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# Apology as an Indispensable Practice of Moral Repair

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APOLOGY AS AN INDISPENSABLE PRACTICE OF MORAL REPAIR

by

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B.A., University of Richmond, 2002

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A thesis submitted to the  
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This thesis entitled:  
Apology as an Indispensable Practice of Moral Repair  
written by Barrett Matthew Emerick  
has been approved for the Department of Philosophy

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The final copy of this thesis has been examined by the signatories, and we find that both the content and the form meet acceptable presentation standards of scholarly work in the above mentioned discipline.

## **ABSTRACT**

Emerick, Barrett Matthew (Ph.D., Philosophy)

Apology as an Indispensable Practice of Moral Repair

Thesis directed by Professor Alison Jaggar

Apology is a common moral practice at both the interpersonal and institutional level. However, many critical issues concerning apology are unaddressed by the philosophical literature. In this project, I develop and defend a number of fundamental theses regarding the moral practice of apology and the work it can do to satisfy duties of reparation. Specifically, I argue that: (1) sincere apologies can be obligatory and legitimately coerced, which entails that doxastic and affective voluntarism are true; (2) it is possible to apologize on behalf of another for wrongs one did not commit, including historical wrongs; (3) one can accept an apology on behalf of another, including the dead; (4) accepting an apology is a *prima facie* obligation that all wronged parties bear. I conclude by arguing that, while forgiveness is necessary for a wrongdoer to achieve full moral redemption, apology is itself intrinsically partially redemptive and indeed indispensable for achieving full redemption.

This work is dedicated to the memory of my friend, Scott Langley Murphy.

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## **CHAPTER 1**

### **ON MORAL REPAIR**

On June 18, 2009, the United States Senate apologized<sup>1</sup> for American slavery. It did so, despite the fact that none of its members were alive while slavery was practiced, nor were any American slaves still alive. It apologized, in other words, for a historical atrocity. The Senate's apology was unanimously approved, although there was some dissent both within and without about how the apology was worded. Some worried that the apology was too strong, and that by apologizing the Senate had exposed the U.S. government to lawsuits from descendants of slaves demanding monetary reparations for the wrong that the Senate was acknowledging it had committed. In order to ward off such lawsuits, the apology itself came with the caveat that by apologizing the Senate was not opening itself to such lawsuits. It was that caveat that caused others to think that the apology was too weak, in that words by themselves, the objection went, were not enough, and could in fact serve as an excuse for the government not to do anything further to repair the wrong of slavery. It is my view that the apology, though not doing enough to remedy racial injustice that was rooted in slavery and persists today, was still a necessary component of what any successful remedy would entail. So, while I share the concern that the apology was not sufficient to remedy the great wrong of American slavery, I believe that it was necessary.

In the months leading up to the Senate's apology, former Massachusetts governor and former presidential candidate Mitt Romney publicly and repeatedly objected to President Barack Obama's trip to the Middle East, calling it a "tour of apology." Romney objected to the fact that Obama, although never actually publically uttering the words "I apologize" while on his

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<sup>1</sup> Samuel, 2009.

trip, admitted that the United States had acted wrongly during the previous eight years (and before). Romney said in response, “This is the time for strength and confidence, not for apologizing to America's critics.”<sup>2</sup> He further fleshed out this position in his book, No Apology: The Case for American Greatness.<sup>3</sup>

One way of reading Romney’s objections to Obama is that he disagrees with Obama’s approach to foreign policy, and thinks that the U.S. should not accept responsibility for having acted wrongly, nor should we make commitments about how the U.S. should act in the future, presumably because both betray what Romney sees as weakness at precisely the time when the U.S. need to appear strong. It is worth noting that in so objecting he cashed out his concerns in terms of offering an apology, seemingly equating apologizing with a position of weakness that the U.S. should not embrace. Many members of Romney’s political party agreed with him.

It seems, then, that there is a conflict in judgments about when apologies are justified and what role they can play within both domestic and international policy. On one hand we have the Senate unanimously issuing an apology for wrongs which occurred generations ago. On the other we have the President apologizing for wrongs which were committed within the last few years. The former entails much more complicated metaphysical implications, but the repugnance of such acts is much less controversial. The latter is fairly clear cut metaphysically, but the acts involved are much more morally complicated, and are accompanied by many more opinions and conflicting beliefs. Does Romney’s objection that apologies signal weakness apply to the Senate’s action? Or, should the Senate’s apology serve as a guide for future policy efforts, both domestically and abroad?

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<sup>2</sup> Cillizza, 2009.

<sup>3</sup>Romney, 2010.

These are but two instances of many public apologies that were issued in 2009. There were so many, in fact, that National Public Radio news ran a series of stories<sup>4</sup> covering them. Here are just a few other public apologies from 2009: in addition to its apology for slavery, the United States Senate formally apologized for its treatment of American Indians<sup>5</sup>; Japan's Ambassador to the United States apologized for the Bataan Death March<sup>6</sup>; and, British Prime Minister Gordon Brown apologized<sup>7</sup> for the United Kingdom's treatment of mathematician Alan Turing after World War II.

Of course, the vast majority of apologies that were issued in 2009 (or in any year) are not public, as these were, but were issued privately, between individuals. In this project my goal will be to explore and analyze what an apology is and what role it can and should play in the lives of moral agents and institutions. This is not only an exercise in conceptual analysis. Instead, I will argue that apology is an indispensable part of moral life, in that it is one fundamental method by which we are able to discharge our duties of reparation; those obligations we incur after acting wrongly. While critics of the Senate's apology are right that "mere words" often do not satisfy all of one's reparative obligations, they are surely one necessary component towards that end. Apology is, then, an important practice of moral repair, but also one that is complicated and controversial. Its importance demands that it be better understood and that some of its controversies be resolved. I hope to meet that demand throughout the rest of this project.

## **1. Moral Repair**

I have just claimed that apology is an important practice of moral repair, but what is that? The history of ethics is replete with scholarship that explores what makes an act wrong, but

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<sup>4</sup> NPR, 2009.

<sup>5</sup> AP, 2009.

<sup>6</sup> Norman, 2009.

<sup>7</sup> The Guardian, 2009.

missing from much of it is a thorough exploration about what we are to do next, after wrong acts have been committed. This gap is troubling for several reasons, perhaps the most prominent of which is the fact that what we should do next is the content of much of our actual deliberation throughout our moral lives.

Let me give some examples in order to better understand this partial failure on the part of academic philosophy. When undergraduate students are taught about consequentialism, one common and useful way of helping them to understand what the theory says is to imagine a runaway trolley<sup>8</sup> headed towards a branch in the track. If you do nothing, the trolley will proceed to the left where it will hit and kill five people who are repairing the track. If, however, you throw a switch you can make the trolley branch to the right, where it will hit and kill only one worker. What should you do?

When first exposed to the case, many undergraduate students agree that you ought to act in such a way as to save more, rather than fewer, lives. So, they think you should in fact throw the switch and save the five while killing the one. When pressed to answer why they think that, they usually give answers that are consequentialist in tone: more people will be sad if more people die; less harm will be done if fewer people die; more work can be accomplished if more people survive; etc. What they think, in other words, is that it would be wrong of you to allow the five to die, given that you could save them.

If you continue down Thomson's track, you can conveniently help students to feel the force of Kantian deontology by asking them to imagine that there is a fat man<sup>9</sup> standing on a bridge overlooking the track, and this time, there is no switch for you to throw. The only way you can save the five workers is by pushing the fat man off the bridge and in front of the trolley,

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<sup>8</sup> Thomson, 1985, p. 284-288.

<sup>9</sup> *ibid.*, p. 288.

thereby using him to save the lives of five others. Just as Thomson intends, many students then claim that although they thought it would be wrong to let five die, it would also be wrong for you to push the fat man off the bridge even though the stakes are the same in the two cases. When pressed to explain why they usually come to defend something like the second formulation of the Categorical Imperative, which says that we should, “Act in such a way that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end and never merely as a means to an end.”<sup>10</sup> It would be wrong, in other words, to treat the fat man as a mere means to our end of saving five lives.

My purpose here is not to adjudicate between consequentialism and Kantian deontology. Instead, I want to point out that the way that moral philosophy is very commonly taught<sup>11</sup> is in terms of what makes an act wrong. I agree that we should begin with that question. My concern is that moral philosophers very often do not move beyond it to ask what should happen next, after you choose to throw or refrain from throwing the switch, or after you push or refrain from pushing the fat man off the bridge. No matter what you choose to do, you can now be appropriately called on to answer for your choice: the family of those you failed to save or chose to kill can rightly challenge you to justify your act. As a moral agent, it is appropriate that you be held accountable for your actions.

Of course, the consequentialist might well be unconcerned about having to so answer, for she has one always at the ready: when she threw the switch and killed the one worker in order to save the five she was trying to maximize happiness in the world. We can grant that she accomplished her goal, and that the world is a happier place because she sacrificed one to save five. But imagine that the family of the one who was sacrificed comes to her and confronts her

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<sup>10</sup> Kant, 2006, p. 80.

<sup>11</sup> It is not just in undergraduate classes or textbooks that this particular moral framework can be found. A quick perusal of graduate seminars in ethics reveals similar commitments.

with their pain. Only the especially callous consequentialist would respond by quoting the principle of utility. Surely she owes the family more than that, even though she believes she did the right thing when she threw the switch.

What of the Kantian who refused to throw the switch in order to avoid treating the one worker as a mere means to an end? When the families of the five who died confront her will she respond simply by quoting the Categorical Imperative and then be on her way? Surely she also owes the family more than that, even though by her lights she acted rightly.

But, why should either the consequentialist or the Kantian owe the families anything if what they did was required of them? Commonly accepted understandings of moral responsibility imply that if you have done what was morally required of you, you owe nothing more. Either you did what you were required to do or you did not; to suggest otherwise would be to fail to fully describe what you ought to do in any given case. Of course, consequentialists and Kantians alike will agree that it is possible for some additional obligation to arise after a particular act has been committed, and if that is the case then while you may well have fully discharged your initial duty, it happened to turn out that a second duty followed from it.

I am not claiming that traditional normative models do not allow for chains of obligations to emerge in the way just suggested. I am, however, claiming that the way those models are usually presented, the way that their stories are often told, there is little to no time spent exploring what such a chain of obligations might look like. The focus of much philosophical theorizing, both historical and contemporary, is an analysis of a single slice of a moral life, abstracted away from the rest of the life that the agent lives. Most moral philosophers ask questions like whether killing is importantly different from allowing someone to die, and stop their exploration there. That is certainly an important question to ask, but it is equally important

to realize that the story does not in fact end there. In this project I am interested in what ought to happen next, which is a question which falls within the domain of moral repair. Moral repair takes as its starting point the fact that wrongs occur all the time and that even the best among us harm each other wrongly and are guilty of myriad moral violations that give rise to additional reparative obligations we ought to work to satisfy. What that means is that moral repair recognizes that agents can act in several capacities: not only as wrongdoers, but as repairers as well.<sup>12</sup>

Some authors<sup>13</sup> who write about moral repair claim that what we ought to do in the face of wrongdoing is to work to restore balance within a moral relationship, heal moral wounds, or reestablish trust between actors. I think such language is intuitive but also problematic, in that it often seems imprecise and unhelpful in determining the specific obligations that those undertaking the project of moral repair should work to satisfy. For my purposes in this project, instead of using the language of healing moral wounds and restoring trust or balance within moral relationships, I will instead talk in terms of discharging reparative obligations. I will take as my starting point the following assumption: when a wrong is committed there is at least one new obligation that obtains that did not obtain before the wrong, namely, a reparative obligation to attempt to make amends. In other words, I approach the project of moral repair by starting with the fact of wrongdoing: subject  $s$  commits wrongful action  $x$  at time  $t$  against wronged party  $w$ . I then ask, “What comes next?” What does the world look like at  $t+1$ ? At least two things

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<sup>12</sup> Elizabeth Spelman notes that repair is basic to human life, and one of the most common roles that we play. She argues that we should understand ourselves in terms of what she calls *homo reparans*. See: Spelman, 2002, p. 1-9.

<sup>13</sup> See: Spelman, 2002, p. 64-66; Walker, 2006 b, p. 83-84.

are different. The first is that *w* has been wronged. The second is that new obligations obtain that did not obtain before, specifically, reparative obligations.<sup>14</sup>

I take this account to be intuitively true. If you do not share the intuition, consider the following two worlds: World 1 contains reparative efforts made a wrongdoer while World 2 does not. Without knowing anything about the two worlds it seems clearly true that the wrongdoer has at least some obligation to try to bring about World 1 rather than World 2. However, this leads us to ask, just what are reparative obligations?

## 2. The Difference between Duties of Reparation and Beneficence

W.D. Ross says that our moral obligations can be cashed out in seven distinct *prima facie* duties, namely, the duties of: beneficence, fidelity, non-maleficence, reparation, gratitude, the promotion of justice, and self-improvement.<sup>15</sup> What Ross means when he calls these duties *prima facie* is that they can be overridden by other duties which weigh more heavily within a particular context. But, the fact that they are overridden does not mean that they ever cease to obtain. So imagine that while on my way to meet you for a promised lunch date I encounter a situation where I could save the life of a stranger. Ross claims that I ought to break my promise to you in order to save the stranger's life.<sup>16</sup> That does not mean that I did not still bear a duty of fidelity to you; I ought to have kept my promise to you. But, within that particular context my duty of beneficence was stronger and trumped my duty of fidelity.

As a result, Ross claims that I ought to make it up to you for having broken my promise;<sup>17</sup> I owe you some reparative obligation for having done so. In this case, it is likely to

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<sup>14</sup> This is also the conclusion for which David Boonin argues in his book The Problem of Punishment. He says, "When people cause wrongful harms to their victims, this generates a debt: they owe their victims compensation sufficient to restore them to the level of well-being that they rightfully enjoyed prior to being wrongfully harmed." Boonin, 2008, p. 218.

<sup>15</sup> Ross, 2002, p. 21.

<sup>16</sup> *ibid.*, p. 18.

<sup>17</sup> *ibid.*, p. 28.



turn out that all I owe you is an explanation of why I stood you up and an apology for having done so. For you to punish me further would surely be unjustified, as my duty of beneficence clearly trumped my duty of fidelity in the given example. But, it is just as clearly the case that I do in fact owe you an explanation and apology. That debt must stem from somewhere, and in this case it is my failure to keep the promise that I made to you.

What we see from this simple case that Ross provides is that when we fail in our obligations to others we always bear a corresponding duty of reparation that obtains after that failure. All else being equal, if I have the opportunity to set right what I have set wrong, I should do so. And, as I will argue in Chapter 4, in some circumstances I can accept the reparative obligations of others for actions that I have not committed. Of course, the fact that this is only a *prima facie* duty means that there are circumstances in which my duty is defeated by a stronger, conflicting duty. But, it remains that I have the duty to repair, even if that duty is often trumped by others.

It is important to understand that the Rossian duty of reparation is importantly distinct from the duty of beneficence, which says that we ought, in general, to promote the happiness or welfare of others.<sup>18</sup> In contrast to that general duty, the duty of reparation is specific, and pertains to righting specific wrongs committed against particular actors. It is easy to confuse the two, for one way that I might satisfy a duty of reparation is by promoting the happiness of someone that I wronged. But, that similarity is not enough to collapse the duty of reparation into the duty of beneficence. So, when I witness a car accident (that I did not cause) and have the opportunity to save the person's life, the duty that I act on in saving them is one of beneficence. That duty is crucially different from the duty of reparation. If you are driving and I wrongfully hit your car with mine, and if have the opportunity to call an ambulance, perform CPR, or

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<sup>18</sup> *ibid.*, p. 21.

otherwise work to save your life, the duty that I satisfy when I do so is one of reparation. I have a specific, personal obligation to attempt to repair the damage I have caused.

The consequentialist is unlikely to accept this distinction. She would agree (all else being equal) that I should attempt to save your life after hitting you with my car. But, my only moral reason for doing so would be to promote welfare, which is a general obligation that I always bear. In that particular case, should there be some other way in which I could produce even better consequences (greater increases of welfare for someone else) that would be the action I should commit.

The consequentialist is sometimes accused of robbing moral agents of their identity. Bernard Williams<sup>19</sup> makes this accusation in his famous “Jim and the Indians” case. Ross makes this accusation as well, when he points out that Moore’s consequentialism, against which Ross is arguing, fails to account for the deeply personal nature of moral obligation.<sup>20</sup> The objection goes that consequentialism reduces us to machines whose obligations are always and only cashed out in terms of whether we have done our best to make others as well-off as we can. This reduction ultimately ignores the distinction between duties of beneficence and duties of reparation, as I have just explained it.

That I identify as a deontologist should now be obvious, since I accept that there are duties of reparation that are distinct from duties of beneficence. My main critic as I proceed, therefore, is likely to be the consequentialist, who denies that we have any duties other than those of beneficence (or conversely non-maleficence) at all.

Luckily, the simplicity of the consequentialist’s position makes it the case that I always have a ready reply to her objections, and it is that because of our contingent, human psychology,

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<sup>19</sup> Williams, 1975, p. 99.

<sup>20</sup> Ross, 2002, p. 17.

promoting happiness is often best carried out by acting as if we are satisfying duties of reparation. Simply put, it makes you happy (or at least less sad) for me to apologize when I wrong you. Although we might not be friends any longer, it is not implausible to think that your hurt and anger would persist longer and to a greater degree should I fail to try to repair the damage I have caused. We have, in other words, a strong psychological need for others to attempt to repair the wrongs they commit against us. Given that need, the consequentialist will turn out to be in agreement with most of the conclusions that I will reach about apology throughout the rest of this project.

So far the account of reparation I have given has been thin. What exactly does it mean to satisfy reparative obligations that arise in the face of wrongdoing?

First, reparative obligations are largely contextually variable.<sup>21</sup> What it means to make amends for my wrong will depend on the wrong itself. So, if I wrong you by destroying your property, it is likely that I will owe you some kind of replacement for your property. However, many wrongs are not so clear cut as the wrong of property destruction. If I assault you, I might owe it to you to pay your hospital bills, to enroll in an anger management program, or to work with others who have such violent tendencies.

Reparative obligations are not wholly contextually variable, however. In both cases just discussed, I owe you at least one thing more: I owe you an apology. Imagine again that there are two worlds. The first world is one in which I have wronged you and where I apologize for having done so. The second world contains just the wrong. It is intuitively true that I ought to attempt to bring about the first world. Put another way, imagine that I take a baseball bat and smash your car to bits. Later, I come to you with a check equal to the value of the car, plus interest. You would likely be glad for the monetary replacement of the property I destroyed, but

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<sup>21</sup> Spelman, 2002, p. 18.

you would expect something more from me, some further reparative act. You might say in response, “I am glad you have paid for the car; now apologize already!” What we can take from this example is that if I have wronged you, I owe you an apology for having done so. Obviously, I have not yet explored just what an apology is and what it means for it to be well-formed. That exploration makes up the bulk of the project to follow. My point here is simply to help motivate the claim that we owe duties of reparation for our wrongful acts, and that in particular we ought to apologize when we have acted wrongly.<sup>22</sup>

Let me be explicit by noting that none of this suggests that in satisfying my reparative obligations I ensure that things will be the way they were before, that the wrong will be undone, or that the relationship in which I was a participant with the person that I wronged will be resumed. Furthermore, it may often be the case that my reparative obligations take a lifetime to discharge in their entirety. Such obligations are often complicated and difficult to satisfy. Neither fact means, however, that such obligations do not obtain.

### **3. Apology**

I have just claimed that whenever we act wrongly we acquire the new obligation to attempt to repair that wrong. Furthermore, I have claimed that the reparative duty to apologize always arises in the face of wrongdoing. Now we should ask what an apology is. In 1975 Louis Kort wrote a short but groundbreaking article<sup>23</sup> in which he attempted to answer that question. It is recognized to be the first article that directly analyzes apology. He concludes with the following definition:

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<sup>22</sup> Margaret Walker says that, “Apology is the most minimal but unambiguous and foundational gesture of repair. Not to apologize is to fail to accept, and refusal to apologize is to deny, the fact of the wrong, the seriousness of the wrong, responsibility for the wrong, repudiation of the wrong, or all of these.” Walker, 2006, p. 388.

<sup>23</sup> Kort, 1975, p. 83-87.

An apology is a performative utterance<sup>24</sup> that:

1. Expresses regret for a wrong
2. Accepts responsibility for that wrong
3. Acknowledges the offense to the wronged party
4. Is a gesture of respect that the victim deserves or has a right to be spared such mistreatment

Almost all of the other positions in the subsequent philosophical literature on apology take his definition as it stands, and, if anything, add additional components to it. For instance, Nick Smith adds that the apology must also entail the acceptance of causal responsibility in addition to moral responsibility,<sup>25</sup> Paul Davis argues that you must also possess the positive intention not to repeat your wrong in the future,<sup>26</sup> and Luc Bovens argues that in addition to bearing the attitude of respect, you must also be humble for your apology to be well-formed.<sup>27</sup>

I will spend the rest of this project exploring what conditions must be satisfied in order for an apology to be well-formed. However, a preview of that exploration may be useful. On my view, an apology is a performative utterance that is accompanied by the following mental states:

- Regret for the action
- The belief that that the action was wrong
- Beliefs about how the action was wrong
- Condemnation for the action

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<sup>24</sup> I will explain what a performative utterance is in the next section.

<sup>25</sup> Smith, 2008, p. 38-46.

<sup>26</sup> Davis, 2002, p. 171.

<sup>27</sup> Bovens, 2008, p. 220.

- Recognition that the wronged party is a person of value and that the action failed to adequately and appropriately treat her as such
- Intention to repair the wrong

In addition to possessing those mental states, in order for my apology to be well-formed I must accept moral responsibility for the wrong, I must be authorized to do so, and I must secure communicative uptake with my intended recipient. I will explore each of these conditions in the chapters to come. Next, however, I should return to the claim that an apology is a “performative utterance.”

#### **4. Communicative Act Theory**

In 1955, J.L. Austin gave a series of lectures on what he called “speech acts.” Speech acts can be contrasted with acts of speech. Consider the distinction Austin draws between describing some fact about the world (such as the fact that someone is running) and performing some action via communication (such as promising to meet someone for lunch). The former he calls a “constative utterance” and the latter he calls a “performative utterance.”<sup>28</sup>

A performative utterance is one in which, “saying makes it so.” Just as a judge’s pronouncement of your guilt *makes* it the case that you are (legally) guilty, and the umpire’s pronouncement that you are safe *makes* it the case that you are safe, my (sincere) utterance of the words “I apologize” *makes* it the case that I (partially) repair the wrong I committed against you.<sup>29</sup> Of course, whether you accept my apology or forgive me is another question.

Performative utterances often have a substantive impact the world. When a judge proclaims that she finds a defendant guilty of a felony, the world has changed in a meaningful way: the bailiff will then be permitted to imprison the defendant, whether the defendant is able to

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<sup>28</sup> Austin, 1962, p. 47

<sup>29</sup> *ibid.*, p. 60.

secure certain kinds of jobs will change, whether she is able to vote will change, and so on. When a justice of the peace proclaims that two people have married each other, they each acquire a number of legal rights and obligations that they did not have until those words were spoken. When an umpire at a baseball game announces that a runner is out, the game might end. In all of these classic cases, by saying something, the actor in question does not merely describe some state of affairs, but causes some new state of affairs to obtain via the utterance in question.<sup>30</sup>

For the rest of this project, however, I will adopt the term “communicative act” rather than “speech act” for two reasons: the first is that “speech act” perhaps implies that those who cannot speak are unable to perform the tasks that Austin unpacks the concept to include, and this seems unnecessarily exclusive. Second, and perhaps more importantly, “communicative act” simply seems more accurate. Surely if a judge has lost her voice she is still able to render someone guilty even if she has to write down her pronouncement and pass it to the bailiff. The important thing is the ability to perform some action by way of communication alone. Thus, “communicative act” better captures what is actually taking place when the act in question is committed.

There are several conditions that must be met in order for a particular performative utterance to be felicitous, or, as Austin calls them, “happy.” Those conditions<sup>31</sup> are:

1. Authority: the communicative actor must have the authority to perform the act in question.

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<sup>30</sup> For a very helpful overview of speech act theory, see Mitchell Green’s entry in *The Stanford Encyclopedia of Philosophy*: Green, 2009.

<sup>31</sup> This is my summary and interpretation of the felicity conditions that Austin names that are relevant to my project. Austin, 1962, p. 14-15.

2. Time and Place: the communicative act must occur in both the appropriate causal and temporal location.
3. Uptake: the communicative act must be understood by at least some third party; in other words, propositional uptake must be secured.
4. Intention and Sincerity: the communicative actor must genuinely intend to perform the act her utterance instantiates.

When only some of the conditions are met, according to Austin, a particular set of words may still qualify as a communicative act, but it will not be a felicitous, or “happy” one. It will be limited in some capacity, not as full and complete an act as we might expect when such an utterance takes on its full force. We might think that the utterance counts as an act and is not reduced a mere act of speech, despite not being fully formed. In short, felicitousness comes in degrees: some attempted communicative acts completely misfire, and do not count as acts at all. Others partially misfire but still qualify as acts. And finally, some do not misfire at all, and are fully-formed communicative acts, where “saying makes it so.”

Apologies are one particular kind of communicative act. I follow nearly every contributor to the philosophical literature on apology in assuming this point. Everyone agrees, in other words, that when you apologize for something, when you utter phrases like, “I apologize,” or “I am sorry,” you are performing an action that is more than simply reporting what mental states you bear. If you report that you feel regret for your action, you have not yet apologized. Indeed, your interlocutor might respond by saying, “If you regret what you did, you should apologize!” Just as the judge performs an action above and beyond reporting her belief that you are guilty when she declares you guilty of a crime, so too do I do something above and beyond



reporting my mental states when I apologize to you: in apologizing to you, I attempt to repair the wrong that I committed.

Let me motivate the claim that an apology does something more than describe the apologizer's mental state by returning to our earlier thought experiment:

Imagine World 1, in which I smash your car to bits. Later, I pay you for the damage and additionally tell you that I regret my action. Now, imagine World 2, where I destroy your car, pay for it, tell you that I regret my action, accept moral responsibility for it, and sum up by saying, "In other words, I apologize for destroying your car." Which utterance would you find more satisfying, or would you more strongly prefer? I suspect that many readers will find World 2 more appealing. I contend that the reason why is that in offering the apology I have attempted to repair my wrong in a way that I have not when I simply pay for and regret my wrong. Payment and regret are owed, but something is importantly missing from a world in which that is all there is. What is missing is the satisfaction of my reparative obligation to apologize for my wrong.

I think this simple thought experiment alone helps to illustrate that apologies are always a reparative obligation that wrongdoers bear after committing wrongdoing. However, if you remain unconvinced, consider the fact that many people who are actively working for peace around the world in some of the most contentious and violence-riddled places believe apologies to be important. For instance, Scott Atran and Jeremy Ginges, in a New York Times opinion column<sup>32</sup> note that many Palestinians and Israelis alike would refuse monetary reparations, but would accept formal apologies as a way of moving forward to establish peace in the region. Their example is but one of many peace and reconciliation facilitators around the world who recognize the importance and value of apology as a method of repairing relationships and

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<sup>32</sup> Atran and Ginges, 2009.

diminishing violence. In other words, people who are on the ground working to actually bring about peace believe that apology can have the power to do so, or at least contribute to doing so. While that fact alone is not enough to convert the skeptic of apology's value, it should at least count in favor of such a conversion.

As a purely contingent, psychological matter, apology is essential to moral repair. Put simply, people do not, in general, feel better after having been wronged unless their wrongdoers apologize to them. But, I am not a psychologist or sociologist, and my project here is not to describe how people feel, but to explore whether they are right to feel that way. As a philosopher, my task is to engage not just the descriptive question, but the normative one as well; it is to look not just at how things are, but how they ought to be. I think it fairly uncontroversial that in a purely descriptive sense apologies can help make people feel better. In this project I will argue that it is right that apology has such an effect, and that our moral theories should take apology seriously as a practice of moral repair.

Apology was one of the most important and effective parts of the Truth and Reconciliation Commission in South Africa.<sup>33</sup> Offenders faced their victims or their victims' families and were given the opportunity to apologize for their wrongs. Victims were able to face their offenders and find their dignity restored, their value and wounds recognized, and in light of all of these things, many were able to forgive. Many others were unable to forgive, or chose not to, but have been able to at least partially heal and move forward because of the apologies they were given.

Again, the deeper theoretical value of apology is apparent in restorative justice when we consider not just the ways that individuals are helped by apology, but the impact that apology can have systemically, when they express regret for the wrongs that institutions cause. Although

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<sup>33</sup> Graybill, 2002, p. 39-57.

the Senate's apology for slavery cannot be received by those who were enslaved, it is morally important nonetheless. It demonstrates that the Senate, a powerful institution which can exercise great coercive force, stands in opposition to the action it once endorsed. By apologizing, the Senate communicates that it recognizes that it acted wrongly. By apologizing, in other words, the Senate shows the proper respect that it owed and owes, and in so doing moves at least a step closer to satisfying the reparative obligations it generated by enabling American slavery.

### **5. Evaluative Terms: Assessing Apologies as Communicative Acts**

Before beginning the rest of this project, I make explicit the terms I will use for assessing apologies. As I have already mentioned, Austin uses the terms "felicitous" and "happy" to describe performative utterances which satisfy the felicity conditions which apply in a particular case. Since I am situating my exploration of a particular performative utterance, apology, in terms of moral repair and not just in terms of communicative act theory, I think it likely that there are other, better evaluative terms available. But, what would they be? To determine an answer, we should look first at what the purpose of apologizing is, as seen through the lens of moral repair.

Recall that the reason we ought to apologize to others is because we have a duty of reparation, and apology is but one method of discharging that duty. That is not to say that any particular apology will always fully right the wrong it is meant to address. It will often turn out to be the case that the duty to apologize is accompanied by other duties of reparation, all of which would be necessary to fully make amends. So the fact that some particular apology may not actually fully discharge your obligations would not mean that you do not have a stand-alone obligation to apologize, and that said obligation cannot be fully discharged, independent of what other duties obtain. In other words, if I wrong you, I might have a cluster of reparative

obligations that arise in response to my wrong. One of those is that I ought to apologize for my action. That obligation can be satisfied independent of whether the other obligations I bear towards you have also been satisfied. The duty to apologize is, in other words, a discrete duty which can be satisfied independently of other duties of reparation that might obtain in any given case.

Given that the obligation to apologize stands independent of other reparative obligations one might bear, instead of felicitous or happy, I will use the terms “well-formed” and “successful.” An apology should be considered *well-formed* if all of its conditions are satisfied. An apology should be considered *successful* if it fully discharges your reparative obligation to apologize. If an apology is well-formed, it should be considered successful. That does not mean that the apology was successful, in so far as it led to forgiveness; the connection between the two is a different matter which I will address in my final chapter. What it does mean is that a particular obligation to apologize has been discharged, given the context in which that obligation obtained. An apology can also be unsuccessful or ill-formed if it in some way fails to discharge the reparative obligation it was meant to satisfy. So, for instance, in Chapter 2 I will argue that an apology is ill-formed if what I call “the sincerity condition” does not obtain.

