

The Categorical Apology

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I. Introduction: The Meanings of Apologies

Much of our private and public ethical discourse occurs in the giving, receiving, or demanding of an apology, yet we suffer deep confusion regarding what an apology actually is. Most of us have never made explicit precisely what we expect from a “full” apology and therefore apologizing has become a vague and clumsy ritual. Full apologies can be morally and emotionally powerful, but, as with most valuable things, frauds masquerade as the genuine article. These semblances of apologies often deceive and manipulate, and such duplicity is common between lovers, families, litigants, and nations. In response to this, I propose nine elements that an apology must satisfy in order to be considered “categorical.” I believe we have such a categorical apology in mind when we seek a “full” apology. The standards for a categorical apology are rigorous and precise, and I hope to disentangle the distinct elements of apologies. A categorical apology is a rare and burdensome act, and under certain circumstances full apologies may not be possible regardless of how badly we may desire them. While the leading social science accounts by Aaron Lazare and Nicolas Tavuchis aptly demonstrate how apologies lubricate reciprocally egoist relationships, such theories ultimately prove unsatisfying because apologies achieve their highest meaning as morally rich acts.¹ Both Tavuchis and Lazare offer merely descriptive accounts when a prescriptive argument seems necessary. No philosopher, however, has ever devoted a monograph to the topic² and only a handful of papers on apologies have appeared in philosophy journals.³

I am primarily concerned with protecting the *meaning* of apologies. The categorical apology represents what we might call—with a bit of hyperbole—the *maximally meaningful* apology. I understand apologies to fall within a spectrum of meaning. Some behaviors are obviously not apologies, some empty expressions are mistaken for apologies, some statements serve a few of the functions of apologies, and the categorical apology achieves a richness of meaning that the others do not. Philosophers tend to evaluate apologies like solutions to math problems: they are either entirely successful or entirely unsuccessful. Louis Kort, for instance, frames his evaluations of apologies 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. . . .”⁴ Such binary conceptions fail to appreciate the complexities of the topic and

have caused a handful of philosophers to be so preoccupied with the locutionary structure of apologies that they consider insincere and deceptive apologies to be perfectly good examples of apologies just as a broken promise remains a promise and a false assertion remains an assertion.⁵ Apologies achieve varying degrees of subtle meaning that will differ between contexts. All categorical apologies are not equally meaningful, and some flawed apologies for grievous injuries may be more meaningful than perfect apologies for minor harms. Further, the meaning of all apologies cannot be quantitatively compared with one another. For each injury, however, there are more and less meaningful apologies. Approximations of categorical apologies can be meaningful in their own right, but we must be careful to understand how they fall short of full apologies. Many apologies cheat by mimicking the meaning of full apologies without doing the required work.⁶ 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, but we would need to know much more before we could judge. In addition, we should be mindful of an apology’s meaning to the offender and community as well as the victim.

My methodology can be described as contextualist. 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, however, believe that apologies present the possibility for a core of coherent and profound meaning when we maintain the robust conception of them forwarded here. My account is thus both descriptive and prescriptive in that I believe the elements outlined here are implicit in our commonsense expectations of apologies but that various social forces have caused a slippage in meaning. This should be corrected if we are to preserve the practice in its most meaningful sense. I believe the full meaning of apologies is worth saving—thus making my argument prescriptive—and I should emphasize why I consider these efforts worthwhile and why others should be interested in my taxonomy.

I describe how apologies often convey muddled or deceptive sentiments, and I prescribe a better means of apologizing and decoding apologies. With this, we can understand the subtleties of apologies, make explicit what we want from an apology, and determine how particular apologies measure up. Once we make our expectations for categorical apologies explicit, we can compare what we want from an apology with what we get. We typically desire the morally responsive apology for serious injuries, yet we may settle for much less because of our confusion. While it might seem harmless if someone provided an insubstantial apology for stepping on my toe, it would be a grave injustice for a victim of serious abuse to be duped into settling for a purposefully deceptive apology. Yet this occurs regularly in quarrels among friends, expressions of remorse from convicts, and declarations between nations. Sometimes this results from innocent mistakes, and sometimes offenders intentionally manipulate our uncertainty about apologies. When a victim knows what 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. Thus if she expects a full apology in a romantic or criminal context, she will not be duped by vacuous or manipulative language posing as a full apology. In addition, apologizing grudgingly, equivocally, or evasively can embrace and 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. While a detailed map of the contours of apologies can serve these defensive purposes, I have also found that being mindful of the elements of categorical apologies can provide invaluable insights into our relationships with others. Since working on these issues, for example, I have become increasingly aware of the moral dimensions of my daily interactions. Instead of tossing out a few half-hearted “sorrlys” when I fail to take out the trash as my spouse requested, I can now identify the deeper underlying harm (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 sorry. Instead of arguing about the garbage, we realize that this spat is really about how we treat each other. Understanding the power of apologies can provide insights into the moral core of our relationships and make us more socially wise. As I consider at the conclusion of this discussion, I do not believe that every apology must be categorical to bear some meaning. 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.

I also have found that, for the most part, we do not need to commit to any single underlying ethical theory when analyzing apologies. My account is interpretive in the sense that I am matching up our generally shared but implicit conceptions of full apologies with acts claiming to be full apologies. In some instances our conceptions of apologies rest on foundational accounts of morality held by individuals or alive as residue from earlier times. Our commitments to shared principles can have many sources; some people understand their ethical beliefs to be universally grounded while others live with a relativistic conception of their values. In order for us to share a value, we need not share a foundational account of that value. While I attempt to flag instances where a divergence in ethical frameworks might be salient, my claims should be equally compelling or disagreeable to Kantians, utilitarians, rational choice economists, and others. At times my account may appear Kantian, for example when referencing dignity, respect, objectification, or instrumentalization. I reference these notions not as a presupposed metaphysics of morals but because many readers will consider them essential to evaluating social practices and helpful reference points. While the relationship between categorical apologies and various religious practices is beyond the scope of this paper, I do consider these issues elsewhere.⁷

Finally, a few terminological notes are warranted before working through the elements of apologies. Note that an apology can be “sincere” without being categorical. One can, for instance, apologize with sincerity and in good faith to the wrong person or for something they have no standing to apologize for. In other

words, an apology can be less than maximally meaningful even if the apologizer “really means it.” I also avoid using “genuine” because of its definition as either authentic in origin or motivated by sincere intentions.

