

# Settling Accounts at the End of History: A Nonideal Approach to State Apologies

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### **Abstract**

What are we to make of the fact that world leaders, such as Canada's Justin Trudeau, have, within the last few decades, offered official apologies for a whole host of past injustices? Scholars have largely dealt with this phenomenon as a moral question, seeing in these expressions of contrition a radical disruption of contemporary neoliberal individualism, a promise of a more humane world. Focusing on Canadian apology politics, this essay instead proposes a nonideal approach to state apologies, sidestepping questions of what they ought to do and focusing instead on their actual functioning as political acts. Through a sociologically informed speech act theory and Foucault's work on power, apology is conceptualized as a speech act with an essentially relational nature. The state, through apologizing, reaffirms the norms governing its relationship to its subjects at a moment when a past transgression threatens to destabilize this relation. From a Foucauldian point of view, the state's power inheres in the very stability of the state-citizen relation, and we should therefore see apologies as defensive moves to protect state hegemony. In the context of Western liberal democracies, such as Canada, apologies embody, rather than challenge, the logic of neoliberal governmentality by suggesting that everything, including resentment against the state, can be managed within the current status quo. Nevertheless, total cynicism about apology politics is not warranted. In many indigenous apology campaigners' demands for contrition we see another side of apologies: their potential to bring about change by enacting counterhegemonic relations to the state.

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### **Keywords**

state apologies, reconciliation, Canada, governmentality, historical injustice

# Introduction: The Age of Apology

No less than ten times has Canadian PM Justin Trudeau offered official apologies on Canada's behalf for past wrongdoings¹—most recently in June 2021 in the wake of the discovery of 751 unmarked graves at the site of a former residential school in Saskatchewan. While one scholar of political apologies has named Trudeau's Canada the "apology capital of the world" (Rhoda Howard-Hassmann cited in Dickson 2018), this forms part of a global trend. Throughout the last decades, we have seen a rise in official contrition expressed by prime ministers, presidents, and other state officials; on the state's behalf, they take responsibility for the past and promise to do better in the future. In response, scholars have availed themselves of such catchy phrases as "the age of apology" or "a wave of collective apologies" (Trouillot 2000, 173; Gibney et al. 2008). Such expressions are not taken out of the blue: there *has* been a steady increase in states' contrition since the 1990s (Zoodsma and Schaafsma 2021).

This phenomenon has surprised many. After all, we supposedly live in a world dominated by liberal individualism where only individuals can be held to account for their actions—indeed, Celermajer (2009, 3) sees the trend of contrition as a counterreaction to this world, "a sign of late modern malaise, of our disappointment with the promises of a rationalized politics." On this view, state apologies represent a break with politics as usual. It is assumed, in one way or another, that "genuine" or "authentic" mea culpas will always be in the interest of justice. Granted, most actual state apologies are imperfect, but *in theory* successful apologies transform the political world for the better. Such an approach sees apology as a radically moral act with an origin external to current political logic—a deus ex

<sup>1.</sup> The ten apologies—more than any other leader has offered on behalf of their state—were given to the victims of the 1914 Komagata Maru incident (18.5.2016), former students of Newfoundland and Labrador residential schools (24.11.2017), Canada's LGBTQ2 community (28.11.2017), the Tsilhqot'in Nation (twice: 26.3.2018 and 2.11.2018), Jewish refugees on the MS St. Louis (7.11.2018), Inuit victims of government tuberculosis policies (8.3.2019), the Poundmaker Cree Nation (23.5.2019), Italian Canadians interned during World War II (27.5.2021), and the Cowessess First Nation in the wake of the discovery of 751 unmarked graves at a former residential school site (25.6.2021). This is according to The Political Apologies database, available at www.politicalapologies.com (Zoodsma and Schaafsma 2021).

machina to sweep in and save us from the excesses of injustice produced by centuries of exploitation.

This essay proposes a different, nonideal perspective. Instead of a radical break with the contemporary ethos of rationalized liberal politics, could this wave of apologies not be read as a symptom of our times? Francis Fukuyama (1992) has perhaps better than anybody expressed the liberal sensibilities of the post–Cold War era, which coincides so neatly with the "age of apology." His arguments are well-known. Ideological struggle is over, and history has culminated in a capitalist liberal democratic system that will eventually take care of everyone's basic needs; all that is left to do is to solve the technical problems of making government and the economy run as smoothly as possible. Now that all is said and done, now that we have found the final form of government and there is nothing left to fight about, what else can we do than to turn to those who were wronged along the way—those who suffered while we were still experimenting with the imperfect ways of ruling—and declare in one voice our regret for the past? *Sorry*. Now, at the end of history, let us finally settle the accounts.

In order to understand how the rise of state apologies fits into our contemporary world, I make the case for adopting a nonideal approach to state apologies drawing on sociologically informed Speech Act Theory and the work of Michel Foucault. Following a brief survey of some of the major perspectives found in the growing literature on political apologies (part 2), I show, in part 3, how we can think of mea culpa as an essentially political act in terms of its effect on power structures that it may challenge or, more often, reinforce. Part 4 then looks more closely at apology politics in the context of Trudeau's Canada and what Foucault has termed "neoliberal governmentality." In the conclusion, I offer some final reflections on what these expressions of official contrition can tell us about the political moment in which we live (part 5).

