

Apology, justice and respect: a critical defence of political apology

Janna Thompson

A political apology is an official apology given by a representative of a state, corporation, or other organised group to victims, or descendants of victims, of injustices committed by the group's officials or members. For some political leaders apology has become a standard way of coming to terms with past injustices and the demands of victims for redress. But official apology is by no means an uncontroversial or universally accepted practice, and its present popularity may not be lasting. There is no agreement on what a political apology means, whether it is meaningful at all, when it should be offered, whether it is possible or appropriate to apologise for injustices of the more distant past, whether offering political apologies is an adequate way of dealing with injustices, and what relation they have to reparative justice. The purpose of this paper is to answer some of these questions, and thus to help to define a practice that could come to play an important role in relationships within and among nations.

Most, if not all, nations have committed injustices some time in their past, either to people inside or outside of their borders. But political leaders have been very circumspect about what they apologise for, and some refuse to apologise at all.¹ Prime Minister Howard of Australia has resisted the pressure put on him to issue an official apology for injustices to Aborigines. Present generations, he says, should not be expected to take responsibility for crimes committed in the past.² Clinton, when US president, was willing to apologise to Native Hawaiians for US violation of their sovereignty and to the people of Guatemala for the role of the US in acts of repression and political violence.³ But he regarded it as inappropriate to apologise for slavery – though some members of Congress wanted him to do so.⁴ Prime Minister Blair expressed regret for British failures during the Irish potato famine, but he has not apologised to citizens of African or Middle Eastern countries for wrongs done during the period of British colonial rule.⁵ One might conclude that political leaders are willing to apology only when they think that there will be no serious political or legal repercussions.

Many commentators on political affairs are cynical or sceptical about political apologies. McLaughlin calls official apologies, 'symbolic and meaningless gestures' made by leaders who have no intention of avoiding similar acts in the future.⁶ Hitchens complains about 'phoney apology' as a substitute for social action and genuine accountability.⁷ And not all victims of injustice are keen on receiving them. The Aboriginal leader Patrick Dodson thinks that the only meaningful act that an Australian government could perform is to guarantee the rights of Indigenous Australians in the Australian Constitution.⁸ Other Aboriginal leaders think that apology is a useless symbolic act which non-Aboriginal Australians want because it would make them feel better, but which will not do anything to solve the problems of Aboriginal communities.

My aim is to resist such scepticism and cynicism. It could be the case that all or most of the apologies of state that have so far been issued are meaningless or inadequate.⁹ But it

does not follow that the practice of political apology has to be meaningless or without value. I will first defend the view that apology is not only morally important but also central to reparative justice. I will then discuss some of the conceptual and moral problems associated with political apologies and how they can be overcome. Finally, I will provide an example of what a political apology must be like if it is to count as genuine.

Apology and reparative justice

An apology is a speech act – that is, an action performed by an appropriate person saying appropriate words on an appropriate occasion.¹⁰ The meaning of a speech act is what it conveys to its intended audience: what the speaker through performing the action is giving this audience an entitlement to believe or do. In the case of apology, the person performing the act is conveying the following to his or her victim.¹¹

1. That he/she acknowledges that she has committed a wrongful act against the victim and takes responsibility for it.
2. That she feels remorse for her deed.
3. That she undertakes to avoid similar transgressions against the victim in the future.

The apologisee is giving the victim an entitlement to trust that these things are true and, in the case of a genuine apology, trust is not misplaced. A genuine apology can have all sorts of good effects. It has the talismanic power, says Tavuchis, to rehabilitate the individual and restore social harmony; it promotes reconciliation and can prevent trespasses from becoming obstructions to social relationships.¹² However, these desirable effects should be distinguished from the meaning of apology as a speech act. If a person's *only* reason for making an apology is to restore harmonious relationships or make people feel better, then he can be accused of insincerity. And a person can regard it as appropriate to apologise even if the good effects are not likely to eventuate. Nevertheless, the fact that apologies sometimes have the power to restore good feelings and trusting relationships is obviously a reason for valuing the practice of apology.