II. Elements of the Categorical Apology

A. Corroborated Factual Record

Contested facts often lie at the heart of moral injuries, and in order to apologize categorically the offender must confess to the facts surrounding the offense and establish a record to which the parties agree. The moral process can only begin on such a stabilized and uncontested record. If the parties disagree about a fact material to the offense, the discrepancy must be resolved before the apology can be complete. If an offender’s recollection of facts material to the attribution of responsibility differs from the victim’s, the offender cannot disingenuously concede facts in order to get on with the apology. Inversely, victims share the responsibility not to exaggerate the events lest they weaken the foundation upon which the apology will be built. Nor can the offender provide 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.” If new material facts come to light after an apology has been issued, a revised apology should account for them. Senator Robert Packwood’s public statements after being accused of sexually harassing at least a dozen women provides an example of a clear failure to satisfy this condition: “I’m apologizing for the conduct that it was alleged that I did.” Packwood insinuates that if the allegations were true then he would apologize, but he denies their truth. He can thus honor the norm at issue while denying that he has breached it.

In many instances, for example in the case of the South African Truth and Reconciliation Tribunal, establishing this historical account and corroborating victims’ claims becomes a primary function of the testimonies. In cases such as this, victims want their memories corroborated, the fates of loved ones explained, and a public record of the transgressions established. Such accounting, however, often falls short of categorical apologies. This confessional stage is only a precondition for apologizing, as I can recount my deeds without intending to apologize for them. Many conflicts never move past this stage, as the alleged offender may admit the deed but dig in her heels and defend her actions. 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.” Upon being confronted by George, the friend admitted his deed, defended it, and offered sarcastic empathy rather than an apology: “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.”⁸ In a more serious example of this posture taken to its extreme, after a U.S. cruiser shot down an Iranian plane and killed

290 civilians, former President G. H. W. Bush stated during the 1988 campaign: "I will never apologize for the United States of America, I don't care what the facts are."⁹ Admissions, in other words, are not necessarily apologies. 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 this can be achieved without anything like an apology taking place.

B. Acceptance of Causal Responsibility Rather Than Mere Expression of Sympathy

The offender must not only admit that certain events transpired but must also accept causal responsibility for the harm. This substantially reduces the meaning of so-called sympathy apologies, which take the form of "I'm sorry that X occurred." Consider the statement: "I am sorry that your grandmother passed away." Unless I am confessing to killing your grandmother and thereby taking causal responsibility for her death, I am not apologizing but rather expressing condolences. I do not mean to devalue the importance of such acts of empathy, but we should realize how such statements share little with apologies. I can sympathize with others even if I believe they deserve their suffering and I am justified in causing it. The bombardier on the *Enola Gay*, for example, could sympathize with the Japanese civilians and still drop the bomb on them. Many offenders exploit this sympathy-as-apology misnomer, hoping that including the word "sorry" will satisfy a victim. Also note the difference between using the passive voice to state "I am sorry you were hurt" and the active voice to state "I am sorry I hurt you." The active voice takes responsibility while the passive does not, as former President Reagan's statements regarding the Iran-Contra affair demonstrate: "it's obvious that the execution of these policies was flawed and mistakes were made." Here Reagan hedges in two respects. First, he does not admit that he made any mistakes. The passive voice allows him to leave the identity of that wrongdoer unknown. He also does not assert that his policies were flawed, but only poorly executed. He thus accepts no personal responsibility.

President G. W. Bush's statements concerning the torture of Iraqi prisoners in Abu Ghraib prison are illuminating here. In 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."¹⁰ Anger arose over the absence of contrite language, and the following day White House spokesman Scott McClellan told reporters that the president was "sorry for what occurred" in the prison. National Security Advisor Condoleezza Rice similarly expressed "the United States' deep sorrow over the U.S. troops' abuses against the Iraqi prisoners."¹¹ Amidst a rising demand for the president to apologize properly, 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."¹² Leaving aside the question regarding whether the president was in any sense causally responsible for the torture, none of these statements provide more than an expression of sympathy and refutation of charges that Americans enjoy Iraqi suffering. Instead of accepting responsibility for the harm, the statements lay the groundwork to deflect accusations that the causal chain leads back to high-ranking U.S. officials. Thus President Bush issued condolences and a defense rather than an apology.

When admitting responsibility, the offender must parse precisely what she is responsible for. This opens a range of knotty issues regarding the metaphysics of causation, which I will treat only briefly here. Suppose I stand up a friend for a dinner date because I instead choose to go to a movie at the last minute. In the rush to make the movie on time, I do not call her to cancel. I should apologize. Now suppose that an attacker assaults her while she stands on the sidewalk waiting for me a few minutes after our prearranged meeting time. In the direct causal sense, "but for" my violation the injury would not have occurred. But such an analysis establishes little because under such a theory, events are so interconnected that we cannot attribute responsibility to anyone in particular. In this example my friend's mother would be just as responsible as the assailant for her daughter's injury because but for her giving birth to her, she never would have suffered the injury. Surely this is unsatisfactory.

Unlike "causation in fact," proximate causation is a legal construct fashioned according to moral and political considerations. As Justice Andrews stated in his classic dissent in *Palsgraf v. Long Island R.R.*, "What 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."¹³ Prosser and Keaton restate *Palsgraf's* conclusion: "The doctrine of proximate cause reflects social policy decisions based on shared principles of justice."¹⁴ 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."¹⁵ This legal doctrine maps onto attribution of moral responsibility. Just as I would not be criminally charged with my friend's injury in this case, I am not proximately responsible for it because the attacker's actions supercede mine. I can apologize for breaking our appointment, but I can only express sympathy over the injury. If, however, it was reasonably foreseeable that placing her in this situation would be dangerous, then I deserve some blame for the injury and should apologize precisely for two separate wrongs: breaking our meeting and placing her in danger. I should apologize for both wrongs even if an attack did not occur. I could not, however, meaningfully apologize for the assault itself. To do so would trace responsibility so far up the chain of causation as to render it meaningless.¹⁶

The offender's acceptance of causal responsibility in this way 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 causal responsibility delineated, blame can be apportioned. Note, however, that this moral function can also be accomplished by a third party such as a judge.