I might have chosen to view the term ‘apology’ itself as a success term, such that to call something an apology at all is to say that it is well-formed. What this choice would mean is that there are no bad apologies, just utterances that sound like or use some of the same words as apologies. This seems at odds with the way that the term is used out in the world, for people do speak of having received “bad” apologies. In order to cause the least amount of disruption to everyday usage, therefore, I have chosen to follow Austin in allowing for a particular instance of communication to count as an apology that can be either well or ill-formed.

Finally, let me be clear that apologies might be communicated differently in different times or places, using different words or symbols. I do not insist that the words “I apologize” or “I’m sorry” must be used in order for an apology to be well-formed. Instead, my claim is that they must all satisfy the same underlying conditions. Furthermore, we might mean to express different things in using the same words. Sometimes, the words, “I’m sorry” indicate merely that I feel regret or sorrow that some particular event occurred, while other times “I’m sorry” might indicate that I also accept responsibility for that event and am attempting to make amends for it. There are, in other words, a number of ways to apologize, and a number of phrases which might sound like an apology but are not.<sup>34</sup>

## **6. Conclusion**

In the following five chapters I will explore a number of issues which play a central role in the contemporary philosophical literature on apology, as well as some which are absent from it. Specifically, in Chapter 2 I will unpack what I call the sincerity condition and argue that apologies must be sincere in order to be well-formed. Additionally, I will argue that even assuming that apologies must be sincere, it is conceptually coherent to claim that they can be coerced or obligatory. In Chapter 3 I will explore two additional kinds of mental states that you must bear in order for your apology to be well-formed. Specifically, I will consider what intentions you must have towards your future actions, as well as what attitudes you must bear towards the past. In Chapter 4 I will offer an answer to the question, “Who can apologize?” I will argue that in order for your apology to be well-formed you must be authorized to issue it. I will go on to argue that it is possible to apologize on behalf of another for a wrong you did not commit, if you are authorized to do so. In Chapter 5 I will offer an answer to the question, “Who can accept an apology?” The answer to that question will follow closely from the one which I

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<sup>34</sup> Austin, 1962, p. 79.

give in Chapter 4. And, in much the same way, I will argue that it is possible to accept an apology on behalf of another. Finally, in Chapter 6 I will explore the relationship between apology and forgiveness, and I will consider the ways in which a well-formed apology might render forgiveness obligatory. I will conclude by considering what implications the conclusions I reached in the first five chapters of this project bear on our understanding of forgiveness.

## CHAPTER 2

### THE SINCERITY CONDITION AND COERCED APOLOGIES

Most philosophers who write on apology think that apologies must be sincere in order to be well-formed.<sup>35</sup> Insincere apologies are ill-formed, and would give their recipient good reason for rejecting them.<sup>36</sup> The fact that an apology is genuine counts in favor of its acceptance and our judgment that at least one of the wrongdoer's reparative obligations has been successfully discharged. Sincerity entails not only the genuine belief that you can justifiably accept moral responsibility for the act for which you are apologizing, as well as the genuine belief that the act was wrong, but also genuine regret for having committed it. If I utter the words "I apologize" but do not believe that I did anything wrong or do not care that I did something wrong, my apology is insincere and ill-formed. You must, in other words, mean it when you say you are sorry. Call this *the sincerity condition*.

You might question whether apologies must in fact be sincere in order to be well-formed.<sup>37</sup> Or, you might think that what matters is that an apology *express* regret, but not actually reflect regret.<sup>38</sup> Finally, you might think that there are times when what we care about is that the apologizer goes through the motions of apologizing because doing so both helps victims of wrongdoing to feel that justice has been served.<sup>39</sup>

I join the majority in the judgment that apologies must be sincere in order to be well-formed, and that utterances such as those just described are either apology cognates or ill-formed

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<sup>35</sup> See, for instance: Govier and Wilhelm, 2002; Thompson, 2000; Gill, 2000; Davis, 2002; Harvey, 1995; Bovens, 2008; Smith, 2008; Zutlevics, 2002; Spelman, 2002.

<sup>36</sup> Bovens, 2008, p. 236

<sup>37</sup> Joyce, 1999, p. 167.

<sup>38</sup> Kort, 1975, p. 83.

<sup>39</sup> Bennett, 2006.

apologies. While there might be merit to the view, for instance, that apologies can serve as a ritual through which reconciliation between parties can occur, I share the intuition that there is a critical difference between the utterance “I am sorry” that is accompanied by genuine regret and other mental states and the same utterance absent such accompaniment. The reason why is that in the above cases of insincere apology cognates, while some moral work might be performed, it is not the same specifically reparative work as what is done when one apologizes. So, while it might bring victims of wrongdoing satisfaction to see their wrongdoer forced to utter the phrase, “I apologize,” even if he does not mean it, and that satisfaction might have some moral value, it is not *reparative* value. The wrongdoer in such a case does not satisfy his reparative obligations if he does not intend to do so. Imagine that I am given some flowers as a gift. Later, you find the flowers and believe me to have bought them for you as a gift. If I do not correct your mistake it might well be the case that you remain happy, and your happiness has moral value. However, I could not be said to have satisfied a duty of beneficence in the process. I do not deserve any moral credit for having given you a gift since I did not intend the flowers as a gift in the first place. The same is true for apology cognates. My insincere utterance of the phrase, “I apologize” might make you feel happy, but unless it is genuine, it does not satisfy any reparative obligations.

That does not mean, however, that coerced apologies are conceptually incoherent, or that all coerced apologies would be ill-formed. Indeed, there are many everyday examples of coercive bodies requiring others to apologize (parents making their children apologize for their wrongs, boards of trustees requiring a company president to apologize for her negligent behavior). So, when a sincere apology is coerced, the coercive body is requiring (or attempting to require) the potential apologizer to possess certain mental states, including emotions, beliefs,



intentions, and attitudes. However, many people believe that such mental states are not the kinds of things we can require others to possess, at least in part because they believe that doxastic and affective voluntarism are false.

In this chapter I will first explore what the sincerity condition entails. Then, I will engage what I call the problem of coerced apologies. I will argue that we can in fact require others to apologize sincerely for their wrongful actions and that the reason why is that doxastic and affective voluntarism are true. This means that not only can we justifiably say that coercive bodies can coherently compel others to sincerely apologize, but also that we can think doing so is obligatory, even absent such coercion.

### **Part 1 - The Sincerity Condition**

What mental states must you possess in order for your apology to be sincere? We can group them into four main categories: emotions, beliefs, intentions, and attitudes. I will explore each in turn.

#### **1.1 Emotions**

Most philosophers who write about apology name regret as the appropriate moral emotion that must accompany a particular utterance in order to render it well-formed.<sup>40</sup> We might question whether this is justified. We might instead think that contrition is the appropriate moral emotion required by a well-formed apology. How should we decide between the two?

Let us start with dictionary definitions of the two terms. Of course, dictionaries should not be the final word, and we might choose to redefine our terms in ways that better fit our conceptual needs. Dictionaries are, however, a good starting place for laying out the different conceptual components we might want to include in whatever final choice we settle on.

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<sup>40</sup> See, for instance: Kort, 1975, and all of the authors listed in footnote 35.

The Oxford English Dictionary defines<sup>41</sup> regret this way:

1. The expression of grief, distress, or sorrow; lamentation; an instance of this.
2. Sorrow, distress, or disappointment due to some external circumstance or event.
3. Sorrow, remorse, or repentance due to reflection on something one has done or omitted to do.

The first definition of regret is clearly too weak. It is not enough to merely *express* sorrow, grief, or distress; one must actually possess those (or similar) emotions.<sup>42</sup>

The second definition is better, but we might think it is also too weak. It understands regret to be not merely the expression of those emotions but the possession of them. However, it leaves open the possibility that the state of affairs for which one feels sorrow was not wrongful. So, I might regret that the tornado destroyed your home, and I might express that regret by telling you I am sorry that the tornado destroyed your home, but I cannot successfully apologize for that fact, since I cannot be rightly held morally responsible for the tornado's destruction.

The third definition entails not only an affective component (the experiential feeling of sorrow or remorse) but the additional cognitive component of the belief that the remorse one feels is because of some action one has committed or not committed. I could not feel the third form of regret for the tornado that destroys your home since it was not your action or omission which caused the destruction. Note that, if apologies entail the third sense of regret, then that precludes the possibility that one could apologize on behalf of another (a question to which I will return in Chapter 4).

Contrast regret with contrition, which the OED defines<sup>43</sup> this way:

2. The condition of being bruised in heart; sorrow or affliction of mind for some fault or injury done; *spec.* penitence for sin.

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<sup>41</sup> Oxford English Dictionary, 2011, B.

<sup>42</sup> Louis Kort claimed that apologies express emotion, but that they need not be accompanied by actual emotion in order to be well-formed. He is almost entirely alone in holding this view. Kort, 1975, p. 83.

<sup>43</sup> Oxford English Dictionary, 2011, A.

As stated, contrition falls somewhere between the second and third definition of regret. It is a sorrowful emotional response to wrongdoing (fault) but does not specify who committed the wrong. Note that, if this is the emotion well-formed apologies require, then it would be possible to apologize on behalf of another.

The choice between regret and contrition is not an easy one, in part because emotions are by nature fuzzy things. It is hard to know at what point your frustration turns into anger, your happiness into joy. Regret and contrition are listed as synonyms in many dictionaries, and indeed much may not turn on which emotion we choose, given their similarities. However, we can give several reasons for preferring one to the other.

For the rest of this project I will use the second definition of regret, coupled with particular beliefs (as discussed in the next section), instead of contrition or the third sense of regret, because doing so allows the most flexibility as I proceed throughout the rest of my inquiry. If we accept the third sense of regret, then we disallow by definition the possibility that you could successfully apologize on behalf of another. Choosing the second sense of regret, coupled with additional cognitive requirements (that the apologizer believe certain things) allows us to make the most fine-grained distinction while not begging the questions this inquiry is meant to answer.

Contrition allows a similar degree of flexibility and is a good candidate for what emotion well-formed apologies entail. I have chosen not to use it for two reasons. The first is convention; as I have said, almost everyone who writes about apology uses regret rather than contrition. The second is that contrition often carries with it religious implications, as noted in the reference to sin in the definition above. My project is non-religious, and so in order to avoid

conceptual baggage that contrition might carry, and in order to cause as little disturbance to the existing literature's conceptual landscape as possible, regret is the better choice.

## **1.2 Beliefs**

Regret is only a good choice, however, if it is accompanied by particular beliefs. It is not enough to feel sorrow; it must be sorrow born from four particular beliefs you hold about the world.

First, in order to apologize for  $x$ , you must believe that  $x$  occurred. It would be the height of insincerity to attempt to apologize for some action that you did not believe had taken place.

Second, you must believe that  $x$  was wrong. You might feel sorrow for the tornado's destruction of my home, and you might bear some duty of beneficence to help me rebuild, but you do not owe me a duty of reparation, unless you in some way caused the tornado. Since apologies satisfy duties of reparation and not beneficence, you cannot apologize for something that was only a harm and not a wrong. This is why regret on its own is inadequate. It must be accompanied by the belief that the harm was wrongful.

Third, in order to issue a well-formed apology you must believe that moral responsibility can properly be attributed to you. This does not mean that you must believe that you are causally responsible for the wrong, but that it is appropriate to consider you to be morally responsibly for the wrong. I will further explore this point in Chapter 4, when I consider whether you can apologize on behalf of another. For now, I only contend that for an apology to be sincere it must be the case that the apologizer believes she is in a position to discharge the intended reparative obligation.

Fourth, you must have some understanding of how the wrong impacted the wronged party. It is not enough simply to recognize that some wrong was committed and that an apology

is owed. Think of a case in which, after an argument, your friend says, “I’m sorry” and you ask, “For what?”<sup>44</sup> In such a case you appreciate your friend’s attempt to make you feel better, but you would not consider the apology well-formed until they had communicated some understanding of the particular wrong for which they were attempting to make amends.

### **1.3 Intention**

In order to successfully apologize you must intend to repair the wrong in question.<sup>45</sup> You must, in other words, be attempting to discharge your reparative obligations in issuing the apology. Possessing the reparative intention means that, when you utter the words “I apologize” (or one of apology’s variants) you are attempting to make amends for your wrong. It is not enough, in other words, to apologize simply because you feel bad about what you did. You must recognize that you owe something to the wronged party, and in apologizing you must be attempting to give it to them.

Saying that one must be intending to satisfy one’s reparative obligations does not mean that the apologizer must accept my account of the distinction between duties of reparation and beneficence; you must not be a trained philosopher in order to apologize successfully, nor one must be a deontologist in order to do so. The reparative intention that I am describing is experiential rather than cognitive. You need not be equipped with the philosophical vocabulary to express, in propositional form, the fact that you are attempting to discharge your reparative obligations in order for the apology to be well-formed. Instead, in order to successfully apologize, you must simply be attempting to pay what you owe.

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<sup>44</sup> Bovens, 2008, p. 229.

<sup>45</sup> Austin, 1962, p. 40.

## 1.4 Attitudes

Finally, the wrongdoer must bear the proper attitudes in order for her apology to be well-formed. In particular, she must demonstrate respect for the person she wronged as well as condemnation for her wrong in issuing her apology.

Kort<sup>46</sup> argued that apologies are gestures of respect that convey that the apologizer recognizes the moral worth of the person she wronged, and that her victim did not deserve the treatment to which she was subjected. Bovens<sup>47</sup> argues something similar when he claims that apologies are a demonstration that we now recognize that our wrongful act was a disrespectful act. But apologizing we show you the respect that we earlier failed to show. Trudy Govier and Willhelm Verwoerd<sup>48</sup> argue that when you wrong someone you implicitly claim that they do not possess moral worth. By apologizing, you attempt to “unstate” that implicit claim. On my view, in apologizing you recognize that the subject of your wrong is a *person* who deserves respect in virtue of her personhood.

This respectful attitude leads the wrongdoer to bear the further attitude of condemnation for her wrong. She must condemn her act, aligning her will against it. What does it mean to condemn an action? It means that she would, if possible, choose a world in which she did not commit her action over a world in which it did. By “possible” I do not mean logically possible, but that within a particular context, all else being equal, you would choose to actualize a world in which you did not commit your action. Of course, sometimes all else is not equal, and there are other factors at play that might prevent you from refraining from committing the action for which you might still be culpable. I will return to a discussion of such actions in the next chapter, in discussing moral dilemmas and *akrasia*. What matters for this discussion of the

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<sup>46</sup> Kort, 1975, p. 87.

<sup>47</sup> Bovens, 2008, p. 231.

<sup>48</sup> Govier and Verwoerd, 2002, p. 70.

mental states required for the sincerity condition to be satisfied is that in order for an apology to be well-formed, the apologizer must oppose the action for which she apologizes.

### **1.5 Conclusion**

The above mental states all work together in a complex interplay. Without the right beliefs you cannot adopt the respectful attitude just described. For instance, if you do not believe that you wronged a person you cannot show the proper respect necessary to render your apology well-formed. Without the right emotions, you might not acquire the proper beliefs. Sometimes the way we come to discover we have acted wrongly is by feeling sorrow for an action, reflecting on that action, and coming to believe that what we did was wrong. In other words, emotions can play an important role in guiding us to believe that we have acted wrongly or that wrongdoing has occurred.<sup>49</sup>

Apologies are, in other words, complicated acts. Sometimes it is easy to successfully apologize, in that you might simply find yourself in possession all of the above mental states and able to apologize without needing to take additional steps. That is perhaps most common when your wrongs are minor or simple. However, when your wrongs are more complicated, and when more features of the context in which you act are morally salient, you might not find yourself with the proper combination of mental states in order to immediately apologize. That is why it is sometimes appropriate to follow Paul Davis<sup>50</sup> in claiming that apologies are best thought of as a process; they are actions, to be sure, but they are actions that unfold over a period of time. Just like I might build a house over a period of months, so too might I build an apology over days, weeks, or a lifetime.

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<sup>49</sup>This point is inspired by the point made by Alison Jaggar in her discussion of “outlaw emotions.” Jaggar, 1989, 167-172.

<sup>50</sup> Davis, 2002, p. 171.

In the following section I will further explore the ways in which apologies are best understood as a complex action that can proceed via multiple intermediate steps. In the process of doing so I will raise and respond to an objection against the claim that apologies can be both obligatory and sincere. I will conclude by arguing that coerced apologies are conceptually coherent.

## **Part 2 - The Idea of Coerced Apologies**

In the last section I argued that well-formed apologies entail particular emotions, beliefs, attitudes, and intentions. Collectively, these make up what I called the sincerity condition, which must be satisfied in order for an apology to be well-formed. In this section I will explore a challenge to the sincerity condition, and argue that not only must apologies be sincere in order to be successful, it is conceptually coherent for such apologies can be both obligatory and coerced.

I begin with several assumptions that I take to be commonly-held amongst moral theorists.

1. We have obligations to make up for the wrongs that we commit: we have duties of reparation.
2. It is at least sometimes permissible for external third parties to use coercive force to compel us to discharge those duties.

As several examples, consider that the state can sentence you to community service hours for your crime of driving while intoxicated. Or, it can require that you return the money that you stole. In both cases the state uses its coercive power to force you to repay (or begin to repay) your debt. Of course, it is not only the state that can commit such coercive, interventionist acts. We might think that a mother can tell her daughter that she must replace her cousin's toy that she broke. A board of trustees might require the company's president to try to make up for wrongs that the company committed, on pain of losing her job. Such examples are legion.



Returning to the list of starting assumptions is the claim that:

3. Apologizing for acts for which one is culpable is almost always a necessary, though perhaps not sufficient condition for the fulfillment of one's reparative obligations.

If I steal from you, and upon being caught simply return the money, you would be right to think I have not yet fully repaired my wrongful act. You would likely demand not just that I return the money that I took (perhaps with interest) but that I also apologize for having taken it. While merely apologizing would surely be inadequate (I must also return the money) it is clearly a necessary step in order to make up for my theft.

Combining the above assumptions, we arrive at the conclusion that it is sometimes coherent for a coercive body to use its power to compel one person to apologize to another. We see this when the mother tells her daughter that she must not only pay to replace her cousin's broken toy, she must also apologize for having broken it; or when the board of trustees instructs its president to not only pay to clean up the company's recent oil spill, but to apologize for having acted recklessly as well.

As several additional, real-world examples, consider these actual coerced apologies from 2009:

1. South Carolina Congressman Joe Wilson was instructed by leaders of the Republican Party to apologize to President Obama for disrupting a speech he was giving on health care reform.<sup>51</sup> Such instruction is obviously coercive, in so far as the leaders of the GOP wield power over Wilson. If apologies must be sincere in order to be successfully-executed, then the leaders of the GOP used their coercive power to require Wilson to possess certain beliefs and emotions.
2. Professional football player Michael Vick was told that he must "show remorse" by NFL commissioner Roger Goodell for his involvement in a dog-fighting ring.<sup>52</sup> Even more direct than requiring a sincere apology, Goodell explicitly required Vick to possess a particular emotion in order to avoid harsh financial penalties.

There are many more such examples of coerced apologies, where one party is encouraged on pain of some penalty to apologize to another for her past wrongful action. The question I will

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<sup>51</sup> Hamby and Walsh, 2009.

<sup>52</sup> Bell, 2009.

seek to answer in this chapter is whether such efforts are conceptually plausible. In other words, if apologies entail sincerity, does it make sense for one party to try to force another to apologize?

## **2.1 The Problem of Coerced Apologies**

First, I will explain just what we might think the conceptual problem with coerced apologies is. If it is legitimate for the state or a parent to make someone pay back the money that they stole from someone else, what reason would we have for rejecting the claim that they could also make that person sincerely apologize, given that both are ways of discharging a reparative obligation?

Returning to the parenting case, if you tell your daughter to apologize for breaking her cousin's toy, and she responds by saying, "But I am not sorry," you must respond by either granting that she does not in fact owe her cousin an apology, or you must respond by saying, "Well, you ought to be sorry." And herein lies the problem: many non-philosophers believe that you cannot be morally required to feel certain emotions or hold particular beliefs. The reason why is that, "you cannot control how you feel or help what you believe." Philosophers by and large respond the same way, except they do so via more sophisticated terminology.<sup>53</sup> They say, "voluntarism is false" by which they mean that human agents do not have the power to voluntarily acquire particular chosen mental states. It is just not something that agents can do.

In other words, the problem for coerced apologies is that if the sincerity condition is true and if voluntarism is false, then if the wrongdoer does not in fact bear the appropriate mental states, she cannot sincerely apologize. If she cannot do it, we cannot say that she ought to do it, lest we violate the principle that ought-implies-can. If we cannot say that someone ought to do

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<sup>53</sup> See, for instance: Williams, 1973; Bennett, 1990; Scott-Kakures, 1994; Alston, 1988; Curley, 1975.

it, then they cannot legitimately be forced to do it either.<sup>54</sup> This would lead to the conclusion that the state, parents, and other coercive bodies can only legitimately require already repentant wrongdoers to apologize. And, if they are already repentant, they may very well not need compelling, which would be a weak outcome for those who favor coerced apologies.

It seems there are a number of ways the defender of coerced apologies can respond. One would be to give up the sincerity condition.<sup>55</sup> Another would be to give up the principle that ought-implies-can.<sup>56</sup> I will pursue a third track, which is to argue that voluntarism is true, and that at least some moral agents do in fact possess the power to voluntarily and intentionally acquire particular, chosen mental states. If successful, I will then have a plausible story to tell about how it might be a legitimate moral practice for a coercive body to force a wrongdoer to sincerely apologize for her wrong.

While there are surely other objections to the idea of coerced apologies, I take it that the objection to voluntarism is both powerful and central. If my project here is successful and I manage to adequately defend voluntarism, while it will not be the case that I will have successfully defended coerced apologies against every possible objection, I will have at least done so against its primary opponent.

## **2.2 Doxastic Voluntarism**

We can understand voluntarism in either a direct or indirect sense. The former says that an agent has the power to directly and instantaneously intentionally acquire particular chosen mental states.<sup>57</sup> This view is implausible and is not the view that I am defending here. The latter

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<sup>54</sup> In his paper, "Taking Sincerity out of Apology," Christopher Bennett argues that all apologies need not be sincere for precisely this reason. He defends the practice of coercive apologies, but because he thinks we cannot force people to acquire certain mental states, and indeed because we ought not try to do so, we should instead accept that insincere apologies have moral worth. Bennett, 2006, p. 129.

<sup>55</sup> See, in addition to Bennett: Kort, 1975; Cunningham, 1999.

<sup>56</sup> See, for instance, Sinnott-Armstrong, 1984; Saka, 2000.

<sup>57</sup> This is similar to the position that William Alston calls basic voluntary control. Alston, 1988, p. 263.

says that an agent has the power to indirectly, and over time, intentionally acquire particular chosen mental states.<sup>58</sup>

In his paper, “The Ethics of Belief,”<sup>59</sup> Richard Feldman gives the following example:

The chair of his department offers a raise to anyone who can voluntarily acquire the belief that the lights in the room are off. Feldman says that upon learning this fact he would immediately rush across the room to turn off the lights, and thereby acquire said belief.<sup>60</sup>

Or, consider this example, borrowed from an episode of the television show, “The Sopranos”:

A corrupt police officer on the mob’s payroll stops by the mob’s bar to talk with the boss. Before he leaves, the cop asks to see the bar’s liquor license, so that if he is later asked what he was doing there, he would be able to answer truthfully that he was checking to make sure they were licensed to sell alcohol. While that clearly would not be the whole truth, nor was checking the club’s license his primary purpose for going inside, he expected to pass a subsequent lie-detector test in virtue of his secondary purpose.

Both cases seem to be clear instances of how one could voluntarily acquire a particular chosen belief. In neither case, of course, is such acquisition direct: in order to acquire the belief that the lights are off, Feldman has to change something about the world. In order to acquire the belief that he stopped by the bar to check the liquor license, the corrupt cop had to ask to see the liquor license. However, in both cases it seems clear that the actors did choose to acquire a particular belief, and through their actions were able to do so.

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<sup>58</sup> Indirect voluntarism does not say that one could acquire literally any mental state that one chooses. And, it may turn out that different moral agents, with different psychological constitutions, are able to acquire different beliefs and emotions; often what will be possible for one to believe or feel will only be discovered after trying to do so. What is important for my purposes here is that it is coherent to require a wrongdoer to try to do so.

Richard Feldman calls a similar view long range voluntary control. Feldman, 2000, p. 672.

<sup>59</sup> Feldman is not here defending doxastic voluntarism, but is instead defending our use of deontological language about beliefs (that we can say that one ought to believe X or Y). While he defends the view that we indeed have voluntary control over many of our beliefs, he also claims that this conclusion is “of no great significance for epistemology . . . [as] epistemic evaluations do not depend on whether we have or exercise this voluntary control.” Feldman, 2000, p. 695. I should be explicit that I do not intend my contribution here to be of much consequence for epistemology, either. Instead, I am instead arguing for the conclusion that it is coherent to claim that we can be obligated to sincerely apologize, and that in so claiming we do not violate the moral principle that ought-implies-can. I am here using Feldman’s example to lay the groundwork for that argument.

<sup>60</sup> Feldman, 2000, p. 672.

We do many things in just this indirect manner. Consider the following commonplace examples of indirect causation:

- If I hire someone to kill you, I can still rightly be blamed for your death, even though it was the hit-man who actually killed you.

- If I put Descartes' ball of wax by the fire, I can be said to have melted the wax, although it was the heat from the fire that was the direct cause.

- If I have a headache, I might take some aspirin in order to relieve my pain, even though it is the aspirin that does so directly.

This kind of indirect action is not only employed ubiquitously in everyday life but also in various areas of philosophical inquiry. Metaphysicians who study causation have differing accounts of just how we should talk about what this kind of causation amounts to.<sup>61</sup> Such debates, though interesting, cannot be further explored here. My point is simply this: we accept that it is plausible and appropriate to say that when I turn off the light, I have caused myself to acquire the belief that the light is off. When I choose to read a non-fiction book by an author I respect, I cause myself to acquire additional beliefs about the facts contained therein. Indeed, we take classes and read books with the intention of acquiring new beliefs. But it is our choice to do so that causes us to learn those things. We are not merely passive recipients of those beliefs.

One might object that this simply is not voluntarism, and when philosophers say that voluntarism is false, they are talking about some view other than the one that says that agents have the power to voluntarily acquire particular chosen beliefs. Whether we call this voluntarism does not matter to me; I will gladly forfeit the term in order to retain the conceptual

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<sup>61</sup> For more on the massive literature on the metaphysics of causation, a helpful place to start would be: Schaffer, 2008.

payoff that it generates: much of the time beliefs are not simply things that happen to us, but acquiring them is something that we actively do.<sup>62</sup>

### **2.3 Affective Voluntarism**

Having very quickly defended doxastic voluntarism (or something very much like it) I now must explore how I could defend affective voluntarism, for as I have already noted, the sincerity condition entails that the potential apologizer must possess both particular beliefs and emotions.

Pascal tells us to act as if we have faith in order to acquire it, and that by modeling our behavior after those we see who have what we want, we will acquire the objects of our desire.<sup>63</sup> We ought to engage in a process of self-habitation, whereby we act in those ways that tend to generate certain beliefs, attitudes, or emotions. Self-habitation, or the process by which we acquire new default habits of mind or action, is commonly recognized as a real process that can actually change people's mental states.

For example, people who watch a lot of violent movies tend to become "desensitized" to further acts of violence, such that what others who have not been so exposed find disturbing or gruesome does not impact them at all, or does so to a much lower degree.<sup>64</sup> Furthermore, people get used to tedious jobs or tasks that they perform, marathon runners find running even short distances mentally easier than couch potatoes, and graduate students find reading for long stretches of time easier than most of their less-experienced undergraduate students.

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<sup>62</sup> Of course, there is an important difference between acquiring straightforward beliefs, like that the lights are off, and more complicated beliefs, like that a particular action was wrong. I do not mean to suggest that acquiring such beliefs is easy, or always possible. It is, however, something that agents are at least sometimes able to do, and which agents have the power to at least attempt to do, in almost all situations.

<sup>63</sup> Pascal, 1995, pp. note 233.

<sup>64</sup> I am not here suggesting that people who watch violent movies become more violent themselves. I am making the much less controversial claim that people who are used to seeing violence in movies tend to be less disturbed by it than are those who do not watch many violent movies.

Self-habituation runs the other direction as well, however: I can cultivate in myself certain tendencies and attitudes by making a conscious, chosen effort to respond in a particular way when I encounter similar circumstances in the future. If I am short-tempered, but wish to be more even-tempered, I might try to cultivate such a disposition over time.<sup>65</sup> I might do this by attempting to be in tune with my body and notice when my heart is pounding, or when I am clenching my fists. I might try to be in tune with my mind, and notice when I am thinking certain kinds of thoughts that indicate I am becoming angry. Then, whenever one of those indicators goes off, I might try to do something to calm down, like counting to ten, breathing deeply, or thinking about something that makes me happy. Over time, it is not at all implausible to think that, if I am diligent, I might be able to reduce my bouts of anger, both in quantity and severity. I could, in other words, work to become an even-tempered person, which just means that I could work to be in possession of fewer instances of the emotion anger.

The difference between self-habituation and voluntarism is that the former is about character development in general, whereas the latter describes a specific power that agents possess to acquire particular chosen mental states. Perhaps my critic will grant that self-habituation is possible, but will deny that we have the power to voluntarily acquire particular mental states. This seems an odd combination of positions to hold, for the latter seems to follow from the former. If I possess the power to acquire a certain character over time, why should I not have the power to acquire a certain belief or emotion over time, since our beliefs, emotions, and dispositions go quite a long way to making up our character?

Examples of how one can go about changing one's default disposition seem commonplace and uncontroversial. It is on precisely such uncontroversial grounds that I will

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<sup>65</sup> The Mayo Clinic offers some helpful about how to control one's anger along just these lines: Mayo Clinic Staff, 2009.

build my case for indirect affective voluntarism. If I know that whenever I have watched a certain movie I become sad, when I choose to watch it again, surely it is the case that I am causing myself to become sad again! I am, in other words, taking steps to acquire a particular emotion (namely, sadness). The fact that such acquisition is indirect (it is the movie that directly causes me to be sad) is no more relevant than it was when I took the aspirin in order to cause my headache to diminish, or when I turned off the light in order to cause myself to believe that the lights are off.<sup>66</sup>

As another example, imagine that you come home from work, looking forward to a fun evening you had planned with your significant other, only to find her at the end of a favorite movie that always makes her sad for the rest of the day. You might be justifiably angry with her for doing something that she knew would put her in a melancholy mood just before your planned evening out. If the folk intuition that “our feelings are not up to us” is true, then your anger is unreasonable. But clearly it is reasonable in this case. So, we should give up the intuition that our feelings are not up to us, or at least the intuition that they are entirely things that happen to us, rather than things in which we play some active, acquisitional role.