A view of apology that stresses its reconciliatory role seems either to put it outside the realm of justice or to give it only an auxiliary role in an account of justice as reparation. Most definitions of reparative justice do not mention apology. According to Roberts and Nozick, reparative justice requires that victims be restored to the situation they were in before the injustice took place (so far as possible) or that they receive compensation equal to the value of what they have lost.¹³ Gaus thinks that apology, forgiveness and mercy are important acts, but that they take place outside the framework of justice.¹⁴ Waldron regards apology and other symbolic acts as appropriate responses to injustice, but separates them from justice as reparation or compensation for harm done.¹⁵ The International Law Commission of the UN presents apology as a means of giving satisfaction in cases where justice in the form of restitution or compensation is not possible, thus giving it a subordinate, auxiliary role in an account of justice among nations.¹⁶

Apology may be morally important even if it plays little or no role in reparative justice. Remembrance, says Waldron, is important to the identity of individuals and communities.

To neglect the historical record is to do violence to this identity and thus to the community that it sustains. And since communities help generate a deeper sense of identity for the individuals they comprise, neglecting or expunging the historical record is a way of undermining and insulting individuals as well.¹⁷

If an injustice has been done to a group, then this becomes part of their historical identity, and perpetrators ought to respond in a way that is respectful of the meaning that history has to the victims. Apology and other symbolic acts are important, Waldron believes, because they acknowledge the importance of the victims' understanding of the past.

The problem with this account is that it fails to explain why apology – as distinct from other acts of acknowledgment or remembrance – is so important. We could show respect for the historical record by simply acknowledging that the injustices happened, by listening to the narratives of the victims or by giving them the opportunity to grieve. But apology is different from these acts, and the moral importance of showing respect for a history, and the people whose history it is, does not explain why apology, rather than some other symbolic or caring act, is the moral response that ought to be made by the perpetrators of injustice.

The problem stems from the view that apology, as an act of reconciliation, must lie outside the central requirements of reparative justice. Unlike Waldron and most other philosophers, Boxill regards apology, or something like it, as essential to reparation, and not something separate or subordinate. His reasoning is that injustice, whatever form it takes, always involves disrespect for the victim; and thus, reparation must include 'an acknowledgment on the part of the transgressor that what he is doing is required of him because of his prior error'.¹⁸ Boxill does not call this apology but it is clear that apology fulfills this function and that it also does other things that seem required if the perpetrator intends to make amends for the lack of respect that was intrinsic to his wrongdoing. According to Govier and Werwoerd, 'the power and importance of apology lie in its potential to offer to victims a *moral recognition or acknowledgement of their human worth and dignity*'.¹⁹ An apology, so understood, is intrinsically an act of respect. It not only conveys to the victim of an injustice that the perpetrator takes responsibility for what he has done. It is an act of contrition addressed to the victim by the perpetrator, and as such demonstrates respect.

Apology, according to this account, is not something extraneous to reparative justice. It is not a good-hearted but non-obligatory gesture. It is not an alternative or substitute for reparation in the form of restitution or compensation. It is a necessary component of reparative justice itself, at least for acts of deliberate wrongdoing or negligence, even when justice also requires restitution or compensation. Regarding apology as part of reparative justice answers to the harm that injustice causes to the dignity of the victims. The objective of reparation, as stated by Nozick and Roberts, cannot be accomplished by returning to victims property or opportunities that they lost through an injustice. Such returns do not compensate for the failure of respect that is intrinsic to wrongdoing.

But a wrongdoer can make recompense for his failure of respect through an act that demonstrates respect by conveying to the victim his remorse, acceptance of responsibility for the wrong and a commitment to respectful behaviour in the future.²⁰

The problems of political apology

Apology is essential to reparative justice itself, and thus has obvious moral importance. However, the definition of apology offered in the last section assumes that the wrongdoer is a person offering an apology to another person or persons. In the case of a political apology, a leader, or some other official, is offering an apology on behalf of the state or some other organisation to victims, whether individuals or groups. The obvious question is how states (or other collectivities) can satisfy the requirements of genuine apology. There are three main difficulties that have to be overcome in order to defend political apologies against scepticism. The first is the problem posed by Prime Minister Howard: how can existing citizens or their representatives take responsibility for wrongs committed by their predecessors (as is required by the first condition for a genuine apology)? The second is explaining how a collectivity like a state can satisfy the second condition. Can a state be remorseful or contrite, and if not, can it really apologise? The third is explaining how states can commit themselves to avoiding wrongdoing in the future and thus satisfy the third requirement for making a genuine apology.

