

Apologies make significant moral differences. They can warrant forgiveness and reconciliation, even if nothing else has been done by way of repair. They can help restore relationships, sometimes even improving them. Failing to apologize, moreover, grounds continued resentment and worse, no matter what else is done to make things right. And yet, saying “I’m sorry” or “I apologize” hardly seems to repair the harm done by a wrongful act, or to compensate for it. At most, it seems to convey an attitude or acknowledgment, and it is not clear exactly what difference such conveyance alone makes, especially when the victim already knows the information relayed. How and why, then, does it matter so much whether a wrongdoer apologizes?

In discussing the importance of apologizing, philosophers have largely focused on what the act reveals—that an offender commits or re-commits to a better way of treating the victim,¹ for example, or that he recognizes the wrongfulness of what he did, or that he renounces what was otherwise suggested or expressed by his wrongdoing.² For this

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1. See, for example, Adrienne Martin, “Owning Up and Lowering Down: The Power of Apology,” *Journal of Philosophy* 107 (2010): 534–53 (arguing, inter alia, that an apology works by reaffirming certain commitments to the victim which should already have been in place).

2. See, for example, Pamela Hieronymi, “Articulating an Uncompromising Forgiveness,” *Philosophy and Phenomenological Research* 62 (2001): 548.

family of views, an apology works by dissuading the victim of reasons that the initial wrongful act had given her to resent, fear, or distrust the offender or his behavior.³ Others argue that the communicative aspect of apologies is unnecessary, and that in fact they work by opposing the wrongful action with a single counteractive sort of action, such as subordinating oneself where the initial act presumed superiority, or honoring the victim where the initial act disrespected her.⁴

In contrast, I argue here that apologies work by doing more (and sometimes less) than conveying information. Nonetheless, their communicative element is essential and central to their remedial power. In particular, I argue that they work by putting in place a new way of treating the victim, which itself reverses a prior way of mistreating the victim that began with the initial wrongdoing.

My account depends on characterizing apologies as belonging to a distinctive kind of speech act—a kind to which thanking, absolving, and taking responsibility also belong—which I call “stance-taking.” Stance-taking, in the typical case, involves performing a speech act that both acts on and commits oneself to act on a normative claim one has accepted. For example, to endorse a candidate or a cause (“I’m for A!”) is both a way of acting on a political principle (A is to be supported), whereby the utterance is itself a form of support, and a way of becoming committed to so acting. When an offender apologizes to his victim, I will argue, he treats the victim as someone it was unacceptable to wrong as he did and to whom moral repair is both owed and insufficient, and he commissively empowers the victim to hold him to such treatment, as I will explain. In this way, the apologizer begins a relationship as the victim’s moral debtor, so to speak. This way of treating the victim, moreover, reverses a prior way of treating her that began with the wrongful behavior: namely, behaving toward her as one who could acceptably be wronged that way. I will try to show how wronging

3. Some have also insisted that apologies aim not only to remove the victim’s *reasons* for resentment but to actually assuage the victim and cause her resentment to recede, even if her resentment is unjustified. See, for the seminal case, Moses Maimonides and Eliyahu Touger, trans., *Mishneh Torah* (Brooklyn, N.Y.: Moznaim Press, 1990).

4. For an account along those lines, see Luc Bovens, “Apologies,” *Proceedings of the Aristotelian Society* 108 (2008): 220–39.

someone involves this kind of mistreatment, and how apologies can be ways of reversing and redressing it, succeeding where other forms of remedy fail.

In Section I, I will consider and respond to alternative accounts of how apologies work, some of them more familiar than others. I will start with the question of why mere assertions, on the part of an offender to her victim, cannot do the work of apologizing, or at least not most of it. I will then argue that expressing psychological states cannot do this work either, notwithstanding the standard accounts of apologies as expressions of regret or remorse.⁵

So, if not by asserting propositions of some content (“I was wrong,” for example, or “I am sorry”), or expressing emotions like sorrow or regret, how do apologies make moral differences? I will explore two possible answers to the question and show why I find them incomplete. Section II will then introduce and argue for an alternative account of how an apology could, in fact, act remedially in response to wrongdoing. That will be the account based on stance-taking, previewed above. It will be laid out in greater detail and defended against likely objections.

I

A. *‘I’m Sorry’ Isn’t Enough: Apologies as Assertives*

My principal objective is to investigate how apologies act remedially in response to wrongdoing. This includes the question of precisely what aspect, if any, of a wrongdoing they affect, and how they affect it remedially. Whatever the answer, the questions arise in part because it is undisputed that apologies have remedial power of *some* sort. In particular, apologies seem to have the following features in need of explanation:

- a. They are owed, or due, to the victim of one’s wrongful behavior, as something presented directly to her.
- b. They have staying power. Once the apology has been made, it is “in place,” so to speak: the wrongful act thereby apologized-for.

5. See, for example, John Searle, *Expression and Meaning* (Cambridge: Cambridge University Press, 1979), p. 12.

- c. They improve the wrongdoer's moral standing with regard to what she's done. Once an offender has sincerely apologized, she has given the victim a reason to resent her less, and at times to absolve her of the wrong done altogether, even relieving her of duties of further repair.

My chief concern is to answer the question of how speech acts like apologies can do all that. To start, though, it may be useful to consider what *can't* achieve such effects, and determine what an apology adds to these insufficient counterparts. As a noncontroversial starting point, I want to propose the following thesis: one cannot redress a wrong, in the way apologies can, simply by believing something or feeling something, like regret, guilt, or remorse. Even if Jack privately feels guilty about wrongfully harming Jill, or undergoes any other state an apology might be thought to express, he nevertheless has not yet done the remedial work apologies do. This assumption, I expect, is easily accepted. To make the moral difference apologies make, it will be agreed, one has to do more than think or feel something.

To this I want to propose adding one, only slightly more ambitious, premise as a further starting point: an apology's work is not done even once the victim *learns* how her offender feels or thinks about what he did. While it may cause Jill some comfort to discover Jack's remorseful state of mind, it is perfectly apt for her to complain: "Glad he feels that way, as far as it goes, but he still needs to step up and apologize."

This point—that the function of apologies cannot be completely fulfilled by the victim's receiving information about her offender's state of mind—may be thought sufficient to establish that apologies cannot be effectively performed by assertion alone. But that would be too quick. A fundamental feature of assertion has not yet been raised: in making an assertion, the speaker *intends to communicate certain content* to the listener, and to be understood by the listener as so intending.⁶ When Jack tells Jill how badly he feels about what he did, he does more than transfer a preexisting fact; his very telling reveals a new fact—his intention to tell her—which is itself relevant to the moral evaluation of his status as a repentant wrongdoer. In apologizing, then, one could help make up for

6. Paul Grice, "Meaning," *Philosophical Review* 66 (1957): 383: "For A to mean something by X. . . A must intend to induce by X a belief in an audience, and he must also intend his utterance to be recognized as so intended."

a past wrong *both* by having the requisite attitudes, feelings, or beliefs about one's wrongdoing and, in addition, intentionally communicating them to one's victim in a way that also makes this intention clear to her.

i. The Interview Apology

These two steps, however, can be shown still insufficient to achieve the moral remedial effects of apologies. For it is possible to assert, while clearly intending to assert and to be understood as such, all those facts about oneself in an obviously unapologetic context. For example, one can assert them in response to a series of questions. Consider the following scenario:

Jack betrays Jill by revealing a scandalous secret she confided in him. He seems to avoid her for days afterward, but Jill confronts him and questions him as follows:

Jill: Did you tell?

Jack: Yes, it was me.

Jill: Do you think that was right?

Jack: No.

Jill: Did you mean to do it?

Jack: Yes.

Jill: Wasn't that wrong?

Jack: Yes.

Jill: Do you regret it?

Jack: Yes.

Jill: Do you regret it because it was wrong?

Jack: Yeah, of course I do.

Jill: Will you do it again?

Jack: No, obviously.

