toward the United States."⁹² Harman emphasizes "putting soldiers and civilians at greater risk" and thereby undermining the United States' efforts in Iraq, and indeed many wanted her to recognize and denounce this aspect of her actions. For others, however, Harman surely names the "wrong wrong." Even if her acts had advanced the United States' efforts, many still would have desired an apology for the inherent wrong of torturing detainees. Although she indicates that she "let down the people in Iraq," we are unsure if she refers only to her role in impeding U.S. progress. Her apology does not describe her actions as brutal, humiliating, and objectifying, and she does not identify the prohibition against torture as the moral principle at the forefront of judgments against her.

Contrast the response of Joseph Ellis, the Mount Holyoke history professor who lied to his students about his service as a platoon leader in Vietnam

when in fact he avoided active duty and spent the time in question in graduate school:

I am solely responsible and wish to express my personal regret to all students, faculty, and administrators who have been affected. . . . By misrepresenting my military service to students in the course on the Vietnam War, I did something both stupid and wrong. I apologize to the students, as well as to the faculty of this institution, for violating the implicit covenant of trust that must exist in the classroom. Finally, I apologize to those Vietnam veterans who have expressed their understandable anger about my lie. I am truly sorry for the hurt I have caused.⁹¹

Notice how Ellis admits his wrongdoing with some specificity (though he does not say much about the content of his fabrications), and explicitly names his actions as lying rather than blunting the force of such a charge by describing it with a morally neutral euphemism. And rather than offering a justification for his lies, for example by claiming the deception served an arguably legitimate pedagogical purpose, he cites a breach in the "implicit covenant of trust that must exist in the classroom" as an explanation of why lying in this case is wrong. This brings us to the heart of the relationship between apologies and moral discourse.

Identifying the underlying value will often require a conversation about the level of abstraction or "scope" of the principle at issue. We might describe the principle very narrowly: never harm a tomato plant in this spot of our yard again. My wife might not care about the cucumbers or she may be especially protective of this portion of the yard because the sun shines directly here for most of the day. We could build this explanation into our understanding. Alternatively, we could describe the principle much more broadly: never disrespect me or my efforts again. This latter construction may require some unpacking. How do we define respect? Have I been disrespecting her in other ways, making the tomato incident but the latest in a series of transgressions that we should classify as breaches of the same principle? This can take some thought, but it may prove essential to the ultimate meaning of the apology. If we define the value too narrowly, the apologizer may violate the spirit of the apology but not the terms. A leader might apologize for allowing genocide against one ethnic group but then allow similar atrocities against another, claiming the ability to distinguish between the cases. Thus if the United States apologizes for its inaction in Rwanda, we should pay attention to the scope of the value endorsed. A categorical apology might commit it to intervene in all sufficiently similar cases.

E. Endorsing Moral Principles Underlying Each Harm

This element draws attention to the distinction between *identifying* the value in dispute and *endorsing* that value. I might understand that I lied, for instance, without believing that I have done anything wrong. With the historical record agreed upon, blame attributed, and the violated principles made

explicit, a categorically apologetic offender will endorse the values at issue.⁹⁴ The offender will understand the victim's claim as legitimate, denounce her own behavior as flawed, and perhaps offer what can amount to the most significant words in an apology: "I was wrong." In the context of apologizing, these words express not only a cognitive error but also a moral lapse. If a six-year-old child just learning multiplication says, "I was wrong that seven multiplied by twelve equals ninety," in most cases we would not interpret this as her recognizing a moral failure. If spoken by a merchant who had intentionally taken advantage of a confused customer, however, the "wrong" would shift from an admission of mathematical error to a confession of a moral breach. Those who take their moral direction from religious sources may affirm their commitment to the violated principle by describing their trespass as a certain kind of sin.⁹⁵

Whereas any like-minded person can confirm the victim's belief that she has suffered a wrong and deserves an apology, the offender's recognition of her transgression as such proves especially significant for the relationship between them. This signifies the point at which the offender accepts that the victim deserves an apology from her. An offender may stumble through the other aspects of an apology, but simply recognizing that the victim deserves an apology can convey profound meaning because it recognizes the victim not as a mere obstacle to the offender's self-interests but as a moral interlocutor who shares values with her. The victim can also take comfort in knowing that the offender's efforts to reform will be intrinsically motivated and thus more likely to succeed. It may require a considerable period of reflection for an offender to realize that she should apologize, and in some cases the victim may die waiting. Although an offender's apology to a deceased victim may convey important meaning to her as well as the community, in such circumstances this aspect of the moral debt will remain outstanding in perpetuity.

Apologies failing to endorse the underlying moral principle occasionally take the form of "I am sorry that X bothers you" or, perhaps even more galling, "I am sorry you feel that way." Like an astetism or a back-handed compliment ("You are much less annoying today than usual"), we might describe these as back-handed apologies. Such statements merely express regret that the victim does not conform to the offender's beliefs and reinforce the offender's commitment to her transgression. Similarly, conditional prefaces to apologies such as "If anyone was hurt by my actions" or "If you were offended" often question whether the perception of harm is warranted and therefore transfer some of the blame to the victim's fragility or flawed values.⁹⁶ A conditional apology may serve less deceptive ends if I am genuinely uncertain if I injured you. I might say "I apologize if I injured you" as an interrogative statement to determine if I harmed you and the extent of the injury. Rather than questioning the legitimacy of your injury, offering such a conditional apology can allow me to inquire into the extent of the harm for which I must accept responsibility.

We can also reinforce the difference here between expressing sympathy and admitting wrongdoing. I can sympathize with others even if I accept causal responsibility for their suffering but believe that they deserve to suffer or that I am justified in causing their suffering. The bombardier on the *Enola Gay*, for example, could sympathize with Japanese civilians while continuing to endorse dropping the bomb on them. A parent can sympathize with her child while punishing her, for example by commiserating with the child while she agonizes over being grounded. "Feeling bad" for the harm I visited upon the residents of Hiroshima or the punished child, however, is quite different from asserting that I acted immorally.

Accused parties may take a more direct route and explicitly reject the value at issue or forthrightly "refuse to apologize." If a host demands that I apologize for ruining her dinner by using the wrong fork, an apology from me would not endorse the value at issue because I find her sensitivity to matters of etiquette classist and puerile. If the host is bigoted and takes offense at my bringing a nonwhite guest to her table, apologizing in this sense would convey that I endorse her racism. I would instead identify the underlying value of racial bigotry and denounce it. In such a circumstance I would make a point of not apologizing and would likely counterclaim offense because I believe I am not morally wrong but she is. Disagreements do not require apologies, and disagreements regarding the value of the norm transgressed preclude categorical apologies.

I suspect that our reluctance to discuss where our pluralistic values diverge causes us to offer hasty apologies, and such gestures can replace normative discourse with social reflexes meant to relieve immediate tension rather than build mutual understanding. Consider if the host takes offense to my refusal to recite a prayer before dinner accepting her god as my savior. I am not prepared to convert, and therefore I would not apologize by renouncing my agnostic views. What are the consequences for our dinner? I would hope that we both share a commitment to religious tolerance, which could diffuse the conflict without the need for more than a conciliatory apology as described later. If she is willing to break bread with those who do not worship her god, then I could share a pleasant meal with her because doing so is consistent with my agnostic views. Excluding someone from even one meal because of her race is not consistent with my beliefs, and therefore if the host denied service to my nonwhite friend that would be the end of the meal for me as well.

However, what if these tensions have been building for years and I decide that this Thanksgiving I will bring the situation to a boil by bringing my nonwhite friend to dinner and emphatically denouncing Christ as the family says grace before the meal? The occasion results in predictable animosity, and I later consider my actions juvenile. I took the actions in order to make the family uncomfortable, ruin their holiday, and openly disrespect their values. All of this now seems to reflect poor judgment that warrants an apology on

my part. I would remain unrepentant for rejecting their religion and racism, but I could identify and denounce the specific wrongs within my ill-advised stunt. National Public Radio commentator Andre Codrescu attempted this strategy after he insulted Christians who believe in the rapture by stating that the "evaporation of four million who believe in this crap would leave the world an instantly better place." After an NPR spokesperson announced that Codrescu had apologized, he clarified: "I certainly didn't apologize for what I said. Maybe the way I worded it was a bit strong."⁹⁷ Codrescu implies that he still harbors disparaging sentiments for these believers, but he is willing to consider that the tenor of his remarks may have breached some undisclosed principle. Former Reagan White House spokesperson Larry Speaks leaves us with similar uncertainty regarding his apology for controversial passages in his book regarding Reagan's occasional ineptitude during crucial moments of his presidency and Speaks' false attribution of statements to Reagan when he worked for him in order to make the president appear more astute. "I apologize not for the truth in my book nor the telling of it," he explained, because "the truth never requires apology."⁹⁸ While his claim that "truth never requires apology" provides an enigma in its own right, he then further confuses matters: "I do regret that I may have overstepped the bounds of propriety in some instances. It is for that I apologize." Among other things, this leaves us to wonder: 1) what are the bounds of propriety – or underlying moral principles – to which he refers; 2) which of his actions may have overstepped these bounds; 3) does he refer to his actions in publishing this book or in lying for Reagan; and 4) did the actions overstep those bounds or not, which would determine if he has done anything wrong by the standards of which he speaks?

Others have navigated similar complexities with a bit more finesse. When various values are at stake and one wishes to affirm some of the values but reject others, thoughtful apologies require some precision. We can consistently refuse to apologize for one of our beliefs while categorically apologizing for actions that the victim might believe are entwined with that belief so long as we can disentangle the web of values, actions, and causation. Consider James McGreevey's statements upon his resignation as governor of New Jersey in light of his extramarital homosexual affair:

I have to begin today with humility by simply saying I am sorry – so, so sorry that mistakes in my judgment made this day necessary for all of us. I am sorry that my actions have hurt those that I love in my personal and political lives. I am sorry to those who vested their careers with me and that this abrupt transition has caused them upheaval. And I am sorry that I have disappointed the citizens of the state of New Jersey who gave me this enormous trust. To be clear, I am not apologizing for being a gay American, but rather, for having let personal feelings impact my decision making and for not having had the courage to be open about whom I was.⁹⁹

The final sentence isolates specifically what McGreevey believes he has done wrong and what he has not done wrong. By explicitly rejecting the notion

that he should apologize for being gay, he redirects all blame to his failures of courage and decision making. McGreevey can therefore simultaneously express self-reproach for failures unrelated to his sexual orientation while challenging the homophobia of some of his critics. Some may reject McGreevey's attempt to separate his homosexuality from character flaws by making the stereotypical claim that promiscuity and deficiencies of courage are somehow causally related to homosexuality, but by attempting to block this assertion McGreevey can unrepentantly assert his position within the culture wars while expressing contrition regarding largely unrelated matters. In other words, adopting a tone of humility does not require the offender to concede to all of the moral beliefs of the harmed parties.

A further question arises here regarding the meanings of an apology for an offense I commit that breaches my ethical principles and that I believe the victim should find offensive, but at which she does not in fact take offense. Imagine that I, in a moment of gross stupidity, make a sexist comment to a woman who is a misogynist and applauds my remark. In a situation where I believe that the woman should have taken offense at an action that breaches my principles but not hers, it appears that I can offer an apology conveying meaning across each of the elements, but we will not share the appropriate value. I might attempt to persuade her that she should change her belief, which would in effect advise her to experience the injury I believe she has suffered from my actions as such. Barring a conversion, my apology may have meaning for me but perhaps very little for her. This would be akin to the stickler for etiquette insisting on apologizing profusely to me for a missing fork at her table when I had not noticed its absence and contentedly ate my salad with a dessert fork. If, however, this exchange occurred between people for whom cutlery signified social status and the missing fork amounted to a great disrespect, then we could imagine such an apology bearing considerable meaning for both. This would also be true between individuals holding truly insidious values, for example if one racist apologized to another racist for failing to be racist enough.

We can contrast my account with the terse but influential interpretation of apologies provided by sociologist Erving Goffman. Goffman claims that "apologies represent a splitting of the self into a blameworthy part and a part that . . . dissociates itself from the delict and affirms a belief in the offended rule."¹⁰⁰ Although Goffman agrees that the apologizer endorses the underlying principle, this image of dividing her identity into a conforming self and a rebellious self risks stripping her of the intentionality required to accept blame as discussed earlier. When apologies include statements like "that wasn't me" or "I don't know what got into me," they imply that the apologizer, speaking from her "good self," did not actually commit the act. She is a new person, and the old person caused the harm. Fracturing moral agency in this way drifts toward offering an excuse for the act or understanding it as a sort of intrapersonal accident. This type of self-deception occurs, for example, when someone makes racist comments but then claims not to be

a racist. We can also see such dissociation at work in the self-description of a sailor who beat a homosexual shipmate to death: "It was horrible, but I am not a horrible person."¹⁰¹ Moral agency, and by extension our practices of apologizing, makes less sense without unified moral agents possessing a suite of values and accepting blame for their violation of these values.

These two previous concerns point toward a rather serious problem for apologies that I take up later. If the affirmation of shared values constitutes such a central component of apologetic meaning, will pluralistic communities where members disagree about final vocabularies (to use Richard Rorty's term) be less likely to produce apologies that endorse underlying shared moral beliefs? Apologizers within insular communities with homogeneous value systems can easily identify breaches of shared values and reintegrate into the belief system by reaffirming those values. Few of us live in such environments where moral values remain stable, obvious, and compelling. Offenders may feel alienated from the prevailing moral norms – imagine a lapsed Catholic admonished for missing mass – even before they offend, and indeed this disaffection may be a central cause of their transgressions. Others may live with a fractured and contradictory set of values that only further unravels when one is called on to apologize and think through her moral commitments. This speaks not only to a conflict between pluralistic values in which an offender refuses to honor a competing norm because she finds her beliefs superior, but to a fragility or even absence of underlying values. Moral relativism does not extinguish apologetic meaning, as we saw in the mutual racist example earlier illustrating that fellow adherents to just about any belief system can endorse their shared underlying values. Given the state of contemporary culture, however, relativism may lead to a decrease in apologies recognizing what we might consider the "high moral values" and an increase in apologies affirming consumer values. In this respect we might envision apologies for failing to honor the "cultural imperative" of not presenting an expensive enough diamond engagement ring. Indeed, not all apologetic meaning requires reference to even a semblance of moral value but instead may be grounded in strictly instrumental objectives. We can view the loss of apologetic meaning in this respect as a by-product of the general decay of meaning and non-instrumental value in modernity, and I will refrain from further indulging in that conversation here. Beyond these worries with relativism, however, we should wonder about the meanings of apologies for the nihilists or sociopaths among us who function with a skepticism toward all moral commitments. From their perspective, apologies will be but a gambit in a meaningless game. Thus a scene of one nihilist apologizing to another nihilist for breaching values that neither holds sounds like joke from a Beckett dialogue.

F. Recognition of Victim as Moral Interlocutor

I can be brief here, but I wish to note the importance of one of the most meaningful aspects of apologies that we might overlook if we focus on the

details of apologetic discourse to the exclusion of a broader perspective. When the offender engages the victim in this process of corroborating the factual record, accepting blame, identifying each harm and the principles underlying each harm, and expressing a shared commitment to those principles, she may undergo a radical transformation in her relation to the victim. Instead of viewing the victim as a mere means subordinated to the offender's ends, undertaking this process of apologetic dialogue may cause the offender to view and interact with the victim in an entirely new light. The offender may, perhaps for the first time, recognize and treat the victim as a moral interlocutor.¹⁰² Otherwise she might believe that the value she breached deserves recognition, but the victim does not.

This helps to explain how failing to apologize for injuring someone can actually be more harmful than the injury itself. If someone steps on my toe and causes me some sharp but fleeting pain, I would consider this a small offense. If the offender refuses to offer even an expression of sympathy, however, then I might perceive this as disregarding me. Such a lack of respect or contempt for me would, in my mind, constitute a much more serious infringement on my well-being than the pain in my foot. Quarrels often escalate into serious conflicts for precisely this reason: the victim feels not only injured by the offender but also disrespected.

To some this may seem like an inconsequential definitional shift: of course when I discuss a moral question with someone she becomes, by definition, my moral interlocutor. Note the potential significance of this. The victim, whom the offender may have perceived as but a tool for her use, can become the primary conversant in the offender's task of reexamining and maintaining her core values. The offender comes to treat the victim as a being with *dignity* and equal moral worth to whom she must justify her actions. In what I take as the most profound existential sense of the Kantian term, the victim and offender recognize each other as people struggling to make sense of the very meaning of their lives and values. Rather than interacting with aloof certitude, the offender finds the victim worthy of engaging in such an intimate and identity-defining conversation. We acknowledge the person we mistreated as essential to our own well-being. I mean to emphasize something slightly different from the more common notion of recognizing the victim as a moral agent: she becomes my moral peer. This invokes the Hegelian notion of mutual recognition as well: I recognize when apologizing that my own dignity depends upon others and my treatment of them. Apologies foreground how my dialectical relationship with the other constitutes my own sense of meaning, value, and self. I can get straight with myself only by getting straight with the other.¹⁰³ If these Kantian and Hegelian notes do not resonate, we can register this thought in utilitarian terms. As I apologize, I appreciate that the victim is a being who suffers and I can no longer discount her pain against my own.

When I apologize, I acknowledge my own flaws, uncertainty, and vulnerability. Vulnerability refers here not only to my fear of sanction, but also

to my moral confusion and my existential fragility. In this sense, victim and offender become equals at the most basic level as they try to explain what has meaning and value and recognize when one has strayed from those beliefs. Together they now engage in the process of revealing and shaping their ultimate values. This, in part, accounts for the demeanor of humility associated with contrition. It is not only that I have done something wrong, but also that I have become a person who does such wrongful things. This disrupts the very relationship between my values and my identity: I am not who I want to be. An apology can be so humbling in part because in this precarious moment of self-scrutiny I turn not to my closest confidant but to the person I may be most alienated from on account of my own actions. The Hegelian insight seems especially keen in this regard. However we describe this experience – as recognition of mutual interdependence, dignity, humanity, respect, rationality, equality, or even transcendence of the other (to use the favored Levinasian term) – it may provide the bedrock for all other apologetic meanings.

These points deserve special emphasis for those who may think of themselves as authorities in matters of morality, including ethical philosophers, clergy, members of the judiciary, and others. As a philosopher who regularly teaches classes in ethical theory, I occasionally find it especially humbling to cede authority on these matters in my personal life. The sense that I “should know better” than those who do not study moral problems professionally can present an additional obstacle to admitting my own failures and uncertainties and recognizing the person I have wronged as a worthy moral interlocutor. Just as knowledge of religious traditions does not necessarily make one pious, expertise in moral philosophy does not establish moral superiority. Although this may be utterly obvious to most, those who make their livelihood in such fields can be temporarily blinded to this fact. Such characters may also possess rhetorical tools that allow them to steer conversations regarding their own transgressions into more abstract and less personally challenging territory. Those offended by individuals with an alleged expertise in moral principles should be wary if the offender’s apology begins to look more like a lecture than a discussion.

I consider this later with respect to the act of performing an apology by offering it to the appropriate recipient, but notice cases in which the offender directs her apology to someone other than the person she harms. Suppose, for instance, that a convict apologizes to the judge during sentencing for a crime committed against Person X. Here the convict could clearly admit wrongdoing, affirm the underlying value, and serve her sentence while continuing to ignore Person X and refusing to acknowledge her as more than a means to her ends. Also note various other situations in which transgressors offer their apologies to those who hold the greatest power over them rather than to their victims, like corporate executives apologizing to shareholders or consumers, professional athletes apologizing to league commissions, or

sinner apologizing to priests instead of to those who most directly suffered the indignities. Continuing to fail to acknowledge the victim as a moral interlocutor – whether from an outright refusal to recognize her as worthy of engaging in such an exchange or from an ignorance of the meaning of such an interaction – can cause the victim to experience still further harm against her. The victim may perceive the initial harm as well as the secondary offense of failing to recognize her as a moral interlocutor as enduring until the offender specifically remedies both injustices. This concern therefore speaks to matters regarding publicity, remedies, and standing considered later.

G. Categorical Regret

Several commentators claim that “regret or sorrow” is essential to an apology, and Tavuchis goes so far as to claim that “[w]hatever else is said or conveyed, an apology must express sorrow.”¹⁰⁴ Yet because sorrow or regret can indicate sadness in response to any distant misfortune for which one accepts no blame, the relation between regret and apologetic meaning could benefit from some clarification. Regretting, much like being “sorry,” can mean many things. Several of these meanings can be consistent with an outright refusal to apologize. Whereas regret typically expresses a sentiment that I wish things could be otherwise, this does not necessarily entail that I believe that I have done anything wrong. I might regret, for instance, that you have taken offense at my refusal to convert to your religion. Or I might find my host’s dismay over my breaches of etiquette regrettable. In these cases I regret the acts of others, rather than my own, because I believe the fault lies with them. I might also regret a state of affairs without being able to attribute blame to anyone, such as the regret I might experience in response to the suffering resulting from a natural disaster.

