

I

Toward a Membership Theory of Apologies

Governments are not in the habit of apologizing for their own injustices, let alone those perpetrated by former governments in distant and not-so-distant pasts. Yet they sometimes do, most often in response to the demands of organized citizen groups or former adversaries, but not always. In widely known instances, former belligerents have apologized for crimes committed during World War II. Similarly, in democratizing nations, former perpetrators of state crimes have apologized for their past actions. For both, the desired outcomes are clear, if not always achieved. Former belligerents may apologize, thereby easing relations between the two, as in the case of France and Germany. In contrast, Japan's repeated failures to apologize unambiguously for its war crimes have made reconciliation with neighboring countries difficult. For new democracies, proponents assert that apologies will advance societal reconciliation and strengthen democratic consolidation.

But neither the latest wave of democratization nor World War II crimes account for all present-day apologies or demands for them. Groups have demanded and governments have offered apologies for historical injustices. Australian Aboriginal peoples have urged Prime Minister John Howard to apologize for the state policy, begun in the early twentieth century, of removing "half-caste" Aboriginal children from their parents' care, usually forcibly. Aboriginal Canadians and New Zealand Maori continue to press for greater political and economic autonomy, after receiving official apologies from the Canadian

government and the British Crown, respectively. African Americans call for apology and reparations for two hundred years of slavery. Existing scholarship on World War II war crimes and democratization says little about these cases, if mostly because they fall outside of its established topical parameters.

In the cases of indigenous peoples and African Americans, the motivations for either asking for or offering an apology and the desired outcomes are less clear.¹ The passage of time makes the rectification of most claimed injustices difficult, if not impossible. Without the possibility of direct remedy, might an apology be regarded as empty rhetorical gesture, without much impact? Moreover, in established democracies such as Australia, Canada, New Zealand, and the United States, neither the survival nor the consolidation of a new democratic regime is at stake. Indeed, in these democracies, grievances may be addressed through several channels, without an apology, thus raising the question of why and how “apology politics” emerge at all. What do such politics accomplish?

I argue that in Australia, Canada, New Zealand, and the United States, organized groups and state actors demand and provide apologies in order to help change the terms and meanings of national membership. The power of apologies, and what distinguishes them from other types of symbolic gestures, such as monuments and pronouncements, is that they not only publicly ratify certain reinterpretations of history, but they also morally judge, assign responsibility, and introduce expectations about what acknowledgment of that history requires. Thus, although apologies focus our attention on the past, they also have implications for the future. This is not surprising. In everyday life and politics, we routinely use the past to inform our judgments and justify our decisions about present and future conduct. We reevaluate our past, in light of new information or simply for new reasons, and come up with revised understandings that guide our actions as we move forward.

¹ Although there is legal and political disagreement over what constitutes “indigeneity” and who may claim such an identity, “indigenous” denotes “originating or occurring naturally, native,” in reference to people and products. In our cases, indigenous connotes first occupation of a given territory prior to European settlement. Hodgson (2002: 1037–49).

Yet, because our views of the past change and are governed, in part, by our evaluations of present and future needs, apologies for that past are bound to be contentious. With official apologies, political elites, groups, intellectuals, and the public at large disagree about historical facts, about how they should be interpreted, and about what bearing such facts should have on present-day and future policy making. There is disagreement also over whether the moral culpability that an apology implies is warranted. One might expect state officials and aggrieved groups to be willing to endure such contention because of the anticipated benefits – electoral or monetary – of receiving or offering an apology (or not). Yet, as we shall see, these motivations are weak in practice and are largely overridden by ideological commitments and moral concerns. All parties recognize the symbolic power of apology, which they treat not as a form of political evasion, “cheap talk,” or mere means to an end, but as a political act, with intrinsic significance. Apologies help to shape politics, by publicly acknowledging injustice and by registering support of certain views of national membership and history while displacing others.

This book proposes a membership theory of official apologies, which explains apologies by focusing on their ideological and moral stakes and not only on anticipated material gains or losses. Political actors provide and seek apologies to register their ideological support of minority group claims and to advance the political, economic, and social objectives that flow from group demands. Apologies are the likely outcomes when political elites and aggrieved groups favor them, but of the two, political elite support is absolutely essential to obtaining an apology. Apologies, in turn, are most effective indirectly and diffusely, strengthening historical justifications for present-day recognition and government support of indigenous claims and contributing to greater public acceptance of, if not deep agreement with, indigenous demands.

My explanation focuses on government apologies, which are part of a larger universe of apologies. Although I do not analyze these other apologies, it is important to locate within this larger set those cases that are the focus of this book (those of indigenous peoples in Australia, Canada, New Zealand, and the United States, and of African Americans) in order to specify further their frequency and characteristics.

