

Collective State Apologies and Moral (Il)legitimacy



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Abstract

We live in the age of apology, particularly the age of collective apology. Here, I focus specifically on collective state apologies. In these apologies, political leaders apologize on behalf of an entire collective to another collective, often a racial or ethnic minority. Cynicism and skepticism arise as to whether these apologies are morally legitimate. Here, moral legitimacy means that an apology deserves to be given the authority, seriousness, and consideration that interpersonal apologies usually demand. In this article, I respond to two groups that doubt the moral legitimacy of such apologies, namely political-realists and moral-individualists. Ultimately, I argue that collective state apologies can be morally legitimate. Political-realists are wrong to think that sincerity is necessary or sufficient for moral legitimacy. Moral-individualists overmoralize the role of the individual to the point of “hyperindividualism.” I end by proposing that at least democratically elected leaders have standing to apologize on behalf of their constituents.

1. Introduction

It has been said that we live in the “age of apology,”¹ particularly the age of the collective apology. Governments, state leaders, and even large corporations across the globe have extended apologies—and in some cases, even compensation—to communities that have suffered abuse and injustice.² In this article, I focus on *collective state apologies*. Collective state apologies are cases in which political leaders apologize on behalf of an entire collective group to another collective group, often a racial or ethnic minority. There are numerous examples of these types of apologies, and their growth shows no sign of slowing down.³

At first glance, these apologies seem puzzling. When one thinks of apologies, one usually thinks of interpersonal apologies. Because of this, many worries might arise regarding collective state apologies. These worries include but are not limited to,⁴ whether the political leaders extending these apologies are being sincere,⁵ and how these political leaders have standing to apologize on behalf of a whole

1. This phrase comes from Mark Gibney's *The Age of Apology: Facing up to the Past* (Philadelphia: U of Pennsylvania P, 2008).

2. Graham Dodds, a political science professor at Concordia University, counts forty-seven national apologies between 1993 and 1997 but 146 apologies between 1998 and 2002. Also, Aaron Lazare, professor of psychiatry, identifies 1,193 articles with the themes “apology” or “apologize” in *The Washington Post* and *The New York Times*. Between 1998–2002, the number increased to 2,203 articles. Aaron Lazare, *On Apology* (New York and London: Oxford UP, 2005).

3. Here are just some examples of collective state apologies:

In 1997, President Bill Clinton apologized for the Tuskegee Experiment, which misled black Americans that had contracted syphilis into believing that they were receiving treatment. Office of the Press Secretary, “Tuskegee Study—Presidential Apology—CDC—NCHHSTP,” Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 2 Mar. 2020, <https://clintonwhitehouse4.archives.gov/textonly/New/Remarks/Fri/19970516-898.html>.

In February of 2008, Australian Prime Minister Kevin Rudd apologized for the historic mistreatment of Aboriginal Australians in parliament. Adam Gartrell, “New Era Dawns after Indigenous Apology,” *The Sydney Morning Herald*, February 13, 2008, www.smh.com.au/national/new-era-dawns-after-indigenous-apology-20080213-1rv4.html.

In July of 2015, Pope Francis visited Bolivia and apologized for the role the Roman Catholic Church played during the colonial era. Jim Yardley and William Neuman, “In Bolivia, Pope Francis Apologizes for Church's ‘Grave Sins,’” *The New York Times*, July 10, 2015, www.nytimes.com/2015/07/10/world/americas/pope-francis-bolivia-catholic-church-apology.html.

4. Nick Smith nicely outlines many of these problems in the part 2 of *I Was Wrong: The Meanings of Apologies* (Cambridge: Cambridge UP, 2008). These include the issues of standing, delegation, collective intentionality, collective causation, collective moral responsibility, collective emotions, collective regret, and collective redress.

5. Janna Thompson argues that collective apologies always fall to the charge of hypocrisy, since to apologize for a historic injustice entails expressing regret or remorse for said injustice. However, doing so in turn entails that history be drastically rewritten to the point that one might not exist. On average however, one does not regret one's existence, hence the charge of hypocrisy and the conclusion that “we cannot sincerely apologize for the wrongs done by our ancestors, and we should not do so.” Janna Thompson, “The Apology Paradox,” *The Philosophical Quarterly* 50, no. 201 (2000): 472.

group.⁶ Other philosophers, such as Janna Thompson, Glen Pettigrove, Nick Smith, Alice MacLachlan, and Rodney Roberts, have begun to analyze the merits of both public and state apologies.

In this piece, however, I specifically ask whether collective state apologies can be morally legitimate. I argue that they can. By morally legitimate, I mean deserving of the authority, seriousness, and consideration that interpersonal apologies usually demand. I refer to my interlocutors in this discussion, those who doubt the moral legitimacy of collective state apologies, as either political-realists or moral-individualists. The political-realist argues that collective-state apologies always lack sincerity, which they see as necessary for moral legitimacy. The moral-individualist, on the other hand, argues that no one has the standing to apologize on behalf of others, let alone a whole collective. In section 3, I delineate a taxonomy of apologies. The section highlights not only how morally legitimate apologies are different from genuine, sincere, and successful apologies, but also how collective state apologies are different from collective, state, and public apologies. In section 4, I consider how both the political-realist and moral skeptic argue that collective-state apologies cannot be morally legitimate. In section 5, I respond to both the political-realist's and moral-individualist's arguments. In particular, I argue that sincerity is neither necessary nor sufficient for moral legitimacy. Furthermore, I argue that "hyper-individualism," an emphasis on single persons to the point that one is blind to the moral relevance of group membership, should be rejected. I propose that at least democratically elected leaders have standing to apologize on behalf of their constituents. Thus, so long as collective-state apologies are extended by such leaders, they can be morally legitimate, regardless of whether or not they are sincere.

2. Three Nations, Three Apologies

The United States Congress has apologized twice for not only slavery but also the era of Jim Crow against African Americans. In 2008, the House of Representatives passed Resolu-

6. See Nick Smith *I Was Wrong: The Meanings of Apologies* (Cambridge: Cambridge UP, 2008), 207-11.

tion 194, apologizing for the enslavement and racial segregation of African Americans. The resolution "apologizes to African Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow" and "expresses its commitment to rectify the lingering consequences."⁷ This is all done for one day being able to "move forward and seek reconciliation, justice, and harmony for all people of the United States."⁸ The resolution also mentions that remorse for slavery is appropriately felt.⁹

This all might make one suspect that the United States Congress would be open to some form of reparations or financial compensation for Black folks. However, the Senate passed a Concurrent Resolution, Resolution 26, the following year. The newer resolution included a disclaimer that the apology was not grounds for compensation.¹⁰ Nonetheless, Resolution 26 "calls on all people of the United States to work toward eliminating racial prejudices, injustices, and discrimination from our society." Whether this call to action can result in social change is dubious since, as philosopher Rodney C. Roberts rightly notes, the resolution had many problems, including that it was poorly publicized.¹¹

Focusing now on Canada, in 2017 Prime Minister Justin Trudeau visited the province of Newfoundland and Labrador. He apologized to local communities for the abuses Indigenous children suffered at boarding schools. These

7. US Congress, H. Res. 194, 110th Cong. 2nd sess., 29 July 2008, <https://www.govtrack.us/congress/bills/110/hres194/text>.

