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A PHILOSOPHICAL GUIDE

LUC BOVENS

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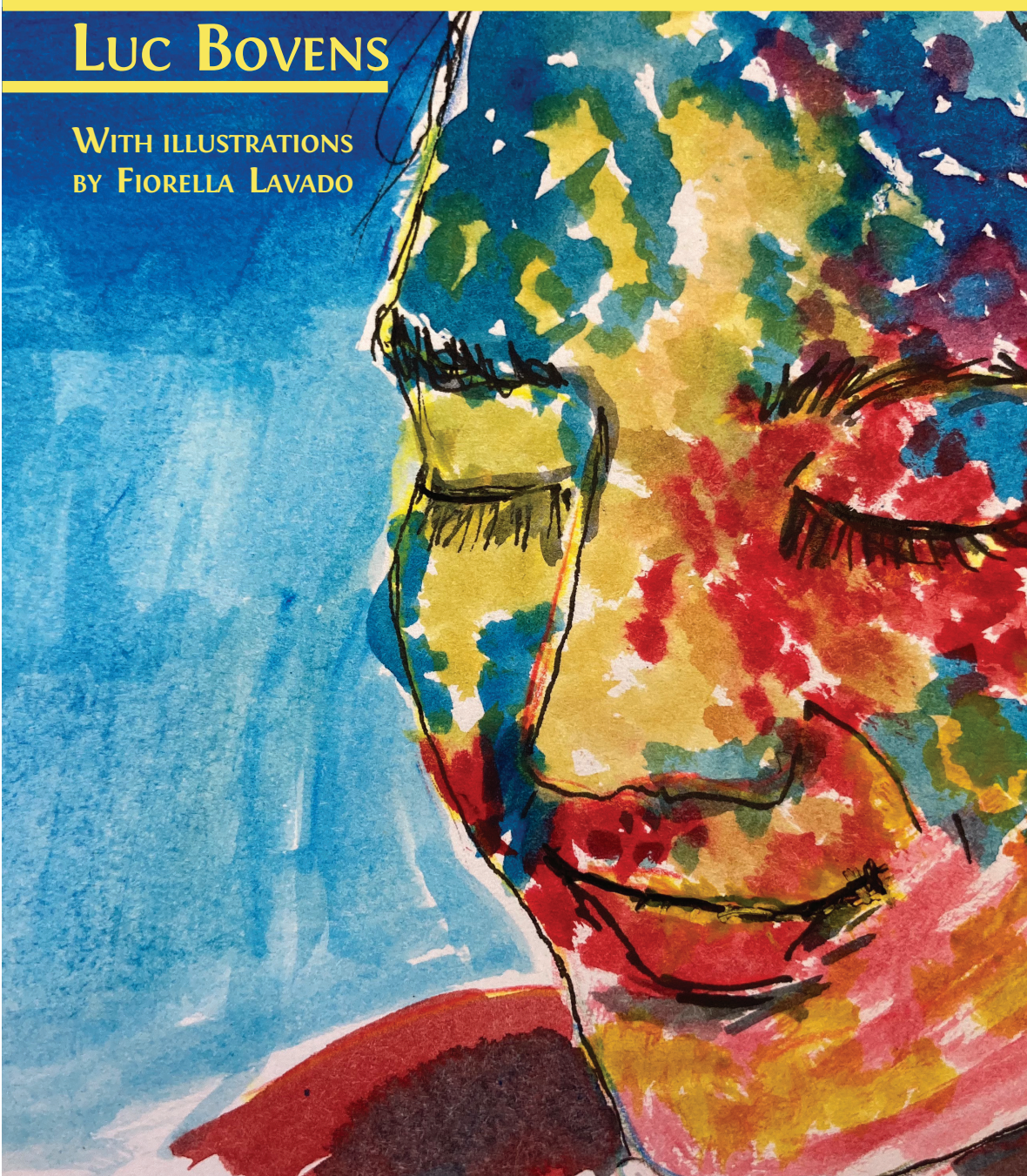

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4. Reconciliation

A Genuine Apology

'Man is a wolf to other men,' a Latin proverb goes. Social life can be a source of conflict. There is a curious tool for coping with tensions, namely the social practice of apologizing and accepting apologies. It is a restorative practice that is meant to heal what went astray, a kind of lubricant that keeps social life rolling. But at the same time, it is a curious tool that renders endless philosophical conundrums.

