



BRILL



# The Duty to Accept Apologies

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## Abstract

The literature on reparative justice focuses for the most part on the grounds and limits of wrongdoers' duties to their victims. An interesting but relatively neglected question is that of what – if anything – victims owe to wrongdoers. In this paper, I argue that victims are under a duty to accept wrongdoers' apologies. I claim that to accept an apology is to form the belief that the wrongdoer's apologetic utterance or gesture has the requisite verdictive, commissive and expressive dimensions; to communicate as much to him; and to recognise that his apology changes one's normative status in relation to him, and to comport oneself accordingly. I then offer a Kantian argument for the duty to accept and qualify that argument in the light of some hard cases. I end the paper by addressing the objection that victims do not owe it to wrongdoers to engage in any form of reparative encounter.

## Keywords

apologies – doxastic wrongs – duty to accept apologies – respect for persons

## 1 Introduction

The literature on reparative justice focuses for the most part on the grounds and limits of wrongdoers' duties to their victims – standardly, duties to pay reparations and to offer apologies. An interesting but neglected question is whether a victim is under a duty to her wrongdoer to accept those amends.

In this paper, I argue that victims are under a *pro tanto moral* duty to wrongdoers to accept their apologies. This is not a widely endorsed view. The philosophical literature focuses on the meaning of apologies and the grounds for

the duty to offer them. Scholars who discuss apologies from the victims' point of view do not do so at any length. When they do, they deny that victims owe it to wrongdoers, such that the latter have a corresponding claim on them, to accept their apologies.<sup>1</sup>

The paper proceeds as follows. Section 2 provides a brief account of what it means to apologize to another person and outlines two widely endorsed defenses of the duty to do so. The first defense is grounded in the moral value of reconciliation between the parties, while the second defense adverts to the Kantian requirement of respect for persons. I reject the reconciliatory approach notwithstanding its appeal for the duty to accept apologies and endorse the Kantian approach. Sections 3 and 4 offer a Kantian defense of the duty to accept apologies in its doxastic, communicative, and attitudinal dimensions. Section 5 examines cases in which, it might be objected, there is no duty to accept. Section 6 considers the more radical objection that victims do not owe it to wrongdoers to engage in any form of reparative encounter. Taken together, those objections qualify, but do not wholly undermine, the duty to accept. Section 7 concludes.

Three *caveats*. First, I focus on cases in which an agent culpably wrongs another person and incontrovertibly owes it to her to apologize to her. I set aside cases in which an agent subjects another person to a justified wrongdoing, harms her without wronging her, or merely inconveniences her. If there is a duty to accept a culpable wrongdoer's apology, then it seems, *a fortiori* that there is a duty of acceptance in those other cases as well.

Second, I am concerned with cases in which an individual apologizes for a wrongdoing which he committed against another person. I do not address apologies issued by state officials for wrongdoings committed by agents acting on behalf or at the behest of their fellow citizens, or apologies for wrongdoings committed by private corporations and issued by those corporations' executives. These cases raise (amongst others) the questions of whether it is possible to apologize and to accept apologies on behalf of a collective agent and, if so,

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<sup>1</sup> See, e.g., Linda Radzik, *Making Amends* (Oxford: Oxford University Press, 2009); John Gardner, *From Personal Life to Private Law* (Oxford: Oxford University Press, 2018). See also Luc Bovens, "Apologies," *Proceedings of the Aristotelian Society* 108, no. 3 (2008): 219–39; Paul Davis, "On Apologies," *Journal of Applied Philosophy* 19, no. 2 (2002): 169–73. Elsewhere, I argue that victims are *not* under a duty to accept wrongdoers' financial reparations, or, if they do accept them, to use them to repair the wrong which they incurred. (Cécile Fabre, "Finishing the Reparative Job: Victims' Duties to Wrongdoers," in *Private Law and Practical Reason – Essays on John Gardner's Private Law Theory*, ed. Haris Psarras and Sandy Steel (Oxford: Oxford University Press, 2023).<sup>1</sup>

of who has the standing to do so. I lack the space to tackle those complexities here.<sup>2</sup>

Finally, I assume that victims and wrongdoers are both alive, *compos mentis*, and able to communicate with one another. I also assume that they are relative strangers, and not friends, family members, or close colleagues. In the first set of cases, it is not clear to me that the Kantian argument that I offer here applies. (If it does not, there may well be other grounds for the duties to apologize and to accept apologies: I remain agnostic on this point.) In the second set of cases, the nature of the relationship together with the seriousness of the wrongdoing does make a difference (I suspect) to the grounds and stringency of the duty – though, again, I lack the space to address this fully here.

## 2 Apologizing

An apology issued in response to a wrongdoing is an illocutionary utterance or gesture by which a wrongdoer explicitly admits to his victim that he wronged her, commits himself not to reoffend (be it against her or against others) and expresses apt reactive attitudes in relation to his wrongdoing (regret, guilt, remorse, and so on); in so saying, he presents himself to his victim in the light of someone who repudiates his wrongdoing. To merge (loosely) J.L. Austin's and John Searle's terminology, an apology is verdictive, commissive, and expressive.<sup>3</sup> (Henceforth, I shall speak of apologies as utterances but what I say here applies, *mutatis mutandis*, to apologetic gestures.)

2 I offer an account of the ethics of public apologies in the aftermath of war in Cécile Fabre, *Cosmopolitan Peace* (Oxford: Oxford University Press), pp. 268–280.

3 Austin does not mention expressiveness as such. On his account, apologies belong to the class of 'behabitive' speech acts, to wit, speech acts which are reactions to other people's conducts or to our own. But as he also notes, a speech act can belong to different classes simultaneously – commissive, verdictive, behabitive, etc. (See John L. Austin, *How to Do Things with Words*, ed. J. O. Urmson (Oxford: Oxford University Press, 1962), pp. 151–161. Searle, by contrast, explicitly describes apologizing as an expressive act. (John Searle, *Expression and Meaning – Studies in the Theory of Speech Acts* (Cambridge: Cambridge University Press, 1979), p. 15. For important works which elucidate both the nature of apologies and the practice of apologizing, see, e.g., Christopher Bennett, *The Apology Ritual* (Cambridge: Cambridge University Press, 2008); Marc Cohen, "Apology as Self-Repair," *Ethical Theory and Moral Practice* 21, no. 3 (2018): 585–98; Trudy Govier and Wilhelm Verwoerd, "The Promise and Pitfalls of Apology," *Journal of Social Philosophy* 33, no. 1 (2002): 67–82; Aaron Lazare, *On Apology* (Oxford: Oxford University Press, 2004); Jeffrey Helmreich, "The Apologetic Stance," *Philosophy & Public Affairs* 43, no. 2 (2015): 75–108; Nick Smith, *I Was Wrong – The Meaning of Apologies* (Cambridge: Cambridge University Press, 2008); Mary Walker, *Moral*

When admitting his wrong, the wrongdoer must understand what he did. Suppose that Walter is driving at a culpably reckless speed. He crashes into Violet, thereby damaging her car and injuring her. He knows that he is prone to driving carelessly, though he has not yet caused any accident so far. He glances at his rear-mirror and notices Violet standing by her damaged car, looking angry, upset, and in pain. He might be careless, but he is not callous: he stops, and immediately says ‘I am sorry, it’s my fault,’ assuming without further evidence other than the fact that he is careless at the wheel that he caused the accident. However sincere he may be, his generic statement falls short of an apology, for it is not responsive to what *he did to her*.