8. Ibid.

9. It mentions that "the legislatures of the Commonwealth of Virginia and the States of Alabama, Florida, Maryland, and North Carolina have taken the lead in adopting resolutions officially expressing appropriate remorse for slavery."

10. In particular, it read "DISCLAIMER—Nothing in this resolution—(A) authorizes or supports any claim against the United States; or (B) serves as a settlement of any claim against the United States." US Congress, S. Con. Res. 26, 111th Cong. 1st sess., 18 June 2009, <https://www.congress.gov/bill/111th-congress/senate-concurrent-resolution/26/text>.

11. Rodney C. Roberts writes, "unfortunately, there is almost no sense in which the apology resolution was communicated to African Americans. In fact, there is barely a sense in which it was verbally delivered to the Senate...the Senate chamber was nearly empty when the resolution was being considered. In *The Oxford Handbook of Philosophy and Race*, ed. Naomi Zack, 139-49. New York: Oxford UP, 2017.

boarding schools were established at the turn of the twentieth century by the Moravian Mission and International Grenfell Association with the support of the provincial government. While the intended goal of the boarding schools was to educate the local populace and provide safe housing, the impact was disastrous. Indeed, many of the children were made to feel ashamed of their customs, religion, culture, and even appearance. Colonial schools of this sort have rightly been condemned by the Canadian Government as a form of cultural genocide, but an apology had not yet been extended to the people of Newfoundland and Labrador.¹²

Trudeau evoked emotions typically associated with interpersonal apologies, namely shame and how it has made Canadians turn a blind eye to history.¹³ Furthermore, Trudeau seemed to commit to behavioral reform and social change for the sake of reconciliation, mentioning, "All Canadians have the power to be better and to do better. That is the path to reconciliation."¹⁴ Reconciliation was not the only goal of Trudeau's apology, however, according to him, it was "time we make things right."¹⁵ The Canadian government settled a class action lawsuit and provided approximately 50 million Canadian dollars to about 900 former students of the boarding schools. Lastly, the Canadian government's apology was not kept behind the closed doors of the legislature. It was delivered at the local arts center to the collective that had suffered there. It was made publicly available for all to learn about.¹⁶

Let us consider one final case of a state apology. In this particular case, a state apology was not

12. Ian Austen, "Trudeau Apologizes for Abuse and 'Profound Cultural Loss' at Indigenous Schools," *The New York Times*, November 24, 2017, <https://www.nytimes.com/2017/11/24/world/canada/trudeau-indigenous-schools-newfoundland-labrador.html>.

13. "Remarks by Prime Minister Justin Trudeau to Apologize on Behalf of the Government of Canada to Former Students of the Newfoundland and Labrador Residential Schools," Prime Minister of Canada, November 24, 2017, <https://pm.gc.ca/en/news/speeches/2017/11/24/remarks-prime-minister-justin-trudeau-apologize-be-half-government-canada>.

14. *Ibid.*

15. *Ibid.*

16. Ian Austen, "Trudeau Apologizes for Abuse and 'Profound Cultural Loss' at Indigenous Schools," *The New York Times*, November 24, 2017, <https://www.nytimes.com/2017/11/24/world/canada/trudeau-indigenous-schools-newfoundland-labrador.html>.

extended but only demanded and ultimately denied. In March of 2019, Mexico's president, Andrés Manuel López Obrador (known as AMLO) announced that he had sent two letters, one to King Felipe VI of Spain and another to Pope Francis, proposing that the two men apologize and ask forgiveness for the abuses Indigenous Mexicans suffered. In proposing this, AMLO rejected the narrative that the Conquista was a benign discovery of the New World and cultural exchange between two peoples.¹⁷ Alice MacLachlan would, correctly, say that AMLO was relying on the "narrative power"¹⁸ of apologies to change the historical record.

Unfortunately for AMLO, this proposal was not received well in Spain or even domestically in Mexico. Spanish Prime Minister Pedro Sánchez of the Socialist Worker Party rejected the proposal. He mentioned it was "weird to receive now this request for an apology for events that occurred 500 years ago."¹⁹ Rafael Hernando, also of the People's Party went further and implied Mexico should be grateful for the Conquista²⁰; Albert Rivera, leader of Spain's center-right Citizens Party, said AMLO's proposal amounted to "an intolerable offense to the Spanish people."²¹ Officially, Spain's government swiftly replied by denying the call to apologize.²² In Mexico,

17. AMLO said, "It wasn't just about the encounter of two cultures... It was an invasion. Thousands of people were murdered during that period. One culture, one civilization, was imposed upon another to the point that the temples—the Catholic churches were built on top of the ancient pre-Hispanic temples." Raphael Minder and Elisabeth Malkin, "Mexican Call for Conquest Apology Ruffles Feathers in Spain. And Mexico," *The New York Times*, March 27, 2019, <https://www.nytimes.com/2019/03/27/world/americas/mexico-spain-apology.html>.

18. Alice MacLachlan, "Gender and Public Apology," *Transitional Justice Review* 1, no. 2 (2013): 130.

19. Raphael Minder and Elisabeth Malkin, "Mexican Call for Conquest Apology Ruffles Feathers in Spain. And Mexico," *The New York Times*, March 27, 2019, <https://www.nytimes.com/2019/03/27/world/americas/mexico-spain-apology.html>.

20. Hernando mentions, "We Spaniards went there and ended the power of tribes that assassinated their neighbors with cruelty and fury." Raphael Minder and Elisabeth Malkin, "Mexican Call for Conquest Apology Ruffles Feathers in Spain. And Mexico," *The New York Times*, March 27, 2019, <https://www.nytimes.com/2019/03/27/world/americas/mexico-spain-apology.html>.

21. Raphael Minder and Elisabeth Malkin, "Mexican Call for Conquest Apology Ruffles Feathers in Spain. And Mexico," *The New York Times*, March 27, 2019, <https://www.nytimes.com/2019/03/27/world/americas/mexico-spain-apology.html>.

22. Their official statement reads, "We emphatically reject its contents...The arrival of Spaniards 500 years ago to

popular columnist Sergio Sarmiento wrote, “The Spaniards who stayed in Spain bear no responsibility for what happened here 500 years ago.”²³ More interestingly, Former Secretary of Foreign Affairs, Jorge Castaneda alluded to the idea that the whole proposal was a political stunt. He asked, “Is this a Pandora’s box we want to open? Or is it pure demagoguery?”—AMLO was accused of creating a smokescreen for Mexico’s problems, including gang violence and a stagnant economy.²⁴

3. Moral Legitimacy and Collective State Apologies

Now that we have highlighted a few examples of collective state apologies, it is time for us to abstract and see how they fit into the “family tree” of apologies. In this section, I delineate a taxonomy of apologies. In doing so, I first illustrate how 1) morally legitimate apologies are distinct from genuine, sincere, and successful apologies. Afterward, I illustrate how 2) collective state apologies are distinct from collective, state, and public apologies. This is done to help clarify the terms and to then be able to ask whether collective state apologies can be morally legitimate.