A Sorry World

Journalists have taken notice of the swell of apologies, asking in often skeptical tones, “Who’s sorry now?”² Their observations about the increase of apologies are borne out by existing data, even if their skepticism is not. Public apologies and gestures of regret became more frequent over the second half of the twentieth century and continue to be offered in the early years of the twenty-first. Heads of state, governments, religious institutions, individuals, and nongovernmental organizations have offered them (see Appendix A). Drawing from the few studies and compilations of apologies, I divide them into six separate categories organized according to who offers the apology: (1) heads of state and government officials; (2) governments; (3) religious institutions; (4) organized groups or individual citizens; (5) nongovernmental organizations and institutions; and (6) private institutions.³ My compilation is undoubtedly incomplete, relying as it does on public English-language sources (newspaper and magazine articles, books, and Internet searches). These shortcomings notwithstanding, it does provide a fairly full view of apologies in the twentieth and twenty-first centuries.

Of the seventy-two apologies I list, over half of them (thirty-nine) have been offered by heads of state. Moreover, nearly half (nineteen) of their apologies are related to World War II, thus explaining their appearance in the postwar period. Most (thirteen) of these World War II apologies were offered in the 1990s, in conjunction with fifty-year commemorations of the war. Religious institutions, and principally the Catholic Church, have offered a significant number of apologies covering a range of issues. Two apologies refer to the Catholic Church’s silence and inaction toward the slaughter of European Jews during World War II.

As important, although I do not discuss them, are the large – indeed incalculable – number of apologies neither asked for nor given and refusals to apologize. The former group might well include, for

² For example, O’Connor (2004: L-01); Fallow (2005: 3).

³ My categories are similar to those used in Cunningham (1999). By far the most useful chronological compilation is provided in an unpublished paper written by Graham G. Dodds for the Penn National Commission on Society, Culture, and Community. See Dodds (1999). This paper was later published, without the chronological list of political apologies, in an edited book; see Mitchell (1998: 46–7); Brooks (1999); Barkan (2000); Dodds (2003).

example, an apology from the Dominican Republic for the week-long massacre in October 1937 of approximately eight thousand Haitians by the Rafael Trujillo government. Under pressure from the United States and Haiti, Trujillo agreed in December 1937 to arbitration and an international commission to investigate the massacre. However, before the investigation began, Trujillo offered to pay \$750,000 to the Haitian government to end the matter immediately. In the end, Trujillo paid only a fraction of the promised amount and offered no apology. As Eric Roorda writes, "One element missing from Trujillo's effort to repair the damage of the Haitian massacre was any expression of remorse."⁴ The Haitian government, for its part, accepted the money, along with a personal payment to the president, and did not demand an apology.

Among the refusals to apologize, perhaps the most notorious is the Turkish government's refusal to apologize for the Armenian genocide of 1915. Armenians have long demanded that Turkey acknowledge the massacre as genocide and apologize for it. Turkey claims that there was no genocide, that the numbers dead are wildly exaggerated, and that the Armenians rose up against the Ottoman Empire and fought with the Russian army.⁵ This refusal to acknowledge, let alone apologize, persists, even with Turkey's entry into the European Union partly hanging in the balance and in the wake of historical reexaminations undertaken by a small, and growing, number of Turkish historians.⁶

In this book, I focus on the apologies offered by and requested of governments, as opposed to heads of state. This distinction is an important one that requires explanation. Apologies by heads of state are verbal utterances made by an executive and, in a few cases, a government official. These utterances bear official weight, of course, by virtue of the speaker's prominence and position. But they do not carry the weight of government apologies, which are (or so far have been) the results of deliberative processes and have frequently been accompanied by monetary compensation. There are exceptions, however. The establishment of a national center of medical bioethics at Tuskegee University, for example, followed President Bill Clinton's 1997 apology to the eight survivors of the Tuskegee syphilis study.

⁴ Roorda (1998: 142).

⁵ Smith (1992).

⁶ See, for example, Kolbert (2006: 120–4).

In keeping with this distinction between heads of state and governments, all but two of the government apologies have been directed toward domestic populations, whereas the majority of apologies offered by heads of state have concerned international matters.⁷ Moreover, certain of the head-of-state apologies possess an unexpected quality not present in government apologies. A leader may or may not have consulted with advisors and other politicians before offering it. For example, during his 1970 visit to the site of Poland's Warsaw ghetto, West German Chancellor Willy Brandt fell to his knees, expressing German guilt, sorrow, and responsibility for the Holocaust. In contrast, government apologies most often have been highly scripted affairs, the products of consultations and official government bodies.