Although Lazare appears committed to the position that we should apologize for accidents such as oversleeping, misspeaking, or bumping into someone, I believe apologies for non-negligent accidents convey little meaning.¹⁷ Accidents, by definition, lack intentionality. Consequently, we are generally not considered morally culpable for accidents. This error would be evident, for example, if I tried to apologize for missing an appointment because a meteor hit me on the head and rendered me unconscious. If I attempted to apologize, I would hope that the offended parties would understand that any offense was not my fault, and therefore an apology would be inappropriate. This marks the difference between being excused and being forgiven: an excuse finds me morally innocent of the charge, while forgiveness pardons me after finding me guilty. We excuse accidents.¹⁸ 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 confused phrase "I'm sorry, but . . ." may fill this interim, but it cannot stand. Categorical apologies are unconditional, and as a result the "but" will likely degrade the apology. If the "but" is followed by a legitimate excuse, then an apology is not warranted. In this respect, many excuses attempt to deny intentionally in order to reduce responsibility and thus mitigate blame, for example by claiming that offender "didn't mean to" cause the harm.

This element underscores that categorical apologies respond only to moral wrongs. Not all harm results from moral wrongs, and apologies for non-moral injuries have limited meaning. If the injury was accidental, then an apology also gives the victim no reason to believe that it will not happen again. Apologies for accidents therefore seem to have no more meaning than expressions of sympathy.

C. Identification of Each Moral Wrong

Having secured the historical record and taken causal responsibility for the harm, an offender must now recognize the wrongdoing as such. Initially seeming obvious, this condition requires the offender to pair the harm the victim suffered with the moral principle underlying that harm. This isolates the discrete nature of the wrongdoing so that it can be denounced. If I destroy my spouse's cherished tomato plant and then try to blame our dog, I've violated at least two separate principles: disrespecting her property and lying. Both norms must be named in my apology. If I do not identify each offense and explain *why* I am apologizing, then she cannot take meaning from the apology for each offense. This condition guards against conflating several wrongs into one apology. In cases of historical

harms at issue in 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. This responsibility runs parallel to the requirement that the offender isolate precisely what she is responsible for so that the parties can disentangle the causal chain and match each transgression with the moral principle transgressed.

Former President Bill Clinton's August 1998 address to the American public offers an 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."¹⁹ Clinton isolated the personal rather than the political failure of the extramarital sexual relation and took responsibility 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 this political injury, he later identified this 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."²⁰ We cannot determine, as considered below, whether this regret is categorical or merely remorseful.

D. Shared Commitment to Violated Moral Principles

With the historical record agreed upon and the violated principles made explicit, a categorically apologetic offender will commit to the values at issue. The victim and offender thus declare that they share moral values.²¹ The offender will understand the victim's claim as legitimate, her own behavior as wrong, and will offer the most meaningful words in an apology: "I was wrong." Having said this, the offender recognizes the victim not as a mere obstacle to her self-interests but as someone who shares deep beliefs with her. The victim can then take comfort knowing that the offender's efforts to reform will be intrinsically motivated and thus more likely to succeed. Apologies failing to satisfy this condition often take the form of "I am sorry that X bothers you" or, even worse, "I am sorry you feel that way." 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.²²

This requirement exposes the disingenuousness of many apologies. If a host demands that I apologize for ruining her dinner by using the wrong fork, an apology would be insincere because I find her sensitivity to matters of etiquette puerile. If a bigoted relative took offense at my bringing a non-white guest to her

table, apologizing would convey that I consider her racism warranted because I share her value. In such a circumstance I would make a point of not apologizing and would likely counter-claim offense. Disagreements do not require apologies, and disagreements regarding value of the norm transgressed preclude categorical apologies. I suspect that our reluctance to openly discuss where our pluralistic values diverge causes us to offer hasty apologies, and such apologies can replace normative discourse with social reflexes meant to relieve immediate tension rather than build mutual understanding. Similarly, if a host takes offense to my refusal to recite a prayer before dinner accepting her god as my savior, I cannot apologize for my agnostic views unless I am prepared to convert. Hopefully we both share a commitment to religious tolerance which can diffuse the conflict without the need for an apology. The attempt to resolve the dispute by appealing to the more abstract shared belief in pluralism need not swallow the rule I am suggesting here. Imagine if the host is a vegetarian on religious grounds and takes offense at my gift of lamb chops. Again, I cannot apologize for being a carnivore, but I can apologize for my inconsiderate failure to honor the practices of my host so long as they do not conflict with my beliefs. In this case, my not eating meat for one meal is consistent with both of our beliefs. Excluding someone from even one meal because of her race is not compatible with my beliefs. If however, I knew that my hosts would take offense to the presence of my non-white companion, and I brought her in order to make them uncomfortable, ruin their meal, and openly disrespect their values, I would need to consider if any of these objectives is an offense in its own right. Should I apologize not for bringing a non-white guest, which is a value I surely do not share with them, but for the audacity of challenging their beliefs at a family gathering in their home? If I come to think that I exercised poor judgment in how I raised this issue, then I could apologize specifically for this while continuing to reject their racism.

These examples demonstrate the sort of precision thoughtful apologies require when various values at different levels of abstraction are at stake. We can consistently refuse to apologize for one of our beliefs while categorically apologizing for actions which the victim might believe are entwined. 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 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.

Setting aside the muddled meaning of McGreevey's three "sorry that" statements which appear to express sympathy more than admit wrongdoing, he clearly

refuses to offer anything resembling an apology for his homosexuality or sympathize with those who may be harmed by his coming out. With this caveat McGreevey simultaneously expresses self-reproach and challenges the values of some of his critics. In other words, the tone of humility adopted by an offender does not require that she must concede to all of the victim's moral beliefs.

An interesting question arises here regarding whether I can apologize for something that breaches my ethical principles and that the victim should find offensive but 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 agrees with my statement. In a situation where the victim should have taken offense at an action that breaches my principles but not hers, it appears that I can offer an apology satisfying all of my criteria except we will not share the appropriate value. I can attempt to convince her that she should change her belief and that she deserves an apology, in effect advising her to suffer an injury from my actions. Barring a conversion, my apology to her may have some meaning for me but probably very little for her. It would be as if the stickler for etiquette insisted on apologizing profusely to me for a missing salad fork when I had not noticed its absence and was content eating my salad with a dinner 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. This would also be true between individuals holding truly insidious values, for example if one racist apologized to another for acting in some non-racist way.