States consist of their citizens, and so one way of explaining how a state can fulfil requirements of genuine apology is to refer to the attitudes of citizens and their ability to act collectively. Govier in her explanation of how groups can forgive takes this course.²¹ Since forgiveness and apology are closely related speech acts, her approach can be adapted to an explanation of how groups can apologise. Groups, she thinks, can satisfy the conditions for making genuine apologies, first, because structured groups, like states, have decision-making processes and are capable of acting as agents. When their members deliberate and make decisions, the desires and goals of the members become the desires and goals of the group. Second, groups have feelings in so far as members respond to things that affect the group with outrage, hatred, shame, pride or sorrow. The collective emotion is the emotion of the group. If members feel remorseful about injustices that their group has committed, then an official who apologises expresses this collective remorse. As collections of individuals, groups can forgive, according to Govier, and they should also be able to apologise.

Nevertheless, when applied to states, and other large, complex organisations, her approach encounters obvious difficulties. Members of states are not likely to be of one mind or heart. Some citizens may feel remorse for acts committed by their state, but many will not. Some will want their leaders to offer an apology, but some will not, and many will be indifferent. Most of the apologies offered by leaders (if not all) were probably not an expression of the sentiments of a majority of citizens. We must either conclude that these apologies were not genuine – the leaders were not expressing the feelings of the citizens – or that general or widespread feelings of remorse are not necessary for political apologies.

Govier's approach also encounters the problem of explaining how a collectivity can apologise for injustices of the distant past – injustices committed before all or most

citizens were born, came to maturity, or arrived in the country. It is true that some citizens feel shame, or even guilt, when learning about injustices committed in their nation's past. But many do not, and it is not obvious that their lack of feeling is morally reprehensible. More important, we need to explain why feelings of shame about the deeds of our national predecessors, however widespread, give us, through our leaders, the entitlement to apologise. We did not have a hand in committing the injustice, and standard theories of responsibility and entitlement insist that participation in committing an injustice is necessary for responsibility, and that being a victim of injustice is a prerequisite for having an entitlement to reparation.²² Govier addresses this difficulty when she considers whether people who were not actual victims of injustice have the entitlement to forgive.²³ She argues that those who are suffering the effects of the injustice as secondary or tertiary victims have an entitlement. But strictly speaking, according to the standard account of collective responsibility and entitlement, these secondary and tertiary victims should only be able to forgive the injustice done to them: that is, the injustice of not ameliorating the long term effects of the original injustice.

This discussion suggests that it is not all that easy to make sense of political apologies, so long as we try to model them on apologies made by individuals or make them depend on the acts and sentiments of individuals. In his treatment of political forgiveness, Digeser leaves out the condition often assumed to be intrinsic to forgiveness, that forgivers must free themselves from resentment and other negative feelings. Political forgiveness, he thinks, should be conceived as a public act, carried out by the appropriate official, of forgiving a debt where both the forgiver and the person or group to which the act is directed understands both the message that the debt has been forgiven and that an invitation has been issued to restore a relationship.²⁴ Presumably, the same approach can be taken to political apologies by removing the second requirement of apology (which insists that the apologise must be remorseful) and defining a political apology as a public act, carried out by the appropriate official, that acknowledges and takes responsibility for an injustice committed (or allowed) by officers of the state and commits governments to avoiding such injustices in the future.

The question remains whether apology without sentiment makes sense. Relieving a debt, at least a material debt, does not require any particular motivation (not even a moral motivation), but apology does seem to need a morally relevant driving force. And remorse, or at least the conviction of agents that they have an obligation to make up to their victims for moral turpitude, seems to be necessary to drive apology. Why else should we think that agents ought to demonstrate to their victims that they take responsibility for a wrong? Why else should we think that they have a special obligation to avoid similar wrongs to them in the future?