Moreover, Walter must communicate to Violet that he recognizes his wrongdoing, that he is remorseful, and that he is committed not to reoffend; and he must do so appropriately. An apology which lacks sincerity, which is issued *in foro interno* or to third parties but not to the victim (as an avoidance strategy), which is expressed badly (cursorily, resentfully, etc.), or which contains an attempt at mitigation is no apology at all.

Sincerity, understanding, and commitment can come apart. Imagine someone who utters antisemitic slurs in a burst of drunken anger and who when sober immediately says sorry to his audience. Suppose that he is genuinely remorseful and yet at the same time says (truthfully) that some of his friends are Jewish. Much depends on what he seeks to do in saying so. If he is trying to reassure his audience that he is not a thoroughgoing antisemite without in any way seeking to weaken the offensive force of his slurs, he can (perhaps) be seen as apologizing. But if the fact that he has Jewish friends is offered in mitigation, such that the audience is supposed to conclude that his antisemitic conduct on that occasion is not as bad as if he did not have Jewish friends, then he is not (on my account at least) apologizing. While he is sincere (he does mean it when he says he did wrong, and he does feel awful), he has failed to grasp the nature of his wrongdoing. To grasp the nature of one’s wrong is in part to understand what counts as a genuinely mitigating factor. The fact that one is

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*Repair – Reconstructing Moral Relations after Wrongdoing* (Cambridge: Cambridge University Press, 2006). Although my brief account is (I hope) uncontroversial enough, some of these authors would not endorse [my brief account](#) without qualifications. For example, Jeffrey Helmreich is skeptical about the commissive and expressive dimensions of apologies. Indeed, as a reviewer for the *Journal of Moral Philosophy* pointed out to me, on any account of apologies which incorporates a commitment not to reoffend, a remorseful addict who believes that she will not be able to stop herself from reoffending cannot apologize. I admit that this will seem counter-intuitive to some (many?) readers. Perhaps the best way to think about this kind of case is that the addict can only offer a partial apology, or an expression of regret, and that her willingness to do so, together with her honesty, are in some sense praiseworthy. I return to the problem of repeat wrongdoers in s.5.1.

not a thoroughgoing antisemite is utterly irrelevant to the characterization of, and to the evaluative judgment one may bear on, the wrongdoing of uttering racist slurs as a paradigmatic and profound denial of the respect that all individuals are owed irrespective of their ethnicity. The speaker's failure to see this betokens his lack of understanding.<sup>4</sup>

Let us suppose then that Walter's utterance and attitude meet the conditions of an apology. Few would disagree that he is under a reparative duty to Violet to apologize to her. There are broadly two approaches to defending reparative duties. On the reconciliatory approach, wrongdoers damage their relationship with their victims by acting as they did. Their reparative duties are grounded in the moral imperative of restoring that relationship. To the extent that apologies help repair the damage, wrongdoers are under a duty to apologize.<sup>5</sup>

The reconciliatory approach is particularly hospitable to the view that victims are under a duty to wrongdoers to accept their apologies. For to the extent that they too are under a duty to do their share to repair their relationship with wrongdoers, they are under a duty to accept the remedial measures which serve reconciliatory ends.

However, reconciliatory approaches to reparative duties in general and the duty to apologize in particular are vulnerable to some challenges. First, they cannot account for cases in which relationships are restored in the absence of apologies. If restoration is possible in such cases, it is hard to see why wrongdoers would be under a duty to apologize. A proponent of the reconciliatory approach might bite the bullet and exempt wrongdoers from the duty. Yet there is a lingering sense that a victim who would be able to restore that relationship still has a justified grievance if the wrongdoer fails to apologize.<sup>6</sup>

Second, reconciliatory approaches cannot account for cases in which victims and wrongdoers do not have a relationship to begin with. When responding to that challenge, some proponents of the reconciliatory approach aver that strangers passing in the night – or on the road – stand in a moral relationship with each other which the wrongdoer damages and is under a duty to repair.<sup>7</sup> Now, I agree that we all stand in a moral relationship with one another, which we alter when we wrong one another. However, the suggested response

4 Thanks to A. Ripstein for the point. I am grateful to a reviewer for the journal for pressing me on this example.

5 See, e.g., Radzik, *Making Amends*; Walker, *Moral Repair – Reconstructing Moral Relations after Wrongdoing*.

6 See Christopher Bennett, "What Goes On When We Apologise?," *Journal of Ethics and Social Philosophy* 31, no. 1 (2022): 115–35.

7 See, e.g., Linda Radzik, "Tort Processes and Relational Repair," in *Philosophical Foundations of the Law of Torts*, ed. John Oberdiek (Oxford: Oxford University Press, 2014), p. 238.

worryingly construes ‘relationships’ so broadly that the word loses whatever additional descriptive, explanatory, and justificatory power it is supposed to have – additional, that is, to the more straightforward claim that we have primary rights and duties *vis-à-vis* another, and acquire secondary, remedial rights and duties following the commission of a wrong.<sup>8</sup>

I do not wish to deny that we have special duties not to harm those with whom we stand in a ‘thicker’ relationship which we sometimes are under a duty to strive to repair. But in the range of cases which concern us here, it seems more plausible to say that Walter’s duty to apologize to Violet is grounded in the fact that he violated his primary duty not to crash into her. Agents owe it to one another to treat one another with equal concern and respect, in awareness of the fact that as they go about their daily lives, they are at risk of unwarrantedly harming one another. When someone culpably fails to give proper regard to another person’s fundamental interests, he fails to treat her as someone worthy of his concern and respect. Not only does he owe her material reparations, he also owes it to her to make it clear that she always was worthy of concern and respect and that he failed to treat her appropriately. A wrongdoer who, in addition to failing so to treat his victim, fails to manifest to her that he erred, is remorseful, and is committed not to reoffend compounds the initial wrong which he has done to her.

In the next two sections, I offer an account of what it means to say that Violet accepts Walter’s apology; and I argue that she is under a *pro tanto* duty to him to do so, on similar Kantian grounds. (Henceforth and for short, I shall say that she is under a duty to him to do so, but shall always imply that the duty is *pro tanto*.)

### 3 Acceptance

Walter apologizes to Violet. Let us suppose for now that Walter speaks truthfully. At this juncture, there are three possibilities. First, Violet does not believe that Walter is sincere and/or properly understands what he did to her, and she tells him as much. Second, she tells him, truthfully, that she does believe him, but her conduct does not comport with her beliefs: for example, she insists that he should apologize again and again, or she treats him with contempt. Third,

8 Rahul Kumar, “Why Reparations?,” in *Philosophical Foundations of the Law of Torts*, ed. John Oberdiek (Oxford: Oxford University Press, 2014). See also, for arguments against reconciliatory approaches, Gardner, *From Personal Life to Private Law*, pp. 91–98; Victor Tadros, “Secondary Duties,” in *Civil Wrongs and Justice in Private Law*, ed. Paul B. Miller and John Oberdiek (Oxford: Oxford University Press, 2020).

she does believe him but remains silent. In none of these cases is she aptly described as accepting Walter's apology: her response falls short of acceptance on *doxastic*, *communicative*, and *attitudinal* counts.