To begin, an apology is a speech act. That is, it is a string of words that aims to fulfill some function, much like the words “I do” seal a marriage at the altar. Furthermore, an apology is usually offered to a recipient who can either accept or reject it. I offer the following definition of a genuine apology:

A genuine apology fulfills three functions. It claims that i) the actions, events, or policies, in question were morally wrong, ii) the recipient was wronged by the actions, events, pol-

icies in question, and iii) the apologizer takes responsibility for the actions, events, or policies in question.

It is, of course, entirely possible that a particular apology will have more than the three functions listed above. However, note that this definition of a genuine apology does not tell us anything about the excellence of the apology. That is, it does not tell us anything about how *good* an apology is. If anything, these criteria serve as what MacLachlan calls “entry-norms” for a speech act to be recognized as an apology.²⁵ Think, for instance, of a childhood squabble one might have with their sibling. The parent might coerce both siblings to apologize to each other, and the siblings, through gritting teeth, abide. In this case, both apologies might fulfill the three criteria above. Nonetheless, given that the apologies were compelled, both siblings might view them as *poor* apologies and be dissatisfied with them.

Usually, when we ask whether an apology is *good* or *excellent*, we are asking whether it is sincere. In turn, whether or not an apology is sincere will often depend on whether the apology fulfills two additional requirements, namely whether it is accompanied by certain emotions (e.g., remorse, guilt, regret) and whether it includes a commitment to behavioral reform. Lastly, successful apologies are determined by how well they perform their intended functions. For instance, if one intends for the apology to be accepted (as is often, but not always,²⁶ the case), the apology succeeds in this function only in cases where the recipient actually accepts the apology. It is, therefore,

present-day Mexican territory cannot be judged in light of contemporary considerations. Our brother nations have always known how to read our common past without anger and with a constructive perspective.” Lucía Abellán and Javier Lafuente. “Madrid Rejects Mexico’s Demand for an Apology over Spanish Conquest,” *El País*, March 26, 2019, https://english.elpais.com/elpais/2019/03/26/inenglish/1553587549_240799.html.

23. Raphael Minder and Elisabeth Malkin, “Mexican Call for Conquest Apology Ruffles Feathers in Spain. And Mexico,” *The New York Times*, March 27, 2019, <https://www.nytimes.com/2019/03/27/world/americas/mexico-spain-apology.html>.

24. *Ibid.*

25. Alice MacLachlan writes “a speech act that did not have these features would not be an apology—but they do not, in themselves, guarantee a good or successful apology, just as valid moves in a chess game can be better or worse examples of chess-playing.” MacLachlan has similar entry norms for what she calls a “valid apology.” The largest difference between our two sets of entry norms appears when she writes that an apologizer “disavows” the actions, events, and policies in question. I chose to avoid the term disavow as I suspect it is in tension with the notion of taking responsibility for said actions. “Beyond the Ideal State Apology,” in *On the Uses and Abuses of Political Apologies*, ed. Mihaela Mihai and Mathias Thaler, 13–31 (London: Palgrave Macmillan UK, 2014).

26. One can imagine, for instance, someone apologizing without hope of being forgiven or the apology being accepted. One might extend the apology in the hopes of clearing one’s conscience. While apologizing in this manner is self-serving, the act is still recognizable as an apology and can still be successful.

possible that an apology might perform some of its functions well and others poorly (or not at all). In these cases, we should speak of the apology as being a partial success/failure.

Of course, the exact relationship between genuine, sincere, and successful apologies is highly controversial. In particular, a great deal of time has been spent debating whether an apology must be sincere to be genuine. Kathleen Gill has argued that an apology must be sincere in order to be genuine,²⁷ while Glenn Pettigrove²⁸ and Nick Smith²⁹ have argued that they need not be.

I join Pettigrove and Smith in claiming that an apology need not be sincere for it to be genuine. Philosophers, for the most part, have taken it for granted that apologies are primarily moral phenomena. I suspect this has, in part, fueled the popular idea that a genuine apology is synonymous with a sincere apology. However, recall that an apology, in and of itself, is simply a speech act that fulfills some function. It need not be a moral function. Therefore, a speech act need not be a moral phenomena for it to be recognized as belonging to the “family tree” of speech acts we recognize as an apology.

Furthermore, the idea that an apology is necessarily a moral phenomenon is not uncontroversial and must be argued for. As Gill correctly notes, apologies have already “received a con-

siderable amount of attention from sociologists, psychologists, and linguists.”³⁰ Moreover, I argue that it is a mistake to think genuine or sincere apologies necessarily result, or ought to result, in moral and relational repair. Often an apology might serve the interests of the apologizer more than those of the recipient, by allowing the apologizer to morally redeem themselves and control the narrative.³¹ An apology, even if sincere, might also be only the first step to changing a long and historical narrative of injustice. In which case, it is reasonable for the recipient to hold off on accepting the apology until some behavioral reform or social change is actualized.³² For instance, we can take the case of a relationship that has gone through many cycles of abuse, cycling from tension building, to abuse, to reconciliation, and back to tension building (albeit, it need not look exactly like this). In this case, even if the abuser is sincere when apologizing, the abused would be justified if they rejected the apology until the abuser actually changed their behavior and broke the vicious cycle.

Moral and relational repair is not a privileged function of apology, however. The moral functions of an apology vary widely,³³ and there

27. According to Kathleen Gill, there are five conditions to be met before an apology can be genuine. Two of these conditions revolve around sincerity by stipulating that the apologizer must feel certain emotions and have a commitment to behavioral reform. Gill specifically mentions that the apologizer “must have an attitude of regret with respect to the offensive behavior and a feeling of remorse in response to the suffering of the victim.” In regard to behavior, “the offender must also make changes so that the victim is justified in believing “that the offender will try to refrain from similar offenses in the future.” “The Moral Functions of an Apology” in *Injustice and Rectification*, edited by Rodney C. Roberts (New York: A Peter Lang Publication, 2002), 114.

28. For Glen Pettigrove, an apology “indicates one’s intention to refrain from similar actions in the future.” Without this, the apology is still an apology, but is infelicitous. “Apology, Reparations, and the Question of Inherited Guilt,” *Public Affairs Quarterly* 17, no. 4 (2003): 323.

29. Nick Smith suggests that one resist the temptation to adopt a binary standard to declare “whether something “is or is not” an apology, focusing instead on “how well [the apology] serves certain purposes and to what extent it conveys certain kinds of subtle social meanings.” *I Was Wrong: The Meanings of Apologies* (Cambridge: Cambridge UP, 2008), 12.

30. Kathleen Gill, “The Moral Functions of an Apology,” *The Philosophical Forum* 31, no. 1 (2000): 11-27, <https://doi.org/10.1111/0031-806X.00025>.

31. Alice MacLachlan in particular notes some of these dangers when discussing public apologies during the #MeToo movement. “#MeToo vs. Mea Culpa: On the Risks of Public Apology,” *APA Newsletter: Feminism and Philosophy* 19, no. 1 (2019): 5.

32. Alice MacLachlan, “Gender and Public Apology,” *Transitional Justice Review*, 2013, 1-21, <https://doi.org/10.5206/tjr.2013.1.2.6>.

