



Public Apologies: A Combined Perspective

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Discourses on differing conceptions of justice frequently presuppose that retributive justice and restorative justice are mutually exclusive in their applicability. Given this divide, it is not surprising that there is considerable debate concerning the conception of justice that obtains in a successful public apology. This paper defends the position that, as it relates to a public apology, one specific understanding of restorative justice — namely, Elizabeth Kiss's — and another specific understanding of retributive justice — namely, Jean Hampton's — can actually obtain together in a single act. As a paradigm case for such an apology, this paper will consider Willy Brandt's Kniefall.

I

There seems to be considerable debate in the philosophical literature about the nature of public apologies as it relates to certain conceptions of justice. In her work entitled “Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice,” Elizabeth Kiss suggests that successful public apologies support her conception of restorative justice, in that they act as a morally ambitious alternative to retributive justice.¹ However, there are

1. Elizabeth Kiss, “Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice,” in *Truth v. Justice: The*

others — like Hampton — who claim that rather than being an alternative to retributive justice, apologies are essentially retributive (in her understanding of the term) in that the wrongdoer is demanded to “make amends.”² This of course raises the question of which conception, Kiss’s restorative justice or Hampton’s retributive justice, is the fuller or more complete conception of what is achievable in a successful public apology. To my mind, the answer to this question is that in *some* public apologies, it is quite possible for *both* Hampton’s retributive justice *and* Kiss’s restorative justice to obtain together. In this essay, I will defend this compatibilist position in order to bring a deeper appreciation for what can occur in a successful public apology and will pave the way for criteria defining successful instances of such apologies based on this philosophical terrain.

As a framework for this essay, I will first present a working definition of private and public apologies, as well as state Hampton’s account of retributive and Kiss’s account of restorative justice. Then I will look at the conceptual structure of both Hampton’s and Kiss’s conceptions of justice and argue that they are not necessarily mutually exclusive. From there, I will demonstrate how some public apologies are able to achieve Hampton’s retributive justice. Next, I will try to show how these public apologies can also achieve, at the same time, a level of Kiss’s restorative justice. Finally, I will address the question of how these kinds of apologies

Morality of Truth Commissions, ed. Robert I. Rotberg & Dennis Thompson, 71 (Princeton: Princeton University Press, 2000).

2. Jean Hampton, “Correcting Harms Versus Righting Wrongs: the Goal of Retribution,” *UCLA Law Review* 39, no. 6 (August 1992): 1697.

respond to criticisms applied against them. To support my thesis, I will be using Willy Brandt's *Kniefall* (his particular act of genuflection as an expression of penance) as a paradigm case.

II

First, I wish to look at the *bare minimum* notion of an apology so that I may leave room for the prospect of an apology being unsuccessful. I will look at apologies in two spheres, a private sphere and a public sphere, using the former to serve as a basis of comparison for the latter. To serve as a working definition for what counts as a private apology, I envision a relatively small-scale, interpersonal exchange whereby a wrongdoer — or relatively small group of wrongdoers — communicate to the wronged regret for a wrong action that the wrongdoer(s) committed. Apologies are *private* in that they are usually narrow in scope and are rarely meant to be witnessed by more than the few who were directly involved. For example, consider the instance of a CEO sending an unofficial memo to a specific department and expressing regret for a decision on her part that adversely affected them. In this case, although the scope is wider than the typical example of an apology by one person to another, this apology is private because it is still sufficiently small in scale to forego the attention of the entire community of moral agents.

By contrast, I take public apologies (and thus the focus of this paper) to refer to larger, official exchanges whereby a nation or group or representative of these communicates to another group or nation or representative of these, at the

very least, acknowledgement of the wrong committed.³ These wrongs are characteristically larger in scope in terms of those affected than that of private apologies and therefore *do* demand the attention of the moral community as a whole. As such, their intended scope is the wider community; the apology is seen as a way to re-establish the legitimacy of the rules broken and to reconcile the wrongdoers back to the moral community. In these cases, those wronged can be symbolic of a whole group of people or whole nation, or they can be represented by others.⁴ Examples include Willy Brandt's Kniefall, which as a *silent* act of humility, internationally reaffirmed peace and friendship.⁵

For the purposes of this paper, retribution will be understood in Jean Hampton's terms. According to Hampton, retribution is "a response to a wrong that is intended to vindicate the value of the victim denied by the wrongdoer's action through the construction of an event that not only repudiates the action's message of superiority over the victim but does so in a way that confirms them as equal by virtue of their humanity."⁶ In this regard,

3. Marguerite La Caze, "The Asymmetry between Apology and Forgiveness," *Contemporary Political Theory* 5, no. 4 (November 1, 2006): 450.