# **Beyond Ideal Apology Theory**

The bulk of work on state apologies falls within what can be called an ideal-theoretic approach. The assumption tends to be that we can understand these acts of contrition best through what Charles Mills (2005, 167) terms an "ideal-as-idealized-model"—that is, a model of what an apology would *ideally* be (see also MacLachlan 2014). Both theoretical and empirical work often "tacitly [or not so tacitly] represents the actual as a simple deviation from the ideal, not worth theorizing in its own right" (Mills 2005, 168).

Lynne Tirrell (2013), for instance, builds an idealized theoretical model of apology as "other-regarding" and "seeking the restoration of the victim's damaged moral status" (161). She then compares Bill Clinton's 1998 apology to Rwanda to her ideal model concluding that, in some ways, it falls short

(173–77). In a more empirically driven essay, James (2008) similarly constructs a model of an "authentic" political apology and examines several Canadian apologies, finding them generally "morally inconsistent" (149). Thompson (2010) takes this approach to the extreme, by arguing, through Derrida's (2001) work on forgiveness, that the only true apology would be one that undoes the past and is therefore impossible—mea culpa can only ever be an imperfect attempt to achieve what can never be achieved. There may certainly be value in theorizing ideal apologies in their own right, but by seeing actual apology politics merely in terms of conformity to or deviation from an ideal, I contend, we are likely to miss the real political significance of these acts—in particular how they may best be understood as part and parcel of a neoliberal mode of governance, rather than a break with it.

Another strand of the literature rejects the theorization of political apologies on the model of an interpersonal moral act.<sup>2</sup> Instead, authors such as Villadsen (2014) argue that these expressions of sorrow are best analyzed at the level of political rhetoric. Apologies can be seen as a quasi-pedagogical act that affirms certain norms (Mihai 2013) and (re)constructs the community's moral framework (Celermajer 2009, 53). Melissa Nobles (2008), in her influential "membership theory" of political apologies, also takes such an approach, arguing that politicians express sorrow for the past when they wish to include the historically excluded in the national community today. The apology here becomes a pragmatic tool to achieve certain political goals, such as strengthening norms or redefining membership of the national community.

Although not idealizing the speech act of apology, many of these accounts of state apologies still suffer from a different kind of idealization—namely, the assumption of "ideal social institutions" (Mills 2005, 169). Nobles tacitly assumes an unproblematic notion of inclusion as if the community minorities are included in is not also permeated by power and oppression. Further, when apologies are seen to affirm moral norms, it is rarely questioned how these norms are embodied in unequal social structures. In fact, the idealized model of apology is more often than not smuggled back in through the assumption that if the effects of apologetic political speech do not actually benefit the recipient group, it is simply "cruelly hypocritical" (Thaler 2012, 270).

To be sure, there are exceptions to the ideal-theoretic approach. Critical scholars have pointed to how official apologies put the transgressor at the center of attention, giving the state "the privilege of speaking, speaking for and representing" (Bentley 2018, 400). Especially in settler-colonial contexts,

Trouillot (2000) gives a compelling account of the inherent contradictions in the analogy between collective and interpersonal apology within a liberal framework.

scholars have emphasized how state or collective apologies function to reimagine the settler nation's legitimacy (Rajan 2000; Ahmed 2004, chap. 5). What is lacking, however, among these nonidealizing approaches is a clear alternative to the ideal-theoretic model of apology. The critical literature shares with authors such as Nobles a focus on how apologetic speech shapes narratives and norms—be it in order to legitimize a neocolonial liberal order or to foster the inclusion of minority groups. But while this perspective is highly interesting and illuminating, it tells us little about why it is the act of saying sorry, rather than other ways of shaping norms and narratives, that has taken on such special force today. As Mills puts it (albeit in a slightly different context), entirely rejecting general theoretical models "deprives one of the apparatus necessary for making general theoretical statements of one's own, and indeed of critiquing those same hegemonic misleading abstractions" (2005, 173–74). Critical analysis of how particular apologies reinforce neocolonial imaginaries do not fundamentally challenge the ideal model of apology, because it can always be seen as simply a nonideal deviation from what an apology "really" is supposed to be.

The remainder of this essay is concerned with grasping the particular significance of the current age of apology and what it tells us about the contemporary political moment. This requires replacing the dominant "ideal-as-idealized-model" of apology with an "ideal-as-descriptive-model" following Charles Mills's injunction to "abstract, [. . .] not idealize" (2005, 175, emphasis original). Such a nonideal approach, which I am outlining in this paper, does not yet amount to a comprehensive nonideal theory of state apologies (though it could perhaps constitute a first step in that direction), but rather provides us with new tools, qua the theoretical model of apology I construct, to grasp the significance of a political trend that seems emblematic of our times.<sup>3</sup>

# What Do States Do when They Apologize?

Although work on apologies within the realm of politics has mostly dealt with moral questions, we can find different perspectives among sociologists and anthropologists concerned with elucidating the function of apologies in everyday life. Tavuchis (1991) and Goffman (1971), for instance, conceptualize mea culpa as a reaffirmation of the norms of one's community; apologies "commemorate and reproduce ethical axioms" (Tavuchis 1991, 14). For Goffman (1971) this recommitment to a shared set of norms is a type of

I thank an anonymous reviewer and the editors of *Political Theory* for pushing me to think much more about the scope and generality of the theoretical approach I am proposing.

remedial work that serves to uphold public order; it establishes that the apologizer "now has a right relationship—a pious attitude—to the rule in question" (149). This is a subtly different point of view from, for example, Nobles's, because there is no normative claim: rather than an act that meets the victim's needs, apology is an act that serves a social function, specifically a function to uphold *order*. In this functionalist perspective, far from an act that vindicates the downtrodden, mea culpa could be seen as reinforcing existing social norms and hierarchies.