However, let us concede that political apologies do not require remorse, or any other sentiment or conviction. The problem of how officials can forgive or apologise for injustices of the more distant past remains. Monetary debts and credits can be passed from one generation to another, or from present to succeeding officials of a state or corporation. So it does make sense to suppose that debts accrued in the past can now be forgiven by the successors of those to whom the debts were originally owed. But the sins of fathers and mothers are not supposed to become the moral debts of children – at least according to ideas about responsibility in a liberal democratic society. So it remains unexplained how citizens or their political representatives get the right to forgive or apologise for a wrong done to or by their ancestors or predecessors.

We might circumvent this problem by insisting that a structured organisation like a state is an agent in its own right – an agent whose existence transcends the lives of individuals who make it up.²⁵ Though Blair and other citizens of the United Kingdom bear no responsibility for the potato famine, ‘the government of the United Kingdom did exist in the nineteenth century, and [its] apology makes sense because its policies helped to bring about the famine that so severely affected the Irish people.’²⁶ The implication is that a state as an agent in its own right should take responsibility for its past deeds, including those which occurred before the lifetimes of present citizens. If it has committed an injustice to individuals or to another state, tribe or corporation, then it ought to apologise; it ought to compensate for the harm it has done. The problem is that the moral agency of the state depends on its members accepting certain responsibilities. We have to suppose that citizens have a collective duty to ensure that their state acts appropriately and to bear the resulting burdens. But the existence of such a duty stands in need of a justification. When people join a corporation they voluntarily accept the requisite responsibilities. However, membership of a state is not generally a matter of consent, and the responsibilities and burdens of membership require a justification, which, according to many philosophers, is not going to be easy to supply.²⁷ Until a justification is found, the question of why citizens should take responsibility for wrongs committed by state officials in the distant past has not been answered.

Putting this difficulty aside, it remains to consider whether states as agents can truly take responsibility for wrongs and commit themselves to avoiding wrongdoing in the future. Political realists insist that states are bound to act for strategic reasons and not from moral principle. If so, apologies of state are always self-interested and never genuine. The cynicism of many political commentators about political apologies seems to have its source in the realist point of view. But it is not necessary to be a political realist in order to doubt whether states can fulfil the requirements of apology. State decisions are generally the resultant of forces. The real agents, the individuals who are involved in political decision making, have various, and often different, reasons for advocating a particular policy. Clinton, as mentioned above, made an apology to Guatemalans for the harm done by US intervention in their political affairs. Suppose that this apology came about as the result of the following process. Some of his advisors were in favour of acts that would change the course of political relations with Guatemala and other countries in the region. They had in mind a US Congressional Inquiry into past injustices, as well as other policies designed to show that the US was serious about facing up to the past, and they wanted Clinton to announce these initiatives in his speech. But other advisors didn’t want any policy changes and reasoned that it would be detrimental to US interests to rake up the past. Others thought an apology might improve relations with Guatemala but did not want to give anyone the idea that this signalled a major shift in US policy. In the end it was decided that Clinton should make a low key apology; and whether anything followed from it would be determined by further political contestation – by what forces got the upper hand in future debates. What this (not improbable) story shows is that acts of state are to be explained by the power plays, the conflict of interests, and the compromises that lie behind them. This way of explaining acts of states and other organisations tends to undermine the idea that they can be regarded as persons in a moral sense: agents capable of acting consistently and responsibly over time. But this means that a state cannot be expected to satisfy the requirements of apology – especially not the requirement that it commit itself to avoiding wrong in the future. Perhaps particular

politicians are able to make such commitments for the term of their office. But their policy is subject to reversal as soon as people with other ideological objectives come into power. This consideration, as much as the realist view of the state, seems to lead to the conclusion that states cannot make genuine apologies.

However, sceptics exaggerate the problem. States *are* able to make and keep long-term commitments. They are able to follow rules and can rightly be criticised for not doing so. If this were not so, international law would be impossible and treaties would be meaningless. If states can make treaties and accept obligations of reparation, then they should also be able to make genuine apologies. However, an explanation is needed of how these things are possible – given that policies of states and other organisations are determined by conflicting and continually changing interests and opinions of leaders and members. The explanation should make a connection between the obligations of a state and the moral or legal obligations that its citizens do, or should, accept. In particular, it should provide an account of why citizens ought to take responsibility for wrongs committed by their state – including wrongs of the more distant past – and why they are morally entitled to make commitments concerning the future which bind their successors as well as themselves (and why their successors are morally obligated to keep them).