4. Michael R. Marrus, *Official Apologies and the Quest for Historical Justice*, *Controversies in Global Politics & Societies* (Toronto: Munk Centre for International Studies, 2006), 11.

5. John Borneman, "Public Apologies as Performative Redress," *SAIS Review* 25, no. 2 (Summer/Fall 2005): 54–55. Brandt's Kniefall was a spontaneous gesture of humility that took place on December 7, 1970, when he visited a monument to the Warsaw Ghetto Uprising. After laying a wreath at the monument, Brandt knelt to commemorate all the lives taken there during the Nazi regime.

6. Hampton, "Correcting Harms," 1686.

retribution tries to ensure mutual respect for value by responding to wrongs in a way that renews the victim's proper understanding of their worth, by countering the "message of superiority" done by the perpetrator's action; this results in their being placed on an equal footing. Commonly, retribution finds expression in punishment, whereby an authority, like the state, counters the immoral message by lowering or humbling the wrongdoer through the imposition of proportional pain. Such retribution cancels the effects or evidence of the immoral message of the perpetrator and vindicates the victim's value.⁷

This proportionality, articulated in the formal legal principle of *lex talionis*, is important morally, for, if the wrongdoer is served a disproportionately lenient response to her crime, it might be said that she "got away with it," or it likely will be thought that the state does not consider such actions to be reprehensible. Conversely, if a wrongdoer is given a disproportionately harsh response, the wrongdoer could be considered the wronged, since, despite her wrongdoing, she would be coerced to carry a burden that is more than what is rightfully hers to carry. In imposing this illegitimate burden onto her, the punishment violates her rights, and commits an act that is morally unacceptable to redress the wrong that she committed.⁸

I have decided to utilize Hampton's conception of retribution because she provides the most complete view

7. *Ibid.*, 1686–7.

8. *Ibid.*, 1690–1691. It is important to note, however, that Hampton does not endorse *lex talionis*, as such, but does hold to a kind of *lex talionis* that limits the kind of punishment inflicted to those that will in no way demean the value of wrongdoer below the level of humanity (Murphy and Hampton, *Forgiveness and Mercy*, 133–7).

of retribution in all its manifestations. Although much of Hampton's thoughts on retribution have specific application in the legal sphere of punishment, Hampton notes that this is not the only place where retribution exists; it is applicable in the non-legal sphere as well as in the non-punitive sphere.⁹ Hampton also acknowledges the indirect capabilities or retribution in moral education.¹⁰ Other authors like Christopher Bennett, J. L. Mackie, and Michael Moore simply fail to offer a view of retribution that is applicable to such a broad scope of cases and, therefore, fail to recognize retributive elements in certain non-traditional forms where its presence is valuable (for example, as I hope to show, the apology).¹¹ I will soon return and add this conception of retribution in my

9. *Ibid.*, 1693, 1694.

10. Jean Hampton, "The Message of Punishment," from "The Moral Education Theory of Punishment," in *What is Justice?: Classic and Contemporary Readings*, 2nd ed., ed. Robert C. Solomon and Mark C. Murphy, 245–251 (Oxford: Oxford University Press, 2000). It is important to note that, at the time this work was written, Hampton believed that moral education was the only purpose in punishment. She, however, later gave up that view and instead held that "denying the false claim of relative value" was the ultimate goal (Murphy and Hampton, *Forgiveness and Mercy*, 133). However, having said that, she is still able to assert that moral education can still have a residual effect in punishment despite the fact that it does not play a primary role (Hampton, "Correcting Harms," 1659; see her second note).

11. Christopher Bennett, "The Varieties of Retributive Experience," *The Philosophical Quarterly* 52, no. 207 (April 2002): 145–163. See also J. L. Mackie, "Morality and the Retributive Emotions," *Criminal Justice Ethics* 1 (Winter/Spring 1982): 3–9 and Michael Moore, "A Defense of the Retributivist View," from "The Moral Worth of Retribution" (1987) in *What is Justice?: Classic and Contemporary Readings*, 2nd ed., ed. Robert C. Solomon and Mark C. Murphy, 236–245 (Oxford: Oxford University Press, 2000).

examination of its compatibility to Kiss's idea of restorative justice.