I will argue that such a nonideal, sociologically informed perspective can be brought to bear on political apologies too. This will require us first to sort out a few theoretical knots, however. First, what justifies making theoretical claims about the workings of apology tout court, rather than analyzing *particular* apology speeches? This requires an understanding of apology as a speech act. Second, we need to enrich the sociological perspective with a more overt theorization of (state) power.

## The Speech Act of Apology

Speech Act Theory gives us the tools to analyze speech as action. J. L. Austin famously begins from the simple observation that many utterances are not true or false, but rather accomplish social actions: saying "I name this ship the *Queen Elizabeth*" is not true or false, but (under the right circumstances) an act that changes the social world. The same goes for apologies. Austin distinguishes between two ways in which speech acts change social reality: as *illocutionary* and as *perlocutionary* acts. The illocutionary act is what I do *in* saying "Sorry"—it is the act of apologizing. The perlocutionary act, on the other hand, pertains to the effects accomplished *by* saying "Sorry"—the act of inspiring forgiveness or, perhaps, angering the victim further. For Austin, illocutionary acts are *conventional*, 4 perlocutionary acts are not.

It is the conventional nature of apologies that allows us to build a theoretical model of their functioning of qua illocutionary acts. Some argue that "speech act theory is too narrow a frame for understanding the nature and functions of public apologies," and that they should instead be analyzed at the level of political rhetoric (Villadsen 2014, 33). This would be to focus on the level of perlocutionary effects: what do political actors accomplish through their apologies, for example, in terms of changing the state's relationship to victim groups,

<sup>4.</sup> This is not the only approach to Speech Act Theory. Other authors (Strawson 1964; Searle 1979) have downplayed the conventional nature of speech acts. The conventional approach, however, is more congenial to the study of acts, such as state apologies, that are highly staged performances of a ritualized act in which the speaker's own intentions seem both opaque and beside the point.

redrawing the boundaries of the imagined community, or strengthening humanitarian norms? But the insight of speech act theory is that we can rarely fully understand the effects of a speech act without understanding what kind of convention is being enacted (successfully or not). An utterance like "I apologize," after all, is not a rational, persuasive argument but a performative act that has a certain force by virtue of enacting a social convention.

Ruth Millikan theorizes convention through the notion of *reproduction*: "A behaviour is conventional not because its form matches a conventional one but because its form was produced by reproduction" (1998, 163). State apologies, then, have a certain force because they reproduce a ritual that we are familiar with from everyday life—they derive their meaning from this convention. This is why understanding the function, the *illocutionary force*, of the ordinary speech act of apologizing can contribute to our understanding of state apologies as a political phenomenon (the illocutionary force, however, is never *fully* fixed by the act itself, because, to succeed as an illocutionary act, it also requires the uptake of hearers—this is a point I will return to below).

It is notoriously difficult though to pin down the illocutionary force of apologies. Austin (1962, 83, 159) and Searle (1979, 4) see them as acts that express the speaker's emotions—chiefly regret. Yet, hardly one author who has dealt with apologies in any depth agrees that they *merely* express regret.<sup>5</sup> As Tirrell points out, an apology is also a *commissive* act: "just like a promise, I undertake a complex commitment when I apologize" (2013, 172; see also Celermajer 2009, 53).<sup>6</sup> Importantly, however, apologies differ from promises in that they cannot be made by anyone at any time but can only occur in the context of a transgression, an apologizable act. Thereby mea culpa not only commits the speaker to avoid such transgressions in the future, but also makes a normative judgment about the act in question *as wrong*. This also puts apologizing in the category of *verdictives*—speech acts that judge or evaluate (Celermajer 2009, 52; Austin 1962, 152–53).

Apology, then, is a hybrid speech act; the speaker expresses an attitude of regret, judges their past actions as wrong, and commits themself to henceforth

<sup>5.</sup> If this were the case, we would certainly be at a loss to explain why the difference between "I deeply regret" and "I apologize" is often so significant. Besides, Tavuchis (1991, 108–9) argues that in the case of collective apologies it may be perfectly acceptable to apologize for the record without expressing particular feelings. While an apology will often also count as an expression of regret and vice versa, the two are distinct.

Austin himself noted the close connection between *behabitives* and *commissives* as well as *verdictives* (1962, 153–54, 160). Celermajer (2009, chap. 2) gives a comprehensive overview of the different illocutionary dimensions of apology.

avoiding similar conduct. This analysis is useful only in a limited way, however: so far, it tells us little about the functioning of apologies in a social context. This requires a more sociologically inflected analysis that puts the speech act into its social context while retaining the perspective on apology as a social convention. The following two sections will take up two of the main perspectives within the literature on political apology: that apologies lead to reconciliation, and that they are a way of publicly shaping or reinforcing norms. Enriched with insights from Foucault and Goffman, this will form the beginning of a nonideal model of state apologies and their relation to power and hegemony.

# Apology, Reconciliation, and Relational Power

That apology (when felicitous) leads to reconciliation between parties is, of course, the assumption underlying most apology scholarship. Kampf and Löwenheim's (2012, 47) model of the "settlement ritual," developed in the context of interstate apologies, captures this idea succinctly when they claim that "at the end of the ritual the offender restores balance." The apology functions "to restore equilibrium between participants" by judging a past action out of bounds and committing the apologizer to a certain course of action in the future.