Jack's responses assert many if not all of the propositions thought to be essential to what a paradigmatic, or ideal, apology conveys.⁷ He

7. Nick Smith, *I Was Wrong: The Meanings of Apologies* (Cambridge: Cambridge University Press, 2008), pp. 28–107. Smith does not offer this account of the paradigmatic apology as an explanation of how apologies work or achieve moral repair; he simply aims to characterize the essential content that proper or complete apologies convey. My critique of the Interview Apology, then, is compatible with his account of paradigmatic apologies.

acknowledges his wrongdoing, admits that he is culpable for it, states that he feels badly about its wrongness, and declares that he intends not to do it again. Moreover, he spoke with the intention of asserting these propositions to Jill, and with her taking him to be doing so. Yet it seems equally intuitive that such answers, to a victim's questions, do not do the moral work of apologizing.

One may want to challenge this intuitive response by proposing the following exchange: "Do you apologize?" "Yes." If, however, that counts as a sincere apology, it prompts the question of what the phrase "I apologize" adds to the assertion of some truth about an offender. If much of the moral work of apologies can be done by asserting content, we ought to be able to translate that content into statements of fact about the offender: "I did it"; "I'm guilty"; "I feel such and such." If, however, the phrase "I apologize" is irreducibly distinct from any such assertions of fact about the offender, then, by hypothesis, uttering the phrase does more than intentionally assert something to the victim. The question remains: what else does 'I apologize' do that can account for its unique effects?

B. Expressives

It has been argued so far that apologies cannot do their moral remedial work merely through the assertion of facts about the offender. The classical accounts of apologies as speech acts, however, treat them not as mere assertions of propositions but as expressions of psychological states. On John Searle's view, for example, apologies are expressions of regret.⁸ To apologize, then, an agent expresses her regret to the victim of her wrongdoing.

An apology, then, is a kind of speech act different from mere assertion, namely, an *expressive*. An expressive is a speech act that expresses a state of the speaker and, if sincerely or felicitously uttered, expresses one that the speaker correctly believes actually obtains at the time of utterance. The term "ouch" is an expression of pain, for example, and is appropriately uttered when the speaker correctly believes he is in pain.⁹

8. Searle, *Expression and Meaning*, p. 12.

9. David Kaplan, "The Meaning of Ouch and Oops," UC Berkeley Graduate Council Lecture, accessed at <http://www.youtube.com/watch?v=iaGRLgP16w>.

Notice that expressives, on this view, do not merely report that the speaker is in the state expressed (as in “I am really impressed by your performance”). They give voice to the state itself (“Bravo!”).

By way of illustration, one can compare a psychological state to a room lit up inside a house. An expressive, then, is akin to opening the shades in that room—the light shines out, reaching the observer on the lawn. A mere assertion, on the other hand, more closely approximates passing a note under the door informing the outsider which room is lit. It lets the observer know about the light, but doesn’t directly expose him to it. Notice that expressives, on this understanding, involve two components: first, they vocally display a state of the speaker (rather than report it), and second, they are intentionally communicated by the speaker to the listener for that purpose. To Searle, apologies are expressives that, when performed appropriately, give voice to the offender’s regret as it obtains.

Suppose then, with Searle, that regret captures the psychological state an apology is meant to express, where by “regret” is meant *moral* regret: a negative attitude toward what one did because of its having been wrong, rather than merely because of adverse consequences of having done it.¹⁰ If that is so, then the expressive element of apologies may supply what’s missing in the Interview case, and account for the key remedial role played by the speech act. This view is not implausible. Consider comforting a mourner. It is presumably more effective to cry with him than simply to assert that you feel bad about what happened. And it would be unduly reductive to chalk this difference up to the epistemic advantages of crying as evidence of sympathy. There is, rather, something intimate and compromising in baring one’s emotions to another. It is a way of making oneself vulnerable, exposed, before someone else.

Could this emotional sharing, alone, account for the additional remedial effect of apologies (beyond that of asserting some truth or other)? Without discounting the value of such expressions, I proceed to explain why that possibility should be rejected. Notice that if expressives do

10. I use “moral regret” instead of “guilt” or “remorse” because guilt is sometimes understood as a judgment (i.e., that one did wrong), rather than a psychological state or an attitude, while remorse may be inappropriate in cases where no wrongful loss or harm was imposed.

much more than assertives, that advantage should lie, at least partly, in what they express. They share or reveal something, beyond the communicator's mere avowal of some fact or other. But it is not clear whether regret, moral or otherwise, is the kind of state that can be shared to such effect.

Two possibilities seem available: on one, such regret is *affective*, involving an arresting emotional state that is only sincerely expressed when the speaker is actively feeling or undergoing it. On the other, it is an intentional state that need not actively arrest the regretful—no “pangs” of regret, in other words¹¹—but is equated with an agent's taking the position that she did something wrong and wishes she did otherwise.

On the first possibility, apologies—if they worked by expressing regret—would involve the display of a vivid, felt state just as it overtook the apologizer. This, however, would run up against a familiar feature of apologies: they should be timely. As time passes after the wrongdoing, an apology becomes wrongfully late.¹² Yet the instant proposal—that apologies work to the extent that they express an active affective state—would render the timeliness requirement difficult if not impossible to meet. Imagine, for example, that I have wronged someone, and I realize it was wrong, and appreciate that I have a duty to apologize to him. So I contrive to run into him as he leaves his office and apologize on the spot. But when I spot him as I lurk, poised to apologize, still ever appreciating how wrong I was, I realize something is missing: I don't exactly feel the kind of affective moral regret that can be vividly displayed. Or at least I'm not sure I'm feeling it, actively, at that moment. True, I am utterly persuaded that I owe the apology, that I shouldn't have wronged him, and perhaps even that I *should* feel an affective state of regret. But, sensitive introspector that I am, I know I'm not experiencing it at that moment.¹³ On the proposed view—that apologies paradigmatically express a vivid, affective state—I should not apologize in the state just described, for that would rob the apology of its essential function. Indeed, it may also be

11. The phrase comes from Margaret Gilbert, “Collective Guilt and Collective Guilt Feelings,” *Journal of Ethics* 6 (2002): 115–43.

12. That granted, apologies may be otherwise defective if uttered too early, before one appreciates the reasons to do so. See Seana Valentine Shiffrin, “Caution about Character Ideals and Capital Punishment: A Reply to Sorell,” *Criminal Justice Ethics* 21 (2002): 35–39.

13. Or I am simply unable to verify that I meet all the conditions of the specified affective state. For a related observation, see Smith, *I Was Wrong*, pp. 96–98.

insincere, like saying “Bravo” when I feel no positive reaction to anything. Either way, I couldn’t be required to apologize unless I’m required, as well, to be in the throes of the right feeling just at the moment, those few seconds, when my victim passes me. This seems too much to ask for the fulfillment of such a commonplace duty, particularly one that is owed in a timely fashion and at a moment when in dialogue with the victim.

Suppose, then, that apologies, in expressing moral regret, do not express an affective state. Instead, they express one’s assent to a set of beliefs or positions implied by the fact that one is regretful or remorseful about having wronged someone. For example, an apology might express one’s position that one did something wrong and wishes one did otherwise, and perhaps also that one intends not to do it again. The problem with this possibility is that it robs apologies—as expressive speech acts—of any power over and above that of assertion. Expressing one’s position about something—that one did wrong and wishes one did otherwise, say—is functionally equivalent to expressing a belief. And assertions already do that. Yet assertion, as we saw, cannot do the moral work of apologizing. That leaves the question of what, beyond asserting content or—which amounts to the same—expressing beliefs, apologies actually do that constitutes a remedial response to past wrongs.

C. Apologies as Agent-Initiated Action

So far, I have argued that it is insufficient, for doing the moral work of apologizing, to simply assert facts about oneself, such as that one feels badly about what one did or intends to change. The Interview Apology fails. It has now been argued, as well, that expressing psychological states is not the essential remedial feature missing from the Interview Apology.

Why, then, does the Interview Apology fail? It seems that part of where the interviewee falls short, even as he affirms his guilt, regret, and responsibility, is his passivity. The offender, in such a case, may have affirmed or expressed important information about what he did. But he took no action or initiative toward apologizing to the victim, beyond reporting what he already believed or felt when the interviewer asked him.