For the purposes of this essay, restorative justice will be understood in Elizabeth Kiss's terms, as a commitment to four principles: "(1) to affirm and restore the dignity of those whose human rights have been violated; (2) to hold perpetrators accountable, emphasizing the harm that they have done to individual human beings; and (3) to create social conditions in which human rights will be respected ... [and; (4) a] commitment to reconciliation."¹² According to Kiss, this commitment to reconciliation is the key factor that distinguishes her version of restorative justice from retribution and is therefore what I must demonstrate is congruent, if my thesis will stand.

III

I will now demonstrate that, while there are understandable conflicts of commitment between these two conceptions of justice, both forms of justice as articulated by Kiss and Hampton respectively are at least potentially compatible in a specific range of cases. I will take as my example the practice of public apologies and will demonstrate that these can exemplify the principles of Hampton's retributive justice *and* Kiss's restorative justice. As one analyzes the definitions presented, it might be easy to conceive of them as, in some way, mutually exclusive. It would seem strange to argue, for example, that it is a moral obligation to seek proportional retribution, while at the same time arguing for an obligation to show the "softer" traits in restorative justice. However, I believe that

12. Kiss, "Moral Ambition," 79. (Square brackets added).

this present understanding of retribution is incomplete and that it may be possible, on closer inspection, to realize that Hampton's proportional retribution and Kiss's reconciliatory restoration are not incompatible. As an indication of this fact, I take Hampton's suggestion that retribution need not only be a punitive response delivered by the state, but also can come via individual agents or groups that inflict non-legal retributive responses on one another when appropriate.¹³ To illustrate this form of retribution consider practices of child discipline within families or the case in which, after telling a crude joke about a girl being in the shower, the boy who contrived the story was drawn, by the girl, to an eye washer in a science class and sprayed in front of the whole class. Here the response fits with the crime, and the boy who humiliated the girl by spreading the story about her is humiliated in turn.

In addition to non-legal responses, Hampton also argues for the recognition of non-punitive retributive responses, whereby the wrongdoer faces a humbling experience to reassert the value of the victim, *not* by means of pain or punishment, but by means of other actions that confer humility to the wrongdoer. Hampton suggests that a wrongdoer can sometimes even receive gracious treatment in response to a wrong and, by so doing, humble the wrongdoer into shame and regret. This is done by letting the wrongdoer see a good deed in relation to his or her wrongdoing. To illustrate this, Hampton cites Romans 12:20 where Paul encourages returning good actions for evil, for when this is done we "heap burning coals on

13. Hampton, "Correcting Harms," 1693.

someone's head."¹⁴ Now it may be argued that these forms of retribution are problematic in that they are not proportional to the crime. How can non-punitive responses properly be retributive if they do not deal proportionally with the wrong?

I think this objection underestimates just how powerful an act of grace can be in humbling a person to the extent to which it is *like* painfully punishing the individual. According to Hampton, punishment serves to humble the wrongdoer to counter the false message of superiority over the victim. Punishment is proportional when it effectively serves to humble the wrongdoer, no more and no less, to a point of equality thereby annulling the *false evidence of superiority implied by the crime*.¹⁵ To this end, Hampton argues that although pain is an effective medium of humility in that it can "symbolize the idea that the wrongdoer is not one's superior," pain need not be the only means to achieve these ends.¹⁶ This suggests that in some cases, another medium can be used — one that need not be so negative. I argue that, in some cases, an act of grace may also serve this purpose in accordance with the moral demands of proportionality.

14. *Ibid.*, 1695.

15. Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy*, (Cambridge: Cambridge University Press, 1988), 131, 142–3.

16. *Ibid.*, 143. Here, Hampton allows for some cases, where non-coercive forms of retribution are used to establish moral value. I think it is this point that takes much of the rhetorical force out of the arguments posed by some of Hampton's critics, who claim that Hampton's theory of punishment relies on the "offensive premise" that coercive use of force is all that is required as evidence for moral value; cf. H. J. Gert, L. Radzik, and M. Hand, "Hampton on the Expressive Power of Punishment," *Journal of Social Philosophy* 35, no. 1 (Spring 2004): 86.