The problem with the equilibrium model is that it relies on a naive theory of power. Implicit in it is the assumption that actors each possess differing quantities of power and can reach an "equilibrium" through a kind of "exchange of humiliation and power" (Lazare 2004, 52). Michel Foucault's work on the subject has largely been concerned with overturning precisely this view of power as a capacity or possession. Instead, power inheres in relations between people and produces behaviors and subjectivities (Foucault 1983, 221; Rose 1999). We need to replace this understanding of power as a possession that "one holds on to or allows to slip away" with one where "power' designates relationships between partners" (Foucault 1978, 1983).

Any relationship is a power relation, insofar as any relationship implies "acting upon an[other] acting subject" (Foucault 1983, 220)—these relations can be rigid or flexible and reversible, they can be egalitarian or characterized by domination, but power is always inherent in them. The act of restoring a relationship is therefore necessarily also the act of restoring, or rather stabilizing, a certain power relation (and, to go back to Goffman, to uphold public order). Intrastate apologies, in fact, illustrate this principle clearly. Take Justin Trudeau's 2017 apology for discrimination, especially in the military, of LGBTQ2 communities, which one journalist described exactly as a step "to mend the nation's fractured relationship with its own LGBT community" (Zillman 2017):

Mr. Speaker, the number one job of any government is to keep its citizens safe. And on this, we have failed LGBTQ2 people, time and time again. [...]

To those who wanted to serve [in the military], but never got the chance to because of who you are—you should have been permitted to serve your country.

The relationship Trudeau seeks to "mend" is laid out here fairly explicitly. It is one where the state protects its citizens, while the citizens, in turn, are expected to show allegiance to the state.<sup>7</sup> The state's power inheres in the very fact that its citizens turn to it for protection and show it loyalty—it is, in Foucault's vocabulary, a "pastoral" form of power, which guides, protects, and demands allegiance (Foucault 2007).

In mending this relationship (if successful), the state stabilizes a certain power relation with its loyal citizens by neutralizing the effect of a transgression that threatened this stability. But it is important to note that power is not a zero-sum game; what is secured is not the state's power *at the expense* of citizens' power, but the stability of a specific power relation that limits and enables certain courses of action for both parties. Naturally, this goes the other way as well: citizens can equally "mend" this relationship by apologizing to the state (e.g., for treason). Insofar as apology is about mending relationships, and power is immanent in any relationship, there is an essential connection between power and apology.

# Apology and State Hegemony

The account so far is one that fits our intuitions about apologies. Our every-day experiences of mea culpa tend to be exactly cases in which one party has offended against the expectations of an existing relationship: the disobedient child, the employee who fails to meet a deadline, the parent who fails to live up to a promise, or the employer who mixes up two pay checks. As we saw, it also goes some way to account for state apologies, but it remains nagged by one question: what does it mean to "restore" a relationship to citizens that may have been discriminated against as long as the state has existed?

<sup>7.</sup> This, of course, does not always mean that the state will in fact uphold these norms after the apology. As an anonymous reviewer has helpfully pointed out, there is often a gap between the normative ideals the state commits to and the reality where many citizens are far from "protected." This normative gap potentially opens up spaces for citizens to use the state's apology subversively to further call into questions its legitimacy. I briefly return to this idea in the section "The transformative power of apology" 3.4 as well as various other points in my discussion below.

To answer this question, we can go back to and deal more explicitly with Goffman's claim that apologies mend not only the apologizer's relationship to their victim, but also to the rule broken. Such rules are of course always the rules of a particular community that share a set of norms—be it a family, a football club, or a national community. However, this does not make state apology an act that is primarily "directed to the nation itself," as Celermajer (2009, 61) claims. The affirmation of the normative community always also affirms that the speaker sees themselves as sharing this community with the addressee, and that their relationship ought to be governed by the norms that are now reaffirmed—this is, of course, the aspect of apology that justifies Nobles's "membership theory" (2008). For instance, the recommitment to the norm that all citizens, regardless of gender or sexual identity, should be allowed to serve in the military is also to establish that the state—citizen relationship should be governed by this norm. We therefore cannot see the normaffirming force of apology as separate from its relational function.

In cases where states apologize to groups that have been discriminated against for the duration of the state's existence, we must understand the apology not as the restoration of a previously virtuous relationship but as the reaffirmation of the norms that *ought* to govern state-citizen relationships. We see this in Trudeau's mention that "the number one job of any government is to keep its citizens safe" or in the frequent mentions in state apologies of equality, human rights, etc.; these references invoke the nation-state as normative community where the state has offended against the norms governing its relationship to its subjects. Such reaffirmation of the normative framework of state—citizen relations can be necessary in the immediate aftermath of obvious violations of these norms, but also when long-ago transgressions suddenly become politically salient and call into question the state's normative status. This can happen because of new information suddenly becoming public, as was recently the case with the horrific discoveries of unmarked graves of indigenous child victims of Canada's residential school system, but more often this is the result of slow changes and continuous pressure from activists to politicize past injustices and change common-sense morality. We often see states apologize for historically distant transgressions at the point where it is no longer politically possible to ignore the incident or deny responsibility.<sup>8</sup>

<sup>8.</sup> Or, as an anonymous reviewer perceptively pointed out, when it is no longer costly to acknowledge the transgression. This may be the case whenever no further claims for reparations or structural change are likely to result from acknowledgment or apology, for example, because the transgression is too distant (e.g., the Portuguese president's apology to Israel for the inquisition), or because reparations have already been agreed on prior to apologizing (as is the case with Germany and Israel).