In the private sphere, we expect our friends or loved ones to apologize for the harm or hurt they have done to us. In the public sphere, we welcome apologies from institutions for morally questionable policies. But there are also voices saying that there is too much apologizing, both in private and public life. In the short story 'The Man Upstairs' P.G. Wodehouse writes, 'It is a good rule in life never to apologize. The right sort of people do not want apologies, and the wrong sort take a mean advantage of them.' Wodehouse's quote is tongue-in-cheek, but it does point to the fact that there are constraints on dispensing the social lubricant of apologizing—that more is not necessarily better.

One might retort that there are not too many apologies, but rather too few *genuine* apologies. Gilbert K. Chesterton writes in *The Common Man*: 'a stiff apology is a second insult.' But what makes an apology a genuine apology? There is a *cognitive*, *emotional*, *motivational*, and *attitudinal* component to a genuine apology.

As to the *cognitive* component, the offending party may fail to properly recognize their wrongdoing. Japan offered formal apologies in 2005 for their actions in World War II, but China and South Korea continue to see these apologies as disingenuous. The issue is that history textbooks used in Japanese high schools present a slanted perspective on the war, and

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Japanese public officials continue to visit the Yasukuni shrine honoring Japan's war-time dead, including war criminals. ('Koizumi Apologizes for War; Embraces China and South Korea.' The *New York Times*, 16 Aug. 2005)

As to the *emotional* component, an apology may signal a lack of remorse or sympathy for the suffering caused and may be motivated by opportunism. The compensation offered by Volkswagen and other German companies for slave labor during World War II in the late 90s was criticized for being ridiculously low and motivated by political expediency. ('Volkswagen to Create $12 Million Fund for Nazi-Era Laborers.' The *New York Times*, 11 Sep. 1998)

As to the *motivational* component, the offending party may not display a willingness to change its ways. Apologies for the treatment of Native Americans in the US carry little weight if land rights are not being restored and sacred places are still not being recognized as such.

As to the *attitudinal* component, we expect an apology to be accompanied by an attitude of humility. After the first Gulf War, a Kuwaiti public official rejected Saddam Hussein's apology for the Iraqi invasion of his country as an apology disguised in arrogance because of the provocative nature of his speech and his military uniform.

Each of these components seem both obvious and innocent enough, but they raise many issues. I will discuss each of them in turn, raising more questions than answers, I am afraid. What is even more mysterious than offering and accepting apologies is bidding for and offering forgiveness. I will say a few words about the difference between these practices. Finally, I will address P.G. Wodehouse's dictum that there is too much apologizing—even genuine apologizing—in this world.

Mea Culpa

A genuine apology typically expresses the recognition that what one did or failed to do was wrong. It is not due for actions that are merely wrong *in hindsight*. Suppose that all the medical evidence points in favor of one treatment, the treatment is pursued, and yet the patient dies because of the treatment, say, due to an unforeseeable allergic reaction. In this case, no apologies are due. The doctor might say that they are sorry for what happened, for how things turned out, but they do not need to apologize for what they did.

Expressions of regret over the consequences of one's actions are often substituted for apologies. They are often coined as apologies, but they fall short of genuine apologies. For a genuine apology, it does not suffice that the offender admits that their action turned out badly—they must also recognize their culpability. This issue is at the forefront of two controversies that were in the news in the 2000s.

The newspaper *Jylland Aftenposten* published satirical cartoons targeting Islam and the person of Muhammed. Many Muslims considered these cartoons to be highly offensive. Carsten Juste, the editor of *Jylland Aftenposten*, offered apologies for the feelings of Muslims that were hurt but did not apologize for publishing the cartoons since the actual publication, he said, is protected by freedom of the press. Many Muslims did not accept these apologies, presumably because Juste merely apologized for the fact that his actions turned out badly, while denying culpability for the action itself.