Consider an example that I experienced with my father many years ago. During a rebellious period of my life, my father and I had been arguing, and I had disrespected him greatly. One night when the conflict was especially heated, he, noticing that I was hungry, prepared a meal for me. That was the single worst meal of my life! I could not shake the fact that, although I had mistreated him, he still cared enough to not let me go to bed hungry. During that meal, I saw my wrongdoing in light of his kindness and I was, as Hampton says, “chastened, just as surely as if [I] had been punished.”¹⁷ That night proved to be a turning point both in my life, and in my relationship with my father. The apology that resulted achieved a sufficient humbling outcome that annulled my wrong and restored my father and I to a proper standing in relation to one another.

In understanding retribution in this way, we can also see non-punitive retribution as a way to vindicate the value of the victim through requiring the wrongdoer to make amends. Often times, people think that making amends is a function of restorative justice rather than retributive justice; however, Hampton contends that

the demand for a wrongdoer to “make amends” to his victim is a retributive idea, arising from the retributive claim that repairing diminishment requires, among other things, repairing the wrongdoer’s damage to the victim’s entitlements (generated by their value). A punishment can have built into it actions or services that

17. Hampton, “Correcting Harms,” 1695.

constitute such amends; otherwise, these amends can be conceived as separate from the punishment, for example understood as restitution or as a civil remedy, in which case the retributive response would have to be understood as including not only the punishment ... but also these remedies.¹⁸

Hampton attributes the demand for amends *to* retribution by saying that such demands extend from the need to annul the diminishment that occurred to the victim's sense of worth because of the wrongdoer's actions. A retributive response may address this diminishment as part of a punishment, or in such a way that includes *both* punishment *and* restoration as separate entities conjoined in a single retributive act. Surely, this was the case in the example I gave about my father and I: Not only did I feel as though I had been punished, but I was also required (by my mother) to get in the habit of treating my father with the respect that he deserved. I think this conception of retribution lends important insight into the reality of mutual interaction of retribution and restoration because we can see it manifest itself in common everyday interactions. Ordinary people, not just the state, inflict retribution that humble the wrongdoer in a variety of forms and may demand, at the same time and in the same act, some form of restoration.

Once seen in this light, Hampton's theory of retribution may begin to seem compatible with Kiss's notion of restorative justice. Kiss herself admits that as it concerns her first three commitments, "all of these features are

18. *Ibid.*, 1697.

perfectly compatible with retributive justice.”¹⁹ However, as it concerns her final commitment, that of reconciliation, she suggests that it is the commitment upon which *the* real tension exists. She says, “while retributive justice demands that the guilty be punished, restorative justice ... ‘is concerned not so much with punishment as with correcting imbalances, restoring broken relationships – with healing, harmony and reconciliation.’ Thus, a key defining element of restorative justice is its privileging of reconciliation over retribution.”²⁰ If I understand the implications of this idea to Hampton’s thought, this means that, insofar as one is committed to restorative justice and reconciliation, one would not, given appropriate circumstances, choose to also embrace retributive justice even when it is possible. Kiss goes on to justify this position by saying, “proponents of restorative justice tend to privilege forgiveness or reconciliation over punishment, to emphasize the humanity of both victim and offender, and to seek personal and institutional transformation ahead of retribution.”²¹ Thus, it would seem to me that, in the interest of valuing the equality of both parties, and to bring about a just state of affairs for people and society, the proponent of restorative justice would refrain from using any kind of retributive response.

However, one should note that, although Kiss does refer to Hampton in her article, Kiss is not working with Hampton’s notion of retributive justice as a basis for comparison. Given this, Kiss mistakenly assumes that retribution necessarily excludes reconciliation, and she is unsympathetic to the “humanity” and the

19. Kiss, “Moral Ambition,” 79.

20. Ibid.

21. Ibid., 80.

“transformation” that restorative justice seeks to privilege. However, it does not appear that this assumption holds. Insofar that one accepts Hampton’s idea of retribution generally, and non-punitive retributive responses more specifically, one will see no problem in accepting that Hampton’s retributivism is sympathetic to the humanity of both parties and does not exclude reconciliation. According to Hampton, retribution is the demand of morality to correct the false message of superiority implied in a wrongdoer’s action. Reconciliation, on the other hand, involves, after the dropping of bitter emotions, a pro-attitude or a reconciliatory disposition on the part of the victims towards the wrongdoer. Given this separation, a victim may demand retribution to vindicate one’s value while still offering forgiveness and reconciliation to the offender.²² In this way, therefore, Hampton’s notion of retribution and Kiss’s notion of restorative justice are compatible.