Political apology and transgenerational commitments

Political apologies require that states (and other structured organisations) be transgenerational polities in which members pass on responsibilities and entitlements from one generation to another. Its citizens, through their representatives, must take responsibility for its past injustices, including those of the more distant past, and must be able to make commitments which their successors are also bound to fulfil. They must regard themselves as having an obligation to participate in and maintain a practice that enables citizens to discharge the responsibilities and fulfil the commitments associated with apology. Only if this practice exists, or if it can be brought into existence, are genuine political apologies possible.

Individuals who identify with their state are predisposed to accept national obligations without question. They do not need a justification for taking on the burdens of their national history. But not all citizens are patriotic, and even patriots are likely to have different ideas about obligations. In justifying the requirements of a transgenerational polity, we will be on firmer ground if we can explain why individuals, whether patriotic or not, should accept them.²⁸

From the point of view of individual members, it is obviously desirable that their political society have practices of passing on obligations and entitlements from one generation to another. Long-term commitments promote political stability and individual security. They also contribute to moral relationships. To the extent that individuals value their membership in states and other organisations, they are bound to value a practice that entails respect for transgenerational associations and the interests of individuals, past, present and future, that are bound up with their continued existence. They will not only want practices that enable members to make long-term commitments. They will think that making such commitments is morally important, given the interests and values of individuals. But long-term commitments require

existing citizens, through their representatives, to impose moral demands on future members. If commitments of their predecessors are to be trusted, then future citizens will have to regard themselves as morally obligated to keep promises that they had no say in making. I have argued elsewhere that present citizens have a moral entitlement to impose such obligations on future citizens only if they have reason to believe that in making such commitments they are operating in the framework of a practice that requires them to take responsibility for the commitments made by past citizens and the injustices that they have committed.²⁹ Those who think that they are entitled to impose demands on future people must be prepared to assume the responsibilities intrinsic to a transgenerational polity.

The practices by means of which citizens in a transgenerational polity pass on obligations from one generation to another often involve official acts of government. Treaties in many countries are approved by a parliamentary body and are made into law – thus making it more likely that they will be honoured by future as well as present governments and citizens. Governments sometimes hold official inquiries to determine how an injustice of past occurred and what should be done about it. But in the last analysis, the ability of a state to make commitments and take responsibility for the past depends on the moral attitude of citizens and leaders: whether they accept the obligations and responsibilities that the practices entail. This means that they not only have to regard it as important that their state keeps its commitments and fulfils its responsibilities. They also have to be able and willing to recognise circumstances in which their state should make commitments or should take responsibility for a past injustice.

A transgenerational polity is able to satisfy the first and the third conditions for making a genuine apology. It can acknowledge responsibility for past injustices – even justices of a more distant past – and it can make a commitment to avoiding such injustices in the future. Citizens or leaders may not feel remorse for injustices that they are not personally responsible for committing. But this particular sentiment is not required so long as citizens are motivated by the existence and value of their transgenerational practices. Apology, unlike the forgiving of monetary debts, requires an appropriate moral motivation, but in the case of political apologies it seems enough that citizens recognise the moral importance of fulfilling transgenerational obligations. In particular, they should recognise the responsibility of their state, as a transgenerational polity, to make recompense to victims for a history of injustice and disrespect.

A state as a transgenerational polity can make a genuine apology, but that does not mean that any state has ever done so. There is considerable confusion and disagreement about what a political apology requires or entails, and until matters are clarified, there is going to be no stable, adequate practice of political apology.³⁰ In the next section I will contribute to this clarification by considering what it would take for the Australian state to make a genuine apology to Aborigines for injustices committed against them as individuals and as members of communities.

How to make a genuine political apology

In 1992 when he was Australian Prime Minister, Paul Keating gave a speech in Redfern, a suburb of Sydney where many Aborigines live, which acknowledged past injustices to Aborigines.