Consider the doxastic dimension of acceptance. Violet accepts Walter's apology only if she believes the following to be true: (a) Walter understands that he wronged her and intends his apology to refer to this wrongdoing; (b) he is committing himself to not reoffending; (c) he is feeling remorseful. In other words, she has to believe that he means it.<sup>9</sup>

Mere belief is not enough. Suppose that Violet takes a daily pill for some medical condition; as a side-effect, every day between 4pm and 5pm, she believes anything that anyone tells her. The accident happens at 4pm and Walter apologizes at 4:15pm. Violet holds the requisite beliefs, but she has not accepted his apology, for her belief in the sincerity of Walter's verdictive, commissive, and expressive utterance is not justified. Her belief is justified only if it is reliably grounded in relevant evidence. It is reliably grounded when, for example, she properly listens to Walter's oral apologies; when she watches and does not merely see what he is doing if he does so gesturally; when she reads his note and does not merely look at the words on the page if he apologizes in writing, and so on. This further suggests that, in just the same way as an overly hasty apologetic utterance or gesture falls short of an apology, an overly hasty assurance by the victim that she believes the wrongdoer falls short of acceptance.

What counts as relevant evidence partly depends on the context of Walter's and Violet's interaction. For the question is not simply what counts as relevant evidence to justify Violet's belief in the truthfulness of the claim that Walter recognizes that he has done wrong, is remorseful, and is committed not to reoffend. Rather, the question is what counts as relevant evidence to justify her belief in the truthfulness of *Walter's illocutionary utterance with its perlocutionary intent*. Consequently, such evidence must include Walter's apology. To see this, suppose that, following Walter's apology and noting Violet's skeptical look, Peter, Walter's friend and car passenger, affirms to Violet that Walter really means it. Suppose further that Peter's judgment in general, and about his friends in particular, is infallible, and that Violet knows this. On that basis alone, she forms the belief that Walter does mean it. She is taking Peter's testimony that Walter's self-avowal meets the conditions of an apology as both true and entirely dispositive. She is not aptly described as accepting *Walter's*

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9 To my knowledge, Paul Davis is the only philosopher who stresses that an apology is a doxastic act. He does not fully explore the implications of this point for the acceptance thereof. See Davis, "On Apologies."



apology, any more than she would be aptly so described if Walter had remained silent throughout her exchange with Peter.<sup>10</sup>

To be clear, my point is not (yet) that Violet is under a moral duty to include Walter's testimony in the evidence at her disposal. Rather, my point is that she can be described as accepting Walter's apology only if she forms and holds the requisite belief at least in part in the light of his self-avowal. Granted, given that *ex hypothesi* Violet and Walter do not know each other, she may need more information than his apologetic say-so to form the requisite beliefs. Nevertheless, she does need his say-so; moreover, what counts as properly corroborative evidence is determined by familiar epistemic norms. For example, suppose that Walter belongs to a non-white ethnic minority and that Peter, like Violet, is white. Even if Violet is permitted to regard a third party's testimony as corroborative of the sincerity of Walter's statement, she is not epistemically licensed to regard Peter's ethnicity as relevant evidence for granting his testimony corroborative force. Contrastingly, if she knows that Peter is a friend of Walter's but has a reputation for fair-mindedness, she is epistemically licensed to regard his testimony as corroborative (though not, to repeat, wholly dispositive).

Suppose, next, that Violet does meet the doxastic condition of acceptance. However, she does not tell as much to Walter – even though she is in a position to do so. She has not accepted his apology. To accept an apology is an illocutionary act by which one sees the wrongdoer in the moral light in which he presents himself and by which one addresses him accordingly. In just the same way as Walter is not apologizing unless he truthfully communicates to her that he means it, she is not accepting his apology unless she truthfully communicates to him that she believes him. Moreover, just as Walter must express to Violet his admission of wrongdoing and commitment not to reoffend in appropriate ways, so must she express to him in appropriate ways – in the right words and with the right tone of voice and body language – that she believes him.

Finally, the acceptance of an apology is attitudinal. Walter's apology is transformative: while he cannot erase his wrong, he does not stand in the same relationship to her as if he had not apologized. Violet is aptly described as accepting Walter's apology only if she acts towards him in recognition of that fact. Put conversely, she cannot be deemed to have accepted his apology if her interaction with and/or perception of him is largely shaped by her negative reactive attitudes – for example, if she keeps insisting that he repudiate himself, again and again, or if she continues to regard him with contempt, nurtures

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<sup>10</sup> Thanks to K. Upadhyaya for the example.



her anger towards him, and tells all and sundry, at the first, second, and third opportunity, what he did to her. These are familiar types of attitude which suggest that Violet has not accepted Walter's apology. Here is a less familiar one. It is not uncommon for a victim to discount a wrongdoer's interests relative to her own interests and to the interests of others before he apologized, precisely on the grounds of his wrongdoing. Indeed, we may think that a victim is entitled to show what has been called negative partiality against a wrongdoer. I shall return to this normative question in s.4.2. Suffice it to say now that a victim who continues to discount the wrongdoer's interests in this way *after* he has apologized, and for no reason other than the fact that he wronged her, cannot be deemed to accept his apology.<sup>11</sup>

## 4 The Duty to Accept

### 4.1 *The Kantian Requirement*

Suppose that Violet accepts Walter's apology. In this section, I argue that she is under a moral duty to him to do so. That is to say, she is under a duty to him to form and hold the three-pronged belief (a) that he recognizes that he has committed a wrong and understands the nature of that wrong, (b) that he undertakes not to reoffend, and (c) that he is appropriately remorseful (put differently, she is under a moral duty to him to fulfill her (non-moral) doxastic duty in respect of his apology).<sup>12</sup> In addition, she is under a duty to communicate as much to him. Finally, she is under a duty to recognize that their

<sup>11</sup> On my account, thus, there is conceptual space for Violet truthfully to say to Walter that she believes him while also telling him that she does not accept his apology (for, she can tell him without inconsistency, she still despises him; or she insists on further apologetic utterances.) For a defense of the view that agents are morally entitled to display 'negative partiality' against some individuals, see Joshua Brandt, "Negative Partiality," *Journal of Moral Philosophy* 17, no. 1 (2020): 33–55. Brandt's is the only article I know of which explores this fascinating issue. I am grateful to T. Hurka for drawing my attention to it.

<sup>12</sup> When I speak of duty without qualification, I shall mean a 'moral duty,' not a 'doxastic duty.' The claim that there is such a thing as a non-moral doxastic or epistemic duty has come under sustained scrutiny. (The terms 'doxastic' and 'epistemic' tend to be used interchangeably in that literature.) I am inclined to think that there is such a thing, though I will not defend that assumption here. In any event, even if there is no such thing as a non-moral doxastic duty, it does not follow that there is no moral duty to form and hold beliefs. (See Chase B. Wrenn, "Why There Are No Epistemic Duties," *Dialogue* 46, no. 1 (2007): 115–36.) For a seminal rejection of the notion of epistemic duties, see William P. Alston, "The Deontological Conception of Epistemic Justification," *Philosophical Perspectives* 2 (1988): 257–99. Alston's objection also applies to *moral* duties to hold and form beliefs. I will return to it in s.4.2.

normative situation has changed in the light of his apology, and to comport herself *vis-à-vis* him accordingly.

