I WAS WRONG: THE MEANINGS OF APOLOGIES

Apologies pervade our news headlines, and our private affairs but how should we evaluate these often vague and deceptive rituals? Discussing numerous examples from ancient and recent history, I Was Wrong: The Meanings of Apologies argues that we suffer from considerable confusion about the moral meanings and social functions of these complex interactions. Rather than asking whether a speech act “is or is not” an apology, Smith offers a nuanced theory of apologetic meaning. Smith leads us with a clear voice though a series of rich philosophical and interdisciplinary questions, arguing that apologies have evolved from a confluence of diverse cultural and religious practices that do not translate easily into pluralistic secular discourse. After describing several varieties of apologies between individuals, Smith turns to collectives. Although apologies from corporations, governments, and other groups can be profoundly significant, Smith guides readers to appreciate the kinds of meaning that collective apologies often do not convey and warns of the dangers of collective acts of contrition that allow individual wrongdoers to obscure their personal blame.

Dr. Smith is an assistant professor of philosophy at the University of New Hampshire. A graduate of Vassar College, he earned a law degree from SUNY at Buffalo and a Ph.D. in philosophy from Vanderbilt University. Before coming to UNH, he worked as a litigator for LeBoeuf, Lamb, Greene, and MacRae and as a judicial clerk for the Honorable R. L. Nygaard of the U.S. Court of Appeals for the Third Circuit. He specializes in the philosophy of law, politics, and society, and he writes on and teaches aesthetics. He is working with Cambridge University Press on the sequel to I Was Wrong, applying his framework for apologetic meanings to examples in criminal and civil law. His writings have appeared in journals such as the Continental Philosophy Review, Social Theory and Practice, The Journal of Social Philosophy, Culture, Theory & Critique, the Rutgers Law Journal, and the Buffalo Law Review.
For Nicole and Ulysses

“over and beyond ourselves
in which our love will outlive us”
Please forgive me, sir, for getting involved in the music—it’s my innate weakness for the cello: so human. Please forgive me for the attention I’ve given your wife tonight, sir. I was taken by her strand of pearls, enchanted by piano riff in the cortex, by a secret anticipation. I don’t know what came over me, sir. After three Jack Daniel’s you must overlook my candor, my lack of sequitur. I could talk about Odysseus & Athena, sexual flowers, autogamy or Nothingness. I got carried away by the swing of her hips. But take no offense if I return to the matter as if hormonal. I must confess my love for black silk, sir. I apologize for the eyes in my head.

Yusef Komunyakaa, “When in Rome – Apologia,” from *Neon Vernacular*
# Contents

**Acknowledgments**

Introduction: Apologies as a Source of Moral Meaning in Modernity  

Part One: Apologies from Individuals

1 The Meanings of Apologies  
2 Elements of the Categorical Apology  
   A. Corroborated Factual Record  
   B. Acceptance of Blame  
       *1. Distinguished from Expression of Sympathy*  
       *2. Causation and Moral Responsibility*  
       *3. Accidents and Denials of Intent*  
       *4. Standing*  
   C. Identification of Each Harm  
   D. Identification of the Moral Principles Underlying Each Harm  
   E. Endorsing Moral Principles Underlying Each Harm  
   F. Recognition of Victim as Moral Interlocutor  
   G. Categorical Regret  
   H. Performance of the Apology  
   I. Reform and Redress  
   J. Intentions for Apologizing  
   K. Emotions  

3 Apologies and Gender  
4 Apologies in Diverse Religious and Cultural Traditions  
5 Unusual Cases: Apologizing to Animals, Infants, Machines, the Deceased, and Yourself  
6 The Relationship between Apologies and Forgiveness  
7 Varieties of Apologies
## CONTENTS

**Part Two: Collective Apologies**

8 The Collective Categorical Apology  
9 The Problem of Consensus  
10 Issues Specific to Collective Apologies  
  A. Collectives Corroborating Factual Records  
  B. Collectives and Blame  
    1. Distinguished from Collective Expressions of Sympathy  
    2. Collective Causation and Collective Moral Responsibility  
    3. Collective Accidents and Denials of Intent  
    4. Collectives, Standing, and Delegation  
  C. Collectives Identifying Each Harm  
  D. Collectives Identifying the Moral Principles Underlying Each Harm  
  E. Collectives Endorsing Moral Principles Underlying Each Harm  
  F. Collectives Recognizing Victims as Moral Interlocutors  
  G. Collectives and Categorical Regret  
  H. Collectives Performing Apologies  
  I. Collectives Reforming and Providing Redress  
  J. Collective Intentions for Apologizing  
  K. Collective Emotions  
11 Varieties of Collective Apologies  

Conclusion: Previewing the Meanings of Apologies in Law  

Notes  
Index
Acknowledgments

It can be easy to forget what an extreme luxury it is to work as a professor of philosophy, especially when we become habituated to its daily routines. As we stare at our screens, often tired and alone, we can also lose sight of what a great privilege it is to have one's work published, read, and discussed. The opportunity to follow my mind and conscience, rather than the orders of an employer, has been a life-defining gift from many people in my life.