The crucial point is this: apology presupposes an already existing norm and a normative community, it addresses itself to the "established rules governing the proper relationships between government and citizenry" (Nobles 2008, 149, emphasis added). As such, it forecloses the possibility of questioning the very normative framework against which the transgression is defined. Although the act of apologizing can serve to include the previously excluded in the normative community, it is a structurally conservative act; insofar as the state's hegemony, as Foucault would have it, is constituted precisely by the "proper" relationship to its citizens, apology functions to reinforce this hegemony.

This is not to say that individual officials who apologize necessarily intend to reinforce the state's hegemony—political actors might decide to issue an apology for many different reasons to do with personal motivations, external pressures, ideological beliefs, etc.—but that the speech act nevertheless functions to do so. This potential gap between intention and illocutionary force is explained by the fact that state leaders apologize *as* state leaders; state officials act in a way "that is rational for someone occupying that position within the state's structures to undertake" (Holder 2014, 204). In other words, the structural position of the speaker here does a lot of work in determining the illocutionary force.

State power, of course, relies on the state—citizen relationship being constantly enacted by officials and citizens. "The state is a practice [...] a way of relating to government" (Foucault 2007, 277), and only persists in virtue of the continuous reenactment of this practice and this relation. What is peculiar about apology is that it functions to reinforce state hegemony *at the very moment* when this power relation has been called into question. When citizens point to past incidents that cast doubt on the state's legitimacy to guide, protect, and demand allegiance, it threatens to subvert the power relation between them and the state. Thus, apology functions as a defensive act; it is a move to secure state hegemony in the face of such threats.

### The Transformative Power of Apology

What is outlined previously may be called the conservative power of apology. I have conceptualized it as an act that inherently functions to preserve power structures, rather than challenge them. This may seem misguided to those scholars and activists who see apologies as transformative acts oriented toward a better, more convivial future. It is, of course, important to note that state apologies, while strengthening state hegemony, can be transformative in including previously excluded groups in this hegemony—this inclusive power of apology is not to be discounted. Here, however, I want to add nuance to my account of apologies by pointing to another way in which they can be transformative: by enacting new, and subversive, power relations.

If the state and its relation to its subjects is never a pregiven, objective entity, but rather relies on acts such as official apologies for its perpetual reenactment, the option always remains to reenact this relation differently, subversively. Here, we can draw on Judith Butler's theory of gender performativity. For her, "the 'reality' of heterosexual identities is performatively constituted through an imitation that sets itself up as the origin and the ground of all imitations" (Butler 1991, 21). Equally the "reality" of state hegemony is constituted through acts that imitate, or enact, this hegemony. An apology is precisely such an act, an enactment of the state-citizen relation, which also sets itself up as the origin of future reenactment. Because there is no preconstituted reality that the apology as an enactment of this relation refers to, there is naturally always room for transformation, for enacting different power relations. Again, given the structural position of those who apologize on behalf of the state, it is hard to imagine that such an apology could enact something like a counterhegemonic relation between state and subjects. Yet, it is a different question when it comes to how victims of injustice demand and receive apologies. When victims of injustice demand apologies from the state, they are not making a rational Habermasian argument about whether the act in question was wrong (although, they may often offer such arguments in conjunction with the call for apology). Rather, such demands enact a normative community and a relation to the state where the relevant act is a transgression. Mackin, in his analysis of the Black Lives Matter movement, argues that activists enact a "counterworld [...] in which it is necessary to state that black lives do in fact matter" (2016, 473, emphasis original). Likewise, when a state refuses to acknowledge that a given act was wrong, activists enact a moral counterworld where the act counts as a transgression and an apology is owed—it is the very fact that apology implies an established normative order that makes it a powerful tool for the subversive and potentially transformative enactment of a counterworld.

Along the same lines, apologies can also be *received* in ways that subvert the conservative tendency of state apologies. This is because the illocutionary force of any speech act is never fully fixed by the act itself. As Austin pointed out, I cannot be said to have apologized, unless the audience "takes what I say in a certain sense. An effect must be achieved on the audience if the illocutionary act is to be carried out" (1962, 115–16). Poststructuralist versions of speech act theory have picked up on this instability of speech acts to argue that recipients can subvert the illocutionary force of speech acts (e.g., Butler 1997; Derrida 1988). It is, then, always theoretically possible to turn the state's words against itself—for example, to take a limited apology for specific state failures *as if* it were an admission of the state's illegitimacy tout court. Of course, this unpredictability of apologetic speech should not be overstated because any subversive interpretations need a degree of plausibility in order to gain wide uptake themselves, but the point is, as Somani points

out, that state apologies are not totally "static and stable speech acts but rather [...] open-ended rhetorical structures that contain within them the potential for resistance" (2011, 11).

If, in the following, I focus primarily (but not exclusively) on what apologies potentially do *for the state*, rather than the "potential for resistance," that is, on their conservative rather than their transformative potential, this is a deliberate choice. I see a focus on what apologies do for the *apologizer*, rather than the recipients of apology, as a necessary corrective to the overwhelming focus in the literature on what it *ought* to do for victims of injustice. This latter focus is part of the ideal-theoretic perspective, which assumes that apologies are "other-regarding" acts and tends precisely to obscure how apologies can work *for* the state in the state's interest. My point here is thus to try to lay bare the interests of the state and make visible its power and strategies—while always keeping in mind that "where there is power there is resistance" (Foucault 1978, 95).

