

Why It Is Unethical to Apologize:

An Examination of Apology and Regret

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Nick Smith, in his recent book *I Was Wrong: The Meanings of Apologies*, describes a staggering variety of apologies and offers us an outline of apology in its highest, most rigorous form, calling it the *categorical apology*. The following are some of the conditions for an apology to be considered categorical: the apologizer must offer a detailed account of the offence, often including relevant mental facts; she must accept the blame for the offence and possess appropriate standing to do so (i.e. she cannot apologize for another's misdeeds); she must share a commitment with the victim to the moral principles affected by the offence and (furthermore) recognize the victim as moral interlocutor, worthy of consideration and care; and she must also categorically regret her offence. (Smith, pp.140) Fulfilling the requirements of a categorical apology may seem daunting (Smith calls it "the most robust, painstaking" form of apology (Smith, p.140)), however, when we consider the utter *insufficiency* of most non-categorical apologies we can appreciate the value in describing the categorical apology, even if only as a rarely-encountered ideal.

For all of Smith's insight into the subject, he at no point questions the basic system of apology itself. I am not going to undertake a thorough criticism of Smith's work here; however I believe that his attitude towards apology reflects the common opinion that apology is (if sincerely meant) a basically good thing and that it is unproblematic in itself, as an ethical act. I refer to his definition of the categorical apology only because it seems to represent the clearest and most formidable manifestation of the phenomenon.

In this essay I will problematize some of the fundamental assumptions that structure apology. I will focus specifically on the offender and her relationship with her offence, as it is expressed in both language and the phenomenon of regret. I will argue that the naive understanding of apology as an ethically upstanding act of taking responsibility for one's offences misses entirely the fundamentally paradoxical center of the gesture. This paradox reveals itself in the basic language that structures apology ("I was wrong to do X" or "I'm sorry for X"). While the language of apology, understood superficially, seems to express a *taking responsibility* for one's own proper offence, at a deeper level it works towards the opposite goal of effectively undermining this very link between the offender

and his offence. I locate the hidden work of apology at precisely this point: where the ostensible connection between the offender and the offence is severed as the apologizer describes his transgression as accidental and inessential—and thus fundamentally unconnected with himself.

The structure of this paper will be as follows: I will first clarify some terminological points concerning regret and apology. Then I will examine the *language of mistakes* and its relevance to apology, distinguishing between mistakes of fact and (so-called) moral mistakes. Ultimately I will abandon the latter term for the more precise *moral transgression* and use this latter to describe how the apologizer effectively disowns her offence as something inessential to herself. I will then examine the aspect of regret that hopes to *undo the past* (i.e. “I wish I had never done X”). In the conclusion I will contrast our new understanding of apology with a more robust, honest ethics that insists upon the basic, not-to-be-diminished responsibility of the offending subject: *an ethics of transgression*.

1. Some terminological remarks

Before entering directly into the body of the argument it will help to specify the use of *regret*, a key term in our investigation. Regret is by no means a simple concept and its numerous usages reflect this complexity. For example, when someone wishes to decline an invitation, they say, “Regrettably I won’t be able to attend the party.” Personal blame is entirely absent in this usage and the speaker is rather expressing her disappointment that circumstances were not otherwise. Also, regret can be used to express sorrow or sadness about some state of affairs, as when we say “I regret to inform you of the death of your son.” Again, the speaker is not admitting any personal accountability here. Rather, her words are primarily intended to express sympathy for the interlocutor.

While we may concede the social importance of such expressions of regret, because they fail to indicate any sense of personal or moral responsibility, they are wholly foreign to categorical forms of regret and thus apology. Morally significant, categorical regret must recognize some past action as a moral failure and must furthermore express the wish that the action in question had never been done. Smith describes categorical regret as “an offender’s recognition that her actions, which caused the harm at issue, constitute a moral failure. In this sense, an offender wishes that the transgression could be undone. She explains that she regrets what she has done because it is wrong, she wishes she had done otherwise, and in accordance with this realization she commits to not making the same mistake again.” (Smith, p.68) It is this kind of categorical regret that will interest us in our discussion of

apology.

