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Excerpt

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Introduction: Apologies as a Source of Moral Meaning in Modernity

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

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

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

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

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

Law, Commodification, and Apology

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

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

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

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

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

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

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

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

Apologies in Culture

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Apologies: A Philosophical Genealogy

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

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

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

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

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

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

Why Study Apologies?

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

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

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

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

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

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

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

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