## **2.4 Empathy**

So far I have argued that the intentional acquisition of particular chosen mental states is possible, and have given examples about how we can go about modifying our beliefs and emotions. Now I should explore how we can successfully acquire the mental states necessary for

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<sup>66</sup> This example shows that it is not merely that taking certain steps increases whatever emotion you currently possess, but can sometimes enable you to acquire a new emotion altogether. It is not just that upon watching the sad movie when you are already sad you become even sadder. Instead, you could be happy when you start, and sad when you finish. Think of a rehabilitated white supremacist who in the past used to derive joy from the suffering of black people. After making an active effort to change, he might now become sad under the same circumstances. And, we might think that such a dispositional change might be an important part of the white supremacist discharging his reparative obligations.



an apology in particular. Specifically, how can we generate the genuine regret entailed by the sincerity condition?

The answer is that one does so indirectly, in the same way that you could use a beloved movie to make yourself happy or sad. Imagine that I know that I have wronged you, and I believe that as a result I owe you an apology, but as of now simply do not regret my action.<sup>67</sup> What I should do next is talk with you and try to discover the ways that my act harmed you. I should, to the best of my ability, put myself in your shoes so that I come to care about what I did. I should, in other words, empathize with you. Roughly, empathizing with another means attempting to see things from her perspective. If I imagine the wrong act happening to me, with all the background context that fleshes out the scenario in which the act occurred, at least some of the time I will come to regret my actions. Of course, imagination will not always be enough. Elizabeth Spelman says that sometimes the victim might need to, “describe as best she can the nature of the harms she has suffered, in order to make clear just what needs repairing. The offender [thereby] learns in detail about the consequences of his action, about the nature of the damage he has done.”<sup>68</sup>

This process is properly situated within the larger theoretical framework of restorative rather than retributive justice. On this approach, part of what achieving justice amounts to is wrongdoers working to acquire new beliefs about their wrongful actions: both that they were wrong, and how they impacted their victims. I contend that what can often follow from both are the proper emotions necessary to render an apology for those wrongs well-formed. This process,

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<sup>67</sup> One might object that such scenarios are implausible, and that if someone recognizes that they have acted wrongly, they will automatically feel regret for their actions. The rejection of this view is borne out by empirical, anecdotal experience. If my critic has never experienced holding the belief that she has acted wrongly in the absence of regret, many other people have, myself included. But, even if that were not the case, it is still conceptually possible that a moral agent could hold such a combination of mental states. To deny such conceptual possibility is a much heavier burden than is my acceptance of such a possibility.

<sup>68</sup> Spelman, 2002, p. 59.

like those I have been describing throughout this section, may take an extended length of time; one often cannot often have a change of heart overnight. But that does not change the fact that wrongdoers ought to try to become regretful, and surely one way of making such an effort comes through empathy with those they have wronged.<sup>69</sup>

Empathizing with those that we wrong can be done both directly and indirectly. Direct empathy involves relying on the testimony of the victim herself. Indirect empathy involves thinking about my wrong and attempting to put myself in my victim's shoes via my imagination, or some other method that does not rely on the victim's testimony. Direct empathy, in other words, involves the victim simply conveying to me how my actions affected her as Spelman described, rather than me imagining how my actions affected her, or coming by such knowledge via some other route.

One might think that the former is always epistemically superior to the latter. That might be true. It would be a mistake, however, to conclude that we have no use of indirect empathy. If I steal \$5 from you, and I know roughly how much money you have in savings, it is likely that we do not need to have a conversation for me to understand how my theft affected you. I can simply think about how I would feel if someone were to steal an equivalent amount of money from me in order to acquire the necessary emotions to render my apology sincere. In fact, most cases of wrongdoing do not require direct empathy in order for the wrongdoer to acquire the

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<sup>69</sup> Two points of clarification: First, I am not making any claims about what would motivate the wrongdoer to empathize. Some might recognize that they ought to do so, and, caring about doing what is right, might make efforts on their own to acquire the morally appropriate mental states. Others might not, absent the threat of coercion imposed on them by others. Obviously, the former is morally preferable to the latter. Either way, my point is that wrongdoers bear the obligation to do so, which is unaffected by what motivations they possess. I might not be motivated to keep my promises, but it remains true that I ought to do so. Second, what I claim wrongdoers have an obligation to do is of course to try to acquire the requisite emotions to sincerely apologize. They cannot be required to actually succeed. Of course, trying is all that can ever be morally required of anyone. So, on my view if a wrongdoer truly attempts to do all that she can to acquire the emotions necessary to sincerely apologize and is ultimately unable to do so, she will have discharged her reparative obligations. In many cases, she may have to continue to attempt to acquire them until she is literally unable to continue doing so, so the burden is still quite high. I will return to this point in the penultimate section of this chapter.

needed emotions, for most cases of wrongdoing are, if not simple, not complex enough to require in-depth conversation between wrongdoer and victim. In most cases of wrongdoing, what successful empathy will amount to is the wrongdoer drawing on resources other than the victim's first-hand account of her experience of the wrong, reflecting on how her actions affected her victim, and how she might feel if she had been so affected.<sup>70</sup>

Even when cases of wrongdoing are not simple, the victim may not have to be involved in order for the wrongdoer to acquire the emotions needed to successfully apologize. If I wrong someone, others who know my victim might be able to explain to me how my actions affected her. I can consult philosophers, psychologists, and theologians for further explanation about the nature of the wrong. I can read books or watch movies that depict a similar wrong and its consequences. And, I can simply try to work through on my own how I would have felt if I had been similarly wronged. Each of these might help me feel the force of the claim that I acted wrongly and thereby might come to regret having done so. I can, in other words, consult a variety of sources other than the victim herself to try and understand how my actions affected her, and how I would feel if I were in her position.

However, in many cases of wrongdoing, direct empathy will in fact be necessary in order for the wrongdoer to acquire the beliefs and emotions necessary to sincerely apologize. In particular, direct empathy will be required when the wrongdoer could not generate the requisite mental states without the help of the victim.

In those cases where the wrong is complex, or affects the victim in less straightforward ways than those already described, direct empathy will be necessary. Consider an instance of

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<sup>70</sup> One might object that this seems overly rational. I contend that most wrongs are minor or simple, and when considered from the other person's perspective, are not only understandable, but likely to help inspire the morally appropriate feeling of regret. One might additionally object that if empathizing were so simple, one would likely not have acted wrongly in the first place. I think that is a mistaken assessment, in so far as the wrongdoer might well have simply acted carelessly, or without fully considering the extent to which their actions would affect others.

hate-speech. Imagine that I use a particular racial epithet, not out of a desire to hurt anyone, but because I think that doing so is all in good fun. Imagine that you bear the racial identity to which the epithet refers. Given my personal background, it might not be accessible to me to understand why my act was wrong. Given your personal background, having experienced the pain associated with the use of the epithet, I might need your help to understand why my use of the term was hurtful, and why it was therefore wrong for me to employ. As a result, the emotions I must possess in order for my apology to be well-formed must be context-specific, arising in response to the particular wrong that I committed against you. In such a case I cannot bridge the epistemic gap that separates us. Instead, I need your help in getting there. I will return to the question of what obligations the victim has in such cases in the penultimate section of this chapter. For now, my point is that in such cases where indirect empathy fails us, the wrongdoer might have to engage in direct empathy with her victim in order to enable him to discharge his reparative obligations.

## **2.5 Three Additional Reasons to Accept Voluntarism**

So far I have argued that indirect voluntarism asserts the existence of a real power that moral agents possess, and that as a result it is conceptually coherent to attempt to use coercive force to require wrongdoers to sincerely apologize for their wrongs. Before I consider a serious objection to my view, I will briefly mention three additional reasons which add further support to the claim that voluntarism is true.

First, we rely on voluntarist assumptions all the time, and so accepting that voluntarism is true does less violence to our pretheoretical intuitions than does its rejection. Imagine that upon arriving home, your partner begins to yell at you. After some exploration, you discover that she had a particularly bad day at work, and is “taking it out on you.” But, you soon discover that it is

not just that she is merely taking it out on you, but that she has in fact redirected her anger from her coworkers to you. You might justifiably respond by asking her not to be angry with you. It is not just that you are asking her not to yell at you (although you surely want her to do that as well). Instead, you make two requests: first that she not yell at you, and second, that she not be angry with you at all, given that you have done nothing to deserve it. Anyone who has found themselves in a similar position (and I suspect almost everyone surely has) has at least sometimes relied on the assumption that giving up particular emotions was within their partner's control. They have, in other words, acted as if affective voluntarism is true. Now, imagine that upon asking your partner to stop being angry with you, she responded by saying that she needed to take a few minutes to walk around the block and calm down. That she had to take such indirect steps in order to stop being angry with you likely did not matter much to you, so long as she in fact stopped being angry with you. If it did not matter to you then, why should it matter to you now, when I ask you to accept that indirect affective voluntarism is true? In other words, the fact that direct voluntarism is too strong and obviously false should not count against the truth of indirect voluntarism. That we might need to take intermediate steps to acquire particular beliefs or emotions (like walking around the block to calm down) is not a reason for thinking that we cannot in fact actively make such acquisitions.

Second, rejecting voluntarism leads to unacceptable conclusions. Consider interpersonal racism. Some people believe that racism is wholly act-focused, and that if someone who hates members of certain racial groups never acts on that hatred, they are not racist. Of course, we have at least some good reasons to reject a wholly act-focused account of racism. Imagine that a member of the Ku Klux Klan wins the lottery and buys a private island which he never leaves. Only people from racial identities that he likes choose to visit him. On a purely act-focused

account of racism, the Klan member is not racist. Now consider alternative accounts of racism, which say that racism is, at least in part, emotion-focused. On some of these accounts, you are racist if you hate members of certain racial groups, even if you never act on those emotions in any way. On such accounts, the Klan member is racist. I believe that most people accept at least some form of an emotion-focused definition of racism, in so far as they believe that hating someone simply because of the color of their skin is wrong, even if they never act on that hatred. Now, most people might also think that hatred that is acted upon is worse than that which is not. I have no quarrel with this view, and accept it myself. My point is that most people think that simply bearing the emotion of race-based hatred is, in most cases, itself morally impermissible.<sup>71</sup> However, if we are to say that some act is impermissible, we must also say that the actor could have done otherwise, lest we violate the principle that ought-implies-can. We must, in other words, accept that what emotions agents possess is at least somewhat within their control (in other words, that indirect affective voluntarism is true). To deny that conclusion is to deny that race-based hatred is wrong, which seems a bitter pill to swallow.

Finally, we can combine the previous two reasons into a third reason to accept that affective voluntarism is true, and it is that in attempting to offer prescriptions in order to avoid unacceptable conclusions, we rely on voluntarism all the time. When we confront family members who hold racist views, we believe that it is possible for people to change their minds and hearts. We think that, through argumentation, illustration, and imagination, our racist interlocutors might be able to give up their repugnant beliefs and emotions and replace them with

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<sup>71</sup> We might imagine some cases of race-based hatred that we think are at least understandable, if still impermissible. If a member of one racial group has suffered terrible wrongs by members of a different racial group, we might understand when she then bears strong feelings of resentment against all members of the offending group, even if such feelings are unjustified. However, for my purposes, what matters is noting that in most cases of race-based hatred, most people think that simply bearing those emotions is itself wrong, which implies that it must be within the agent's power to give up those emotions.

others that are acceptable. Perhaps one might think that what happens in such cases is that we attempt literally to change the other person's mind or heart, without their participation in the process. Such an account is mistaken, for when we praise someone for being open-minded, we acknowledge the active role that they play as an interlocutor in the conversation, just as we do when we blame them for being close-minded. If beliefs and emotions are just the kinds of things that happen to our interlocutors rather than in part being the product of their efforts within our discussions, such praise and blame would be wholly misplaced. So, if you find those terms useful and at least sometimes appropriately employed, I contend that you sometimes act as if voluntarism is true, and therefore, if you were to deny that voluntarism is true, you would have to accept what are largely unacceptable conclusions.

## **2.6 The Objection from Burdening the Victim**

Having offered a defense of indirect voluntarism, I will now consider a serious objection my critic might raise in response. One might object that direct empathy places an unfair burden on the victim of wrongdoing, and that it is not her job to explain to her wrongdoer the nature of the wrong or how it affected her. I take this objection seriously, but believe there are a number of ways I can respond.

First, most of the time the concern about further burdening the victim is not as worrisome as it initially appears. If I speak too harshly to a friend but do not feel the force of how my act was hurtful, my friend might owe it to me to help me understand why I should regret my behavior. While it is surely somewhat burdensome for her to have to explain to me how my harsh words hurt her, it is not extremely burdensome. And, given the potential good that we think that such explanation might do, on a moral cost-benefit analysis, it might simply be the case that she ought to help me avoid wronging others in the same way. Specifically, the victim

might have an obligation to help her wrongdoer understand his wrong for two main reasons. First, doing so enables him to discharge his reparative obligations, and we might think that, all else being equal, we have an obligation to enable others to act rightly. Second, doing so helps others, in so far as the wrongdoer might be less likely to repeat his wrong in the future, once he better understands how his actions affected his victim.

My critic might reply that while we ought, all else being equal, to enable others to act rightly, in the kinds of cases I am describing all else is far from equal, and that victims simply never owe anything to their wrongdoers at all. Indeed, it would be supererogatory for a victim to choose to help her wrongdoer come to understand how his actions affected her, both so that he can redeem himself, and so that he can avoid harming others.

As stated, this reply is too strong. Surely we think that, if I know that you steal a dollar from me, and then I see you suffer a terrible car accident, I should still try to help save your life by calling an ambulance on your behalf. So, the mere fact that you wronged me in the past does not eliminate all positive duties I might bear to you. In particular, I contend that even if you have wronged me in the past, I might still have the obligation to try to enable you to act rightly. I might, in other words, have an obligation to help you redeem yourself, despite the fact that I was the victim of the wrong that created the need for redemption in the first place. Furthermore, we might think that in cases of wrongdoing within special relationships I owe it to you to help you understand your wrong in virtue of that relationship. If we are close friends, you might think that in light of our friendship, I owe it to you to help you be a kinder person. If you spoke too harshly to me and hurt my feelings, I might owe it to you in virtue of our friendship to explain to you how your words affected me, so that you can avoid doing so with others in the future.



Minor cases of wrongdoing like these are largely unproblematic, but they demonstrate that under some circumstances, victims of wrongdoing might in fact have an obligation to engage in direct empathy with their wrongdoer, and that doing so would not be supererogatory. More controversial are cases where wrongs are very serious, and where the process of helping a wrongdoer to understand her wrong would be very costly to the victim. My second reply to the objection from burdening the victim is to acknowledge that in such cases it might turn out to be the case that the victim does not in fact have a duty to educate her wrongdoer. When engaging in direct empathy comes at a high cost to the victim, doing so might well be supererogatory rather than obligatory. This response is not *ad hoc*. Consider Peter Singer's famous claim that we have an obligation to attempt to save the lives of others if we can do so at comparatively little cost to ourselves.<sup>72</sup> Or, consider W.D. Ross' list of *prima facie* duties.<sup>73</sup> Sometimes the duty of beneficence that we have to others is trumped by a duty we bear to ourselves. In cases where engaging in direct empathy with her wrongdoer would violate such a duty or would come at a very high cost, the victim simply bears no such duty at all. There are, in other words, some cases where we might think the victim clearly owes it to her wrongdoer to engage in direct empathy, and others where she clearly does not.<sup>74</sup>

What that would mean is that when direct empathy is the only method by which the wrongdoer can acquire the needed beliefs and emotions to render her apology sincere, whether she is able to apologize will turn on whether her victim is willing to enable her to do so. In cases where direct empathy is required and the victim refuses to engage in it, the wrongdoer cannot be coerced into sincerely apologizing, given that sincerity is impossible for her to attain.

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<sup>72</sup> Singer, 1972, p. 241.

<sup>73</sup> Ross, 2002, p. 21.

<sup>74</sup> Although interesting, I will not here further explore how to determine when the cost would be too high, or when the duty to one's self trumps duties of beneficence to others.

This is not a problem for my view, for two reasons. The first is that I suspect such cases are much more rare than my critic might assume. Given the variety of options for indirect empathy that are open for the wrongdoer to pursue, it simply seems unlikely that cases of direct empathy are literally the only avenue by which she could come to understand her wrong and come to regret having committed it. But, even if that is not the case and such scenarios are more common than I claim, it is still true that all the coercive body can compel the wrongdoer to do is attempt to sincerely apologize, which is all that any of us can ever be compelled to do, even by the demands of morality itself. When I see someone in life-threatening danger and can attempt to save her at no cost to myself, my obligation is to make the attempt, not to actually save her. The attempt must be in good faith, of course, and I must do all that I possibly can to save her life. But, if it turns out that she dies despite my best efforts, surely I have discharged my obligations. To say otherwise is to deny the principle that ought-implies-can, and claim that even though it was impossible for me to save the child, I ought to have done so anyway. Since my project in this chapter has been to explain how sincere apologies can be obligatory in light of the truth of that principle, I take it that our obligations are always that we ought to do all that we can to act rightly. In the case of the wrongdoer, that just means that she must do all that she can to sincerely apologize. She would, in other words, have to continue in the attempt until she is successful, or not longer able to do so.<sup>75</sup>

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<sup>75</sup> If I destroy your car but lack the money to pay to replace it, surely I ought to first earn the needed money so that I can pay you back. The fact that ought-implies-can does not mean that if I cannot satisfy the obligation of reparation immediately upon committing a wrong then the obligation does not obtain. Instead, it means just that our obligations often come in clusters, and that some duties must be performed temporally prior to others. So, just like when the judge orders a defendant to pay for the property damage she caused she recognizes that the defendant might have to work to earn back the money, so too must she recognize that the defendant might have to work to be able to successfully apologize. That just means that when a judge orders a defendant to apologize to her victim, the judge cannot expect the apology there and then, but must recognize that discharging that obligation and satisfying the judge's order takes time.

None of this is to say, of course, that the process will be quick or easy, or that it will always succeed. What matters for my purposes here is that I have shown that it is at least possible for a person to empathize with someone she has wronged and thereby satisfy the sincerity condition, as is appropriate given the facts of the case. If it is within an agent's power to acquire the mental states necessary to satisfy the sincerity condition, we do not violate the principle that ought-implies-can when we say that she ought to sincerely apologize or when a coercive body compels her to do so. While there might be additional objections to the claim that coerced apologies are legitimate, this defense of voluntarism responds to the most significant one.

### **Part 3 - Conclusion**

In the first part of this chapter I explored the sincerity condition. In order to sincerely apologize, the apologizer must regret the wrong, believe the action was wrong, have some understanding of how the wrong played out in the wronged party's life, and intend to at least partially repair the wrong by apologizing. Additionally, the apologizer must both respect the wronged party and condemn the wrongful action. Those mental states, taken together, render the apology sincere.

In the second part of this chapter I argued that sincere apologies can be obligatory. Furthermore, I argued that it is conceptually coherent to claim that sincere apologies could be coerced. I have not explored the conditions under which such coercion would be justified or permissible. Instead, my focus was only to establish that it is conceptually possible to attempt to compel someone to issue a well-formed apology. Exploring when doing so would be just is a worthwhile project I will further pursue in the future.

## CHAPTER 3

### INTENTIONS ABOUT THE FUTURE AND ATTITUDES ABOUT THE PAST

In the last chapter I argued that apologies must be sincere in order to be well-formed. I also argued that sincere apologies can be both coerced and obligatory. Both of these conclusions have to do with what mental states one must bear when one apologizes; in particular, I explored which emotions, beliefs, intentions, and attitudes the apologizer must possess in order for her apology to be successful.

A discussion of which mental states well-formed apologies entail is important for my exploration of apology, both because of the pervasiveness of support in the literature for what I called the sincerity condition, and also because of the important role that the sincerity condition plays in determining what other conditions must obtain for an apology to be successful. In addition to those already discussed, some philosophers have argued that there are additional mental states that the apologizer must possess in order for her apology to be successful. In particular, there are two further mental states that are sometimes discussed in the literature. The first has to do with what intentions the apologizer must bear towards the future, and the second has to do with what attitudes the apologizer must bear towards the past.

In this chapter I will argue for two conclusions: first, that under some circumstances one can successfully apologize in advance for a wrong that one has not yet committed, and second, that one can successfully apologize for historical wrongs, even if those wrongs led to states of affairs that one otherwise endorses. Specifically, I will argue that if one foresees but does not intend the wrongful consequences of her action she can properly be said to condemn those consequences, accept responsibility for them, and issue a well-formed apology. Additionally, the

intend/foresee distinction plays an important role in demonstrating how we could hold the seemingly contradictory mental states necessary to issue the aforementioned apologies for historical wrongs.

### **Part 1 - Intentions about the Future**

Some authors<sup>76</sup> in the apology literature claim that, in order for an apology to be successful, the apologizer must intend not to commit the same wrong in the future. Call this the intentions about the future condition. I believe that it is a mistake to insist that successful apologies require that this condition be met. In other words, I contend that I can apologize to you for missing our lunch date, possess genuine regret for having missed it, and have no intentions about the future whatsoever. Indeed, people make such apologies all the time and it would be unnecessarily disruptive to how we understand our moral lives to classify all such instances of a common moral practice illegitimate.

Why is this mistake made so frequently in the literature? It arises for two reasons. The first is that apologies are often regarded as structurally similar to promises. Both promises and apologies are two of the paradigm cases of communicative acts and share a number of the same features. However, one of the things that distinguishes a promise is that it allows the recipient to plan her life around what the promisor says. In short, a promise just is the commitment and assurance that you will do your best to bring about certain future states of affairs or perform certain future actions. People making apologies, however, need not be so explicit about what actions will follow in the future. People making promises cannot avoid making such commitments; that is what promises are. People making apologies can remain agnostic about

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<sup>76</sup> Luc Bovens says, "Genuine apologies require a counterfactual commitment to act differently if the clock could be turned back and a conditional commitment to act differently in similar matters." So, if you really regret what you did, you are capable of committing not to repeat your actions in the future. Bovens, 2008, p. 236. See, in addition: Smith, 2005; Gill, 2000; Davis, 2002; Harvey, 1995.

what actions they are likely to commit or what states of affairs will obtain. So, I contend that one reason philosophers who write about apology mistakenly accept the intentions about the future condition is that they confuse apologies with promises, and while the latter entails such a commitment regarding the future, the former does not.

Second, successful apologies express regret. You might think that if I genuinely regret what I did and accept moral responsibility for it, I will surely try not to do the same thing in the future. Insisting that true apologies entail that the one apologizing intend not to repeat her wrongdoing is, in other words, a way of insisting that the regret must be genuine. And this, in turn, is taken to require that the apologizer has truly changed her ways. If she is unable to commit to a different path for the future, then her apology fails to express genuine regret.

It is a mistake to jump from the commitment to authentic regret to the intentions about the future condition. You can remain agnostic about your future behavior and still be genuinely regretful. In other words, I contend that it requires too much of the apologizer to insist that, for her apology to be genuine, she must *intend not* to commit the same wrong in the future. What we should say instead is that, if I have any intentions about the future at all when I apologize, they must not contradict my feelings of regret. So, I submit that we should adopt, instead of the intentions about the future condition, *the non-contradictory intentions about the future condition*, which says only that, if we have any intentions about the future at all when we apologize, they cannot contradict or work against the authenticity of the regret we express in apologizing.

### **1.1 Anticipatory Apologies**

What does it mean for me to say that I have changed my ways? And, is it possible to possess genuine regret without having truly intended to change them? Consider the practice of apologizing in advance for wrongs you have not yet committed. I have argued that the sincerity

condition entails condemnation for your action. In an anticipatory apology, you apologize for something you have not yet done. So, it seems you could not sincerely condemn your act before you commit it, for if you really condemn it, then you would not perform the action. Call this *the challenge to anticipatory apologies*: since the sincerity condition is true, and since you would not perform a particular act if you would regret having committed the act, then anticipatory apologies cannot be well-formed.

I believe this challenge to anticipatory apologies fails, and that we can think of cases where you do in fact genuinely condemn certain of your own actions and yet go on to perform those actions anyway. In particular, I will explore anticipatory apologies for actions committed within the context of moral dilemmas, and then go on to explore those that arise as the result of *akrasia*, or the weakness of the will. Furthermore, I will argue that such apologies can in fact be successful, despite the fact that your behavior fails to demonstrate condemnation.

## **1.2 Anticipatory Apologies in Moral Dilemmas**

We frequently find ourselves caught in moral dilemmas: situations in which we have obligations to perform two different and incompatible actions, such that in doing one we cannot do the other. Since we ought to do each we ultimately fail to satisfy at least one of our obligations. It is wrong to fail to satisfy our obligations, and so in dilemmas we are doomed to “moral failure”<sup>77</sup> where we act wrongly no matter what we do. In such cases the best we can hope to do is act in the way that is as minimally wrong as possible and to have the opportunity to attempt to repair our wrong afterward.

Recall that Ross says that we have a duty always to keep our promises, but that duty is trumped in circumstances where other duties weigh more heavily on us.<sup>78</sup> The fact that I might

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<sup>77</sup> For a very helpful, general discussion of moral dilemmas, see: McConnell, 2010.

<sup>78</sup> Ross, 2002, p. 41.

have a duty to help someone from an accident instead of meeting you for our promised lunch does not absolve me of the promise: the promise is still binding, it just turns out in this particular case that the duty of beneficence is stronger.<sup>79</sup> Ross says, “When we think ourselves justified in breaking, and indeed morally obliged to break, a promise in order to relieve some one’s distress, we do not for a moment cease to recognize a *prima facie* duty to keep our promise. . .” What follows is that while I ought to help the accident victim, I also ought to make reparations to you for having broken my promise.<sup>80</sup> He says, “. . . and this leads us to feel, not indeed shame or repentance, but certainly compunction, for behaving as we do; we recognize, further, that it is our duty to make up somehow to the promisee for the breaking of the promise.”<sup>81</sup>

Some philosophers<sup>82</sup> think that there are no true dilemmas, and that there is always a right action to perform, even if that action would, in other circumstances, be wrong. It should be noted that Ross himself opposed the existence of moral dilemmas, in so far as he believed there is always some action which we ought to perform in any given case, and so while there are apparent dilemmas, there is always some right resolution to be found.<sup>83</sup> However, in satisfying that duty we might fail to satisfy other obligations, and as a result we bear reparative obligations for having done so.

On my view, Ross is mistaken: we do act wrongly when we break our promises, even if it is the case that we ought to do so. As Michael Walzer says, “When rules are overridden, we do not talk or act as if they had been set aside, canceled, or annulled. They still stand and have this much effect at least: that we know we have done something wrong even if what we have done

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<sup>79</sup> *ibid.*, p. 28.

<sup>80</sup> *ibid.*, p. 28.

<sup>81</sup> *ibid.*, p. 28.

<sup>82</sup> See, for instance: Conee, 1983.

<sup>83</sup> Ross, 2002, p. 28.



was also the best thing to do on the whole in the circumstances.”<sup>84</sup> This is the conclusion Ross should have come to, and indeed seems inclined towards when he claims that we could owe reparative obligations for breaking our promises even in those cases where we clearly ought to have done so. As quoted above, Ross says we ought to “make up for” our act when we break a promise. It makes the most sense on Ross’ framework to understand that claim in terms of a duty of reparation, which he defines earlier as a duty that rests “on a previous wrongful act.”<sup>85</sup> We can conclude, then, that by Ross’ own lights we only owe reparation for actions that are wrongful. And so, if we owe reparation for breaking a promise, we can conclude that we have acted wrongly.

One might respond by granting that in practice we might experience a conflict of duties, but since the duties themselves are not in conflict *in principle*, and the principle is what matters, we never actually have any moral dilemmas. This is similar to what Robert Hanna argues in his defense of Kantian ethics in his book, The Rational Human Condition. His theory is much too rich and substantive to pursue in depth here. However, in evaluating how we should respond to the famous “murderer at the door” case, in which we are faced with the choice between lying to the murderer or saving our friend, Hanna says that it is not wrong to lie. However, “it is a moral fact that you *do* lie in this context, and that lying *is* wrong, *ceteris paribus* and objectively. But lying in this context is not *globally* wrong: on the contrary, it is only *locally* obligatory, and only *ceteris paribus* wrong.”<sup>86</sup> Hanna argues lying in such a case is consistent with the Categorical Imperative, even though lying is, at the principled level, *ceteris paribus* wrong. Furthermore, Hanna goes on to say that we ought to accept full moral responsibility for that wrong, “whether it

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<sup>84</sup> Walzer, 1973, p. 171.

<sup>85</sup> Ross, 2002, p. 21.

<sup>86</sup> Hanna, 2011, 841.

be in the form of agent-regret; or in the form of the moral criticism, blame, or punishment of others.”<sup>87</sup>

One might think that the proper reading of Ross would leave us in the same place. Abstracted from any particular case, the duty of beneficence and duty of fidelity both obtain and neither *in principle* conflict with each other, such that there are, *in principle*, no moral dilemmas. However, when put into practice we find ourselves in such conflicts all the time. Ross, like Hanna, concludes that we ought to be prepared to attempt to make up for our failing in our *prima facie* duties, but like Hanna, claims that we can not actually be said to have acted wrongly in such a case.

In the next chapter I will spend much more time exploring when we ought to attribute blame to another. For now, let me respond to Hanna as I did to Ross: if it is the case that we are blameworthy for some action that we commit, such that another would be justified in blaming us for having committed it, that action is wrong. Or, if it is the case that we ought to make amends for some action as Ross suggests, that action too is properly considered wrong. Of course, there is room for disagreement about such claims. I will set aside further adjudication of this point, for my purpose here is to illustrate that sometimes when we fail to satisfy a *prima facie* duty, even if we could not have done otherwise, we owe reparation for having done so. I believe that neither Ross nor Hanna would disagree with this claim. The question before us is what implications such a conclusion has for anticipatory apologies.

I pursued the question of moral dilemmas because doing so highlights how we might respond to the challenge to anticipatory apologies. Is it possible for you to genuinely regret a wrong and then choose to do it anyway? Of course. Imagine that I am standing at Thomson’s

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<sup>87</sup> He adds that it is clear that anyone who made good on the opportunity to blame or punish you for your action in such a case would be at best a moral idiot, and at worst a moral monster. Hanna, 2011, p. 842-843.

trolley switch, and that I must decide whether to redirect the runaway trolley to kill the one and thereby save the five. On my view I ought to kill the one, but it is wrong for me to do so. In throwing the switch I violate my duty of non-maleficence, and as a result I bear new reparative obligations to the person that I harm and to their loved ones. I satisfy one of those obligations if I apologize to the one just before I throw the switch, saying, “I am sorry for what I am about to do.” I recognize that I wrong the one in throwing the switch and so I owe him reparation for my wrong. My reason for choosing to throw the switch is that I recognize that I ought to save the lives of the five. There is no reason whatsoever to think that I cannot intend to save their lives while at the same time recognizing that it is wrong to kill the one and regret the harm that I will cause. I can, in other words, hold two mental states in my mind at once: I can choose to act in a way that I genuinely and whole-heartedly regret as I am performing the act itself.