We took the traditional lands and smashed the traditional way of life. We brought the diseases. The alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion. It was our ignorance and our prejudice.³¹

This was a strong speech. Nevertheless, it did not amount to a political apology. This is not because Keating did not use the words ‘We apologise’. An act of apology does not depend on a particular form of words. But the Aborigines attending the proceedings were simply present as members of an audience; they were not a representative group to whom an apology could be made. Furthermore, non-Aboriginal Australians were also not prepared for an event of any particular significance. Keating undoubtedly discussed his speech with other members of his party, but he did not hold a discussion with other political leaders or explain to the Australian people why an act of contrition was necessary. So even though the speech was given by the Prime Minister, it was naturally construed as representing his opinion or the opinion of his political party. And so it proved. For the succeeding Prime Minister has not only failed to endorse Keating’s words, but has expressed opposition to the point of view that lies behind them, which he describes as a ‘black armband view of history’. As these later events confirmed, there was no assumption when Keating made his speech that any official commitment was being made.

When Howard refused to make an official apology to Aborigines for the injustices of the past, some Australian citizens signed a statement of apology by adding their names to books of signatures made available in public places. Suppose that a majority of citizens had signed these books. Nevertheless, this would not have amounted to a political apology. It is not enough that most citizens are apologetic. The act must be an institutional one, and so must be the commitment that a genuine act of apology requires. These negative examples, along with the requirements of apology discussed in the last section, suggest that a genuine political apology for injustices done to Aboriginal communities and their members should have the following features.

1. Its content and the way it is presented – the ceremony that surrounds it, who performs the role of apologising and the other roles that the ceremony demands – should be endorsed by victims and their representatives. Indeed, it would be desirable if the victims or their representatives have a role in determining the nature of the apology and how it is presented.³²
2. Its content and the way it is presented should, so far as possible, be endorsed by people who belong to the nation responsible for the wrong. It cannot be expected that all citizens will endorse an apology, but an effort can be made to promote public discussion of the issues, particularly in forums where victims and members of the perpetrating group can interact. It would be desirable if the apology were approved by Parliament and delivered by an official who is regarded as being above politics (the Governor General, in the case of Australia).

3. The government should take steps to demonstrate that the injustice and the sufferings of the victims have become embedded in the official history of the nation, and this historical account should be something that the victims can endorse. This could be done by including an account of the injustices in school textbooks, putting up plaques and monuments, presenting the story of the injustice in public exhibitions, and so on.
4. The government should demonstrate that it is committed to ensuring that the nation will not commit similar wrongs to the victims or their descendants in the future. By embedding an account of the injustice in the nation's official history it is contributing to that goal. But it might also do so by compensating the victims – an act that not only mitigates some of the harm done but also sets a precedent in law or in government practice, thus bringing into existence a disincentive against further offences. Or in the case of injustices committed against Aboriginal communities, an obvious way of guarding against future wrongs would be to make a treaty – thus embedding recognition, along with certain guarantees, in law or in well understood and respected political practices.

A political apology, according to this account, is a major undertaking and not an everyday event. There is good reason why this should be so. First of all, an official apology is supposed to constitute a watershed in the history of relations between two peoples or between a government and a group of wronged individuals. It is supposed to separate a past of injustice and indifference into a future of just dealings and respect. To be such a watershed it has to be a memorable public event – a historical landmark. If it is to have this significance then it has to stand out from the flood of political events that are featured in newspapers one day and disappear from public view the next. It has to acquire the status of a national symbol. This is why a political act of apology requires preparation, ceremony and subsequent actions. Saying the words is a small part of the proceedings. This is why governments and citizens should be circumspect about what apologies they should make. Political apology is not something that should be done too often.

The second point is that an apology of state requires the participation of both victims and wrongdoers, or their representatives, at three stages. First it requires that the parties reach a common understanding of the injustice – something that is likely to require considerable public discussion. Apology, as Barkan emphasises, involves constructing a narrative of the past to which both victims and perpetrators can agree.³³ Second, there has to be an agreement about how and under what circumstances the apology should be presented; and third there has to be negotiation about what should follow from the apology, including other acts of reparation that might be required. Participation is required because an apology must be, above all, a demonstration of respect for the existence, point of view and interests of the other party. One of the most serious wrongs done to Aborigines during the course of European settlement was the refusal of British officials and colonial governments to acknowledge their sovereignty, law or rights over land. No treaties or agreements were made with Aboriginal communities. So an apology offered to Aborigines for the injustices of the past, if it is to be properly respectful, would have to acknowledge and show respect for their communities, their law and their desire to maintain these things.