E. Categorical Regret

To regret something, much like being "sorry," can mean many things, several of which can be consistent with refusing to apologize. First, while regret typically expresses a sentiment that I wish things could be otherwise, this does not entail that I have done anything wrong. I can regret something I have no causal responsibility for, such as the death of victims of a tsunami. 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."²³ Yet because sorrow can indicate mere sadness in response to any distant misfortune, it seems too broad to capture the emotions accompanying full apologies. Second, the colloquial use of regret can also refer to displeasure for consequences I intend. I can regret that you take offense to my bringing a non-white guest to dinner, just as a judge can regret having to sentence a parent to a prison term. Here regret longs for a world in which things "didn't have to be this way" even though I choose this over other options. Such use of regret is nearly parallel with sympathy apologies described above. Third, guilt should also be distinguished from regret. A patient may feel guilty that she can afford an expensive life-saving surgery while others cannot, but this does not necessarily indicate that she regrets her choice to exercise her advantage. I cannot begin to

unravel the web of concurrent and contradictory emotions or the relationship between emotional states and moral actions, and such considerations would be more complex in cases where the injury occurred long ago and has since been overcome by the victim but still requires an apology. We should also be wary of the dramatic remorse often lavished on the offended to expedite forgiveness and substitute a superficial display of emotion for a moral act.

More important than its sympathy, sorrow, or guilt, a categorical apology must convey regret in the sense that the offender wishes that the transgression could be undone. She explains that she regrets what she did because it is morally wrong, she wishes she had done otherwise, and she will never make that mistake again. “Categorical regret” captures this notion of regret as the recognition of a mistake. In order for the regret to be categorical, I must wish I had chosen differently rather than merely express disappointment *that* I had to choose. If I did not take the trip to China because I instead cared for a sick parent, I could only categorically regret this decision if I now think caring for my parents was the wrong choice. While I find categorical regret essential to a full apology, Louis Kort claims that an apology can be “full-fledged” even if it fakes any of the less superficial forms of regret mentioned above.²⁴ Richard Joyce believes an apology only requires “adequately convincing affectation.”²⁵

Categorical regret recognizes and declares a transgression as wrong and wishes it could be undone. It entails a promise that the offender will not repeat the offense even under the same conditions and with the same incentives. Thus the *Enola Gay* bombardier cannot apologize categorically if he would still drop the bomb given a similar set of personal and geopolitical circumstances. Former President Nixon’s resignation famously fails to satisfy this condition: “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.” 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 believe those decisions are “in the best interests of the nation.” This could be true even if the actions were ethically wrong because an immoral act such as lying could, under Nixon’s ambiguous logic, still be in the nation’s interests. Such a position parallels the common disclaimer “I am sorry but I must . . .”

Accordingly, if I repeat the offense after apologizing, I void much of the apology’s meaning. Apologies of a serial offender and apologizer should therefore be met with skepticism until the offender avoids temptations to repeat the offense. Because the meaning of apologies—like the meaning of promises—depends on future behavior, they cannot be conclusively judged at the moment they are given. An apology gains credibility as time passes without a relapse. For this reason, we can only judge ultimate quality of the apology over the duration

of the offender's life. This denunciation of my wrong and promise to refrain from committing such offenses in the future constitutes the initial reform required of a categorical apology.

This nuance invokes problems of incommensurability. When choosing between incommensurable goods such as caring for my parents or traveling to China, either choice will result in a missed opportunity. I will suffer a loss either way, and I may interpret my feelings regarding this loss as regret. But unless I believe I should have chosen otherwise, sorrow over the recognition of what was lost rather than categorical regret best captures my sentiment. Again, 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. The depth of our confusion in this regard can be found in invitations asking for "regrets only," as if we could regret something we have yet to do and continue to endorse it. Like the abuse of "sorry," the conflation of these distinct senses of regret cause the moral force of categorical regret to rub off on and distort the non-moral regret. Thus when commentators call for regret to accompany apologies, these distinct meanings should be differentiated or we risk reducing the full moral meaning of apologies to mere expressions of sympathy or disappointment.

F. Performance of the Apology

Simply stating the words "I am sorry" does little of the work required to realize the meaning of an apology. As Austin has demonstrated, performative utterances achieve their meaning only with certain background conditions in place.²⁶ The utterance of the apology is, however, necessary. The offender must undergo more than internal monologue and, unlike Catholic confessions, admit wrongdoing to the victim rather than to a priest. In the context of Pope John Paul II's visit to the Western Wall, Lazare implies that an apology need not be articulated. The pope placed a piece of paper in the wall of the temple which stated: "We are deeply saddened by the behavior of those who in the course of history have caused these children of yours to suffer." Lazare asserts that the pope's actions would be an effective apology "even without the note."²⁷ Regardless of the symbolic power of his presence, I doubt we should attribute such meaning to this act. His attempt to apologize lacks meaning even with the textual support because it amounts to little more than an expression of sympathy. This appears to be an example of desiring an apology so much that we unjustifiably attribute meaning to opaque gestures.

Tavuchis and Aviva Orenstein claim that apologetic declarations should be made "face to face" instead of issued in writing.²⁸ Ideally, the offender would speak the apology and provide a written record of it. While standing before the victim and pronouncing the apology creates emotional and ceremonial meaning, a written apology is more likely to satisfy the requirements of a categorical apology. A full apology is a potentially technical undertaking as it identifies moral

norms and parses causal responsibility, and a written version allows the offender to craft a precise statement. Oral apologies often occur in emotional fits and starts with garbled content. In a written statement, the offender can carefully consider her words. The victim can scrutinize a stable statement rather than attempt to identify the contents of the apology amid a fluid conversation. 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.

Once I express an apology, any denials of having done so will reduce its meaning. Victims may occasionally prefer that an offender not pronounce the apology to a general audience, for example if she suffered sexual violence that might be increasingly harmful if publicized. The offender must, however, confirm the apology in any context upon the victim's request. Because the victim "owns" the categorical apology, its disclosure should be at her discretion. If, for example, I categorically apologize to my spouse, I need not share it with my mother-in-law unless my spouse requests this disclosure. This would remain the case even if apologizing in some contexts—such as legal proceedings—would cause the offender considerable detriment. In some situations, such as cases of defamation, it will be imperative for third parties to know of the apology if it is to have the meanings I attribute to it below. As also discussed below, the necessary degree of publicity of an apology will be a function of whether it is between two individuals, from a group to an individual, an individual to a group, or group to a group.