What, then, *about* initiating an apology, as contrasted with affirming certain propositions, lessens or counteracts the impact of a past wrong? Initiating the apology might be thought to reveal something of moral significance about the offender, such as the strength of his regret or his

sincerity, as expressed by such judgments as “If he really felt bad, he’d go the extra mile and apologize.” But that option is not available, because if it were, apologies would work as assertives, too, reporting to the victim whatever psychological state is reflected in taking such action. Yet it has been argued so far that whatever work apologies do, it must extend beyond the accurate report of some state or fact. So if initiating the apology makes a difference, it cannot be by way of merely *revealing* that the offender feels or believes something. It also cannot be by way of expressing some psychological state, for the reasons already presented. That is, unless it is a psychological state whose activity is mainly constituted by a tendency to take initiative action, which would render it quite different from the sort of emotional state whose expression would add to an offender’s vulnerability. In either case, we are left with the question of what about initiating action is so important to the remedial work of apologies. What, in other words, is accomplished by this irreducibly active component of apologizing? Two possibilities bear closer consideration.

D. Pledges to Reform

Suppose that in apologizing, the offender makes a pledge, a commitment: she resolves not to repeat the act. Indeed, this proposal has much to recommend it: an apology is, after all, considered insincere if the victim intends to repeat the violation. So in apologizing, the offender takes the performative step of pledging to change and not to repeat the offense. This feature, perhaps, accounts for why a victim needs more than mere factual information about the offender. For merely hearing that the offender is currently repentant is not enough, perhaps, to truly assure her that the threat is gone.¹⁴ But a pledge on the offender’s part is different; once the wrongdoer commits to reforming his ways, forswearing future wrongs, the victim has that commitment as an additional reason to feel less threatened by him and his future behavior. True, he is morally committed to such reform anyway, inasmuch as he

14. Pamela Hieronymi characterizes wrongful actions as posing threats by revealing (and in effect expressing) the agent’s evaluation of the victim as someone he can wrong—an evaluation exposed by what he did. Pamela Hieronymi, “Articulating an Uncompromising Forgiveness.”

is obligated not to repeat. But it was his apparent willingness to shirk this duty that motivated the victim's initial perception of a threat; the pledge both counteracts this impression and adds a further, verbal commitment to the offender's moral commitment not to repeat. If nothing else, this is useful evidence in support of fearing the offender a bit less.

Unlike previous proposals, the pledge model reflects the irreducibly performative feature of apologies, the sense that, even once the victim knows everything she could possibly learn about the offender, she can still justifiably find the *act* of apology absent. On this account, the missing element is the performance of the pledge—the self-obligation to avoid repeating the offense.

This particular proposal fails, however, because it cannot account for cases of sincere and effective apologies by offenders who will definitely never encounter their victim again. Consider the evocative example of the deathbed apology: one apologizes to a friend, whose death is imminent, for having waited too long to do what she asked him to do. Such apologies say nothing about the offender's future behavior, nor does it seem to matter if they do. Their future relationship is beside the point: she is apologizing for the *past*, so as to make things right *for now*. A similar point follows from cases in which the offender is at death's door, hoping to make things right while he still can: he has no future behavior to pledge, yet he seems capable of sincere and meaningful apology that justifies forgiveness and reconciliation. Or consider apologies between strangers, momentarily passing through each other's lives. If one wrongs the other during their once-in-a-lifetime encounter, it seems an apology is due—and can make a difference. But by hypothesis, it will have no impact on their future interactions. As a result, the difference apologizing makes could not come down to its reassurance about the future.

E. Gestures of Subordination

Luc Bovens proposes a completely different explanation of how apologies effect moral repair through action. Rather than focus on the commitment, if any, that the apology makes, his account emphasizes the status relationship it restores.¹⁵ On Bovens's view, a wrongdoing is a way

15. Bovens, "Apologies."

of disrespecting the victim, specifically by treating her as less than a moral equal, entitled to the same rights and restraint as oneself. The failure to regard the victim as a moral equal amounts to the offender placing herself above the victim, looking down on her as inferior. As a result, there is now a “respect deficit” between them.

How can the offender restore the equilibrium in respect that ought to obtain between her and her victim? By reversing the respect dynamic, argues Bovens. Specifically, “the offender pays excess respect to the victim to restore this deficit and transfers power to the victim as a form of respect.”¹⁶ On this picture, the apology is a way of subordinating and humbling oneself before one’s victim. And in this way, one cancels out, as it were, the presumption of superiority with which one had treated the victim just before.

This account helpfully shifts the focus of the apology’s remedial power from the information conveyed to the way the offender treats the victim in apologizing, a feature it shares with the account I will propose. Furthermore, it should be stressed that Bovens’s notion of disrespect is not literal. On his view, wronging someone simply *is* a form of disrespect, even where the wrong does not, in itself, put someone down. For example, suppose a teacher asks her most admiring student to review a manuscript, demanding that he commit to “be critical, forget who I am—I’m depending on your commitment to do that.” Suppose further that the student does commit to review the manuscript undeferentially, just as she would like, but he succumbs to his deep admiration for the teacher and, when confronted with what looks like a glaring error, he assumes the teacher must have meant it deliberately and that he misread it. In other words, the student wrongfully violates his expressed commitment to the teacher—to be tough, to abandon his usual deference—on which the teacher said she depended. Yet the violation reflects no disrespecting attitude on the part of the offender—(seemingly) quite the opposite. Nevertheless, on Bovens’s view, it *is* in fact a form of disrespect more broadly understood: the student takes an undue liberty with his interaction with his teacher, failing to do what he committed to her to do. The wrong is *itself a form of disrespect*—a liberty inappropriately taken with the rights of another.

16. Ibid., p. 233.

The drawback of Bovens's account, however, is that his own proposed form of redress takes respect more literally than his account of wrongdoing did, and implausibly so. He argues that an apology's remedial power lies in its presenting the offender to the victim as subordinate, humbled. The apologizer takes a humiliated or at least inferior posture before the victim. But if wrongdoing is not literally a form of subordination, and so had nothing to do with acting as though one is better than one's victim, how would acting subordinately redress the wrong? The question is one of mechanism: what *about* bowing one's head, say, or shaming oneself could help mitigate a past transgression—like failing to fulfill one's commitment to one's teacher—or some consequence of it? If we grant Bovens that wrongdoing someone manifests a kind of disrespect, it cannot be a conscious form of taking the other to be inferior or unworthy of respect—by hypothesis in the case above, the wrongdoer, if anything, *excessively* regards the victim as superior. If he then treats her like a superior, or presents himself as an ashamed inferior, he is merely continuing the sort of treatment he already carried out, and one he embraced too whole-heartedly at that.

In short, the problem with Bovens's account of how apologies work is that he proposes a *literal* form of extra respect as a remedy for an entirely *nonliteral* form of disrespect, one so abstract as to be practically synonymous with wrongdoing; thus, his remedy misses the mistreatment it targets. There is no reason that putting someone above oneself literally, such as rendering her superior in some way, has any counteractive effect on, say, failing to warn her about a risk she stood to incur. This is particularly clear in cases where the offender is already the victim's subordinate in some straightforward way, such as being her employee.

Importantly, I am not disputing Bovens's suggestion that wronging someone involves some disrespect, theoretically abstractable from the rest of the wrongdoing (such as the harm it may inflict). Nor am I disputing his characterization of what apologies convey or present about the offender. My worry is, rather, that the wrongdoing may have nothing to do with actual, literal subordination of the victim. As a result, Bovens owes an account of how the offender's own literal, actual self-subordination could help remedy it. In the absence of such an account, it remains premature to accept Bovens's interpretation of the remedial work apologies do.

II. TAKING A MORAL STANCE: HOW APOLOGIES SUCCEED

It has been argued so far, drawing on examples like the Interview Apology, that assertive accounts fail to explain the remedial power of apologizing because it is not clear what good it does to inform the victim of the facts apologies purportedly convey, especially when the victim has every reason to know them already. It has been further argued that apologies as expressives add too little to their power as assertives—in which case expressing psychological states cannot do the missing remedial work—or too much to be required of wrongdoers as soon as apologies are due. Yet neither pledging to reform nor subordinating oneself to the victim seems to do the essential remedial work of apologies either.