33. For instance, Kathleen Gill tells us that the moral functions of apologies include, but are not limited to, acknowledging the wrong done to the victim, reaffirming the rights and self-esteem of the victim, reduction of the wrongdoer’s punishment (if the apology is sincere), allowing the wrongdoer to reestablish their moral integrity, social change, and even providing grounds for claims of compensation. “The Moral Functions of an Apology.” In *Injustice and Rectification*, ed. Rodney C. Roberts, 111-23 (New York: Peter Lang, 2002). Interestingly enough, Gill does not believe that compensation is a function of apology. While both an apology and compensation aim at restoration of the victim, an apology is not aimed at giving any material thing to the victim. Alice MacLachlan adds to this list when she mentions that the functions of apologies include “narrating a particular story of wrongdoing; disavowing those wrongs; acknowledging the addressee as someone impacted by those wrongs; making some appropriate commitment, amends, or reform; initiating a process of reconciliation; or, on the other hand, enacting appropriate closure of the relationship.” “Beyond the Ideal State Apol-

are also nonmoral functions that must be considered. Moral functions of an apology are concerned with upholding some ethical standard and a common (but not always present) function is moral repair and reconciliation (or at least paving the way for such). Nonmoral functions of an apology, however, are not concerned with upholding some ethical standard but with pursuing some other goal. These include promoting social cohesion for the sake of silencing dissent, psychologically comforting oneself (or others), and garnering sympathy in the public eye.

Moral functions should not be privileged over nonmoral functions when considering genuine apologies, nor vice versa. To begin, privileging moral functions risks minimizing the social and political function of a speech action. Especially in the case of public apologies, which are performed in social spaces marked by asymmetries of power, the sociological or political functions of apologies cannot be ignored.³⁴ Even if privileging moral functions could be done without minimizing nonmoral functions, to do so assumes that an apology is a primarily moral act, as opposed to a linguistic, social, or political act. It is not clear why this should be the case given that, as Gill notes, “apologizing is a common social practice that has received a considerable amount of attention from sociologists, psychologists, and linguists.”³⁵ Finally, it should be noted that while an apology might fail to perform any moral functions, it might be successful in performing any nonmoral functions it might have.³⁶

Having now drawn distinctions between genuine, sincere, and successful apologies, I posit

ogy” in *On the Uses and Abuses of Political Apologies*, ed. Mihaela Mihai and Mathias Thaler, 13-31 (London: Palgrave Macmillan UK, 2014).

34. A notable exception among moral philosophers is MacLachlan. MacLachlan argues that philosophers have, by focusing on interpersonal apologies as the default of apologies, distorted the nature and functions of state apologies. In fact, “we ought to shift the emphasis in state apology from ‘apology’ to ‘political,’ thinking of them first as a form of political practice, that is, a mode of doing politics.” “Beyond the Ideal State Apology” in *On the Uses and Abuses of Political Apologies*, ed. Mihaela Mihai and Mathias Thaler, 13-31 (London: Palgrave Macmillan UK, 2014), 13.

35. Kathleen Gill, “The Moral Functions of an Apology” in *Injustice and Rectification*, ed. Rodney C. Roberts (New York: Peter Lang, 2002), 11.

36. In the section on “The Realist and the Individualist,” I highlight some sociological, political, and psychological functions of collective state apologies.

the following definition of a morally legitimate apology:

These apologies are genuine (i.e., they fulfill the three functions of a genuine apology). Furthermore, iv) these apologies succeed in performing at least *one* moral function. This moral function may vary from case to case, but it will always prioritize the agency of the recipient. As such, morally legitimate apologies must be negotiated in advance, especially when they involve collectives. Constructing the apology will be a collaborative process that prioritizes the voice of the recipient.

Apologizers should refrain from believing that they themselves know what best prioritizes the agency of the recipients. What best prioritizes their agency should be done contextually, in situ, and the best way to do this is by including the recipients in the process of crafting the apology. By succeeding in this moral function, the apology obligates the recipient to seriously consider accepting the apology. This definition is inspired by the notion of political legitimacy in political philosophy, where it is commonly argued that a legitimate political authority entails obligations of its citizens.³⁷ These obligations are authoritative since they are derived from the agency of citizens.³⁸ Likewise, when an apology is morally legitimate it places an obligation on the recipient(s) to consider the apology’s merits. These obligations are similarly authoritative since they are derived from the agency of the recipient. This is significant since the recipient cannot dismiss the apology outright without consideration.

Dismissing the apology without consideration of accepting it would result in a lack of respect for the recipient’s agency since the function of a morally legitimate apology derives from the recipient’s agency. It simultaneously results in a lack of respect to upholding ethical standards, since the function of morally legitimate

37. For instance, John Locke writes, “every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society to submit to the determination of the majority, and to be concluded by it” (52f). *Second Treatise on Government*, edited by C. B. Macpherson, 1690, 1st ed. (Indianapolis: Hackett, 1980).

38. For a competing view, see Ronald Dworkin, *Law’s Empire* (Cambridge: Harvard UP, 1986), 9.

apologies is a *moral* function. Of course, the recipient is under no obligation to accept the apology. Again, as argued by MacLachlan, under complicated histories of public and private wrongdoing, the recipient may have good reason to reject a morally legitimate apology, no matter its excellence. Nonetheless, morally legitimate apologies go some distance in addressing asymmetries of power, namely by inviting the recipient to the table and prioritizing their agency.

Some more distinctions are in order. While a morally legitimate apology is necessarily a genuine apology, not all genuine apologies are morally legitimate. This is because genuine apologies might fail to fulfill the fourth criterion stipulated above but still fulfill the first three. That is, a genuine apology need not fulfill a moral function. One might object here by asking what the first three criteria are, if not moral functions. However, as we will see with the political-realist, it is possible to fulfill those three criteria but be insincere and even have ulterior motives. A genuine apology only requires the apologizer to make claims, not to make claims sincerely and without ulterior motives.

Furthermore, while a morally legitimate apology is necessarily a successful apology, not all successful apologies are morally legitimate. A successful apology might succeed in nonmoral functions (e.g., in its political or social functions). Finally, sincerity is neither necessary nor sufficient for an apology to be morally legitimate. I will say more about this when replying to the political-realist.

With this definition in place, I now move on to highlight the distinction between collective state apologies, and collective, public, and state apologies. I posit the following definition of collective state apologies:

Apologies offered by recognized political leaders on behalf of a collective to another collective. These apologies are offered in a public forum and sanctioned by the state.

Since both the apologizer and recipient are collectives, collective state apologies are necessarily between groups. Thus, it is correct to say that collective state apologies are collective apologies, but not all collective apologies are collective state apologies. There could, for

instance, exist apologies between collectives that consist of “corporations, churches, nonprofits, community, and other institutions.”³⁹ Furthermore, collective apologies, while always on behalf of a collective, might not be offered to collectives.⁴⁰ It would also be correct to say that collective state apologies are public apologies, but not all public apologies are collective state apologies. Observe the number of public apologies that ensued from the #MeToo movement in which powerful men publicly apologized for their (individual) behavior.⁴¹ Lastly, a collective-state apology is a state apology, but not all state apologies are collective state apologies. As MacLachlan correctly tells us again, “a publicly issued apology from one head of state to another will certainly take on political significance.”⁴² This would be the case even if the first head of state was acting out of their official capacity (i.e., the apology was not sanctioned by the state and therefore not official). The question I press in the remainder of this article is whether collective state apologies can be morally legitimate.