To pave the way for my argument, note that victims do not enjoy full discretion over how to conduct themselves towards wrongdoers *qua* wrongdoers. For example, they may not insist that the latter should debase themselves. Even if publicly shaming wrongdoers is justifiable (by no means a foregone conclusion), there are moral constraints on what victims (as well as third parties) may do when engaging in such a practice.<sup>13</sup> Those constraints are rooted in the imperative of treating others, including wrongdoers, with the respect that they are owed as rational and moral agents. That imperative, which (as I argued in s.2) supports a wrongdoer's duty to apologize, also supports his victim's duty to accept the apology. Here is why. To treat someone with respect is to treat them as a rational and moral agent. It is to recognize that they have the capacity and willingness to formulate and set ends for themselves and to pursue those ends; that they are, by implication, able to make sense of the world in which they operate and of their place in it with some degree of accuracy (failing which they would not be able to pursue those ends); that they are responsive to reasons. It is also to recognize that they have the capacity and willingness to judge and differentiate between right and wrong, to conduct themselves in the light of those judgments, and to account for their failure or success in doing so; that they have the competence and authority to make demands on us, just as we make demands on them, and to hold us accountable for honoring or ignoring those demands, just as we hold them accountable to us in these ways.

To treat someone as a rational and moral agent, moreover, is not merely to recognize that they possess a property in virtue of which such treatment is in order: it is not just a matter of belief. It is also to comport oneself with them on the assumption (pending evidence to the contrary) that they are responsive to reasons and do have a relatively accurate understanding of the world that they and we both inhabit and of our respective places within it; that they are morally responsible, and thus that it is appropriate to hold them accountable, for their actions.

The imperative so construed has two important and relevant implications. First, it implies that we may deliberately subject someone to hard treatment only if and on the grounds that they have acted in such a way as to warrant it; or, under conditions of uncertainty, only if and on the grounds that we have sufficient evidence that they have acted in such a way as to warrant hard treatment. To put the point in the parlance of the criminal law, Kantian respect for

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<sup>13</sup> Paul Billingham and Tom Parr, "Enforcing Social Norms: The Morality of Public Shaming," *European Journal of Philosophy* 28, no. 4 (2020): 997–1016.

persons grounds a presumption of innocence. It is true that in the criminal law, the presumption of innocence does not require of jurors that they believe in the defendant's innocence if the evidence falls below the relevant threshold. It only requires of them that they not convict him unless the evidence suggests that he is guilty beyond a reasonable doubt. It is thus entirely open to a juror to believe both that the relevant threshold has not been met *and* that the defendant is guilty in the non-legal sense of the term. However, the rationale for the presumption of innocence in the criminal law extends to what one may call doxastic hard treatment. Examples of doxastic hard treatment include negatively stereotyping someone on the basis of spurious generalizations grounded in her race, gender, sexual orientation, and so on; or forming prejudicial beliefs about her on the basis of hearsay. In the context of this paper, doxastic hard treatment consists in charging someone with wrongdoing and morally condemning them for it. I take it for granted that we owe it to others, morally speaking, not to subject them to doxastic hard treatment, precisely because our beliefs about them are not grounded in relevant and reliable evidence. By implication, then, we owe it to them not to subject them to the hard treatment of moral condemnation absent relevant and reliable evidence.<sup>14</sup>

Second, if we are under a duty not to subject a wrongdoer to hard treatment unless we have relevant and reliable evidence of his guilt, then *a fortiori* we are under that very same duty if he does provide us with relevant and reliable evidence of his innocence. Unless we have evidence that he is not to be trusted, we are under a duty to recognize him as having testimonial authority in respect of the facts that concern him.

#### 4.2 *Applying the Requirement*

We are now in a position to see why Violet wrongs Walter when she rejects his apology. His initial wrongdoing – recklessly crashing into her – is such as to warrant her subjecting him to the hard treatment of moral condemnation. Were he to refuse to apologize to her, he would compound his initial wrong and warrant further hard treatment in the form of censure for his additional dereliction of duty. By apologizing to her, Walter is giving her, and shows himself to her as giving her, relevant and reliable evidence – the content of his

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14 Important recent works on the presumption include Victor Tadros, "The Ideal of the Presumption of Innocence," *Criminal Law and Philosophy* 8, no. 2 (2013): 449–67; Victor Tadros, "Rethinking the Presumption of Innocence," *Criminal Law and Philosophy* 1, no. 2 (2007): 193–213; Patrick Tomlin, "Extending the Golden Thread? Criminalisation and the Presumption of Innocence," *The Journal of Political Philosophy* 21, no. 1 (2013): 44–66; Patrick Tomlin, "Could the Presumption of Innocence Protect the Guilty?," *Criminal Law and Philosophy* 8, no. 2 (2012): 431–47.

utterance, his tone of voice, his body language – that he understands both that he has committed a wrong and what the nature of his wrong is, that he is appropriately remorseful and that he is committed not to reoffend. The evidence is such that she can form a judgment as to whether his apologetic utterance has the requisite verdictive, commissive, and expressive dimensions. If she refuses to believe him, she fails to grant him the respect that she owes him as a rational and moral agent with testimonial authority as pertains to important facts about himself.

It might be objected that my account implies that we are always under a duty to believe others, and implausibly so: we are not (it seems) under a duty to the salesman who turns up on our doorstep to believe him when he praises the merits of his wares; we are not under a duty to the stranger on a plane to believe what she tells us about herself. At most, we are under a duty not to believe of them that they are lying, and we are thus morally permitted to remain agnostic. On this view, we are under a duty not to reject their apology, but this falls short of a duty to accept it.

I disagree. On the contrary, we are under a duty to take people at their word. Although remaining agnostic about someone's testimony is not as bad, other things equal, as disbelieving it altogether, it still is bad. Suppose that the stranger sitting next to me on a plane tells me with obvious pride that his daughter is pursuing a bachelor's degree in music at the Juilliard School and was playing in a concert the night before at the Carnegie Hall. My failing to believe him, even if I do not voice it – ('if you say so,' I shrug internally) – is tantamount to discounting his testimony. In the absence of any evidence to the effect that he is lying, I fail to treat him with the respect that he is owed as a person – and *a fortiori* so in the presence of evidence to the effect that he is telling the truth (for example, he seems to know quite a bit about the Juilliard, and I happen to know that Juilliard students sometimes perform at the Carnegie). So does Violet when she refuses to give Walter the benefit of the doubt.