The colloquial use of “regret” can also refer to displeasure for harm that I intend. A judge can regret sentencing a parent to a prison term even if she believes this is the right decision. If she determines that the convict deserves to serve time and that the sentence is just and beneficial for the community, the judge may continue to find it terribly unfortunate that the offender will spend a portion of her life incarcerated and will be separated from her child. Although incarceration provides the best option among unfortunate choices, the judge may nonetheless describe the outcome as “a shame.” The judge’s regret longs for a world in which things “didn’t have to be this way” even though she continues to endorse her decision. In this respect, noncategorical regret could be more than an expression of sympathy or compassion. If the judge takes care to explain her regret, she draws attention to the costs of even what she believes is the right choice. In doing so, she may explicitly explain the importance of her choice and why she endorses the underlying principle despite its high price. She might also comment on the many other conditions – such as poverty, racism, and a failing educational system – that place far too many of these choices before her.

In this light we can make sense of the lack of categorical regret in Zinedine Zidane's apology for his intentional head butting of an opponent during the 2006 World Cup final. "I apologize, to all the children," Zidane stated, explaining that the opponent provoked him by repeatedly insulting his family and that he "would rather have taken a punch in the jaw than have heard that." "My act is not forgivable," he admitted, "but they must also punish the true guilty party, and the guilty party is the one who provokes." Zidane then spoke as if he were a judge channeling divine retribution on the pitch: "If things happened this way, it's because somewhere up there it was decided that way. . . . I don't regret anything that happened, I accept it."¹⁰⁵ Zidane may frame his remarks as an apology, but he explicitly claims a higher power guided his actions and thus he should not regret them. Unlike Agamemnon's vilification of the Homeric gods for meddling with his affairs, Zidane embraces the will of the football gods. From his statements we may also infer that he might find himself justified if he responds violently to similar provocations in the future. Rather than believing that he has made an error that he wishes could be undone, he effectively continues to endorse his actions.

Likewise, a patient may find it regrettable that others cannot afford an expensive life-saving surgery while she can, but this does not necessarily indicate that she regrets her choice to exercise her advantage. Instead, she regrets that others cannot enjoy the same benefit, just as she might regret the suffering of others caused by a natural disaster. Similarly, when an employer explains to an employee that she "regrets that it has come down to this" and proceeds to fire the employee, the supervisor stands behind her decision but regrets that she must undertake the unpleasant task and cause hardship for the employee. This notion of regret also surfaces when a partner ends a romantic relationship, as she might "regret that the relationship has failed" while walking out the door. Such use of regret can parallel expressions of sympathy described earlier in that both do not accept blame for the harm.

I use the notion of "categorical regret" to refer to an offender's recognition that her actions, which caused the harm at issue, constitute a moral failure. In this sense, an offender wishes that the transgression could be undone. She explains that she regrets what she has done because it is wrong, she wishes she had done otherwise, and in accordance with this realization she commits to not making the same mistake again. In other words, the offender's recognition that her actions were wrong leads to a belief that she should have done otherwise and a motivation that she will do otherwise in the future. As I consider in the context of offering the apology to the appropriate person, notice that one can express this kind of regret without categorically apologizing, for instance if the offender expresses the regret to someone other than the victim.

Suppose I am faced with a choice of whether or not to rescue a stray dog by adopting her. I do not rescue the dog because my landlord does not

allow pets and I am unwilling to look for a new apartment. I later learn that animal control captured and euthanized the dog. Now I realize that the inconvenience of finding a new apartment is superficial compared to the well-being of the animal and the companionship we would have shared. I wish I could turn back time and rescue the dog. I made a mistake and I regret it. Notice that rather than merely expressing disappointment *that* I had to choose between the apartment and the dog, I wish I had chosen differently. In the context of apologizing, categorical regret as I use it refers specifically to recognition of a mistake rather than an expression of sorrow over missed opportunity. This nuance invokes problems of incommensurability. When choosing between incommensurable goods such as rescuing a dog and remaining in my apartment, I will suffer a loss either way. I may interpret my feelings regarding this loss as regret. Unless I believe I should have chosen otherwise, however, sorrow over the recognition of what was lost rather than categorical regret best captures my sentiment. Again, merely choosing between incommensurables cannot cause categorical regret unless I believe I made the wrong choice, and I cannot apologize fully if I would again make the same choice however difficult or tragic it may be. We find a source of confusion in this regard in invitations asking for "regrets only"; on my account, we cannot categorically regret something we have yet to do while continuing to endorse it. As with "sorry," the conflation of these distinct senses of regret causes the moral force of categorical regret to bleed into other uses of the term. When commentators call for regret to accompany apologies, we should differentiate these meanings or we risk reducing the full moral meaning of categorical apologies to expressions of sympathy or disappointment.

My characterization of categorical regret as central to apologetic meaning appears to be a minority position in apology scholarship. Lazare implies that he does not find regret to be a necessary element of apologies, as he provides three consecutive examples of what he considers "successful" apologies: a lawyer expressing shame for not sending an important letter, a parishioner admitting embarrassment for her delay in returning a book, and a driver gesturing contritely to a pedestrian after nearly colliding with her.¹⁰⁶ In each case we have no way of knowing if the offender would commit the offense again given similar circumstances. Unable to gauge the nature of the offender's regret, the apology's meaning remains ambiguous. Similarly, Louis Kort claims that an apology can be "full-fledged" even if it successfully fakes any of the forms of regret mentioned earlier, including those that do not recognize wrongdoing.¹⁰⁷ Richard Joyce believes an apology only requires "adequately convincing affectation."¹⁰⁸

Notice, however, the stark distinctions between an apology declaring the offender's transgression as wrong and wishing it could be undone and an apology that does not do so. If the *Enola Gay* bombardier offers an apology for dropping the bomb on Hiroshima but continues to endorse his actions

as the best option given the geo-political situation and his personal circumstances, then he would appear – like the judge who regrets that she must imprison a mother – to regret only that this justified action carried such costs. Richard Nixon's resignation speech famously invokes to this concern: "I regret deeply any injuries that may have been done in the course of events that have led to this decision [to resign]. I would say only that if some of my judgments were wrong, and some were wrong, they were made in what I believed at the time to be in the best interests of the nation."¹⁰⁹ In addition to refusing to corroborate the historical record by referring to "injuries that may have been done" and not identifying which of his decisions were wrong, Nixon implies that his actions may not have been wrong given the choices he faced. Confronted with similar circumstances, he might still have believed those decisions were "in the best interests of the nation." Under Nixon's ambiguous logic, morally abject acts such as lying to the public could be in the nation's interests. Such a position parallels the common disclaimer "I am sorry but I must."

Jana Thompson has noted in this regard what she calls the "Apology Paradox."¹¹⁰ If apologizing commits the apologizer to wishing that the deeds in question could be undone, for some harms this might entail the apologizer suggesting that she should not exist. Following Derek Parfit's notion of the contingency of persons, our existence is predicated upon a great number of interrelated events in the past. If we wish that a major historical event like African slavery could be undone, we effectively wish for the elimination of the conditions required for our existence. Because we presumably prefer to exist, regretting the events that led to our existence (and thus our ability to apologize) presents a paradox or at least a rather awkward claim. Given that the existence of the contemporary African Americans who would be the recipients of an apology for slavery also depends upon the abduction of their ancestors, categorically regretting slavery might also suggest that the world would be more just if they did not exist. Interpretations of this sort can add further concerns to the considerable list of problems confronting collective apologies addressed later.

Considering how many unfortunate events result from uncertainties, this also raises the question of the relationship between regret and risk assessment. Suppose I regret driving while intoxicated only because a police officer apprehended me. If I regret driving drunk because I underestimated the likelihood of being caught, my regret would attach to the miscalculation rather than the moral error of driving drunk. I might do it again if the odds were more in my favor, and we should be especially attuned to this distinction when evaluating the apologies of convicts: do they now believe that their actions were wrong as such or do they only regret being caught? We can consider such questions regarding the probabilities of costs and benefits to my choice to rescue the stray dog. Perhaps another family rescues the dog soon after I decided not to adopt her and she lives an idyllic life on their

farm. Suppose I do rescue the dog, take a large financial loss moving to a new apartment, and she attacks my new neighbor soon thereafter and must be euthanized. Such circumstances might lead me to question my judgment, but I could continue to believe that I had made the right choice given the information available to me and the priority of my values. My response to the next stray dog I come across would test my evaluations of risks and benefits. As I discuss later, such questions often arise in collective apologies offered by corporations or governments because institutional policy often must take calculated risks in order to manage multiple objectives.

Politicians from across the ideological spectrum face these issues, and U.S. Senator Hillary Clinton's refusal to apologize for her vote authorizing the use of force in Iraq invokes several of the concerns that span the preceding chapters. Perhaps even more than her husband, Hillary Clinton has a reputation as a lightning rod for criticism from conservative commentators. The attention drawn to her in this case, however, resulted from challenges issued by fellow Democrat John Edwards. Edwards and Clinton both voted for the Authorization for Use of Military Force Against Iraq Resolution of 2002. As rivals for the 2008 Democratic presidential nomination, both sought to distance themselves from the increasingly unpopular war. Edwards repeatedly offered apologetic gestures for his vote, titling one editorial "I Was Wrong" and stating that he "should not have given the president this authority." "Had I known," Edwards explained, that the information "I was being given by our intelligence wasn't the whole story . . . I never would have voted for this war."¹¹¹ He later expanded on *Meet the Press*: "It wasn't just the weapons of mass destruction I was wrong about." "It's become absolutely clear – and I'm very critical of myself for this – become absolutely clear, looking back, that I should not have given the president this authority." Having said this, Edwards challenged Clinton: "anybody who wants to be president of the United States has got to be honest and open, be willing to admit when they've done things wrong."¹¹²

As Stanley Fish pointed out in coming to Clinton's defense, Edwards seems to be manipulating an overly simplistic conception of apologies. Although he admits that he was "wrong," he effectively says that he was wrong because the Bush administration lied to him. He admits that he was factually wrong – like the child who is wrong in answering an arithmetic problem – but he does not explicitly shoulder blame for that wrong because he implies that those who provided misleading intelligence proximately caused his vote.¹¹³ Thus what looks *prima facie* like an apology can be read as a means of deflecting blame. We might specifically blame Edwards, for instance, for failing in his duty to treat the intelligence presented by the president more critically. Perhaps he *should have known* that the intelligence provided "wasn't the whole story." And although one would not ordinarily think of an apology as opportunistic, in this light Edwards' statements appear to exploit the public's desire for a president whose style of leadership contrasts with the Bush

administration's stubbornness and refusal to admit its mistakes. Edwards' emphasis on how he is "very critical" of himself contributes to the impression that he might have chosen his words to achieve this end. As I discuss later, suspicions that political ambition rather than moral principles motivate an apology can cause the gesture to backfire.

Fish agreed with Clinton's refusal to apologize, reminding us of the content of her 2002 statement on the Senate floor: "A vote for [the resolution] is not a vote to rush to war; it is a vote that puts awesome responsibility in the hands of our president and we say to him – Use these powers wisely and as a last resort." Because Bush did not use the powers wisely or as a last resort, Fish believes that Clinton is not morally responsible for the situation in Iraq. Fish suggests that Clinton may deserve blame for trusting Bush, but this differs from holding her accountable for the war. Fish claims that "the appropriate response to that mistake is not an apology – 'I apologize for thinking better of you than I should have' doesn't quite sound right – but a resolution not to do it again."¹¹⁴

We can say a bit more about this situation. First, I think the issue of categorical regret and risk management is paramount. If U.S. forces had marched into Baghdad, discovered stockpiles of nuclear and biological weapons, quickly vanquished Saddam Hussein and his military, and successfully oversaw the transition to a flourishing democracy, then I doubt that either Edwards or Clinton would be backpedaling from their votes. Instead, we might expect them to congratulate themselves for their bipartisanship and strengths in matters of foreign policy and national security. Both faced a choice. As is usually the case for all of us, they made their choices without the benefit of perfect information. Do either regret their vote to authorize the war, or do they rather find the outcome unfortunate? Did they make the wrong choice considering what they knew at the time, which would amount to a personal and professional failure? Should they have known more and known better? In future matters, how will they ensure that they act on legitimate and sufficient intelligence? Or do they regret how poorly the campaign was executed, which shifts the blame for the failures in Iraq to others but does not necessarily reject the need for invasion? How would they respond differently as president? Such distinctions may prove crucial not only to future voters, but also in foreign relations as other nations gauge the United States' diplomatic tendencies by such comments from leading Democrats.

Second, Fish may underestimate the seriousness of their failure of judgment. At the time of the vote, the evidence that Iraq possessed weapons of mass destruction seemed quite weak and the purported connection between Saddam Hussein and the attacks of September 11, 2001, were even more suspect. It also appeared that the Bush administration was fishing for justifications to invade and that they might do so without the support of the United Nations. In addition, if Clinton claims that she does not deserve blame for the war because Bush did not satisfy the conditions that he use

the powers granted wisely or as a last resort, we can still judge her for trusting that he would satisfy these prerequisites. Congress could have required Bush to return for its authorization once he had satisfied its conditions, and she could have voted against a resolution without such precautions.¹¹⁵ Even if the intelligence was incomplete and misleading, twenty-three other senators saw enough to reject the resolution. This makes us wonder what those twenty-one Democrats, one Independent, and one Republican senator (along with 133 members of Congress) saw that Edwards and Clinton did not. What principles separate those who supported the resolution from those who opposed it? I, for one, would like to know more about what Edwards and Clinton were thinking when they cast their votes. Did either allow their political ambitions to influence their judgment? Did they place their fortunes with the majority on that issue, but retrospectively hedge those bets once they lost? Honest answers to those questions would be illuminating.

A categorical apology from Clinton and Edwards might share their portion of the blame for the war in any of these senses. In doing so they could improve our understanding of the factual record surrounding the lead-up to the war, including providing a more transparent picture of how they analyzed the issues. If we could see the questions as they saw them at the time, perhaps we would better understand, sympathize with, or support their decisions. A categorical apology from Clinton and Edwards could also accept their portion of blame for the war, explain why and how they were wrong, endorse the values they breached, and acknowledge those they harmed. They could also express the sort of categorical regret that commits them to reforming and providing redress. All of this could be quite fortifying for contemporary politics. It also would demonstrate the importance of apologies providing rather detailed accounts of the salient historical record because seemingly minor details about the offender's knowledge and mental states may fundamentally transform judgments regarding the offense and the apology.

Instead, we hear binary sound bites: Edwards apologized and Clinton did not. If we learn anything from the war in Iraq, it is that recent U.S. politics have been allergic to nuance. The conflation of the threats posed by al-Qaeda and Iraq or President Bush's declaration that one is either "for him or against him" in the fight against terrorism are but the most obvious examples. John Kerry's attempt to account for basic distinctions regarding his votes on the war may have cost him the presidency. Some portion of the electorate seemed moved by drumbeats from conservative analysts that only unpatriotic, flip-flopping metrosexuals need subtlety to explain themselves in a time of war. Here again we should hear Adrienne Rich: "Lies are usually attempts to make everything simpler – for the liar – than it really is, or ought to be."¹¹⁶

And I do not refer to the "metrosexual charge" lightly. Just as Kerry's opposition attempted to emasculate the decorated veteran, Clinton's gender is obviously in play. Deborah Tannen describes at least one bind Clinton

faces: "To the extent she's a woman and has to prove she's tough, standing her ground is the best thing to do. And to the extent she's a woman and people don't tolerate toughness in women, she's going to be faulted for that."¹¹⁷ If she apologizes, she will be criticized as a feminine flip-flopper. If she does not apologize from fear of such accusations, she drifts closer to the leadership style of President Bush.¹¹⁸ Yet then again, perhaps Bush's "black and white" view of the world is a response to Bill Clinton's bad faith parsing of terms like "sexual relations."

H. Performance of the Apology

We have seen that stating the words "I am sorry" may signify but a fraction of possible apologetic meaning. Uttering that phrase may begin the process of apologizing, but without more we are unable to clarify the many ambiguities within the gesture. This attention to other dimensions of apologizing should not cause us to overlook the importance of the act of uttering apologetic sentiments. We often hear, for example, an offender claim that she "owes X an apology" but then leaves it at that. The lone recognition that the victim deserves an apology seems to stop short of providing at least a portion of what the offender owes. Just as my recognition that I owe you some money differs from repaying my debt, the recognition that I owe you an apology differs from providing that apology. The recognition itself may convey considerable apologetic meaning in that it can be a form of admission of wrongdoing and acceptance of blame, but the statement "I owe you an apology" is too bare to determine what sorts of meaning the offender wishes to convey. For what do you owe me an apology? Why do you owe it? For what do you accept blame? What value did you breach, and are you committed to that value? What redress will you provide?

These questions may remain unanswered when an offender offers nothing beyond symbolic apologetic gestures. Consider Pope John Paul II's visit to Jerusalem's Western Wall in March of 2000, where he placed a piece of paper in the wall of the Temple on which the following was written:

God of our fathers,
 You chose Abraham and his descendants
 to bring your Name to the Nations:
 we are deeply saddened
 by the behavior of those
 who in the course of history
 have caused these children of yours to suffer,
 and asking your forgiveness
 we wish to commit ourselves
 to genuine brotherhood
 with the people of the Covenant.¹¹⁹

Although this is typically described as an apology, we can readily notice multiple ambiguities in the statement: 1) the Pope expresses sadness for the

suffering of Jews but does not explicitly accept blame – either personally or as a representative of the Catholic Church – for those harms; 2) he does not name any wrong in particular, leaving us to wonder for which of the many offenses against the Jews, by Catholics and others, he expresses sadness; 3) the value he endorses appears to be a “brotherhood with the people of the Covenant,” but the relation between this value and the transgressions to which he refers remains vague; 4) this leaves unclear how the Catholic Church intends to reform its behavior and provide redress for its (yet to be specified) offenses against the Jews; 5) given the long history of Catholic offenses against the Jews, we wonder if the Pope has standing to speak for offenders across the ages; and 6) without these issues clarified we cannot be sure for what the pope seeks forgiveness or if he and the Church deserve such forgiveness. According to Lazare, the Pope’s actions would be an effective apology “even without the note.”¹²⁰ Apparently for Lazare the Pope’s very presence and contrite physical postures at the holy site convey all of the essential meaning of an apology. I would be more cautious here. The meaning remains cryptic even with the Pope’s written statement, but without the explanatory note his gestures would be even more inscrutable. Like German Chancellor Willy Brandt’s gesture of kneeling before the monument to victims of the Warsaw Ghetto Uprising, the Pope’s visit undoubtedly holds profound symbolic value. The absence of an explanation of the gestures leaves us without a window onto the mental states directly relevant to apologetic meaning. Perhaps in light of our desire to receive satisfying apologies, we may read more meaning into opaque gestures of contrition than they warrant.

Even if the offender articulates apologetic utterances, it matters to whom she apologizes. An offender’s internal monologue regarding her responsibility and regret for the transgression will bear meaning for her, but until she offers those thoughts to her victims they cannot become significant for them. It matters not only that I speak the words, but to whom I speak them. If I only denounce my sins to a priest in confession or in prayer to my god, the victim may never learn of my contrition. I also may continue to fail to treat my victim as a moral interlocutor if I do not engage her in a conversation recognizing her right to be free from my trespass. In some cases offenders awkwardly direct their statements to a general audience without acknowledging the victims specifically. A spokesperson for *Weekly World News*, which listed an Arizona police officer who suffered severe burns over his face, arms, and upper body as one of the world’s “Top Ten Ugliest People,” offered the following statement: “We feel terrible about this. It was a mistake on the editor’s part, which won’t happen again.”¹²¹ Acknowledgment of the victim appears conspicuously absent in the statement, as if the spokesperson was apologizing to the subscribers boycotting the tabloid rather than to the officer.

Another question arises regarding the audience for an apology: how meaningful can an apology be if it never reaches its victim? In contrast to cases in

which the offender does not intend to address the apology to the victim but rather to a priest, a judge, or some third party, suppose that the apologizer attempts in good faith to reach the victim but fails. Imagine that the offender offers what we might consider a full apology but the victim does not hear her, or perhaps she mails a written apology but the victim never receives it. Or suppose the victim is dead by the time the offender apologizes.

Some might be surprised to learn that Kant argued for apologies to the dead. He provides this example in *Metaphysical Elements of Justice*:

If someone spreads a rumor about a dead person's crime that when alive would have made him dishonorable or at least despicable, anyone who can provide evidence that this accusation is intentionally false and a lie can then openly declare that he who cast aspersions on the dead man's character is a calumniator, which [in turn] makes [that person] himself dishonorable. He [the defender of the dead man] would be unable to do all of this if he did not rightfully assume that the dead man was insulted thereby, even though he was dead, and then he [the dead man] was owed an apology from him [the rumor monger], even if he no longer exists.¹²²

If one takes a deontological view of apologies, the death of your victim does not discharge you from your duty to apologize. We can also appreciate how utilitarians and virtue ethicists would find value in such apologies for the offender and community. Even if an apology to the dead cannot achieve certain kinds of meaning, others are not only possible but also quite important.