Governments have apologized or have been forced or asked to apologize for historical and catastrophic wrongs – wrongs committed during World War II, at the end of colonial rule, or over the course of national founding and settlement. Of the eight that I count in the twentieth and twenty-first centuries, three resulted from actions committed during World War II: Germany's apology and payments (now totaling an estimated 100 billion DM) to Israel, to surviving Jews for the Holocaust, and to other victims⁸; the United States' apology and payments of \$20,000 to surviving Japanese Americans for their internment; and Canada's apology and payments of CAN\$21,000 to surviving Japanese Canadians for their internment.⁹ There was one for the decisions undertaken by a former European colonizer. In February 2002, the Belgian government apologized for its role in the 1961 assassination of Patrice Lumumba, the first prime minister of Congo, Belgium's former colony.¹⁰ The Belgian government also “announced the creation of a \$3.5 million fund in Lumumba's name to promote democracy in Congo . . . ”¹¹ The remaining four apologies have been for national founding and historical treatment of indigenous populations

⁷ The two exceptions are the German government's apology to Jews who survived the Holocaust and to the state of Israel, and the Belgian government's apology to the Congolese for Belgium's role in the assassination of Patrice Lumumba.

⁸ The figure of 100 billion DM is based on German government estimates up to the year 2000. It includes all reparations claims to all those persecuted by the Nazis, including non-Jews. Pross (1998: 170–3).

⁹ Hatamiya (1993); Torpey (2006: ch. 3).

¹⁰ Agence France-Presse (2002).

¹¹ Idem (2002).

TABLE 1.1. *Origins and Outcomes of Demands for Apology*

I. Apology asked for and given Aboriginal Australians from state governments, police forces, and churches for government policy of child removal Indigenous Canadians from Canadian government for federal policies and for the residential school system U.S. congressional resolution to Native Hawaiians for 1893 overthrow of the Hawaiian Kingdom	II. Apology given but not asked for Queen Elizabeth/ New Zealand government to Maori groups for land confiscation U.S. Bureau of Indian Affairs (BIA) to American Indians for BIA federal policies
III. Apology asked for but not given Aboriginal Australians from the Australian federal government for government policy of child removal Rep. Tony Hall (D-OH) and some African American leaders for American slavery	IV. Apology neither asked for nor given Latin American states and their indigenous and black populations for dispossession and slavery

in Australia, Canada, New Zealand, and the United States.¹² In addition, in 2000 the U.S. Bureau of Indian Affairs apologized for its treatment of American Indians, and in 2005 the U.S. Senate apologized for its historical failure to pass antilynching laws. Finally, there is a pending congressional apology resolution to Native Americans, and there has been widespread discussion about and demands for an apology and reparations to African Americans for slavery and Jim Crow segregation.

We now have a sense of the wider set of public apologies and the comparatively smaller set of government apologies, and of where the Australian, Canadian, New Zealand, and U.S. apologies and nonapologies that I will examine fit within both. They are few in number, but most often broader in scope, addressing national founding, settlement, and historical mistreatment. Yet these cases themselves have separate origins and outcomes, based on the instigator(s) of the apology and on the resultant action. Table 1.1 identifies these origins and outcomes

¹² The U.S. case refers to the 1993 Joint Congressional Resolution to the people of Hawaii.

in four cells: cell I, “Apology asked for and given”; cell II, “Apology given but not asked for”; cell III, “Apology asked for but not given”; and cell IV, “Apology neither asked for nor given.”

Cell I lists apologies that were both asked for and given. In Australia, a government commission recommended apologies to Aboriginal peoples. In 1993, the governing Labor Party’s attorney-general, Michael Lavarch, established a national inquiry and authorized the Human Rights and Equal Opportunity Commission (HREOC) to investigate the state policy (in effect from 1910 to 1970) of removing “half-caste” Aboriginal children from their parents’ care. The HREOC’s resultant report, *Bringing Them Home*, offered fifty-four recommendations, of which one called for apologies and acknowledgment from the Commonwealth and state parliaments and their police forces and from churches. In Canada, indigenous groups have long demanded an apology for their treatment by the Canadian government. Although Canada’s 1996 Royal Commission on Aboriginal Peoples (RCAP) did not explicitly recommend an apology, the tone of its recommendations strongly suggested that governmental contrition, publicly displayed, was due. RCAP also recommended that CAN\$38 billion be allocated to Aboriginal affairs, including Aboriginal self-governance and economic development, over a twenty-year period. The Canadian government included a formal apology in its 1998 policy response to RCAP, along with a CAN\$350 million “healing fund” to assist victims of sexual and physical abuse in the residential school system and CAN\$250 million to put toward Aboriginal economic development and self-governance initiatives. In 1993, the U.S. Congress passed a resolution apologizing for the U.S. government’s role in the Hawaiian kingdom’s overthrow, on its one-hundredth anniversary. Pressure from the Hawaii sovereignty movement and Hawaii’s federal senators were largely responsible for that resolution.