There was a similar reaction to a public lecture by Pope Benedict XVI at the University of Regensburg in September 2006. Pope Benedict discussed the incompatibility of faith and violence. He quoted the fourteenth-century Byzantine Emperor Manuel II Paleologus: 'Show me just what Mohammed 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.' In response to the outrage in the Muslim world about the use of this quotation, the Vatican made the following statement: 'The Holy Father […] 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.' But once again, to say that one regrets having caused offense and having been misunderstood is not the same as admitting culpability for one's actions.

These kinds of apologies are an inch away from a Hans Schwadron cartoon featuring a news anchorman saying: 'As station manager, I'd like to apologize to any morons our TV editorial may have offended.'

There is a range of moral choices in which the connection between apologies and culpability is complex. These are choices that fall under the broad umbrella of moral dilemmas. I will distinguish between *hard, tragic*, and *authentic choices*.

Let a *hard choice* be a choice in which there are good reasons on both sides of the fence, but there is a right answer. For instance, my professional integrity may leave me with no choice but to fire a befriended colleague. Do I owe my friend an apology?

Let a *tragic choice* be a choice in a situation in which there simply is no right moral answer. Reasons on both sides of the fence are individually compelling, and one does not outweigh the other. No choice constitutes the right choice—whatever one does is wrong. Think of Alan J. Pakula's movie *Sophie's Choice* after William Styron's novel by the same name. A concentration camp guard forces a mother to choose between her two children or to lose both. Arguably, there is no right course of action here—not choosing and choosing are both wrong. Does Sophie owe an apology to her daughter because she chose her son?

Let an *authentic choice* be a choice in which moral considerations unequivocally point to one course of action, but these moral considerations conflict with what the agent stands for in life. One can construe Gauguin's choice to leave his family and to pursue his painting career in Tahiti as an authentic choice. Or think of the injunction to refrain from performing radiocarbon and DNA tests on the Kennewick Man—a 9,000-year-old skeleton dug up in the shallows of the Columbia River—to respect Native American sensitivities. Considering what one stands for in life, say, living as a committed and uncompromising artist or scientist, it may be the case that what one ought to do conflicts with the demands of morality. Arguably, morality may not always provide overriding reasons. Let us assume that there are indeed such authentic choices. Should Gauguin apologize to his family? Should a dedicated scientist who surreptitiously conducts testing on the Kennewick man apologize to Native Americans?

One might say that apologies are due in moral dilemmas only in cases where there is culpability. In hard choices there is a right answer, and, arguably, pursuing this course of action releases one from culpability. In tragic choices, there is no right answer, and, arguably, no matter what one does, there is culpability. In authentic choices, one turns one's back on moral demands, and again, arguably, there is culpability. So, one might say, apologies are due for tragic and authentic choices, but not for hard choices provided I made the right choice. But maybe this is too simplistic.

Maybe, in hard choices, apologies are due even in the absence of culpability. There may be no culpability, but moral conflicts are not 'soluble without remainder,' as Bernard Williams wrote. If I miss an appointment with you because my child suddenly became ill, I certainly chose to do the right thing by attending to them, but I owe it to you to inform you, to offer you apologies, and to make reparations if my failure to honor our appointment was costly to you in some way or other.

But do we really need to apologize? Is the demand for apologies not misplaced here? What I owe you might not be an apology, but rather an expression of regret for having been placed in this choice situation and for the consequences of my actions. This would take care of the remainder, and a genuine apology for what I did is misplaced considering that there is no culpability.