Such apologies may hold great significance for the offender and the community even if they do not reach the victim, as they can – among other things – create a historical record, attribute blame, endorse the breached value, promote reform, and provide various forms of redress. In this respect, apologies for genocide retain considerable significance even if the victims will never experience this meaning. Yet we should not fail to notice what is absent. Categorical apologies require dialogue between victims and offenders as they agree on the factual record of events, attribute blame, identify shared moral principles breached between the offender and victim, provide relief to the victim, and transform the relationship between the offender and the victim. Presumably within secular accounts, even a categorical apology cannot coax forgiveness from the dead. Without the victim's participation in these processes, certain forms of meaning are lost. We can imagine an offender who had long wished to reconcile with a recently deceased family member offering an apology at her funeral. Here the loss of the opportunity to apologize, forgive, and reconcile would compound the grief over loss of life. Under extraordinary circumstances one might enter into a dialogue with the victim's account of a transgression after her death. If a Holocaust survivor made explicit in her memoirs who wronged her, how she wronged her, and why it was wrong, then the offender could corroborate and agree with the account and enter into a dialogue with the dead in this sense. Some forms of meaning would remain precluded, but we might generate meaning

in unforeseeable ways with some creativity and persistence. In the absence of certain beliefs regarding the afterlife, however, the death of the victim or offender causes the opportunity for some types of meaning to be lost forever. This becomes quite evident in cases of collective apologies for harms in the distant past, which I discuss later.

Whereas death may present an absolute bar to some forms of meaning, other questions regarding the timing of apologies require more subtlety. According to some etiquette guides and dispute resolution manuals, an apology should follow immediately after the offense.¹²³ Immediate apologies prevent the victim from suffering an unacknowledged indignity for longer than necessary and allow the parties to work toward reconciliation as quickly as possible, but this may not be appropriate or possible in cases of serious injuries. If I accidentally harm you, I may instantaneously explain my lack of intention and take measures to minimize your injury. If I intentionally harm you, it may take years for me to understand my wrongdoing as such. If I decide to rob you, presumably at the time of the attack I feel justified in some sense or believe my actions require no justification. I may need to undergo considerable moral reflection and transformation before I regret my actions and see a need to apologize. As several religious traditions discussed later accept, this can take some time. Thus if I decide to apologize for the robbery years after the attack without coercion from a penal system – imagine that I admit the offense and apologize even though it seems that I will never be caught for the crime – this could signify a decisive development in my moral growth. This might apply not only in cases where the victim and offender are strangers, but also between enduring friends. If I apologize to a close friend for mistreating her many years ago, the time between the harm and the apology may indicate that I have given the matter serious reflection. I did not forget what I did, and now I find the value I breached so important that I return to it even though she may have long forgotten my transgression and our relationship may be quite strong even without an apology. Such an occasion can renew our commitment to shared values that perhaps we have allowed to lapse over the years, and we can see how such an apology could be extraordinarily significant within an intimate relationship. Sometimes in cases of collective apologies, such as the Pope John Paul II's for the Crusades, the duration between the injury and the apology can be hundreds of years. Such situations may also reflect an institutional moral transformation as representatives of a collective come to understand that moral standards have evolved and members now believe that it is incumbent upon them to denounce the old ways while stating their new standard. For some this may be too little too late, but others may find it better late than never.

We can also notice a further concern related to the timing of an apology: Does the offender deliver the apology only after the victim has requested (or an authority has commanded) an apology? Or does she volunteer the apology before experiencing pressure to do so? If a parent commands a child to

apologize or even suggests that the child should consider whether she should apologize, the parent initiates the reflective process. If a child apologizes before the parent brings attention to the potential need to apologize, this can signal a significant development in the child's moral education because it suggests that she has internalized the norms at issue and has engaged in something like autonomous moral deliberation. Without prompting, the offender realizes that she has breached a value that she endorses and thus finds internal motivation for engaging in apologetic behavior. We can say the same of the robber who appears years later to apologize: we are more likely to view her gestures as indicative of a genuine moral transformation if she freely recognizes the wrongness of her actions and offers an apology. In this sense, issues regarding whether acts of contrition occur before or after requests for apologies speaks to the intentions of the apologizer as noted later.

We can draw distinctions not only between who receives an apology and when she receives it, but also between how and where the apology comes to them. First, we can consider the medium of the apology. Tavuchis and Aviva Orenstein both emphasize that we should attempt to provide apologetic declarations "face to face" instead of in writing.¹²⁴ I do not question the importance of the parties engaging each other in a direct conversation about the offense, but we should note the benefits of committing the apology to writing. Although standing before the victim and pronouncing the apology creates emotional and ceremonial meaning that I consider separately later, a written apology may be more likely to attend to the elements of a categorical apology. As we have seen, an apology can be a potentially technical undertaking as it corroborates a record, identifies norms, parses causal moral responsibility, and commits to certain kinds of reform and redress. A written version of the apology allows the offender to construct a precise statement attending to these details. Oral apologies often occur in emotional fits and starts with garbled content. In a written statement, the offender may be likely to consider her words more carefully. Rather than attempt to identify the contents of the apology amidst an emotional and highly nuanced conversation, the victim can benefit from scrutinizing a stable written statement in order to identify the sorts of meaning the offender may or may not have offered. In addition, a written apology provides a physical record of the statement that she may share with others or produce as evidence in legal proceedings.

Working through an apology in writing also may increase the offender's ability to engage the victim in a dialogue regarding its content. We might offer the victim a draft of our proposed apology and allow her to suggest revisions. Offenders might learn a great deal about the nature and consequences of their wrongdoing through this process, and victims will have an additional opportunity to voice their views and develop their relationship with the offender. Such exchanges could prove quite beneficial for the reconciliation process.¹²⁵

Where we find an apology will also alter its meaning, as potential contexts present an infinite source of symbolic and instrumental value. Even if otherwise identical in content and form, an apology from Clinton for the Lewinsky scandal takes on different significance if offered in a televised news conference from the Oval Office than if spoken to Hillary Clinton in their private home or in the office of their marriage counselor. This leads us to consider the private or public nature of apologies. Although philosophers debate the nature and boundaries of the public and private spheres, some distinctions bear obvious relevance for apologies. In some situations a victim may prefer that an offender not pronounce the apology to a general audience. If the perpetrator of a sexual assault wishes to apologize, publicizing the offense through an apology may increase the harm to the victim. We can imagine other scenarios where disclosing the contents of an apology to anyone other than the victim could cause her various forms of discomfort or humiliation. If a former romantic partner apologized to me for being unfaithful, I would probably not enjoy my colleagues, friends, and family reading about it in the *New York Times*. Occasionally we should be wary of the intentions behind an urge to publicize an apology. The desire to broadcast one's contrition may bespeak moral grandstanding, attempts to improve one's image before voters or consumers, or even an intention to disgrace the victim.

In most cases, however, I suspect that attempts to limit an apology's audience arise from the offender's interests in minimizing the exposure of her wrongdoing. Suppose a surgeon accepts blame for killing a child through an act of gross medical negligence and privately apologizes to the parents, yet she refuses to admit her wrongdoing to anyone except for the parents and hires attorneys to deny her wrongdoing aggressively in protracted litigation. Behind closed doors, the surgeon may explain precisely what went wrong, accept causal and moral responsibility for the death, identify and commit to the breached underlying value, express categorical regret with genuine intentions and emotions, and even confidentially provide compensation beyond what she stands to lose in the worst possible legal determinations against her. If the surgeon publicly denies all of this, we will lack certain meanings. As the "safe apology" legislation discussed earlier provides, the surgeon can express sympathy for the parent without admitting any wrongdoing. Although the parent may have learned how her child died, the broader community will not. History will record the cause of the child's death as a contested matter. In such a case, information regarding the cause of death will be especially important for the community served by this doctor in order to evaluate her competence, and indeed the doctor's desire to protect her reputation may be her primary motivation for her public denials. This accounts for the conditions within many settlement agreements that provide that the victim must not publicly disclose the terms of the agreement, often including whether the alleged offender provided an apology or the content of such an apology. Such conditions, like the apologies designed primarily as a means of achieving

legal advantage that I discuss at length in subsequent work, should lead us to question the intentions of the apologizer. Although the surgeon may identify and commit to the breached underlying value in private discussions with the parent, her public defense will likely cause her to deny that she has indeed breached the value. She might privately claim, for instance, that she finds inadequate medical care resulting from overworked surgeons performing too many procedures to constitute a moral crisis. Although she refuses to admit publicly that her practice suffers from this failure, in private conversations with the parent she blames the death on just these conditions. Such a position could seriously impede efforts to reform the surgeon's practice as well as those of the broader profession. Refusing to address her offense publicly against the grieving parent can also fail to honor her status as a moral interlocutor before the community. Failing to honor her dignity publicly in this way also conveys the sentiment that the surgeon's reasons for denying the apology trump the parent's justifications for publicizing the apology, which can continue to view the parent as a mere means to the doctor's ends. We should also not forget that the surgeon's denial would constitute a lie. In addition to the contempt we might hold for lying, such behavior may also lead us to question how the doctor's intentions, emotions, and character relate to the meaning of her apology, as considered later.

I. Reform and Redress

For many of us, a promise never to repeat the offense often constitutes the most important aspect of an apology.¹²⁶ Above all else, we may simply desire for the offender to forbear from reoffending. This may require her to reform a suite of related behaviors, or we may be able to isolate the transgressive act as anomalous. Whether motivated by a moral recognition of the wrongness of the act or social pressure to cease behaving in the proscribed manner, we want assurance that the offender will not do it again. Perhaps most basically, we want an apology that provides security against further harm.

This renders the dissonance in Eric Harris' apologetic statement prior to the Columbine massacre especially chilling. "I just wanted to apologize to you guys for any crap," he stated. "To everyone I love, I'm really sorry about all of this. I know my mom and dad will be just [expletive] shocked beyond belief."¹²⁷ We know that Harris did not refrain from killing, and the victims should not have taken any security from his apology. Indeed, in this same monologue he indicated that he hoped to kill 250 of his classmates. We might read his "pre-apology" not as denouncing the ensuing massacre, but as regretting that those who he did care for – he expresses sympathy for his parents and some friends – would suffer from their association with him or from his post-rampage suicide. We might think that he regrets not the murders but the collateral damage to those who are not the primary objects of his wrath. Yet while he sympathizes with them, this does not prevent his offense. Like those who send regrets when they cannot attend a dinner party,

Harris *regrets* that unintentional victims will suffer. All told, he continues to endorse his actions and his apology should not be interpreted as indicative of reform. Harris does not believe he is about to make a mistake.

As discussed earlier, categorical regret views the past action as an error and thus vows to refrain from committing the same error again. Without this, the offender could engage in a continual cycle of transgressing and apologizing. Because of this worry we meet apologies of serial offenders and apologizers with skepticism until the offender consistently avoids temptations to repeat the offense. Otherwise, as Amitai Etzioni puts it, "a person could sin all week, show remorse on Sunday morning, do his or her repentance by citing a prayer fifty times, and start all over again."¹²⁸ Even if the offender relapses after apologizing due to a weakness of will rather than disingenuous intentions, this distinction may hold some meaning for the victim in that the offender recognizes the immorality of her act. It will not, however, provide the victim with security that the offender will not harm her again.

The ultimate meaning of apologies – like the meaning of promises – depends on future behavior and therefore we cannot conclusively judge them at the moment they are spoken. Here we can appreciate the wisdom of Maimonides, who explained that we should only consider repentance complete if the offender confronts and resists similar temptations that led to her sin. Without abstinence in the face of temptation, Maimonides is unwilling to judge the meaning of the offender's words. In addition, one act of abstinence does not close the record on the value of an apology. We often judge an offender's commitment to reform and forbearance over their lifetime, and any regression can diminish an apology's significance. If we view a categorical apology as a promise to reform kept over a lifetime, violating the conditions of reform or redress vitiates its meaning. An apology gains credibility as time passes without a relapse, and for this reason we can only finally judge the offender's commitment to reform over the duration of her life. Some might find this overdemanding. If I apologize for stepping on someone's toe, for example, it may seem excessive to claim that repeating the offense years later devalues the initial apology. Yet if I have apologized for intentionally stepping on someone's foot – perhaps I have done this on a few occasions when expressing anger with someone and I do it with enough force to cause an injury – repeating the offense would indeed call into question my commitment to reform. In cases of marital infidelity, the importance of never betraying a spouse again would be paramount. I see no satisfying means of identifying a point prior to death when the promise to reform can expire without compromising the meaning of the apology. If I only express sympathy for the offense, however, then we cannot necessarily presume that I am committed to not reoffending. I am reminded here of Tolstoy's caricature: "I sit on a man's back, choking him and making him carry me, and yet assure myself and others that I am very sorry for him and wish to ease his lot by all possible means – except by getting off his back."¹²⁹

Denouncing my wrong and fulfilling my promise to reform typically constitute only the initial stages of responding to an injury. We often seek a kind of penance from the offender and we can describe this by any number of terms: reparations, remuneration, restitution, recompense, compensation, damages, amends, restoration, redress, or others. Our use of these terms can be misleading. Consider common usage of "reparation." Whereas restitution refers specifically to returning something taken wrongfully, we often use reparation to describe a form of recompense for less tangible losses. Derived from the Latin for repair, reparation implies that such responses return victims to something like their pre-injury state. Similar notions such as redress, amends, and restitution are often said to make a victim "whole" by returning what the offense has taken away. Theoretical treatments of apologies speak in these terms, explaining how remedies "repair" or "correct" the injured, "restore" the victim to her state before the injury, or reestablish a "moral equilibrium."¹³⁰

Quantifying the values of apologies can generate additional confusions. A numerical model may suggest that if the offender can transfer X quantity of an apology to the victim, then she will have balanced the scales of transgression and contrition. As Montaigne describes it, "if repentance were laid on one dish of the scales it would outweigh the sin."¹³¹ We find this view reflected in retributive calls for an "eye for eye" and characterizations of an apology as "owed" as if discharging a debt to a bank. Yet unless one commits to the most reductive forms of utilitarianism such as those forwarded by some advocates of the Law and Economics movement, there exists no economy of apology wherein the offender can simply repay a debt to clear her moral account. Circumstances may arise when transferring a defined amount of money to replace a fungible commodity clearly addresses an aspect of a wrong, for instance if I pay the repair bill for your property after I damage it. Apologies, however, are very rarely "just about the money." Money often supplants other elements of an apology, and paying the repair bill may lead me to believe that I have satisfied my debt without offering any other apologetic meaning. Because I can pay the bill without identifying or endorsing the wrong at issue, promising to refrain from such behavior in the future, or addressing many of the other considerations discussed herein, the economic exchange risks replacing all of the other elements of an apology. As we often find in legal settlements, I can throw money at the problem without admitting that I have done anything wrong.

Although acutely critical of one-dimensional metrics of punishment, the "Restorative Justice" movement also risks unwittingly reinforcing conceptions of a one-dimensional moral universe in which we can neatly weigh all harms according to a single calculus. An apology cannot "restore a relationship" as one restores a piece of furniture. Nor do apologies necessarily "clean the slate" because moral transgressions often leave indelible marks.¹³² We can respond to injuries with an infinite number of remedies, and each

response will transform the relationship between the victim and offender in distinct and often unpredictable ways. Our figures of speech may distort our perceptions if we believe that we can erase our mistakes from our relationships. As Benjamin Disraeli has said, "[a]pologies only account for that which they do not alter."¹³³ Every injury creates particular suffering and loss in the lives of individuals. Nothing can unscramble those eggs. Even after a robust apology, the relationship moves forward forever in the shadow of the injury rather than backward to a time before the trespass occurred.¹³⁴ "Apologies may restore some dignity," writes Martha Minnow, "but not the lives as they existed before the violations."¹³⁵ Our moral language often masks the utter obviousness of the simple fact that moral injuries create an unrecoverable loss regardless of what remedy might follow. If an assailant apologizes for robbing me and devotes her life to reforming her behavior and providing me with various forms of compensation, her apology may hold great meaning and accomplish many social objectives. It seems far too simple, however, to believe that her actions are equivalent to the harm done. Although a proper discussion of the problems of moral incommensurability is beyond the scope of this work, at a minimum we should be aware of how such ontological and metaphysical presumptions orient understandings of apologies.

As I consider subsequently in relation to binary notions of forgiveness, these observations expose the potentially misleading characterizations of apologies and attendant remedies as providing "closure."¹³⁶ The attempt to make narrative sense of our lives and overcome wrongs against us renders the idea of definitive closure quite appealing. As will be especially noticeable in cases of grievous injuries or collective atrocities, no remedy can provide a "tidy ending" to suffering.¹³⁷ This creates numerous difficulties for our moral sensibilities, and we often prefer to act as if moral debts have been fully paid even when we recognize an irreducible balance. This unpleasant truth occasionally appears in socially destructive forms, such as in the tendency to continue to brand criminal offenders who have served their sentence as "convicts." When the fact that no compensation or punishment can undo a crime becomes undeniable, some offenders live out their lives continually reminded of the impossibility of closure.

If no remedy can definitively account for an injury, this does not render payment and other forms of apologetic compensation meaningless. For Glen Pettigrove, "while an apology absent reparation may be an apology in form, it is not one in substance."¹³⁸ Yet how do we determine what constitutes an appropriate remedy? History offers numerous attempts to formalize answers to this question. Examples from antiquity include the Sumerian Code of Ur-Nammu, which provided economic compensation even for violent offenses, and the Babylonian Code of Hammurabi.¹³⁹ The *Roman Law of the Twelve Tables* penalized thieves twice the value of the goods they stole, and early Germanic tribal laws codified under the *Lex Salica* provided a restitution

schedule for both grievous and petty crimes. Ethelbert of Kent promulgated laws assigning precise values to body parts, even differentiating between the worth of the various types of teeth in one's mouth. Contemporary attorneys' manuals such as *What's it Worth?* and *Stein on Personal Injury Damages* categorize the human body and the pain it can suffer, organizing injuries under headings such as *Amputations, Brain Cancer, Burns, Buttocks, Comatose State, Eyes, Eyelids, Face, Finger, Genitalia and Reproduction, Heart, Leg, Lung, Liver, Miscarriage, Skull, Sexual Assault, and Wrongful Death*. As if leafing through a department store catalogue, one can browse the inventory of injuries, read a few sentences about the litigants' misfortunes, and find the price of the loss.

This returns us to the issues described in the introduction that led me to consider the possibility of apologies providing a form of remedy beyond economic compensation. Three related points arise here. First, we appreciate that no remedy can erase the past. Second, we sense that economic compensation – while often valuable in many respects – can be an obtuse, incomplete, and even offensive remedy. If I send my friend some money as restitution without further comment after inexcusably breaking our dinner appointment, I risk further offending her by implying that I can reduce her time and our relationship to an economic transaction. My offense may have cost her some money, but the economic loss does not constitute the moral core of the injury. She may construe suggestions otherwise as an affront to her dignity, as Kant famously claimed: “In the realm of ends, everything has either a *price* or a *dignity*. Whatever has a price can be replaced by something else as its equivalent; on the other hand, whatever is above all price, and therefore admits of no equivalent, has a dignity.”¹⁴⁰ This would be still more evident if rather than missing a meal I committed a serious offense – such as rendering her child paraplegic – and responded by cutting her a check after consulting the valuation estimates in *What's it Worth?* Although the money may be valuable and indeed essential to pay for the child's medical bills and future care, the check alone would likely seem insufficient and even insulting because it fails to address the non-economic aspects of the loss. The U.S. Supreme Court indicated that “[r]estitution is an effective rehabilitative penalty because it forces the defendant to confront, in concrete terms, the harms his actions have caused,” but if I am ultra-rich and the payment for severely injuring the child is inconsequential for me – as may be the case in many corporate offenses – the remedy would seem transparently inadequate and unjust because it would cast moral and financial value into stark relief.¹⁴¹ Money, to put it differently, would not cost enough. Restitution provides commensurate financial compensation, but other spheres of value remain ignored. Wagatsuma and Rosett find this oversight endemic to the U.S. legal system because of its “historic pre-occupation with reducing all losses to economic terms that can be awarded in a money judgment and its related tendency either not to compensate at all or to award extravagant

damages for injuries that are not easily reducible to quantifiable economic losses."¹⁴² In this context apologies risk becoming "transactional," seeking to supplant designations of guilt with the morally equivocal language of costs and benefits.¹⁴³

Third, how should we account for those nonpecuniary lexicons of value within the remedial aspects of apologies?¹⁴⁴ Instead of conceiving of apologetic compensation as a retrospective *quid pro quo*, it can be helpful to understand remedial measures as oriented toward the future rather than the past when remedies cannot provide equivalent or even commensurable reimbursement. Rather than attempting to undo history or balance the scales of justice, we can think of remedial action as taking *practical responsibility* for the harm caused by the offender. Taking practical responsibility must often go well beyond legal and economic consequences, and again such needs can take an infinite variety of forms. How should a victim and an offender determine appropriate expiation? Shared conceptions of fairness should guide the parties. Because categorical apologies convey a shared commitment to an underlying moral value, the victim and offender may share a concomitant conception of how to respond to an offense of the norm. A shared commitment to the underlying value, however, does not necessarily entail a shared view of the appropriate remedy for breaching that value. Offenders' expectations for satisfying such responsibility will differ according to injury and context, and we can notice how it will be necessary to parse blame before determining how to best attend to those responsibilities. We can imagine, for example, that if I accept moral responsibility for crippling a friend's child that – beyond paying the bills for her treatment – I might personally care for her and share the various kinds of work required of parents in such a situation. Persistent devotion of my time to the child would address aspects of apologetic meaning beyond the usual reach of a financial settlement.