The goal that remains, then, is to explain how a simple apology could work against or respond remedially to a prior wrong, if not by the means already discussed. Of course, in aiming for such an explanation, it bears mention that one should not try to portray apologies as correcting all or even most of the damage wrought by a wrongdoing. Words won't repair a negligently broken arm, or replace the book I borrowed and lost, or—if uttered one-on-one—restore a person's good name. If apologies perform moral repair, it may be merely by mitigating some of the harm done, or some further morally undesirable outcome that accompanies the primary transgression. But what about the wrong could apologies change?

The answer turns on the fact that wrongdoing involves a certain mistreatment of the victim, over and above what else it inflicts on her, namely: acting toward her as though it is acceptable to wrong her as one did.¹⁷ First, in deciding to do the wrongful action, in taking the liberty to

17. I will use “behaving toward” and “acting toward” interchangeably. In saying that one can act or behave toward someone as though some claim is true—behaving toward S as though P—I build on work by Elizabeth Anderson and Richard Pildes, who call such behavior “expressive harms” when the claim, P, is insulting or disrespectful. They argue that certain actions “express” or “manifest” insulting attitudes regardless of whether the agent performing them actually has these attitudes. See Elizabeth Anderson and Richard H. Pildes, “Expressive Theories of Law: A General Restatement,” *University of Pennsylvania Law Review* 148 (2002): 1503, 1527. In a similar vein, I will use “behaving toward S as though P” to refer, roughly, to behavior that would be guided by, and publicly communicative of, the truth of P. In contrast, when I discuss “stances” later on, I will refer specifically to actions that not only have objective meaning—not only behave as though P—but are undertaken for a specific reason (namely, P), which is essential to the stance. See Section II.D, pp. 23–24.

commit the offense, one behaves toward the victim as though she may be treated that way, as though it is acceptable.¹⁸ But more important to the present account, one can also behave that way *after* wronging her. Specifically, wronging someone and continuing to relate to her exactly as before the offense—doing nothing to her in response to having wronged her (whatever that could be)—constitutes acting toward the victim as though it is acceptable to have wronged her. Such carrying on as before need not be the only means of behaving toward her this way, on the present proposal, nor need there be one particular alternative that would redress or stop such mistreatment.

This proposal does, however, depend on a distinct view of action as having a type of objective meaning: I can behave in ways that are objectively insulting, disrespectful, indifferent, or similarly meaningful, regardless of whether I believe what these actions objectively mean, or whether anyone would think I do.¹⁹ Interrupting or turning my back on someone as he speaks to me is objectively disrespectful, even if I do so only out of being distracted. Whatever my reasons, I behave toward that person as though his words do not matter. Failing to reply to repeated greetings I receive objectively treats someone as unimportant or undesirable, even if I in fact hold her in high esteem (but am consequently too shy to engage her socially).

And, most relevantly for the present discussion, one can behave as though some action or event is acceptable, regardless of what one thinks of it. A homeless person lying on the curb rightly judges that the pedestrians casually stepping over him, or walking idly by and continuing to chat happily, are behaving toward him as though his condition is acceptable (whatever they may feel about it). Or consider two patrons talking at a café, when one suddenly shouts at the server in a rude and

18. For simplicity, I will at times refer to this treatment as taking the victim as one it is acceptable to wrong in that way, but by this I do not mean the offender necessarily sees the wrongful action as a wrong. I merely mean he behaves as though the action is acceptable, and the action is, in fact, wrong or a wronging, even if the offender would not characterize it that way.

19. Similarly, Anderson and Pildes argue that a person's actions, like a musician's playing a melancholy sonata, can "express" attitudes she does not have. See Anderson and Pildes, "Expressive Theories of Law," p. 1508 ("the sadness is in the music itself").

abusive way. If the second diner—immediately thereafter—picks up the dialogue exactly where it left off beforehand (“So, you were saying . . .”), displaying no reaction to what happened, he is thereby acting as though the abuse is acceptable, just as the pedestrians act as though the homeless person’s condition is acceptable. And this holds regardless of what the diner, or the pedestrians, actually think or intend by their actions.

Similarly, on the present proposal, wronging someone and continuing to act exactly as before one did the wrong, with no change in the way one relates to the victim, constitute acting toward her as though the wrong is acceptable. Put differently, that series of steps—(a) wrongdoing, and (b) behaving toward the victim as one did before the wrongdoing—together constitutes behaving toward her as though it is acceptable to have wronged her. If Albie takes Annie’s book without asking, returning it a week later, and then continues to relate to her exactly as before he took it, he mistreats her in the way just discussed. That is, he behaves toward her as though her item was his to take and use as he likes. He acts toward her, in other words, as though doing that was acceptable. This is so inasmuch as his behavior, like that of the prior examples, is utterly unresponsive to what happened, to what he did to her (which is not yet to say anything about what *would* be responsive in the right way). He acts as though nothing of significance has happened, which is a form of acting toward her as though his misdeed was acceptable.

I will now consider how to adjust such behavior—adding, as it were, to doing nothing about one’s wrongdoing—so that it ceases to mistreat victims this way. It will emerge, perhaps surprisingly, that very little that may be done, in response to having wronged someone, can avoid or end this mistreatment. I will first argue, in particular, that disavowing the insulting implication of the wrongdoing or its aftermath, or trying to repair the loss or harm wrongfully inflicted, are both (individually and jointly) insufficient to end this mistreatment. I will then argue that apologizing, in contrast, is at least one step—and there may be others—that can redress and reverse this mistreatment, after all.

A. Saying Otherwise

First, it may be thought that one can stop behaving toward the victim of one’s wrongdoing as though it is acceptable by simply reassuring

her otherwise. On this proposal, then, one simply affirms to her that wronging her is *not* acceptable. An apology, on this view, serves as a kind of statement of position, as though the offender is an author editing her work: her initial action characterized things one way, which meant something offensive to the victim,²⁰ and now she is correcting the prior misstatement. If wronging someone and acting as though nothing happened treats her as violable, then perhaps moral repair consists in letting her know she is not violable, after all.

The problem with such a communicative form of repair, however, is—as in Bovens’s proposal—that it is misdirected. Note that the target of moral repair is that the wrongdoer *acts* or *behaves toward* the victim *as though* it is acceptable to wrong her in that way, rather than any *belief* that this is the case.

This difference can be illustrated by a dispute between an earlybird and a latecomer. Earlybird arrives punctually; Latecomer shows up half an hour after that, with an unimpressive excuse, such as that he got caught up in an argument and lost track of time. Earlybird complains: “You behaved as though my time is worth less than yours.” To that, Latecomer, with visible sincerity, responds: “You have no idea. I do not think less of your time. In fact, I think your time is much more important than mine! Once I got out of the spell of my conversation, I was—and remain—positively *mortified* that I might leave you waiting.” Latecomer has, however, missed the point, as Earlybird responds: “I never said you actually *agree* that my time is less valuable. I meant you’re *acting as though* it is.” Latecomer’s *behavior*, in other words, particularly its failure to reflect in any way or respond to the pressing constraints of Earlybird’s time, is itself a way of acting as though Earlybird’s time is less valuable. The behavior itself *acts on* the insignificance of Earlybird’s time, by not in any way responding to Earlybird’s need to avoid being left waiting, even if it doesn’t reveal anything Latecomer believes about the matter.²¹ Again, it’s the difference between action that *behaves toward* someone as though P, and action that *reveals that one believes* P.

20. Jeffrie G. Murphy, “Forgiveness and Resentment,” in *Forgiveness and Mercy*, ed. Jeffrie G. Murphy and Jean Hampton (Cambridge: Cambridge University Press, 1988), p. 28. See also Hieronymi, “Articulating an Uncompromising Forgiveness,” p. 546.

21. See Anderson and Pildes, “Expressive Theories of Law,” pp. 1503, 1527.

Latecomer mistreats his victim regardless of what he actually thinks or believes. Similarly—and the similarities may end there—wrongdoers in general mistreat their victims, whenever they wrong them and continue to act acceptingly of what they did, regardless of what they think or feel about their victims. It's their behavior, not the attitudes putatively betrayed by it, that constitutes the mistreatment which apologies redress. For that reason, nothing like an expressed "change of heart," or repudiation, could remedy it. What is needed, instead, is a different, less purely communicative account of how one can remedy the mistreatment involved in both wronging someone and acting as though one is free to do so.