Another question arises regarding the proper audience for an apology: how meaningful can an apology be if it never reaches its victim? Suppose the offender speaks a full apology, but the victim does not hear her, or the offender mails a written apology, but the victim never receives it. Or suppose the victim is dead. Of course in any of these cases the apology cannot bring about forgiveness if it never reaches the victim. Unfortunately, such circumstances would empty an apology of much of its meaning. Categorical apologies are dialogical in that they require agreement on the factual record of events, attribution of causal responsibility, and identification of shared moral principles breached by the offense. A monological apology cannot accomplish this because one cannot have such a discussion with a deceased victim. Under extraordinary circumstances one could, however, enter into a dialogue with the victim's account of each of these components after her death. If a Holocaust survivor made explicit in her memoirs who wronged her, how she was wronged, and why it was wrong, the offender could corroborate and agree with the account in full and categorically apologize for it. In most cases, however, the death of the victim or offender makes a categorical apology impossible. The opportunity for some types of meaning can be lost.

G. Reform and Reparations

As discussed above, categorical apologies promise to never repeat the offense because they denounce their transgression as morally wrong. At a minimum, a

categorical apology is therefore a promise to moral reform kept over a lifetime. Violating conditions of apologies diminishes their meaning; honoring the conditions augments their meaning. Beyond this threshold requirement to reform behavior, categorical apologies can require the offender to provide what are often called reparations.²⁹ Derived from the Latin for repair, reparation and similar terms such as redress, amends, and restitution imply that such responses make a victim “whole” by returning what the offense has taken away. Restitution refers specifically to returning something taken wrongfully, and reparation is often used to describe a form of recompense for less tangible losses. Such figurative terms can be deceptive. Remedies do not “repair” or “correct” a wronged party, nor do they “restore” the victim to her state before the injury or reestablish a “moral equilibrium.”³⁰ An injury creates particular suffering and loss in the lives of individuals. Nothing can unscramble that egg. Contrary to Lazare’s claims, an apology cannot “restore a relationship” as one restores a piece of furniture to its original state, and it is misleading to think of an apology as “owed” as if it were similar to discharging a debt to a bank.³¹ Even after a perfect apology, the relationship moves forward forever in the shadow of the injury rather than backward to a time before the trespass occurred.³² If an executioner apologizes to me for killing my grandparents, this may hold great meaning and accomplish many social objectives. In no way, however, should it be considered equivalent to the harm done. “Restorative” understandings of apologies and punishment often unwittingly commit to a one-dimensional moral universe in which all harms are goods that can be neatly weighed according to a single metric. Yet unless one is committed to the most reductive form of utilitarianism such as that forwarded by some advocates of the Law and Economics movement, there is no economy of apology wherein the offender can repay a debt to clear her moral account. Although a proper discussion of the problems of moral incommensurability is beyond the scope of this paper, we should at a minimum be aware of how such ontological presumptions orient understandings of apologies.

Instead of conceiving of apologies as a retrospective *quid pro quo*, the future-oriented components of an apology should be understood as taking practical responsibility for the harm caused by the offender. Each offender’s requirements for satisfying such responsibility will differ according to injury and context, but an offender is only responsible for providing reparations for the injuries she has caused. Responsibility must therefore be parsed before remedies can be addressed.³³ Accepting full legal and economic liability, however, appears to be required of categorical apologies except in the cases discussed below regarding excessive penalties and an impoverished offender. I cannot apologize for punching you, for example, while disputing that I did so in criminal proceedings, refusing to accept fair legal consequences of assault charges, or failing to make a good-faith effort to pay your medical bills.

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 reparations? Shared con-

ceptions of fairness should guide us here. Because an apology conveys a shared commitment to a moral value, the victim and offender should share a concomitant conception of how to respond to an offense of the norm. The offender and victim should agree on appropriate forms of redress, and this process protects the offender from unreasonable demands from a victim or plaintiff's attorney who seeks to exploit the apologizer's vulnerability and guilt. A victim's abuse of an offender in this way would constitute an offense in its own right, and an offender can refuse unreasonable demands. 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 should be the subject of the exchange. This was evident in the aftermath of the emergency landing of a United States spy at a Chinese military airfield after it had collided with a Chinese fighter jet and killed its pilot. While the Chinese and American officials performed an elaborate ritual of apology, it was clear that both parties were going through the motions only to dress up their purely instrumental pursuit of their respective political ends.

This also raises the problem of an offender who wishes to admit and take full responsibility for her actions but finds the legal penalties for doing so excessive. In the case of the Lewinsky scandal, we can imagine that Clinton may have wished to offer a categorical apology for either the affair or his perjury. As events unfolded it became clear that certain forces had leveraged these offenses in such a way that admissions from Clinton would result in severe—and what some, including Clinton, might think unjustifiable—consequences. If we stipulate that Clinton was indeed sorry for his actions, it is likely that he was not so sorry as to believe that he deserved to be impeached because of them. A parent who wishes to apologize to her children for using narcotics once could face a similar problem: while she wishes to offer a complete apology to her children, she believes the jail term she would face for admitting her deed in court is unfair. If the victim agrees with the offender that the legal penalty is disproportionate, then it seems that the apology could be categorical if the offender satisfies all other elements while resisting the legal sanction.³⁴ If the victim disagrees with the offender and believes that the legal sanction is justified, then the importance of the shared value comes into question, and the meaning of the apology will be diminished.

Distinct from questions of the legitimacy of legal sanctions, there may be uncertainty regarding the legitimacy and proportionality of the victim's suffering. Because the offender shares the commitment to the breached ethical principle underlying the harm, she will find some offense legitimate. 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 responsibility for all of the suffering or only for what an ordinary person would have suffered? In the above example of killing my spouse's tomato plant, suppose it had deep symbolic value for her and its destruction triggered profound remorse. This may be more common than one might think considering that such minor incidents trigger major conflicts because serious moral issues lie beneath the surface. The tomato plant may come

to symbolize my disrespecting her, and I would need to recognize that considerable anguish is an appropriate response to such an affront if I share the value with her. But suppose that she grieves for years over the loss, and I come to learn that her evil older brother 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 as we had planned: I did something wrong, but another's actions supervene mine and cause the severe harm more directly. The proximity of causation in such cases may be difficult to untangle, but such determinations are rarely simple and haunt nearly all questions regarding our responsibilities to others.

We should be wary of offenders who self-castigate in order to immunize themselves from further responsibility for their offense. As Oscar Wilde noted, "When we blame ourselves we feel that no one else has the right to blame us."³⁵ Such usurpations of the right to control the process of forgiveness from the victim can take the form of a statement such as "I *said* I am sorry," whereby the offender attempts to use the very utterance of language of contrition as a shield against accepting the full responsibilities of apologizing. 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. In this sense, apologetic statements are sometimes preemptory defenses issued in an attempt to block forthcoming rebuke.