Situations arise where offenders cause harms exceeding their resources. If an impoverished person causes expensive property damage, she may be incapable of ever paying restitution even if she agrees that she should repay the debt. Is an apology then beyond her means? Although she cannot provide a certain sort of meaning if she cannot relieve me of the burden of paying my related bills, that may be insignificant when compared with other efforts she can make. As a testament to the offender's dedication to honoring the breached value, a small amount of hard-earned money provided to a victim may convey more meaning than a large check from a billionaire because money possesses differential moral value depending on the situation of the debtor. A small amount from someone without vast financial wealth (consider a child offering a year's allowance) may not pay the bills she has caused, but it can provide considerable meaning within non-economic spheres. Moreover, if we need not think of the costs of injuries in strictly economic terms, an offender's offer to personally care for me or provide

some other valuable deeds while I am injured could be much more meaningful than a sum of money. As mentioned earlier with regard to thinking of reparations as discharging our moral debts, none of us can really ever pay off our victims for their injuries. We can only do our best to reform and try to help those we have injured when we make moral errors. Neither the rich nor the poor can erase the past. We will return to these issues in the context of collective apologies for harms across generations, for instance where families or nations may have benefited from the spoils of slavery so fundamentally that liquidating all of their wealth would not suffice to repay even the economic dimensions of their debt.

Beyond poverty, another obstacle may prevent an offender from providing remedies even if she agrees that her reform is necessary and the proposed remedy is appropriate: offenders may die before providing redress. We recognize the difference between an offender's agreement to complete a certain remedial recourse and her actual fulfillment of those responsibilities, and we appreciate that innumerable challenges may confront even the most sincere efforts to provide remedies. Nevertheless, although we can consider the degree to which an offender satisfies our expectations of how she should take practical responsibility for her actions, her death can be an absolute bar to remedial action. If the offender dies without fulfilling her promises to reform and take practical responsibility, the apology's meaning will not have the occasion to bloom. For these reasons, deathbed apologies should be suspect because the promise to reform will never be tested and death will foreclose most forms of redress. Regardless of how sincere an apology may appear at the moment it is given, death denies the possibility that it will be corroborated by actual and continuous reform and therefore its meaning will remain forever limited. If a mother apologizes with her dying breath to her child for a lifetime of verbal abuse, this may offer a profound moment in the relationship. Yet we will never know if, had she lived another day, the parent would have immediately returned to her abusive ways. The parent might alter her will to provide restitution from beyond the grave, but this cannot corroborate a change of heart in the same manner as enjoying a relationship with her as a person who recognizes her error, reforms her behavior, resists enticements to regress, and takes appropriate remedial actions for subjecting her daughter to a lifetime of degradation. Hence Maimonides requires us to demonstrate our reform by forbearing in the presence of temptation before we can consider repentance complete.

I review the stance of various religions on deathbed apologies later, but we can immediately notice their importance. If I can enjoy a life of sin and denounce my behavior as my last act in an attempt to curry favor in the next world, theologians might want to close this doctrinal loophole. We can also notice here the dynamic of apologies within suicide notes where the deceased recognizes the wrongness of some act – such as her commission of a corporate scandal – that leads to her suicide. By killing herself she may

convey that she would rather die than suffer through providing the remedy, which might include public humiliation, destruction of her personal finances, or a prison sentence.

Notice here the continued relevance of standing considerations. The very idea of reform loses much of its meaning if I can delegate it to another. Just as I will not enjoy the health benefits if someone else exercises for me, only I can undergo my own moral reform. One cannot delegate self-improvement. Likewise, we can appreciate the importance of the offender undertaking remedial activities herself. If I cause harm and my mother pays the bill, this differs considerably from compensating the victim with earnings from my own labor. Unlike many fungible commodities within capitalist markets, the origin of the goods offered as redress bears great significance. This would seem still more apparent if the redress took the form of services rather than money. If a wealthy offender can pay nurses to tend to her victim, this would fundamentally differ in spirit from the offender providing the care personally.

Situations will arise where the offender and the victim or community disagree about the appropriate remedy. The offender may believe that she must reform and undertake some remedial action but find the request for compensation excessive. If I apologize for breaking your window and you demand that I buy you a new house, I would find your proposed remedy disproportionate to the offense. I intend this example to emphasize how disagreements regarding appropriate remedies do not always result from the offender balking at legitimate remedial demands. Victims may knowingly make unreasonable demands to test the waters and determine just "how much an apology is worth." The victim as well as the offender may exploit apologies to her advantage. If an attorney who stands to gain one-third of a settlement mediates between the victim and offender, she has considerable economic incentive to exploit the apologizer's vulnerability and guilt and negotiate for the highest possible award. A victim's abuse of an offender in this way can constitute an offense in its own right. As is often the case in personal, legal, and political conflicts, the giving and receiving of apologies can become a thinly veiled power struggle divorced from the moral harm that occasioned the exchange. As I consider later, this was evident in the aftermath of the emergency landing of a U.S. spy plane on a Chinese military airfield after it had collided with a Chinese fighter jet and killed its pilot in 2001. Although Chinese and American officials performed elaborate apology rituals, it became clear that both parties used the apology as a pretext to negotiate their purely instrumental pursuit of their respective political ends.

Apologetic offenders may find various kinds of informal redress justified but legal remedies excessive. This can create difficulties. If I privately apologize for punching you but then deny that I did so in criminal proceedings and refuse to accept legal consequences of assault charges, then I trigger the earlier concerns regarding the public functions of an apology. Lee Taft appears to believe that a full apology requires an offender to accept any

legal sanctions regardless of their proportionality: "When an offender says, 'I'm sorry,' he must be willing to accept all of the consequences – legal and otherwise – that flow from his violation." He continues to argue that if "a person is truly repentant, he will not seek to distance himself from the consequences that attach to his action; rather, he will accept them as a part of the performance of a moral act and the authentic expression of contrition."¹⁴⁵

We can distinguish, however, between cases where an offender simply wishes to avoid legal consequence and one who finds the legal sanction unfairly excessive. In the case of the Lewinsky scandal, we can imagine that Clinton may have wished to offer a categorical apology for both the affair and his perjury. As events unfolded it became clear that his enemies had leveraged these offenses in such a way that admissions from Clinton would result in severe – and what some, including Clinton, might think unjustifiable – legal consequences. Even if we stipulate that Clinton categorically regretted his actions and wished to accept practical responsibility for the harm he caused, he probably believed that impeachment constituted an unjust consequence. He might accept various forms of personal and political blame while rejecting the argument that he should be impeached. A parent who wishes to apologize to her children for using narcotics only once could face a similar problem: although she wishes to apologize, she may believe the jail term she would face for admitting her deed in court is unfair.

Distinct from questions regarding the legitimacy of legal sanctions, there may be uncertainty regarding the extent of the victim's suffering. Because the apologetic offender shares the commitment to the breached moral principle underlying the harm, she will find it reasonable if the victim takes offense. But how much offense is justified? If she has offended an "eggshell victim," a term used in tort law to describe a particularly sensitive party, must she take remedial responsibility for all of the suffering or only for what an ordinary person would have suffered? In the previous example of killing my spouse's tomato plant, suppose the plant held deep symbolic value for her and its destruction triggered profound remorse. Minor incidents often bring about major conflicts because of the serious moral issues beneath the surface of what may appear to be a superficial injury. The damaged tomato plant may come to symbolize my disrespect for my wife, and I would recognize that considerable anguish is an appropriate response to such an affront because I share the breached value with her. Yet suppose that she grieves for years over the loss, and I come to learn that her older sibling intentionally crushed her tomato plants every year during her adolescence and my act has caused her psychological trauma that was unforeseeable to me at the time of my act. Here the question of whether I proximately caused the deeper injury would be like the case of the friend who is attacked while waiting for me after I fail to meet her for dinner as we had planned: I did something wrong, but another's actions may supervene upon mine. The proximity of causation in

these cases may be difficult to untangle, but such determinations haunt many questions regarding our remedial responsibilities to others.

Some offenders may resort to a familiar strategy when they find a victim's requests for remedy excessive, engaging in self-castigation in order to immunize themselves from further responsibility for their offense. As Oscar Wilde quipped, "[w]hen we blame ourselves we feel that no one else has the right to blame us."¹⁴⁶ An offender may preemptively blame herself before the victim can participate in the assignment of responsibility, thus allowing the offender to assert control over and frame the apologetic discourse. She may then attempt to make quick work of apologizing. If this does not satisfy the victim, the offender may assert something to the effect of "I *said* I am sorry" with the emphasis on the past tense of the act to remind the victim that the work of apologizing has already been completed. In addition to the numerous ambiguous meanings of the word "sorry" that allow the offender to eschew a more explicit moral conversation regarding her offense, the offender attempts to use the very utterance of language of contrition as a shield against accepting further remedial responsibilities. Some use this tactic aggressively, perhaps believing that the best defense is a good offense.

Consider conservative pundit Bill O'Reilly. In advance of the 2003 invasion of Iraq, O'Reilly claimed that Saddam Hussein's acquisition of weapons of mass destruction justified Operation Iraqi Freedom. O'Reilly promised the following if no such weapons were found: "I will apologize to the nation and I will not trust the Bush administration again."¹⁴⁷ Operatives found no such weapons and the following exchanges unfolded between O'Reilly, Charles Gibson, and Robin Roberts on *Good Morning America* on February 10, 2004:

O'REILLY: "Well, my analysis was wrong and I'm sorry. Absolutely. You know. And I'm not pleased about it."

GIBSON (OFF CAMERA): "Camera's right there."

O'REILLY: "Yeah, I just said it. What do you want me to do? Go over and kiss the camera? All right. I was wrong. I'm not pleased about it at all. And I think all Americans should be concerned about this."

ROBERTS (OFF CAMERA): "It's not the apology that I care about. That's truthful. You did say in there, though, if he's clean, if there's nothing, I will never trust the Bush administration again."

O'REILLY: "I am much more skeptical of the Bush administration now than I, I was at that time. Absolutely. And I'll tell you why. I understand from reading the Kay report how it all happened because I believe Kay. All right? I don't think Bush lied, but I don't think Bush was, and his people, were nearly skeptical enough about George Tenet and his guys bringing him in this stuff. I think they cherry-picked what they wanted to remove Saddam Hussein."¹⁴⁸

By several measures, O'Reilly offers a rather meaningful apology. He admits wrongdoing, he explains why he was wrong, and he expresses his increased

distrust of the Bush administration. Surely many would have liked more from him, for instance a recognition that his error contributed to public support for the war given his status at the time as a leading news analyst. If he accepted blame for this, then appropriate remedial action from him might include more than uttering apologetic words. Depending on the contours of a causal analysis, some might even claim that O'Reilly's remedial responsibilities include accounting for the blood on his hands.

I am primarily interested in what some might consider an inconsequential remark: "What do you want me to do? Go over and kiss the camera?" O'Reilly implies that he has met his promise to apologize as soon as the word "sorry" crosses his lips. Demanding anything more of him, he suggests, not only overreaches but also constitutes an offense against him. In his opinion he has apologized and lingering on his mistake causes him to suffer an unnecessary indignity, as he insinuates with his "kiss the camera" comment. He might have asked if he should "drop down, kiss their feet, and say 'I'm sorry,'" as did Olympic sprinter Ben Johnson after being repeatedly asked about the steroid use that caused him to be stripped of a gold medal.¹⁴⁹ In O'Reilly's case he may be justified in this counterclaim, as Gibson's "Camera's right there" comment seems to revel in O'Reilly's comeuppance. In less nuanced instances we often find the offender arguing that because she expressed some degree of contrition or took some remedial action that the matter should be put to rest. One might find this strategy at work in a case of unfaithfulness in a romantic relationship where the cheater uses the "I said I am sorry" charge to assert that forgiveness is warranted before the victim is satisfied with the offender's redress. If I offer some amends, I might claim that the matter no longer merits discussion or further action and accuse the victim of opening wounds that should have already healed. I might even turn the tables, asserting that in light of my actions I *deserve* to be forgiven and the victim's continued harping on the matter holds hostage a moral status that rightfully belongs to me.

In contrast to these scenarios where the offender claims that the victim demands too much of her, we might find an apologetic offender performing excessive redress for her wrongdoing. Consider if someone devotes her entire life to apologizing for the suffering she caused. In some cases this might become obsessive and even unwelcome for the victim. If someone seriously injures my child, I may not welcome her daily apologetic presence in my life as she continues to remind me of my suffering when I prefer to direct my attentions elsewhere. At this stage we might sense how the offender's actions do not serve my family's remedial needs but rather attempt to assuage the offender's own guilt and torment. Nevertheless, in some cases a life of devotion to the offended may be appropriate and welcome. If the offender renders the victim disabled, taking practical responsibility for that injury by caring for the victim may amount to a full-time occupation. Inflicting an injury and apologizing for it could also provoke a life-transforming awakening in the

offender such that she crusades against similar wrongs and her life's work becomes entwined with and an extended response to her initial wrongdoing. Yet because we typically believe that an offender can only accept blame for the harm she proximately caused, at some point it may no longer seem entirely appropriate to characterize her actions as redressing the initial wrong because they have so obviously surpassed typical expectations for remedial actions. As I indicated earlier, however, it is rarely a simple matter to determine when someone has discharged her debt to the offender. Indeed, thinking in such an economic manner belies the incommensurability of injuries and remedies. Suppose I apologize to my spouse for a sexist act and I immerse myself in studying sexism to demonstrate my commitment to the underlying value. This then spurs me to devote the remainder of my career to teaching classes in sexism, publishing on topics in sexism, and advocating in various forums for the eradication of sexism. In this example, it would be impossible to discern precisely where my actions have satisfied my debt to her and become non-apologetic in nature. In light of my resistance to binary conceptions of forgiveness discussed later, it would be especially difficult to identify the apologetic tipping point where I have cleared my moral account and should be rewarded with her forgiveness.

J. Intentions for Apologizing

Having previously examined concerns regarding the apologizer's *mental states at the time of the alleged offense*, which often take the form of assertions that the accused "did not intend" the harm and thus describe it as accidental, we now turn to the offender's *intentions for apologizing*. Even if an offender attends to all of the previous elements of a categorical apology, it still matters *why* she apologizes. Although many of the previous discussions speak to the offender's intentions to some degree, we should be careful not to underestimate the significance of the offender's motivations and mental states. If an unfaithful spouse offered what appeared to be a categorical apology not because she believed that she had committed a moral error but because she sought a strategic advantage in divorce proceedings, this would dramatically alter the meanings of the gesture. Similarly, if I knew that my boss would fire me if I did not provide what appeared to be a categorical apology for insubordination, the apology would be considerably less meaningful to both of us if she knew that I only went through the motions of apologizing while continuing to believe that my actions were justified. The apology would be less meaningful in both cases even if the offender completed the requested remedial tasks and did not reoffend or otherwise degrade the apology.

We might be tempted to think of this as a "sincerity condition," but doing so may miss potential subtleties at work. Even if we confine ourselves to the most common definition of sincerity as an absence of deceit, hypocrisy, or impurity, various possible uses of sincerity in this context may signify

material distinctions in apologetic meaning.¹⁵⁰ I might sincerely feel sympathy for the injured. I might sincerely regret that you have taken offense to my justified act. I may not share the value at issue, but I sincerely commit to never breaching it again because I understand that doing so would jeopardize my employment, my social standing, or my freedom from incarceration. I might sincerely believe I have made a moral error for which I must atone. It also seems possible that I could believe that I sincerely apologize although I am actually quite confused about an element of an apology. I might assert that I sincerely apologize, for instance, even though I do not wish to accept blame for the harm. I might believe at the time that I sincerely apologize, but then come to believe that what I intended was not an apology at all according to my revised views. We can compare this to an adolescent sincerely believing that she loves her first romantic partner, but later in life recognizing the relationship did not meet her mature standards of love. We would not think of her as insincere or dishonest when she told her adolescent companion of her love because she later came to change her understanding. In these senses it matters to which aspect of my apology the sincerity attaches and therefore general assertions or judgments regarding an apology's sincerity can overlook crucial distinctions in meaning.

Categorical apologies entail a commitment to a shared value, which speaks not only to the prospect of a future free from harms caused by breaches of the shared principle but also to a relationship that may include a shared sense of goodness, justice, or even the meaning of life. An apology motivated by a commitment to one's principles and relationships will hold meaning beyond the ultimate consequences of an apology even if an act of contrition produces disastrous results. We need not commit to a form of Kantianism to see why intentions of this sort matter to apologies. If, while under hypnosis, the offender is directed to execute a categorical apology and conditioned to reform and provide redress for the remainder of her life, then we would see her words and acts in a different light. Although such mind control might be an effective means of ensuring that the offender will not repeat the injury and that the victim will benefit from the offender's clockwork remedial activity, something will seem absent because an autonomous reflective commitment to the value does not motivate her efforts. In most instances we want an apology from a person who consciously agrees with our sense of right and wrong, not from a machine mimicking moral agency. If my spouse apologizes for being unfaithful, it would be essential for me to know whether she – as my life partner – freely shares the breached commitment to marital fidelity, secretly scoffs at my puritanical monogamous values, or has been coerced or conditioned into behaving as if we are of the same mind regarding this core value. Understanding the intentions behind an apology not only provide predictive power into the offender's future behavior but also provide insight into the nature of our relationships. Categorical apologies serve many functions, and we can advance some of these objectives

without regard to intentions. The uses of apologies, however, account for only some of their meanings. In this sense, apologies may speak to the offender's character rather than merely to her ability to navigate a maze of social expectations.

Here we can contrast Lazare's largely instrumental account of apologies. Lazare does not consider "strategic apologies" – which he understands as "motivated by the offenders' attempt to change how others perceive them or keep their relationships intact or enhance their social stature" – to be "somehow less truthful" than apologies motivated by deontological or other-directed concerns. He suggests this position "even if the offenders do not exhibit shame, guilt, or empathy."¹⁵¹ Inquiring into the mental states behind the appearances of apologies seems imprudent for Lazare because doing so risks questioning their worth, and in light of this Lazare asks: "How can we argue against social harmony among individuals, families, and nations?"¹⁵² "To believe that a 'pragmatic' apology is somehow less truthful or less effective than a more impassioned one," he continues, "is to value style over substance, as if we believe that the manner in which an apology is delivered is more important than the goals it seeks to achieve."¹⁵³ However manipulative or malicious an offender's intentions may be when apologizing, Lazare implies that ignorance is bliss for a victim and we should not interfere with her illusion: "As long as an apology meets important psychological needs of the offended . . . we should not diminish its effectiveness by becoming critics."¹⁵⁴ Philosopher Richard Joyce shares Lazare's opinion that we may occasionally reduce the value of an apology to a cost-benefit analysis, with social utility occasionally trumping veracity. "For my money," Joyce claims, "if there are important beneficial consequences that can be attained if that individual 'says sorry,' and little in the way of costs, then I would prefer to see him do so . . . rather than see him retreat behind a defensive wall of 'I didn't do it.'"¹⁵⁵ Thus, if you believe that you have not done anything wrong and feign your way through apologetic gestures in order to advance some social objective, these theories have difficulty accounting for the radical shifts in meaning between such a performance and a soul-rendering act of contrition.