B. Counteracting Loss and Damage

One seemingly obvious answer may lie in a familiar form of moral remedy: repair the concrete harm done. For example, if property was wrongfully damaged, compensation presents itself as a natural answer: repair the *moral* damage, it might be thought, by repairing all the other damage. The problem for this proposal, however, is that wronging someone and compensating her do not, in themselves, amount to behaving toward her as though it is unacceptable to wrong her. Compensation could, instead, be a way of treating her as though she can acceptably be wronged "for a price," so to speak: wronged and then compensated, or wronged and then treated to some other, putatively counteractive, behavior.

To be clear, I am not suggesting that compensating the victim does, in fact, amount to acting as though the wrongdoing is acceptable. Nor does it amount to behaving as though the wrongdoing, when followed up by compensation (or similar behaviors), is acceptable either. That would be an absurdly uncharitable interpretation of compensation. Rather, the suggestion is that if we should avoid acting as though wrongdoing is acceptable, then we should also avoid a certain subspecies of such behavior, namely, acting as though it is acceptable to wrong someone and then take remedial action to make up for it. And we cannot avoid that sequence merely by taking remedial action. Put differently, doing Y, in response to having done X, cannot by itself avoid acting as though it is acceptable to do X and then Y. It is, after all, precisely what one would do if it *were* acceptable to do X and then Y.

To return to the example of Albie taking Annie's book without asking, suppose Albie responds more concretely than by expressing his disagreement with what he did: he plunks down the money that, he found out, she had spent on a new copy (believing she'd lost it and needing it right away). He takes remedial action. The present worry is that such payment will not, by itself, amount to behaving toward Annie as though wronging and paying are not acceptable; to the contrary, it's precisely what he'd do if he wished to treat her as though it *were* acceptable to wrong and then compensate her.

Put differently, remedial action is *not in itself enough to reverse or avoid* treating someone as though it is acceptable to wrong her and then take remedial action, to wrong her and "pay up," so to speak. If we're looking for a way to do that, remedial action, by itself, won't be the solution. Instead, we need some other step that constitutes behaving toward the victim as though wronging her and then taking action (whatever it is) aren't acceptable.

C. How Apologies Are Different

The challenge posed by the example of compensation, as just now pointed out, extends to nearly all remedial action. Recall that doing nothing, after wronging someone, is a way of behaving toward the victim as though wronging her is acceptable. But even doing something—compensation, repair—can be a way of behaving as though wronging someone and then taking such action is acceptable. Yet what other option can there be? How can anyone perform a sequence of behaviors—specifically, wrongdoing and then taking some counteractive step—in a way that avoids acting as though that sequence is acceptable?

One answer is already familiar from the monetary cases of owing someone more than one can repay, as when one damages a priceless heirloom and tries to get its owner to accept a sum of cash in its place. That way involves debt forgiveness: the one who owes the debt does not merely give over some lump sum. Rather, he asks the owner to accept less than what he owes her, to take the partial payment and release him from the rest. This way the debtor behaves as though the offered sum is insufficient, acting as though only the owner can—through her act of forgiving the debt or accepting the lesser amount in its place—

relieve him of further delinquency. The compensation is, in other words, offered as insufficient, for the recipient to accept, nevertheless, if she chooses.

This is the model I am proposing for moral repair more generally: to avoid the mistreatment described above, one must not only take remedial action, but *present* or *offer* that remedial action as an insufficient substitute for what should have been done—not wronging her in the first place. This offering, then, constitutes acting toward the victim as one who is owed *more* than any compensatory act can give her; it treats her as (rather than merely expressing that she is) one who is owed not to have been wronged in the first place. Of course, that she is owed as much may be obvious—it is perhaps a moral truism that her wrongdoer owes her not to have wronged her that way, beyond any compensation. But this fact has been contradicted, in effect, by the way the wrongdoer has subsequently behaved toward his victim. In particular, he has acted as though it is acceptable for him to wrong her in that way. That is why it is necessary to present himself as owing more than he can make up for by mere compensatory behavior; he needs to bring his treatment of the victim in line with what, morally, is already true about what he has done. He needs to actually treat the victim as one who is entitled to more than he can repay. And one way to do that is to offer any potential moral repair as an insufficient gesture, seeking the victim's acceptance of it anyway, despite its inadequacy.

An apology can be one such offer. When a wrongdoer apologizes, on this proposal, she offers her remedial action—whatever she has done or may do—as an attempt to make up for a wrong *but which is insufficient*. It expressly offers one's moral repair as partial payment, and solicits the victim's acceptance of it despite its inability to make up for what was done. It is as though she says to the victim: "Please accept the little I'm doing, even though it can never make up for what I did and you have a right to better."

This last point needs emphasis, inasmuch as nearly anything presented by one party to another—gifts, money, invitations—may be accepted or rejected, and so could be described as soliciting the recipient's acceptance. What distinguishes proper apologies is that they offer one's remedial action *as* something that is insufficient to make up for what one did; this feature is constitutive of the apologetic offer. The victim's acceptance, in other words, is taken to be something it would be

generous of him to grant, rather than expected or due. In this way, apologies are different from other transfers, such as a cash payment to a clerk when he hands over the item to be purchased. In that case, while the clerk may reject the reciprocal transfer of money, it is given over as something to which acceptance is the natural, expected, even owed response. “Here’s your money” is therefore an apt refrain. But “here’s your apology” or “here’s your remedial action” is not; constitutive of appropriate apologies is that they are presented as soliciting, rather than earning or warranting, the victim’s acceptance of the moral reparatory steps taken, despite her right to better.

On this model, then, apology is not merely a unilateral statement or action, revealing one’s opinion or position. Rather, the crucial part of an apology is the *interaction*, in the form of an interpersonal performative utterance, offering something to the victim as less than what is owed, and seeking the latter’s acceptance of it anyway. And apologies, as such, need not take the form of saying one is sorry. One need only find an action that presents oneself to the victim as having wronged him, and having no way to make up for it, but seeking his acceptance of what one has done and will do anyway, or seeking his forgiveness of the outstanding moral debt.²² That explains why the plea, “Will you please forgive me for the wrong I’ve done, though I don’t deserve it?” can be a workable substitute for apology. Through such an offer or request, the offender treats the victim as though wronging her was unacceptable, and not fungible—not doable for a price.

It will be noticed that an apology here seeks to present *all* one’s remedial action as insufficient, as something for the wrongdoer to accept despite its insufficiency, and that apologizing is itself a remedial action. In a sense, then, an apology is characterizing itself, too, as insufficient, at least inasmuch as the apologizer expresses to the victim that nothing he does or can do is enough to make up for the wrongdoing. One might express this, a bit awkwardly, as “There isn’t anything I can do to make up for it, *even what I’m doing right now*, but I ask you to please accept my

22. I am distinguishing between accepting the offender’s moral reparatory steps as sufficient—thereby relieving his moral debt—and full-on forgiveness, which could involve more, such as a commitment to treat the offender a certain way thereafter, and to forswear or overcome resentment.

remedial action anyway, despite that.” On this way of putting things, apologies self-present as “insufficient” not qua apologies—indeed, if they offer and present things in the manner just described, they may be perfect apologies—but qua remedial actions. That is because the offender is offering *all* his remedial action, presumably including the act of making the offer, as not by itself enough to make up for what he did—that is, as something whose acceptance one seeks despite its insufficiency. It is in that sense, then, that an apology, too, is presented as “insufficient.”

In apologizing in this way, again, one behaves toward the victim as though the wrongdoing, even when followed by any subsequent remedial action, is not acceptable. And in this way, one reverses the pre-existing and problematic behavior toward her—acting as though it *was* acceptable. Before accounting for how, precisely, an apology, among other things, can put such treatment in place, one clarification is necessary. The proposed presentation of an apology—as taking all forms of moral repair to be insufficient—may seem excessive for some cases. Consider slight or inconsequential wrongs, such as calling someone by the wrong name at a casual get-together, or forgetting to hand someone the 10 cents change you received purchasing an item with her cash. Could not such missteps be redressed by simply apologizing and moving on, even when the apology does not present one’s moral repair as insufficient?