It is helpful to think of the distinction between intending and foreseeing certain effects, often drawn in applied ethics. As David Boonin points out,<sup>88</sup> if I foresee hair loss at the beginning of my chemotherapy treatments, it is surely possible that I do not intend it. I recognize that hair loss is a likely result of my treatment, but recognizing that a particular outcome will follow is different than acting in order to bring about that outcome. Boonin suggests that we subject our actions to a counterfactual test to determine whether a particular choice counts as an instance of intending or foreseeing by asking the following question: if the agent would do  $x$  without having  $y$  follow from it, would the agent still do  $x$ ? If the answer is yes, then  $y$  is merely foreseen and not intended.

What happens next in the imagined scenario, after I throw the switch in order to save the five? Even if I did what I ought to have done, I did something else that I ought not have done. As a result, I bear an additional obligation of reparation for my action. Were I to fail to try and

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<sup>88</sup> Boonin, 2008, p. 12.

make up for the significant harm I caused, I would clearly demonstrate a coldness of character and disregard for the suffering I caused, both of which fail to satisfy morality's demands. I owe it to the one to try and make up for the harm I have caused him, even if I had no choice in causing him that harm. If apologies require the acceptance of moral responsibility, then on the more popular account of moral dilemmas I would not owe the one an apology since I would not have acted wrongly in harming him. On my account of dilemmas and moral obligation, since I act wrongly no matter what I do within a dilemma, I can also accept culpability and genuine regret for my actions within them.

Imagine that the one happens to survive being hit by the trolley. In Chapter 1 I alluded to a way that the consequentialist might object to the claim that you could owe reparation for wrongs that you commit. She might object by suggesting that although I should go visit the one in the hospital to make him feel better, it is not from some duty of reparation that I bear, but from a general obligation to maximize happiness. Or, on Rossian terms, one might think that I bear a duty of beneficence towards the one, but not a duty of reparation.

This objection can be dealt with by imagining that a friend from high school is also in the hospital for a broken leg. If I go visit my high school friend, it will bring her exactly the same amount of happiness that my visit to the one would bring. Suppose I know all this. The consequentialist can give no reason to prefer visiting one over the other. It seems clear to me, however, that although I might have a duty of beneficence to visit my high school friend, because it is good to bring more happiness into the world, I have a different sort of obligation to visit the one: at least part of the reason why I ought to visit him in the hospital is because I caused him to be there in the first place! I have, in other words, both a general obligation to try

make the world a happier place, but also a specific obligation to the people that I harm. That specific obligation is not a general duty of beneficence, but a specific duty of reparation.

One way of attempting such reparation is by communicating both regret for my role in the one's injury, and my own opposition to it. It seems totally plausible that I ought to tell him that I regret having harmed him, that I accept responsibility for having done so, that I stand against the harm that I caused him, and that if it were within my power to make it the case that he would not have been harmed, I would have done so. How you align your will carries moral worth. Whether you possess the respectful and condemnatory attitudes I described in the last chapter matters. In this case, it conveys to the party that you wronged that you do not regard him as unimportant. To use Govier and Verwoerd's language, possessing and expressing these attitudes in the form of an apology works to unstate our earlier implicit claim that those that we wronged do not possess significant moral value.<sup>89</sup>

One might reiterate the objection raised earlier and say that if I were really opposed to the harm, if I really stood against it, I would not have harmed the one in the first place. This objection relies on a simplistic account of the condemnatory attitude. When I tell the one that I oppose harming him and that I would take away the harm if I could, the "could" brings with it some powerful constraints and background conditions.

Luc Bovens distinguishes between three kinds of choices that we might make: hard choices, tragic choices, and authentic choices.<sup>90</sup> Tragic choices are the kinds of moral dilemmas I have been describing, in which we act wrongly no matter what we do. That fact is what makes the choice tragic. If I am constrained in such a way as to be unable to avoid acting wrongly, surely it is the case that I can adopt the condemnatory attitude towards my anticipated action.

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<sup>89</sup> Govier and Verwoerd, 2002, p. 70.

<sup>90</sup> Bovens, 2008, p. 222-223.

Adopting the condemnatory attitude towards my anticipated action just is my saying that, counterfactually, if I could make it the case that my action not be harmful, I would do so. This is the same condemnatory attitude that I adopt in regards to my foreseen but unintended hair loss, even as I choose to undergo chemotherapy treatment. When I throw the trolley switch my intention is to save the life of the five, and I condemn the foreseen death of the one. The condemnatory attitude satisfies *the non-contradictory intentions about the future condition*, in that it does not work against or contradict the authenticity of the regret that I possess in regards to my wrongful action. Furthermore, if I accept that my action wrongs the one, I accept moral responsibility and am therefore able to apologize for my action before committing it.

George Sher has argued<sup>91</sup> that there is a real sense in which a commitment to acting morally binds our hands and constrains what actions are open to us to commit. If I am committed to acting rightly, and I realize that  $x$  is wrong,  $x$  is no longer a live option for me:  $x$  is no longer on the table. The same is true in the case where I harm the one but regret doing so. When I tell him that I regret it and condemn it, I do not mean that if I had it to do over again I would act differently. What I mean is that if I were free of other constraints on my action (like if the lives of the five were not in danger) then I would act differently. But, given my commitment to acting morally, and my belief that what I ought to do in such dilemmas is to sacrifice one person to preserve the lives of five others, there is a very real sense in which I had no choice at all.

Of course, there is another sense in which I do have a choice; as the Stoics and Existentialists tell us, even when we are constrained we still have a will which can be exercised within such constraints. Herein lies the nature of moral luck and dilemmas altogether: on one hand, because of my fundamental commitment to acting morally I have no real choice, but on the

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<sup>91</sup> Sher, 1997, 171-174.

other I bear at least some existentialist responsibility; I must act, but my action is mine and I can rightly be blamed<sup>92</sup> for it. I can find my hands tied, but at the same time deserving of disapprobation for the harms my bound hands cause. Moreover, I can be called upon to try and repair such harms, and my character can be questioned for failing to regret them. I should, in other words, stand against the harms that I cause, even in those cases where morality requires that I cause them. I can regret and accept responsibility retroactively for my actions in cases where my hands are tied. I can also do so in anticipation of my actions, before I even commit them. Since the challenge to anticipatory apologies was whether the sincerity condition could be satisfied in such anticipatory cases, I contend that in at least some situations (like those moral dilemmas I have been describing) the challenge fails.

### **1.3 Anticipatory Apologies in Non-Dilemmas**

So far I have been exploring whether anticipatory apologies can be successful within the context of moral dilemmas, and have concluded that they can, assuming that the sincerity condition is satisfied. However, one might think that the reason why we are able to overcome the challenge to anticipatory apologies is because moral dilemmas are unique situations in which collections of otherwise inconsistent intentions can be possessed, in that you can intend both to save the life of the five while also intending not to kill the one. In other words, one might claim that moral dilemmas are special, and that it is only in such cases that such inconsistencies arise. Would that mean that anticipatory apologies in non-dilemma cases are always unsuccessful?

Imagine that Bubbles<sup>93</sup> the drug addict moves in to his sister's basement. After she gets him settled in, as she walks away he mumbles under his breath, "I'm sorry for what I'm going to steal from you." Should we consider this a successful apology? Set aside the question of

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<sup>92</sup> Hanna, 2011, p. 843.

<sup>93</sup> This is a character, taken from the TV show "The Wire," where something like this case transpires.

whether it counts as a successful communicative act if his sister does not hear him. My question here is whether he can successfully apologize in advance for a wrong even when he does not find himself in a moral dilemma like the trolley case.

As I already claimed, Sher is right to argue that there is a sense in which a moral agent who is both committed to acting rightly and morally informed has fewer available options than does the morally ignorant agent. The knowledge that one has a duty to do  $x$  restricts one's options in at least some non-trivial way. It is that restriction of options that allows for me to genuinely regret in advance the harm I will cause in throwing the trolley switch: I realize that I have to do this thing because that is what morality requires, but I wish that it were otherwise and condemn the state of affairs in which I have to act in such a harmful way.

A similar restriction of options is at play in the Bubbles case. His addiction meaningfully limits his options. He recognizes that he is going to act in a particular way that he opposes, and that despite not wanting to perform those actions, he will perform them nonetheless. He anticipates the harm that he will cause his sister and himself and opposes both. He can, in other words, regret his actions before he commits them, accept that he will be wrong for committing them, respect his sister and condemn his future actions, thereby satisfying the sincerity condition. His anticipatory apology is also consistent with the non-contradictory intentions towards the future condition, in so far as Bubbles does not *intend* to steal from his sister, but merely anticipates that he is likely to do so. Given the satisfaction of both of these conditions, we have good reason for accepting the conclusion that Bubbles' anticipatory apology is successful, and lack good reason for rejecting it.

Operating in the background of both the Bubbles case and cases of moral dilemmas in general is the specter of determinism: what are we to say of apologies uttered in response to



actions which are outside of our control? I have argued that even in cases where our morally available options are limited, as in the trolley case, I might rightly be called on to apologize and could do so successfully. Furthermore, if I might be called upon to accept culpability in the trolley case, so too could the drug addict be called upon to do so. At the end of the next chapter I will spend considerably more time exploring the role that moral responsibility plays in determining whether an apology is successful. For now, I am concerned with determining what mental states you must possess in order to successfully apologize for a wrong you have not yet committed. It seems clearly plausible to think that Bubbles is capable of regretting and accepting responsibility for the theft he anticipates committing. As a result, at least some anticipatory apologies in non-dilemma cases, like in Bubbles' case, are well-formed.

We can carry the inquiry further, however, and ask if other anticipatory apologies with even fewer constraints on the agent can be successful. Consider two additional kinds of cases of anticipatory apology: the first is constrained by *akrasia*, or weakness of the will; the second is a matter of anticipatory apology when there are no significant constraints on her behavior at all.

First, consider again the case of the missed lunch date. I might apologize to you for missing our meal, knowing all the while that I tend to be habitually late and that I am likely to be late again. If, upon apologizing for missing our meal, I also tell you that I am sorry in advance for future missed meals, my anticipatory apology is successful as long as I do not intend to miss them, but merely foresee that it is likely that I will.

Anticipatory apologies serve several functions at once. First, they convey the important information that I recognize I habitually commit a particular moral wrong (in this case, breaking promises to meet people on time). The second, and equally important piece of information that I convey is that I join you in condemning that behavior; I stand against it, even as I recognize that

I am likely to repeat that behavior in the first place. Finally, I accept responsibility for those future wrongs that I anticipate committing. Anticipatory apologies, then, are able to satisfy the sincerity condition, as well as the non-contradictory intentions about the future condition in cases of *akrasia*, where one anticipates, condemns, and accepts culpability for one's future wrong action. The reason why is that, like the addiction case, *akrasia* at least partially constrains one's options. While it does not excuse you for those future moral failings, it does make it possible for you to satisfy the above conditions, and thereby successfully offer an anticipatory apology.

Bovens discusses<sup>94</sup> the role that *akrasia* plays in apologies as well, although in doing so he only considers apologies that are issued after a wrong, and not in advance of one. He questions the common assumption amongst those who write on apology that the apologizer must intend not to repeat her actions in the future. Bovens questions whether *akratic* people who know they are likely to repeat their wrongs in the future can genuinely commit to changing their ways. If they are not, then ignorance of their *akratic* ways would be better for them, since they would then be able to apologize sincerely. He finds this conclusion unattractive, and so argues that we should conclude that you need not intend not to repeat the action in the future in order for your apology to be well-formed.

Bovens and I reach the same conclusion, although I think he does so via a mistaken route. He assumes, in light of Kavka's Toxin Puzzle, that when you know yourself to be *akratic* you cannot form the positive intention to change your ways. In the Toxin Puzzle you are offered money if you can form the positive intention to drink a painful but non-lethal poison tomorrow. However, the money will be deposited in your bank account at midnight tonight if you have formed the correct intention. But, since the money will be there one way or the other the next day, you will have no incentive at that point to drink the poison. Bovens contends that in such a

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<sup>94</sup> Bovens, 2008, p. 230.

scenario you are unable to form the positive intention to drink the poison. This seems plausible, but he goes on to say that, “a resiliently *akratic* person who has self-knowledge would be unable to form an intention to change her ways.”<sup>95</sup> This seems clearly false. Surely you can form the genuine intention to stick to a diet or exercise routine even as you realize that you are likely to fail to make good on that intention. Either way, however, Bovens and I do not substantially disagree, for we both agree that we need not form the positive intention not to perform a particular wrong in the future. Instead, I have argued that we should instead only bear those intentions that are compatible with the other mental states required for an apology to be well-formed. As a result, since the self-knowledgeable *akratic* person can genuinely condemn her actions, she is able to apologize even as she realizes she is likely to commit them again. Furthermore, she is able to apologize in advance of those actions, precisely because she is self-knowledgeable and bears the condemnatory attitude I have been describing.

On the other hand, if you cancel lunch plans with me in order to eat with someone else, you might express regret, but assuming this is not a dilemma, nor is it a case where your options are restrained in some other way (like by addiction or weakness of the will) your attempted anticipatory apology is unsuccessful. The reason why is that, in so far as apologies are successful when they discharge duties of reparation, this expression of regret fails to do so.

In summary, in those cases where both the sincerity condition and the non-contradictory intentions about the future condition are satisfied, anticipatory apologies are successful. In those cases where you simply express regret for some wrong that you have not yet committed, your utterance remains just that, an expression of regret that likely does little moral work to repair the wrong you plan to commit in the future.

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<sup>95</sup> *ibid.*, p. 230.

## **Part 2 - Attitudes about the Past and the Non-Identity Problem**

I have argued that, given certain constraints, one can successfully apologize for an act before one has committed it. I now want to ask whether one can apologize for historical wrongs. This issue is broad and gives rise to many important questions. For instance, in the next chapter I will explore whether contemporary actors can rightly be held responsible for historical wrongs. However, as I conclude this chapter on what mental states are required for an apology to be successful, I need to ask specifically about how those two questions overlap. Specifically, I will explore what Jana Thompson calls “the apology paradox.” For the rest of this chapter, when I refer to “historical wrongs” I am referring to those wrongs that were committed before any contemporary actors were alive and for which no contemporary actor can be deemed causally responsible.

First, Thompson assumes that the sincerity condition obtains.<sup>96</sup> Given that background, her purpose is to question whether apologies made by public officials for historical wrongs can be successful if those wrongs played a role in bringing about a state of affairs for which those officials are grateful. The puzzle can be extended beyond those apologies made by public officials, however. Thompson’s challenge applies to all apologies for historical wrongs. This is a puzzle that parallels Derek Parfit’s<sup>97</sup> famous “non-identity problem.” The problem<sup>98</sup> is this: large-scale social practices play a major causal role in determining which future generations are born. American slavery is one such practice. So, most Americans alive today owe their existence, at least in part, to the practice of slavery. Thompson contends that if you are glad you are alive, you “cannot regret that those deeds or practices happened on which [your] existence

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<sup>96</sup> Thompson, 2000, p. 470.

<sup>97</sup> Parfit, 1984, p. 351-379.

<sup>98</sup> Thompson, 2000, p. 471.

depended, or probably depended.”<sup>99</sup> And, since the sincerity condition requires genuine regret for an apology to be successful, contemporary people cannot successfully apologize for historical wrongs like slavery.

Thompson’s conclusion is that when we claim to apologize for historical wrongs, we are not saying that we wish those wrongs had not happened; we do not apologize for our ancestor’s deeds, but concerning them.<sup>100</sup> Instead, all that we are able to do is express regret concerning the fact of our having benefited from those historical wrongs. In other words, on Thompson’s view when we apologize for historical wrongs (and she claims that we do in fact apologize for those wrongs) we do not apologize for the wrongs themselves, but instead express regret that the wrongs occurred and our wish that the world had unfolded differently. If Thompson is correct about what mental states we are capable of possessing, apologies (as I am using the term) for historical wrongs that led to our good fortune are unsuccessful, for our mental states disallow them.

Thompson’s conclusion is mistaken for several reasons. First, in “reinterpreting” the act of apologizing for historical wrongs she changes the meaning of apology and renders it a mere expression of regret. But, as we have seen, we have good reason for thinking that apologies are not mere expressions of regret. And so, if Thompson is correct, then apologies for historical wrongs are impossible, despite her claim to the contrary.

Perhaps we should accept this conclusion, and believe that we have simply been mistaken whenever apologies for historical wrongs have been offered. We should take this route if Thompson is correct in claiming that we cannot regret some past action that causes some contemporary state of affairs that we otherwise endorse. I will argue that, to the contrary, she is

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<sup>99</sup> *ibid.*, p. 471.

<sup>100</sup> *ibid.*, p. 475.

mistaken about this conclusion, and that we are in fact able to hold such inconsistent mental states in mind at one time, enabling apologies for historical wrongs to be sincere and well-formed.

To restate her concern, Thompson believes that if you are happy with your life, with your current state of affairs, you cannot genuinely regret the historical events that led to that state of affairs. Instead, you can only regret that your current state of affairs was born from those events. To this I have two replies.

First, Thompson's intuition here is simply false; we do in fact regret the events that led to our contemporary happy states of affairs. Imagine a divorced mother who greatly regrets having ever married her now ex-husband. However, she loves her child very much, and is grateful for her child's existence. It is totally plausible to think that she is able both to regret her marriage and to be grateful for her child's life as a product of that marriage. She is not, as Thompson suggests, only capable of regretting that her child's life had to come as a result of her marriage; she can regret the marriage itself and still be grateful for her child.

Second, the purpose of this project is to explore the moral implications of apology. In that light, there are other times when we might think it positively wrong for someone to fail to hold both mental states I have attributed to the divorced parent. Imagine that someone is happily married, but that the marriage was born through the husband's infidelity in a previous relationship. That infidelity was harmful to the previous partner, and was morally wrong. Surely the husband ought to regret having harmed his former partner, just as he surely ought to be grateful for his current marriage (having stipulated that it is both good and satisfying). He ought, in other words, to hold what Thompson believes are conflicting mental states.

Now, perhaps one would suggest that if we were perfectly rational we would follow our regret or our happiness where they lead, even at the expense of the other. This reply fails for two reasons. First, we are not wholly rational creatures, and it may turn out that in light of such a limitation, we possess a power that a wholly rational creature could not. Second, it is not at all clear that rationality would in fact lead to such a conclusion. It is useful to rely again on the intend/foresee distinction, for it helps to demonstrate how our mental states can contain seemingly contradictory components which, upon examination, turn out not to be contradictory. When contemporary Americans apologize for slavery, it is surely the case that they are able to both endorse their own existence and then condemn slavery at the same time, just as it is surely possible for someone to condemn her hair loss but choose to engage in a course of chemotherapy anyway. The intend/foresee distinction is of course controversial in contemporary applied ethics: whether one can justifiably be held morally responsible for merely foreseen and not intended consequences is an open question. What almost no one questions, though, is whether one can condemn a foreseen consequence of one's actions; almost no one doubts that I can choose to engage in a course of chemotherapy and still condemn the hair loss that I foresee will follow from it. But, the only difference between the forward-looking, chemotherapy/hair loss case and the backward-looking, slavery/non-identity case is the temporal direction at play. That direction may well make a difference in determining who bears moral responsibility in the cases, but we have no reason to think that one would be able to condemn one outcome but not the other. So, in response to the question of whether the rational agent would follow her happiness or regret wherever they lead, I suggest that our answer stands or falls with the account we would give of the intend/foresee distinction. And, since the account we should give of the intend/foresee distinction stands on sure ground, I contend that so too our conclusion that the rational agent is

able to genuinely regret those states of affairs that are causally responsible for states of affairs she otherwise endorses.<sup>101</sup> As a result, it is possible for the sincerity condition to be satisfied in cases of apologies for historical wrongs, and that such apologies can be otherwise well-formed.

### **Part 3 - Conclusion**

In this chapter I have addressed two conditions about mental states that must be satisfied in order to for an apology to be well-formed. The first was what I call *the non-contradictory intentions towards the future condition*. I argued that we need not possess the intention not to commit a wrong again in order for an apology to be successful, but only that we not possess the intention to recommit the wrong. What I intend when I throw the trolley switch is to save the life of the five. However, since I foresee that my action will wrong the one, I recognize that I am morally responsible for that wrong and am able to apologize in advance of my action. Furthermore, I argued that there are at least some cases in which anticipatory apologies can be successful, either when I am acting within a moral dilemma or in some other context in which my choices are meaningfully constrained.

The second condition was what I call *the attitudes towards the past condition*. I argued that, contrary to Thompson, it is in fact possible to endorse contemporary states of affairs while condemning the historical states of affairs which causally resulted in their obtaining. Whether contemporary actors can plausibly be considered morally responsible for such wrongs in such a way as to render such apologies successful is another question, and one that I will address in the next chapter.

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<sup>101</sup> Neil Levy has offered a different reply to Thompson, in which he focuses on what he calls “temporal indexing” whereby our regret and happiness vary indexically, in response to our temporal location and relation to the historical wrong. This is an interesting reply, but one that I need not address here, as I believe the intend/foresee distinction adequately and more simply defends the position that we can in fact possess genuine regret for historical wrongs, even if those wrongs led to our contemporary existence. See: Levy, 2002, p. 363.



## CHAPTER 4

### WHO CAN APOLOGIZE?

In the previous two chapters I explored what mental states an agent must possess in order to apologize successfully. Specifically, I argued that the sincerity condition must be satisfied in order for an apology to be well-formed and then considered its implications. In this chapter, I will explore what I call the authority condition, and in doing so attempt to answer the question, “Who can apologize?”

In order to answer that question, consider two examples:

#### **Prime Minister**

Former Australian Prime Minister John Howard<sup>102</sup> refused to apologize for his country’s treatment of its aboriginal people, giving as a reason the fact that he cannot apologize on behalf of others since he was not the one who committed the wrongs. (In fairness to him, I should note that he at the same time expressed regret for the wrongs, but stood by his refusal to apologize, even in the face of criticism.) His position seemed to be that he can only justifiably be held morally responsible for actions for which he is causally responsible. This is a common intuition; both philosophers and non-philosophers alike might accept that if you have not committed wrongful action  $x$ , you cannot justifiably be held morally responsible for  $x$ . While the Prime Minister was able to genuinely express regret as well as to provide monetary compensation (and other government services) for the wrongs in question, he believed he was unable to apologize for the actions of others, since apologizing entails accepting culpability for those actions.

#### **West Bank**

Scott Atran and Jeremy Ginges conducted a study<sup>103</sup> in the West Bank, the results of which suggest that official apologies offered by leaders on both sides of the conflict would do a great deal to repair a history of atrocity between the Israelis and Palestinians. Those leaders claim that such apologies, not for contemporary wrongs but those committed historically, are vital to help end the contemporary conflict. In other words, despite not being causally responsible for the wrongs in question, Israeli and Palestinian

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<sup>102</sup> In 2008, Howard’s successor, Kevin Rudd did in fact issue such an apology. Johnston, 2008.

<sup>103</sup> Scott Atran, an anthropologist at the National Center for Scientific Research in Paris, John Jay College and the University of Michigan at Ann Arbor. Jeremy Ginges is a professor of psychology at the New School for Social Research. In their research they interviewed nearly 4,000 Palestinians and Israelis from 2004-2008. Atran and Ginges, 2009.

leaders claim that agents can in fact accept moral responsibility on behalf of others. This is in tension with the Prime Minister's claim.

In this chapter I will argue that the Israeli and Palestinian leaders are correct, and that the Prime Minister was mistaken. Specifically, I will argue that when moral agents are properly related either to a wrong or wrongdoer, they are authorized to apologize for the wrong. And, assuming that the apology is otherwise well-formed, the apology would in fact successfully discharge long-standing reparative obligations which otherwise would go unfulfilled.

This chapter will proceed in four parts. First, I will begin by exploring the authority condition in traditional communicative act theory and will go on to explain what that condition amounts to in terms of apology. Second, I will argue that in order to be authorized to apologize for a wrong, you must either be related to the wrong or the wrongdoer in the appropriate way. The former relation says that if you committed the wrong you are able to offer an interpersonal apology in which you personally accept culpability for the wrong that you yourself committed. The latter relation says that the apology you offer is "official," in that it is made in virtue of the office that you hold and the relation that office bears to the act of wrongdoing. If you have benefitted from a particular wrong or are affiliated with the wrongdoer (via family membership, friendship, organizational membership, or some other form of affiliation – I do not mean this list to be exhaustive) you can apologize on behalf of another. Furthermore, I will argue that it is not just conceptually possible to apologize for the acts of others, but that such efforts successfully discharge the standing reparative obligations that arose in response to the wrongs themselves. (Note that I am not here arguing that apologizing on behalf of others is morally obligatory, but that it is supererogatory.) In the third section of this chapter I will consider and respond to several objections one might raise against the preceding account. Finally, in part four I will

conclude and leave us in a position to engage the question I will ask in Chapter 5, which is: “Who can accept an apology?”

## **Part 1 - The Authority Condition**

### **1.1 The Authority Condition in Communicative Act Theory**

In order to accomplish my intended communicative act, I must be in a position to attempt to do so.<sup>104</sup> I cannot walk onto a baseball diamond and pronounce someone “safe;” I have to be the umpire to do that. I cannot walk into a courtroom and pronounce someone “guilty;” I have to be the judge to do that. I must, in other words, be authorized to perform the action I am attempting to perform when I attempt to perform it.<sup>105</sup> What that means will vary, based on the context in which the intended act is to be performed, but in all such contexts the communicative actor’s power will ultimately derive from some legitimizing procedure which invests the actor with the power in question. For instance, baseball is a game governed by rules which are recognized by those who agree to play it. One of those rules dictates that there is a judge (here called an umpire) who rules on individual instances of game play and whose judgment determines how those instances are to be classified. The umpire is the person who is authorized and so has the power to rule something a ball or a strike. It is an office which confers on its occupant the power to exercise its functions, in this case, by way of communicative acts.<sup>106</sup> Judges within legal systems operate in exactly the same way. “Judge” is an office that can be occupied by various people. And, like umpires, the office of judge confers on its occupant

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<sup>104</sup> Austin, 1962, p. 8.

<sup>105</sup> In addition to Austin, see Mitchell Green’s very helpful entry, “Speech Acts” in the Stanford Encyclopedia of Philosophy: Green, 2009.

<sup>106</sup> Austin, 1962, p. 28.

various powers,<sup>107</sup> many of which happen to be the ability to perform particular communicative acts, like pronouncing someone “guilty” or “innocent.”

These examples illustrate how the communicative actor is invested with powers germane to the occupied office. In the umpire case, the person who fills the role in a particular baseball game gets his power to rule instances of game play balls or strikes in virtue of the fact that those who are playing the game (and are otherwise affiliated with it, like the team owners) have agreed that he is to be the umpire. That social recognition of his occupation of the office, coupled with the fact that the rules specify what powers the office possesses, makes it the case<sup>108</sup> that the particular umpire has the power to perform certain communicative acts. Were one of those two criteria not satisfied he would lack those powers.

Think again of the judge. Her office derives its power from similar grounds as the umpire. First, she has to be chosen by some person or group of people through a recognized process, depending on the judicial level she at which she is operating. If she is not properly instated as a judge, she has no power to pronounce anyone guilty or innocent. Second, she is only able to perform those communicative acts that are included in the formal rules which have been agreed upon, in this case, the law. She cannot, for instance, pronounce someone guilty for a crime not specified in the relevant legal code, because her office is only invested with the power to render someone legally guilty for committing particular acts. If there is no law against wearing the color purple, for instance, the judge would be overreaching and attempting to use a power her office lacks when she tries to pronounce someone guilty for wearing purple. Such an attempted communicative utterance would be ill-formed.

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<sup>107</sup> *ibid.*, p. 43.

<sup>108</sup> *ibid.*, p. 26.

So, for both the office of the umpire and judge we should understand a communicative actor to be authorized to perform her intended act when: (1) the office-holder is legitimately chosen, and (2) that office-holder acts in accordance with the rules which govern the office and the powers that it confers on its occupant.

But, not all instances of communicative acts operate in the same way as those which can be enacted by the offices just described. When I promise to meet you for lunch, I do not have to be invested with any external power in order to perform that communicative act. No one, in other words, appoints me to the position or must agree to allow me to occupy the office of promise-maker: I confer that power on myself as an agent when I exercise my will in such a way as to promise something to you. Nor is it the case that there must be some external standard with which my actions must conform in order to perform them: there is no written law or rule-book against which my communicative act is judged legitimate or illegitimate.

My critic might object that if I am not recognized by society as being an agent, I would not be able to occupy the position that only agents can occupy. Further, she might object that unless the society in which I operate recognizes promising as a communicative act there is no way for me to perform the act. There is a sense in which both of these objections are true. But, neither of them actually object to the distinction that I am drawing between externally-authorized communicative acts, like those performed by the umpire or judge, and internally-authorized communicative acts, like promise-making. In the umpire/judge type cases, the reason that the actors are able to perform the communicative acts that are typical of their office is that they have been appointed to that office by some external party, and because that office has been formally invested with its powers by some external source. In cases of promising, neither holds true.

My critic might modify her objection to say that in order to make a promise a number of conditions external to the agent must obtain, and as a result promises really are like ruling someone guilty in a courtroom or safe on a baseball field. In reply, it is enough simply to point out that, even if some external factors are required for a promise to be enacted, that does not mean that the actor's authority to make the promise is externally rather than internally grounded. A great many things that are external to the actor are required for a promise to be made, but only as necessary background conditions which enable, but do not legitimize, the promise. I must, in other words, have a certain amount of food to eat to have the strength to make a promise at all. Food is external to me, and so seems to be a necessary external feature of my communicative act. But, my promise is in no way made legitimate by that food; food does not confer authority on my occupation of the office of promise-maker. In the same way, being a part of a society might be a necessary background condition for making promises, but it does not confer authority on my occupation of the office of promise-maker. I confer that authority on myself as an autonomous agent who possesses a will which can be expressed in the world through my actions.

## **1.2 Internally and Externally Derived Authority**

So, let us draw a distinction between communicative acts whose authority is internally and externally derived.<sup>109</sup> As I have already shown, umpires and judges derive their authority externally. Promising derives its authority internally. I do not need anyone else to make it the case that I can promise to meet you for lunch. When I make such a promise, you need not investigate to see whether I am authorized to make it; you need not call my employer to ask if

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<sup>109</sup> I might have chosen to describe the grounding of one's authority in terms of its being socially-derived or self-derived, rather than externally-derived or internally-derived. I choose the latter terms because they are more flexible. To say that some power is externally derived is just to note that it comes from outside the agent in some way. The form that the external grounding might take will often be social, but choosing the term "externally-derived" leaves open the possibility that one's power might come from outside the agent, but not be grounded in the social. As long as a term still accomplishes its intended purpose, it is better to choose one that allow for more flexibility rather than less.

promising to meet you is something I am empowered to do. The reason I am so empowered is that agents just are the kinds of actors that are self-legitimizing; they confer power on themselves to perform acts of the will. What is a promise if not an expression of my will? It conveys information to you that I will act in such and such a way so that you can plan your life accordingly. A promise just is a commitment to act a certain way, and commitments are the kinds of things that are born from the will alone and need no external validation.