To be sure, the epistemic threshold at which we are licensed not to believe others and the wrong we do them when we disbelieve them or merely remain agnostic vary depending on the context of our interactions with them and the seriousness of the wrongdoing. Violet does not owe it to Walter to believe *for sure* that he himself believes *for sure* that he committed a wrongdoing and fully understands why, that he is remorseful and that he is committed not to reoffend. Moral duties are subject to the "ought" implies "can" principle. We can never be fully sure of ourselves and of one another, and so to hold Violet under a moral duty to fulfill such a demanding doxastic requirement would be at odds with what we normally expect of one another when forming beliefs about one another. But to the extent that we are generally under doxastic duties to form

judgments on the balance of the evidence, it is not always overly demanding to impose on Violet a moral duty to do so.<sup>15</sup>

My argument implies that there is such a thing as a doxastic wrong – to wit, the wrong inherent in forming and holding or (as is the case here) failing to form and hold certain beliefs. Some people believe that there cannot be such a thing and would reject this paper's thesis on that basis. By that token, however, they would have to reject the duty to apologize in the first instance. For as we saw in s.2, one cannot be deemed properly to apologize unless one has formed the belief that one has committed a wrong and that one is capable of not reoffending (failing which it would be irrational to commit oneself not to reoffend). To say that wrongdoers are under a duty to apologize, then, is to say that they are under a duty to form those beliefs. If proponents of the doxastic wrongs objection are willing to concede (as they surely must) that to apologize is in part a doxastic act, then they must for consistency's sake reject not merely the duty to accept an apology but also the duty to apologize. This seems seriously counter-intuitive.<sup>16</sup>

Suppose, then, that Violet recognizes Walter's rational and moral agency, and forms the belief – as is her duty – that he does acknowledge his wrongdoing, is remorseful, and undertakes not to reoffend. The question now is whether she is also under a duty to him to communicate as much to him. I believe so. Suppose that she remains silent, even though she can easily tell

15 In ss. 5 and 6, we shall review cases in which, it might be thought, it would be overly demanding to expect Violet to form the requisite beliefs.

16 For recent and contrastive works on doxastic wrongs, see Rima Basu, "Can Beliefs Wrong?," *Philosophical Topics* 46, no. 1 (2018): 1–17; Rima Basu, "The wrongs of racist beliefs," *Philosophical Studies* 176, no. 9 (2019): 2497–515; Rima Basu, "What we epistemically owe to each other," *Philosophical Studies* 176, no. 4 (2019): 915–31; Rima Basu and Mark Schroeder, "Doxastic Wrangings," in *Pragmatic encroachment in epistemology*, ed. Brian Kim and Matthew McGrath (London: Routledge, 2018); Endre Begby, "The Epistemology of Prejudice," *Thought: A Journal of Philosophy* 2, no. 2 (2013): 90–99; Endre Begby, "Doxastic Morality: A Moderately Skeptical Perspective," *Philosophical Topics* 46, no. 1 (2018): 155–72; Endre Begby, *Prejudice – A Study in Non-Ideal Psychology* (Oxford: Oxford University Press, 2021); Renée Jorgensen Bolinger, "The rational impermissibility of accepting (some) racial generalizations," *Synthese* 197, no. 6 (2020): 2415–31; Cécile Fabre, "Doxastic Wrongs, Non-spurious Generalisations and Particularised Beliefs," *Proceedings of the Aristotelian Society* 122, no. 1 (2022): 47–49; James Fritz, "Moral Encroachment and Reasons of the Wrong Kind," *Philosophical Studies* 177, no. 10 (2019): 3051–70; James Fritz, "Pragmatic Encroachment and Moral Encroachment," *Pacific Philosophical Quarterly* 98, no. 1 (2017): 643–61; Sarah Moss, "Moral Encroachment," *Proceedings of the Aristotelian Society* 118, no. 2 (2018): 177–205; Mark Schroeder, "When Beliefs Wrong," *Philosophical Topics* 46, no. 1 (2018): 115–28; George Sher, "A Wild West of the Mind," *Australasian Journal Of Philosophy* 97, no. 3 (2019): 483–96; Angela M. Smith, "Guilty Thoughts," in *Morality and the Emotions*, ed. Carla Bagnoli (Oxford: Oxford: Oxford University Press, 2011).

Walter that she believes him. Outwardly, she treats him in exactly the same way as if he had not apologized. In so doing, she wrongs him, for relevantly similar reasons to why Walter would wrong her if he avoidably failed to tell her that he is sorry. The grounds for his duty to communicate to her that he is sorry, as we saw in s.2, lies in the importance of reassuring her that she always was worthy of respect. The grounds for *her* duty to communicate to him that she believes him lies in the importance of reassuring him that she sees him as a self-repudiating wrongdoer. Avoidable silence, in this and in many other contexts, breeds doubt. We all are, to varying degrees, vulnerable to being psychologically wounded not merely by other people's failure to grant us the respect that we are owed, but also by their failure to see and judge us, on the basis of our conduct, as the person we are. When Walter apologizes to Violet, and when Violet avoidably remains silent even though she believes him, she runs the risk that he will assume that she does not believe him and judges him as if he has not apologized. In so doing, she runs the risk of subjecting him to the wound of being unfairly treated. If we can spare others – even self-repudiating wrongdoers – from such harm, surely, we are under a (*pro tanto*) duty to do so.

Finally, as I noted in s.3, to accept an apology is not merely to form the requisite beliefs; it is also to behave towards the wrongdoer in recognition of the fact that one's relationship *vis-à-vis* him has changed. Given that Violet is under a duty to believe in Walter's sincerity and to communicate as much to him, she is under a duty to Walter not to claim more than what she is owed, such as further apologies for the wrong that he committed against her. She is also under a duty not to have her reactive attitudes towards him entirely colored by her anger and resentment. Furthermore, assuming for the sake of argument that she was morally permitted to discount his interests (at least up to a point) relative to her own interests and to the interests of third parties before he apologized, she must not continue to do so post apology merely on the grounds that he wronged her. Here is an example. I take it for granted that agents are under *pro tanto* duties of Good Samaritanism to those in need. This implies that they are under *pro tanto* duties to help people who have sustained injuries in a car accident and may not walk away without doing anything if there is no one else on the scene. Now, suppose that Walter has sustained minor cuts and bruises in the crash whereas Violet has emerged relatively unscathed, and that he will be seen to more quickly if Violet takes him to the pharmacy in her still-drivable car than if he has to call and wait for a taxi. Prior to Walter's apologizing, she is morally permitted to give greater priority to her interest in getting on with her life than to his interest in receiving treatment as soon as



possible.<sup>17</sup> However, once he has apologized, and in the absence of any further and independent reasons for driving off, she may not invoke the mere fact that he wronged her as a reason not to help him *as if he had not apologized*. To hold her under the aforementioned doxastic and communicative duties yet exempt her from those and related attitudinal duties would be inconsistent.