In light of these examples, it should be clarified, first, that in saying an apology ideally presents itself and any associated moral repair as insufficient, I mean only that it is insufficient to a certain end: namely, treating someone as though it is not acceptable to wrong her and then take remedial action. To avoid this (mis)treatment, again, one must offer one’s remedial or redressive action as *not* sufficient in itself to make up for what was done. But I mean to leave open whether one *always* must try to counteract one’s wrongdoing (and take steps to avoid behaving as though it were acceptable). Some wrongs may be so slight as to not require that any steps be taken to avoid the mistreatment they embody or put in place, however much it is, nevertheless, a form of mistreatment. That, of course, is consistent with the larger point that *if* one is to avoid treating someone as though it is acceptable to wrong her and then take remedial action, one should offer an apology in the self-effacing manner described above.

Second, the norms of apologizing have different purposes from the norms of forgiveness: the former address the need to treat a victim of wrongdoing a certain way, including as one who is owed more than one is giving her; the latter deal with how she ought to respond, in fact. For that reason, it may be appropriate *both* for the wrongdoer to offer the apology as insufficient *and* for the victim to forgive him immediately. As with thanking someone for a request they ought to have granted anyway, the apology simply treats the victim's acceptance or forgiveness as something to which she is not entitled, not something due or owed to her, saying nothing about whether he ought to give it anyway. And in many cases, it will follow that he ought to forgive her, even as the apologizer appropriately offered her moral repair as insufficient.

D. Moral Stances

Taking stock, I have argued that continuing as before, after wronging someone, amounts to acting toward the victim as though it is acceptable to wrong her in that way. I then argued that any of a number of further actions—compensation or repudiation, for example—do not avoid this behavior because they are just what one would do if it were acceptable to wrong someone and then take remedial action. And that, again, is another way of behaving as though it is acceptable to wrong her (specifically, to wrong her and take remedial action). Instead, I argued, one can behave toward her as though wronging her is in no way acceptable, not even for a price, by *both* trying to make up for the wrongdoing *and* by presenting these reparatory steps as insufficient, seeking her acceptance despite their insufficiency. In particular, I suggested, apologizing is one way to put such remedial treatment in place.

How, then, can an apology, as a mere single communicative act, constitute behaving toward someone this way? The answer depends crucially on conceiving of apology as an act of stance-taking. A stance, as I am using the term here, involves a way of behaving or relating to someone in accordance with a normative claim one accepts. Put more precisely: a stance is constituted jointly by (a) one's acceptance of a normative claim P and (b) one's acting or being disposed to act as though

P, (c) for the reason that P.²³ Respect, for example, is a stance: Albert's respecting Brenda amounts to Albert's acceptance of a claim such as that Brenda is worthy of deference, careful listening, and taking her opinions and her preferences seriously; and then acting or being disposed to act as though those normative claims are true. Similarly, the apologetic stance involves both accepting that one has wronged the victim and therefore owes her more than one can repay, and behaving toward her accordingly.

Importantly, accepting a normative claim is meant here to be different from judging that it is true, where that amounts simply to forming the belief that the claim is correct as opposed to incorrect.²⁴ Rather, where a normative claim expresses that something is to be valued or disvalued—furthered, promoted, supported, or, alternatively, opposed and stopped, for example—acceptance of the claim consists in internalizing that valuation. It consists, in other words, in valuing what the claim takes to be valuable, or disvaluing what it holds in disfavor. For example, taking the stance that, say, abortion rights should be preserved and promoted does not amount simply to assenting to a judgment about abortion rights. Rather, it consists in *valuing* the preservation and promotion of abortion rights, precisely to the extent that the normative claim expresses such valuing. Similarly, to take or have the stance more strongly is not—as is commonly said of beliefs—to be more convinced of its truth. It is, rather, to value more strongly or intensely what the normative claim takes to be valuable. To take a stronger stance on the pro-choice position is not, then, to be more certain that it is correct, but to be more strongly pro-choice.

23. Conditions (a) and (c) mark the main difference between stance-taking and merely behaving as though some normative claim, P, is true. Wrongdoings, like betraying someone's confidences, usually involve (b)—acting as though some claim is true, such as that the victim's privacy is unimportant. But such behavior only rises to the level of stance-taking if accompanied by one's acceptance of a normative claim—such as that the victim's privacy counts for nothing—which serves as the reason for the wrongdoing, in this case the betrayal.

24. This characterization of normative judgment is externalist, in that it suggests that one can judge that one ought to ϕ without being further affected by this apparent truth, as in being motivated toward or caring about ϕ -ing. Yet I do not mean to endorse externalism—to suggest that it is actually possible, in practice, to form such a judgment without anything further. Nor am I suggesting that (outright) accepting a normative claim is the only alternative to “merely” judging that it is correct, on the externalist model.

Taking a stance, then, is entering a stance by way of a commissive speech act (and its uptake, where required). Following Austin, I call a speech act “commissive” when it commits the speaker to remain in some way consistent with what is expressed in the speech act.²⁵ Specifically, it gives the audience a *right* to hold the speaker to act in light of it, or a *claim* to his doing so.²⁶ A stance-taking is, in this sense, a commissive speech act used to enter a stance. When Albie says to Annie, “Let’s be friends,” for example, his utterance both puts the stance in place and, at the same time, gives Annie the right to hold him to the stance and the behavior it essentially involves. The same holds for paradigmatic stance-takings such as “I’m for the ban,” which both enacts and commissively expresses the speaker’s resolution to act on his acceptance of the view that the ban should be instituted, all else equal, which may amount to advocating for it, not blocking its institution, voting a certain way, and similar acts in furtherance of the ban he supports.

Finally, some stance-takings themselves constitute acting on the stance they commissively put in place. For example, “Make yourself at home” is itself an act of welcoming and treating someone as a guest, in addition to giving the latter the right to hold oneself to such treatment; “Let’s be friends” is itself an act of friendship; “I support Hillary” is itself a way of acting on that support. Contrast these cases with “I pledge my loyalty,” which is not yet itself an act of loyalty.

Apologies are self-realizing stance-takings. To apologize is both to treat the victim as owed more than can be repaid, soliciting her acceptance of less, and to enact this treatment by way of a commissive speech act. The apologizer does this by offering, to his victim, both the apology and whatever else he is prepared to do to make amends, as attempted

25. See J. L. Austin, *How to Do Things with Words* (Cambridge, Mass.: Harvard University Press, 1962), pp. 152, 158. Although Austin initially introduces commissives as having promises as their paradigm, he later includes in the class what he calls “espousals,” as in declaring, “I favor Hillary.” Unlike promises, espousals do not expressly pledge or commit one to doing anything; they merely express something about the speaker that, in virtue of the illocutionary force of the utterance, happens to be something to which she can thereafter be held. The stance-taking speech act is of a piece with espousals, as a subclass of commissives.

26. I have in mind the view, due to Seana Shiffrin, that commissive speech acts such as promising bind the speaker by transferring to her audience the right to decide whether she will uphold or act in accordance with the speech act. Seana V. Shiffrin, “Promising, Intimate Relationships and Conventionalism,” *Philosophical Review* 17 (2008): 506, 508.

but insufficient fulfillment of his moral debt to her. In apologizing, then, the offender not only acts on his non-acceptance of what he did, but treats the victim as one for whom even such remedial actions are not acceptable substitutes for never wronging her in the first place. He treats her this way by soliciting her acceptance—of his apology and moral repair—despite his owing an otherwise unpayable moral debt.

That said, there remains the question of how one treats the victim the same way *after* apologizing. The apology, after all, is a one-time speech act, at least in typical cases. Yet, as described here, it is actually more than that: as self-realizing stance-takings, apologies both involve and put in place a way of treating the victim as one to whom the offender owes an unpayable debt. The apologizer performs this treatment in two ways, both of which outlast the speech act: first, having offered the apology, the wrongdoer—as with offerers generally—continues, in effect, offering it until it is accepted or rejected (which is just to say the offer is made and left in place, unrescinded). Unlike some other types of offers, though, the apologetic offer presents itself, along with any other acts of moral repair, as insufficient, even as the apologizer seeks its acceptance anyway. And as noted, this sort of offer, and this way of presenting it, treats the victim as one whom it is unacceptable to wrong, or to wrong for any price; it treats her as one who is owed a debt of repair that only she can relieve (hence, it solicits such relief from her). An apology constitutes and commissively makes this offer. Therefore, as long as the offer remains in place, so does the remedial way an apology treats a victim.