The power to apologize is partly internally derived and partly externally derived. As a moral agent, your power to apologize for personal wrongdoing is partly derived from your agency as well as the constitution of your mental states (in that they satisfy the sincerity condition). In this way, apologies, like promises, are expressions of the will. At the same time, apologies are one method of discharging our reparative obligations, and since whether we do so turns in part on the judgments of those to whom we owe those obligations (a point to which I will return shortly), whether an apology is well-formed is partly grounded in sources external to the agent. Therefore, we should understand apologies as deriving their powers both from sources both internal and external to the agent.

Both kinds of powers not limitless, however. Communicative actors are not only invested with particular powers in virtue of the office that they occupy, but also constraints on their powers in virtue of that office. We might think, for example, that a judge who is authorized (by the law) to summarily order anyone's execution, is able to perform too many communicative acts, that her office ought not be able to perform such acts. But, so far we have not seen any condition that would render such an act ill-formed. If the judge is authorized to summarily order an execution in virtue of having been given that power by the State, and if she is in possession of the correct mental states when she does so (thinking back to the sincerity condition for which I

have already argued), we so far have no reason in terms of communicative act theory for thinking that she has not in fact performed the act. This absence is problematic. There does seem to be a sense in which one could satisfy the conditions we have so far explored and yet still have one's attempted communicative act be rendered ill-formed. We might think, in other words, that a particular communicative act might simply be beyond the pale and attempt to do too much. The particular communicative actor would be attempting to exercise powers her office does not bear. She is guilty, in other words, of overreaching and exceeding the domain of her powers.

In the same way, we overreach when we attempt to apologize for something for which we are not *morally responsible*. If I apologize for wronging you but cannot be held morally responsible for having done so, you should think my attempted apology ill-formed. While expressions like, "I'm sorry for your loss" might sound like an apology, in that you might similarly say, "I'm sorry for lying to you," the first is not an apology and the second is. What we must ask, then, is when it is appropriate to say that someone can be held morally responsible for a wrong, such that they are capable of issuing the second type of utterance. When, in other words, can someone accept moral responsibility for a wrong and thereby render her utterance not merely an expression of regret that the wrong happened, but an apology for the wrong itself?

### **1.3 Being and Holding Responsible**

According to the accepted contemporary philosophical account of moral responsibility, to say that someone is responsible for  $x$  is to say that it is appropriate to bear certain kinds of reactive attitudes towards them.<sup>110</sup> Reactive attitudes are complex attitudinal states which consist of a combination of moral emotions and beliefs about why those moral emotions might

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<sup>110</sup> Consider what Andrew Eshleman says in his entry on moral responsibility in the Stanford Encyclopedia of Philosophy: "To regard such agents as worthy of one of these reactions [blame or praise] is to ascribe moral responsibility to them on the basis of what they have done or left undone." Eshleman, 2009.



be appropriate, and which could, in principle, communicate to others in a moral community how they ought to regard the actor to whom our reactive attitudes are directed. Next, I will unpack each of these components.

Consider first what it means for something to be properly considered a moral emotion as opposed to a non-moral emotion. Moral emotions are those that properly arise in response to some action committed by a moral agent. Non-moral emotions arise in response to or because of other features of one's life. So, if you did not get much sleep the night before for no reason you can point to, you might find yourself angry, but your anger would not properly be understood as being morally evaluative. Your anger expresses condemnation for the fact that you did not sleep well. On the other hand, if you are angry with your neighbor who rudely played loud music throughout the night, you express condemnation of an act you believe to be morally wrong in that it was disrespectful of your interests.

Moral emotions then, are those that can be justifiable and that arise in response to some moral action as opposed to some non-moral action. You must hold particular beliefs about the moral action in question (that it was wrong, for instance) in order for the emotion to be properly considered a moral emotion. Let me be clear that I do not mean to suggest that your beliefs must be fully-formed or capable of being clearly articulated in order for a particular attitudinal state to count as a moral emotion. We might sometimes find ourselves angry about how we were treated by another but not able to fully identify what about the action angered us or why we think the action was wrong. In fact, it is often our emotional responses which help us to discover that we hold some additional belief that the action to which we were subject was wrong.<sup>111</sup> My point is that moral emotions are those emotions that arise in response to an action that one could

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<sup>111</sup> Jagger, 1989, p. 167-172.

justifiably believe to be wrong. Whether that belief is formed earlier or later is not important to my understanding of the concept.

As I have already claimed, moral emotions express attitudinal states like condemnation or resentment (or affirmation or good will). When you are angry about how you have been treated by some moral agent you resent and condemn the action. You stand against the action, recognizing that you are a moral agent that deserves respect and to be treated differently than you were treated.<sup>112</sup>

This is borne out in moral philosophers' use of terms 'praiseworthy' or 'blameworthy.' When you act wrongly, you are blameworthy; your wrongful action makes it appropriate for me to bear negative reactive attitudes towards you, including (among other moral emotions) blame, resentment, or contempt.<sup>113</sup> When you act rightly, you are praiseworthy; your right action makes it appropriate for me to feel admiration for you, good will, or affection. Note that these moral emotions are expressed through attitudinal states; they express how we regard the action that has been committed. In short, the standard philosophical account<sup>114</sup> of moral responsibility says that to be morally responsible for  $x$  is to say that you can rightly be blamed for  $x$ .

That "the standard philosophical account" says that we might think of moral responsibility in terms of blameworthiness does not mean that there are not other views I might have considered. Indeed, you might think that we should not talk in terms of blame or praise at all in claiming that someone is morally responsible for some action. I think such a view is plausible and would indeed be compatible and even hospitable to my conclusions. However, for

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<sup>112</sup> This is why some philosophers have argued that anger and resentment are indications of a healthy or appropriate level of self-respect, and conversely why someone who constantly fails to become angry or resentful in the face of wrongdoing they show themselves to be a pushover or overly deferential, willing to accept any treatment to which they are subjected. See, in particular, Murphy, 1982 and Govier and Verwoerd, 2002.

<sup>113</sup> Strawson, 1962, p. 5.

<sup>114</sup> I here rely on the Stanford Encyclopedia of Philosophy to report what is taken to be the accepted or standard account. Obviously, that this is the accepted account does not that it is correct, and in fact I seek to amend it here. Eshleman, 2009.

the purposes of this project I want to show that, even on what is considered the accepted account, it is still plausible to think that you can accept moral responsibility on behalf of another for wrongs you did not commit, and that you are thereby enabled, at least in some cases, to apologize on behalf of another.

Although I will return to the question of forgiveness in Chapter 6, for now, consider that the traditional philosophical definition of forgiveness says that to forgive someone is to forgo resentment for some wrong that you suffered.<sup>115</sup> To say that you have forgiven someone is to say that you no longer bear negative reactive attitudes towards that person. Forgiving someone does not entail that you no longer believe the wrongdoer was once causally responsible for *x*. Forgiveness is not, in other words, the same thing as forgetting. Forgiveness is also not the same thing as accepting an apology. I will distinguish between these two responses in Chapter 6. For now, my point is simply to make clear that the accepted philosophical account of moral responsibility says that for one to be morally responsible for *x* is to say that one is blameworthy for *x*. To forgive someone for *x* is to say that the wronged party gives up her negative reactive attitudes towards the wrongdoer.

The most straightforward sense in which you might be morally responsible for *x* is when you are causally responsible for *x*, and you chose to do *x* knowingly and voluntarily. If I freely choose to steal your car, I am causally responsible for the harm you suffer. Since stealing is wrong, and I did so knowingly and freely, I am blameworthy for the theft. In other words, the standard philosophical account of moral responsibility draws a distinction between *being* responsible and *holding* responsible. And, what it means to *be* responsible is understood in terms of causal responsibility, coupled with additional conditions we might think are required in order for you to be properly considered morally responsible, such as having had the opportunity

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<sup>115</sup> Hughes, 2010.

to do otherwise, having known about such opportunities, or being a mature moral agent. (Note that P.F. Strawson himself believed that we should invert the relationship between causal and moral responsibility. He argued that we should start with the fact of moral responsibility and who we hold responsible, and conclude with the attribution of causal responsibility.<sup>116</sup>)

Returning to apology, the most straightforward sense in which you bear the proper relation to a wrong which would enable you to apologize is if you are causally responsible for the wrong.<sup>117</sup> Some philosophers who write about apology believe that it is only in such cases, where you are causally responsible for  $x$ , that you could apologize for  $x$ .<sup>118</sup> They think that if I did not do  $x$  I cannot apologize for it because I do not bear the right relation to the wrong. To be responsible for the wrong is to be blameworthy for the wrong. Only the person who committed the wrong is blameworthy for it. I am not blameworthy for the wrong, and so I am not responsible for it. Only those who are responsible for a wrong have the authority to apologize for it. Just as judges and only judges are invested with the power to find someone legally guilty, so too is it the case that wrongdoers and only wrongdoers are authorized to apologize for the wrong in question. For me to try and apologize for your car being stolen when I did not steal it would be an instance of overreaching, just like when the judge tries to pronounce someone guilty for an action that is not a crime. In other words, in the Prime Minister case with which we started this chapter, the Prime Minister claimed that, since he had not committed the wrongs against the aboriginal people of his country, he was not morally responsible for them, and since he could only apologize for those acts for which he was morally responsible, he was not capable of apologizing for his predecessor's actions.

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<sup>116</sup> Strawson, 1962, p. 23.

<sup>117</sup> Consider again the entry in the Stanford Encyclopedia of Philosophy: "To regard such agents as worthy of one of these reactions [blame or praise] is to ascribe moral responsibility to them *on the basis of what they have done or left undone.*" (My emphasis.) Eshleman, 2009.

<sup>118</sup> Smith, 2008, p. 38-42.

I believe this view is mistaken. The reason why is that we can understand moral responsibility in terms of blameworthiness but deny that only those who are causally responsible for  $x$  can be morally responsible for  $x$ . To see why, consider the way that Angela Smith has further developed the traditional account of responsibility. In her important paper “Being and Holding Responsible,” she argues that upon noting that a wrong act has occurred we need not be committed to bearing negative reactive attitudes towards the actor who committed it.<sup>119</sup> Not only is it conceptually possible for us to separate the two (we are often capable of separating what reactive attitudes we bear towards each other from what actions they have committed) but it is sometimes morally justifiable for us to do so. So, I might think you were wrong to treat me the way that you did, but I might choose not to blame you for it. I might make this choice for a number of reasons, including the fact that I might understand why you committed the act that you did given the background conditions within which you committed it.<sup>120</sup> I might still think the action wrong, such that the background conditions do not render your act permissible, but given those background conditions I might choose not to blame you for having committed it. Or, I might need to stop blaming you in order for my own life to go well, and since we ought to be concerned for our own welfare as well as the welfare of others, such a concern carries moral weight.

Smith demonstrates that we can separate the act from the reactive attitudes we bear in response to them. Additionally, consider that we have phrases in English that draw precisely the distinction in question: sometimes we say that we will “accept responsibility” on behalf of someone else, or that we will “hold someone responsible” for an act someone else committed. Exactly what either of these phrases mean is admittedly ambiguous, but in at least some cases it

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<sup>119</sup> Smith, 2007, p. 478-484.

<sup>120</sup> Calhoun, 1992, p. 93.

seems that what people intend to express when they say they will hold you responsible for what someone else did is something like this: “I will expect you to pay debts that you did not incur. I will consider those debts discharged when you have taken certain steps, despite the fact that you are not causally responsible for generating those debts.”

So, on one hand, we have the view that says that to be morally responsible for  $x$  entails being causally responsible for  $x$ , and that being morally responsible for  $x$  means that you are blameworthy or praiseworthy for  $x$ . On the other hand, in practice we talk as if we can hold people morally responsible for those actions they did not commit. If we accept that practice as legitimate, does that mean we should think someone blameworthy or praiseworthy for actions that were not their own? Alternatively, should we give up the accepted philosophical account of responsibility and think that moral responsibility is not properly cashed out in terms of blame and praise?

I believe that we should follow Smith’s lead and recognize that moral agents are capable of separating the attribution of blame or praise from the fact of wrongdoing and extend that insight further to conclude that we can separate the attribution of moral responsibility from the attribution of blame itself. She shows us that it is sometimes justifiable to recognize that  $x$  was wrong but choose not to blame the wrongdoer for the action. In the same way, we might think that the reparative efforts made by one’s proxy might justify our judgment that the original wrongdoer’s reparative obligations have been satisfied. We can, in other words, accept responsibility for the actions of another, and furthermore, those who were wronged by their actions might choose to consider the original reparative obligations discharged in light of our having done so. Given that the wronged party plays a role in determining whether reparative obligations have in fact been discharged, (a claim I will further develop shortly) if she accepts

the reparative efforts made by the wrongdoer's proxy, we should consider the original reparative obligation successfully discharged.

Put succinctly, the process of proxy responsibility acceptance looks like this:

1. A wrongs B.
2. A is permanently unable to repair her wrong. (Call this *the inability to repair condition*, which I will explore shortly.)
3. C is related to A in some morally salient way. (Call this *the relation condition*, which I will explore in the next section.)
4. C accepts responsibility for A's wrong and attempts to discharge her reparative obligations. (Satisfying the other reparative obligations that obtain.)
5. B considers A's reparative obligations discharged. (Call this *the legitimacy condition*, which I will explore shortly.)
6. A's reparative obligations are discharged.

B uses C's reparative efforts as a justification for judging A's reparative obligations discharged. Note that doing so does not mean that B has forgotten the action or that she gives up the belief that A committed the action. Instead, it is to say that she considers A's debt repaid. We can, in other words, choose to split responsibility between two parties: C as A's proxy is not blameworthy, but by accepting responsibility for A's wrong, C is able to discharge her reparative obligations. B might continue to blame A, bearing negative reactive attitudes towards A for her wrong. But, B can accept C's efforts to play A's proxy and thereby make it the case that A's debt has been repaid.

Note that both the acceptance of responsibility by the proxy and the forgoing of blame by the wronged party are voluntary and permissible. I am not here arguing that either are obligatory. Furthermore, this account does not entail forgiveness; it does not entail that you stop blaming the original wrongdoer and give up your resentment for their wrong (although I will argue in chapter 6 that it helps to justify forgiveness). Instead, it is simply the claim that in attempting to repair the wrong another committed we accept responsibility but not blame for her action and can still properly be considered to have discharged her reparative obligations.

#### 1.4 The Inability to Repair Condition

The above process needs to be further unpacked, however. Consider condition 2, which I called *the inability to repair condition*. What does it mean to be permanently unable to repair your wrong? What I mean is that your moral agency must be in some meaningful way diminished to the point that you are no longer able to satisfy your obligations and will never be so able. The most obvious form such diminishment takes is death. Alternatively, after a serious brain injury you might be placed in a persistent vegetative state, such that you will never be able to perform any actions, much less be able to perform moral actions. Similarly, you are also unable to repair your wrong when you committed the wrong in some official capacity (as the president of a country, for instance) and then leave that office. On my view, since it was an officeholder who committed the wrong, only an officeholder can repair it. President Obama is capable of accepting responsibility for what President Bush did while in office in a way that now former President Bush is unable to do in virtue of the fact that he no longer bears the right relation to the wronged party. Imagine that President Obama apologizes for President Bush, and former President Bush issues a statement saying that he does not in fact regret the action in question. The apology recipient might reasonably respond by saying that although she wishes that former President Bush, as a private individual, felt such regret, she accepts the reparative efforts President Obama has offered on behalf of the office. I will return to the role that being an officeholder plays in the next section when I explore *the relation condition*. For now, what is important to unpack is *the inability to repair condition*. My view<sup>121</sup> is that you are unable to

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<sup>121</sup> This list is not meant to be exhaustive, and there might be other ways in which you are similarly permanently unable to repair your wrongs.



repair your wrongs when you are dead, your moral agency is significantly diminished, or you no longer occupies the proper relation to the wrong in question.<sup>122</sup>

Returning to apology, imagine that you wrong someone and owe them, among other things, an apology for your wrong. Before apologizing you are rendered permanently unable to do so. I attempt to apologize on your behalf. What does a well-formed proxy apology entail? In particular, in order to apologize on behalf of another you must do several things. First, you must bear the mental states necessary to satisfy the sincerity condition. You must, in other words, believe that  $x$  was wrong and that A committed and is culpable for the wrong, regret that A committed  $x$ , condemn  $x$ , respect B, and intend to discharge B's reparative obligations in apologizing. Furthermore, you can only apologize on behalf of another if you bear the proper relation to the wrongdoer, a condition I will explore in the next section. And, you can only apologize on behalf of another if the wrongdoer is permanently unable to discharge those duties herself. This can be the case interpersonally, when someone has died or is no longer an agent, or as an official representative, when the wrongdoer has left the office they occupied when committing her wrong.

In summary, the conclusion I defend says that we can voluntarily accept moral responsibility for wrongs for which we are not causally responsible in those cases in which the wrongdoer is unable to discharge her reparative obligations. She might be unable to do so

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<sup>122</sup> We might complicate this discussion and consider what would happen if medical science is able to repair the brain injury you sustained and return you to full moral agency. Moreover, when you consider philosophical discussions of personal identity and Star Trek-style transporters, you might think that it will one day be possible for even the dead to return both to life and moral agency. For the purposes of this project, however, I will set such questions aside and focus instead on the active role that the wronged party plays in determining when reparative obligations have been discharged. Imagine that you are the wrongdoer and are unable to repay your debt. I accept responsibility on your behalf, and the person that you wronged considers your reparative obligations satisfied. Then, later, you regain the ability to discharge your obligations. You would find yourself in the lucky position of having had your debts paid for you. You might owe me a debt of gratitude for my having served as your proxy, and it would speak badly of your character if you failed to regret your wrong, but the reparative obligation that you owed would nonetheless be discharged.

because she is either dead, her agency is diminished, or she no longer occupies the correct office. Doing so means that the reparative obligations borne by the original wrongdoer are discharged. Furthermore, if I satisfy the sincerity condition and accept moral responsibility for it, I can perform the communicative act of apologizing for it. Recall the West Bank case with which I began this chapter. If, on either side of the conflict, proxy representatives of those who committed some historical wrong offer to accept responsibility for that wrong and apologize on behalf of the original wrongdoers, the wronged party can choose to view that apology as well-formed and count it as a good reason to consider the primary wrongdoer's reparative obligation to apologize satisfied. What Ginges and Atran<sup>123</sup> point out is that contemporary inheritors of atrocity want or need someone to accept responsibility for wrongs whose corresponding reparative obligations were never satisfied. One of those obligations takes the form of apology. The account of moral responsibility I have outlined above allows us to make sense of both the wants and needs of the inheritors of historical wrongs, and how those wants and needs can be met. As moral philosophers, we should be concerned with meeting such actual wants and needs. I will consider objections to this account of moral responsibility in the penultimate section of this chapter. Next, we should consider the fifth step in the process of responsibility acceptance listed above.

### **1.5 The Legitimacy Condition**

Earlier in this chapter I claimed that communicative actors derive their authority to perform their actions from different sources. Some actions derive their power wholly from within the agent. Others derive their power from sources external to the agent. Apologies occupy a middle ground. We should think of the power to apologize as internally derived but externally authorized. Recall that the sincerity condition entails that the apologizer genuinely intends to repair her wrong in apology. In that regard the power to apologize is internally

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<sup>123</sup> Ginges and Atran, 2009.

grounded, in so far as bearing that intention is an act of the will. I now add, however, that the authority to apologize is subject to what I call *the legitimacy condition*, which says that whether particular efforts to discharge reparative obligations are successful turns in part on the subsequent beliefs and communicative actions of the parties that were wronged. Your apology is not well-formed unless you are recognized by the wronged party as being in a position to extend it.

Just as the judge's pronouncement that you are criminally guilty is only well-formed if she is officially invested with the authority to make such a pronouncement, so too is it the case that your apology on behalf of another is only successful if the intended recipient deems it so. If you owe me money but I know that you have fallen on hard times, I might release you from your debt by telling you that you need not pay me back. And, if others were to urge you to repay the money, you would then be justified in replying that you no longer owe it to me, given my pronouncement to that end. There is a difference between being released from an obligation and satisfying an obligation. If I tell you that you do not need to pay me back, you have not satisfied your obligation; it just no longer obtains for you.

Such legitimizing efforts made by the recipient are public in nature in that, upon being communicated to a larger audience, they help to determine how others should regard your debt. Imagine that I invite you to my party. Upon arriving, others who do not know you demand to know who you are and why you are there. You might reply that I had invited you. My having extended the invitation gives you a right to be there in a way that others at the party should honor. In the same way, upon learning that I have forgiven your debt, others should similarly honor my choice and not expect or call upon you to repay it. Indeed, at that point there is

nothing to repay, and if you were to give me money you would be satisfying a duty of beneficence and not some other duty (justice or fidelity are both good candidates).

Those who are owed reparation can similarly release their wrongdoer from such obligations. If you steal money from me I could choose to forgive the debt such that you would not owe it to me to repay what you stole. As the wronged party, I have the power to release you from your reparative obligations to me, even if you have not attempted to satisfy them, or have only attempted to do so halfheartedly. Although I can release you from your obligations, I cannot render them satisfied. However, if your reparative efforts are otherwise adequate, my communicated judgment that you have done enough to discharge your reparative obligations makes it the case that you have done so.

That is not to say that the judgments of others are infallible or should be treated as sacrosanct. There are times when we might think someone is simply being unreasonable, and that they should be more willing to accept the reparative efforts made by another. In such cases we might try to persuade them that their wrongdoer really has undergone a genuine change of heart, that her apology was sincere, and that she has genuinely attempted to make amends for her wrong. In other cases we might try to persuade them that they would be right to expect repayment from their debtors. In doing so our claim would be that the wronged party was too quick to release her wrongdoer from her reparative obligations. Either way, the fact that we might disagree with the judgment made by the wronged party does not change whether they the wrongdoer's reparative obligations are in fact satisfied by that judgment. I might object to your having invited someone to your party on the grounds that he is a bad friend to you, but you can invite him nonetheless.

Additionally, the fact that the primary victim of wrongdoing releases her wrongdoer from his reparative obligations does not mean that he does not owe other secondary and tertiary victims reparation.<sup>124</sup> The primary victim of wrongdoing cannot release the wrongdoer from those obligations, but only those that are owed directly to her. So, if I am negligent and hit you with my car I wrong not just you as the primary victim but also your loved ones who suffer with you. I bear reparative obligations to all of you. You can release me from those obligations I bear to you but not to your loved ones.

Finally, the wronged party has obligations to herself not to release her wrongdoer from his reparative obligations too easily. As Jeffrie Murphy has argued,<sup>125</sup> we show ourselves a lack of self-respect when we forgive too easily. Resentment and moral outrage in response to our having been wronged is an indication that we recognize that we deserve respect and hold moral value. For me to jump too quickly to give up those reactive attitudes is to fail in both respects. The same is true here, in terms of the release of reparative obligations. If I absolve you of your reparative obligations too easily I make myself a pushover. In habitually failing to hold you to your reparative obligations, I begin to treat myself as the kind of thing that is not owed such obligations in the first place.

I will return to further explore the legitimacy condition in the next chapter when I argue that wronged parties have a *prima facie* obligation to accept apologies that they believe to be otherwise well-formed. For now, what is important to understand is that when I attempt to accept responsibility for another and discharge her reparative obligations on her behalf, the legitimacy condition says that the wronged party is in a position to communicate a judgment that I am invested with the authority to do so. Such a judgment must obtain for the authority

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<sup>124</sup> Govier and Verwoerd, 2002, p. 103.

<sup>125</sup> Murphy, 1998, p. 16.

condition to be satisfied, and it is necessary for the apology to be considered successful. However, if the sincerity condition is not satisfied, even if it is the case that the wronged party accepts the apology we should not consider it well-formed. So, when I apologize (or attempt to satisfy other reparative obligations) on behalf of another as her proxy, the wronged party's judgment that I am in a position to do so is a necessary but not sufficient condition for the apology's being well-formed. Returning to the process of responsibility acceptance described above, if B considers A's reparative obligations discharged in light of C's otherwise adequate actions as her proxy, and if A is properly related to the wrong, we should join her in such a judgment.

## **Part 2 - The Relation Condition**

*The relation condition* says that you can accept responsibility for a wrong if you bear the proper relation to it. You bear the proper relation to a wrong if at least<sup>126</sup> one of three sub-conditions obtains:

1. You have committed or contributed to the wrong in question
2. You have benefitted, even if involuntarily, from the wrong in question
3. You are properly affiliated with the wrongdoer in question

The first of these is the least controversial. As I have already stressed, it seems clearly true that if you committed a wrong, you are at least partly morally responsible for it. Moreover, it will often be the case that others should blame you for your action. If we ever ought to blame anyone for anything, we ought to do so at least when sub-condition 1 is satisfied, and the reason why is that the actor bears an explicit relation to the wrong when she has either committed or contributed to it. That relation is what makes it appropriate to hold her responsible for it, as well as what creates the obligation for her to try to make amends.

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<sup>126</sup> This list is not meant to be exhaustive.

The second of these is more controversial than the first. It says that if my father steals your life savings in order to buy me a car or send me to college, I am capable of discharging his reparative obligations to make up for the wrong from which I benefitted. Assuming that he stole the money without my knowledge, it might be wrong for you to hold me responsible without my consent. I might choose to give back what was not mine in the first place, as well as additional compensation for the lost interest you would have accrued, and to make up for the trouble you had to go to in recovering your property. The reason why is that I bear the appropriate relation to the wrong that makes it fitting for you to hold me responsible for the repayment of your loss.

This case seems largely uncontroversial; sub-condition 2 becomes more so when it is applied to institutional wrongdoing and institutionally conferred benefits. If I benefit from injustice, it seems that I could voluntarily work to repay the victims of injustice at least some form of reparation, for the benefits that I enjoyed only came at the wrongful expense of others. I am only entitled to those benefits that I come by permissibly. So, if I come by some benefits impermissibly, whether I committed the impermissible acts or not, I could make reparation to those who were wronged along the way. And, as should now be obvious, the reason why I might be able to do so as the beneficiary of goods acquired through unjust means is that I am related to your loss in such a way as to make it possible for me to repay that debt.

Now, one might object that in sub-condition 2, I am being blamed or held responsible for things that are not within my control. I did not steal your life-savings – my father did! Why should I have to pay you back for something that he did? I am not here claiming that the obligation to repay my father's debts is forced on me, but merely that I can willingly choose to discharge his obligations in virtue of the relation that I bear to his wrong as one who benefitted from it. And, giving you the same amount of money that my father stole from you would not

merely be an act of beneficence, but one of reparation: I would be working to repair the wrong that he caused on his behalf and from which I benefitted.

Although sub-condition 2 is controversial, it is not as controversial as sub-condition 3. It claims that in some cases you could rightly choose to be held accountable for a wrong because you are properly affiliated with the wrongdoer. In other words, there are at least some cases where I would be right to hold you responsible for a wrong, even if you did not commit it, contribute to it, or benefit from it. And, the reason why I would be right to hold you responsible is that you are properly affiliated with the wrongdoer in a way that makes it fitting for me to do so.

What does it mean to say that you are properly affiliated with the wrongdoer? The answer is that “affiliation” can take many forms, and I will not attempt to explore all of them. However, there are three important forms that I will address, including: family membership, organizational membership, or friendship.

### **2.1 Affiliation by Family**

First, I might satisfy the relation condition if I am a member of the wrongdoer’s family. Take again the case of my father’s theft of your life-savings, but imagine that this time he simply spends all the money at the casino and that I do not benefit from his actions in any way. If my father dies shortly after his gambling spree, you might come to me looking for the money. When you do so, I can choose to pay his debt to you and accept the obligation that he left unsatisfied.

Part of what it means to be a part of a family is to sometimes owe something on behalf of our loved ones. If, on your way over to my house to ask my father to pay you back, you were to win the lottery and thereby replenish your life-savings, although you might no longer need the money, a debt would still remain unpaid. When you knock on my door it would not be enough



for me to note that I just saw you on TV accepting your lottery winnings; you could reply that, despite your winnings, my father's debt persists. Furthermore, if I do in fact give you the amount of money you are owed, at that point you could consider the debt discharged: I would have paid what my father owed you. I, in other words, stepped in and accepted responsibility for a particular debt in light of my affiliation with my father.

Now, if you find this conclusion counterintuitive, imagine that the debt is not as significant as your life-savings. Imagine instead that we are neighbors, and my father borrowed your screwdriver a few years ago and then lost it before he died. It seems reasonable to think that I could repay the debt of the screwdriver and that I could do so in virtue of the affiliation I bear to my father. My father acted wrongly in failing to return your screwdriver. My point is that, were I to give you a replacement screwdriver, and were you to consider the debt discharged, you would be justified in doing so. It would be reasonable for you to not only accept the screwdriver but also to consider his debt paid, despite his failure to return the original.

This minor example illuminates two things. First, it is possible to discharge reparative obligations on behalf of another as I have been arguing throughout. If, as you were asking me for a screwdriver, a stranger walked by giving away free tools, the mere fact that you could thereby acquire a replacement does not mean that the debt itself would have been discharged. And, as should be obvious, the reason why is that the stranger, while generous, does not bear the proper relation to the debt in order to satisfy it. Hers would be an act of beneficence and not reparation. Second, the claim that we can discharge the reparative obligations of others is intuitively much less controversial in cases of minor wrongdoing than in major wrongdoing. The reason why is not that playing proxy for another is not possible in major cases, but that the weight of the major cases tweaks our intuitions and causes us to be mistaken about the

underlying moral principle at play. Instead of reaching the conclusion that playing proxy is impossible, cases of minor wrongdoing help us to see that it is possible, but that in cases of major wrongdoing the wronged party might be less inclined to accept that the debt has been paid.

## **2.2 Affiliation by Group Membership**

What of the second category of affiliation, that of group membership? I contend that the official representative of an organization must sometimes bear the obligations which previous leaders, or the organization itself, generated. Returning to the earlier example, if President Obama finds out, after taking office, that President Bush had implemented policies that wrongfully harmed the inhabitants of Canada, it might well turn out to be the case that Obama owes it to Canadians to make up for Bush's actions. And, he might owe it to them even if doing so was not on his list of policy initiatives he had hoped to set in place before he found out that the wrongs had even been committed. He owes such reparation in virtue of the office that he holds; as the president, Obama does not get to start fresh and independent of all past presidential actions. Instead, when he assumes a leadership role, he willingly accepts responsibility, committed by his office, for those actions that have come before him. The reason he is able to discharge those obligations is that he bears the right relation to those past wrongs in virtue of the office that he now occupies.