As to tragic and authentic choices, maybe an apology would not be genuine even in the presence of culpability. The reason is that there is a motivational component to a genuine apology—a willingness to act differently. Tragic and authentic choosers may admit that they are culpable for transgressing a moral boundary. Still, they typically do not say that they would have acted differently or will act differently in relevantly similar situations. Sophie may stand by what she did while admitting that she is culpable. And the same holds for Gauguin and our dedicated scientist. But if this is the case, could they be said to be offering a genuine apology? How could one accept an apology if one were to know full well that the person offering the apology stands by their actions and would do the same in relevantly similar situations? What might be more fitting is not an apology for what one did, but an expression of regret for having been placed in a tragic or authentic choice situation, or an expression of sympathy for the suffering caused by one's choice.

Recall Zidane's infamous head-butt on Materazzi after a provocation in the World Cup final of 2006. In a TV interview, Zidane states: 'I reacted, and it, of course, is not an action that one should do. I must say that strongly.' He apologizes, not to Materazzi but to fans and educators, saying that 'it was an inexcusable action.' But at the same time, he claims that he has no regrets for what he did since to have regrets 'would be like admitting that [Materazzi] was right to say all that.'

Zidane's action can be seen as an authentic choice in which the moral demand not to engage in un-sportsmanlike actions is outweighed by what his honor demands of him. 'Above all, I am a man,' he says. He recognizes that what he did was *morally* wrong, and that provides sufficient reason for an apology to the world, although not to the offending party. Nonetheless, his saying that he does not have regrets can be interpreted as affirming that he would not act differently if he could do it over again. But it remains questionable whether an apology that is not accompanied by regret for what one did is indeed a genuine apology.

Sympathy and Remorse

A genuine apology typically expresses remorse for one's actions, and there is sympathy for the harm or hurt one's wrongdoing may have caused. An apology's sincerity can be measured by one's willingness to make amends or, more concretely in some cases, reparations. This willingness is a proxy for the presence of sympathy. If one really cares about the harm or hurt that one has caused, one ought to be willing to take steps to alleviate this suffering. It is also a proxy for remorse. A remorseful person wishes that they could do things over again. But the past cannot be undone, and the next best thing is to make amends. In making amends, we pay respect to the victim, and we distance ourselves from our offense. Of course, the converse does not hold. The willingness to make amends is not conclusive evidence for the presence of remorse or sympathy. One could make amends begrudgingly because one is under pressure or make amends because restoring social interaction opens up new business opportunities.

Sometimes there is just no room for making amends. The victim may be unreachable or dead. Or they may simply not accept apologies or any overtures from the offender to make amends. It may matter very much to the offender that they have the opportunity to make amends. In a religious context, the wrongdoer can appeal to the practice of penance. The wrongdoing is construed as an offense against God, and the wrongdoer can make amends to God through acts of penance. In a secular context, a proxy for the victim is often sought—think of Germany's support for Israel, which extends well beyond reparations to Holocaust survivors.

The willingness to make amends hinges on remorse and sympathy. How much is required in the way of making amends? Two factors are relevant. There is the turpitude of the wrongdoing—that is, how vile or wicked was the thing you did. And then there is the size of the harm and hurt that was caused by what you did. Typically, the turpitude and the extent of harm and hurt go hand in hand. Genocide is deeply vile, and the scale of suffering is massive. A single micro-aggression is merely insensitive, and the hurt is often fleeting. But sometimes, the turpitude of the wrongdoing does not match the size of the harm or hurt. The former may be either greater or smaller than the latter, and this makes for interesting cases.

Here is a case where the turpitude of the crime is greater than the harm or hurt caused. Suppose that a doctor maliciously administers what they take to be an overdose of a medicine to make space on their ward, but that the dosage unexpectedly cures the patient. Is it meaningful to ask that amends be made in such cases? One solution is that the offender is asked to make amends by supporting causes that support victims of medical malpractice in general.

What if the size of the hurt or harm is greater than the turpitude of the crime? These are cases of *moral bad luck* and are extensively discussed in jurisprudence. For instance, there is the *eggshell skull rule*. An offender inflicts a minor injury on a victim, but due to the victim's frailty—their proverbial eggshell skull—the injury causes major harm. The rule states that the offender is liable for all the harm caused. Similar issues arise for strict liability and felony murder.