Second, there are various other ways to act in light of the stance to which an apology commits, which add to or reinforce the treatment of a victim as owed more than the offender can repay. One way is to accept the victim's moral readjustment of the relationship, in light of her having been wronged and her taking the offender's moral repair as, for the moment, insufficient. That is, a wrongdoer can willingly accept—or at least not resist, as he normally would—the victim's blame, resentment, and refusal to resume treating him as before. In addition, he could engage in gestures of aid, gift-giving, or compensation toward the victim. Or he could simply reiterate some of the sentiments expressed in the apology—again, expressing them as insufficient to justify the victim's acceptance of less than she is owed.

In other words, there are a variety of ways to act toward the victim of one's wrongdoing as someone one has wronged, and whom wronging is

unacceptable, and who is owed more than one can repay by way of repair. An apology, presented to the victim for her to accept despite its insufficiency, is one such way, along with acting in line with the stance that an apology commissively expresses and puts in place.

It will be noticed, though, that this account describes treatment that seems to be in place only until and unless the apology is accepted. That raises the question of what happens *after* an apology is accepted, or the offense forgiven. In response, it bears mention that the remedial way of treating the victim that an apology instantiates and puts in place is not invariant with respect to the victim's response. That is because, importantly, to treat someone in line with the apologetic stance is to treat her as one who, alone, can relieve one's moral debt (despite being owed more). One way to do this, not yet discussed, is to accept the victim's power to relieve that debt, by behaving as though it was relieved—and the relationship restored—once, and only once, the victim has forgiven him. Consider the more mundane example of monetary debt. Paying up is not the only way for a debtor to treat the lender as one entitled to his debt, especially when he cannot afford to pay it. Another way is to ask her to accept less, and perhaps to forgive the debt. And if she indeed forgives the debt, he *continues* to treat her as having that power by accepting her forgiveness and moving on, as she has empowered him to do. Similarly, a wrongdoer who accepts his victim's decision to relieve his moral debt, and acts accordingly, thereby respects her as one who alone can relieve that debt. That is why forgiveness licenses an end to the ordinary form of the apologetic and repentant behavior—behaving toward one's victim as her moral delinquent.

Forgiveness, however, is not the only condition that could enable the apologetic stance to remain in place without involving distinctly apologetic behavior, past the speech act itself. Another is an interruption in the relationship or interaction between wrongdoer and victim. Note that an apology puts in place an offer, and—as a stance-taking—commissively gives the audience a claim, against the speaker, that she act in line with that offer. But acting in line with the offer merely constrains how one relates to the victim from that point on, however extensive their relations may be. It is about the *way* they relate, not *how much* they do. And that way is limited by the scope of their interactions or relationship generally. It is, in particular, consistent with their interactions consisting entirely of this one-time communication.

In the case of the deathbed apology, for example, at least one party will almost surely cease to be treated a certain way, or to treat someone else a certain way. The son apologizing to his dying father, for a long-resented insult, does not anticipate being able to treat him apologetically for long. But his apology can still be a sincere, commissive expression of his decision to do so, as long as he is genuinely disposed to act that way should his father miraculously recover, or should their final moments together be extended, or should he find a way to treat his father that way after he dies (as when he writes the eulogy or records a family history). It may accurately be said that he is giving his father the right to hold him to what he is saying, even though his father will never be able to avail himself of this right.²⁷ The same can be said of promises to people on their deathbed, or other stance-takings in that context like “I’m your friend.” A stance-taking is in this way conditional: it commits the speaker to behave toward the audience in accordance with the stance *if and when they interact*. Or, put another way, a stance-taker transfers to the audience a right or claim to hold him to the stance, but that implies nothing about when or even whether the latter will act on this right or claim, or even be able to do so. In the deathbed case, of course, he will not.

Having argued that apologies end a certain mistreatment of the victim, I should indicate how this might further the goal of moral repair and reconciliation more generally. As described here, apologies themselves do not relieve an offender’s moral debt to the victim. Rather, they solicit the victim’s own act of relieving that debt. In doing so, however, they also provide a reason for the victim to grant that relief. That is because an apology, as described here, targets what is arguably the primary obstacle to forgiveness, namely, the victim’s continued resentment of her offender.²⁸

Resentment can be understood as a negative reaction, on the part of a victim of wrongdoing, not only to being wronged but also to the

27. This would be more problematic, in the deathbed case, if the *point* of the apology was to grant this right. But the content of the apology makes no reference to its commissive illocutionary force, and the treatment it puts in place has already begun with the apology itself—which, if it is their only interaction, is enough to do the moral reparatory work of apologizing anyway.

28. Strawson equates forgiveness, in part, with accepting the offender’s repudiation of the “attitude displayed” by his action and forswearing resentment. P. F. Strawson, *Freedom and Resentment and Other Essays* (Oxford: Methuen and Co., 1974), p. 6.

implication that she may be wronged that way. In that case, continuing to treat the victim as one whom it is acceptable to wrong reaffirms the implication and thereby vindicates resentment, providing a reason for it to continue and, consequently, a reason not to forgive. In removing this continued basis for resentment, then, apologies open the way to forgiveness. Indeed, an apology—in soliciting the victim’s relief of her moral debt—explicitly invites forgiveness, or something close to it.²⁹ And, as just now explained, it also removes a fundamental, perhaps *the* fundamental, obstacle to forgiveness as well. In this way, then, apologies ground forgiveness, and therefore constitute an effective means of moral repair and a catalyst of reconciliation.

i Clarification: Stance-Takings vs. Assertives and Expressives

Of course, these remedial benefits of apologies are undermined if the apology is insincere. That is in part because apologies, as described above, work remedially as offers and commitments, and both of these are defective if insincere. Indeed, an insincere offer is arguably not an offer at all. What, then, does it take for an apology to be sincere? The expressive view of apologies, standard among philosophers of language, was rejected in Section I, in part because it required unrealistically that an apologizer be in the throes of an affective psychological state just at the moment she apologizes. I argued, instead, that the act of taking the apologetic stance—which I now claimed is the required form of apology—does *not* need to be accompanied by any such psychological state. At the same time, the stance can be taken insincerely. What, then, is required of sincere apologizers, such that it escapes the excessive demands of expressives while meeting our pre-theoretical demands for sincerity?

The apologizer, I want to propose, should—on pain of insincerity—be in and committed to the apologetic stance. Recall that I defined a stance as accepting a normative position and being disposed to act in virtue of its truth or of having accepted it. To return to the example of a political stance, say being pro-choice, one who truly takes this stance would be disposed to direct her actions in light of the position she has taken. For example, she may advocate the pro-choice position when it comes up, behave supportively with those who have reason to terminate their

29. As pointed out earlier, an apology explicitly seeks the victim’s acceptance of less than she is owed, which may fall short of outright forgiveness.

pregnancies, and vote for pro-choice candidates, all else equal. In much the same way, someone in the *apologetic* stance will be disposed to act by the normative position that she owes the victim not to have done what she did, and that moral repair, including apology, is insufficient payment of this debt. Unlike being pro-choice, though, the apologetic stance—as argued in the previous section—is bilateral. It involves being inclined to act *toward* someone a certain way; it is a *directed* stance, one taken toward the victim. The apologizer will therefore be inclined to treat the victim in ways consistent with the stance: to not repeat the offense, to seek to alleviate and sympathize with her suffering, to seek and try to earn her forgiveness, to characterize herself in discussion with the victim in ways consistent with the normative position of moral debtor that she has taken, and much else.