Note that on my account, it is a mistake to construe the acceptance of an apology as a way to bring the wrongdoer back into the moral community. In Luc Bovens' words, for example, 'in accepting an apology, the victim awards the offender the status of a moral equal *again*, that is, a subject to whom respect is due on grounds of his personhood.' However, precisely because the offender failed by the demands of morality and is appropriately held responsible for his failure, he never lost his claim to be treated with the respect owed to him as a person. By accepting his apology, the victim does not bestow on him something which, thanks to his apology, he is owed again as a person: she indicates that she sees him as a rational and moral agent (which he always was) who is now committed to abide by those demands (which he previously was not).<sup>18</sup>

Note too that the claim that Violet is under a duty to Walter to accept his apology implies that, should she be derelict in her duty and thus wrong him, *she* would owe him an apology. He, in turn, would be under a duty to accept it: if her utterance meets the requisite verdictive, commissive, and expressive conditions, he has no grounds for refusing to accept it. Of course, if he does, he owes her an apology for *that*, and if she refuses to accept it, she in turn ... etc. The prospect of infinite regress looms large – but it does not impugn the claim that Walter and Violet owe it to one another to apologize and to accept those apologies.

### 4.3 *Apologizing vs. Forgiving*

I have argued that Violet is under a duty to Walter to accept his apology. Does this imply that she is under a duty to forgive him? Conversely, if we can show

<sup>17</sup> There are limits to discounting: if Walter's injuries are serious, Violet is not permitted to drive away even if he has not apologized. At the very least, she must stay on the scene and call for an ambulance.

<sup>18</sup> Bovens, "Apologies," p. 233. To put my point in Stephen Darwall's terminology, a wrongdoer never loses the recognition respect owed to rational and moral agents. (Stephen L. Darwall, "Two Kinds of Respect," *Ethics* 88, no. 1 (1977): 36–49. Might we think, instead, that to accept the wrongdoer's apology is to grant him (again in Darwall's terminology) the appraisal respect which agents are owed by dint of excelling in the pursuits in which they engage, or displaying virtuous character? I doubt it: one has no claim to be granted appraisal respect merely for doing what morality demands of us – in this context, merely for fulfilling one's duty to apologize and, in so doing, for explicitly committing oneself not to do wrong.



that she is under a duty to forgive him, have we not thereby shown that she is under a duty to accept his apology? Those questions arise partly because apologies and forgiveness are often lumped together in the relevant literature (particularly the literature on reconciliation), partly for the related reason that usually (more often than not?), someone who forgives a wrongdoer also accepts their apology.

There are similarities between the acceptance of an apology and forgiveness. Both change the relationship between victims and wrongdoers. However, to accept someone's apology is not the same as forgiving him; and to say that there is a duty to accept an apology is not the same as, and does not imply a commitment to, a duty to forgive. Accounts of forgiveness roughly divide into 'affective' and 'normative' accounts. According to affective accounts, to forgive a wrongdoer is to forswear negative reactive attitudes towards him such as anger, outrage, resentment, and contempt (and to do so in the right way, i.e., not out of indifference or under the influence of mind-altering drugs). On the affective account of forgiveness, thus, to say that the victim is under a duty to forgive is to say that she is under a duty to let go of her negative attitudes. As suggested above, however, it seems that one can justifiably remain angry – at least a little bit – at the point at which one accepts the apology, without thereby nullifying one's acceptance. By implication, one can coherently hold that a victim is under a duty to accept the wrongdoer's apology (which need not imply that she is under a duty to let go of all of her anger) albeit not under a duty to forgive him (which would have that implication).<sup>19</sup>

On normative conceptions of forgiveness, to forgive a wrongdoer is to waive his reparative duties; moreover, once one has forgiven the wrongdoer, one is no longer morally permitted to continue to blame and resent him for what he did, and to discount his interests relative to the pre-wrongdoing baselines. In those respects, forgiveness is similar to accepting apologies. However, on the normative account, to say that a victim is under a duty to the wrongdoer to forgive him is to say that she is under a duty to him to exercise the normative power of

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19 For affective accounts of forgiveness, see, e.g., Lucy Allais, "Wiping the Slate Clean: The Heart of Forgiveness," *Philosophy & Public Affairs* 36, no. 1 (2008): 33–68; Charles L. Griswold, *Forgiveness – A Philosophical Exploration* (Cambridge: Cambridge University Press, 2007); Jean Hampton and Jeffrie G. Murphy, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988); Pamela Hieronymi, "Articulating an Uncompromising Forgiveness," *Philosophy and Phenomenological Research* 62, no. 3 (2001): 529–55. I am inclined to think that whereas it is possible to accept a wrongdoer's apology while entertaining some anger towards him, one cannot do so while at the same time regarding him with contempt – though one can accept his apology at  $t_2$  while still feeling contempt for the person he was at  $t_1$ .

(*inter alia*) waiving his reparative duties, *including* his duty to apologize. This is very different from the duty to accept an apology construed in its attitudinal dimension as a duty on the part of the victim to comport herself towards the wrongdoer in recognition of the fact that her normative relationship to him *has changed in the light of the apology*: in this case, there is no normative power to exercise.<sup>20</sup>

Finally, on both accounts, one can coherently forgive another person even if one does not believe in his apologetic sincerity, indeed even if he has not offered an apology in the first instance. One may also be coherently held under a duty to do so – for example on the view that one can be under a duty to forgive the dead even though the latter did not apologize while alive. Forgiveness can be a one-way street, whereas the acceptance of an apology requires that wrongdoers should pass each other on the road.<sup>21</sup>

## 5 Hard Cases

My recurrent case is a relatively easy one: Walter has not wronged Violet before; he is sincere; and his wrongdoing, though fairly serious, is not the worst one can possibly inflict on another person. In this section, I address three hard cases: repeat wrongdoers; insincere wrongdoers; evil wrongdoers. Each case, it might be claimed, lies beyond the scope of the duty to accept, even if there is such a duty in the relatively easy case under discussion so far. I show that there still is a duty of acceptance in at least some of those cases.<sup>22</sup>

20 For powerful defenses of the normative account, see Christopher Bennett, “The Alteration Thesis: Forgiveness as a Normative Power,” *Philosophy & Public Affairs* 46, no. 2 (2018): 207–33; Bennett, “What Goes On When We Apologise?”; Brandon Warmke, “The Normative Significance of Forgiveness,” *Australasian Journal of Philosophy* 94, no. 4 (2016): 687–703.

21 See also Glen Pettigrove, “Unapologetic Forgiveness,” *American Philosophical Quarterly* 41, no. 3 (2004): 187–204 and Bovens, “Apologies,” p. 234. This view is compatible with the thought that to apologize is to seek forgiveness (see, e.g., Nicholas Tavuchis, *Mea Culpa – A Sociology of Apology and Reconciliation* (Stanford: Stanford University Press, 1991), esp. ch. 1.) That thought seems too strong: while apologizing often has that feature, it need not do so. For the view that one must not forgive a wrongdoer who has not apologized, on the grounds that this is tantamount to condoning his wrongdoing, see Aurel Kolnai, “Forgiveness,” *Proceedings of the Aristotelian Society* 74 (1973): 91–106, p. 97. For an open-ended discussion of the relationship between the two, see Smith, *I Was Wrong – The Meaning of Apologies*, pp. 138–142.

22 I do not claim to be exhaustive: there may be other hard cases, treatment of which might lead to further refinements.

### 5.1 *Repeat Wrongdoers*

I have assumed that Walter is sincere, and that Violet is not epistemically justified in disbelieving him. Now suppose that Violet learns that Walter is a habitually careless driver who has already caused a couple of accidents. On the face of it, she has reasons to doubt that he is genuinely committed not to reoffend. Does she owe it to him to accept his apology?