The legal question is what the proper measure of punishment should be in such cases. In the context of apologies, the question is whether a genuine apology requires that the willingness to make amends be proportional to the limited turpitude of the crime or the extensive harm or hurt that was thereby caused. This is a complicated issue. One would certainly expect some sympathy from the offender for the damage caused, and it is hard to believe that this sympathy is genuine if it does not translate into a willingness to make amends that provide relief. But then again, it does seem excessive to impose substantial reparations for offenses of limited turpitude as a requirement on a genuine apology.

A solution to this problem might be that there are two kinds of amends—amends that address the wrongdoing and amends that address the harm or hurt caused. Through the former, I make it clear

to you that, unlike how I treated you in the past, I consider you to be a person who is worthy of respect. For example, doing something for you that is costly to me may convey this message. Through the latter, I compensate you for the harm or the hurt that I inflicted on you. What is due are different kinds of amends, viz. *respect-conveying* amends, such as a public admission of wrongdoing, and *harm-repairing* amends, such as reparation payments. The turpitude of the crime and the size of the harm caused determine what kind of amends are fitting.

Striving to Do Better

A genuine apology typically expresses counterfactual and conditional *commitments*. Counterfactual commitments are about whether I would be motivated to act differently if the clock were turned back. Conditional commitments are about whether I am motivated to act differently if I encounter a future situation similar in morally relevant respects.

However, there are cases in which counterfactual or conditional commitments are absent, and yet apologies may be fitting. We already discussed the controversial cases of tragic and authentic choices. Furthermore, consider cases of incorrigible weakness of the will. I genuinely recognize my culpability for a past weak-willed action. But I also know my weakness of will in the matter at hand to be incorrigible. I know that being the weak-willed person that I am, I would act in precisely the same way if I were placed in the same situation, and I will act in precisely the same way if I am placed in a similar position. Would an apology then be disingenuous? I do not think so—people in loving relationships continually apologize to one another for recurrent wrongdoings, knowing full well that they are likely to reoffend in similar ways.

These considerations prompt the following response. One might say that I need not be confident that I will act differently—it suffices that I *intend* to act differently. However, can I intend something when I know full well that I will fall victim to weakness of the will and that I will not be able to do so?

This brings us to the *Toxin Puzzle,* which was coined by the philosopher Gregory Kavka in 1983. I can instantaneously get one million dollars merely by intending today to drink a toxin tomorrow

that will make me painfully ill for one day. I do not need to actually drink the toxin; it suffices that I intend to do so. This seems like easy money, but the problem is, as Kavka points out, that by tomorrow, I will have no reason whatsoever to drink the toxin—after all, the money will be in the bank by the time I am supposed to drink the toxin. And since I know this to be the case, how can I intend today to drink it tomorrow?

Similarly, an incorrigibly weak-willed person who has self-knowledge would be unable to form an intention to change their ways. If they know that they will be weak-willed tomorrow, they cannot form an intention today to be strong-willed tomorrow. Does this block them from apologizing? Is it the case that an incorrigibly weak-willed person who has the epistemic virtue of self-knowledge is not capable of offering a genuine apology, but their counterpart who lacks this virtue would be capable thereof? Is ignorance bliss in the practice of apologizing? This seems to follow once we endorse conditional commitments as a requirement on genuine apologies. I do not quite know what to respond, but I find it difficult to swallow: It seems to me that even incorrigibly weak-willed people who have self-knowledge can offer genuine apologies.

There is the curious biblical passage (Luke 17:4) in which Jesus enjoins the disciples to forgive their brother even 'if he sins against you seven times in a day, and comes back to you seven times, saying, "I repent."' But what does this injunction amount to? Does Jesus enjoin us to forgive the incorrigibly weak-willed after a genuine apology, or does he enjoin us to forgive unconditionally, even if there is no genuine apology on the table?