Cell II lists apologies given but not directly requested. In 1995 and 1998, the British Crown (in the person of Queen Elizabeth) and the New Zealand government issued formal apologies to the Waikato-Tainui people for land confiscation and to the Ngai Tahu for breaches of the Treaty of Waitangi, respectively. The 1995 apology accompanied a NZ\$170 million land settlement agreement with the Waikato-Tainui, and the 1998 apology to the Ngai Tahu came with a NZ\$170 million payment plus an additional NZ\$2.5 million to resolve thirty small

private claims. Neither group had explicitly requested the apologies, although both groups welcomed them. Similarly, in 2000, Kevin Gover, then assistant secretary of the U.S. Bureau of Indian Affairs (BIA), offered a formal apology on behalf of the BIA for its historical treatment of Native Americans, although such an apology had not been demanded. Neither the Congress nor the president publicly endorsed Gover's apology. They did not oppose it, either.¹³

Cell III lists cases where apologies were demanded, but not given. As mentioned, the Australian *Bringing Them Home* report recommended apologies from each of the state parliaments and their police forces, the Commonwealth Parliament, and churches. Of these, all except Prime Minister Howard issued an apology, who has steadfastly refused to do so. Former Representative Tony Hall (D-OH) twice proposed, in 1997 and 2000, a House concurrent resolution that apologized for slavery; on neither occasion did the resolution make it out of the House Committee on the Judiciary. Representative Hall explained publicly that he was guided largely by moral concerns.

The cases listed in cells I through III share four characteristics:

- All of the countries involved are former British colonies and all are democracies, with historically open channels of participation for the propertied, for men, and eventually for women and racial or ethnic minorities.
- All of the groups involved are small, even tiny, minorities. According to the most recent census data, indigenous people constitute 1.5 percent of the total U.S. population, 2.5 percent of Australia's, and 4.4 percent of Canada's. New Zealand's Maori are 14 percent and African Americans are 12 percent.
- In all of the cases, there were sharp views of the purportedly insurmountable cultural and racial differences between the majority and minority group(s). And in all, complex administrative and legal apparatuses were created to manage these differences.
- In all but one case (Australia), the central governments entered into treaties with indigenous group(s) and during certain historical periods allowed for separate, albeit severely constrained, indigenous self-governance.

¹³ Tsosie (2006: 191).

These similar historical experiences are especially amenable to structured comparison, as the historical trajectory of government-indigenous interactions has followed quite a similar course, occurring in five stages over time, from independence to mutual relations, dependency, marginality, and political resurgence.¹⁴ With these commonalities, that apologies have been offered or demanded in certain of our cases but not in others requires analysis and explanation.

Cell IV refers to circumstances where apologies were neither asked for nor received. Of course, any number of peoples in different countries could fit within this cell. However, I include the cases of Latin America's indigenous groups and black Latin Americans because their historical experiences in New World settler societies are most comparable. Yet even with analogous historical experiences of dispossession, slavery, and contemporaneous disadvantage, demands for apologies do not seem forthcoming. Similarly, state officials have indicated neither an intention nor a desire to apologize for historical injustices, while apologizing in at least one case for crimes committed during twentieth-century military rule.¹⁵ What might these null cases, when compared with the others, tell us about the likely conditions that lead to apologies?

The cases that fall into cell IV share four circumstances:

- There were extended periods of undemocratic rule in twentieth-century Latin America and previously during the colonial period.
- There is the view, no longer dominant but still widely held, of Latin America comprising culturally and racially homogeneous populations. According to Latin American intellectual and political elites, extensive "racial mixture" has resulted in the formation of new national races (Brazilian, Cuban, Mexican, and others). Accompanying these ideas were concrete state policies to "reconstitute Indians as national peasants" within corporatist political arrangements that provided Indians access to economic resources (such as land and agricultural subsidies) in an illusory exchange for their self-identifications as Indians.¹⁶ Latin American states sought also

¹⁴ Nichols (1998: xiv).

¹⁵ For example, the former Chilean president Patricio Aylwin publicly presented that country's Truth Commission's key findings. In his televised presentation, President Aylwin called for a "societal apology." Teitel (2000: 84).

¹⁶ Yashar (1999: 61, 81).