IV

I will now demonstrate how some public apologies are able to achieve this dual function. To do this, I will begin with an exposition of Hampton’s theory of retribution in private apologies. According to Hampton, the most prevalent form of *non-punitive retributive* response that occurs among individuals is the one that individuals often inflict upon themselves when they are guilty of wrongdoing – apologies.²³ Hampton says that when a wrongdoer apologizes, he or she does two things: First,

22. Murphy and Hampton, *Forgiveness and Mercy*, 157, 85–86.

23. Hampton, “Correcting Harms,” 1697.

one humbles him or herself before the wronged and thereby counters the message of the act both in terms of the diminishment caused to the victim and in terms of the apparent elevation implied in the act. Second, one tries to “make it up” or repair the damage that the act had on the victim. If done successfully, these measures will cancel the evidence of injury caused and make reconciliation possible.²⁴

Using this as a base, one can see that, at least as it relates to private apologies, Hampton sees all apologies as essentially retributive in nature. This seems plausible to me — that many successful *private* apologies in fact align themselves to this model. Typically, in such apologies a *self-directed retributive response* is displayed chiefly in the wrongdoer’s expression of humility or in his or her authenticity in “making it up.” This is expressed either in the words he or she uses to describe what has happened — by his or her saying, “I’m sorry,” “I was wrong,” “I shouldn’t have done what I did”; or it may be expressed in silent displays of authentic humility. It also may tangibly manifest in the actions he or she takes to make amends and repay for the wrong committed. Once the victim recognizes the wrongdoer as bringing himself or herself low in an authentic and sufficient manner, the wronged individual can recognize this as an act of repentance, and, with the victim’s value reaffirmed, the private apology can be said to have achieved its retributive purpose.

In applying Hampton’s non-punitive retributive idea to *public* apologies, Borneman says: “[a]pologies are a form of performative redress that link the fate of the wrongdoers and the victim in a public event, which seeks to *defeat the*

24. *Ibid.*, 1698.

*wrongdoer's claim to mastery over the victim....[S]uch public events that acknowledge the wrong, confirm the victim and wrongdoer 'as equal by virtue of their humanity.'"*²⁵ Thus, the key issue in a public apology, as Borneman sees it, is whether proportionality is achievable in the self-inflicted, non-punitive retributive response of the one apologizing. For only in achieving proportionality is the annulling of the wrong possible, especially as it concerns apologies directed to the moral community at large for *past* wrongs — as it would in a public apology. The retributive response must often take on a much more symbolic role, as the person doing the apologizing may not have been involved in committing the wrong but is merely representing one, or others who did.

The most famous example of such a public apology is West German Chancellor Willy Brandt's *Kniefall*, his action of kneeling in remembrance of Jewish victims at the Warsaw memorial in Poland. In trying to express adequately the magnitude of what occurred at the Warsaw ghetto, Brandt felt compelled to make some kind of gesture that would in some way redress the wrongs of his people. When words could not be uttered, "he, who need not have, fell to his knees, for those who do not fall to their knees, but who need to — because they dared not or could not or could not dare."²⁶ Borneman comments that in this act, Brandt, as the highest representative of the German country that was himself blameless of any wrong, invoked the wrong of the entire German people in the person of himself, and then, by kneeling, signified his "categorical unworthiness." In so doing, Brandt, *symbolically* humbled

25. Borneman, "Public Apologies," 54. (Emphasis added.)

26. *Ibid.*, 55.

the entire German population in front of their Jewish and Polish victims, and made them “as a void in need of the recognition by the ‘Other.’”²⁷

This is significant, I believe, when we consider just what went on during the Nazi regime. The Jews and Poles had been denied their personhood, so to redress this wrong and thereby separate themselves from that identity, Brandt, representing the German people, humbled himself so low as to *forfeit* their personhood and to become “a void” before Nazi victims. In apologizing this way, Brandt, I argue, symbolically achieved a proportional infliction of a non-punitive retributive response. In effect, implicit in this act was tremendous communication — “We denied *your* personhood, so to counter and reaffirm your lost identity, we humbly offer to you *our own*, allowing you to shape and form our new national identity.” Thus, Brandt’s act was able to meet Hampton’s first requirement of an apology that one must humble himself or herself and so counter the message of superiority implied in the immoral act.