There is a further issue about the scope of conditional commitments. Suppose that I swindle an elderly woman out of her savings. I offer my apologies. What kind of commitments does a genuine apology impose on my future actions? Clearly, I cannot be plotting to swindle another elderly person out of their savings while making a genuine apology. Nor can I be plotting another crooked money-making scheme. So, a necessary condition is that I commit myself to improving my actions in the types of choices similar in morally relevant respects. At the same time, it would not commit me, say, to stop boozing. So, in general, it does not commit me to refrain from unrelated vices. A genuine

apology requires a moral renewal in relevantly similar areas but not a full-fledged moral renewal.

Humility

A genuine apology should be delivered in a humble manner. 'The manner of the *Baalei Teshuvah* [the penitent] is to be very humble and modest,' writes Maimonides. Why is such an attitude required in offering apologies?

Being humble is about metaphorically or literally bowing one's head. When I bow my head to you, acknowledging my offense, I attribute special respect to you. I do so for two reasons. First, I try to make up for the deficit of respect with which I treated you. Second, I offer you the authority to accept or not to accept my apology. If you do, you restore my moral stature, and we can treat each other again as moral equals. Let us look more carefully at this process.

'Bowing one's head in shame' is a common expression. But bowing one's head does not always require feeling shame. Outside of the moral sphere, we feel shame for egregious failings, but not for common failings. There is shame in failing a simple exam, but not an exam with very low success rates. Similarly, if the moral failing is an egregious failing, then shame is in order. When apologizing for rape or murder, we expect the offender to bow their head in shame. But we also apologize for losing our temper or forgetting to do our chores, and there is no shame in such common moral failings. Our apologies for such common offenses are not any less genuine. So, shame does not tell the complete story of why we bow our heads when apologizing.

So, what is bowing one's head all about then? Apologies are admissions that I did not treat you with the respect that is due to you. I bow my head to make up for the deficit of respect in my earlier treatment of you. Kant describes a case (p. 197) in which a wealthy offender must not only apologize but also kiss the hand of the victim who is of lower social status. This display of humility expresses an excess of respect, and this excess is meant to put the scales of respect back into balance.

In offering an apology, we run a risk. The victim has the authority to either accept or not to accept the wrongdoer's apologies. What is it to accept an apology? Let us think about why a person may not want to accept an apology. They may think that there is no reason to apologize

or that the apology is not genuine. That is fair enough. But could a person refuse to accept an apology that they consider both in order and genuine?

One suggestion might be that they do not accept the apology because they do not want to return to the way things were. But the acceptance of an apology does not commit one to do that. A date-rape victim might accept an apology from the offender who once was a trusted friend, but the last thing the victim might want to do is go back to the way things once were. So then why would I not accept an apology that I consider to be in order and genuine?

Within a religious context, there is humility in letting God be my judge. Similarly, there is humility in giving the victim of my wrongdoing the authority to restore my moral stature. In accepting an apology, the victim awards the offender the status of a moral equal again, that is, as a subject to whom respect is due on grounds of their personhood. To put this colorfully, if I accept an apology from you, then I can no longer proclaim that you are a scumbag, treat you as a scumbag, or even think of you as a scumbag. Certainly, I can continue to believe that what you did was a scumbag-like thing to do, but I no longer believe that what you did defines you as a scumbag. And if I am not willing or not able to do that, then I have no business accepting your apology. If I were to accept your apology and continue to think of you in this negative manner, I would not be *genuinely* accepting your apology.

Forgiveness

How does accepting an apology relate to offering forgiveness? Forgiveness has a place in religion. We do not offer apologies to God, but rather, we ask for forgiveness. Nonetheless, humans do ask each other for forgiveness, especially for graver offenses in which offering apologies would feel too light. And forgiving also seems to require some emotional commitment that is less subject to the will and goes over and above accepting an apology.

Can one forgive without accepting an apology? In the forgiveness literature, there is a sharp distinction between the position that forgiveness can be granted unconditionally, and the position that forgiveness should always be conditional on repentance. If forgiveness

can be granted unconditionally, then it is possible to forgive an unrepentant offender who has no intention to apologize. If forgiveness is conditional on repentance, one may forgive a repentant offender who is unwilling or unable to apologize, maybe because they believe that what they did is so monstrous that it is beyond apologies.