The third point is that genuine apology has to involve a commitment that binds future governments and citizens and thus acts that ensure, so far as it is in the power of leaders

and citizens, that the commitment will be kept by future as well as present people. The future-directed aspect of apology means that those who advocate it are not in opposition to people who call for a treaty or a constitutional act of recognition. A treaty may be the best way to ensure that the commitment is kept.

The description of apology I have given is the expression of an ideal. Apologies have different purposes, and one that does not have all the above features may nevertheless serve an important function. Some victims of injustice simply want their suffering and loss to be officially acknowledged. They are not demanding anything more. Nevertheless, an apology that approaches the ideal could have profound implications for the relations between Aboriginal and non-Aboriginal Australians. It could signal and make possible a change in the course of Australian history and national consciousness.

In discussing what a genuine policy of state would require, I have focused on a particular case, but it seems obvious that the account can be applied to other cases. Other nations have committed injustices to those within their borders; and their citizens and leaders have been motivated to acknowledge and make recompense through apology and other acts. In international relations, where rivalries between states play such a large role, scepticism about apology seems more plausible. However, Gibney and Roxstrom suggest that a practice of apology, even when less than ideal, can have positive effects by encouraging nations to be aware of the harm that they can do to outsiders.³⁴ And if the practice is available, there is always a chance that over time it might come to be taken more seriously as an instrument of international relations.

Let us engage in a fantasy about what that might mean. Suppose that there are rival nations which have in the past committed all sorts of injustices against each other. Because of this history, the citizens of each feel aggrieved and long for revenge. But acts of revenge simply fuel the hatred that both sides have for each other and motivate further acts of revenge. The cycle of violence and counter-violence has been going on for a long time, and it seems that it will go on indefinitely into the future. Suppose that leaders and a significant number of people on each side recognise that they are prisoners of a history that dooms them and their descendants to a repetition of violence and suffering. What they need is a symbolic act that has the power to change the course of history and bring the violence to an end. For a symbolic act of apology to have such power, the stage must be set by a process of negotiation and reconciliation. But if such negotiation is possible, then a mutual and genuine apology – each side taking responsibility for the injustices their nation has done and pledging to avoid similar injustices in the future – could be the act that makes all the difference between a tragic future and one that contains more hopeful possibilities.

¹ For two accounts of the apologies that have been offered by states, churches and corporations, see Nicolaus Mills, 'The new culture of apology', *Dissent*, vol 48, no 4, 2001; and Michael Cunningham, 'Saying sorry: the politics of apology', *Political Quarterly*, vol 70, no 3, 1999.

² John Howard, 'Opening address to the Australian Reconciliation Convention', Melbourne, Australia, 26 May 1997, <http://www.austlii.edu.au/au/other/IndigLRes/car/1997/4/pmspoken.html>.

³ Elazar Barkan discusses Clinton's apology to the Hawaiians in *Guilt of nations: restitution and negotiating historic injustice*, New York/London: WW Norton & Co, 2000, pp 216ff. Clinton's

apology to the Guatemalans is discussed in Mark Gibney and Erik Roxstrom, 'The status of state apologies', *Human Rights Quarterly*, vol 23, 2001, pp 922–923.

⁴ Roy L Brooks, 'Not even an apology' in Roy L Brooks (ed), *When sorry isn't enough: the controversy over apology and reparation for human injustice*, New York: New York University Press, 1999, pp 309–54.

⁵ 'Blair apologises to Ireland for Potato Famine', *Daily Telegraph*, 2 June 1997.

⁶ Martin McLaughlin, 'Blair and the Potato Famine', *Socialist Equality*, 14 June 1997, <http://www.socialequality.org.uk/potato.shtml>.

⁷ Mills, 'The new culture of apology', p 115.

⁸ Patrick Dodson, 'Lingiari: until the chains are broken' in Michelle Grattan (ed), *Reconciliation: essays on Australian reconciliation*, Melbourne: Bookman Press, 2000, p 269.