Above all others, I must thank my wife, Nicole. Before I came to the University of New Hampshire in 2002, I worked as an attorney at a large firm in Manhattan. My career change meant not only a precipitous decline in our family's income, but also a move away from Nicole's beloved home city, family, and friends. She embraced this transition with her usual enthusiasm, and in her extraordinary work as a teacher at a local public elementary school we share our commitments to social justice through education. I hope that our students see us as an example of two people enjoying deeply meaningful lives together doing inherently valuable work. In many respects, my relationship with Nicole led me to the topic of apologies. We learn the most about apologies in intimate and vulnerable moments, and much of this book explains how these interpersonal meanings often translate poorly into axioms of social and political philosophy. Our relationship has been a laboratory for apologies, not only in my clumsy attempts to get them right but also through interacting with an exemplar of sincerity like Nicole. Nicole was also the closest reader of this book, saving readers from many ham-fisted, overwrought, and repetitive passages. Our first child was born during the final stages of preparing the text, and my memories of Nicole cheerfully editing the chapters on collective apologies with Ulysses asleep on her lap evoke pangs of profound gratitude in me. She has made my life almost unbearably good.

I would also like to thank my parents, my grandparents, my brother, and his family. They always told me that white lie that I could be whatever I wanted when I grew up, but I doubt that they had philosophy professor in mind as one of the outcomes. They believe in me more than I believe in
myself, and I am just now learning how to pass this on to my own family and students.

My students have continually inspired and grounded my work. They infuse me with energy while continually reminding me of just how fragile we all are even in our most triumphant moments. The gifts they have given me eclipse the devotion I show them. Several of them provided substantive commentary of this manuscript, and there are few things more rewarding than watching your students become your peers. In particular, I want to thank Ryan Abbott, Jennifer Bulcock, Mark Joseph, Jacob Skinner, Julian Torres, Dave Turner, Hannah Varn, and Michaela Wood for their various contributions to this project.

My friends also had quite a bit to say about this topic and their delightful eccentricities helped me to appreciate the different ways that apologies convey meaning. It helps to have such an interdisciplinary group of friends when writing a book on apologies. Even if they do not realize it, the exhaustive commentary or offhanded quips of the following people shaped portions of this text: Scott Bakker, Albert Chang, Kyung Cho, Chris Colocousis, Amanda Howerton, Rebecca Johnson, Woo Shik Kim, Mana Kia, Cesar Rebellon, Misha and Liza Risin, Alexis Roberson, Andy Russell, Stefan Sobolowski, Corbin Stevens, Colin Stewart, Emilie Stewart, Karen Van Gundy, George Williams, and Seth Young. As usual, Cesar’s engagement with the project helped me to think systematically about the darkest underlying questions.

Just as I argue that one can apologize to a pet in certain respects, I should also thank our dog, Grady. He has been a constant source of joy in our lives, and he appears in many examples.

After the dog, I should thank the philosophers. My colleagues at UNH have lovingly scrutinized this project from its inception, and sharing my work with this diverse group of philosophers has led me to think twice about every claim in the book. I learn something every day from them. I especially want to thank Bill deVries, whose thorough review of the manuscript at a crucial moment helped me to improve the project considerably. Comments from Paul McNamara added needed precision, and Alan Ray’s thoughtful comments encouraged me to expand the portions on repentance and religious traditions. Without David Hiley’s reminder that “a finished book isn’t a bad thing,” I might still be revising. I note specific contributions from others within the text.

I began working on this project with Jay Bernstein and Gregg Horowitz, who encouraged me to explore what may have initially looked to them like an odd direction. I assure them that if you scratch any of these arguments, they bleed Adorno. Other than my wife, Guyora Binder did the most to make this book possible. Guyora shepherded me through law school and became my strongest advocate. I continue to struggle with the fundamental questions he asked of this project at its inception. I would also like to thank Roger Gottlieb for recommending that I study the notion of teshuva, Stephen Trzaskoma...
ACKNOWLEDGMENTS

for his help with my Iliad references, and Markus Dubber for his support of the project. For introducing me to the Law and Society Association and for her persistent championing of interdisciplinary research in justice studies, I also thank Ellen Cohn.

In addition, I want to express my appreciation to Amanda Moran at Stanford University Press, Deborah Gershenowitz at New York University Press, and John Berger at Cambridge University Press. The confidence that you all expressed in this work fortified me. John proved to be a wise editor, providing time, space, and moral support without transferring onto me any of the pressures that come with the business of selling ideas. His decision to divide this project into two books, with this one outlining the meanings of apologies and the second applying this theory within legal contexts, allowed me to think of this research program in much more ambitious terms. Peter Katsirubas masterfully guided the book to completion.

Finally, this work benefited from the generous support of the University of New Hampshire Roland H. O’Neal Professorship, the University of New Hampshire Graduate School Summer Faculty Fellowship, the University of New Hampshire Junior Faculty Research Fellowship, and the University of New Hampshire Liberal Arts Summer Faculty Research Fellowship. I also want to express my deepest appreciation to those who work in and support the institutions providing my education, including the primary and secondary public school systems of New York, Vassar College, the Baldy Center for Law and Social Policy at the State University of New York at Buffalo School of Law, and the Vanderbilt University Department of Philosophy. Earlier versions of some of the arguments in the text appeared in the Journal of Social Philosophy.