The relation condition is easiest to see in organizational cases like this one. Imagine a fraternity on a college campus whose charter was revoked in the 1980's after its members threw an especially raucous series of parties. Imagine that, several decades later, a group of new students petitioned to reinstate the charter of the fraternity at the school. Finally, imagine that the fraternity house the old group occupied has been sitting vacant in the interim, and that the new group moves in next to neighbors who still bear a grudge against the old group who never

paid them back for the damage that they caused. It is possible for the new group of fraternity members to repay the debts of the earlier version of their organization and that they might work to make up for the damage that their fraternity brothers caused all those years ago. They might, for example, help with their neighbor's yard work, repaint their houses, or other work around their property. When asked why they were doing it for their neighbors and not for others in the community, they might rightly reply that their fraternity, the organization with which they are affiliated, owed those particular neighbors reparation for the wrongs that were once perpetrated against them. Furthermore, they might reply that since they are now members of the group that acted wrongly, they choose to accept those reparative obligations, even though they did not commit them, nor were they even alive when the wrongs were committed.

### **2.3 Affiliation by Friendship**

Third, I might satisfy the relation condition if I am friends with the wrongdoer. One significant feature of friendship is that it is *chosen* affiliation. When I call you my friend, I convey to you that you can count on me in certain ways that you cannot count on a mere acquaintance. You can, for instance, count on me to try and help you when you find yourself in a scrape. You can count on me to listen to you when you are having a hard time, to be joyful with you when you have had a victory, and care about you throughout. And, some of the time, what it means for me to be a friend to you is that I can satisfy your obligations when you fail to do so.

This chosen obligation is not common to all instances of friendship. Friendships come in different types and degrees. Whether the particular friendship in question would be the type to lead to proxy responsibility acceptance is contingent on both. I have friends, in other words, for whom I would choose to play proxy, and those for whom I would not. Additionally, the form

that the responsibility takes will vary; to recognize that a particular friend is the kind of friend that you would, in some circumstances, accept responsibility for is not to say that you would accept all kinds of responsibility for her. We need not accept responsibility blindly on behalf of another. We can choose what obligations we will take on and which we will leave to others to satisfy.

#### **2.4 What is Common to All Three Kinds of Affiliation?**

Being affiliated with someone or some organization brings with it privileges, responsibilities, and powers. Being someone's friend, being someone's family, or being in an organization enables you to do things that you could not do outside of each relationship and absent such affiliation. It is the affiliation itself that enables you to exercise those privileges, responsibilities, and powers. In the cases we have been exploring, affiliation can enable you to satisfy a duty of reparation on behalf of another.

Recall that duties of reparation are specific in a way that duties of beneficence often are not. Duties of reparation always entail some particular link between the wronged party and the one who owes reparation, whereas duties of beneficence may obtain between two otherwise unconnected parties. Put another way, if I pass Singer's<sup>127</sup> shallow pond and I see a stranger drowning in it, I have a duty of beneficence to pull her out. If I know the drowning person, I still have a duty of beneficence to save her life, but there is an important further fact about the obligation that did not obtain before: this time, my obligation is focused and specific in a way that it was not in the first case. Duties of reparation always entail that important further fact; I must be connected to the wrong in a morally salient, personal way in order for it to be a duty of reparation I bear, rather than a general, impersonal duty of beneficence. And, I contend, that connection is best thought of in terms of affiliation.

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<sup>127</sup> Singer, 1972, p. 231.

Why should we think that being affiliated with someone invests them with the authority to accept responsibility on their behalf? My view is that to be affiliated with someone or some organization is to have been impacted or affected by them. Your life story now meaningfully aligns with theirs in some way. You are who you are, in part, because of having been so aligned. This is most obvious in cases of family affiliation. I would literally not exist if my ancestors had not existed. What makes me rather than you an apt candidate to serve as proxy for my ancestor is that I bear some causal connection to them in a way that you do not. My life is tied to my ancestor's and my ancestor's actions in a way that yours is not.

Organizational membership is much the same. When President Obama chooses to run for office, he chooses to accept responsibility for what that office has performed in the past. Even if, mere moments after taking the oath of office, he finds that there is a huge list of wrongdoing he had not anticipated having to work to repair, he has voluntarily chosen to repair it. And, when we ask why he should be in a position to do so rather than another, we should answer, "Because he is the president." The occupant of that office bears a causal connection to the previous occupant in a way that non-occupants do not. That causal connection, coupled with the voluntary choice to occupy the office, makes those reparative obligations President Obama's to satisfy rather than mine.

Finally, the same is true of friendship. When I am friends with you, I tie my life to yours in a way that I do not do with others. I am affected by our friendship, my life takes a different path than it would have had we not known each other, and I am thereby connected with your debts in a way that I would not be had we not known each other or if we were merely acquaintances. What makes it possible for me to pay my friend's debts, the thing that turns my

act from one of beneficence to reparation, is having some shared life experience together, coupled with my voluntary choice to accept your obligations.

What should we do if two parties offer to serve as proxy for the wrongs of another? We might try to determine which party is more strongly affiliated with the wrongdoer. That might not always be an easy task, and there might be some vague middle ground which makes it hard to determine which potential proxy has the stronger claim. This is most obvious in cases of affiliation by friendship, where we would run into questions about how much time the potential proxies spent with the wrongdoer, what kind of experiences they shared, or what kinds of commitments they had made to each other. In contrast to such vague cases it seems clear that organizational membership clearly satisfies the relation condition. Returning to the fraternity case, what makes it possible for contemporary fraternity members to repay the debts of past members is that they are members of the same organization. They have all, presumably, paid dues, signed documents, and worn shirts proclaiming said membership. So, in a case where a friend of your wrongdoer attempts to make reparation as her proxy, it might not be clear from the outset (or upon further investigation) whether she bears the proper relation to accept such a responsibility. In a case where the fraternity wronged you in the past, it is much more obvious that the contemporary members are in a position to accept such responsibility, should you choose to extend it to them. As in all cases of vagueness, particular determinations of whether the relation condition is satisfied will have to be made as they arise. My goal here is to lay out the framework within which such determinations can be made.

It is important to stress again that I am not arguing that mere affiliation with another's debts is enough to transfer those debts automatically onto our shoulders. I am here arguing for the weaker position which says that affiliation is enough to make it conceptually possible in at

least some situations for one to willingly accept responsibility for wrongs they themselves did not commit, and that doing so can successfully discharge reparative obligations that were originally generated by the wrongdoer. If my father stole money from you, I can choose to accept responsibility for his wrong and discharge the debt he owes to you, but that is a much weaker claim than saying that I must accept said responsibility.

Although this is a weak claim, it is not a trivial one: that we can sometimes pay the debts of others says something important about the nature of moral repair. The fact that duties of reparation can sometimes be satisfied by others on our behalf locates repair within a community of moral agents, rather than in a straightforward one to one relationship. What that allows is the possibility of repair to take place long after a wrong has been committed, and even long after the wrongdoer has died. In the absence of such a possibility, a great many wrongs must forever go unpaid.

Furthermore, the fact that I am willing to step in and accept responsibility on behalf of my father does not mean that you must forgive my father, nor does it mean that you must accept the apology. Additionally, you, as the victim, might refuse to extend moral responsibility to me, and you might contend that only the actual wrongdoer can apologize for the wrong that she has committed. I will return to the question of forgiveness in the final chapter. For now, my purpose is to show that it is possible to accept responsibility on behalf of someone else. I grant that, although the ability to accept responsibility is internally derived, if you refuse to extend it to me in virtue of the fact that I am merely a proxy, there is nothing for me to accept in the first place. In other words, if you, the victim, refuse to extend responsibility to anyone but your wrongdoer, then no one can effectively serve as your wrongdoer's proxy. So, we should think of the power to accept responsibility on behalf of another as being internally derived but externally dependent:

the power comes from within each agent, but cannot be exercised unless the victim (or perhaps her proxy) chooses to hold someone responsible in the first place.

## **2.5 Authority to Apologize**

Before considering objections to my view, I should summarize the three conditions that must be satisfied in order for you to be authorized to apologize. First, you must be properly related to the wrong or wrongdoer in question. This condition is satisfied if you are the wrongdoer, benefitted from the wrong, or are affiliated with the wrongdoer either by family membership, friendship, or organizational membership. Additionally, if you did not commit the wrong but wish to accept moral responsibility for the original wrongdoer, it must be the case first that she is permanently unable to discharge her reparative obligation to apologize, and second that your authority to apologize on her behalf is rendered legitimate by the intended recipient of the apology. If all three conditions are satisfied then so too is the authority condition. However, as I said above, that the authority condition is satisfied does not mean that the apology will be well-formed. The sincerity condition must also be satisfied in order for that to be the case.

## **Part 3 – Objections**

In this chapter I have argued that in order to apologize for a wrong, one must be authorized to do so. One is authorized to apologize for a wrong when one bears the right relation to it or to the wrongdoer in question, thereby satisfying the relation condition. Additionally, one must attempt to accept responsibility for the wrong and be sanctioned in doing so by the wronged party, thereby satisfying the legitimacy condition. I have argued that we ought to understand moral responsibility as divisible amongst actors who voluntarily accept such responsibility. As a result, it is possible for proxies to discharge reparative obligations for wrongs they did not commit when the original wrongdoer is unable to work to discharge such obligations herself.



Therefore, it is conceptually coherent for contemporary actors to apologize on behalf of historical wrongdoers. My critic might raise several objections to this account.

### **3.1 Objection: This is Creating a Problem and then Solving It**

My critic might object that all I have done in this chapter is to create a problem and then solve it. I have been concerned with addressing how it could be the case that historical and unsatisfied reparative obligations could be successfully discharged. My critic might reply that such obligations simply dissipate with the death of the wrongdoer, leaving her free not to have to tell this complicated story. If we simply accept, in other words, that reparative obligations die with those who generate them then there are many fewer obligations in the world in need of satisfaction than I am here claiming.

My critic is correct in her accounting, but wrong to place such a heavy value in minimizing the number of obligations that obtain. Parsimony is not always a virtue. It is certainly more simple to claim that only reparative obligations for contemporary wrongs obtain. But that is not what the inhabitants of West Bank believe. They believe that their grandparents were wronged. And, that belief itself creates and sustains additional wrongs.

First, it harms those who feel the need for reparations to be made. It is painful, sometimes devastatingly so, to believe that your loved ones were wronged and that redress was never made. Whether this harm qualifies as a wrong if the purported debt fails to obtain is another question. However, it is clearly the case that the suffering of moral agents is of moral concern. We cannot do away with that suffering by simply pointing out that it is philosophically groundless, as my critic suggests with this objection.

Second, the belief that historical debts can be left unpaid itself can lead to other contemporary wrongs, most notably in the form of retaliation. Indeed, the point of Atran and

Ginges' article is to note that, in their experience, it is vital that historical debts be paid (or attempts at such repayment be made) so as to break the cycle of transgenerational violence.<sup>128</sup>

So, for consequentialist reasons, regarding the beliefs of real people and the effects those beliefs have in the world, we have reason for thinking that I have not merely created the problem out of thin air only to have the opportunity to solve it later.

Of course, the account I have given has been deontological. As such, I might return the question back to my critic: What reason do we have for thinking that obligations dissipate with death? The account of responsibility that says only those who are causally responsible can be morally responsible might lead us to accept that conclusion. But, I have given another account of responsibility in which we break those two kinds of responsibility apart, which is consistent with the idea that obligations do not dissipate with death. Additionally, that account makes intuitive sense, given that we already accept the idea that we can pay each other's debts, even once those for whom we play proxy have died. If you think that you might be acting, not from beneficence but from reparation, in giving someone money in order to satisfy the debt that your dead loved one owed, you already accept the account of proxy responsibility that I have here described. Given that intuitive appeal, as well as the way in which this account of responsibility is responsive to the needs of real people out in the world, I contend that it is my critic who should have to work to motivate her account, which denies that proxy responsibility acceptance is conceptually coherent.

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<sup>128</sup> Specifically, Atran and Ginges note that honoring peoples' commitments to what they call "sacred values" over monetary compensation is a necessary first step in resolving historical conflicts. The conflict on the West Bank is "the world's greatest symbolic knot," and that apologies and other symbolic methods of recognition and respect are, in their view, the best way, "to start cutting the knot." Atran and Ginges, 2009.

### **3.2 Objection: This is Just Psychology and Not Philosophy**

One might object that all I have been describing in this chapter is the psychological need that wronged parties have to be able to find an outlet for their hurt or resentment. While the conclusion that Atran and Ginges come to in the West Bank case is understandable, it is simply wishful thinking to believe that historical wrongs could be repaired in the way that I have here described. Apologies cannot be made for such wrongs, since the perpetrators are dead.

I believe this objection fails for two reasons. The first is that I have given a plausible account of how reparative obligations might be accepted on behalf of others. Almost everyone shares the intuition that I can repay my father's monetary debts on his behalf. The burden of proof then falls on my critic to show why I cannot pay his debts which take other, non-monetary forms. This leads me to the second reason why I believe this objection fails, and it is one to which I will return at the end of the next chapter in greater detail. For now, the short answer is this: as moral philosophers we should build our positions in ways that allow for the possibility of reparation rather than disallow such a possibility. My critic is right in that it matters a great deal to those who have been that they could be paid what they are owed. My critic is mistaken, however, in reaching the conclusion that such a need or desire could never be satisfied.

Elizabeth Spelman is right to claim that humans have an important role to occupy as repairers rather than merely destroyers.<sup>129</sup> We should be inclined to fixing things rather than judging them to be unfixable. Those are all reasons for accepting the claim that I am here making, which is that playing proxy on behalf of another is conceptually coherent, and that the reparative obligations that arise as a result of historical obligations can be satisfied.

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<sup>129</sup> Spelman, 2002, p. 1-9.

#### **Part 4 – Conclusion**

In this chapter I have attempted to answer the question, “Who can apologize?” The most straightforward answer to that question is that the original wrongdoer possesses the power to apologize in virtue of the fact that she committed the wrong which gave rise to the reparative obligation to do so. I went on to argue that moral responsibility does not always turn on causal responsibility, and so sometimes you can voluntarily accept responsibility on behalf of one to whom you bear the right relation and act as her proxy, enabling you to apologize for her, if she is unable to do so herself. I argued that you might bear the proper relation to the wrongdoer if you share family membership, organizational membership, or friendship. Finally, if the wronged party chooses to accept your reparative efforts she renders your apology well-formed.

Returning to the first example with which I began this chapter, the former Australian Prime Minister Howard did in fact bear the right relation to the wrongdoer in question to accept responsibility on behalf of his historical predecessor. I contend, therefore, that he could have successfully apologized for his government’s treatment of its aboriginal people in virtue of the office that he occupied and its affiliation with that treatment. The same is true for anyone who occupies an office that is so affiliated with a wrong. Whether that apology ought to be accepted, however, is another matter which I will engage in the next chapter.

## CHAPTER 5

### WHO CAN ACCEPT AN APOLOGY?

In the previous chapter I asked, “Who can apologize?” In this chapter, I will ask the question, “Who can accept an apology?” At first glance, this might seem like a straightforward question with an equally straightforward answer. Surely, apologies can be accepted only by those who have been wronged. Sometimes, however, those who have been wronged are unable to accept apologies, because they have died or their moral agency has been significantly diminished, and in these circumstances it is important to consider whether others may accept apologies on their behalf. In this chapter I will argue that proxy apology acceptance is conceptually coherent. Furthermore, I will argue that both in cases of proxy and non-proxy apology acceptance, the intended recipient has a *prima facie* obligation to accept apologies extended to her that she believes to be otherwise well-formed.

This chapter will proceed in three parts. In part 1 I will begin by first exploring a paradigm case of apology acceptance and then move to considering its proxy form. I will argue that in order to accept an apology on behalf of another, you must be properly affiliated with the other. In part 2 I will consider and respond to objections that my critic might raise against my position, and in doing so better come to understand what proxy apology acceptance is and why we should think it is a legitimate moral practice. Finally, in part 3 I will conclude my discussion of apology acceptance before going on to explore the relationship between apology and forgiveness in the next and final chapter of this project.

## Part 1 – Accepting Apologies

I contend that two conditions must be met in order for an apology to have been accepted. First, the intended recipient must be authorized<sup>130</sup> to receive the apology. What it means to be authorized is that you must be related to the wrong or victim of wrongdoing in the right way. The most straightforward relation one might bear to the wrong is to have suffered it. So, if you are the primary victim of wrongdoing, you are obviously authorized to receive, accept, or reject the apology. Second, genuine communicative uptake must be secured between the apologizer and the intended recipient of the apology. That means that the apology recipient must understand what the apologizer intends to communicate.

As an illustration of both conditions, consider again the following case: I miss our arranged lunch-date without good reason and owe you an apology for having done so. Later in the day, I call you and utter the words, “I apologize for missing our lunch today.” You are the wronged party, in virtue of which you are authorized to receive the apology. Furthermore, we both speak the same language and you hear all of the words that I utter without distortion. As a result, the propositional content of my utterance is successfully conveyed to you and communicative uptake has been secured. You have, in other words, understood what I said when I said it. When both the authority condition and uptake condition are secured, an apology has been received. In summary, *to say that you have received an apology is to say that, as someone who is authorized to receive it, you have also understood it.* Were you to fail to hear my utterance, or if some other phenomenon prevented communicative uptake from taking place, we should consider the apology ill-formed.

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<sup>130</sup> Some readers might be troubled by my use of “authorization” throughout this chapter. In saying that someone is authorized to accept, receive, or reject an apology I simply mean that it is conceptually and morally appropriate for the person to whom the apology is extended to do so.

A distinction should be drawn between accepting an apology and merely receiving one. In the paradigm case, even if both the authority condition and uptake condition are satisfied, it is not yet enough to say that the apology has been accepted. To see why, imagine that the apology recipient does not acknowledge the apology, sitting perfectly still and unblinking, despite understanding the apology and being authorized to accept it. In such a case we should say that, although the apology has been received (which the uptake condition secures) it has not been accepted. The wrongdoer would surely wait for the apology recipient to in some way acknowledge her utterance. In the absence of such a response, the apologizer would be justified in feeling frustrated, her attempt at reparation foiled.

In her book, *Repair*, Elizabeth Spelman explores<sup>131</sup> apology as one of the tools we have available for making reparation for the wrongs that we commit. She claims that apology is like a dance, in that it requires two partners both playing their parts. Should either partner fail or refuse, the dance cannot continue. Furthermore, she claims that apology is a part of a larger process of reconciliation between the two parties, each taking their turn and contributing to that process and its success. So, if I apologize to you, it is not solely a linear, once-sided act, but something that happens within the scope of our relationship. After I have uttered the words, “I apologize,” they hang there, waiting for you accept them or reject them.

What does it mean to accept an apology? It is, like apologizing itself, a performative utterance. As is the case for all performative utterances, the doing is in the communicating. When I accept your apology I convey to you that I have understood your apology and believe it to be well-formed. Moreover, such acknowledgement communicates to the wrongdoer that she can move on to other moral matters, that she no longer owes an apology for her wrong. *To*

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<sup>131</sup> Spelman, 2002, p. 85.

*accept an apology is to communicate that the wrongdoer's attempt to satisfy her reparative obligation to apologize has succeeded and that her reparative obligation has been satisfied.*

Recall that in the last chapter I argued for what I called *the legitimacy condition*, which said that in some cases, actors play a role in determining whether particular moral obligations have been satisfied. Much like if I invite you to my party my invitation gives you the right to attend, so too is it the case that if I proclaim that your debt to me has been satisfied, that makes it the case that your debt has been satisfied. I am the person who was wronged, and so I should be afforded some say in determining whether your subsequent reparative efforts are successful.

The same principle is at play here in terms of accepting an apology. If you wrong me and later apologize, I can either accept or reject your apology. If I accept it, your reparative obligation to apologize has been satisfied. You might owe me additional debts that you still ought to repay. In that case, my accepting your apology takes but one of your obligations off your moral to-do list.

My acceptance of your apology need not be something that I only communicate to you, however. If others question whether you have satisfied your obligation to me, you might reply by telling them that, since I (as the person you wronged) have accepted your apology, they should also accept that at least that particular obligation has been satisfied.

In addition to accepting and merely receiving an apology, a third option remains open to the apology's recipient: rejecting the apology. *To reject an apology is to communicate that the wrongdoer's attempt to satisfy her reparative obligation to apologize has failed and that that obligation has not been satisfied.* I might, upon receiving your apology, believe that you are insincere or that you do not fully understand the nature of the wrong for which you are



apologizing. I might then respond to your apology by rejecting it: not leaving your apology hanging in the air between us as I do when I merely receive it, but returning it to you, communicating that it is inadequate for one reason or another, and that if you are genuinely committed to discharging your reparative obligations to me, you will have to try again.

We should understand the distinction between receiving an apology and rejecting or accepting an apology in the following way: all three entail that both the authority condition and uptake condition must be satisfied. All apology acceptance and rejection entails apology reception, but not all reception entails acceptance. What we should take away from the distinction between receiving, rejecting, and accepting an apology is that merely receiving an apology is passive while accepting or rejecting apologies are fundamentally active: they are things that the agent does. Furthermore, apology, as a method of discharging duties of reparation, is at its core a two-party procedure. Since we would think that the merely received apology is a failed attempt at repair, what we should acknowledge is that, for even the attempt of reparation to be successful, both parties must be engaged. This is not to say that if reparation is attempted it will be successful, but is instead to stress that without the active engagement of the apology recipient even the attempt itself will fail, derailing any chance that the attempted reparation could be successful.

### **1.1 Authority**

So, if accepting an apology is a communicative act like apologizing itself, we should question who is authorized to perform the act. Much like umpires and only umpires are able to pronounce someone “safe,” so too is it the case that only particular communicative actors are able to accept particular apologies. And, I have reiterated *the legitimacy condition* here, saying

that there are particular parties who help to determine when and under what conditions reparative obligations are satisfied.

In the last chapter I argued that in order to successfully apologize you must be properly related to the wrong in question. I then argued that to be properly related to the wrong, you must either have committed the wrong yourself, benefitted from the wrong, or you must be properly affiliated with the wrongdoer, via friendship, family membership, or organizational membership. Ultimately, I argued that when such affiliation obtains it is at least sometimes possible for someone who did not themselves commit a wrong to voluntarily accept responsibility for it and thereby apologize, in virtue of the relation they bear to the wrong.

In other words, the answer to the question, “Who can apologize?” was, “Whoever is authorized to do so” where authorization meant being properly related to the wrong and having been invested with the authority to do so by the wronged party. I contend that the answer to the question, “Who can accept an apology?” is much the same. Looking again at the paradigm case of apology acceptance described earlier, when I miss our lunch and apologize to you, you are clearly and uncontroversially authorized to accept my apology because you are the victim of the wrong in question. In a straightforward, everyday case of apology like this one, what it means to be the recipient of an apology is clear. However, as we will now discover, there are a number of ways to complicate the paradigm case, and thereby make that outcome quite a bit murkier.

Part of what makes the paradigm case of apology uncontroversial is that both parties, wrongdoer and wronged, are able to engage each other directly in the moment the apology takes place. The reparative efforts made by the wrongdoer are directly experienced by the wronged, with no mediating factors. Unfortunately, many apologies (or at least attempted apologies) are not so direct.

Consider the following cases:

1. A drunk driver hits and wrongfully kills a pedestrian with her car. The drunk driver wants to make amends, and so apologizes to the pedestrian's family, not just for wronging them, but for wronging the pedestrian herself.
2. France's national railway company wrongfully enabled the Holocaust. Recently, the chairman of the company apologized on behalf of his company to the victims of the Holocaust for its role in their deaths.<sup>132</sup>

Is it possible for the pedestrian's family to accept an apology on her behalf, given that she is not capable of receiving it? Is it possible for the railway company chairman to apologize for the historical wrongs that his company committed? In order to answer those questions, we must ask whether the authority condition is satisfied in each case. If not, then the apologies are unsuccessful.

## 1.2 Proxy Apology Recipients

In the previous chapter I argued that someone could apologize on behalf of another and named such intermediaries *proxy apologizers*. To parallel the work I have already done, call those parties who receive an apology on behalf of another *proxy apology recipients*.<sup>133</sup> Additionally, in the previous chapter I described what I called *the process of moral responsibility acceptance*. Not surprisingly, I now describe its corollary:

Put succinctly, *the process of proxy apology acceptance* looks like this:

1. A wrongs B.
2. B is permanently unable to accept an apology for A's wrong. (Call this *the inability to accept condition*.)
3. C is related to A in some morally salient way. (This is what I called *the relation condition* in the previous chapter.)
4. C accepts A's apology on behalf of B.
5. A's reparative obligation to apologize is discharged.

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<sup>132</sup> Baume, 2011.

<sup>133</sup> I am choosing the term "proxy apology recipient" rather than "proxy apology acceptor," both for aesthetic reasons, and because it reminds us that accepting the apology is an active choice that the recipient of the apology makes upon receiving it (which is what happens when communicative uptake is secured.)

*The inability to accept condition*, as named in 2, is the same as the inability to repair condition described in the previous chapter. You are unable to accept an apology issued for a wrong committed against you if your agency is significantly diminished or if you have died.

I explored *the relation condition*, named in 3, in the previous chapter as well. You satisfy the relation condition if you are related to the wronged party in some morally salient way, including (but not limited to) family or organizational membership or friendship.

Combining these conditions, I contend that the pedestrian's family is in fact authorized to serve as proxy apology recipients, and that just as someone can plausibly apologize on behalf of another, so too can someone plausibly accept an apology on another's behalf. They can do so in virtue of bearing the proper relation to the wrong in question. What this would amount to is that the drunk driver would apologize for his wrong to her family. Note that the drunk driver might also owe her family an apology for the way that he wronged them (by killing their loved one). The important point is that the original reparative obligation to apologize which arose in response to the drunk driver's wrong can be satisfied, even though the pedestrian herself is unable to receive it. The reason why is that her family can receive the apology on her behalf because they are properly affiliated with her and satisfy *the relation condition* described in the previous chapter. They can then choose whether to accept the apology, just as someone could choose whether to extend an apology on behalf of another.

What about the French railway case? When the chairman of the company, operating with the authority invested in his office, apologizes on behalf of the company's past wrongful acts, he apologizes for the original wrongs, even if he does so to the victims' descendents. The reason why that conclusion is plausible, again, is that the descendents satisfy *the relation condition* in

that they are affiliated with the wrong in such a way as to authorize them to accept the apology (in this case, they are affiliated by familial relations).

One important difference between apologizing on behalf of another and accepting an apology on behalf of another is that the former requires that the legitimacy condition be satisfied, whereas the latter does not. When I attempt to apologize on your behalf the wronged party partly determines whether my apology is well-formed, and in so doing also determines whether I can serve as your proxy. Accepting an apology on behalf of another does not require the same legitimizing condition be satisfied as it did in determining whether I can accept responsibility for you. To see why, consider that when I invite you to my party, even if you are a bad friend and it is, on balance, something that I ought not do, it is still the case that you have been invited. I am the person who gets to determine whether you are invited; it is my party and my decision to make. The same is true in terms of apology acceptance. If I am the wronged party, it is my wrong and I determine (in part) whether the apology successfully discharges one of the wrongdoer's reparative obligations. The power to accept an apology is internally derived.

Furthermore, I contend that the power to accept an apology on behalf of another is also internally derived. There might be conflicts between competing parties who each believe that they should play proxy. In such cases there are at least two methods for resolving the conflict. One would be for the different potential proxies to deliberate amongst themselves and try to reach consensus as to who should perform the communicative act of accepting or rejecting the apology, as well as which of the two acts that person should perform. Another way to resolve such a conflict would be to ask who best satisfies the relation condition. Which, amongst the potential proxies, was most affected by, bore the right kind of commitments to, or shared the right kinds of experiences with the wronged party? I do not here propose a simple answer for

resolving such disputes. Indeed, they might often be complicated and require difficult deliberation. However, at the end of such deliberation one party could be selected who could then play proxy for another.

Suppose my critic denies that *the relation condition* leaves one in a position to accept an apology on behalf of another. To such a denial I have two replies.

First, there are other cases in which we might think that you can satisfy your reparative obligations even after the person that you wronged has died. Returning to an earlier example, if you owe my father some monetary debt, most people would think that I can accept the money on his behalf after he has died and that your debt would then be satisfied. Giving me the money that you owed him would not be an act of beneficence. Instead, it would be an act of reparation, and as someone who satisfies *the relation condition* I am someone for whom that act can be performed. Why should the reparative obligation to apologize be any different?

Second, throughout this project I have claimed that it is simply self-evidently true that when one acts wrongly one acquires the obligation to attempt to repair that wrong. Since apologizing is almost always a necessary step towards discharging such an obligation, if we deny that apologies can be received by proxies in cases where the wronged party has died, we are left with a deeply counterintuitive result: the wrongdoer who kills her victim bears fewer reparative obligations than the wrongdoer who does not. But, that is the opposite conclusion than is intuitively plausible, since it seems much more fitting that the greater the wrong, the more reparative obligations one would bear. Put another way, wrongdoers owe reparation for their wrongs. But, if proxy apology acceptance is impossible, then many wrongdoers will be unable to discharge that duty. Since ought implies can, if proxy apology acceptance is impossible, then many wrongdoers do not in fact have many of the reparative obligations that other wrongdoers

bear. And, as it turns out, lethal wrongs carry at least one fewer obligation than non-lethal wrongs do. Since we think that lethal wrongs are, all else equal, worse wrongs, and since worse wrongs should require more reparation rather than less, this conclusion seems unacceptable.

Imagine that there are two possible worlds, both of which are identical except for the fact that in the first the murderer apologizes to her dead victim via her family, and in the other she offers no apology at all. It seems to me that the first world is morally better than the second. The reason why is that the first world contains more reparative effort than the world in which she does not apologize. My critic bites a hard bullet when she accepts that the wrongdoer need make no such effort.

So, accepting an apology is a power the agents possess, much like accepting responsibility is a power that agents possess. And, I suggest that much like we can serve as proxies for others in accepting responsibility on their behalf, so too can we accept apologies on their behalf. In the next section I will explore whether and under what conditions we ought to accept apologies, either extended to us, or to those for whom we serve as proxy.

### **1.3 The Duty to Enable Others to Act Rightly**

In chapter 1, I summarized Rossian deontology as the normative model on which I am primarily grounding my project. As a quick reminder, Ross claims that we have seven *prima facie* duties or duty types. They are duties of beneficence, reparation, non-maleficence, justice, fidelity, gratitude, and self-improvement. He explicitly acknowledges<sup>134</sup> that this list is not intended to be comprehensive and is open to addendums that other moral theorists might make. I propose such an addendum now. I contend that we have an additional duty, not mentioned on Ross' list, and it is the *prima facie* duty to enable others to act rightly. I further contend that it shares three important features with those already on Ross' list: it is a *prima facie* duty, it is self-

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<sup>134</sup> Ross, 2002, p. 20.

evidently true, and it is conceptually basic. I will briefly explain what all three features amount to before explaining how this additional duty supports the use of proxy apology recipients.