⁹ Matt James, 'Wrestling with the past: apologies, quasi-apologies and non-apologies in Canada', pp 4–5, argues that the apologies made by the Canadian government do not satisfy the criteria for being 'principled'. However, his analysis suggests that the Canadian government could and should be more principled.

¹⁰ John Austin, *How to do things with words*, Oxford: Clarendon Press, 1962, was the first to provide an account of speech acts, and gives apology as an example.

¹¹ My account is based on more detailed analyses by Paul Davies, 'On apology', *Journal of Applied Philosophy*, vol 19, no 2, 2002; and Kathleen Gill, 'The moral functions of an apology', *The Philosophical Forum*, vol 31, no 1, 2000. Nicholas Tavuchis, *Mea culpa: a sociology of apology and reconciliation*, Stanford, Calif: Stanford University Press, 1991, p 121, provides a similar analysis.

¹² Tavuchis, *Mea culpa*, pp 5–9.

¹³ Rodney C Roberts, 'Justice and rectification: a taxonomy of justice' in Rodney Roberts (ed), *Injustice and rectification*, New York, Washington: Peter Lang, 2002, p 7; Robert Nozick, *Anarchy, state, and utopia*, New York: Basic Books, 1974.

¹⁴ Gerald Gaus, 'Does compensation restore equality?' in JW Chapman (ed), *Compensatory justice*, New York, London: New York University Press, 1991, p 72.

¹⁵ Jeremy Waldron, 'Superseding historic injustice', *Ethics*, no 103, 1992, pp 4–28.

¹⁶ Richard B Bilder, 'The role of apology in international law', pp 7–9.

¹⁷ Jeremy Waldron, 'Superseding historical injustice', p 6.

¹⁸ Bernard Boxill, 'Morality of reparation', *Social Theory and Practice*, vol 2, 1972, p 118.

¹⁹ Trudy Govier and Wilhelm Verwoerd, 'The practice of public apologies: a qualified defense', www.ijr.org.za/sa_pgs/gov_verwoed.PDF, p 1

²⁰ Louis F Kort, 'What is apology?' in Rodney C Roberts (ed), *Injustice and rectification*, p 110, says that it is necessary to a successful apology that the wrongdoer makes 'a gesture of respect to the victim as a person having a right not to be treated as the agent acknowledges to have treated him'. In my view, a demonstration of respect is involved in all three conditions of genuine apology.

²¹ Trudy Govier, *Forgiveness and revenge*, London, New York: Routledge, 2002, ch 5.

²² See, for example, the classic account by Joel Feinberg, 'Collective responsibility', *Journal of Philosophy*, vol 65, 1968, pp 674–688.

²³ Govier, *Forgiveness and revenge*, pp 92–5.

²⁴ PE Digeser, *Political forgiveness*, Ithaca and London: Cornell University Press, 2001, p 4.

²⁵ Digeser, *Political forgiveness*, pp 147ff, explains why he finds the idea of the state as agent problematic.

²⁶ Govier and Verwoerd, 'The practice of public apologies', p 6.

²⁷ The problem is often framed as being about obedience to the authority of the state. For a sceptical view about the possibility of justifying special duties of citizenship, see AJ Simmons, *Moral principles and political obligations*, Princeton: Princeton University Press, 1979.

²⁸ I agree with Michael Freeman, 'Ethics and politics of apologies' in taking a liberal, rather than communitarian, view of justification for political apologies.

²⁹ Janna Thompson, *Taking responsibility for the past*, Cambridge: Polity, 1992, ch 1, 2.

³⁰ Mark Gibney and Erik Roxstrom, 'The status of state apologies', pp 926–937 is centrally concerned with the issue of how state apologies could be taken more seriously.

³¹ Paul Keating, 'Australian launch of the International Year for the World's Indigenous People', 10 December 1992, <http://apology.west.net.au/redfern.html>.

³² Meredith Gibbs, 'Beyond apology: justice in New Zealand's Treaty of Waitangi Settlement', pp 19–23 also stresses the importance of negotiation for determining what reparative justice requires.

³³ Elazar Barkan, 'Between apologies and historical commissions', p 12.

³⁴ Gibney and Roxstrom, 'The status of state apologies', pp 914–15.