In contrast, one might worry that this notion of a "maximally meaningful apology" could lead to excesses on the part of the offender. What if someone devoted her life to apologizing for suffering she caused? Wouldn't this be both more meaningful and over-demanding? We should first notice that this problem arises only in relation to the offender's requirement to take responsibility for her wrong by providing redress. In some cases a life of devotion to the offender may be appropriate. If an offender renders the victim quadriplegic, for example, taking responsibility for that injury may be a full-time occupation. But because an offender can only take responsibility for the harm she proximately caused, this would likely preclude her from undertaking excessive reparations in the furtherance of any apology. Inflicting an injury could provoke a life-transforming awakening in the offender such that she becomes a crusader against similar wrongs, and she could continue to enrich the apology's meaning once she had discharged her responsibilities to the victim.

Once the parties agree on the appropriate redress, the offender must complete it. If the offender dies without fulfilling the promise, the apology's meaning will not have the occasion to bloom. For these reasons, deathbed apologies are suspect because the promise to reform will never be tested and most forms of redress will be foreclosed. While a spouse's apology to her partner for a lifetime of affairs moments before her death may have a profound emotional impact, it

could well be a last-ditch attempt to elicit forgiveness rather than a categorical apology. 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 should always be suspect.

A problem also arises regarding when someone causes harm that exceeds her resources. If an impoverished person causes expensive property damage, she may be incapable of ever paying for it. Does this mean that she cannot afford to apologize categorically? To some extent this may be the unfortunate truth because she cannot provide a certain sort of meaning if she cannot relieve me of the burden of paying my medical bills. That loss of meaning, however, may be insignificant when compared with other efforts the offender can make. A small amount of hard-earned money provided to a victim may convey more meaning than a large check cut from a billionaire because it would indicate the offender's dedication to honoring the breached value. In addition, we should not think of the costs of injuries in strictly economic terms. An offender's offer to personally care for me while I am injured could be much more valuable than a sum of money. Finally, as mentioned above with regard to thinking of reparations as discharging our moral debts, none of us can really ever pay off our victims for their injuries. When we make moral errors, we can only do our best to reform and try to help those we have injured. Neither the rich nor the poor can erase the past.

H. Standing

In order to issue a categorical apology, one must possess what is understood in legal terms as standing. According to legal doctrine, this procedural requirement ensures that only legitimate disputants adjudicate claims. As argued above, I can only categorically apologize for an injury that I caused because I cannot accept responsibility otherwise. As much as I might like to, I cannot take responsibility and categorically apologize for civilian casualties during World War II, in part because I was born after the conflict. If I harm my brother, my wife cannot apologize for me no matter how sincere and empathetic she may be. Only I, as the person responsible for the injury, have authority to issue the full apology. This mirrors the similarly obvious fact that the victim has exclusive authority to issue forgiveness, as I would have no right to forgive Nazi executioners of 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 I cannot forgive for the entirety of the murder itself.

Third parties can corroborate the victim's account of the event, apportion responsibility, vindicate her moral principles, legitimate her suffering, and provide reparations. Even these, however, are less meaningful when not also performed by the offender. Much of an apology's meaning can only be provided by the offender. Only the offender can undertake her own moral transformation. Only the offender can denounce her commitment to the wrong. Only the offender can

end the harm that she continues to perpetrate until she recognizes the victim as a moral agent. Only the offender can promise never to do it again because it is wrong. Only the offender can build trust between them. We should also not forget that an offender may take as much meaning from an apology as a victim.

In the desire to mend relationships, however, this standing requirement is often disregarded.³⁶ Families appear to suffer the most confusion in their attempts to bypass standing requirements, for instance when parents apologize for the acts of their children. Parents can categorically apologize for a failure in parenting. If parents leave a young child alone when she should be supervised, and during this time she damages a neighbor's property, the parents can apologize only and precisely for their failure to supervise. The parents proximately caused the child to be alone, but the child proximately caused the damage, and only she has standing to apologize for it. Although the case of parents apologizing for young children is complicated by the reduced agency of children and parents' desire to accept responsibility for their children's actions, these mitigating factors wane as children develop. A parent cannot categorically apologize for an adult child unless we can attribute independent causal responsibility to the parent for the transgression. Denying this would eviscerate all notions of personal responsibility.

The case of Susan Smith—the Georgia woman who drowned her two children by strapping them into her car and sinking it in a local lake—demonstrates an unmistakable standing failure. Smith initially claimed her children were abducted by a black kidnapper, causing police to interrogate many African-American men during the investigation. In response to the racial tension cause 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." One African-American resident understood that her brother lacked standing to apologize, stating that "he didn't have to do it. She did."³⁷ Apologies are personally and inextricably attached to the offender by their causal responsibility for the harm. Unlike money and other fungible commodities, we value apologies in their particularity of origin. As a non-transferable good, the full work of apologizing cannot be delegated to an attorney, a proxy, a successor, or an heir. As with forgiveness, this entails that the possibility of a categorical apology is foreclosed upon the death of the offender.

This standing requirement creates serious difficulties for collective and institutional apologies, and I address these issues at length elsewhere.³⁸

I. Intentions

Even if the offender satisfies all of the previous elements, it matters why she apologizes. Many of the above criteria speak to the offender's intention to some degree, but we should not underestimate the significance of the offender's motivations and mental state. If an unfaithful spouse offered what appeared to be a categorical apology not because she believed that she had wronged but because she feared financial abandonment, this would alter the meaning of the apology.

Similarly, if I knew that my boss would fire me if I did not provide a categorical apology for stealing office supplies, it would make a difference if I went through the motions of apologizing while continuing to believe that I was justified in pocketing the goods. The apology would be less meaningful in both cases even if I completed reparations and did not re-offend or otherwise degrade the apology.