I do not deny that even the most deceptive and disingenuous apologies serve important social functions, but surely they do not provide certain forms of meaning. If the injured party learned of the deception, for example, this would drain the purely strategic apology of much of its value because it would be a less convincing indicator of the future performance, it would cast attributions of blame into question, and it would destabilize the supposedly shared value at stake. The victim might also consider her injury compounded because, in addition to the original harm, now she has been deceived regarding the offender's apologetic intentions. Even without a deontological commitment to the wrongness of lying, many will consider a falsehood told to them in the guise of an intimate apologetic gesture as a particularly

insidious affront. The illusion of a categorical apology may indeed salvage a marriage or a friendship, but I would not find it rhetorically excessive to claim that lies hold together such relationships. Indeed, it seems that many of our most commonsense criticisms of apologies arise from an intuition that they perpetrate some form of a lie, as we so often hear unsatisfactory apologies described as false, disingenuous, deceptive, or pretextual.

Apologies occasionally appear empty because they transparently seek only to manipulate others. Less odious intentions drive many apologies, but with some the motivations appear obviously and exclusively self-serving. We can be moved to apologize not only because we want to win favor with others but also because we sense that we need to apologize for our own well-being. If wracked by shame, guilt, or self-loathing, apologizing may offer the only means to exorcise these demons. In such cases of apologizing for what Lazare helpfully describes as "internal" motivations, we can remain oblivious to the remedial needs of the victim.¹⁵⁶ When I apologize in order to silence my conscience, I undertake the act to satisfy my own desire. If a victim asked me why I was apologizing and I answered that my psychologist advised me that doing so would help me sleep better at night, she would realize that the apology primarily concerns my needs rather than hers. I might fashion my apology to meet my objectives, and perhaps uttering the word "sorry" without engaging in a moral dialogue regarding my wrongdoing would suffice for my purpose. The victim might remain a mere means for me, and this might justifiably strike her as suffering from a continued lack of sympathy and respect for her and the value breached.

In particular, some offenders may view apologies as the most efficient tool for gaining the forgiveness that they desire. Consider these words from Cathleen Crowell Webb, who falsely accused Gary Dotson of raping her, resulting in Dotson serving six years in prison: "I'm so sorry for what I did to you and your family, especially Gary and his name and how I took six years away from him, and I really want your forgiveness, especially Gary's forgiveness."¹⁵⁷ If the longing for forgiveness motivates Webb, then her apology seems oriented toward her needs rather than Dotson's. Although she has caused Dotson to suffer a detestable injustice, Webb speaks as if her own redemption presents the primary moral concern.

Analyzing apologies for transgressions in the distant past can help demonstrate how the internal motivation of seeking forgiveness can move offenders to rather awkward displays of contrition. Imagine a long-forgotten friend contacting you to convey that, previously unbeknownst to you, she lied to you about something and now wishes to apologize for it. That period of your life is a distant blur to you, you remember very little about the relationship or this person, and you feel no injury when learning of the offense. She then asks if you can ever forgive her. In such a case we suspect that we represent a check on the offender's moral housekeeping ledger, and perhaps she seeks peace with herself or her god as she approaches death. We may play along

even if the apology holds little meaning for us because we sense that it serves a purpose in the offender's self-understanding. Steps eight through ten of the Alcoholics Anonymous program, for instance, require the individual to list those whom she has wronged, to "make direct amends to such people," and to continue to admit when she is wrong.¹⁵⁸ We may find an offender's dredging of the past unwelcome if, for her own benefit, she revisits an injury she caused without regard for pain she produces in us when recollecting the offense. The Alcoholics Anonymous program recognizes that insensitivity in this respect can amount to a distinct injury and thus wisely requires offenders to make amends "wherever possible, except when to do so would injure them or others."¹⁵⁹

Jeffrie Murphy points to a related issue. "We normally consider granting mercy or pardon when someone begs or petitions for it," Murphy writes, yet a "truly repentant person . . . would normally see his suffering punishment as proper and might . . . even seek it out." Why, then, does the offender plead for a reduction in punishment? "Is the fact that he wants us to reduce his punishments," Murphy asks, "perhaps evidence that he is not repentant and are we then faced with the problem that the only persons who are truly eligible for mercy on grounds of repentance will almost never get it because their repentance will cause them not to ask for it?"¹⁶⁰ I plan take up this conundrum at length in future works with respect to criminal punishment, but we can notice here how questions regarding the apologizer's motivations can fundamentally alter our perception of acts of contrition.

Jay Rayner lampoons apologies motivated by desires internal to the offender in his novel *Eating Crow*. I discuss this entertaining story later in the context of collective apologies, but Rayner's protagonist provides illuminating examples of how perverse some motivations for apologies seem. At the outset of the book, Marc Bassett works as a London restaurant critic who gains notoriety for his acerbic reviews. A chef kills himself in his own oven after Bassett lambastes him in his column and Bassett subsequently apologizes to the deceased's family. Bassett finds the experience of delivering the apology so gratifying that he becomes addicted to the ritual and seeks out everyone in his past that he has wronged so that he can again ride the "high" of expressing contrition.¹⁶¹ He describes the feeling as a "buzz," with some apologies reaching a full catharsis and others providing but "an espresso of apology" helping him to "start the day on a little high."¹⁶² As Bassett comes to understand apologies as a means of "getting things off of your chest," "closing up an aged wound," and being able to claim that a "matter had been dealt with," his peers realize that his actions have little more meaning than his "enjoying the purging of guilt."¹⁶³ He apologizes primarily because he likes the way it feels, and his targets refuse to indulge him once they understand that he apologizes merely as a means of pleasing himself. Although this fictional example presents an extreme case, it helps to isolate the importance of intentions to the meaning of apologies. If the

offender's intentions do not correspond to the victim's or the community's expectations, this can seriously damage the significance of the apology.

If intentions play such a role in determining the significance of an apology, how can we read the offender's mental states? Even if she makes her intentions explicit, a degree of skepticism seems prudent when interacting with an offender who has recently wronged you and stands to gain from convincing you of her sincerity. In the context of religious repentance, Montaigne doubted we could have much success measuring the souls of the contrite. "They give us to believe that they feel great inward grief and remorse: but of amendment and correction, or of ceasing sin, they show us no sign." "I know of no quality so easy to counterfeit as godliness, when the life and morals do not conform to it," he continues, its "essence is abstruse and secret; its externals are easy and ostentatious."¹⁶⁴ Despite such skepticism, however, we regularly judge the mental states of others and our notion of *mens rea* in criminal law depends on this ability.¹⁶⁵ An offender's emotions provide one such measure of her mental states.

K. Emotions

In light of the entwinement of the apologizer's intentions and her emotions, many identify certain "feelings" as a prominent feature of an appropriate apology. This contributes to the common conception of "I am sorry" – which we can read as a declaration that I am experiencing the emotion of sorrow – as the primary indicator of apologetic meaning. A closer look at the role of emotions in apologies presents many important and perhaps intractable questions. Consider but a few: What sorts of emotions must accompany an apology? We think of guilt, shame, remorse, and sorrow as typically apologetic emotions but might others also qualify? Can we expect the typical apologizer to self-consciously experience each of these emotions and the recipient of the apology to discern their presence? Even researchers in the field of emotions have difficulty not only defining guilt, shame, and remorse but also disagree regarding the boundaries between these often interrelated "feelings." Unless the apologizer specializes in the phenomenology of moral sentiments, how will we know when her feelings move between the subtleties distinguishing sorrow, shame, and guilt? Do all apologies require the offender to experience the same suite of emotions or do different offenses warrant different emotions? To what degree must the apologizer feel the appropriate emotions? Do more serious offenses require more intense emotions? How would we measure not only the presence of an emotion, but its intensity? For what duration must the apologizer experience the emotion? Must she only feel the emotion when articulating the apology, or must she experience it prior to apologizing and while she undertakes any form of redress? Should the intensity differ at various stages of apologizing? At what rate should the emotions dissipate? Must her emotions, rather than some external value, motivate her to apologize? On the contrary, if the offender's desire to alleviate

her feelings of remorse, guilt, or shame drives her actions, does this render the apology a selfish action undertaken primarily for the apologizer's mental health rather than from a duty to the victim? If apologizing for harm in the distant past, do the same emotional expectations apply? Does it suffice for the apologizer to feel an emotion, or must she express these feelings to the offended or the broader community? Must she express these emotions in a certain manner, for instance with the proper tone and gestures? Does the relation between apologies and emotions differ with cultural or gender expectations? If some of us lack typical emotional capabilities, for example due to brain injury or mood-altering medication, will this hinder our ability to apologize?

I am afraid that philosophers of emotion only compound these difficulties, as they notoriously dispute the nature of emotions and their role in moral life. For Aristotle, learning to experience the proper emotions in the proper circumstances constituted a central aim to living well, but one might also manipulate emotions for questionable rhetorical ends. Numerous medieval, early modern, and modern philosophers debated the worth of emotions, with Augustine, Aquinas, Descartes, Pascal, Locke, Hobbes, Spinoza, Shaftesbury, Malebranche, and others weighing in on the growing debate. Whereas Hume argued that "reason is, and ought to be, the slave of the passions," Kant influentially followed the Stoics' conceptions of emotions as irrational judgments and considered emotions a form of impulsive inclination that could impair rationality and tempt us to stray from our duties.¹⁶⁶ The romantic tradition elevated the emotions to the apex of human experience, and Nietzsche extolled passion generally while he denounced some emotions akin to resentment as driving the slave morality.¹⁶⁷ Figures as diverse as Rousseau, Schopenhauer, and Adam Smith believed that emotions should play a role in the development of moral sentiments.¹⁶⁸ Disparate treatments of emotions continued into the twentieth century, and philosophers from diverse methodological perspectives seem increasingly interested in the topic.¹⁶⁹

Given the breadth of phenomena considered under the rubric of emotions, we should not be surprised that contemporary philosophers and scientists have reached little consensus on the subject. Even the seemingly simple ontological question of what emotions exactly are offers numerous competing answers. Common sense may indicate that sadness is a sort of "feeling," but what provides the source of that sensation? Is it a bare physiological process, a secondary experience of physiological processes, a social-psychological construction, a kind of normative judgment, or something else? What even qualifies as an emotion? Martha Nussbaum lists "grief, fear, love, joy, hope, anger, gratitude, hatred, envy, jealousy, pity, [and] guilt" as standard examples.¹⁷⁰ However, can we draw clear distinctions between emotions and moods? Nussbaum distinguishes between two forms of depression, one an objectless mood and the other an emotion.¹⁷¹ How precisely can we draw these boundaries? Does melancholy, anxiety, or fear in response to

my death—even a death in the distant future—constitute a mood, an emotion, or something otherwise? We can envision debates regarding whether various characteristics potentially relevant to apologetic meaning qualify as an emotion, for example humility, courage, honor, generosity, hope, integrity, loyalty, prudence, respectfulness, self-respect, and so on.

Thankfully, I can leave the bulk of these thorny questions to those conducting excellent and interesting work in this area and focus here on why we tend to value certain emotions most commonly associated with aspects of apologies.¹⁷² Most intuitively, emotional displays help us read the offender's mental states and gauge her seriousness and sincerity. A display of sadness provides the offended with some observable physiological evidence—tears, a red face, or sweaty palms—to evaluate the appropriateness of the offender's mental state. Although a determined offender could stage all of these external indicators of her mental states, it may be a bit more difficult to fake one's emotions than to simply lie about one's feelings. In this way emotions also contribute to a sense of decorum associated with apologies, conveying the seriousness of the act. According to my account, however, other elements of an apology probably provide more reliable indicators of the offender's seriousness. An apologizer's clear articulation of her appreciation for the wrongness of her actions, consistent forbearance, and performance of remedial activities probably offer better measures. Emotions may corroborate sincerity, express an appreciation for the extent of an injury, or convey how deeply one prizes the value at stake, but they offer only one of many angles from which to assess the act.

Beyond their capacity as evidence for the offender's inner life, Aristotle's insight that a person who recognizes that she has done something wrong and harmed another *should* feel certain emotions rings true. If someone smiled and giggled while delivering an apology for a serious harm, this would surely strike us as odd or even offensive. If the offender appears giddy while apologizing, she would seem to suffer from a sort of moral failure in that she appears to take a kind of pleasure in my pain. Perhaps she fundamentally misunderstands the nature of the suffering that she caused me. One's values and emotional experiences should correspond in certain ways, and when they do not we question the individual's character. This speaks not only to "controlling" one's emotions, for example in suppressing the hatred a racist feels against a racial minority or in masking the pleasure felt by a misogynist when witnessing the degradation of a woman. Regardless of our ability to control outward manifestations of our emotions, we can identify moral impropriety in simply feeling certain emotions in certain contexts. If I, as an advocate for the rights of animals, were overwhelmed with feelings of happiness when watching a video depicting the torture of dogs in research labs, then I would feel a strong dissonance within myself. My emotions would be alienated from my values. As Gabriele Taylor and Martha Nussbaum have argued, emotions can be wrong in this sense and others.¹⁷³ If a child felt

emotions discordant with her values (or the values she was in the process of internalizing), her parents and teachers would hopefully attempt to cultivate more appropriate feelings in her. If our child plays on a sports team and begins to experience feelings of hate for her competitors, we would take extensive measures to correct these feelings.

Bernard Williams has likewise noted the tight relationship between moral and emotional concepts. We consider some emotions, such as wrath, nearly synonymous with vices. We think of others, such as love, as virtues.¹⁷⁴ In this sense it can be difficult to untangle the specifically emotional meaning of an apology given its interrelation with the other elements. If the offender appreciates that she has wrongly caused someone else to suffer, this moves her to accept blame for the injury, and she then cares for the victim, it seems that sorrow is already embedded within these activities. As Nussbaum explains, an "emotion such as grief is not simply a mindless surge of painful affect: it involves a way of seeing an object, an appraisal of that object as important, and the belief that the object is lost."¹⁷⁵ This builds the judgments of other aspects of apologizing into the "feeling." Given our vague and contested understandings of what specifically constitutes the emotion of sorrow and the dialectical relationship among belief, cognition, action, and emotion, we can see the difficulty in isolating a specific emotional component of apologetic meaning. If someone laughed while apologizing for a serious harm, I would suspect that this emotional inappropriateness would signify only the beginning of the problems. The embodiment of emotions further complicates matters, as I might explain an especially emotional apologetic gesture not only by reference to my values and beliefs but also to my physical state. I might feel particularly emotional today because of a lack of sleep, back pain, or the drugs I have ingested. These factors may not directly relate to my contrition – though in some circumstances they might, for instance if my restlessness resulted from anxiety over my offense – yet they trigger an emotional outburst when I apologize.

With these concerns in mind, we can draw out the relationship between the emotions most commonly associated with apologies.¹⁷⁶ In light of my earlier efforts to distinguish between expressions of empathy or sympathy with an acceptance of blame, I return to these emotions first. Empathy typically refers to one's ability to recognize, understand, and feel another's emotions. The better we can comprehend another's beliefs, desires, and life situations through empathic understanding, the more likely we can ascertain and relate to her emotional states.¹⁷⁷ Sympathy relates more closely to compassion, wherein we perceive a subject suffering or in an otherwise undesirable state and wish for the alleviation of the negative condition. We can think of sympathy as "feeling sorry for," not necessarily in the sense of having pity but rather in hoping that another will be relieved from hardship or offering our companionship while she endures a negative experience. Whereas empathy understands one's mental states but may not evaluate whether they are

appropriate or justified, sympathy judges those states and hopes for their alleviation. We often use compassion to entail not only the passive sympathetic wish for relief, but also an active effort to provide such relief. Stephen Darwall stresses the perspectival shift between empathy and sympathy. In empathy we may adopt a clinical stance on the subject's viewpoint and imagine how she must feel. "Sympathy for someone," Darwall distinguishes, "is felt, not as from her standpoint, but as from the perspective of someone (anyone) caring for her."¹⁷⁸ Philosophers debate the relationship between empathy and sympathy, for instance with Stocker and Hegeman resisting Nussbaum's suggestion that empathy leads to sympathy. Yet we can imagine scenarios where one might be empathetic but not sympathetic (I understand your feelings but believe you deserve to suffer) or even sympathetic but not empathetic (I want to help you although I have no idea what bothers you, why, or even if anything is wrong).¹⁷⁹

Given these usages, why do we associate empathy and sympathy with apologies? A 1996 letter to the *New York Times* in response to an essay by Deborah Tannen captures one reader's opinion: "One of the reasons that my ex-husband is my ex is because he found it easy to say, 'I was wrong,' but next to impossible to say, 'I'm sorry.' The former is an intellectual acknowledgment of error, but the latter shows remorse and empathy for a fellow human being."¹⁸⁰ We will turn to remorse shortly, but her distinction between empathy and other apologetic meaning resonates. Although I previously drew our attention to the common avoidance of the phrase "I was wrong" when apologizing because of its stark admission of wrongdoing and acceptance of blame, I risk overemphasizing the importance of this cognitive component to the exclusion of empathic meaning. Explaining that "I was wrong" may identify my offense, affirm the breached underlying value, and accept blame for the harm. To the victim all of this may seem abstract, distant, or cold. Empathy snaps into focus the suffering of a particular person by bringing us to understand "how she feels." Rather than simply sharing rules, we share feelings. We connect emotionally as well as intellectually. *Prima facie* this may sound like an imprecise platitude, but we should not underestimate the significance of appreciating the relevance of the mental state of the victim to an apology. Without empathy, the apology risks becoming so concerned with the violated principle, the offender's failures, or the process of the offender's redemption that the victim's felt suffering becomes incidental. The apology may appear to be *about* and *for* the offender and the value at issue rather than taking its orientation from the victim and her lived experiences. In this light we can imagine the alienated husband of the *Times* contributor paying more attention to the rectitude of his actions than to the feelings of his wife. Empathy and sympathy also speak to an apologizer's recognition of her wrongdoing as such as well as her motivation for redressing the harm. When I empathize with the offended, I better appreciate the consequences of my acts because I am attuned to what it feels like to suffer such harm. If I cause you to

incur medical expenses, for instance, empathy provides an understanding of the less visible and noneconomic damages. If I understand that you also experience considerable physical pain, anger, and increased anxiety and fear, I may be more likely to appreciate why my actions were unjustifiable. Hume and Schopenhauer found sentiments essential to moral judgment for these reasons. If we can relate to a victim's mental states and recognize them as undesirable, this triggers a sympathetic desire to ameliorate such suffering. Thus sympathy can provide motivation for an apologizer to undertake remedial actions.

Shame, guilt, embarrassment, remorse, and regret also commonly appear in apologetic contexts. As with empathy and sympathy, drawing sharp distinctions between these interrelated and often concomitant emotions proves challenging given the contested definitions of each phenomena. Philosophers have paid considerable attention to distinguishing shame and guilt, with Rawls' analysis in *A Theory of Justice* exerting some influence over the field.¹⁸¹ According to Rawls, "shame is the emotion evoked by shocks to our self-respect"¹⁸² but we feel guilt when we "act[] contrary to [our] sense of right and justice."¹⁸³ Both involve our sense of morality, but in guilt "we focus on the infringement of just claims of others and the injury we have done to them, and on their probable resentment and indignation should they discover our deed."¹⁸⁴ In shame we feel "struck by the loss to our self-esteem and our inability to carry out our aims: we sense the diminishment of self from our anxiety about the lesser respect that others may have for us and from our disappointment with ourself for failing to live up to our ideals."¹⁸⁵ A single wrongdoing might provoke feelings of both shame and guilt, but the primary distinction involves the emphasis on either my disappointment with myself (shame) or my concern for the victims and norms I have transgressed (guilt). Bernard Williams and Rawls agree that guilt and shame produce different worries and desires in the offender. Both describe shame as eliciting contempt – as opposed to anger – from others.¹⁸⁶ Whereas guilt may result in anger against the guilty, one can typically ameliorate the emotion by taking remedial actions. Shame can produce remedial paralysis, and according to Williams shame results in "not just the desire to hide, or to hide my face, but the desire to disappear, to not be there."¹⁸⁷ Nussbaum provides a similar distinction. Unlike shame, guilt does not "sully the entirety of one's being."¹⁸⁸ Because it can be eliminated by correcting one's actions, guilt "is a dignified emotion compatible with optimism about one's prospects."¹⁸⁹ In light of these distinctions some have made broad claims about the moral structures of "guilt cultures" versus "shame cultures,"¹⁹⁰ and I will later consider Sandra Bartky's feminist phenomenology of shame and guilt as it relates to potential gender difference in apologetic meaning.