First, when Ross says that a duty is *prima facie*, what he means is that the duty always obtains, but can sometimes be trumped by other, stronger duties. The outcome of such trumping is that the duty that wins the day is properly called our absolute or final duty. So, if I am on my way to meet you for lunch but I witness a car accident, my duty of beneficence to stop and help the victim trumps my duty of fidelity to satisfy my commitment to you. It is still the case that I ought to satisfy my commitment to you; that “ought,” however, is overridden by the stronger or more pressing obligation to help the victim of the car accident. The same is true of the duty to enable others to act rightly. I ought, all else being equal, to enable others to satisfy their obligations. That ‘ought’ can sometimes be trumped by other obligations I might have at that particular time and place. But, it is always true that I ought to try to enable others to act rightly.

This brings us to the second feature that the duty to enable others to act rightly shares with the others on Ross’ list: it is self-evidently true. By this I mean just what Ross meant, and it is that when someone of sufficient mental and moral maturity reflects on the claim, one recognizes that it is true.<sup>135</sup> This is a controversial claim, and I do not mean to defend a more robust intuitionist metaethic here. At the very least, one might be suspicious of who is properly counted as having “sufficient mental and moral maturity.” I think, however, that the reason I need not further develop an intuitionist model in this project is that upon reflection, my proposed eighth *prima facie* duty is so uncontroversial as to allow us to avoid delving into its metaethical underpinnings. Just as Singer asks us to consider whether gratuitous suffering and death are bad, I ask my reader to consider whether we should, all else being equal, work to help others act rightly. It seems that only the staunchest libertarian, who thinks we literally do not owe anything

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<sup>135</sup> Ross, 2002, p. 29.



to each other beyond the duties of non-maleficence and fidelity, would object to this particular claim. The reason why is that the duty's *prima facie* status is doing quite a lot of work; I have not specified when the duty to enable others to act rightly would be our final or absolute duty, but have so far only claimed that it is a duty at all. Later in this chapter I will work to further support the intuition that this duty might sometimes be our final duty. So, even if you reject intuitionism, unless you reject the idea that we in fact have an obligation to enable others to act rightly, we do not have much of a quarrel. Put simply, if you have ever felt that you ought to help someone to fulfill their obligations, not because you wanted to make them happy or their lives go more smoothly, but because you think it is right for you to help them act rightly, then I suggest you already believe you bear the *prima facie* obligation to help others satisfy their obligations.

Finally, the duty to enable others to act rightly is conceptually basic, in that it cannot be reduced to some other duty on Ross' list. Upon examination of the other duties, are there good potential reductionist candidates? Most obviously, we might think that the duty to enable others to act rightly could be reduced to the duty of beneficence,<sup>136</sup> but that does not seem quite right, unless we assume that acting rightly is always good for someone. Or, we might think that it could be reduced to the duty to promote justice,<sup>137</sup> but in Rossian terms, when he explains this duty, he seems focused on desert. I believe that while you might be able to reduce the duty to enable others to act rightly into one of the original Rossian duties, you would have to do so via theoretical contortionism. Ultimately, whether you think this duty falls into one of the other

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<sup>136</sup> Ross defines the duty of beneficence in terms of being able to improve the condition of others "in respect of virtue, or of intelligence, or of pleasure." Ross, 2002, p. 21. Mark Timmons explains the virtue this way, "We are often in a position to help others improve their character or their intelligence, or increase their pleasure and reduce their pain." Timmons, 2002, p. 194. My reading of both of these seems to have to do with making someone better off or helping them to be a better person altogether. What I am after here is the duty to enable others to satisfy specific obligations they may carry, not to be better people in general.

<sup>137</sup> *ibid.*, p. 21.

established categories, or whether you agree that it is *sui generis*, is irrelevant here. All that matters is that you accept that we in fact bear a *prima facie* duty to help others do their duty as well.

Returning to the question of why we should agree that we can accept an apology on behalf of another, I contend that the duty to enable others to act rightly, coupled with the recognition that wrongdoers have an obligation to try and repair their wrongs, leads us to accept that in at least some cases we ought to accept an apology on behalf of another with whom you bear the proper relation. The reason why is that in doing so, you enable the wrongdoer to satisfy her reparative obligation to apologize. You are, in other words, satisfying your duty to enable others to act rightly by serving as proxy apology recipient in place of someone with whom you are properly related.

Of course, that also means that you ought to accept an apology that you believe to be well-formed in non-proxy cases, where the apology is directed not at someone you represent, but at you. The reason why is the same: in accepting a well-formed apology you satisfy your own obligation to enable others to act rightly. So, if I wrong you and apologize for my wrong (assuming that the sincerity condition is satisfied and you have good reason for believing so) you ought to accept my apology. That does not entail that you ought to forgive me, nor is it absolute in that it could be defeated by some other stronger duty that might arise. But, all else being equal, if you believe that my apology is well-formed, you have an obligation to accept it.

In summary, I contend that agents have the power to accept apologies on behalf of others when they bear the proper relation to the victim. To be authorized to accept an apology on behalf of another, you must bear the right relation to the wrong in question. That relation just is either being the primary victim of the wrong, or being affiliated with the victim via some

significant relationship, in particular, via friendship, family membership, or organizational membership. Finally, I have argued that all well-formed apology recipients, whether proxy or otherwise, bear a *prima facie* obligation to accept the apologies that are extended to them, born from the additional *prima facie* duty to enable others to act rightly.

## **Part 2 - Objections**

Having just explored the positive case for my position, we should now consider some objections that my critic might raise in response.

### **2.1 Objection – Some Obligations Cannot Be Satisfied**

First, she might reply that I am putting the cart before the horse, and jumping from the claim that the wrongdoer has an obligation to try to repair a wrong to the conclusion that it is possible to satisfy that obligation. Furthermore, my critic might claim that part of what makes a lethal wrongful act especially morally repugnant is that the wrongdoer cannot in fact ever satisfy the reparative obligation she acquires. What makes it so bad to wrongfully kill someone is that it simply cannot be repaired. In other words, moral responsibility simply does not work the way that I am suggesting it does: it is just a brute moral fact that I cannot apologize for wrongs I have committed against you to someone else, but must apologize to you directly.

I believe this objection fails for two reasons. First, it demonstrates a theoretical bias in favor of the primacy of wrongdoing, as opposed to reparation. I admit that there are some wrongs which may be irreparable. However, to be committed to the outcome that once the victim has died the wrongdoer will never, categorically, be able to make amends for her wrong weights the scale more heavily on the side of punitive assessment rather than reparation.

This is similar to the debate between retributive<sup>138</sup> and restorative justice: we might think that justice is fundamentally about either punishing the perpetrator of a wrong, or about restoring the community and its members to healthy or appropriate relationships after a wrong has taken place. Both sides see theirs as primary or more basic than the other. In this case, the two sides that one can take similarly fall in favor of blame or of reparation. To claim that once your victim has died you cannot make amends is to claim that you are forever blameworthy, since we might think it is permissible to continue to blame someone until they have made amends. But, without saying more in favor of why we should see the world in this way, we might be disinclined to accept that things are so black and white, and that actions are so static as the retributive justice theorist suggests. Indeed, I will argue later that when we moral theorists are constructing our views, we should choose those that enable, rather than prohibit, reparation.

This points us to the second reason we should reject my critic's objection, and it is that by focusing so heavily on the victim, we ignore the other party involved in the wrong: the wrongdoer herself. Moral repair is not just about making things right for the person who suffered the wrong, but about making them right for the wrongdoer as well. As Trudy Govier reminds us, in the absence of reparation a wrongdoer remains forever trapped and defined by her wrong<sup>139</sup>: she is a murderer or a thief, and what more could you need to know about her, once you know that much? Her life is limited by her past actions; what she can do and who she can be are capped by the ceiling of her wrongs. It is only when she is given the opportunity to try to make amends that she is able to overcome those wrongs. I will return to the ways in which forgiveness can lead to such outcomes in the next chapter. For now, my point is that others hold a great deal of power over the wrongdoer by depriving her of the opportunity to even attempt to

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<sup>138</sup> Or what Margaret Walker calls corrective justice. See: Walker, 2006.

<sup>139</sup> Consider in practical terms that felons permanently lose certain legal rights upon being found guilty; once a felon, always a felon. Govier, 1999, p. 62.

achieve redemption. If we decide that apologies cannot be received by proxies, we rule in favor of condemnation and against redemption.<sup>140</sup>

## **2.2 Objection: The Counterfactual Test**

So far I have argued that agents have, among others, two powers: to apologize on behalf of another, and in so doing accept the responsibility that accompanies it; and, to receive an apology on behalf of another, and in so doing enable the wrongdoer to discharge at least part of the reparative obligations that she bears for her wrong. Assume that my critic accepts my previous arguments in favor of these two powers, but insists on adding to it an additional constraint: that the proxy apology recipient must pass what I will call the counterfactual test in order to be authorized to do so. In order to understand what the counterfactual test is, imagine the following case: Years ago I wronged your father. He is now dead. Now, I apologize to you as your father's proxy apology recipient, hoping that you will accept the apology on his behalf. At first glance you appear to bear the right relation to my victim to authorize you to receive the apology.

But, now imagine that, as it turns out, you do not know very much about how he conducted himself within moral relationships. Unfortunately for me, the wrongdoer, you are unable to receive the apology I offer to you as his proxy, and the reason why is this: you are unable to pass the counterfactual test, which asks how the person for whom you serve as proxy would have acted, had they been able to so act. You are unable to say that, "If my father had been alive, then he would have accepted your apology." But, the counterfactual test is not

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<sup>140</sup> Redemption carries with it religious connotations which I do not mean to invoke here. Instead, I use the term to refer to the state of having satisfied your reparative obligations. Redemption is not an all or nothing affair. You work to redeem yourself morally when you work to satisfy your reparative obligations. The more such obligations you have satisfied the more you have redeemed yourself. When you have satisfied all such obligations, you have achieved moral redemption, at least in regards to a particular wrong.

merely a test of whether we know how the original victim would have acted. Imagine now that you knew your father very well, and that he was a very stubborn curmudgeon who never gave any ground or forgave anyone for even the smallest slight against him. In such a case you again clearly fail the counterfactual test, for you know that your father would have refused to accept my apology, had he been alive to make such a decision.

But why should we accept my critic's claim that we in fact need the counterfactual test to determine whether someone is authorized to accept an apology on behalf of another? To further motivate her claim, consider the role the proxy decision maker plays in deciding what medical treatment someone should receive when they are unable to make that decision for themselves. If I have legally given you the power to make end of life decisions on my behalf, the least controversial understanding of what responsibilities you would now bear would be to choose those forms of treatment or medical care that you know that I would want. So, if I had directed you not to let me be put on a respirator, we might think you wrong for violating that wish.

So, according to my critic and her counterfactual test, we should understand the proxy apology recipient to be a stand-in for the original victim. Indeed, the way that the wrongdoer might be able to achieve some redemption is via the proxy as a conduit to their original victim. Absent said conduit, we might indeed think that the critic's earlier objection (that an apology to a proxy simply fails to discharge a reparative obligation) might ring true.

However, the counterfactual test as it is currently stated is too strong, for there may well be times when we think that we indeed ought to violate the wishes of another that we represent. If I share with you my sincere desire never to be given pain medication of any kind before designating you as my proxy decision maker at the end of my life, we might think it permissible or obligatory for you to decide, against my earlier stated wishes, to have the doctor administer

something for the pain when I am suffering terribly. And, in the same way we might think that when I apologize to you as your father's proxy, you perhaps ought to accept my apology on his behalf, given that he was a curmudgeon who always as a rule refused to accept anyone's apologies for anything, much less forgive any of his malefactors, no matter how small their wrongs against him or how sincere their efforts to make amends.

Furthermore, simply knowing how the wronged party would act would not invest one with the authority to so act. Imagine that there is a historian who knows as well as anyone alive how George Washington would have responded to certain situations, and that she does so with perfect accuracy. She is, however, otherwise unaffiliated with him. Simply being able to predict his behavior is not enough; it would seem very odd for her to accept an apology on behalf of Washington (should someone try to extend such an apology in the first place). Or, as a different example, think of the theologian who knows the Catholic canon as well as anyone alive. If he is not recognized as a priest, surely he could not forgive someone for their sins the way that a priest could, on God's behalf.<sup>141</sup>

So, what we need is a more nuanced form of the counterfactual test which does not simply substitute the proxy for the original party. Of course, we already have an additional constraint that adds such nuance: it is not enough that one pass the counterfactual test, but one must also be properly related to the wrong in order to accept an apology on behalf of another. So, just as it would be out of place for a stranger to apologize for my actions, so too would it be out of place for an unrelated historian to apologize or accept an apology on behalf of George Washington. Now, if it turned out that the historian happened to be Washington's descendent, her role as proxy begins to seem more legitimate.

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<sup>141</sup> I am not here endorsing the idea that priests can forgive on God's behalf, but merely noting that millions of Catholics do hold such a belief, and would also reject the learned theologian as a stand-in for a priest. Govier and Verwoerd, 2002, p. 105.

But, this is still not yet enough. While bearing the proper relation to the wrong helps to narrow our cases, we still need a more sophisticated version of the counterfactual test itself. However, I believe that my critic will be unable to find a way to improve it without giving up the point of the test altogether. Part of what makes the counterfactual test inadequate is that it is purely epistemic: if I know that you would do  $x$ , and I am your proxy, then I do  $x$ . What follows when we view the test as purely epistemic, is that it renders the whole process largely mechanical; the proxy is simply a conduit through which someone else's choices flow. But, of course the person serving as proxy is not merely an input-output machine, but another agent who plays an important role in the reparative process following the wrong in question. If she did not play such a role, it would not matter whether she was properly related to the wrong as I have argued. If her role as proxy was solely to serve as a conduit between the wronged party and the wrongdoer, then surely the historian who knows exactly how Washington would respond would be able to adequately serve as Washington's proxy. It is precisely the fact that we think the historian must bear a certain relation to Washington which gives us reason to think there is something special about who she is in particular that makes the proxy role more than simply an input-output procedure. The proxy is not, in other words, a mere means to the end of the wrongdoer or the wronged; she is an agent herself who plays an active, decision-making role in determining the shape of the repair that is to follow.

To help see this, imagine one more variant on our Washington case. This time, instead of talking with a historian about what Washington would have done, the person who wronged Washington simply goes to the library, digs through the historical archives, and reads some of Washington's old letters, wherein Washington discloses that he fully believes in the power of redemption and in the responsibility of everyone to forgive every wrong when asked to do so. In



this way, we remove the historian from the scenario entirely, and the wrongdoer is still able to learn that, if he had apologized to Washington, Washington would have accepted his apology. Would the wrongdoer be able to apologize? If you think not, it seems that the reason why is that the person playing the role of Washington's proxy is indeed playing an important role; she needs to be there. But, since it is not merely her knowledge of what he would have done that is doing the work, it must be something about having her in the reparative scenario that plays an important role.

So, what all this points to is that the proxy must not only have knowledge of what the wronged party would do, and must not only be properly related to the wrong, but must herself play a role in which she exercises her agency in the reparative scenario. If she is not to simply be an input-output machine, she must make some kind of a decision, as only agents can do. And, I believe this gives us good reason to reject the counterfactual test altogether, despite my critic's claim that it is necessary. If it is the case that the agent herself plays an important and specifically active role in accepting the apology on behalf of another, then it seems what the original victim would have done counterfactually is no longer playing a key role in determining whether the apology ought to be accepted. Indeed, just as we might override someone's wishes for how their end of life might proceed and allow the doctor to administer painkillers despite their wishes to the contrary, so too might the proxy apology recipient override the victim's wishes by accepting an apology, despite her knowledge that the victim would have refused to do so. Similarly, imagine that a democratically elected political representative chooses to cast her vote for a bill that is unpopular amongst her constituents, believing that supporting the bill is the right thing to do. Obviously, the threat of paternalism looms large, but sometimes it is also

justified. The trouble lies in determining when paternalism is justified and when it is not. I hope to provide some guidance towards that end now.

Returning to the claim that we have a *prima facie* duty to enable others to act rightly, when I override your wishes and accept an apology on your behalf that you would have refused, I satisfy that obligation. To say that the duty is *prima facie* is to say that it can sometimes be overridden by other, more pressing duties. However, as stated earlier, what Ross shows us is that to say that a duty can be trumped by another is not to say that the duty does not obtain. Indeed, we always have an obligation to be beneficent, non-maleficent, satisfy our duties of fidelity, etc. It is not that when some other duty trumps we no longer bear the duty in question; we do, but that duty is simply superseded by some other stronger duty within that particular context.

This is relevant to our current discussion of paternalism because we always have an obligation to enable others to act rightly. If you, as a curmudgeon for whom I am serving as proxy, would have refused to accept an apology, what would the form of your objection be when I accept it on your behalf? It would have to be something like the objection that it was not up to me to decide whether to accept the apology. But, that objection, as it stands, is vague. Perhaps you mean the stronger claim that it is not up to me to forgive your wrongdoer on your behalf (an issue to which I will return in the next chapter). But that is not what I am here claiming we ought to do. Instead, I am defending the weaker claim that says that when I accept an apology, either on my own behalf or on behalf of someone for whom I serve as proxy, I am enabling someone else to act rightly, in so far as I am enabling them to discharge their duty of reparation. In short, in accepting an apology I am enabling the wrongdoer to satisfy one of her reparative obligations, and in so far as I have a duty to do so which always obtains, whether you want me to do so is frankly beside the point.

In order to object, you would either have to claim that I do not in fact bear such a *prima facie* obligation, which seems implausible, or that I have some other, contextually stronger duty which trumps within the context at hand. But, it is hard to see just what such a duty would be. On a Rossian framework, it seems that you might think I violate my duty of non-maleficence, in so far as I harm you by overriding your wishes. Surely it is the case, however, that if you are a parent who threw her child in the shallow pond, I ought to run in to save her, despite the fact that doing so violates your wishes.

Or, imagine this case: I am friends with two people who used to be in a romantic relationship with each other. They suffer a painful and messy break-up, in which I become involved. When one of them later apologizes to me for the way I was treated, I accept the apology. The other one becomes angry with me, thinking that I should not have done so. Surely we think that such an objection is unwarranted, and that if the apologizer is sincere in her effort to satisfy her reparative obligations I have a good reason to enable her to do so.

Ultimately, the important distinction at play in the background throughout this discussion is that between personal and impersonal duties. I ought to enable others to act rightly in general, and accepting an apology is but one way to satisfy that obligation. Forgiveness, however, is deeply personal, and indeed we might think that it would be not be merely overstepping but a positive harm for me to try to forgive someone on your behalf. But, forgiving someone is simply not the same thing as accepting an apology, and so I contend that when we accept apologies on behalf of others as their proxy, we might be acting paternalistically, but not viciously so. Instead, we merely satisfy the general obligation to enable others to act rightly that obtains, regardless of the wishes of others.

### **2.3 Objections: Desert and Causal Impotence**

Perhaps my critic would reply that all I have defended is the obligation to enable others to try to satisfy their obligations, and since I have stipulated that forgiveness is distinct from accepting an apology, and since forgiveness is the method by which one discharges one's reparative obligations, then I am simply not doing anything when I accept an apology on behalf of another. In other words, if forgiveness is what matters, and if I cannot forgive on behalf of another, then why should we think that accepting an apology carries any moral weight? Call this the objection from causal impotence. It is closely related to another objection, which I call the objection from desert, and I will answer both together.

While it is true that forgiveness is the method by which full reparation is made and all one's reparative duties are discharged, we should not jump to the conclusion that there is not other important moral work being done in the acts of apologizing and accepting an apology. And, it is precisely this work that answers what I will call the objection from desert, which says that when you wrong someone and they die before you repair the wrong, you are simply out of luck and you can never in fact do anything to satisfy your duty of reparation to the original victim. Earlier I argued that this conclusion is counterintuitive because it implies that wrongdoers whose victims die bear fewer obligations than those whose victims survive. Now I want to further respond to that objection by noting that it is grounded in a bias in favor of so-called models of retributive justice, and against models of restorative justice.

In order to elucidate this bias, consider that when I wrong you, I am now in part defined by my wrong. If I steal from you, I am a thief. If I lie to you, I am a liar. And, if I murder you, I am a murderer. Models of retributive justice, which place more of an emphasis on punitive response than on reparation might lead one to think that once you have committed a wrong, you

are permanently defined by that wrong; once a liar always a liar, or once a thief, always a thief. Of course, the theorist of retributive justice need not take such an extreme view, and could instead say that defining one's identity by their actions lasts at least until one takes some steps to change or redefine that identity. So, instead of saying, "once a thief, always a thief," the more sophisticated retributive justice theorist might say, "once a thief, you remain a thief until you have repaid what you owe." And, in some cases it just simply fails to be the case that you can repay your debt. So, in such cases you are permanently defined by your title, and the possibility of repairing your wrongs is forever lost to you.

I believe the restorative justice theorist should agree with this account up until the conclusion, at which point she should grant that in some cases full redemption might in fact be unavailable to a person, but should deny that redemption is an all or nothing affair. Instead, redemption can come in degrees, and it is in light of this conclusion that I can answer my critic's objection from causal impotence. Apologies to the proxies of dead victims need not be fully reparative to still play some role in redeeming the wrongdoer.

Imagine two worlds. Call the first world Retribution, and the second Reparation. In Retribution, a murderer never apologizes to her victim (via her proxies) because she believes that such efforts will have no impact on the world: specifically, she believes that her apology will not bring her victim back to life, and she believes that she herself will always rightly bear the title murderer. Now consider Reparation, in which the murderer does apologize to her victim, (via her proxy). She does so, not believing that her apology will bring her victim back to life, but because she has had a genuine change of heart and no longer aligns herself with her past action. Indeed, she condemns it, and in apologizing, conveys that condemnation. Furthermore, she

recognizes that there are limits on what her reparative efforts can accomplish, and yet in apologizing (among other things) she does her best to bring about what reparation she can.

It seems clear that the second world, Reparation, is in fact the morally better world. In Retribution, we have foreclosed the possibility that the murderer can ever be more than her past actions. In Reparation, we welcome that possibility, and hope that it will be actualized. In apologizing to her victim, the murderer attempts to make amends, and in so doing comes to partially redeem herself. If you have ever lied to anyone, is it appropriate to always call you a liar? In one sense, once you have lied a single time, you are always a liar. But, in the way that the term is used most commonly, there are things that you can do to make such a label inappropriate. The same is true for the murderer. While it will always be the case that she committed murder, we might think that the title of “murderer” is now inappropriate. The reason why is that “murderer,” as a label, carries with it additional meaning beyond the claim that its bearer has committed murder. Indeed, it implies that its bearer has committed murder and has not worked to render the title ill-fitting; she has not, in other words, worked towards redemption.

I am here responding to two objections: the objection from causal impotence which says that apologies to the dead via their proxies do not accomplish anything, and the objection from desert which says that wrongdoers deserve to be forever labeled by their wrong, in virtue of the fact that their victims are dead. I contend that both of these objections fail, because they both wrongly assume that redemption is in fact unavailable to wrongdoers, despite the fact that we believe people are able to change their ways and achieve redemption all the time. If it is inappropriate for someone who lies but then shows herself to be trustworthy to be labeled a liar, then so should it be inappropriate for someone who murders but shows herself to be trustworthy to be labeled a murderer. This transformation is achieved despite the fact that full

reparation cannot be made in such a case. And so we have reason for thinking that, while apologies to the dead via their proxies will not be fully reparative, they are also not causally impotent, thereby defeating that objection. Furthermore, we have reason to think that the wrongdoer who attempts to make amends, making every effort that she can towards that end, will also no longer deserve to be defined by the label that describes her wrong, thereby defeating the objection from desert.

#### **2.4 Objection: Pessimism**

Perhaps, however, my critic will accept the account of normative labeling I have just described, and will grant that one instance of lying, coupled with a general commitment to honesty, would not justify calling someone a liar, but would deny that the same response should be taken to the murderer. Once a murderer, always a murderer, my critic might continue to object. I argued that this stance reveals a bias in favor of retributive accounts of justice as opposed to reparative or restorative accounts which blinds her to the opportunity to go at least some distance to repairing moral wrongs. My critic might well be willing to embrace that bias and ask why we should think that such wrongs could ever be repaired. In other words, am I guilty of a bias in favor of reparation, and thereby similarly blinded to the impossibility that such wrongs could ever be repaired?

This is perhaps the strongest objection against my position that I have so far considered in the course of this discussion. It is grounded in real-world experience of atrocity, and forces the reparative justice theorist to ask whether she really thinks that all wrongs can be fixed. I have three replies:

First, we must be careful to distinguish between what is possible, given contingent psychological features of the moral agents in question, and what is possible, given the nature of

morality. I admit that there may well be some cases where particular victims are not psychologically equipped to accept the apologies of their wrongdoers, where they are not capable of enabling their wrongdoers to attempt to make amends. However, I think that such cases of true psychological impossibility are more rare than we might think. And, remember that I am not here claiming that victims of wrongdoing must forgive their wrongdoer, which is surely the much more difficult task than simply enabling their wrongdoer to repair her wrong, in this case, via the act of apologizing for it.

Second, as discussed in chapter 2 when I explored the implications of voluntarism and empathy, I am sympathetic to the objection that victims ought not be required to help their wrongdoers find redemption and that asking them to do so is overly burdensome, given that they have already been victimized. However, while sympathetic to that objection, I continue to maintain that victims, just like everyone else, have a *prima facie* duty to enable others to act rightly. That duty may be trumped by other duties, to themselves included, such that it may turn out to be the case that their final duty in a particular context is not to help their wrongdoers. But if it is possible for them to do so without failing in some other, stronger duty, then they ought to at least attempt to do so. It is true that we might find it more understandable for them to fail to make such an attempt, given their status as victim. But, what is understandable is not the same thing as what is moral, and although we recognize what features of the situation contributed to the victim's failure to satisfy her duty, it is still the case that it was a duty she failed to satisfy. Affluent Westerners often fail to satisfy their obligations to the global poor. That does not mean, however, that those obligations cease to exist.

Finally, in response to the objection that my view is overly optimistic, I reply by asking what kind of a moral theory we should aim for: one that sees redemption as very frequently



impossible, or one that sees it as at least something to aim for? Surely it is true that as we build a theory we should not, from the beginning, foreclose the possibility that wrongdoers could find redemption, that wrongs could be repaired. It would be overly optimistic to think that all such instances of possible reparation could be actualized, but I do not defend such a claim. Instead, I merely leave open the possibility that they could be, in the hope that some of them will be.

### **Part 3 - Conclusion**

In this chapter I have argued that there is an important distinction between receiving, accepting, and rejecting an apology. I have argued that while the primary victim of a wrong is most obviously able to accept an apology, there are others who can serve as her proxy. I have defended the view that such proxy apology acceptance is plausible against the objection that says the proxy must first pass the counterfactual test. Additionally, I have defended proxy apology acceptance against the objections from causal impotence, desert, and pessimism.

Furthermore, I have argued that as moral theorists we should work to construct a theory that allows for at least the possibility of moral redemption. If we understand apologies to be fundamentally reparative, but if an apology's acceptance is necessary for such reparation to take place, then we must understand such acceptance to be something that is possible for most wrongs. Since many wrongs include victims who are no longer alive to accept apologies from their wrongdoers, we should understand apology acceptance to be something that proxies can play a role in. If not, we foreclose the possibility of reparation for a great many wrongdoers, and thereby choose in favor of retribution, rather than redemption.

In the next and final chapter of this project, I will explore what forgiveness is, what role it plays for the wrongdoer, for the victim, and its connection to apology.

## CHAPTER 6

### APOLOGY AND FORGIVENESS

In the previous chapter I argued that, if you are authorized to do so, you have a *prima facie* obligation to accept all apologies you believe to be well-formed. I argued that distinctions should be drawn between receiving, rejecting, and accepting apologies. In this chapter I will explore the difference between accepting an apology and forgiveness. I have chosen to conclude this project with an exploration of forgiveness for three reasons.

First, in every day life it is often the case that when you apologize you hope forgiveness will follow. While not built into the sincerity condition (one need not hold such hope for an apology to be well-formed) it is often the case that by attempting to make amends for our wrongs, we hope not just to satisfy our reparative obligations, but that we will be forgiven as well. As Luc Bovens points out in his paper, “Must I Be Forgiven?”<sup>142</sup> being forgiven matters to us, not just as a contingent psychological fact or social practice, but that we have good moral reason for caring about whether we are forgiven. Throughout this project I have attempted to take seriously the needs and desires of real people. I continue that effort here by choosing to conclude by considering the moral practice of forgiveness. If one thing we hope for in apologizing is that we will be forgiven, my project on the former would be incomplete if I did not conclude by considering the latter.

Second, the reason Bovens claims we have good reason for caring about forgiveness is that it marks the conclusion of what he calls “a redemption practice.”<sup>143</sup> When I have wronged you and attempt to make up for it, apologizing to you initiates the process within which I seek to

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<sup>142</sup> Bovens, 2009.

<sup>143</sup> *ibid.*, p. 227.

discharge my reparative obligations. Your subsequent forgiveness, justified in part by my apology, signals the conclusion of that process. Bovens argues that forgiveness is a great good for the wrongdoer because it helps to restore her to full standing within a larger moral community.<sup>144</sup> It at least partially removes the stigma which had previously attached to her and restores her claim to respect within that community. The reason why it matters to us that we be forgiven is because we care about our moral standing.<sup>145</sup> If apology helps to justify forgiveness, then one reason why we should care about apology, is that it helps us to regain our moral standing when we have acted wrongly.

I do not claim that all redemption practices follow this neat formula, but am attempting to motivate the claim that it is appropriate to conclude a study of apology by looking at its relationship to forgiveness. In other words, apology and forgiveness are moral bookends. While either apology or forgiveness carry moral value independent of the other, they are at their best when they have the other to work with. Apologies are fundamentally reparative and so help to justify forgiveness. Forgiveness restores our moral standing and is part of what we hope for in apologizing. Either can take place without the other. But, when apology leads to forgiveness we are able to see its full value, not just for the victim, but for the wrongdoer herself who is able to achieve redemption through her reparative efforts and the forgiveness that follows.

Third, our understanding of forgiveness should be influenced by the understanding of apology I have developed in the first five chapters of this project. Specifically, I will argue that forgiveness presupposes that affective voluntarism is true and that forgiveness recommends to others that they forgive in the same way that accepting an apology indicates to others that the

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<sup>144</sup> Which is not to say that forgiveness is always known by the larger community within which forgiveness takes place. However, it is the kind of thing that could be known, and if known, would indicate to others how they ought to regard the wrongdoer. I will return to this point in the third section of this chapter.

<sup>145</sup> Bovens, 2009, p. 230.

wrongdoer's reparative obligation to apologize has been satisfied. In contrast to my conclusion that one can serve as a proxy apologizer or apology recipient, I will argue that one cannot forgive on behalf of another. Furthermore, I will argue that you cannot forgive in anticipation of a wrong, despite the fact that you can (in some circumstances) apologize in advance of a wrong.