# Governing Resistance and Resisting Governance in Neoliberal Canada

I move now to look closer at Canadian apology politics as a case study to illustrate what a nonideal perspective can reveal about our "age of apology." It places recent apologies by the Trudeau government in the context of contemporary neoliberal societies as theorized by Foucault and others. These expressions of sorrow, I argue, extend the logic of neoliberal governmentality to the government of resentment and resistance against the state. However, I caution against a wholesale rejection of apology politics as playing into the state's hands: in the calls for repentance by apology campaigners we often see the transformative power of apology in action.

### Neoliberalism and the Government of Resistance

Foucault theorized the dominant form of power in modern Western nationstates as *governmentality* (2007, 2008). In opposition to sovereign power, characterized by the often violent imposition of the sovereign's will (91–92), and disciplinary power, which works through surveillance and routine (1995, 2007, 45–46, 56–57), governmental power is exercised ostensibly without coercion; the purpose is "to manage and no longer to control" (2007, 353). This governmental management is "not a matter of imposing a law on men" (99) since "to govern humans is not to crush their capacity to act, but to utilize it for one's own objectives" (Rose 1999, 4).

The form governmental management takes today in countries like Canada can be described as what Foucault already in 1978 presciently analyzed as

neoliberal governmentality (Foucault 2008). As Anita Chari describes it, neoliberalism performed an "inversion of liberalism" where "the state's function is no longer to merely carve out a space for the market to function unimpeded, but rather to actively constitute the market" (2015, 35). This leads to a transformed relation between individual and economy, where the individual workers are no longer conceived as passive input into production, to be disciplined if necessary, but active agents responsible for investing in their own "human capital" and employing this capital for their own greatest profit so market mechanisms can ensure maximal growth. Whereas individual claims to self-realization were previously seen as antithetical to the demands of Fordist production, the drive to realize oneself has now been "transformed into a productive force in the capitalist economy" (Honneth 2004, 473). In this context, resentment against the state for historical wrongs becomes conceptualized, in the language of trauma, "as a threat to future economic and social development" (Million 2013, 19) and "an impediment to [...] full realization of a neoliberal self" (McElhinny 2016, 61).

Given that neoliberal governmentality relies on citizens' active participation in the enterprise society, rather than merely obedience to law, it should be clear why apology might emerge as a useful technology of government. Expressions of contrition seek to rid the resentful subject of their negative affect so they can enact the "proper" relationship to the state. The neoliberal state-subject relationship is invoked most explicitly by Trudeau in his 2016 apology to Canadian Sikhs for the 1914 Komagata Maru incident, where an immigrant ship was turned away by the Canadian authorities and many of its passengers later imprisoned or killed upon return to India.9 "I apologize," said Trudeau (2016), "[f]or our indifference to your plight. For our failure to recognize all that you had to offer." The proper relationship between state and citizens is precisely one in which the state values its citizens because they "have something to offer," because they contribute to society through their enterprise. Thus, the violation is painted as a failure to recognize these immigrants' potential, instead of, say, a failure to recognize their right to migration (entirely in line with Canada's points-based immigration system that grants migrants access based on their putative "potential"). Trudeau adds: "We believe that every person—no matter who they are, no matter where they came from—deserves a real and fair chance at success"; the state's relation to its subjects is not one of providing for all

<sup>9.</sup> Trudeau's was the second official Canadian apology for this incident. The previous 2008 apology by PM Stephen Harper was largely rejected by campaigners for not having been issued in the House of Commons (on this apology, see Somani 2011). Trudeau followed the wishes of activists and issued his speech in parliament on May 18, 2016.

equally, but rather enabling competition where everyone has an equal *chance* at success.

Such apologies can be read as extending the logic of governmentality to the realm of resistance. They are not the physical and violent repression of opposition that characterizes sovereign power, and they are not the imposition of regulation and supervision that characterize disciplinary power; mea culpa is the *management* of resistance. Resentment and resistance are not, from the point of view of the state, dangerous behaviors that must be crushed. Rather, they are to be managed through a process of "healing" the "damaged" relationship. Apology seeks to do exactly this. It "fixes the respective positions of the governed and the governors"—precisely as Foucault (2008, 12) saw the function of government.

Of course, this is not to say that such management of resistance is always, or even mostly, effective—apologies can always be ignored, rejected, or, as explained above, taken up in subversive ways, and activists often use state apologies to repoliticize issues and call for further political changes (Somani 2011). One Komagata Maru apology campaigner, Gurpreet Singh (2016), noted after Trudeau's apology that "rather than getting carried away" and "romanticizing Canada as a utopia," activists must now "build bridges between the communities that share histories of racism and colonialism." Or consider the way Trudeau's latest apology for the residential school system was picked up and used to call for wider political change: "Why on earth would we continue residential schools in modern day practices while at the same time apologizing for residential schools? We actually have to stop the practice," as Mi'kmaw lawyer Pamela Palmater put it (Gilmore 2021). So, whereas apology should be seen as a strategy for reasserting hegemony, it is also a strategy that can backfire because of the normative gap that potentially opens up between the norms implicit in the apology and the reality of continuing injustice.