A few further distinctions may prove helpful. Embarrassment suggests a lesser degree of control and culpability, as I might feel embarrassed rather than ashamed for accidentally bumping into you – the accident bespeaks a

bit of bad luck rather than a moral failure or flaw in my character. We might also experience embarrassment as a kind of bashfulness or uneasiness when we have done no wrong, as when someone publicly lavishes praise upon us. Remorse tends to indicate an intense regret for one's wrongdoing, and its Latin roots suggest "biting again" as if the memory of the transgression gnaws at our conscience. I considered the various notions of regret in some detail earlier, but notice that my account there hardly characterizes regret as an emotion.¹⁹¹

How does each of these broadly distinguished emotions relate to apologetic meaning? Perhaps Kantian moral theories would view such emotions as largely irrelevant or even potentially distracting impulses that duty-bound agents should override. A complete disregard for the significance of apologetic emotions, however, is surely a minority position. Understood in accordance with the earlier description, guilt would seem like an appropriate emotional component of an apology because it accompanies the recognition of wrongdoing as such. When we identify and share a commitment to the value underlying a transgression, guilt would appear to designate the corresponding emotion. As an undesirable emotion, guilt also spurs us to undertake the reform and redress likely to free us from its clutches. Notice how the Kantian objection resonates here: we should not be motivated by a desire to alleviate the ill effects of our own negative emotions but rather by our responsibilities to the transgressed values. In some respects it seems that the wish to improve the well-being of the other, rather than the inclination to assuage our own guilt, should motivate us to apologize and provide redress. For Kant, however, proper motivation would arise not from the desire to relieve the suffering of either the offended or the offender but rather from a duty to the universal law. One might also object that if the bare "feeling" of guilt provides the catalyst for apologizing, the apology might suffer from being "undertheorized" in that the offender might skip the work of making the breached underlying value explicit. Whether the feeling of guilt leads to the cognitive appreciation of the wrongdoing or vice versa presents still another consideration.

In emphasizing the offense against self-regard, shame relates more closely to the failure to achieve my own objectives than to the violation of shared values so central to apologies. If an offender experiences the remedial paralysis symptomatic of shame with sufficient intensity, she may feel so forlorn that she lacks the hope or will to provide redress or expend the effort to transform her behavior. If Williams' description of shame as a desire to disappear is accurate, it will be difficult for an offender suffering this effect to appear before her victim and community, accept blame for her wrongdoing, and set out to redress the injury.

In a general sense we can also notice the role apologies play in transferring emotions from the victim to the offender, as an offender's acceptance of blame may lighten the victim's emotional load. Victims may feel guilt and

shame for their suffering, as cases of domestic violence often demonstrate. If a transgressor comes to bear the emotional responsibility for the harm and justifies the victim's sense of injustice, then the victim may come to feel less burdened by the guilt or shame arising from her unwarranted feelings of complicity in her own abuse.

In future work I will consider the relation between apologies and the recent revival in shame as punishment, for example in the work of John Braithwaite, but the punitive role of emotions in apologies presents some interesting and disconcerting issues. Negative emotions can have a deterrent value in that potential offenders may resist urges to commit offenses if they wish to avoid the unpleasant feelings of guilt or shame that may accompany their deed. Negative emotions may also serve rehabilitative objectives because an experience of guilt may move an offender to reform her behavior. Shame, guilt, sympathy, and empathy all play a role in reintegrating the offender into her community and sensitizing her to the consequences of her actions. Emotions may also incapacitate offenders, leaving them so embarrassed or ashamed that they lose their will to deviate.

Beyond these utilitarian functions, might emotions also serve a retributive role within apologies? Might we want an offender to feel negative emotions when she apologizes because we believe that she *deserves to suffer* from the emotions? In some circumstances, Kant explicitly claims that courts should command offenders to apologize in order to cause them to suffer public humiliation and thus pain commensurate with the harm they caused. Like requiring the offender to kiss the hand of the victim, a forced apology serves retributive ends because such "humiliation will compensate for the offense as like for like."¹⁹² Watching the offender bear the weight of a heavy heart may sate our retributive desires, and therefore we might find that an offender who offers an otherwise robust apology "gets off too easy" if she does not serve her emotional sentence. Several social scientists imply that apologies mitigate a victim's "anger and aggression"¹⁹³ and social psychologist Ken-ichi Ohbuchi claims that apologies provide "aggression-inhibitory effects."¹⁹⁴ Results of one of Ohbuchi's studies indicate that "when the harm-doers apologized, as opposed to when they did not, the victim-subjects refrained from severe aggression against them." "The more severe the harm," Ohbuchi found, "the more extensive of an apology may be needed to alleviate the victim's anger and aggression."¹⁹⁵ This suggests that victims may harbor retributive sentiments when injured. The scales of justice can be corrected on this view either by the victim inflicting harm upon the offender or by the offender inflicting harm upon herself by apologizing. The greater the harm, the greater the aggression or apology needed to recoup its cost.¹⁹⁶

Might finding inherent value in the suffering of the apologizer be motivated by less than deontological beliefs? Might we desire the apologizer to feel shame, guilt, remorse, humiliation, or other negative emotions because we take pleasure from her suffering? Do we desire the offender not only to

provide the appropriate emotional accompaniment to wrongdoing, but also to debase herself through various forms of groveling? Perhaps apologies offer occasions for vengeance and we enjoy watching offenders buckle under our reestablished authority over them. Perhaps Nietzsche, more so than Kant or Bentham, illuminates our motivations by explaining our interest in the emotional pain of the apologizer – like the pain of the punished criminal – as an expression of resentment and a kind of power cheaply attained.¹⁹⁷ This may help to explain the cultural obsession with apologies of the famous, in that some might take particular delight in witnessing the powerful submit to, suffer from, and internalize the values of the herd. Some might even take pride in the apologizer's humiliation: I may feel a surge of strength as I watch a celebrity reduced to tears because of her failure to honor my values. Matters become still more perverse if we think of shame or guilt as emotions of self-punishment, potentially rendering the emotional content of apologies masochistic as well as sadistic.

Emotions present still further complications for apologetic meaning. First, I might experience multiple conflicting emotions while apologizing. I cannot begin to unravel the many possible webs of concurrent and contradictory emotions, but some examples should help to demonstrate the potential issues. Suppose I hear a hilarious joke the moment before I apologize. I quickly attempt to reorient my emotions from amusement to guilt, but I cannot help but think of the punch line and a giggle interrupts my somber gestures of contrition. Likewise, apologies for offenses in the distant past may not arouse emotions with equal intensity as will those for fresh injuries. Perhaps I experience concurrent emotions in a proportion that the victim deems inappropriate, for instance if, instead of being primarily filled with empathy and sympathy for my wife as I apologize to her, I am overcome with anxiety at the prospect of being abandoned by her. Although Sartre argued that we must take responsibility for our emotions and Aristotle believed proper emotions indicated a good upbringing, they seem to be at least in part involuntary and thus it would be odd to require an offender to manufacture the proper type and degree of emotions before we would take her apology seriously.¹⁹⁸ It also seems possible that providing an apology could be uplifting for the offender in that she could feel pride rather than guilt on the occasion of becoming a person who takes responsibility for her actions. In this sense we might think of the apologizer's pride in her moral progress overriding her guilt for past wrongdoing. Notice, however, the difficulty of identifying when the apologizer reaches the tipping point on the scale of self-respect from positive to negative emotions.

Emotions can also interfere with other aspects of apologetic meaning. Emotional outbursts can cloud an apology as we try to discern the meanings conveyed in a garble of fits and starts that may hinder gestures of contrition from a distraught offender. Offenders may also rely on maudlin displays to disguise deficiencies in an apology, but no amount of tears will provide

the sort of significance, for example, resulting from a clearly articulated acceptance of blame. Similarly, offenders may use emotional intensifiers as substitutes for other forms of meaning, for instance explaining that they are "really, really sorry" for your injury. Without further explanation, such statements suffer from the ambiguities addressed earlier with respect to statements of sympathy that do not accept blame. Apologizers can also use emotions offensively in a campaign to win forgiveness, as a weeping offender can leave the victim so uncomfortable that she offers exculpation simply to bring the spectacle to an end.

We also should not fail to notice how the diverse role of emotions in various cultures inflects apologetic meanings. Some communities discourage emotional displays altogether. Others celebrate emotions. Whereas some emotions, like fear in the face of danger, have an obvious evolutionary function, others undergo social cultivation or suppression.¹⁹⁹ In some contexts an emotion may be glorified – consider the idolized wrath of Achilles – while in others the same emotion would be considered barbaric.²⁰⁰ We also learn what sorts of things warrant emotional expenditure within given contexts. In this era I might find an insult to my penmanship from a superior colleague amusing, but one hundred years ago I might have been humiliated by such a judgment and suffer from the anxiety that poor handwriting may cost me my livelihood. Such insights motivate J. S. Mill and Catherine MacKinnon's respective studies of the construction of emotions as experienced by women within unjust conditions. This also informs the work on the distinctions between guilt and shame cultures referenced earlier.²⁰¹ Any discussion of the role of emotions within apologies, therefore, must remain mindful of the complex nexus of beliefs and values in which we find acts of contrition.

Having noted these complexities presented by the relation between emotions and apologetic meaning, let us consider one last example: Antonio Damasio's neurological studies of subjects who have suffered injuries to the prefrontal and somatosensory cortices of their brains.²⁰² These individuals lack the ordinary ability to experience emotions, and we can wonder how we might understand an apology from them without this capacity. Damasio claims that the emotional deficiency impairs a subject's ability to make practical judgments, and the extent to which this is true may prevent such an offender from seeing a need to apologize. One might expect, as Damasio's research suggests, that an offender would be considerably less likely to provide an otherwise categorical apology if she does not experience the requisite emotions because emotions spur us to apologize and help us navigate the complex interpersonal acts. I suspect that this is correct but little more than speculation without further empirical evidence. Nevertheless, suppose one of Damasio's subjects provides an otherwise exemplary apology for a serious offense. She accepts blame for the harm, she never reoffends despite facing temptations to do so, she affirms her commitment to the underlying value, and she completes a generous remedial program. Her apology is earnest and

motivated by a desire to honor the breached value and increase the well-being of the victim. Yet she does not *feel bad* when doing all of this. If we believe that such an apology continues to suffer from a deficiency, we would need to identify meaning inherent to the emotion rather than instrumental to other kinds of apologetic significance already achieved by other means. What might this be? We might return to the punitive functions of apologetic emotions, but the deterrent, rehabilitative, and incapacitative aims will have presumably been met. This leaves retributive justifications: we want the offender to suffer emotionally, and if she does not then she evades her just desserts. According to this view, she has caused the victim to feel negative emotions and she must in turn suffer those emotions. Yet what if, instead of experiencing emotions such as shame or remorse, a migraine headache afflicts the offender whenever she thinks of her deed? Could non-emotional pain fulfill this retributive gap usually filled by emotional suffering? If so, would inflicting such headaches upon her be a legitimate form of punishment to compensate for her emotional insensitivity? I will leave those questions for retributivists and philosophers of mind and emotions, but we can see how multifaceted and delicate such matters become. Such concerns present some practical relevance if we broaden the example by including others who might similarly have atypical relations to emotions, for instance a Stoic who extirpates various emotions from her life, a psychopath or someone suffering from antisocial personality disorder with limited ability to experience remorse, or even someone scoring within the autism spectrum who exhibits abnormal empathic abilities.²⁰³

The complexity and importance of these questions regarding emotions and apologetic meaning, like those earlier regarding intention, reinforce my dissatisfaction with analyses offered by philosophers and social scientists who understand apologies as speech acts that either “fire” or “misfire.” Just as a broken promise is still a promise, Richard Joyce argues that an apology still occurs when the offender delivers it without sincerity or any intention of changing her behavior. Such an all-or-nothing stance, when combined with his low threshold for what constitutes an apology, leads Joyce to disregard the multiplicity and complexity of purposes served by our complex practice of apologizing. Similarly, Lazare’s aforementioned lack of concern for offenders who “do not exhibit shame, guilt, or empathy” because such matters “value style over substance” and do not influence an apology’s veracity or effectiveness seems to overlook fundamental sources of meaning.²⁰⁴ I have tried to show how matters are considerably more complicated. In one sense it seems clear that a categorical apology must satisfy some emotional expectations, yet it seems equally evident that I cannot establish a standard for the qualitative and quantitative emotional thresholds for categorical apologies. I am certainly unprepared and unwilling to claim that a categorical apology requires the offender to experience X emotion with Y intensity at time Z. Such a theory could not account for the range

and subtlety of meaning possible within apologies, and such complexities only lead to further equally perplexing questions.

I do not foresee future technologies resolving these problems. Imagine that neurological devices allow us to measure the precise kind and degree of emotions experienced by an offender when she apologizes. Data from such tests would prove useful as a kind of advanced emotional lie detector that could expose insincerity. It would not be able, however, to tell us what kinds and quantity of emotions an apologizer should experience before we can consider her gesture to qualify as a proper apology.

confess to and apologize for crimes committed as many as twenty years earlier.²⁷ If an apology results in clemency, should we understand this as a kind of state-sanctioned collective forgiveness? Does the state possess standing to grant such forgiveness, especially if the primary victim is deceased? These are difficult questions that threaten to strike at the heart of restorative justice. Thankfully, I can consider them in dialogue with the works of sophisticated legal philosophers like John Braithwaite, R. A. Duff, Jean Hampton, Jeffrie Murphy, Philip Petit, Austin Sarat, and others.

If it ultimately accomplishes little else, I hope this book raises new questions about apologies and our shared values. Every question I asked regarding apologetic meaning begat several more questions, each more unruly and interesting than the last. Perhaps others working in these areas can better tame the issues and eliminate many of my questions as irrelevant. I expect, however, that these questions run deep into the core of modern moral consciousness. I do not yet see any bedrock at the bottom of that hole, and I anticipate that my subsequent work on apologies in law will only mine deeper into their dialectical meanings. Every age may worry that its moral roots rot under its feet, but I wonder if there has ever been such strangely sour fruit on so many vines. I am aware that critical reflection often destroys meaning as it demythologizes the values attributed to our social rituals, yet I remain optimistic that asking such questions of apologies can nourish our shared moral lives.

Notes

Epigraph

1. Yusef Komunyakaa, "When in Rome-Apologia," in *Neon Vernacular* (Hanover: Wesleyan University Press, 1993), 97.

Introduction

1. As noted later, Maimonides primarily addressed acts of repentance rather than apologies. His contributions, however, speak to many of the central issues of apologetic meaning. Moses Maimonides, *Hilchot Teshuvah: The Laws of Repentance* (New York: Moznaim, 1987). For extended conversations about apologies in modern philosophical literature, see Glen Pettigrove, "Unapologetic Forgiveness," *American Philosophical Quarterly* 41, no. 1 (2004): 187-204; Pettigrove, "Apology, Reparations, and the Question of Inherited Guilt," *Public Affairs Quarterly* 17, no. 4 (2003): 319-48; Trudy Govier and Wilhelm Verwoerd, "The Promise and Pitfalls of Apology," *Journal of Social Philosophy* 33, no. 1 (2002): 67-82; Paul Davis, "On Apologies," *Journal of Applied Philosophy* 19, no. 2 (2002): 169-73; Nicolaus Mills, "The New Culture of Apology," *Dis-sent* (Fall 2001): 113-16; Kathleen Gill, "The Moral Functions of an Apology," *Philosophical Forum* 31, no. 1 (2000): 11-27; Jana Thompson, "The Apology Paradox," *Philosophical Quarterly* 55, no. 201 (2000): 470-75; Richard Joyce, "Apologizing," *Public Affairs Quarterly* 13, no. 2 (1999): 159-73; Jean Harvey, "The Emerging Practice of Institutional Apologies," *The International Journal of Applied Philosophy* 9, no. 2 (1995): 57-65; John Wilson, "Why Forgiveness Requires Repentance," *Philosophy* 63, no. 246 (1988): 534-5; and Louis Kort, "What is an Apology?" *Philosophical Research Archives* 1 (1975): 78-87.
2. Richard Conniff, "The Power of 'Sorry,'" *The New York Times*, December 26, 2006. See Conniff's *The Ape in the Corner Office* (New York: Random House, 2005). See also Filippo Aureli and Frans B. M. de Waal, eds., *Natural Conflict Resolution* (Berkeley: University of California Press, 2000).
3. Aaron Lazare also believes that globalization contributes to the rise of apologies. See Aaron Lazare, *On Apology* (Oxford: Oxford University Press, 2004), 12.
4. Homer, *The Iliad*, trans. E. V. Rieu (New York: Penguin, 1950), 171. Notice how Achilles minimizes the importance of the gifts even after he agrees to fight after Patroclus' death: "The gifts can wait. Produce them, if you like, at your

- convenience; or keep them with you." *Ibid.*, 358. All references to *The Iliad* are in Rieu's translation unless otherwise noted. Mark Edwards describes Achilles' eventual response to receiving the gifts from Agamemnon as displaying "offhandedness, or even disdain." Mark Edwards, *The Iliad: A Commentary V* (New York: Cambridge University Press, 1991), 253.
5. Cited in Susan Alter, "Apologizing for Serious Wrongdoing: Social, Psychological, and Legal Considerations," *Final Report for the Law Commission of Canada* (1999).
 6. See, for example, J. Stratton Shartel, "Toro's Mediation Program Challenges Wisdom of Traditional Litigation Model," *Inside Litigation* 9 (1995): 10. See also Jonathan Cohen, "Apology and Organizations: Exploring an Example for Medical Practice," *Fordham Urban Law Journal* 27 (2000): 1447.
 7. See 18 U.S.C.S. app. § 3E1.1 (Law. Co-op, 2000).
 8. Ken Blanchard and Margaret McBride, *The One Minute Apology* (New York: Harper Collins, 2003); Beverly Engel, *The Power of Apology: Healing Steps to Transform all of Your Relationships* (New York: John Wiley and Sons, 2001).
 9. Reuters, "Pope Apologizes to Muslims," September 16, 2006 (emphasis in original).
 10. "Pope Seeks to Calm Storm over 'Evil Islam' Comment," *Observer* (London), September 17, 2006.
 11. "Text of Pope's Statement," *BBC News*, September 17, 2006.
 12. Ian Fisher, "The Pope Apologizes for Uproar over his Remarks," *New York Times*, September 17, 2006; Reuters, "Pope Apologizes to Muslims."
 13. "Pope's Apology Rejected by Some, Accepted by Others," *Der Spiegel*, September 18, 2006.
 14. "Pope Sorry for Offending Muslims," *BBC News*, September 17, 2006.
 15. "Grand Sheikh Condemns Suicide Bombings," *BBC News*, December 4, 2001.
 16. Daniela Petroff, "Pope Expresses 'Deep Respect' for Islam," *ABC News*, September 20, 2006.
 17. Stephen Brown and Philip Pullella, "Muslims Seek Fuller Apology," *The Boston Globe*, September 20, 2006.
 18. *Ibid.*
 19. "Brotherhood Seeks Papal Apology," *Al Jazeera*, September 18, 2006.
 20. "Pope Seeks to Calm Storm," *The Observer*.
 21. Brown and Pullella, "Muslims Seek Fuller Apology," *The Boston Globe*.
 22. "Pope Seeks to Calm Storm," *The Observer*.
 23. "Report: Rome Tightens Pope's Security after Fury over Islam Remarks," *Haaretz*, September 17, 2006.
 24. "Christian Killed in Iraq in Response to Pope's Speech: Islamic Website," *Assyrian International News Agency*, September 16, 2006.
 25. "Al-Qaeda Threatens Jihad over Pope's Remark," *Times (London)*, September 18, 2006.
 26. Richard Owen, "Nun Shot Dead as Pope Fails to Calm Militant Muslims," *Times (London)*, September 18, 2006.
 27. "Iraq Priest 'Killed over Pope's Speech,'" *Al Jazeera*, October 15, 2006.
 28. Michel de Montaigne, "Of Repentance," in *Montaigne: Essays*, ed. and trans. John M. Cohen (New York: Penguin, 1993), 235-49.
 29. Michel de Montaigne, *Apology for Raymond Sebond*, trans. M. A. Screech (New York: Penguin, 1988).

30. For an overview of the history of the terms "apology" and "apologize" in English, see Marion Owen, *Apologies and Remedial Interchanges: A Study of Language Use in Social Interactions* (Berlin: Mouton de Gruyter, 1985), 109-13.
31. Samuel Johnson, *A Dictionary of the English Language on CD-ROM*, ed. Anne McDermott (New York: Cambridge University Press, 1996).
32. *The Oxford English Dictionary* (London: Oxford, 2005).
33. The 2005 edition provides the following definitions of apology: "1. The pleading off from a charge or imputation, whether expressed, implied, or only conceived as possible; defence of a person, or vindication of an institution, etc., from accusation or aspersion; 2. Less formally: Justification, explanation, or excuse, of an incident or course of action; 3. An explanation offered to a person affected by one's action that no offence was intended, coupled with the expression of regret for any that may have been given; or, a frank acknowledgement of the offence with expression of regret for it, by way of reparation; 4. Something which, as it were, merely appears to apologize for the absence of what ought to have been there; a poor substitute."
34. Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford: Stanford University Press, 1991); Lazare, *On Apology*.
35. Trudy Govier and Wilhelm Verwoerd, "Taking Wrongs Seriously: A Qualified Defense of Public Apologies," *Saskatchewan Law Review* 65 (2002): 157.
36. Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe (Oxford: Blackwell, 1953).