But suppose that the offender has offered genuine apologies. It seems to be a conceptual confusion to respond that one is willing to forgive, but not to accept apologies. What could possibly justify such a stand? Maybe a (confused) Christian might say: 'I am following the commandments of my faith to forgive, but this does not mean that I accept your apologies.' But in this case, I think that they would merely be paying lip service to the commandment. They would not genuinely be forgiving.

The converse does strike me as meaningful though: One can accept apologies but not forgive. At least, one could say that one is not able to forgive yet. Forgiving requires something more than accepting an offender as a moral equal again, than committing oneself to no longer thinking of them as a scumbag. What is needed is an emotional change in the victim. Following Bishop Butler, forgiving requires that the victim let go of excessive resentment towards the offender.

The Reverend Julie Nicholson lost her daughter in the 7/7 bombings in London. She left her position because she was unable to forgive the perpetrators and takes this attitude to conflict with the teachings of Christianity. (The *Guardian*, 7 Mar 2006) Now if the offenders were still alive and truly repentant, then she might accept their apologies but not yet be able to find it in her heart to forgive. In accepting their apologies, she would restore the offenders' moral stature—she would commit herself to no longer thinking of them as moral monsters. But she may find it much harder to let go of intense feelings of resentment towards the offenders. Granting forgiveness is less under the control of the will than accepting apologies.

Too Many Apologies

Now that we have tried hard to make sense of offering and accepting apologies, it is time to revisit P.G. Wodehouse's quote: 'The right sort of

people do not want apologies, and the wrong sort take a mean advantage of them.' Who are the 'right sort of people' who do not need apologies?

Zidane does not offer apologies to Materazzi in a TV interview after the infamous head-butt. What Zidane might say is that Materazzi has foregone a claim to respect in virtue of his own offenses—his verbal insults, his 'words which were harder to take than actions.' And indeed, there would be something ludicrous about Materazzi insisting on an apology from Zidane. There may be stringent moral reasons for Zidane not to reciprocate Materazzi's insults. But be this as it may, these moral reasons are not grounded in claims to respect owed to Materazzi.

There is a more general point here. When one is deeply aware of one's own wrongdoings and shortcomings, one is much less inclined to insist on apologies. Rather, with this awareness comes a capacity to respect each other inclusive of shortcomings. We come to see offenses as expressions of a shared moral frailty rather than instances of disrespect. This level of self-knowledge of one's own imperfections makes one much less insistent on apologies.

Also, people with a strong sense of self-worth are less in need of apologies. They may recognize the offense, but they do not see themselves as being cast in the role of victim. The whole process of being offered apologies, and being expected to accept apologies, is just a distraction for them. Granted, at the extreme, this attitude could be seen as a fault. One may consider oneself too far above the fray, like a soaring hawk who can't be bothered by the little birds mobbing them. In this case, one fails to see others as moral equals in the first place. But I do think that there is a healthy version of this attitude that is worth aspiring to.

And what about the 'wrong sort' of people? The wrong sort of people are smug—they are unaware of their own shortcomings. They are all too prone to see moral deficits in others but not in themselves and hence overly eager to demand apologies. And insecurity makes people perceive minor offenses (or even alleged offenses) as major threats to their sense of self-worth. There is a Dutch saying that some people have 'long toes'—it's all too easy to step on their feet.

What about the wrong sort of people taking 'a mean advantage' of apologies? Power-crazed people will impose unreasonable conditions on accepting an apology, stipulating excessive demands for amends.

They cherish the authority they have over the acceptance of the apology offered and will extend this sense of power far beyond the actual exchange of apologies offered and accepted.

I do not wish to embrace P.G. Wodehouse's dictum wholeheartedly, but there is a kernel of truth to it. People who are smug, insecure, and eager to gain personal advantage are all too eager to insist on apologies. People who are aware of their own shortcomings and have a strong sense of self-worth are in minimal need of apologies.