In like fashion, Borneman brings out a second feature that can be likened to Hampton’s description of non-punitive responses through interpersonal apologies. With this act of humility, Brandt also symbolically made amends by publicly affirming the value of the victims and elevating them to their proper moral status. In offering German identity into the hands of the “Other,” he allowed those victimized to redefine the identity of not only those who had mistreated them, but also themselves. Borneman says, “Brandt constituted the German people not as presence but as lack thereof ... [and], instead of asserting that the German nation could determine its own identity,

27. Ibid., 62, 63.

Brandt acknowledged the essential role of the 'Other' — Jew and Pole — in redefining German identity."²⁸ In restoring the victims' personhood in this way, as well as in many other ways like compensation, for example, Brandt was able to make amends, thereby meeting Hampton's second requirement of an apology.

It is evident that many present at the memorial accepted Brandt's humble act of expiation as a successful apology. Borneman writes that "[t]he immediate Polish reaction was surprise and silence....Within days, the Polish press praised him and welcomed Brandt's sincerity, a sign of improvement in Polish-German relations."²⁹ Further, given that this act was a public act, in the sense that Brandt intended this act to be a communication to the moral community of West Germany and its victims, Brandt's apologetic Kniefall can, thus, also be seen as a public symbolic form of non-punitive retribution in Hampton's sense.

V

Now that we have demonstrated that some public apologies achieve a form of retribution, I will now show that this particular example of an apology also achieves a level of Kiss's restorative justice. This will require Brandt's act to meet Kiss's four conditions of restorative justice, as well as to fit the model of a non-punitive retributive apology as outlined above. Returning to Brandt's Kniefall, it is evident from the previous description that the dignity of those whose rights were violated was indeed restored.

28. *Ibid.*, 63.

29. *Ibid.*, 55.

By symbolically embodying the wrongs of his entire people and then communicating his penance in front of Nazi victims, Brandt separated German identity from Nazi identity, and placed a new developing German identity in the hands of the "Other." This act revitalized the diminished life of Polish and Jewish victims and affirmed their personhood as being a part of a select group of people who could help build a new national identity.³⁰

Next, as the highest representative of the German people Brandt, humbled himself, setting a public standard to which all wrongdoers he represented would henceforth be held accountable. This is especially clear given a *Hamptonian* interpretation of Brandt's act: This act of humility publically communicated the moral truth of Jewish and Polish equality with their German wrongdoers. The victims internalized this communication as a means of reaffirming their worth; furthermore, through this communication, society received a moral message that served as a form of moral education to perpetrators. Brandt's act demonstrated the proper evaluative worth of both parties and showed that no longer would anyone be able to surmise, due to little or no legal reaction, that such heinous acts were acceptable.³¹ In addition, it is undoubtedly clear that Brandt's apologetic gesture created conditions that sought to establish the respect of all citizens. The very point of this gesture was to redress past wrongs, and with this act he established a norm of equality within German society and ingrained it deeply into the fabric of German identity.³² Lastly, reconciliation was

30. Ibid.

31 . Murphy and Hampton, *Forgiveness and Mercy*, 141–142. (Cf. Hampton, "The Message of Punishment," 249.)

32. Borneman, "Public Apologies," 63.

achieved in renewed relations between Poland and Germany. So here, in Brandt's Kniefall, Hampton's retribution and Kiss's restoration occur together in a single apologetic act.

VI

I will now examine two objections posed against public apologies. The first objection I will consider suggests that public apologies are not good because they "promote collective guilt and self-doubt — seen as unhealthy for national unity."³³ In response to this objection, I would say that, although the first conjunct about collective guilt and self-doubt is certainly true, the suggestion that this is nationally unhealthy is simply false. Brandt's Kniefall embodied collective guilt and self-doubt; yet, in symbolically sacrificing Germany's past Nazi identity and symbolically reaffirming those victimized by allowing them to thereafter mould their national image, national unity was formed afresh. In fact, Brandt's apology has been made part of the high school curriculum and is discussed frequently on talk shows; in addition, "members of the first postwar generation, the '68ers,' ... identify the apology as one of the first times they were either proud of a German statesman or even proud to be German."³⁴