Part One. Apologies from Individuals

- I. Barbara Charlesworth Gelpi and Albert Gelpi, eds., "Women and Honor: Some Notes on Lying," in *Adrienne Rich's Prose and Poetry* (New York: Norton and Company, 1993), 197. I want to thank Timm Triplett for bringing this passage to my attention.

Chapter 1. The Meanings of Apologies

1. Kort, "What Is an Apology?," 83.
2. Lazare, *On Apology*, 13.
3. John Searle, *Speech Acts: An Essay in the Philosophy of Language* (Cambridge: Cambridge University Press, 1969); J. L. Austin, *How to Do Things with Words* (Oxford: Oxford University Press, 1962); and John Searle, "A Classification of Illocutionary Acts," *Language in Society* 5 (1976): 1-24. For examples of Searle's influence on the study of apologies within linguistics and related fields, see Janet Holmes, *Women, Men, and Politeness* (New York: Longman, 1995); Penelope Brown and Stephen Levinson, *Politeness: Some Universals in Language Usage* (New York: Cambridge, 1987); Marion Owen, *Apologies and Remedial Interchanges*; Bruce Fraser, "On Apologizing," in Florian Coulmas, ed., *Conversational Routine: Explorations in Standardized Communication Situations and Prepatterned Speech* (Berlin: Mouton de Gruyter, 1981), 259-71; Florian Coulmas, "'Poison to Your Soul': Thanks and Apologies Contrastively Viewed," in *Conversational Routine*: 69-91; N. R. Norrick, "Expressive Illocutionary Acts," *Journal of Pragmatics* 2 (1978): 277-91; E. Olshtain and A. D. Cohen, "Apology: A Speech Act Set," in *Sociolinguistics and Language Acquisition*, eds. Nessa Wolfson and Elliot Judd (Rowley, Ma.: Newbury House, 1983): 18-35.

- K. Barrett, "Apologies as Illocutionary Acts," *Southern California Occasional Papers in Linguistics* (1974): 121-31; and C. J. Fillmore, "Verbs of Judging: An Exercise in Semantic Description," in *Studies in Linguistic Semantics*, eds. C. Fillmore and T. Langendoen (New York: Holt Rinehart, 1971). For examples of treatments of apologies in other social scientific fields, see M. McCullough, E. Worthington, and K. Rachel, "Interpersonal Forgiving in Close Relationships," *Journal of Personality and Social Psychology* 73, no. 2 (1997): 321-36; S. Scher and J. Darley, "How Effective Are the Things People Say to Apologize? Effects of the Realization of the Apology Speech Act," *Journal of Psycholinguistic Research* 26 (1997): 127-40; K. Ohbuchi, M. Kameda, and N. Agarie, "Apology as Aggression Control: Its Role in Mediating Appraisal of and Response to Harm," *Journal of Personality and Social Psychology* 56, no. 2 (1989): 219-27; B. Darby and B. Schlenker, "Children's Reactions to Transgressions: Effects of the Actor's Apology, Reputation and Remorse," *British Journal of Social Psychology* 28 (1989): 353-64; B. Darby and B. Schlenker, "Children's Reactions to Apologies," *Journal of Personality and Social Psychology* 43 (1982): 742-53; B. Schlenker and B. Darby, "The Use of Apologies in Social Predicaments," *Social Psychology Quarterly* 44 (1981): 271-78; and Mary B. Harris, "Mediators Between Frustration and Aggression in a Field Experiment," *Journal of Experimental Social Psychology* 10 (1974): 561-71.
4. Searle, "A Classification of Illocutionary Acts," 12.
 5. *Ibid.*, 4. See also Pettigrove, "Unapologetic Forgiveness," 187. Pettigrove also understands an apology primarily as a speech act.
 6. See Owen, *Apologies and Remedial Interchanges*; Holmes, *Women, Men, and Politeness*, 154 (describing apologies as "negative politeness devices"); and Brown and Levinson, *Politeness*, 68 (describing apologies as "directly damaging [one's] positive face").
 7. Erving Goffman, *Relations in Public* (New York: Basic Books, 1971), 113.
 8. Coulmas, "Poison to Your Soul," 70. Florian Coulmas describes his ambition with more sensitivity to cultural contexts: "To treat speech acts such as thanks and apologies as invariable abstract categories is surely a premature stance. What we can do without too much or too little naivety is hence to start out with kinds of speech acts as defined in a given socio-cultural and linguistic system, and then proceed to look for similar or equivalent linguistic acts in another culture. A number of careful analyses of this kind can eventually contribute to a better understanding of a kind of speech act as a generic type."
 9. Holmes, *Women, Men, and Politeness*, 155.
 10. Gill, "The Moral Functions of an Apology," 14.
 11. See S. Blum-Kulka, J. House, and G. Kasper, eds., *Cross-cultural Pragmatics: Requests and Apologies* (Norwood, NJ: Ablex, 1989).
 12. See D. C. Barnlund and M. Yoshioka, "Apologies: Japanese and American styles," *International Journal of Intercultural Relations* 14 (1990): 193-206; S. Blum-Kulka and E. Olshtain, "Requests and Apologies: A Cross-cultural Study of Speech Act Realization Patterns (CCSARP)," *Applied Linguistics* 5 (1984): 196-213; Scher and Darley, "How Effective Are the Things People Say to Apologize?"; Darby and Schlenker, "Children's Reactions to Apologies"; Darby and Schlenker, "Children's Reactions to Transgressions"; and Schlenker and Darby, "The Use of Apologies in Social Predicaments."
 13. Scher and Darley, "How Effective Are the Things People Say to Apologize?" 132.

14. Pettigrove, "Apology, Reparations and the Question of Inherited Guilt," 327.
15. Searle, *Speech Acts*, 21.
16. Owen, *Apologies and Remedial Interchanges*, 21.
17. *Ibid.*, 63. By page 181 Owen begins to recognize the limitations of such an approach: "Examination of our set of strategies now suggests that we should have cast the net wider still to include such expressions as 'excuse me' and 'forgive me', since these clearly . . . have remedial effect, whether or not they are describable as apologies."
18. Fraser, "On Apologizing," 261.
19. See Kort, "What Is an Apology?" and Joyce, "Apologizing," 165. See also Fraser, "On Apologizing," 261: "A speaker can violate one or more of these positions and still apologize successfully, albeit insincerely. I might, for example, apologize for breaking your valuable vase which, in fact, is still whole. A strange apology, but an apology nonetheless."
20. Olshtain and Cohen, "Apology: A Speech Act Set," 22. In "The Use of Apologies in Social Predicaments." Darby and Schlenker use the term "more full blown apology," which Gill approvingly cites in note 7 of her "The Moral Functions of Apology."
21. See Albert Mehrabian, "Substitute for Apology: Manipulation of Cognitions to Reduce Negative Attitude Toward Self," *Psychological Reports* 20 (1976): 687-92.
22. See G. Kasper and S. Blum-Kulka, eds., *Interlanguage Pragmatics* (New York: Oxford University Press, 1993); Malgorzata Suszczynska, "Apologizing in English, Polish and Hungarian: Different Languages, Different Strategies," *Journal of Pragmatics* 31 (1999): 1053-65; R. R. Mehrotra, "How to be Polite in Indian English," *International Journal of the Sociology of Language* 116 (1995): 99-110; M. Lipson, "Apologizing in Italian and English," *International Review of Applied Linguistics in Language Teaching* 32, no. 1 (1994): 19-39; Janet Holmes, "Apologies in New Zealand English," *Language in Society* 19 (1990): 155-99; Anna Trosborg, "Apology Strategies in Natives/Non-natives," *Journal of Pragmatics* 11 (1987): 147-67; A. Cohen and E. Olshtain, "Comparing Apologies Across Languages," in *Scientific and Humanistic Dimensions of Language*, ed. Kurt Jankowsky (Amsterdam: John Benjamins, 1985): 175-83; Owen, *Apologies and Remedial Interchanges*; Olshtain and Cohen, "Apology: A Speech Act Set"; Coulmas, "'Poison to the Soul'"; A. Cohen and E. Olshtain, "Developing a Measure of Socio-Cultural Competence: The Case of Apology," *Language Learning* 31 (1981): 113-34; and A. Borkin and S. Reinhart, "'Excuse me' and 'I'm sorry,'" *TESOL Quarterly* 12 (1978): 57-70.
23. See, for example, the discussion of Tzeltal in Brown and Levinson, *Politeness*, 187-90. See also the discussions in Chapter 4 regarding the relationship between gratitude and thanks in Japanese culture.
24. David Cooper, *Meaning* (Montreal: McGill University Press, 2003), 1-15.
25. *Ibid.*, 12, 84, citing Maurice Merleau-Ponty, *Phenomenology of Perception*, trans. C. Smith (London: Routledge, 1962), xix, 188.
26. *Ibid.*, 22.
27. *Ibid.*, 2.
28. *Ibid.*, 21 (emphasis in original).
29. *Ibid.*
30. Theodor Adorno, "Trying to Understand Endgame," in *Notes to Literature* 1, ed. Ralph Tiedemann and trans. Shierry Weber Nicholsen (New York: Columbia

University Press, 1991), 243. See Adorno's reading of these moments in *Endgame*: "Hence interpretation of Endgame cannot pursue the chimerical aim of expressing the play's meaning in a form mediated by philosophy. Understanding it can mean only understanding its unintelligibility. Split off, thought no longer presumes, as the Idea once did, to be the meaning of the work. . . ."

31. Bob Scharff helped me formulate the ideas in this paragraph.
32. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983).
33. Lazare shares this worry: "I believe pseudo-apologies are parasitical on that power. With a pseudo-apology, the offender is trying to reap the benefits of apologizing without having actually earned them." *On Apology*, 13.
34. Friedrich Nietzsche, *Human, All Too Human: A Book for Free Spirits*, trans. R. J. Hollingdale (New York: Cambridge University Press, 1993), 316.
35. Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon, 1998), x.

Chapter 2. Elements of the Categorical Apology

1. Paul Slansky and Arleen Sorkin, *My Bad: 25 Years of Public Apologies and the Appalling Behavior that Inspired Them* (New York: Bloomsbury, 2006), 40.
2. Lazare, *On Apology*, 13.
3. *Ibid.*
4. Slansky and Sorkin, *My Bad*, 178.
5. *Ibid.*
6. *Ibid.*, 207.
7. *Ibid.*, 208.
8. *Ibid.*
9. Minow, *Between Vengeance and Forgiveness*, 103, citing Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA: Herald Press, 1990), 26.
10. See Minow, *Between Vengeance and Forgiveness*, 94-102.
11. International Military Tribunal, Trial of the Major War Criminals before the International Military Tribunal, Nuremberg, 14 Nov. 1945-1 Oct. 1946, vol. 3 (Nuremberg: International Military Tribunal, 1947), 92.
12. *Seinfeld*, "The Apology," Episode 909. Executive Producers Larry David, George Shapiro, and Howard West.
13. Jonathan Adler, "High Stakes in New Orleans," *Newsweek*, August 22, 1988, 15.
14. Deborah Tannen notes this distinction in *You Just Don't Understand: Women and Men in Conversation* (New York: Ballantine Books, 1990), 233.
15. Slansky and Sorkin, *My Bad*, 168.
16. See, for example, William K. Bartels, "The Stormy Sea of Apologies: California Evidence Code Section 1160 Provides a Safe Harbor for Apologies Made after Accidents," *Western State University Law Review* 28 (2000/2001): 141-57; Jonathan R. Cohen, "Advising Clients to Apologize," *Southern California Law Review* 72 (1999): 1009-69, 1061-4; Jonathan R. Cohen, "Nagging Problem: Advising the Client Who Wants to Apologize," *Dispute Resolution Magazine* (Spring 1999): 19; Jonathan R. Cohen, "Legislating Apologies: The Pros and Cons," *University of Cincinnati Law Review* 70 (2002): 1-29; Steven Keeva, "Does Law Mean Never Having to Say You're Sorry?" *American Bar*

- Association Journal* 85 (1999): 64; Elizabeth Latif, "Apologetic Justice: Evaluating Apologies Tailored Toward Legal Solutions," *Boston University Law Review* 81 (2001): 289-318; Aviva Orenstein, "Apology Excepted: Incorporating a Feminist Analysis into Evidence Policy Where You Would Least Expect It," *Southwestern University Law Review* 28 (1999): 221-75; and Peter Rehm and Denise Beatty, "Legal Consequences of Apologizing," *Journal of Dispute Resolution* (1995): 115-30. See also Lee Taft, "Apology Subverted: The Commodification of Apology," *Yale Law Journal* 109 (2000): 1135-60 (critically evaluating such legislation).
17. See, for example, Mass. Gen. Laws, ch. 233, 23D (1999) (rendering "statements, writings or benevolent gestures expressing sympathy or a general sense of benevolence" inadmissible "as evidence of an admission of liability in a civil action"); Tex. Civ. Prac. & Rem. Code Ann. 18.061(a) (1) (West 1999) (rendering inadmissible expressions of "sympathy or a general sense of benevolence relating to the pain, suffering, or death of an individual involved in an accident"); Assembly 2804, 1999 Reg. Sess. (Cal. 2000).
 18. "Apology Australia," <http://apology.west.net.au/>. Archived at the National Library of Australia's web archive at <http://pandora.nla.gov.au/pan/10736/20050711/apology.west.net.au/index.html>.
 19. "Bush Reaches Out to Quell Arab Rage at Inmate Abuse," *The Boston Globe*, May 6, 2004.
 20. David Stout and Terence Neilan, "Bush Tells Arab World that Prisoner Abuse was Abhorrent," *New York Times*, May 5, 2004.
 21. "Bush Calls Iraq Abuse Abhorrent," *BBC News*, May 5, 2004. Rice also stated: "We are deeply sorry for what has happened to these people and what the families must be feeling. It's just not right. And we will get to the bottom of what happened. It is simply unacceptable that anyone would engage in the abuse of Iraqi prisoners." Slansky and Sorokin, *My Bad*, 150-51.
 22. Elisabeth Bumiller and Eric Schmitt, "President Sorry for Iraq Abuse; Backs Rumsfeld," *New York Times*, May, 7, 2004. The White House, "Interview of the President by Al-Ahram International," <http://www.whitehouse.gov/news/releases/2004/05/20040507-7.html>. Bush made similar statements during an interview on Al-Ahram International on May 6, 2004: "I am sorry for the humiliation suffered by those individuals. It makes me sick to my stomach to see that happen. I'll tell you what else I'm sorry about. I'm sorry that the truth about our soldiers in Iraq becomes obscured. In other words, we've got fantastic citizens in Iraq; good kids; good soldiers, men and women who are working every day to make Iraqi citizens' lives better. And there are a thousand acts of kindness that take place every day of these great Americans who really do care about the citizens in Iraq. It's an awful, awful period for the American people, just like it's awful for the Iraqi citizens to see that on their TV screens." The interviewer then asked: "Again, sir, do you feel like you need to apologize to the Iraqis and the Arab world after you said that, 'I'm sorry'?" Bush replied: "Well, I'm sorry for the prisoners, I really am. I think it's humiliating. And it is, again - what the Arab world must understand is a couple of things. One, under a dictatorship, these - this wouldn't be transparent. In other words, if there was torture under a dictator, we would never know the truth. In a democracy, you'll know the truth. And justice will be done. And that's what people need to know."
 23. "Rumsfeld Testifies Before Senate Armed Services Committee," *The Washington Post*, May 7, 2004.

24. Jackie Spinner, "Soldier: Unit's Role Was to Break Down Prisoners," *The Washington Post*, May 8, 2004.
25. Slansky and Sorkin, *My Bad*, 151.
26. *Ibid.*, 39.
27. *Ibid.*
28. Elisabeth Bumiller and Richard Stevenson, "President Says He's Responsible in Storm Lapses," *The New York Times*, September 14, 2005.
29. Darren Fonda and Rita Healy, "How Reliable is Brown's Resume?" *Time Magazine*, September 8, 2005.
30. Slansky and Sorkin, *My Bad*, 38.
31. For a sampling of theories of physical causation, see Phil Dowe, *Physical Causation* (Cambridge: Cambridge University Press, 2000); Judea Pearl, *Causality* (Cambridge: Cambridge University Press, 2000); Wesley Salmon, *Causality and Explanation* (Oxford: Oxford University Press, 1998); D. H. Mellor, *The Facts of Causation* (London: Routledge, 1995); Michael Tooley, *Causation: A Realist Approach* (Oxford: Clarendon Press, 1987); Wesley Salmon, *Scientific Explanation and the Causal Structure of the World* (Princeton: Princeton University Press, 1984); and J. L. Mackie, *The Cement of the Universe* (Oxford: Oxford University Press, 1974). For discussions of direct causation in law, see M. Moore, "The Metaphysics of Causal Intervention," *California Law Review* 88 (2000): 827-78; J. Stapleton, "Law, Causation and Common Sense," *Oxford Journal of Legal Studies* 8 (1988): 111-31; Jane Stapleton, "Legal Cause: Cause-in-Fact and the Scope of Liability for Consequences," *Vanderbilt Law Review* 54 (2001): 941-1000; and W. S. Malone, "Ruminations on Cause-in-fact," *Stanford Law Review* 9 (1956-7): 60-99.
32. For discussions of moral responsibility and proximate causation in law, see J. M. Fischer and Mark Ravizza, eds., *Perspectives on Moral Responsibility* (Ithaca: Cornell University Press, 1993); H. L. A. Hart and Tony Honoré, *Causation in the Law*, 2nd ed. (Oxford: Clarendon Press, 1985); Joel Feinberg, *Doing and Deserving: Essays in the Theory of Responsibility* (Princeton: Princeton University Press, 1970); L. Green, *Rationale of Proximate Cause* (Kansas City: Vernon Law Book Company, 1927); and J. M. Fischer, "Recent Work on Moral Responsibility," *Ethics* 110 (1999): 93-139.
33. Hart and Honoré, *Causation in the Law*, 341.
34. *Palsgraf v. Long Island R.R.*, 162 N.E. 99, 103 (N.Y. 1928).
35. *Prosser and Keaton on the Law of Torts*, 5th ed., (American Law Institute, 1984), § 41.
36. *Ibid.*, § 440.
37. See my "When Selling Your Soul Isn't Enough," *Social Theory and Practice*, 30-4 (2004): 599-612.
38. On these issues, see R. J. Wallace, *Responsibility and the Moral Sentiments* (Cambridge, MA: Harvard University Press, 1994); Daniel Dennett, *Freedom Evolves* (New York: Viking Press, 2003); and Dennett, *Elbow Room: The Varieties of Free Will Worth Wanting* (Cambridge, MA: MIT Press, 1984).
39. P. F. Strawson, "Freedom and Resentment," *Proceedings of the British Academy* 48 (1962): 1-25.
40. Marion Smiley, *Moral Responsibility and the Boundaries of Community* (Chicago: University of Chicago Press, 1992).
41. Leo Katz, *Bad Acts and Guilty Minds: Conundrums of the Criminal Law* (Chicago: University of Chicago Press, 1987), 210.

42. G. Calabresi, "Concerning Cause and the Law of Torts," *University of Chicago Law Review*, 43 (1975): 69, 118.
43. See Deborah Tannen, *The Argument Culture* (New York: Random House, 1998), 47 (making a similar point).
44. Janet Holmes, *Women, Men, and Politeness* (New York: Longman, 1995) 182.
45. Tannen, *Talking from 9 to 5: Women and Men at Work* (New York: Harper Collins, 1994), 46.
46. Sara Mills, *Gender and Politeness* (Cambridge: Cambridge University Press, 2003), 231.
47. Minow, *Between Vengeance and Forgiveness*, 115.
48. See Owen, *Apologies and Remedial Interchanges*, 149 (generally agreeing).
49. Lazare appears committed to the position that we should apologize for accidents such as oversleeping, misspeaking, or bumping into someone. See *On Apology*, 36, 121, 123.
50. Walt Whitman, *Leaves of Grass*, ed. Emory Holloway (Garden City: Doubleday, 1926), 41.
51. Rieu translates Nestor as requesting a "humble apology" from Agamemnon, Homer, *The Iliad*, 164, but Fagles has him calling for "warm, winning words." See Homer, *The Iliad*, trans. Robert Fagles (New York: Penguin, 1990), 255.
52. Homer, *The Iliad*, 164.
53. *Ibid.*, 356.
54. See Edwards, *The Iliad: A Commentary V*, 246-9.
55. For an illuminating discussion of these passages and the subtleties of attributing blame for human action on the gods, see Edwards, *The Iliad: A Commentary V*, 245-7.
56. Edwards, *The Iliad: A Commentary V*, 244, 246-47.
57. Homer, *The Iliad*, 357 (emphasis in original). Fagles translates Agamemnon's description of the gifts offered by the embassy as a "priceless ransom paid for friendship." *The Iliad*, trans. Fagles, 255.
58. Montaigne, "Of Repentance," 245-6.
59. Paul Robinson, *Criminal Law Defenses* (St. Paul: West Publishing, 1984), 91.
60. Slansky and Sorkin, *My Bad*, 210-11.
61. We can find various methods of denying intent in Slansky and Sorkin's *My Bad*, for instance, on the following pages: 9, 16, 27, 28, 29, 30, 32-33, 35, 36, 36-37, 50, 65, 67, 71, 75, 77, 78, 80, 87, 97, 97, 97-98, 98, 100, 100, 105-6, 109, 119, 126, 132-33, 136, 138, 144-45, 155, 186, 186, 190, 197, 198, 201, 206, and 215.
62. *Ibid.*, 99.
63. *Ibid.*, 95.
64. *Ibid.*, 192.
65. *Ibid.*
66. *Ibid.*, 232.
67. *Ibid.*, 233.
68. *Ibid.*
69. *Ibid.*, 229.
70. *Ibid.*, 221.
71. *Ibid.*, 181.
72. *Ibid.*, 195-96.
73. *Ibid.*, 233. Cincinnati Reds owner Marge Schott made a similar distinction, claiming that it was "my mouth but not my heart speaking" her recurrent racist comments. *Ibid.*, 128-29.