Categorical apologies entail a commitment to a shared value, and committing to this belief speaks not only to the prospect of a future free from harms caused by breaches of this principle but also to a shared sense of goodness, justice, and the meaning of life. We do not necessarily need to commit to a form of Kantianism to see why intentions matter to apologies. If, while under hypnosis, the apologizer executes a textbook categorical apology and is conditioned to provide reparations, then we would see her acts and words in a different light. While such conditioning might be an effective means of ensuring that the injury will not be repeated, this could be accomplished by other means—such as incarceration—which have no necessary relationship to the meaning of apologies. We want an apology from a person who agrees with our sense of right and wrong, not from a machine or animal mimicking moral agency. Categorical apologies speak to the offender's character rather than to her mere ability to navigate a maze of social expectations in order to maximize her self-interest. Categorical apologies serve many functions, and some of these objectives can be advances without regard to intentions. The social uses of apologies, however, account for only some of their meaning. Staged acted of contrition from a sociopath who laughs under her breath at my petty values is not as meaningful as an apology from someone who has come to share my deepest commitments. In the unfaithful spouse example, it would be essential to know if my life partner shared my values or secretly scoffed at them.

I therefore find Lazare's claim that such concerns for intentions "value style over substance" to indicate just how instrumental his account must be.³⁹ Lazare goes so far as to imply that apologies should not be evaluated by their truthfulness. "Strategic apologies," which he understands as "motivated by the offender's attempt to change how others perceive them or keep their relationships intact or enhance their social stature," should not be considered "somehow less truthful or less effective" than honest apologies "even if the offenders do not exhibit shame, guilt, or empathy." "How," Lazare asks, "can we argue against social harmony among individuals, families, and nations?"⁴⁰ Joyce shares Lazare's opinion that the value of an apology can be reduced 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—even if the utterance is a failed illocutionary apology—rather than see him retreat behind a defensive wall of 'I didn't do it.'"⁴¹ My point here is not that even the most deceptive and disingenuous apologies may serve social functions, but rather that they are less meaningful. If the injured party learned of the deception, the strategic apology would be drained of its value not only because it would be a

less convincing indicator of the future performance of the offender but because it would be exposed as lie. In addition to the original harm, the injured person has been deceived. Even without a deontological commitment to the wrongness of lying, the victim will have suffered an injury because she cannot assess the full meaning of the apology when subjected to such deception. The illusion of a categorical apology may indeed save a marriage or a friendship, but it is not empty moral rhetoric to claim that such relationships are held together by lies and that the victim has been treated as mere means.

These considerations capture my dissatisfaction with analyses offered by philosophers who understand apologies as binary speech acts which either “fire” or “misfire.” Just as a broken promise is still a promise, 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 features that place an apology along a spectrum of meaning. He thus claims that “sincerity is not a necessary component of an apology” and doubts that “we really require the formal apologizer to feel particular emotions—all we want of him is an adequately convincing affectation.”⁴² Such theories cannot account for the range and subtlety of meaning possible within apologies.

III. Conclusion

I hope to have demonstrated that categorical apologies are demanding ethical acts. Rather than accept hollow apologies, we should recognize when apologies fall short and either pursue their full meaning or understand them as less than categorical. This is not to say that all apologies must be categorical or that all non-categorical apologies are meaningless. Not all injuries call for categorical apologies. The elements of categorical apologies involve multiple and potentially discrete meanings, and on some occasions we will be interested in only or primarily one of the meanings. If someone steps on my toe, I may be satisfied with any expression that simply conveys that the harm was not intentional, and if someone bumps into my car in the parking lot, I may seek little more than a fulfilled promise to pay for repairs. Important distinctions should be made between less-than-categorical apologies, as a mere expression of sympathy will not suffice if I desire assurance that the offender will attempt to refrain from re-offending, and a promise to refrain from re-offending will not be enough if I want someone to pay for the damage. I do not mean to imply that the best is the enemy of the good in this case or that imperfect apologies are necessarily bad in some way. In some instances, such as the pope’s apology for the Crusades, the time has long since passed for categorical apologies, and a non-categorical apology may be the best he could offer. Some apology can be better than none. We should remain aware, however, of how such apologies lack various sorts of meaning. This also applies to culturally divergent conceptions of apologies. Some groups may consider an apology full even if the offender feigns remorse or does not accept fault

for the harm. I do not question whether such an act would be understood as an apology or some translation of the term by the community, but I do wish to decipher how such statements convey limited meaning and omit certain content that should be important to us. Institutions, like individuals, can reasonably prioritize certain functions of apologies over others, but we again must contrast such acts with categorical apologies. This will allow us to determine which types of meaning can and should be expected from institutional acts. If we want a corporate apology to take responsibility for a harm, recognize that it breached a shared moral value, and promise never to commit the offense again, then we should not be satisfied with a mere expression of sympathy dressed up in apologetic language. In my view, we must be careful not to confuse such behavior with categorical apologies or we will invest them with much more meaning than they deserve.

While I have not considered the crucial relationship between apologies and forgiveness, another benefit of a categorical apology may be that its thoroughness and integrity would increase the likelihood of bringing about forgiveness. I am not willing to claim, however, that even categorical apologies should necessarily lead to forgiveness. As some philosophers have recently explained, forgiveness is also a subtle and complex moral act and considerable additional argument would be required to determine when we should accept categorical apologies.⁴³ It seems entirely possible that some acts may remain unforgivable even after a categorical apology.

An expanded version of this paper will appear in my forthcoming book with Cambridge University Press tentatively titled I Was Wrong: The Meaning of Apologies in Life and Law. These arguments benefited considerably from exchanges with Guyora Binder, Matt Zwolinski, Nicole Smith, and my colleagues in the University of New Hampshire Department of Philosophy. Comments from several unnamed reviewers have proven to be immensely helpful. I also wish to thank the University of New Hampshire Center for Humanities for its support while I was writing this paper.

Notes

¹Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford, CA: Stanford University Press, 1991); Aaron Lazare, *On Apology* (Oxford: Oxford University Press, 2004).

²Maimonides' writings on repentance in the Torah anticipate many of the features of secular apologies discussed here. Moses Maimonides, *Hilhot Teshuvah: The Laws of Repentance* (New York: Monzaim, 1987).

³I believe this is the complete list: 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," *Dissent* (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* 55–201 (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 (Winter/Spring 1995): 57–65; Louis Kort, “What is an Apology?” *Philosophical Research Archives* 1 (1975): 78–87. Legal scholarship has paid considerable attention to questions regarding whether statements of sympathy should be excluded from evidence in litigation. 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, 1061–64; 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; and 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. For a critical evaluation of such legislation, see Lee Taft, “Apology Subverted: The Commodification of Apology,” *Yale Law Journal* 109 (2000): 1135–60.

⁴Kort (1975), 83.

⁵See Kort (1975); Joyce (1999), 165.