The next objection I wish to address is one that strikes more to the core of my thesis; it is the thought that apologies are a mere "means to evade sterner forms of justice."³⁵ I think this objection, as it is applied to my thesis, underestimates the extent to which a wrongdoer or

33. Marrus, "Official Apologies," 28.

34. Borneman, "Public Apologies," 63.

35. Marrus, "Official Apologies," 28.

a representative must humble himself or herself for an apology to be acceptable to the victim. Often, a sincere person, independently — that is, uncoerced by an external state — may produce a more successful work of Hampton’s conception of retribution than a trial or jail time may ever produce. It certainly makes sense to expect that those who are truly repentant and *sincerely* humble themselves after a wrong will vary rarely commit the same wrong over again. Further, as Zalaquett says in Kiss’s article, the moral benefits of restorative justice are seen in that “it opens up moral possibilities for reconstructing a just society that are harder to achieve via the path of punishment.”³⁶ Thus, I contend that there can be no sterner form of punishment than the kind inflicted on the self of a truly sincere person, especially when wrongdoers are not shielded by representatives. The wrongdoer who can sufficiently humble himself or herself in a way that is acceptable to the wronged and achieve both Hampton’s retributive as well as Kiss’s restorative justice, I argue, would be considerably more on his or her way to moral regeneration than if he or she received external punishment alone.

VII

In closing, I have attempted to defend the claim that, in some cases of successful public apologies, both Hampton’s retributive justice and Kiss’s restorative justice are achievable together. I have done this by first providing definitions for these terms. From there, I argued that at least one set of plausible interpretations of both retributive

36. Kiss, “Moral Ambition,” 81.

justice and restorative justice are not mutually exclusive but can function together. Then I tried to demonstrate this compatibility within the context of public apologies by showing that Brandt's public apology conforms to Hampton's understanding of retributive justice as well as to Kiss's view of restorative justice. Finally, I addressed some of the objections to the role of apologies in public interactions and exchanges. With this analysis, I believe the doors open for a deeper appreciation of public apologies generally, and, specifically, the way is paved for further work on defining successful instances of public apologies on the basis of Kiss's and Hampton's philosophical foundations.

BIBLIOGRAPHY

- Bennett, Christopher. "The Varieties of Retributive Experience." *The Philosophical Quarterly* 52, no. 207 (2002): 145–163.
- Borneman, John. "Public Apologies as Performative Redress." *SAIS Review* 25, no. 2 (2005): 53–66.
- Gert, J. Heather., L. Radzik, and M. Hand, "Hampton on the Expressive Power of Punishment." *Journal of Social Philosophy* 35, no. 1 (2004): 79–90.
- Hampton, Jean. "Correcting Harms Versus Righting Wrongs: The Goal of Retribution." *UCLA Law Review* 39, no. 6 (August 1992): 1659–1702.

- Hampton, Jean. "The Message of Punishment," from "The Moral Education Theory of Punishment." In *What is Justice?: Classic and Contemporary Readings*, 2nd ed, edited by Robert C. Solomon and Mark C. Murphy, 245–251. Oxford: Oxford University Press, 2000.
- Kiss, Elizabeth. "Moral Ambition Within and Beyond Political Constrains: Reflections on Restorative Justice." In *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert I. Rotberg & Dennis Thompson, 68–93: Princeton: Princeton University Press, 2000.
- La Caze, Marguerite. "The Asymmetry between Apology and Forgiveness." *Contemporary Political Theory* 5, no. 4 (2006): 447–468.
- Mackie, J. L. "Morality and the Retributive Emotions." *Criminal Justice Ethics* 1 (1982): 3–10.
- Marrus, R. Michael. *Official Apologies and the Quest for Historical Justice. Controversies in Global Politics & Societies*. Toronto: Munk Centre for International Studies, 2006.
- Michael Moore, "A Defense of the Retributivist View" from "The Moral Worth of Retribution." In *What is Justice?: Classic and Contemporary Readings*, 2nd ed., edited by Robert C. Solomon and Mark C. Murphy, 236–245. Oxford: Oxford University Press, 2000.
- Murphy, G. Jeffrie and J. Hampton. *Forgiveness and Mercy*. Cambridge: Cambridge University Press, 1988.