39. Alice MacLachlan, “Fiduciary Duties and the Ethics of Public Apology.” *Journal of Applied Philosophy* (2016): 5. MacLachlan considers the gold standard of the corporate apologies to be Johnson and Johnson’s official apology in 1982 when they discovered that someone had tampered with Tylenol capsules by inserting cyanide into them. See Jerry Knight, “Tylenol’s Maker Shows How to Respond to Crisis,” *The Washington Post*, October 11, 1982, <https://www.washingtonpost.com/archive/business/1982/10/11/tylenols-maker-shows-how-to-respond-to-crisis/bc8df898-3fcf-443f-bc2f-e6fbd639a5a3/>.

40. See, for instance, the Canadian Government’s 2007 apology to Maher Arar, a Canadian citizen who was unjustly suspected of being an Al Qaeda member and tortured in Syria. Social Development Canada, “Prime Minister Releases Letter of Apology to Maher Arar and his Family and Announces Completion of Mediation Process,” *Canada.ca*, Government of Canada, 26 Jan. 2007, www.canada.ca/en/news/archive/2007/01/prime-minister-releases-letter-apology-maher-arar-his-family-announces-completion-mediation-process.html.

41. See, for instance the following, Madison Park, “Kevin Spacey Apologizes for Alleged Sex Assault with a Minor,” *CNN*, October 31, 2017, <https://www.cnn.com/2017/10/30/entertainment/kevin-spacey-allegations-anthony-rapp/index.html>; “Louis C. K. Responds to Accusations: ‘These Stories Are True,’” *The New York Times*, November 10, 2017, <https://www.nytimes.com/2017/11/10/arts/television/louis-ck-statement.html>; Emily Stewart, “Aziz Ansari Responds to Sexual Misconduct Allegations Against Him,” *VOX*, January 15, 2018, <https://www.vox.com/identities/2018/1/15/16893468/aziz-ansari-allegations>.

42. Alice MacLachlan, “Beyond the Ideal State Apology” in *On the Uses and Abuses of Political Apologies*, ed. Mihaela Mihai and Mathias Thaler, 13-31 (London: Palgrave Macmillan UK, 2014).

4. The Realist and the Individualist

In this section, I turn my attention to how the political-realist and the moral-individualist would argue that collective state apologies cannot be morally legitimate. To begin, all three of the apologies in section 2 can, in confidence, be said to be collective state apologies (or in Mexico's case, a demand for such an apology). The apology concerned a political leader apologizing on behalf of one collective to another collective. Furthermore, the apology was in a public forum and state-sanctioned. But are these apologies morally legitimate? According to the political-realist, collective state apologies cannot be morally legitimate because the apologizer is never sincere and cannot be sincere. The apology cannot be sincere because it cannot realistically attain the emotional intimacy associated with interpersonal apologies. This emotional intimacy is what allows the apologizer to feel regret, remorse, shame, et cetera. But, to have this emotional intimacy, the political leader, as well as the whole collective for whom they speak, would need to have a personal relationship with every recipient of the apology.⁴³ This is logistically impossible. MacLachlan writes:

In the absence of interpersonal feelings and attitudes, what appropriate moral motivation is there to drive state apologies? The cynical answer is, of course, that they lose meaning qua apologies altogether: because they are public, formal and pre-negotiated, they are empty gestures.⁴⁴

43. Nick Smith speaks a bit on some of the difficulties in conceiving of collective emotions in a collective apology. In *I Was Wrong* (Cambridge: Cambridge UP, 2008), he writes: "Perhaps the least controversial sense of collective emotions takes an aggregate view: We can say that a collective experiences certain emotions if some portion of its membership feels them.... [This] returns us to the problem of attributing properties of group members to the whole: What percentage of the group must feel the emotion in order to describe it as collectively experienced? If only a few in a group of millions feel guilt and sympathy for a victim, then it seems disingenuous to speak of the emotion collectively experienced (240-45).

44. Alice MacLachlan, "Government Apologies to Indigenous People" in *Justice, Responsibility and Reconciliation in the Wake of Conflict*, ed. Alice MacLachlan and Allen Speight, 183-203 (London: Springer, 2013): 193.

Let's suspend our disbelief for a moment however and assume that all (or enough)⁴⁵ members of the apologizing collective could feel these emotions. The apology would still not be sincere. As Thompson notes, collective state apologies are often apologies for massive historic injustices against minority groups. To be sincere in such an apology would be to regret those injustices and prefer that they had not occurred. Unfortunately, however, "if our ancestors had not done what they did to indigenous people, to the blacks, the Jews, the Irish, then the history of our country, indeed the history of the world, would have been significantly different from what it has been, and we would not exist."⁴⁶ Thompson continues by noting that one cannot regret one's existence and thus, collective state apologies cannot be sincere.

Instead of being sincere, the political leader is merely performing a role while harboring hidden motives. Michael Cunningham best summarizes the political-realist's view. When speaking of the general cynicism surrounding collective state apologies, he writes "the apology is seen as a form of 'gestural' politics, incurring no costs for government and often serving as a (literally) cheap way to win favor with particular political or electoral grouping."⁴⁷

Recall how AMLO was accused of having ulterior motives for requesting an apology. Former Secretary of Foreign Affairs, Jorge Castaneda Gutman implied that AMLO's whole proposal was a political stunt.⁴⁸ Recall also that AMLO was accused of creating a smokescreen for Mexico's problems, including gang violence and a stagnant economy. The political-realist would agree with this line of criticism. AMLO is merely engaging in rhetoric that panders to Indigenous Mexicans without offering any actual relief.

45. See Smith, *I Was Wrong* (Cambridge: Cambridge UP, 2008): 240-45. As Smith asks, what percentage of the group must feel these emotions in order for it to count? The answer to this will ultimately be arbitrary.

46. Janna Thompson, "The Apology Paradox," *The Philosophical Quarterly* 50, no. 201 (2000): 471

47. Michael Cunningham, "Apologies in Irish Politics: A Commentary and Critique," *Contemporary British History* 18, no. 4 (2004): 81.

48. Raphael Minder and Elisabeth Malkin, "Mexican Call for Conquest Apology Ruffles Feathers in Spain. And Mexico," *The New York Times*, March 27, 2019, <https://www.nytimes.com/2019/03/27/world/americas/mexico-spain-apology.html>.

Furthermore, if the political-realist is correct, then not only was AMLO's demand for an apology insincere, but one should not be surprised that it never actually aimed at moral functions, such as moral or relational repair. Regarding moral repair, well, as many of AMLO's detractors pointed out, no one today is a Conquistador on a holy mission in present-day Mexico. Thus, any talk of taking responsibility is a thinly veiled attempt at garnering favor via identity politics. As for relational repair, many Spanish politicians took the request as an insult, and even many Mexican columnists felt frustrated, to say the least, with AMLO. If anything, the call for an apology lessened the possibility of moral repair.

Of course, the political-realist's position is not confined to Mexico. It also enjoys popularity among conservatives in the United States who view collective state apologies as pandering to liberal "woke culture."⁴⁹ Justin Trudeau also has been suspected of using apologies as political stunts. Both political columnist John Ivison⁵⁰ and Member of Parliament Marilyn Gladu⁵¹ have accused Justin Trudeau of political pandering and insincerity.