Naturally, it is beyond question that apology, as the management of resistance, is preferable to violent suppression. We must ask, with McNay (2009, 64): "If neoliberal regimes can tolerate an apparent diversity of practices, is the worst aspect of its management of autonomy simply the 'indignity of incorporation?"" The answer is that while apologies are often desired by victims of injustice, and certainly benign compared to other ways of dealing with resistance, we should be alert to the way in which power operates through these speech acts. The attempt to "repair" relations through apology is exactly the attempt to protect current power structures from breaking down—thus apology depoliticizes resentment against the state and aims to take away its potential to destabilize power relations. This echoes the broader logic of neoliberal governmentality that replaces politics as agonistic struggle with the perpetual management of society: "man henceforth has to live in an indefinite time. There will always be governments, the state will always be there, and there is no hope of having done with it" (Foucault 2007, 355).

From this perspective apology fits only too well into our supposedly posthistorical time, into an age where there no longer seem to be credible alternatives to the current economic and political order. If there are no alternatives to the modern capitalist nation-state, it seems like the most natural thing to help those still resisting make their peace with it—in other words: to settle the accounts.

## Indigenous Calls for Apology: Resisting Governance

I have highlighted the importance of paying attention to the ways in which apology can reinforce the state's hegemony. Does that imply that activists' campaigns for state apologies are counterproductive, simply helping the state retain its hegemony? I do not wish to imply such a conclusion—indeed, I agree with Somani (2011, 6) that to dismiss these campaigns "as a form of political naïveté smacks of academic condescension." First of all, it should be clear that not all apology activists necessarily wish to challenge the state's power; because power, on the Foucauldian conception, is not a zero-sum game, it is possible for the state to accommodate many claims of minorities without jeopardizing its hegemony. Minorities' ability to shape the terms of their inclusion in this hegemony ought not to be dismissed or underestimated (Moses 2011).

Of course, for some activists, not least many indigenous activists in Canada, this is not their wish. Lightfoot (2015, 35), for instance, is explicit that for indigenous peoples a "meaningful apology cannot serve to solidify the status quo of a colonial set of power relations in Indigenous—state relationships" (see also the work of other indigenous scholars such as Million [2013] and Tuck and Yang [2012]). Here it is important to consider that the apology given is not necessarily identical to the apology asked for; indigenous activists tend to campaign for the kind of transformative apologies that *would* radically challenge the Canadian state's hegemony.

As suggested, petitions for apology function in much the same way as apologies themselves by enacting a normative world where the apology is owed. Paying attention to the way indigenous activists have called for the state to say sorry reveals that they frequently enact a radically different relationship between the state and indigenous peoples. Apology campaigners have often demanded a "Nation-to-Nations" apology invoking a relationship not between the state and its indigenous subjects, but rather a relation between sovereign nations. When Chief Robert Joseph from the Indian Residential School Survivors Society called for an apology in the House of Commons, he began by pointing out that he is "wearing my ceremonial robes as a sign of respect for your parliamentary traditions" (Standing Committee on Aboriginal Affairs and Northern Development 2005, 6). The implication is clear: he is asking for an apology not in the capacity of a subject of the Canadian state,

but as the representative of a sovereign nation who respects the procedures of the Canadian state and expects equal recognition in turn.

In the same vein, Grand Chief Garrison Settee, when demanding an apology for abuse and racism against indigenous women by employees of a Manitoba state company, underlined that "you are in our territory, [. . .] you must respect our lands and you must respect our people" (*CityNews* 2018). Joseph and Settee do not enact a world where the Canadian state should apologize to its citizens for not protecting them against harm, but a world where the Canadian state must apologize to indigenous nations for violating their sovereignty and disrespecting their people.

These calls for apology enact the type of "Indigenous self-determination [that] threatens any nation-state's imagined homogeneous territorial sovereignty" (Million 2013, 8). They resist the Canadian state's governance of indigenous nations and the governance of indigenous resistance by refusing to frame their criticism of the state on the state's terms. Canada's response to these calls has usually been either to withhold apology or to offer apologies that enact the status quo of power relations. Trudeau's (2017) apology to former students of the Newfoundland and Labrador residential schools is telling: while his speech makes an effort to connect the maltreatment of children in residential schools to the broader logic of colonialism, this acknowledgment is entirely limited to cultural issues. Trudeau is sorry about the damage to "Indigenous languages, spiritual beliefs, and ways of life," but there is no word about the appropriation of land or the imposition of colonial power structures that made the residential schools possible in the first place.

One of Trudeau's mea culpas stands out as different, however: his 2018 apology to the Tsilhqot'in Nation for the 1864–65 hangings of six Tsilhqot'in chiefs who fought the colonial government. Judging by the prime minister's rhetoric, this speech constitutes something like the type of nation-to-nation apology demanded by Chiefs Joseph and Settee: "It is an honour to be welcomed here as Prime Minister of Canada [...] to deliver this important message here—on your land. [...] We confirm without reservation that these six Tsilhqot'in chiefs are fully exonerated of any crime. They acted in accordance with their own laws to defend their territory" (ATPN News 2018, emphasis added).