Notice, though, that I described stance-takings as verbal commitments. As noted in the first section, apologies have staying power. Once I've apologized to you, it is in some sense no longer "my" state to change. If I revert to treating you as though my prior wrongful act was appropriate, or as though I owe you nothing, or as though I should be proud of what I did to you, you can always counter with something like: "Hey, I thought you apologized." In contrast, if I merely privately enter the apologetic stance, I may leave it without anyone in particular having a claim to my commitment. Of course, you may have independent grounds to object—including whatever the reasons I *should* have apologized to you in the first place. But my internal resolution, alone, doesn't give you grounds to charge betrayal later on when I recant. My resolution wasn't yours to hold me to, so to speak.

If I openly and explicitly apologize to you, on the other hand, you *do* have that claim. Then you may say, "But you apologized." Speech acts, in other words, commit the speaker to certain listeners that she will remain in some way consistent with having performed them. It is possibly for this reason that we sometimes talk of apologies as not only offered but "given": the apology is in some way no longer the wrongdoer's to realize with her subsequent behavior; the victim-listener now has a right to hold her to it.³⁰ One upshot, then, is that sincerely taking stances requires two

30. This way of putting it owes a lot to Seana Shiffrin's account of the "rights transfer" view of promising, which, among speech acts, is the paragon of Austinian "commissives." See, for example, Seana Valentine Shiffrin, "Immoral, Conflicting, and Redundant

elements. First, one must enter or at least begin to enter the stance in question at the time one performs the speech act of stance-taking; a sincere apologizer should be in or about to enter the apologetic stance as she voices the apology. Second, one must also be sincere in committing to the stance, and in making that commitment to the listener.

ii Emotionless Apologies?

Notice, then, that I have described stances in a way that, contra the expressive account, seems to leave emotions out of the picture. Accepting a normative claim and acting accordingly, along with committing to continue doing so, can all be described without any explicit reference to feelings or affectations. And yet, it may be worried that many instances of what I've called stance-taking, including apologies, are strongly associated with emotions, often powerful ones. Apologies can be given tearfully and with visible pain. More importantly, as noted above, sometimes the expression of these emotions seems sufficient to do the work of these speech acts. If I erupt in visible agony over what I did, and tearfully bare my tortured soul to my victim, she is liable to forgive me on grounds that I not only apologized but did so much more. If a vivid display of genuine emotion can constitute or even substitute for apology, how likely is it that, in fact, apologeticness is a stance, rather than an emotional state after all?

On the present account of stances, however, this result is not surprising. True, the essential component of stances is something seemingly dry: acceptance of a normative claim and a disposition to act in light of that. But it needs to be recalled that accepting a normative claim, as described above,³¹ involves more than merely judging that it is true. Normative claims express values, and accepting them amounts to valuing what they take to be valuable, more or less strongly depending on how strongly the stance is taken. Accepting, for example, that someone is to be respected or forgiven or cherished is to value the person in certain ways. Consider, then, what the apologetic stance involves: the apologizer accepts and acts on the view that he owes the victim not to do what he did and can never make up for it—a debt that is greater the more

Promises," in *Reasons and Recognition: Essays on the Philosophy of T. M. Scanlon*, ed. R. J. Wallace, Rahul Kumar, and Samuel Freeman (Oxford: Oxford University Press, 2011), p. 156.

31. See Section II.D., p. 24.

severe the violation. In other words, it involves valuing doing what cannot be done, or undoing what cannot be undone, and valuing the attainment of something one is not entitled to receive. And inasmuch as valuing involves desiring,³² some of these desires will be frustrated—a state that cannot be experienced impassively. Imagine the way one's body contorts after dropping something, or bowling a gutterball. Constitutive of the state is the frustration, the anguish, the yearning to somehow reverse what's too late to change.

And the connection with emotions runs the other way, too: a person who is truly morally regretful, to the point of tears, is likely in that state *because* of appreciating the reason to be in it; she has, in other words, internalized the reason to apologize and remain apologetic. An emotional outburst, then, will be the symptom of a stance, rather than a more vivid alternative to it. Suppose, instead, someone was in an emotional state that looked like moral regret—crying, beating one's chest, say, bowing one's head, expressing how horrible the act was—but without any appreciation of the reasons an apology is owed. We might regard such a display, and even the intense state it reveals, as ultimately insufficient, a momentary fit rather than a decisive step toward moral repair.

Finally, recall also that the apologetic stance is not all there is to sincere apologizing; as a commissive speech act, a stance-taking like "I apologize" also requires *committing* to the stance. The apologizer must not only be inclined to treat the victim in accordance with the stance; he must also continually try to maintain that stance and its attendant dispositions and inclinations. That could amount to resisting certain psychological states and embracing others: for example, shunning states like pride or enjoyment of the wrongdoing one did, while embracing states like regret, sorrow, and sympathy. These are the states that help maintain the stance, at least as actual human beings live them. So while the essential individuating conditions of apologies, as stance-takings, do not include emotional states, a human being can hardly meet them unfeelingly.³³

32. Here I follow Gary Watson's understanding of valuing: "since to value is to want, one's valuational and motivational systems must to a large extent overlap. If, in appropriate circumstances, one were never inclined to action by some alleged evaluation, the claim that that was indeed one's evaluation would be disconfirmed." Gary Watson, "Free Agency," *The Journal of Philosophy* 72 (1975): 215.

33. But the case of nonhuman institutions, like countries and corporations, could be different in this regard, as I have argued elsewhere.

On this hypothesis, then, a person who takes seriously that she stands in disrespect of another person in an irreparable way, and commits to that stance, will almost definitely be in certain emotional states, at various times thereafter, and not in others. The “I’m sorry” expressed by apologies, then, would capture a natural way human beings experience the apologetic stance.

E. Limits of Theories of Apologies

It may be objected that the present account of apologies, as taking and thereby entering and committing to a stance, does not fully capture the phenomenon of apologizing as we know it. The contemporary practice of apologies involves many recognizable features. For example, a typical apology involves the phrase “I’m sorry,” and we sometimes apologize for others. These features, and many more, are hardly necessitated or explained by the account proposed here, characterizing apologies as a type of stance-taking.

But that is inevitable. Apologies as a practice must, by now, be underdetermined by the moral reasons for performing them, which are also reasons to do functionally equivalent acts like seeking forgiveness, or many others that differ from apologies. That is because once a societal convention meets the moral demand for some kind of apology-like act—some way of respecting a victim’s right not to have been wronged and treated as though it is acceptable to do so—it becomes established practice. As a result, it becomes an expected behavior of repentant wrongdoers. That, however, adds to the moral reasons to apologize, and to do it in the specific way established. After all, if that’s what people tend to do when they recognize their wrongful behavior, then failure to do so is to single out a particular victim as not entitled to the same respect. It is to act toward her as an exception to the established convention for redressing wrongs done to victims. And that makes it additionally wrong not to apologize to her, or, put differently, that fact puts in place a *new* duty to apologize and to do so in whatever way is conventional.

Similarly, the specific conventions associated with apologies, in specific cultures, may be necessary to communicate to the victim that one is apologizing. And to the degree that the possibility of uptake is necessary for verbal commitment, those further conventions may be necessary to take the apologetic stance. As a result, further features of conventional

apologies may enter into the obligation to take the apologetic stance advocated here, or the methods for doing so. Nothing in the present account rules out that possibility.

III. CONCLUSION

This remains a first step in understanding both stance-taking and apologies. But I have, I hope, shed light on some of the ways taking the apologetic stance differs from merely asserting or expressing or pledging something to one's victim, or compensating her, and how those differences capture the remedial power of apology. In particular, I have argued that wronging someone and treating her as before is a way of (further) mistreating her, which outlasts the initial wrongdoing that put it in place. The act of apologizing, then, as a counteractive way of treating someone and committing to do so, can end the mistreatment that otherwise lingers in the wake of wrongdoing. That, in fact, is why wrongdoers owe their victims an apology or something like it, and why their apologies can remove at least one reason to resent them.

There is, of course, more to the actual human practice of apology, especially across different cultures, than the act of stance-taking described here—presented to the victim as something to accept or reject—just as there is more to stance-taking than apologies. But the merging of these two notions, as developed here, has, I hope, shed some light on an otherwise mysterious fact: simply uttering a word like “sorry,” if meant and understood properly, can by itself act remedially against a past offense, even grounding forgiveness, reconciliation, and the relief of any further duties to make amends.