49. For instance, recall that President Bill Clinton apologized twice during his African tour, once in Rwanda for Western inaction during the Rwandan genocide and again in Uganda for the slave trade. Clinton's actions were heavily scrutinized: "Clinton was attacked by the right for 'groveling and pandering' during his African tour... Clinton's apologies in Africa were not exactly insincere but they were clearly subordinate to political interests. And in politics you only say sorry when it suits you." John Ryle, "A Sorry Apology from Clinton," *The Guardian*, April 13, 1998, <https://www.theguardian.com/Columnists/Column/0,5673,234216,00.html>.

50. Ivison's article reads, "Are [his apologies] sincere? ... It is hard to escape the feeling that political expediency is at work for the Liberals; each apology was targeted at a key political constituency—Sikh, LGBTQ, Indigenous and Jewish Canadians." John Ivison, "With Another Apology, Trudeau Tries to Right—and Rewrite—the Past." *National Post*, May 9, 2018. <https://nationalpost.com/news/politics/john-ivison-with-another-apology-trudeau-tries-to-right-and-rewrite-the-past>.

51. According to Gladu, "said apologies should not be monthly occurrences, adding that it's becoming a "show." "I've heard rhetoric even amongst my constituency that perhaps it's not sincere. What else does he do, besides apologize for things that happened years and years ago?" Janice Dickson, "Conservative MP Questions Whether Trudeau's Apologies Are Sincere," *National NewsWatch*, May 9, 2018, https://www.nationalnewswatch.com/2018/05/09/conservative-mp-questions-whether-trudeaus-apologies-are-sincere/#.XpD_DchKiUm.

Finally, it should be noted that while many of the aforementioned academics speak on the political-realists' position, they do not usually adopt the position themselves. In fact, it seems that the political-realist's position is most prevalent among nonscholars. For instance, Tyler Okimoto and his colleagues conducted research with 128 Australian-born participants. In response to the rising trend of collective apologies, participants simultaneously demanded more apologies but were also more likely to see them as insincere and "routine."⁵² Scholars such as myself, on the other hand, often speak to the potential that these apologies have, even if they face obstacles.⁵³ The possibility that political-realists might view scholars as naïve and "out-of-touch" idealists should be taken seriously, especially if we want our theoretical views on apologies to be taken seriously by all.

I turn my attention now to the moral-individualist. While the moral-individualist might have many concerns,⁵⁴ in this piece I focus particularly on their concern regarding standing. The moral-individualist, like the political-realist, also argues that collective state apologies cannot be morally legitimate. Unlike the political-realist however, the moral-individualist does not care about sincerity. Instead, the moral-individualist argues that collective state apologies cannot be morally legitimate because they cannot be genuine. Recall that a morally legitimate apology must be genuine. The moral-individualist draws attention to the third claim of genuine apologies, namely that the apologizer takes responsibility for the actions, events, or policies in

52. See Tyler G. Okimoto, Michael Wenzel, and Matthew J. Hornsey, "Apologies Demanded Yet Devalued: Normative Dilution in the Age of Apology," *Journal of Experimental Social Psychology* 60 (2015): 133-36, <https://doi.org/10.1016/j.jesp.2015.05.008>.

53. See, for instance, Matthew J. Hornsey, Michael J. A. Wohl, and Catherine R. Philpot, "Collective Apologies and Their Effects on Forgiveness: Pessimistic Evidence but Constructive Implications," *Australian Psychologist* 50, no. 2 (2015): 106-14. <https://doi.org/10.1111/ap.12087>; Michael J. A. Wohl, Matthew J. Hornsey, and Catherine R. Philpot, "A Critical Review of Official Public Apologies: Aims, Pitfalls, and a Staircase Model of Effectiveness," *Social Issues of Policy Review* 5, no. 1 (2011): 70-100, <https://doi.org/10.1111/j.1751-2409.2011.01026.x>.

54. As mentioned in an earlier note, Nick Smith outlines many of these problems in the part two of *I Was Wrong: The Meanings of Apologies* (Cambridge: Cambridge UP, 2008). These include the issues of standing, delegation, collective intentionality, collective causation, collective moral responsibility, collective emotions, collective regret, and collective redress.

question. According to the moral-individualist, this claim is devoid of meaning in all collective apologies since individuals can only take responsibility for their *own* behavior, not the behavior of others. In fact, collective responsibility is impossible, since individuals, not collectives, are the sole building blocks of morality.⁵⁵ This is all to say, that the political leader (and ultimately anyone) lacks standing to apologize on behalf of others. Proponents of this view date as far back as 1948, when the theologian H. D. Lewis called collective responsibility “barbarous.” Proponents also include more contemporary philosophers, such as Stephen Sverdlik, Jan Narveson, and Andras Szigeti.

The moral-individualist does not claim that collective state apologies cannot be successful, however. The moral-individualist might argue that the collective state apology can still succeed at sociological or psychological functions. Regarding sociological functions, the collective state apology might promote social cohesion. The apology might serve as a symbolic gesture aimed at alleviating tensions between the involved collectives. The hope is that both collectives will no longer hold a grudge or resentment towards each other but let bygones be bygones. The apologizing collective and their political leader might truly be committed to social change insofar as that change promotes harmony. This commitment is not grounded by any collective moral responsibility to do better. Instead, it is merely grounded in the prudential concern of promoting reconciliation.

The United States Congress’ apology explicitly mentions that it hopes to heal the racial rifts between white and Black Americans, to “move forward and seek reconciliation, justice, and harmony for all people of the United States.” The apology does task all Americans with the responsibility of “eliminating racial prejudices, injustices, and discrimination from [American] society” but this “responsibility” is required not by moral obligation, but simple prudential concerns of securing a more cohesive nation. Insofar as this prudential concern aims at silencing or placating dissent and not upholding some

ethical standard (e.g., bettering the lives of all Americans), it fails to fulfill a moral function.

Unfortunately, recent research has shown that although collective apologies have become more common, they have also become more expected, less valued, and less likely to result in forgiveness.⁵⁶ Michael Wenzel believes collective state apologies can still promote social cohesion as long as they rely on the notion of *hope*.⁵⁷ Thus, if a collective wants their apology to be successful, then they should suffuse it with hopeful language of a desirable (and attainable) future state of affairs. To Wenzel, doing such does not mean the apologizing collective is extending their apology insincerely. They might genuinely desire less hostility or a mutually beneficial relationship with the other collective. Still, any mention of blame or responsibility in their language should not be understood in the literal sense but as a metaphor used to describe hope and promise.⁵⁸

Regarding psychological functions, collective state apologies can promote and safeguard the psychological well-being of the apologizer. These apologies serve as a form of expunging misplaced guilt, especially white guilt (or colonial-settler guilt).

56. Recent research conducted by social psychologist Tyler G. Okimoto et al. shows that public apologies, while more common, have also become more expected by victims, less valued, and less likely to promote forgiveness. See Tyler G. Okimoto, Michael Wenzel, and Matthew J. Hornsey, “Apologies Demanded Yet Devalued: Normative Dilution in the Age of Apology,” *Journal of Experimental Social Psychology* 60 (2015): 133-36, <https://doi.org/10.1016/j.jesp.2015.05.008>. Also see Matthew Hornsey, “Embodied Remorse: Physical Displays of Remorse Increase Positive Responses to Public Apologies, but Have Negligible Effects on Forgiveness,” *Journal of Personality and Social Psychology*, December 2019, <https://doi.org/10.1037/pspi0000208>.