⁶Lazare shares this worry. See Lazare (2004), 13: “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.”

⁷I discuss these issues in *I Was Wrong*.

⁸*Seinfeld*, “The Apology,” Episode 909. Executive Producers Larry David, George Shapiro, and Howard West.

⁹Jonathan Adler, “High Stakes in New Orleans,” *Newsweek* (22 August 1988), 15.

¹⁰“Bush Reaches out to Quell Arab Rage at Inmate Abuse,” *Boston Globe* (6 May 2004), sec. A, 4.

¹¹“BBC Monitoring Iraq Briefing,” *BBC Monitoring international Reports* (5 May 2004).

¹²Elisabeth Bumiller and Eric Schmitt, “President Sorry for Iraq Abuse; Backs Rumsfeld,” *New York Times* (7 May 2004), sec. A, 1.

¹³*Palsgraf v. Long Island R.R.*, 162 N.E. 99, 103 (NY 1928).

¹⁴*Prosser and Keaton on the Law of Torts*, 5th ed., (American Law Institute, 1984), § 41.

¹⁵*Ibid.* § 440.

¹⁶One might object to this notion of responsibility by asserting that it is too thin and wedded to a liberal notion of agency that insulates individuals 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 responsible for global poverty. If one could establish, however, that poverty was caused by natural disaster rather than the commercial practices of wealthy nations, then this would indeed excuse those nations from the need to apologize. The United States, for example, could not meaningfully apologize for a naturally occurring earthquake in South America that causes devastation and poverty. This does not speak to whether the United States would have a moral responsibility to provide relief in such a situation, but it does clarify the difference between a responsibility to help and a responsibility to apologize. Because all moral responsibilities are not triggered by my fault, I need not apologize for all injuries even if one were to make the claim that I have a responsibility to everyone who suffers. But if it was empirically demonstrated that poverty is proximately caused by commercial practices in which I participate, responsibility could be attributed to me, and an apology would be warranted. See my “When Selling Your Soul Isn’t Enough,” *Social Theory and Practice* 30, no. 4 (2004): 599–612.

¹⁷See Lazare (2004), 36, 121, 123.

¹⁸This is not to say that all commissions of moral wrongs must be intentional or that morally culpable intentional actions cannot contribute to accidents. Suppose I miss the meeting with my friend

not because I decided to do something better but because I forget to set my alarm clock and overslept. I did not intend to break our date yet I failed to take the appropriate measures to honor a social engagement, and my negligence proximately caused the offense. When unintentional negligence contributes to harm, we can apologize specifically for that. If I am carefully driving down the road and a nail punctures my tire, causing my car to swerve and cause property damage and bodily harm, I can 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. If, however, I was driving drunk or over the speed limit when I ran over the nail, I must apologize for that specifically. If I was driving too fast to see the warning that a truck full of nails had dumped its load, then my negligence would supervene and be a proximate cause of the accident. I would now need to apologize for both my negligence and the damage. If the damage would have occurred regardless of my negligence, for example if my vehicle was defective and the tires would have exploded at that moment regardless of any fault on my behalf, I should apologize only for my negligence.

¹⁹James Bennet, "Clinton Admits Lewinsky Liaison to Jury; Tells Nations 'It Was Wrong,' but Private," *New York Times* (19 August 1998), sec. A, 13.

²⁰"Excerpts from Apologies by Clinton," *New York Times* (11 September 1998), sec. A, 20.

²¹Previous commentators disagree on this condition. I share Govier and Verwoerd's view on this. See Govier and Verwoerd (2001), 70. Gill claims that the apologizer need not be committed to the breached principle. Gill (2000), 13.

²²See Lazare (2004), 92–93.

²³Tavuchis (1991), 19, 40. See also Gill (2000).

²⁴Kort (1975), 84.

²⁵Joyce (1999), 167.

²⁶J. L. Austin, *How to do Things with Words* (Cambridge: Harvard University Press, 1967).

²⁷Lazare (2004), 37–38.

²⁸Tavuchis (1991), 22; Orenstein (1999), note 104.

²⁹Tavuchis claims that promises of reform are redundant because they are "implicit in the state of 'being sorry.'" Tavuchis (1991), 36.

³⁰For an example of this suggestion that apologies are commensurate with harms, see Tavuchis (1991), 19; Max Bolstad, "Learning from Japan: The Case for Increased Use of Apology in Mediation," *Cleveland State Law Review* 48 (2000): 545–78, ("It is through acknowledging the apology and perhaps forgiving, that the apologizee closes the circle and restores the moral equilibrium between the two parties"); Aviva Orenstein, "Apology Excepted," 243; Deborah Levi, "The Role of Apology in Mediation," *New York University Law Review* 72 (1997): 1165–20, 1178.

³¹Lazare (2004), 1, 4.

³²Martha Minow implicitly agrees with this claim. Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1999), 93. At one point, Tavuchis (1991, 34) describes an apology as "a speech act that is predicated on the impossibility of restitution."

³³This responds to Lazare's uncertainty on this issue. See Lazare (2004), 41.

³⁴Taft appears to believe that a full apology requires an offender to accept any legal sanctions regardless of their proportionality. Taft (2000, 1156): "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. 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."

³⁵Oscar Wilde, *The Picture of Dorian Gray* (New York: Penguin Books, 1983), 110.

³⁶Gill appears willing to allow apologies without the apologizer accepting causal responsibility for the harm. See Gill (2000), 13.

³⁷Michele Parente, "Boy's Uncle Apologizes to Blacks: Aims to Ease Tensions over Mom's Abduction Claim," *Buffalo News* (9 November 1994), sec. A, 13.

³⁸ See the chapter titled “Collective Apologies” in *I Was Wrong*. In brief, in order for a collective such as a family, a corporation, or a government to issue a categorical apology, each individual member of the collective must satisfy each element enumerated above. While this is possible, most collective apologies fall well short of these stringent requirements. 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, for example, cannot satisfy the causal responsibility requirement. Former President Clinton cannot issue a categorical apology on behalf of a consensus of Americans for the United States’ failure to prevent genocide in Rwanda, in part because many isolationists continue to believe that their position was justified. Rather than providing apologies proper, such collective statements often serve as policy declarations and should be understood as such.

³⁹ Lazare (2004), 157.

⁴⁰ *Ibid.*

⁴¹ Joyce (1999), 171.

⁴² *Ibid.*, 166.

⁴³ See Minow (1999).