Forgiveness is a weighty concept and substantive moral practice about which much excellent scholarship has already been done. I will not try to reinvent the wheel here, and so will take as my starting point some of those conclusions already reached by those who have come before me. In part one I will briefly explain what I take forgiveness to be. In part two I will argue that well-formed apologies count in favor of, or provide moral justification for, forgiveness. In other words, your well-formed apology gives me at least one good reason to forgive you and can make forgiveness obligatory. Finally, in part three I will consider the implications that the conclusions I reached in the first five chapters of this project hold for forgiveness. To be clear, this chapter, like the five that preceded it, is about apology. By coming to better understand the relationship apology bears to forgiveness, we come to better understand apology itself. In this way forgiveness helps to illuminate both what apologies are and why we should care about them.

### **Part 1 - What is Forgiveness?**

The contemporary philosophical literature on forgiveness usually begins by discussing the sermons of Bishop Joseph Butler, who argued that forgiveness is best understood as a process by which we overcome feelings of resentment towards those who wrong us.<sup>146</sup> We may understand resentment, following Butler, P. F. Strawson,<sup>147</sup> and Jeffrie Murphy<sup>148</sup> to be, “the anger and hatred that are naturally directed toward a person who has done one an unjustified and

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<sup>146</sup> Butler, 1726, Sermon VIII.

<sup>147</sup> Strawson, 1974, p.5.

<sup>148</sup> Murphy, 1982, p.15.

non-excused moral injury.”<sup>149</sup> So, returning to my earlier use of moral emotions, in this chapter I will understand resentment to be anger or other negative emotions that you bear as a result of the belief that you have been wronged. As before, I do not here claim that such a belief must be fully formed, or that the relationship between belief and emotion is always linear (in that the emotion must directly follow from the belief, rather than the other way around). Additionally, packed in to the belief that one has been wronged is the belief that you warrant respect as a moral agent. Resentment, then, is a complex moral emotion in which one experiences not just anger, but anger for having been treated in a way that you did not deserve. The contemporary philosophical account of forgiveness says that to forgive is, at the least, to forgo such resentment against your wrongdoer.

However, forgiveness is not merely having given up resentment. Mere descriptions of mental states are not what we are after when we use forgiveness as a moral concept. Forgiveness is not something that simply happens to you; it is something that you do. So, if I give you a philosopher’s pill and cause you to no longer feel resentment towards me, we would not think that you have forgiven me. We would think instead that you simply no longer resent my action.

Forgiveness, then, is the principled and active forgoing of resentment against another. Forgiveness is something that you do and is not merely a description of what mental states you bear. You choose to work to give up your feelings of resentment, and if you succeed, you have forgiven your wrongdoer. Furthermore, forgiveness is the kind of thing that can be justified by reasons and can therefore be properly judged to be rational or irrational. If you forgive someone because your horoscope said that you ought to, you forgive for bad reasons. And, because forgiveness is an action, it is open to moral evaluation. We might think that there are times when you have felt resentment in response to a wrong long enough, and that continuing to hold on to

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<sup>149</sup> *ibid.*, p. 15.

such negative feelings was harming you, your loved ones, or the wrongdoer herself, such that it would be obligatory for you to forgive her. Or, conversely, as I have already mentioned, we might think that in forgiving too easily you fail to possess proper levels of self-respect and in doing so make yourself a push-over.

Forgiveness, then, is an action that can properly be judged in terms of justification and permissibility. It is these final two points on which I will focus in this chapter. I will explore what we should consider to be good reasons that would support your forgiving your wrongdoer for her wrong. I will also consider whether such reasons would be strong enough to render your forgiveness impermissible, permissible, or obligatory.

Before going on to the question of justification and obligation, I should note that we now have the necessary background to clarify the distinction between accepting an apology and forgiving someone for their wrong. As I noted in the previous chapter, accepting an apology means recognizing the wrongdoer's reparative efforts and rendering at least one of her reparative obligations (the obligation to apologize) satisfied. Accepting an apology is different from forgiving your wrongdoer. It is conceptually coherent to say, "I accept your apology but do not forgive you." Accepting your wrongdoer's apology means that one of their reparative obligations has been satisfied. It does not imply that you no longer feel resentment towards them for their wrong.

It is possible, then, to accept an apology without forgiving your wrongdoer. In the same way, it is possible to forgive your wrongdoer absent an apology. Obviously, accepting an apology is an act that can only happen when an apology has been issued. Attempting to accept an apology when the utterance has not been made would be like attempting to accept an invitation when none has been offered. Forgiveness is different. I can forgive someone even if

they never apologize or are wholly unrepentant. Even though no apology has been issued, forgiveness is still possible. Whether such forgiveness is justifiable or permissible are the questions to which I will now turn.

### **Part 2 - When is Forgiveness Obligatory, Permissible, or Impermissible?**

We might give a variety of reasons for claiming that forgiveness is permissible, impermissible, or obligatory. Just as it is the case that much has been written about what forgiveness is, so too is it the case that much has been written about these questions. My project here is to look in particular at the way that forgiveness and apology relate to each other, and to argue that when you judge your wrongdoer's reparative obligations to have been satisfied, you ought to forgive her for her wrong.

I have argued that for an apology to be well-formed several conditions must be satisfied. The sincerity condition bears most heavily on the question of when forgiveness is justified. Recall that the sincerity condition entails that the apologizer possess a number of mental states, including a number of beliefs about the wrongful act, regret, condemnation for the wrong, respect for the wronged party, and the intention to (at least partially) repair the wrong by apologizing for it. I contend that a well-formed apology is a fundamentally reparative act and one which gives the wronged party reason to forgive her wrongdoer. It is, at its core, an attempt to make amends for one's wrongful actions. Surely such attempts count in favor of forgiveness.

While a well-formed apology counts in favor of forgiveness, it will often be the case that the wrongdoer bears other reparative obligations that must be satisfied in addition to the obligation to apologize, without which forgiveness would be unjustified. So, if I destroy some of your property and later genuinely regret doing so, my sincere apology would count as a reason for you to forgive me, but would not by itself justify forgiveness. The reason why is that I would

bear other reparative obligations in addition to the obligation to apologize that must be discharged before you would be right to forgive me. Of course there are other wrongs for which an apology might be all that is owed by the wrongdoer. In such cases a well-formed apology would not only count in favor of your forgiving me, but decisively so, such that your forgiveness would be fully justified. In other words, there are many cases of wrongdoing where the reparative efforts that are executed via a well-formed apology are not sufficient to justify forgiveness, but it seems very strange to think that there could be any cases where such efforts do not matter at all. Imagine again our two worlds. In the first, I wrong you and successfully apologize for having done so. In the second, I wrong you and do not apologize. Surely we think that you have more reason to forgive me in the first world than you do in the second. It may not be the case that you have enough reason in the first world to render your forgiveness obligatory. But, it seems intuitively true that an apology helps to tilt the scale, even minimally, towards forgiveness. Well-formed apologies, then, always help to justify forgiveness, even if it is the case that they are not enough on their own to do so fully.

Turning now to the question of when forgiveness is obligatory rather than justifiable, we might recognize a number of reasons why you ought to forgive your wrongdoer. I will argue that, in those cases where the wronged party has only reasons to forgive and no reasons not to forgive, it is obligatory that she do so.

You ought to forgive your wrongdoer if at least one of the following two kinds of reasons obtain (although there may be more, beyond the two listed here):

1. It harms you to fail to do so (born from duties to yourself and your own welfare)



2. Your wrongdoer has attempted to make amends for her wrong, and as a result deserves to be returned to full status within the moral community, free of stigma and deserving of respect (as Bovens describes)

First, we might think that there are times that continuing to hold on to resentment for wrongs done to you is harmful to you. Resentment can be corrosive over time. As Murphy says, “The resentment eats away at my peace of mind – I lose sleep, snap at my friends, become less effective at my work, and so on. In short, my resentment so dominates my mental life that I am being made miserable.”<sup>150</sup> We bear a *prima facie* duty of self-improvement,<sup>151</sup> and as such we ought to forgive when failing to do so prevents us from satisfying that duty. In other words, forgiveness is obligatory when, by failing to forgive, we wrong ourselves.

Second, when our wrongdoer has satisfied her reparative obligations (of which apology is one) we might think that we are justified in exercising our power as the wronged party and restoring her to full status within the moral community. To support that conclusion we should note that forgiveness is a great good, the deprivation of which is a harm to the wrongdoer who attempts to make amends but is not forgiven. As Bovens argues, being forgiven matters to us because we care “about [our] moral stature, [our] membership in a community of moral equals and the concomitant claims to respect.”<sup>152</sup> He argues that forgiveness balances the respect between victim and wrongdoer, such that the wrongdoer’s moral status is restored and his respect is warranted. Choosing not to forgive someone harms them and deprives them of a great good. Since we have a *prima facie* duty of beneficence,<sup>153</sup> and since we should avoid harming others when we can, we ought to forgive others when doing so is justified.

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<sup>150</sup> Murphy, 1982, p. 23.

<sup>151</sup> Ross, 1935, p. 21.

<sup>152</sup> Bovens, 2009, p. 230.

<sup>153</sup> Ross, 1935, p. 21.

At the same time, we have a *prima facie* duty to promote justice.<sup>154</sup> If it is the case that a wrongdoer has satisfied all of her reparative obligations for her wrong, she deserves to be forgiven. Satisfying her reparative obligations simply makes it the case that the wronged party ought to forgo resentment for the wrong. This is easiest to see in cases of minor wrongdoing. If you lie to me regarding some insignificant matter, you have wronged me. But, if you successfully apologize for having done so and I continue to resent you for years, we would think that I fail to treat you as you deserve. It is simply inappropriate for me to hold on to resentment for such a long time for so minor a wrong.

Some philosophers claim that forgiveness is always supererogatory.<sup>155</sup> Cheshire Calhoun, for instance, claims that forgiveness is best thought of as a “gift” that we give to our wrongdoer, and that we never have any obligation to forgive.<sup>156</sup> In light of the case of minor wrongdoing just described that seems clearly false. Surely I ought to forgive you for your minor lie that you told long ago and for which you have since attempted to make amends.<sup>157</sup>

In practicing forgiveness we satisfy three *prima facie* obligations at once: the duties of self-improvement, beneficence, and justice. When it is the case that we fail to satisfy those duties when we fail to forgive, we ought to do so. Now, we might think that it is often wrong to blame someone for failing to satisfy the obligation to forgive (it is certainly understandable in many cases) but in some cases blame seems justified (if you continuously hold over my head a small wrong I committed against you years ago, despite repeated efforts to make up for it, I would be justified in blaming you for failing to forgive me).

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<sup>154</sup> *ibid.*, p. 21.

<sup>155</sup> See, for instance: Davis, 2002; Calhoun, 1992; Govier and Verwoerd, 2002; Murphy, 1982.

<sup>156</sup> Calhoun, 1992, p. 81.

<sup>157</sup> Of course, in cases of more serious wrongdoing we might think that Calhoun is right, and that forgiveness would in fact be supererogatory. I leave open the possibility that some wrongs generate a list of reparative obligations so long that they cannot in practice ever be satisfied. In such a case we might think that the best way of discharging your *prima facie* duty to promote justice would be to refrain from forgiveness, since it is undeserved.

There are other cases in which forgiveness is obligatory. When I, the victim, forgive my wrongdoer, I convey to others something important about how I believe she should be regarded by others. In this way forgiveness is like accepting an apology. Much like when I accept your apology I communicate to others that they should consider your reparative obligation discharged, so too is it the case that when I forgive you I convey that others ought to forgo resentment they bear towards you for your wrong as well. In other words, as the victim of wrongdoing, I am invested with a certain moral authority in virtue of having been wronged, and it is the right to dictate in part how others should regard my wrongdoer. If I have forgiven my wrongdoer, and I am the primary victim of the wrong, then you should work to give up feelings of resentment you might bear against her as well.

Of course, many instances of forgiveness happen in private and might never be actually communicated to others. However, forgiveness is the kind of thing which can be made public, and so if you, the wrongdoer, perceive resentment from others for your wrong against me, you might tell them, "He has forgiven me, and so should you." Much like an invitation to a party is a communicative utterance which does not necessarily have to be made publically, when called on to justify your presence at a party you might choose to make it public, informing others that you were invited and therefore have a right to be there. As the victim, it falls to me (at least partially) to determine how you ought to be regarded by the moral community in which I am an occupant. Others have a *prima facie reason*, in other words, to follow my lead. For them to fail to do so is to act as if the act happened to them rather than to me. Of course, it is possible that in wronging me my wrongdoer also wronged my family and friends and would owe it to them to attempt to make up for that wrong, satisfying whatever reparative obligations obtain in each case. But,

absent such wrongs, feelings of resentment that they might bear towards my wrongdoer are unjustified and ought to be jettisoned.

Imagine this case:

T, a soldier, marries M just before going to war. Upon T's return, he suffers from post-traumatic stress disorder. While never violent or verbally abusive to M, he is noticeably reserved and emotionally distant. He seeks psychiatric treatment and attempts to get better. M, impatient with his progress, divorces him, causing his depression to return in full-force and leaving him worse-off than he would have been had they not married in the first place.

I am friends with T. Despite the fact that T has forgiven M, I have not. I blame her for being selfish, failing to appreciate T's situation, and harming him in the ways that she did. T tells me that he has forgiven M for what she did to him, and accepted her apology. It is very difficult for me to follow his lead and do the same thing; I have not, as of yet, been able to do so. But, I should do so. I resented M for wronging T the way that she did. But, as he is the primary victim of wrongdoing, I should follow his lead and attempt to forgive M, given that he has done so himself.

Of course, the victim's right to steer the community one direction or another does not always trump all the rights of others, nor is it infallibly implemented by victims of wrongdoing. As I have already suggested, it is possible for victims to forgive too easily, demonstrating a lack of self-respect.<sup>158</sup> So, to say that the victim has forgiven her wrongdoer is not always the final word on whether others in her community ought to as well, but it often is. Furthermore, it might not be very wrong for parties related to the victim to continue to bear feelings of resentment towards my wrongdoer and it is certainly understandable in many cases. But, the fact that something is not very wrong is not the same thing as it not being wrong at all. And, in some

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<sup>158</sup> Murphy, 1984, p. 16.

cases we might think it a reasonably serious wrong for others to cling to such feelings and fail to follow the victim's lead.

One might object that if I was not the primary victim I should not have felt resentment in the first place. As a result, it would be inappropriate for me to have any resentment to forgo upon my learning that the primary victim has done so. However, just as we might think that resentment is tied to self-respect, we might also think that it is tied to respect for others. When I resent you for what you did to my friend, I demonstrate my concern for my friend's welfare, my condemnation of your treatment of her, and that I stand in solidarity with her against your wrong. Even if it is not the case that I have been wronged, resentment on behalf of another is often morally justified. That is why we might be reluctant to give up our feelings of resentment and follow the primary victim's lead in the way I have just argued that we should. We feel that it is appropriate that we feel resentment towards those who mistreat our loved ones. However, it is also the case that we ought to jettison such resentment if they choose to do so.

So far I have considered when forgiveness might be obligatory. In addition, we might also think that there are times when forgiveness is merely permissible. Calhoun argues that in some cases you might aspire to forgive your wrongdoer, even if she does not deserve it, and even if failing to do so does not harm you. On her view we might choose to take into account the biographical details that help to contextualize a wrongdoer's actions. She tells the story<sup>159</sup> of a woman who was raised by her cruel aunt. When her aunt was on her deathbed, the niece comes to realize why her aunt acted the way that she did. As a result, despite her aunt's unrepentant attitude, the niece finds herself able to give up her negative reactive attitudes for her aunt's years of cruelty. Calhoun argues that she is justified in doing so, despite the fact that her aunt fails to attempt to make up for her wrongs. We might aspire to be the kind of person who tends towards

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<sup>159</sup> Calhoun gives a summary of a story written by Margaret Atwood: Calhoun, 1992, p. 90.

understanding in the way Calhoun describes. On this view, such a tendency is indicative of good character, of being the kind of person who is empathetic, caring, and inclined towards compassion rather than vindictiveness.

On my view Calhoun is right to say that in such circumstances forgiveness is permissible though not obligatory, but I would stress that we should be careful to make sure that in aspiring to possess such a character we do not become the pushover Murphy warns us against. In such a case we should aim to balance, on one hand, an aspiration to be the kind of person who would forgo resentment in light of one's challenging but not exculpatory biographical context, and on the other, a commitment to treating ourselves with the respect that we deserve. In such cases of undeserved forgiveness we give the gift of understanding, even as we continue to hold our wrongdoer responsible for her wrong.

Finally, forgiveness is impermissible if it is undeserved and incompatible with the *prima facie* duty of self-improvement or non-maleficence (in that it harms me to forgive you). If you wrong me and are unrepentant, like the aunt in Calhoun's story, and if it is the case that I am not in a position to forgive you and still show myself the proper level of self-respect in doing so, then it would be positively wrong for me to forgive you.

In summary, I contend that forgiveness is sometimes obligatory, in that it is the method by which we satisfy the *prima facie* obligations we bear to promote our own welfare, or in that it is the method by which we satisfy both our *prima facie* obligations of justice and beneficence to others. Other times, however, forgiveness is merely permissible, properly understood as a gift, the way Calhoun and others claim. Finally, there are times when forgiving your wrongdoer is impermissible, in that it is neither deserved by the wrongdoer nor consistent with duties we bear to ourselves.

### **Part 3 - How do my Earlier Conclusions Impact Forgiveness?**

Having now explored what forgiveness is and what role apology plays in justifying it, we should look back on the issues I have addressed in earlier chapters to see how those conclusions impact our understanding of forgiveness, and how our understanding of forgiveness impacts those earlier conclusions.

#### **3.1 Voluntarism**

In Chapter 2 I explored the sincerity condition, and argued that apologizing sincerely could be obligatory, given that indirect doxastic and affective voluntarism are both true. My claim in the previous section that there are some circumstances in which forgiveness is obligatory presupposes that affective voluntarism is true. Moreover, even if you deny that forgiveness is ever obligatory but agree that it is properly understood as a normative act and not merely a description of our mental states, then you must also accept that intentionally and voluntarily acquiring those mental states is a power that agents possess. Put another way, if voluntarism is false, then forgiveness is impossible. If you accept that forgiveness is the active forgoing of resentment and not merely a description of one's mental states, then you must accept that indirect affective voluntarism is true.

#### **3.2 Intentions**

In Chapter 2 I also argued that in addition to particular beliefs and emotions one must possess certain intentions in order to successfully apologize. In particular, I argued that one must attempt to repair one's wrong when communicating the apology in order for it to be well-formed. The apologizer must, in other words, intend for her apology to at least partially make amends for her impermissible act.

The same is true of forgiveness. When you forgive someone for their wrongful act, you must intend to change the moral status of one's wrongdoer within a larger moral community. You must, in other words, intend to remove the stigma that had previously attached to your wrongdoer in virtue of her wrong. Absent such intentions we are left with an inadequate analysis of forgiveness.

My critic might object that it is often the case that when we forgive others we do not bear such intentions at all. We are not thinking of their place within some larger moral community, nor the moral stigma which is attached to them, much less attempting to remove that stigma, and so it is too much to say that in order to forgive one must bear such positive intentions.

In reply, I contend that we do in fact very often bear such intentions, but because they are so inseparable from forgiveness we often fail to notice them. The effort taken to forgive tends to match the significance of the wrong. Since most wrongs are minor, most instances of forgiveness are as well. If wrongs are minor, then although some moral stigma might attach to the wrongdoer, there is not much for the victim of wrongdoing to remove in forgiving her. As a result, the intentions that accompany most cases of wrongdoing simply do not register on our moral radar the way that they do in more serious acts of forgiveness.

In contrast, when one party forgives another for some major moral violation, like murder or other serious physical violence, the redemptive intentions I have just described are much more noticeable. The victim of wrongdoing conveys to the moral community that the wrongdoer ought to be treated a certain way (at least in terms of their moral relationship). She communicates that the wrongdoer ought to be regarded by the moral community as having satisfied her reparative obligations. I have argued that such communication carries with it at least *prima facie* reason for others in the community to follow the wronged party's lead in



forgiving. That right carries with it the responsibility to communicate the decision and remove the stigma of wrongdoing in cases where it is widely recognized by the larger moral community.

### **3.3 Anticipatory Apologies and Forgiveness**

In Chapter 3 I considered whether I can apologize in advance of wrongs that I have not yet committed. I argued that if I anticipate but condemn a particular wrongful act I will commit in the future, it is possible for me to issue a well-formed apology in advance of that act. As a parallel question we should ask whether it is possible to forgive someone for wrongs in advance of their commission. Can I, in other words, forgive you before you have wronged me?

On my view such anticipatory forgiveness is not possible. I cannot, by definition, forgive you in advance of a wrong for which I do not yet bear resentment. If I were to respond to your anticipatory apology by telling you I would not feel resentment at all, I would not be offering to forgive you. I cannot forgive without feeling resentment in response to a wrong you have committed against me, and I cannot feel such resentment before the wrong has been committed.

Can anticipatory forgiveness be salvaged? Perhaps you might think that we could perform acts of *provisional* anticipatory forgiveness, in which I communicate to you that, upon the commission of your future wrong, I will attempt to forgo resentment in response to it. What I do when I forgive you in advance is to convey to you that I will perform certain actions in the future, such that you can plan your life around them. Provisional anticipatory forgiveness is, in this regard, like promising. What I convey to you is that when you wrong me in the future I will attempt to forgo the resentment that I anticipate will arise for me. I recognize that I will resent you for your future action, and so by forgiving you in advance of that wrong, I both acknowledge

that likelihood and convey my intention to respond to it in a particular way. As a result, you can count on that response and plan your life accordingly.

Unfortunately, provisional anticipatory forgiveness is not only similar to promising, it just is promising that in the future I will attempt to forgive you for your wrongs for which you are currently apologizing. While this surely an important practice, especially within relationships that are built on trust and the ability to count on the other to respond in particular ways to our future failures, it is not different enough to warrant its own term. Of course, anticipatory apologies create the opportunity for us to promise that we will attempt to forgive some future wrong. Such promises highlight again the active sense in which forgiveness should be understood, and the fact that an active account presupposes that affective voluntarism is true. So, while forgiveness can only be practiced after a wrong has occurred, this brief inquiry was illuminating nonetheless.

### **3.4 Proxies and Forgiveness**

Finally, in chapters 4 and 5 I argued that you can serve as a proxy and either extend, accept, or reject an apology on behalf of another, if you bear the proper relation to them. Can proxies similarly be used to forgive on behalf of another? I contend that they cannot. The reason why is that forgiveness just is choosing to forgo feelings of resentment for good reason, and while I might be able to forgo my only feelings of resentment that I bear towards you, I cannot forgo another's feelings on their behalf. Grant for a moment that the passive account of forgiveness with which I started is true, and any time someone goes from feeling resentment to not feeling resentment, we can say that that person has forgiven their wrongdoer. Now imagine that I slip you a philosopher's pill which frees you of all feelings of resentment, including those which you bear in response to a particular wrong. It is still the case that all I am doing is causing

*you* to forgive (in the descriptive sense). In such a case I do not forgive on your behalf, the way that proxies extend, accept, or reject apologies on behalf of others. Since I have argued that the descriptive account of forgiveness is implausible, and since the active account that I have argued for entails choosing to forgo resentment for good reason, my forcing you (via philosopher's pill) to forgo resentment would not qualify anyway. It would not be possible to forgive on another's behalf even if the passive account of forgiveness were true. Since the passive account is false, and the active account is even more demanding, proxy forgiveness is impossible. In other words, forgoing resentment entails that only the person who actually bears the resentment can forgive. As a result, each person can only forgo their own feelings of resentment, and so proxy forgiveness is conceptually impossible.

This conclusion might lead us to inquire further into practices of religious forgiveness. Is it possible for members of the clergy to serve as proxies on God's behalf? Christians believe, for instance, that God will forgive you for your sins if you are properly repentant. Catholics believe that if you confess your sins to a priest and then follow his instructions then God will forgive you. Is the priest attempting to forgive on God's behalf?

I do not claim to speak for Catholics or Christians, but one possible answer that lies available to them is to deny that the priest serves as God's proxy, but instead, as God's mouthpiece. Since God is not fickle or capricious, God can be counted on to respond in similar ways in similar circumstances. Since genuine repentance (and reparative effort) counts as a reason why God should forgive, when the sinner performs such acts God will choose to forgive her for them. That is not to say that God is not an agent on this account: it is still a choice that God makes to forgive in each case. However, the priest is able to anticipate God's choice in virtue of God's perfection and reliable predictability. Interestingly, we might challenge this

conception of God's agency on the grounds that if the priest can always reliably predict God's behavior, God might not be properly considered free. Pursuing that question is beyond the scope of this project. It is reasonable to take this quick foray into matters of religion because it helps to demonstrate the difference between attempting to serve as a proxy forgiver and simply reporting the fact that another has forgiven.

#### **Part 4 – Conclusion**

In this chapter I have argued that forgiveness is best understood as a moral act in which an agent chooses to forgo resentment or other negative reactive attitudes that she bears as a response to having been wronged. Furthermore, forgiveness is the kind of moral act which can be justified by reasons, such that it is sometimes the case that agents may or even ought to forgive, and other times the case that they ought not forgive.

Apology marks the start of a process of moral redemption for a wrongdoer. In attempting to repair her wrong, as she does when she apologizes, she gives her victim at least some good reason to forgive her. Conversely, absent reparative effort exhibited by the wrongdoer it might often be the case that forgiveness is undeserved, such that the victim lacks good reason to forgive.

Finally, I have argued that this account of forgiveness and its relationship to apology is informed by the theses I have defended earlier in this project. We are then left with a general account of apology as the initiation into the process of moral redemption for the wrongdoer, whose conclusion is indicated by justified forgiveness for the wrong in question. Both apology and forgiveness play a crucial role in everyday moral life. As a result, it is vitally important that we have and can employ such an account as the one I have provided in this project.

## CHAPTER 7

### CONCLUSION

In Chapter 1 I posed a thought experiment in which I wrong you by destroying your car and later give you a check for the monetary value of the damage I caused. I claimed that if that were all I did in order to make amends for my wrong something important would be missing; even if I had fully repaid the monetary value of your car, I would still owe you an apology for my wrong. And, until I had issued such an apology successfully, I would continue to bear the reparative obligation to do so. Throughout the subsequent five chapters I explored just what an apology is, what mental states are required for an apology to be well-formed, who can apologize, who can accept an apology, and what relation apology bears to forgiveness. In the rest of this short concluding chapter, I will briefly summarize the conclusions for which I have argued earlier in this project.

In Chapter 1 I explored what I called the sincerity condition. I argued that in order to sincerely apologize, the apologizer must regret the wrong, believe the action was wrong, have some understanding of how the wrong played out in the victim's life, and intend to at least partially repair the wrong by apologizing. Additionally, the apologizer must both respect the wronged party and condemn the wrongful action. Those mental states, taken together, render the apology sincere. I went on to argue that sincere apologies can be obligatory, and that it is conceptually coherent to claim that sincere apologies could be coerced on the grounds that indirect doxastic and affective voluntarism are true.

In Chapter 3 I addressed two conditions concerning mental states that must be satisfied in order for an apology to be well-formed. The first was what I called the non-contradictory

intentions towards the future condition. I argued that you need not possess the intention not to commit a wrong again in order for your apology to be successful, but only that you not possess the intention to recommit the wrong. I argued that when you merely foresee acting wrongly but do not intend the wrong, you do not violate this condition. So, if what you intend when you throw the trolley switch is to save the life of the five but foresee that in doing so you will wrong the one, you do not violate the non-contradictory intentions towards the future condition and are able to apologize in advance of your action.

The second condition that I explored in Chapter 3 was what I called the attitudes towards the past condition. I argued that it is possible to endorse contemporary states of affairs while condemning the historical states of affairs which causally resulted in their obtaining. This conclusion makes it possible that apologies issued by contemporary actors (both corporate and individual) could be well-formed. So, on my view, the U.S. Senate's 2009 apology for American slavery was well-formed (assuming the other conditions were satisfied).

In Chapter 4 I attempted to answer the question, "Who can apologize?" The most straightforward answer is that the original wrongdoer possesses the power to apologize in virtue of the fact that she committed the wrong which gave rise to the reparative obligation to do so. I went on to argue that moral responsibility does not always turn on causal responsibility, and so sometimes you can voluntarily accept responsibility on behalf of one to whom you bear the right relation and act as her proxy, enabling you to apologize for her, if she is unable to do so herself. I argued that you might bear the proper relation to the wrongdoer if you share family membership, organizational membership, or friendship. Finally, if the wronged party chooses to accept your reparative efforts she renders your apology well-formed. On my view, former Australian Prime Minister Howard did in fact satisfy what I called the relation condition and was

able to accept responsibility on behalf of his historical predecessor had he chosen to do so. As a result, he could have successfully apologized for his government's treatment of its aboriginal people in virtue of the office that he occupied and its affiliation with that treatment. The same is true for anyone who occupies an office that is so affiliated with a wrong. As a result, Prime Minister Howard's successor, Prime Minister Rudd, was able to issue a well-formed apology to Australia's aboriginal people, despite his predecessor's claims to the contrary.

In Chapter 5 I argued that there is an important distinction between receiving, accepting, and rejecting an apology. I argued that while the primary victim of a wrong is most obviously able to accept an apology, there are others who can serve as her proxy. I defended the view that such proxy apology acceptance is plausible against the objection that says the proxy must first pass the counterfactual test. Additionally, I defended proxy apology acceptance against the objections from causal impotence, desert, and pessimism. Furthermore, I argued that as moral theorists we should work to construct theories that allow for the possibility of moral redemption, and that proxy apology acceptance does just that.

In Chapter 6, I argued that forgiveness is best understood as a moral act in which an agent chooses to forgo resentment or other negative reactive attitudes that she bears as a response to having been wronged. Forgiveness is the kind of moral act which can be justified by reasons, such that it is sometimes the case that agents may or even ought to forgive, and other times the case that they ought not forgive. Furthermore, I argued that apology often marks the start of a process of moral redemption for a wrongdoer. In attempting to repair her wrong, as she does when she apologizes, she gives her victim at least some good reason to forgive her. Conversely, absent an apology it might often be the case that forgiveness is undeserved, such that the victim lacks good reason to forgive. Finally, I argued that this account of forgiveness and its

relationship to apology is informed by the theses I have defended earlier in this project. We are then left with a general account of apology as the initiation into the process of moral redemption for the wrongdoer, whose conclusion is indicated by justified forgiveness for the wrong in question.

In this project I started with the fact of wrongdoing and asked, “What comes next?” and “How should moral agents make amends for their wrongs and discharge the reparative obligations that arise as a result of wrongdoing?” The answer to those questions often takes different forms, depending on the wrong and the larger context within which the wrong occurred (including who committed it and was affected by it). One answer that remains constant across all such cases, however, is that when wrongs are committed apologies are owed. It is my hope that in this project I have helped to further our understanding of what it means to satisfy the reparative obligation to apologize.



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