Let us suppose that he genuinely recognizes that he committed a wrong and that he is genuinely remorseful. Let us further suppose that at the point at which he speaks the words ‘I am sorry,’ he is making a genuine commitment not to reoffend, which in turn presupposes that he genuinely believes that he is able and willing not to reoffend. We must distinguish between two cases. In the first case, his belief in his ability and willingness not to reoffend is not justified by the evidence at his disposal. Given that he is not in fact apologizing, *and* that the evidence at Violet’s disposal also suggests as much, she is not under a duty to him to accept his apology.

In the second case, his belief is justified by the evidence at his disposal. However, the evidence at Violet’s disposal is such that *she* is not epistemically justified in forming the belief that Walter’s utterance meets the commissive conditions for an apology: on the contrary, she is epistemically justified in not believing him. It might seem, then, that she does not wrong him if she turns down his apology *on the grounds that she does not believe in the sincerity of his commitment* – though she would wrong him if she so reacted out of sheer prejudice.

But perhaps this is too quick. For on Derek Parfit’s seminal account of the conditions under which one commits a wrong, matters are not so simple. As is well-known, Parfit urges us to distinguish between evidence-relative wrongdoing and fact-relative wrongdoing. Suppose that someone is knocking on my door. The evidence at my disposal tells me that this person is a murderer out to kill me. I am evidence-permitted to kill him in self-defense; but if, as a matter of fact, he is a stranger in need of help, I am fact-relatively prohibited from killing him. In the language of duties, I am not under an evidence-relative duty not to kill him, but I am under a fact-relative duty not to do so. If Parfit’s account is correct, and *if* it applies to doxastic wrongs, then by parity of reasoning, Violet is not under an evidence-relative duty to believe Walter and, by implication, to accept his apology; but if the facts are such that her belief that Walter’s commitment not to reoffend is not genuine is false, there is a sense in which she commits a fact-relative wrong by disbelieving him and by rejecting his apology. Whether she wrongs *him*, as distinct from committing a (undirected) wrong, is a further question. If she does, it seems that the reason she does so is not properly captured by the Kantian account which I offered

in s. 4. On that account, Violet's wrongdoing to Walter consists in a failure to believe him in the light of the evidence at her disposal. Given that, in the case under consideration here, the evidence unimpeachably suggests that Walter's commitment not to reoffend is not genuine, the claim that Violet wrongs him must be vindicated – if it can – on some other grounds.<sup>23</sup>

### 5.2 *Insincere Wrongdoers*

Let us now suppose that Walter is lying through his teeth: he does not in fact accept he committed a wrong, and/or has no intention whatsoever of changing his driving habits. However, the evidence – the content of his utterance, his tone of voice, his body language, etc. – unambiguously points to his sincerity. As we saw in s.2, sincerity is a necessary condition for Walter's utterance to count as an apology. Given that he is not sincere, Walter is not in fact apologizing. Since no apology has been issued, Violet is not under a fact-relative duty to accept it. However, insofar as *ex hypothesi* the evidence points to Walter's sincerity, it seems in the light of my treatment of the case of repeat wrongdoers together with my Kantian defence of the duty in one-off cases that Violet is under an evidence-related duty to him to believe him and thus to accept what she thinks is, though in fact is not, an apology.

However, we should resist this conclusion. Given that Walter is deliberately and culpably distorting the evidence on the basis of which Violet forms her belief as to his sincerity, she is not under a duty to him to consider his utterance in the light of such evidence. To be sure, she is not off the moral hook altogether. In particular, she is under a duty to him not to interpret the evidence

23 Derek Parfit, *On What Matters vol. 1* (Oxford: Oxford University Press, 2011), pp. 150–162. (Thanks to A. Taylor for raising the problem of repeat wrongdoers.) Three points. First, whether Walter *will in fact* reoffend is irrelevant: what matters, for ascertaining whether Violet commits a fact-relative wrong by disbelieving him, is whether he is making a genuine commitment not to reoffend. This should not trouble us: a wrongdoer can be aptly described as making a strong, sincerely felt, and robust commitment not to  $\phi$  at time  $t_1$  even though it turns out that he will  $\phi$  at  $t_2$ . Second, it does not follow from the claim that Violet fact-relatively wrongs Walter (if she does) that she owes him an apology for that. Insofar as she is evidence-relatively justified in rejecting his apology, she is not culpable for wronging him. Whether she is under a duty of acceptance to him depends on whether, in general, non-culpable wrongdoers owe it to their victim to apologize to them. For lack of space, I leave that question unresolved. Third, and more far-reachingly, the case of repeat offenders as I discuss it here raises the interesting question of whether Parfit's important distinction between fact-relative and evidence-relative wrongdoing, which is meant first and foremost to apply to practical duties, also applies to moral duties in respect of beliefs. Perhaps it does not. If so, Violet commits no wrong when she turns down Walter's apology ~~on~~ even though she is mistaken, as a matter of fact, when she does not believe him. I must leave that question aside too.

that he presents her through (e.g.) the distorting lenses of her own prejudices. But although Walter has a claim not to be disbelieved and not to be censored for committing the wrongdoing of lying on grounds which are not relevant, *a fortiori* on grounds which themselves imply a denial of fundamental respect, he does not have a claim against Violet that she should regard his mendacious evidence as corroborative simply by dint of the fact that it is his evidence.<sup>24</sup>

### 5.3 *Evil Wrongdoers*

The case of insincere wrongdoers is one in which there is, in fact, no apology. So is the case of evil wrongdoers – at least on some accounts, for example as offered by Albert Speer. Speer, the Third Reich's Minister for Armaments and War Production, pleaded guilty at the Nuremberg Trials. Not only did he not attempt to justify or excuse himself: on the contrary, he averred that 'no apologies are possible' for those crimes.<sup>25</sup> If an apology cannot be given in such cases, then there clearly is no duty (be it fact-relative or evidence-relative) to accept it.

The point is not that someone who commits such a crime is necessarily incapable of apologizing in the sense that he is incapable of remorse, of the self-control needed not to reoffend, and of the ability to understand what he did wrong and why. Rather, the point is that even if he is capable in that sense of apologizing, his apologetic utterance cannot ever be commensurate to the magnitude of the wrong and therefore cannot have the illocutionary effect of showing him in that light.

I am not persuaded. As I noted in s.4.3, someone who forgives a wrongdoer often also and thereby accepts their apology. We know of cases in which victims of unspeakable wrongs, such as suffered in the Holocaust or under the Apartheid regime in South Africa, have forgiven the perpetrators of those wrongs, and in terms such as to suggest that they have also accepted their apologies. In such cases, then, the perpetrators' utterances have had the requisite illocutionary (and for that matter perlocutionary) force. If so, then it is not the case that evil wrongs *by their nature* make the apology impossible.

That said, it does not follow that, even in such cases, victims are under a duty to accept the apology. Indeed, as we shall now see, they often are not.

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24 If my argument is correct, it points to an interesting feature of evidence-relative duties, namely that whether someone is owed an evidence-relative duty when the evidence is misleading depends on, *inter alia*, whether they are responsible for presenting such evidence and whether their aim in so presenting it is to make it more likely that they will get that to which they are not, in fact, entitled.