57. Michael Wenzel, Farid Anvari, Melissa de Vel-Palumbo, and Simon M. Bury, “Collective Apology, Hope, and Forgiveness,” *Journal of Social Psychology* 72 (2017): 75-87, <https://www.sciencedirect.com/science/article/pii/S0022103116302487>.

58. A more pessimistic take on social cohesion is that the apologizing collective wants to let bygones be bygones, not for the sake of a hopeful and mutually beneficial future with the other collective but for the sake of “sweeping under the rug” past injustices. The apologizing collective might truly believe that they acted irresponsibly and are blameworthy, but the state leader may not care, have little sympathy, little compassion, or even a bigoted view of the other collective. Nonetheless, the state leader might still extend an apology out of fear of protests, riots, or even revolution. Regardless, whether one takes Wenzel’s hope-centric interpretation or a more pessimistic take, the goal is group cohesion.

55. In *Forgiveness: A Philosophical Exploration* (New York: Cambridge UP, 2007), Charles Griswold calls this immensely popular notion in philosophy, “common-sense moral individualism: individuals are the basic moral units; to them is ascribed responsibility for good or wrong-doing, responsibility for contrition and forgiveness” (118).

According to the moral-individualist, collective state apologies are ultimately more self-directed than other-directed. It should therefore not be surprising when scientific evidence tells us that group guilt is also a self-directed emotion.⁵⁹ Any collective guilt is ultimately misplaced though since collectives cannot be responsible. Collective guilt is, therefore, a psychological ailment, something individuals must cure themselves of as soon as possible. Preventing folks from feeling this guilt is the ideal solution. Nonetheless, some folks will ultimately succumb to this guilt, in which case a collective state apology serves as a useful cure, a way to take control of the narrative and morally redeem oneself.

Columnist Linda Besner echoes the psychological function of collective state apologies when she writes of Justin Trudeau:

It's hard not to see Trudeau's penchant for penitence as a particularly Canadian form of self-aggrandizement—humble-bragging about how bad you feel. Congratulating ourselves for feeling guilty makes us feel good again, and the praise we lavish on ourselves for our honesty is warmly received—by us.⁶⁰

When collective state apologies fulfill this psychological function, they prioritize the feelings

59. As psychologist Aarti Iyer from the University of California, Santa Cruz concluded from her research into white guilt:

Based in theory and research on personal guilt, we argued that group-based guilt is a self-focused emotional experience of in-group responsibility for an immoral advantage. More specifically, White guilt is a dysphoria European Americans can feel when focused on their illegitimate racial advantage over African Americans...we showed that a self-focused framing of racial discrimination, as perpetrated by European Americans, produced more guilt than an other-focused framing that described African Americans as the targets of racial discrimination. There was thus good support for our conceptualization of White guilt as a self-focused emotional reaction to racial inequality.

"White Guilt and Racial Compensation: The Benefits and Limits of Self-Focus," *Personality and Social Psychology Bulletin* 29, no. 1 (2003): 117–29, <https://doi.org/10.1177/0146167202238377>.

60. Linda Besner, "Is Canada Apologising Too Much?" *The Guardian*, May 16, 2018, <https://www.theguardian.com/commentisfree/2018/may/16/canada-justin-trudeau-apologising-too-much>.

of the apologizer, not the agency of the recipient.

5. Rejecting Sincerity and Hyperindividualism

In this section, I respond to both the political-realist and moral-individualist. To begin, I sympathize with the political-realist in suspecting that many political leaders might have ulterior motives when extending collective state apologies.⁶¹ However, the political-realist mistakenly fixates on emotions. It is true that it is logistically implausible, and perhaps even impossible, for all or enough members of an apologizing collective to feel emotions of regret, shame, guilt, et cetera. But feeling these emotions is only necessary for the apology to be sincere, not morally legitimate. I mentioned earlier that sincerity is neither necessary nor sufficient for an apology to be morally legitimate. I return to this point now.

Let us take cases of rectificatory justice in particular. I borrow Roberts's conception of rectificatory justice, which includes "at least four essential elements: restoration, compensation, apology, and punishment."⁶² A morally legitimate apology might fulfill the moral function of offering restoration and compensation to the victim(s) while punishing any wrongdoers.⁶³ This in itself might be reason enough to consider accepting the apology, so long as compensation prioritizes the agency of the recipients. Sincerity would not be necessary. In this case, I agree with Roberts when he argues that what he calls a *just* apology is legitimate and need not be sincere. Roberts writes, "Contrary to those who think that when rendering a legitimate apology one must really be sorry for that which he or she is apologizing, the just apology does not include as a neces-

61. Of course, we might never truly know their motives unless they were exposed in some scandal or they told us. Nonetheless, as I continue arguing, the political-realist is mistaken to think that ulterior motives precludes an apology being morally legitimate.

62. Rodney C. Roberts, "Race, Rectification, and Apology" in *The Oxford Handbook of Philosophy and Race*, ed. Naomi Zack (New York: Oxford UP, 2017), 139–49. 141.

63. Roberts concedes that restoration is not possible in all situations since what was lost may never be recoverable. Here I agree with Roberts and add that punishment may not always be available as the wrongdoing agents may no longer exist.

sary condition that those who apologize have certain feelings."⁶⁴ For Roberts, this is so since a just apology concerns itself with rectificatory justice and not the whole of morality. Rectificatory justice does, however, "require that unjust losses be restored or compensated for."⁶⁵ According to Roberts, if compensation is not given (or at least earnestly attempted), then the apology is illegitimate.

Unlike Roberts, however, I do not think compensation is necessary for an apology to be morally legitimate. I suspect Roberts believes compensation is necessary for legitimacy since, if one truly listens to the recipients when crafting an apology, one will *often* find that compensation is what best prioritizes the recipients' agency. One should be prepared to offer compensation if this turns out to be the case. However, it might not be the case. As MacLachlan notes, when evaluating the excellence of an apology it must always be done contextually, *in situ*.⁶⁶ Likewise, I would argue what best prioritizes the agency of the recipients must be done contextually, *in situ*, and the best way to do this is by including the recipients in the process of crafting the apology. One might find that in some situations the symbolic significance of a collective state apology is just as important, or even more important, than any compensation it gives.⁶⁷

Neither is sincerity sufficient for an apology to be morally legitimate. While sincerity could be understood as a moral function, the moral function of a morally legitimate apology must prioritize the agency of the recipient. If, as has been said, the recipient's agency is best promoted by being financially compensated, then sincerity will be irrelevant. Again, this all highlights why it is vital to include the recipient in the process of constructing an apology. Any apology that fails to include the voice of the

64. Rodney C. Roberts, "Race, Rectification, and Apology" in *The Oxford Handbook of Philosophy and Race*, ed. Naomi Zack (New York: Oxford UP, 2017), 143.