This expression of contrition deserves a fuller treatment than can be given here, but a few comments are in order. First, we should not see this as a change of heart by Trudeau. In fact, he has long paid lip service to the idea of a transformed nation-to-nation relationship, while his government has been heavily criticized for its record on indigenous relations, including the approval of a controversial pipeline through First Nations territory (Lightfoot 2018). The cynical view, then, would be to see the Tsilhqot'in apology as just another piece of "faux" rhetoric designed to maintain Canada's image as a tolerant, progressive nation outwardly while continuing on the same colonizing path

(Exner-Pirot 2018). This ignores the fact, however, that it is the continued calls for nation-to-nation apologies by indigenous activists that force the Trudeau government into this kind of rhetoric in order to retain the semblance of harmony; as Exner-Pirot (2018, 166) remarks, "Indigenous leaders have long leveraged Canada's desire to be considered a good and positive force in international relations." While such rhetoric does not make up for the Trudeau government's dismal record on indigenous relations, it can be leveraged politically by activists to point out hypocrisy and make further claims against the state. We should therefore not underestimate the potential of apology politics to be transformative; we should not underestimate apology activists' ability to force the state to perform mea culpa on *their* terms.

A proper assessment of any apology, then, requires paying attention to the normative community and the power relations that are invoked in a particular act of contrition. And, insofar as our primary sympathies lie not with the apologizer but with the recipients of the apology, we must pay attention to how they request and receive the apology—contra Celermajer (2009, 61), who sees the victim group's response as secondary to the transformation of the "ethical status of the dominant group." Beyond the explicit demands of what campaigners want an apology for, from whom, and where, beyond the dichotomy of acceptance or rejection, it is crucial to pay attention to the relationship with the state that activists enact when demanding, accepting, or rejecting an apology—and the kind of relationship the state in turn enacts when offering (or declining to offer) its contrition. Such a shift in attention would go a long way toward enabling a clearer view of the significance of contemporary apology politics.

### **Conclusion**

What, then, do we get out of looking at state apologies through a nonideal perspective? I have argued that we can see apology, with the help of a sociologically informed speech act theory, as an act that aims principally at the restoration of the moral status quo ante. In the face of resentment against the state for recent or past transgressions that calls into question the state's normative standing, apologies function to reassert the normative state—citizen

<sup>10.</sup> It may be no coincidence that, unlike the prime minister's other apologies, no official transcript of the Tsilhqot'in apology was released by Trudeau's office, but only a short summary (Office of the Prime Minister 2018). Somani (2011, 11) writes about Stephen Harper's Komagata Maru apology that the "reluctance to make a transcript of the apology available to the public may be read as the state's attempt to counteract the unpredictability that is immanent in [its] structure." Likewise, the lack of a transcript of the Tsilhqot'in apology may signal that the government is less comfortable with its rhetoric compared to Trudeau's other mea culpas.

relation and uphold hegemony. As such, apologies can be seen as an attempt (rarely fully successful) at managing this resentment. While no one prefers sovereign power's violent oppression of dissent, we should not be blind to the ways in which the new management of resistance also constitutes an exercise of power. This account, then, offers a much-needed nonideal model of apology that enables us to critique expressions of contrition not on moral grounds, for being insincere in their sorrow, but on political grounds, as exercises of power. Yet, as I have stressed, total cynicism about apology politics is not warranted. Instead, greater attention to the different ways in which apology activists enact their relation to the state—sometimes in opposition to its hegemony, sometimes not—is called for.

At this point it is necessary to note a significant limitation of this account. In focusing on Canadian apology politics, it is oriented specifically toward a Western, liberal democratic and settler-colonial context. As Moses (2011, 145–46) points out, this context differs in important ways from the postconflict societies that are the focus of much literature on reconciliation and transitional justice. Whereas much of what is said might fruitfully be applied to such contexts, this would require further work, and the goal of this essay has been specifically to account for liberal intrastate apologies.

While the current wave of apologies is not a homogenous phenomenon, then, much of it can, as exemplified in the contrition of the Trudeau government, be seen as a symptom of our supposedly post-historical era. I have argued that far from being a break with the dominant liberal ethos, apology fits in only too well with a neoliberal governmentality, where individual subjects' resentment against the state is seen not as a political *challenge*, but rather as a problem of *management*. It is a symptom of a time when serious alternatives to the Westphalian capitalist state are largely unthinkable in the common sense that gestures of reconciliation seem to have become a default response to dissatisfaction—beyond apologies, I am also thinking of gestures like the US congressional Democrats staged kneeling in Kente cloth as a response to recent Black Lives Matter protests.

In a 1988 essay, "The End of Politics or The Realist Utopia," Jacques Rancière equates the rise of managerial politics with the "End of the Promise" (Rancière 2007). To end on a slightly speculative note, I would suggest that it is no coincidence that the age of apology followed precisely the end of the promise. Whereas the promise is an essentially future-oriented speech act, I have here conceptualized apology as a backward-looking act—not just in its orientation toward a past transgression, but also, significantly, in its function to reinforce *established* norms and power relations that were thrown into question by an act of transgression. In the face of historical and present human suffering, mea culpa offers not so much a radical promise of a better future as a reassertion of the present.

### **Acknowledgments**

This essay started its life as an undergraduate dissertation submitted to the University of Aberdeen, and I need, first and foremost, to thank Tom Bentley for his able supervision and for his constant encouragement to keep working on what is now this essay. For engaging discussion and insightful feedback on different versions of this work, I am also thankful to Annabelle Olsson, Jan Hendricks, and audiences at the Political Apologies for Historical Wrongs workshop at the University of Aberdeen and the 2021 UCLA Graduate Student Conference in Political Theory. Finally, I would like to thank the editors of *Political Theory* and two anonymous reviewers for their incredibly thoughtful and kind engagement with this work, and for their incisive feedback that considerably improved the final version.

### **Declaration of Conflicting Interests**

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

### **Funding**

The author received no financial support for the research, authorship, and/or publication of this article.

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