25 Tavuchis, *Mea Culpa*, p. 21.

## 6 The 'Clean-Break' Objection

In s.5, I considered cases in which, it might be objected, there is no duty of acceptance. As we saw, the objection only sometimes holds; and even when there is no duty of acceptance, the victim is not always off the moral hook.

In this section, I address the more radical objection that victims do not owe it to wrongdoers, *qua* wrongdoers, to engage in *any* kind of reparative encounter but, on the contrary, are morally permitted to make a wholly clean break of it. If the objection is correct, then Violet does not owe it to Walter to accept his apology even in the simple case.

This objection is one that I have often encountered in discussions of this paper.<sup>26</sup> It goes something like this. Walter has manifested utter disregard for Violet's interests. Even if Violet has every reason to believe that he is sincere and even if her belief is correct, she does not owe it to him to participate in his reparative enterprise – as she would have to do were she to listen to his utterance and pay attention to the way he communicates his admission of wrongdoing, commitment not to reoffend, and expressions of remorse and shame. The objection is particularly powerful, its proponents aver, the more grievous the wrong. In general, but in cases of grievous wrongs particularly so, it seems perverse that the commission of a wrongdoing should confer on the perpetrator a claim against his victim.<sup>27</sup>

I agree that victims are not under a duty to wrongdoers in general, and *a fortiori* to perpetrators of grievous wrongs, to accept all and any of the latter's reparative measures – notably reparative payments. Furthermore, victims do not owe it to wrongdoers not to waive the latter's duty to apologize to them. Suppose that, following the crash, Violet gets up gingerly and says to an obviously upset Walter, before he has time to say anything, 'it's fine, leave it, I don't need your apology.' Even if he really wants to apologize, it seems that she does not wrong him.

That being said, she is still subject to moral constraints *qua* victim. In particular, whether she may waive his duty without wronging him depends on her reasons for doing so. Thus, if she refuses to hear him out on the grounds that she has already decided without considering the evidence at her disposal that he cannot possibly be sincere or properly understand the wrong he did to her,

<sup>26</sup> I am grateful to the members of the Nuffield Political Theory Workshop, the Berkeley Law and Philosophy Reading Group and the USC seminar on Conceptual Foundations of Conflict Project for such discussions.

<sup>27</sup> The objection is even more powerful in cases in which a victim is repeatedly subjected to the same kind of wrongdoing at the hands of different people – such as victims of repeated acts of sexual harassment or of racist slurs. Thanks to A. Mullin for the point.

then by the lights of the Kantian argument, she does wrong him. Moreover, she may not waive his duty *and yet* at the same time conduct herself towards him as if their normative situation has not changed. For her to continue to condemn him and thus to treat him as an unrepentant wrongdoer without giving him a chance to apologize, indeed having communicated to him that he need not do so, would be unfair, and thereby wrong ~~vis-à-vis~~ him.

Conversely, if she explicitly demands his apology and if his utterance meets the requisite conditions of an apology, she is under a duty to accept it: in this case too it would be unfair of her to treat him as if he had not apologized.

Suppose, finally, that Violet neither waives nor demands Walter's performance of his apologetic duty, and that Walter (genuinely) apologizes anyway. In this case too she is under a duty of acceptance. She is not exempt of any and all moral duty in respect of the beliefs which she holds and forms about Walter. If failing to fulfill one's doxastic duty can in principle wrong the subject of that belief (as I suggested in s.4.2 that it does), then under the relevant circumstances Walter has a claim that Violet should form the correct beliefs about him and communicate as much to him – here, the beliefs that he admits to have committed a wrong, is committed not to reoffend, and has the appropriate reactive attitude. He also has a claim that she should recognize that their normative situation *has* changed in the light of his apology, and that she should comport herself accordingly. Otherwise, it is hard to see why he would be under a duty to her to apologize in the first instance. If an apology is to be normatively meaningful (as it surely must be), it calls for (and does not merely welcome) a fitting response on the part of the victim. If it is not normatively meaningful, then wrongdoers are off the apologetic hook. This seems too high a moral price to pay.

What grounds Violet's duty to Walter, then, is not the fact that he wronged her: it is the fact that he has apologized. That being said, some readers might press a deeper worry against the claim that Violet owes him a duty to accept his apology, namely that it is unduly burdensome to hold victims under a duty to engage with wrongdoers. Some victims would rather forget this part of their past and move on; or they would rather come to terms with the wrong which they suffered entirely independently of what the wrongdoer might or might not tell them; indeed, in cases of evil wrongs, a victim cannot reasonably be expected to believe that her tormentor's apologetic utterance meets the conditions of an apology; even if she does form that belief, she cannot reasonably be expected to communicate as much, directly or indirectly, to him.

I am sympathetic to this view – which is one of the reasons why victims, on my account, may waive wrongdoers' duty to apologize. Duties to  $\phi$  are subject to a no-undue costs proviso: sometimes, the cost to the agent of  $\phi$ -ing is so



high that she may not reasonably be expected to  $\phi$ . In particular, the victim of a grievous wrong (one moreover for which there is no excuse) may not reasonably be expected to engage in the cognitive and emotionally draining labor of attending to his apology; nor may she be reasonably expected to stifle any of her justified anger, or indeed contempt, towards him. However – and this is crucial – note that even if, at the bar of the proviso, Violet is not under a duty to Walter to accept his apology, one can imagine a case in which the victim of a wrong – including a serious one – remains able to form the requisite belief and is not someone for whom it would be unreasonably costly so to communicate to the wrongdoer. If the costs fall within a reasonableness threshold (which threshold, in turn, is set by reference to the seriousness of the wrong, the victim's circumstances, etc.), she can be held under a duty to the wrongdoer to accept his apology.

The argument I am mooting here raises an interesting question. In some cases, notably of grievous wrongdoings, the wrongdoer is epistemically justified in believing that the costs would be too high, and thus *ought* not to apologize but rather ought to wait until such time as he thinks that the victim is able to attend to the apology – in awareness of the fact that the time might never come. Suppose however that he does what he ought not to do on the balance of the evidence and apologizes. Now that the victim has received the apology, does she owe it to him to accept it? If, as a matter of fact, the costs of doing so would not be too high (such that the wrongdoer though epistemically justified in believing otherwise was not in fact correct), I am inclined to say so. If the costs would be too high, then 'no.'<sup>28</sup>

## 7 Conclusion

In this paper, I have argued that at the bar of the Kantian requirement of respect for persons, victims are under a moral duty to apologetic wrongdoers to form the belief that the apologetic utterance or gesture has the requisite veridictive, commissive, and expressive dimensions; to communicate as much to him; and to recognize that the issuing of the apology changes their normative relationship with the wrongdoer, and to comport themselves accordingly. As we saw, however, the point does not hold for insincere wrongdoers, and holds only partly for repeat and evil wrongdoers. Even so, reparative justice makes demands not just on wrongdoers, but on victims too.

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<sup>28</sup> Thanks to M. Gerver for prompting me to think about this case.

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# AUTHOR QUERIES

NO QUERIES