65. *Ibid.*

66. Alice MacLachlan, "Fiduciary Duties and the Ethics of Public Apology," *Journal of Applied Philosophy* (2016): 3.

67. Alice MacLachlan, "Government Apologies to Indigenous People" in *Justice, Responsibility and Reconciliation in the Wake of Conflict*, ed. Alice MacLachlan and Allen Speight (London: Springer, 2013): 199. See also Jeremy Waldron, "The Supersession of Historical Injustice," *Ethics* 103, no. 1 (1992): 6. Waldron writes that small gestures in public apologies "symbolize a society's undertaking not to forget or deny that a particular justice took place."

recipient will fail to be morally legitimate and can, therefore, be dismissed without consideration.

Furthermore, if the recipients' agency is prioritized then the ulterior motives of the political leader might be thwarted. But they might not be. So long as the political leader's agenda is not prioritized before the agency of the recipients, it does not matter if the leader succeeds in their ulterior motives. So much for the political-realist.

As for the moral-individualist, my strategy is to deny that individuals are the sole building block of responsibility. This would allow third parties to apologize on behalf of others and pave the way for political leaders to have standing. This is roughly the strategy that Charles Griswold and MacLachlan rely on when they argue for the possibility of third-party forgiveness. Charles Griswold discusses why some folks might be hesitant to allow third parties to forgive on behalf⁶⁸ of victims, namely by directing attention to "what one might call common-sense moral individualism: individuals are the basic moral units; to them is ascribed responsibility for good or wrong-doing, responsibility for contrition and forgiveness."⁶⁹ Instead of rejecting the possibility of third party forgiveness at this point, Griswold invites us to consider cases in which one's loved one is murdered. He points, for instance, to the murder of Amy Biehl. Two of her murderers eventually "met Biehl's parents, asked for and received their forgiveness, and joined the staff of the Foundation set up by the parents to improve the lot of the poor in South Africa."⁷⁰

Griswold asks us to note two things from these cases, namely 1) the transformative power of forgiveness and 2) the ability to forgive on behalf of others, in this case, a deceased loved one.

68. Strictly speaking, Griswold's type of third-party forgiveness might be best understood as *proxy forgiveness* since the third-party is serving as a surrogate for the injured party. For an account where third-party forgiveness cannot be reduced to proxy forgiveness, see Alice MacLachlan, "In Defense of Third-Party Forgiveness" in *Moral Psychology of Forgiveness*, ed. Kathryn J. Norlock (New York: Rowman & Littlefield, 2017), 135-60.

69. Charles L. Griswold, *Forgiveness: A Philosophical Exploration* (New York: Cambridge UP, 2007), 118.

70. Charles L. Griswold, *Forgiveness: A Philosophical Exploration* (New York: Cambridge UP, 2007), 95.

The moral-individualist will object to the second point and insist that Biehl's parents are only forgiving for the pain and anguish they *themselves* felt, not their daughter's murder. Of course, Biehl's parents might believe they are forgiving the murder itself, but according to the moral-individualist they are simply confused as to how morality operates.

Griswold calls this objection originating from moral individualism to be a "hard-line" response. It is too extreme and unfairly dismisses what Biehl's parents report feeling. MacLachlan similarly argues that denying third-party forgiveness risks distorting the complexities of moral reality in the name of a "hyperindividualism."⁷¹

Instead of adopting this hyperindividualism, Griswold suggests a compromise in the following form:

I suggest that a third party may forgive on behalf of the victim, but only if that third person also has standing to do so. Standing would seem to presuppose not only justifiable indignation (sympathetic resentment), but also something else: identification with the victim.... Identification, however, must be warranted.... It is warranted by the combination of at least two things: first, ties of care for the victim; second, reasonably detailed knowledge not only of the offender's wrong-doing and contrition, but especially of the victim.⁷²

MacLachlan proposes something similar when she mentions that "we can recognize a distinct variant of forgiveness, third-party forgiveness, which is appropriately grounded in an imaginatively engaged, caring relationship of moral solidarity."⁷³

I mention all this to highlight the possibility that if third-party forgiveness is legitimate, then one should not be so quick to dismiss collective state apologies. If third-party forgiveness should not be constrained by hyperindi-

vidualism, then it is plausible that collective state apologies should not be either. Objecting to collective state apologies on the basis of hyperindividualism similarly risks distorting the complexities of moral reality. The moral reality in question here is that group membership is relevant, and collectives are often held responsible in social and political practices.

Of course, if one is using third-party forgiveness as one's inspiration here, then collective state apologizers would require an identification, one that is legitimate, with the transgressing collective. In other words, political leaders would require standing. I propose that *at least* being a democratically elected leader of the transgressing party gives one such standing. In this sense, collective state apologies can potentially enjoy a "double legitimacy." If they prioritize the agency of the recipients, then obligations placed on recipients are legitimate since their authority is derived from the recipients' agency. Moreover, they are also legitimate to the other collective, the political leader's constituents. This is because, as an elected official acting in their official capacity, the apology's authority is also partially derived from the constituents' agency.

6. Concluding Remarks

In this article, I have focused only on collective state apologies. In doing so, I have argued against the political-realist and moral-individuals who argue that these apologies cannot be morally legitimate. They can be morally legitimate insofar as they fulfill some moral function by inviting the recipient of said apologies to the table. Of course, in contemporary cases of injustice it must be noted that activist groups have often clamored and insisted on being invited to the table. Groups like Black Lives Matter in the United States, for instance, have made many of their aims (e.g., better education of urban schools, better housing, defunding of police departments) known to the public at large. In a case like this one, political leaders must simply reach out to those groups and start the work of crafting an apology, work that is often already well underway on the recipients' end.

One final concern that has not been discussed is *who*, exactly, should be invited to the table on the recipients' behalf? That is, who can

71. Alice MacLachlan, "In Defense of Third-Party Forgiveness" in *Moral Psychology of Forgiveness*, ed. Kathryn J. Norlock (New York: Rowman & Littlefield, 2017), 136, 147-48.

72. Charles L. Griswold, *Forgiveness: A Philosophical Exploration* (New York: Cambridge UP, 2007), 119.

73. Alice MacLachlan, "In Defense of Third-Party Forgiveness" in *Moral Psychology of Forgiveness*, ed. Kathryn J. Norlock (New York: Rowman & Littlefield, 2017), 152.

speak on what best prioritizes the agency of the recipients and what gives them the authority to do so? I have no immediate answer, but I suggest that we begin by looking at large (inter)national movements and groups which have garnered massive support. I have already mentioned Black Lives Matter, but political leaders might likewise need to reach out to groups such as the NAACP, and the #MeToo organization, including Tarana Burke, its founder and *unofficial* leader.

Nonetheless, the issue with doing the above is that some of the organizations are decentralized and have no actual official leaders. In that case, a second suggestion would be to first create the table that will collaborate on the apology. Afterward, the recipients could themselves vote for their representatives on the table. For instance, H.R. 40, seeks to establish the Commission to Study and Develop Reparation Proposals for African Americans.⁷⁴ Instead of congress itself appointing members to this commission, it might be best if the U.S. public themselves vote on their representatives, while reserving a certain number of seats for African-Americans. Nonetheless, these are just two suggestions. As mentioned earlier, each case will have to be handled contextually and *in situ*, since each will undoubtedly have its own unique challenges.

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74. Sheila Jackson Lee, "H. R. 40—116th Congress (2019-2020): Commission to Study and Develop Reparation Proposals for African-Americans Act," June 2019-2020, <https://www.congress.gov/bill/116th-congress/house-bill/40>.

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