74. *Ibid.*, 32.
75. *Ibid.*, 120-21.
76. *Ibid.*, 135-36.
77. *Ibid.*, 145-46.
78. *Ibid.*, 101.
79. *Ibid.*, 166-67.
80. See Tavuchis, *Mea Culpa*, 49. ("An authentic apology cannot be delegated, consigned, exacted, or assumed by the principals, no less outsiders, without totally altering its meaning and vitiating its moral force.")
81. Michele Parente, "Boy's Uncle Apologizes to Blacks: Aims to Ease Tensions over Mom's Abduction Claim," *Buffalo News*, November 9, 1994.
82. For a further discussion of this point, see Pettigrove, "Apology, Reparations and the Question of Inherited Guilt," 321-22.
83. Lazare, *On Apology*, 41. See also Pettigrove, "Apology, Reparations and the Question of Inherited Guilt," 333 (taking a similar position with respect to innocence and guilt).
84. See David Lewis, "Collective Responsibility," in Larry May and Stacy Hoffman, ed., *Collective Responsibility* (Lanham, MD: Rowman & Littlefield, 1991), 22.
85. See M. McLean, "Circle Sentencing" *Jurisfemme* 18, no. (1998): 4.
86. Slansky and Sorkin, *My Bad*, 184.
87. *Ibid.*, 193.
88. James Bennet, "Clinton Admits Lewinsky Liaison to Jury; Tells Nations 'It was Wrong,' but Private," *The New York Times*, August 19, 1998.
89. "Excerpts from Apologies by Clinton," *The New York Times*, September 11, 1998.
90. Ian Fisher, "Berlusconi Flirts. His Wife's Fed Up. Read All About It." *The New York Times*, February 1, 2007. See also "Wife Wins Apology from Berlusconi," Reuters, January 31, 2007.
91. "Wife Wins Apology from Berlusconi," Reuters. Berlusconi subsequently stated, "Your dignity has nothing to do with it, I treasure it as a precious good in my heart, even when I make carefree jokes, a gallant remark."
92. Slansky and Sorkin, *My Bad*, 151.
93. "Further Statement of Joseph Ellis," at <http://www.mtholyoke.edu/offices/comm/news/ellisstatement.html>.
94. For differing opinions, see Govier and Verwoerd, "The Promise and Pitfalls of Apology," 70; and Gill, "The Moral Functions of an Apology," 13.
95. See Slansky and Sorkin, *My Bad*, 174 and 236-38.
96. See Lazare, *On Apology*, 92-93.
97. Slansky and Sorkin, *My Bad*, 70.
98. *Ibid.*, 203.
99. David Kocieniewski, "McGreevey Apologetic but Proud at Farewell," *New York Times*, November 9, 2004.
100. Erving Goffman, *Relations in Public: Micro-Studies of the Public Order* (New York: Basic Books, 1971), 113-14.
101. James Sterngold, "Sailor Gets Life for Killing Gay Shipmate," *New York Times*, May 27, 1993.
102. See Govier and Verwoerd, "The Promise and Pitfalls of Apology," 69 (emphasizing how apologies recognize the moral status of the victim).
103. Bill de Vries helped me formulate this important thought. I hope to consider the distinctions between Kant and Hegel on this point in later work.

104. Tavuchis, *Mea Culpa*, 30. See also Gill, "The Moral Functions of an Apology," 14.
105. Angela Doland, "Zidane Explains - Partly - What Caused his World Cup Outburst," *The Washington Post*, July 13, 2006.
106. Lazare, *On Apology*, 36-37.
107. Kort, "What is an Apology?," 84.
108. Joyce, "Apologizing," 167.
109. Alison Bass, "When Apologizing, 'Sorry' Just the Start," *The Boston Globe*, April 3, 1994.
110. Thompson, "The Apology Paradox."
111. Stanley Fish, "Politics Means Always Having to Say You're Sorry," *The New York Times*, February 25, 2007.
112. Matthew Mosk, "Edwards Again Says He Was Wrong to Vote for War," *The Washington Post*, February 5, 2007.
113. Fish, "Politics Means Always Having to Say You're Sorry."
114. *Ibid.*
115. See Charles Paul Hoffman, commentary appended to Fish, "Politics Means Always Having to Say You're Sorry." In general, the comments posted by readers in response to Fish's analysis were quite insightful.
116. Adrienne Rich, "Women and Honor: Some Notes on Lying," 197.
117. Patrick Healey, "Politics Means Sometimes Having to Say You're Sorry," *The New York Times*, March 4, 2007.
118. *Ibid.*, citing Graham Dodds: "It's a hallmark of Bush that he sticks to his guns no matter what." "If she were to apologize now, she would open herself up to the charge of flip-flopping"
119. "Holy Land Farewell to the Pope," *BBC News*, March 26, 2000.
120. Lazare, *On Apology*, 38.
121. Slansky and Sorkin, *My Bad*, 14-5. For more on Jason Schechterle, see www.officerjason.org.
122. Immanuel Kant, *The Metaphysical Elements of Justice*, trans. John Ladd (Indianapolis: Hackett, 1999), 101.
123. See *Letitia Baldrige's New Manners for a New Times: A Complete Guide to Etiquette* (New York: Scriber, 2003), 630. Baldrige advises delivering a written apology within twenty-four hours of the incident. See also Stephen Goldberg, Eric Green, and Frank Sander, "Saying You're Sorry," *Negotiation Journal* (July 1997), 223 (suggest a similar tactic in negotiation contexts).
124. Tavuchis, *Mea Culpa*, 22, and Orenstein, "Gender and Race in the Evidence Policy," 104n.
125. Govier and Verwoerd offer a rather successful example of this sort of process. "Taking Wrongs Seriously," 156-57.
126. Tavuchis claims that promises of reform are "inessential" because they are "implicit in the state of 'being sorry.'" Tavuchis, *Mea Culpa*, 36.
127. Slansky and Sorkin, *My Bad*, 86.
128. Amitai Etzioni, "Preface," in ed. Etzioni, *Civic Repentance* (Lanham, MD: Rowman & Littlefield, 1999), vii.
129. Robert Pearce, ed., *The Sayings of Leo Tolstoy* (London: Duckworth Publishing, 1995), 52.
130. For examples of this suggestion that apologies are commensurate with harms see Tavuchis, *Mea Culpa*, 19; Max Bolstad, "Learning from Japan: The Case for Increased Use of Apology in Mediation," *Cleveland State Law Review* 48 (2000): 578; Aviva Orenstein, "Apology Excepted," 243; and Deborah Levi,

- "The Role of Apology in Mediation," *New York University Law Review* 72 (1997): 1165-1220, 1178.
131. Montaigne, "Of Repentance," 245.
132. See Minow, *Between Vengeance and Forgiveness*, 117: "Yet nothing in this discussion should imply that money payment, returned property, religious sites, or apologies seal the wounds, make victims whole, or clean the slate."
133. Benjamin Disraeli, "Prosecution of War, May 24, 1855," in *Selected Speeches of the Late Right Honourable the Earl of Beaconsfield*, ed. T. E. Kebbel, vol. II (London: Longman's Green, 1882), 55.
134. Tavuchis, *Mea Culpa*, 34. At one point, Tavuchis describes an apology as "a speech act that is predicated on the impossibility of restitution."
135. See Minow, *Between Vengeance and Forgiveness*, 93.
136. *Ibid.*, 5: "Closure is not possible. . . . So this book inevitably becomes a fractured meditation on the incompleteness and inescapable inadequacy of each possible response to collective atrocities."
137. *Ibid.*, x.
138. Pettigrove, "Apology, Reparations and the Question of Inherited Guilt," 327.
139. For a collection of such codes, see Gordon Bazemore, "Communities, Victims, and Offender Reintegration: Restorative Justice and Earned Redemption," in ed. Etzioni, *Civic Repentance*, 49-50.
140. Immanuel Kant, *Foundations of the Metaphysics of Morals*, trans. Lewis White Beck (Indianapolis: Bobbs-Merrill, 1959), 53.
141. *Kelly v. Robinson*, 479 U.S. 36, 49, n.10 (1986).
142. H. Wagatsuma and A. Rosett, "The Implications of Apology: Law and Culture in Japan and the United States," *Law and Society Review* 20 (1986): 461-98, 464.
143. *Ibid.*, 478.
144. Minow, *Between Vengeance and Forgiveness*, 104 (describing this as "crossing over different lexicons of value").
145. Taft, "Apology Subverted," 1156.
146. Oscar Wilde, *The Picture of Dorian Gray* (New York: Penguin, 1983), 110.
147. Slansky and Sorkin, *My Bad*, 24.
148. "O'Reilly Apologizes, Says He's Now Skeptical of Bush," Reuters News Agency, February 10, 2004.
149. Slansky and Sorkin, *My Bad*, 112.
150. *The Oxford English Dictionary* provides the following definitions of sincere: "1. Not falsified or perverted in any way: a. Of doctrine, etc.: Genuine, pure; b. True, veracious; correct, exact; c. Morally uncorrupted, uncontaminated. 2. Pure, unmixed; free from any foreign element or ingredient: a. Of immaterial things; b. Of colours or substances; c. *spec.* Unadulterated; genuine; d. Free from hurt; uninjured. Devoid of something. *rare.* 3. Containing no element of dissimulation or deception; not feigned or pretended; real, true. 4. Characterized by the absence of all dissimulation or pretence; honest, straightforward: a. Of life, actions, etc; b. Of persons, their character, etc."
151. Lazare, *On Apology*, 157.
152. *Ibid.*
153. *Ibid.*
154. *Ibid.*, 158.
155. Joyce, "Apologizing," 171.
156. See Lazare, *On Apology*, 134-58.

157. Slansky and Sorkin, *My Bad*, 41.
158. *The Big Book*, 4th ed. (Center City, MN: Hazelden, 2001), 59.
159. *Ibid.*
160. Jeffrie Murphy, "Repentance, Punishment, and Mercy," in eds. Amitai Etzioni and David Carney, *Repentance: A Comparative Perspective* (Lanham, MD: Rowman & Littlefield, 1997), 158.
161. Jay Rayner, *Eating Crow* (New York: Simon & Schuster, 2004), 58.
162. *Ibid.*, 55, 58.
163. *Ibid.*, 47, 46, 56, 70.
164. Montaigne, "Of Repentance," 245.
165. See Murphy, "Repentance, Punishment, and Mercy," 43n.
166. David Hume, *A Treatise of Human Nature*, 2nd ed., eds. L. A. Selby-Bigge and P. H. Niditch (Oxford: Clarendon Press), 415.
167. Friedrich Nietzsche, *The Genealogy of Morals*, in trans. Walter Kaufmann, *The Portable Nietzsche* (New York: Penguin, 1977).
168. Jean-Jacques Rousseau, *Emile: Or a Treatise on Education*, trans. William Payne (Amherst, NY: Prometheus Books, 2003); Arthur Schopenhauer, *On the Basis of Morality*, trans. E. F. J. Payne (Indianapolis: Hackett, 1998); and Adam Smith, *The Theory of Moral Sentiments* (New York: Cambridge University Press, 2002).
169. Gilbert Ryle, *The Concept of Mind* (Chicago: University of Chicago Press, 2000); Franz Brentano, "On the Origin of our Knowledge of Right and Wrong," in *What Is an Emotion?* eds. Cheshire Calhoun and Robert Solomon (New York: Oxford University Press, 2003); Max Scheler, *The Nature of Sympathy*, trans. Peter Heath (Hamden, CT: Archon, 1954); Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper and Row, 1962); and Paul Ricoeur, *The Rule of Metaphor*, trans. R. Czerny (New York: Routledge, 2003).
170. Martha Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (New York: Cambridge University Press, 2001), 24.
171. *Ibid.*, 23-24, 100-103.
172. For two excellent collections of essays, see Robert Solomon, ed., *Thinking About Feelings: Philosophers on Emotions* (New York: Oxford University Press, 2003); and Amélie Rorty, ed., *Explaining Emotions* (Los Angeles: University of California Press, 1980).
173. See Gabriele Taylor, "Justifying the Emotions," *Mind* 84 (1975): 390-402; and Nussbaum, *Upheavals of Thought*.
174. Bernard Williams, "Morality and the Emotions," in *Problems of the Self: Philosophical Papers 1956-1972* (Cambridge: Cambridge University Press, 1973), 207-29.
175. Martha Nussbaum, "Morality and Emotions," in ed. Edward Craig, *Routledge Encyclopedia of Philosophy* 6 (New York: Routledge, 1998), 559.
176. Philosophers disagree about whether certain emotions are "required." Gill claims that regret and remorse are necessary conditions of apologizing in "The Moral Functions of Apology" (14). Harvey describes certain emotions as "basic conditions of moral soundness" in "The Emerging Practice of Institutional Apologies" (63). Pettigrove asserts that while apologies lacking certain emotional states "may be morally deficient, we are not generally inclined to say they fail to be apologies" in "Apologies, Reparations, and the Question of Inherited Guilt" (323).

177. For treatments of empathy from diverse theoretical orientations, see Karsten Stueber, *Rediscovering Empathy Agency, Folk Psychology, and the Human Sciences* (Cambridge: MIT Press, 2006); N. Eisenberg, "Empathy-related Emotional Responses, Altruism, and their Socialization," in eds. R. J. Davidson and A. Harrington, *Visions of Compassion: Western Scientists and Tibetan Buddhists Examine Human Nature* (London: Oxford University Press, 2002), 131-64; J. Hkansson and H. Montgomery, "Empathy as an Interpersonal Phenomenon," *Journal of Social and Personal Relationships*, 20, no. 3 (2003), 267-84; Stephanie Preston and Frans B. M. de Waal, "Empathy: Its Ultimate and Proximate Bases," *Behavioral and Brain Sciences* 25 (2002): 1-72; M. L. Hoffman, *Empathy and Moral Development* (Cambridge: Cambridge University Press, 2000); and N. Eisenberg and J. Strayer eds., *Empathy and its Development* (Cambridge: Cambridge University Press, 1987).
178. Stephen Darwell, *Welfare and Rational Care* (Princeton: Princeton University Press, 2004), 3.
179. See Michael Stocker and Elizabeth Hegeman, *Valuing Emotions* (Cambridge: Cambridge University Press, 1996), 214-17, and Nussbaum, "Equity and Mercy," *Philosophy and Public Affairs* 22 (1993): 83-125.
180. Ana Areces, "I'm Sorry, I Won't Apologize," *The New York Times*, August 25, 1996.
181. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971). See also R. J. Wallace, *Responsibility and the Moral Sentiments* (Cambridge, MA: Harvard University Press, 1998); J. P. Tangney and K. Fischer eds., *Self-Conscious Emotions: The Psychology of Shame, Guilt, Embarrassment, and Pride* (New York: Guilford Press, 1995); Bernard Williams, *Shame and Necessity* (Berkeley: University of California Press, 1994); G. Taylor, *Pride, Shame, and Guilt: Emotions of Self-Assessment* (Oxford: Oxford University Press, 1985); Herbert Morris ed., *Guilt and Shame* (Belmont: Wadsworth Press, 1971); Calhoun, Cheshire, "An Apology for Moral Shame," *The Journal of Political Philosophy* 12, no. 2 (2004): 127-46; J. Deigh, "Shame and Self-Esteem: A Critique," *Ethics* 93 (1983): 225-45.
182. Rawls, *A Theory of Justice*, 443.
183. *Ibid.*, 445.
184. *Ibid.*
185. *Ibid.*
186. *Ibid.*, 445; and Williams, *Shame and Necessity*, 90.
187. Williams, *Shame and Necessity*, 89.
188. Nussbaum, *Upheavals of Thought*, 216.
189. *Ibid.*
190. See E. R. Dodds, *The Greeks and the Irrational* (Berkeley: University of California Press, 2004); Gerhart Piers and Milton Singer, *Shame and Guilt: A Psychoanalytic and a Cultural Study* (New York: W. W. Norton Press, 1971); and A. C. Baier, "Moralism and Cruelty: Reflections on Hume and Kant," *Ethics* 103 (1993): 436-57.
191. Although little hangs on the distinction for my account, various philosophers dispute whether regret qualifies as an emotion. Contrast A. O. Rorty, "Agent Regret," *Explaining Emotions*, ed. Rorty (Berkeley: University of California Press, 1980), 501; Stuart Hampshire, *Thought and Action* (New York: Viking Press, 1960), 241; and Errol Bedford, "Emotions," *Proceedings of the Aristotelian Society* (1956): 281-304.

192. Kant, *The Metaphysical Elements of Justice*, 139.
193. See Ohbuchi, Kameda, and Agarie, "Apology as Aggression Control"; and Darby and Schlenker, "Children's Reactions to Apologies." Searle, "A Classification of Illocutionary Acts," 12.
194. Ohbuchi, Kameda, and Agarie, "Apology as Aggression Control," 219.
195. Ibid.
196. See *ibid.* See also Scher and Darley, "How Effective Are the Things People Say to Apologize"; Darby and Schlenker, "Children's Reactions to Apologies"; G. S. Schwartz, T. R. Kane, J. M. Joseph, and J. T. Tedeschi, "The Effects of Post-Transgression Remorse on Perceived Aggression, Attribution of Intent, and Level of Punishment," *Journal of Social and Clinical Psychology*, 17 (1987): 293-97; and J. T. Tedeschi and C. A. Riordan, "Impression Management and Prosocial Behavior Following Transgression," in ed. J. T. Tedeschi, *Impression Management Theory and Social Psychological Research* (New York: Academic Press, 1981), 223-44.
197. Nietzsche, *The Genealogy of Morals*.
198. See Jean-Paul Sartre, *The Emotions: Outline of a Theory* (New York: Philosophical Library, 1948). See also Robert Solomon, "Emotions and Choice," in *Explaining Emotions*.
199. See Ronald de Sousa, *The Rationality of Emotion* (Cambridge, MA: MIT Press, 1987).
200. See Nussbaum, "Morality and Emotions." For studies of the relationship between culture and emotion, see Jean Briggs, *Never in Anger: Portrait of an Eskimo Family* (Cambridge, MA: Harvard University Press, 2006); Richard Lazarus, *Emotion and Adaptation* (Oxford: Oxford University Press, 1994); and Catherine Lutz, *Unnatural Emotions: Everyday Sentiments on a Micronesian Atoll and Their Challenge to Western Theory* (Chicago: University of Chicago Press, 1988).
201. Catherine MacKinnon, *Feminism Unmodified: Discourse on Life and Law* (Cambridge, MA: Harvard University Press, 1988); and J. S. Mill, *The Basic Writings of John Stuart Mill: On Liberty, the Subjection of Women, and Utilitarianism* (New York: Random House, 2002).
202. Antonio Damasio, *The Feeling of What Happens: Body and Emotion in the Making of Consciousness* (New York: Harcourt Brace, 1999).
203. See Uta Frith, *Autism: Explaining the Enigma* (Oxford: Blackwell, 2002); Simon Baron-Cohen, *Mindblindness: An Essay on Autism and Theory of Mind* (Cambridge, MA: MIT Press, 1995); and J. Kennett, "Autism, Empathy and Moral Agency," *Philosophical Quarterly* 52, no. 208 (2002): 340-57. For discussions of psychopathy and emotions, see Robert D. Hare, *Without Conscience: The Disturbing World of the Psychopaths Among Us* (New York: Guilford Press, 1999), 40-46. The American Psychiatric Association lists "lack of remorse" as a diagnostic criterion for antisocial personality disorder. *Diagnostic and Statistical Manual of Mental Disorders* (Washington, D.C.: American Psychiatric Association, 1994), 292.
204. Lazare, *On Apology*, 157.

Chapter 3. Apologies and Gender

1. *She Wore a Yellow Ribbon*, directed by John Ford, 1949.
2. Jim Belushi, *Real Men Don't Apologize* (New York: Hyperion, 2006).