Finally, I wish to point out that regret, formally understood, need not be expressed to another party. It is perfectly reasonable to speak of purely internal regret. However, in many ways, expressing our categorical regret to the harmed party is precisely the stuff of apology. And so while it is possible to speak of categorical regret without categorical apology, the inverse is certainly not true. As noted above, categorical regret is one of the essential conditions of categorical apology and thus if someone said, “I don’t regret my actions but nevertheless I’m sorry,” we might wonder exactly what this “I’m sorry” means. Keeping these points in mind I will often refer to apology and expressions of regret interchangeably.

2. Mistakes of fact and “moral mistakes”

Our first task will be to examine the *object* of regret. When an offender regrets her action “she believes that she has made a mistake that she wishes could be undone.” (Smith, p.141) Smith’s definition is helpful, and yet we might still inquire into the nature of this “mistake”. How are mistakes understood as the objects of regret and apology? We must be precise in our use of the word if we are to consider the meaning of regret at all.

The most common use of the term mistake seems to refer to *mistakes of fact*, where “mistake” is derived from the Old Norse *to take in error* or *to wrongly take*. In this sense of the word, I might mistake someone’s meaning or mistake the correct path. A mistake in mathematics, for example, would involve applying the wrong formula (i.e. *mistaking* it for the right one). It is also important to note that the math student who answers mistakenly has every intention to arrive at the right answer. This absence of an intention to err is implicit in the mistake. To speak of an *intentional mistake* clearly shows a misunderstanding of at least one of the two terms. When the math student answers that two and two equal five, it is clear that there exists some unintentional misapprehension of the principles of addition. It would be a strange math teacher indeed who accused his student for having intentionally reached a false conclusion....

In genuine mistakes of fact there can be no intention to err. So how are mistakes of fact to be understood in regards to regret and apology? Imagine that I give someone directions that turn out to be false. As a result of my incorrect instructions, the directed party finds herself in a dangerous area of town where she is mugged and beaten. Assuming that I did not intentionally lead her astray and that I was simply confused about some fact, then, in all strictness I cannot be expected to take (or even feel) moral responsibility for her injuries. The harm that befell her was, in an important, moral

sense, unconnected with my intention to direct her to her hotel. I may regret my mistake only insofar as it produced unforeseen and unfortunate consequences; and in such a case, to be precise, it is not my giving directions (in its pure form as an isolated, historical act) that is regrettable, but rather the consequential events themselves which are—this is an important distinction. Since these consequences were wholly external to my intention, it would be unreasonable if someone were to hold me morally accountable for them (although of course it happens all the time that people are blamed for consequences that are out of their control; however this kind of judgment betrays a shallow understanding of moral accountability). The moral blame for the consequences, in other words, cannot be mine insofar as the consequences were not the intended products of my will.⁽¹⁾ I did not intend for the lady to be beaten any more than I intend offend someone by unwittingly mispronouncing their name. Accepting personal moral responsibility in the latter case is obviously absurd, and this absurdity, however hard to accept, is equally applicable to the former.

It is of course possible for me to offer an apology (or at least the appearance of one) to her. However, because I can neither accept moral blame nor regret my mistake (recall that it is the consequences that are regrettable, not the initial act itself; or, more precisely, that it is the consequences that retroactively render a particular action regrettable and *not the other way around*) such words necessarily fall short of being categorically apologetic. In this case—and in all instances of genuine mistakes of fact—a categorical apology is not only inappropriate but formally impossible.

3. Moral mistakes or moral transgressions?

Our analysis of mistakes of fact has hopefully shown just how at odds such occurrences are with *moral mistakes*. A moral mistake—to offer a broad, provisional definition—seems to be any morally significant wrong or evil that might become the object of a categorical apology (murder, lying, making racist remarks, etc.). When a husband apologizes to his wife for sleeping with the maid, saying “I was wrong to have done that”, we can immediately identify a fundamental difference between his words and the “I was wrong” of the confused math student. Firstly, we can dismiss the possibility of any mistake of fact in this case (unless of course the lights had been out and the husband had taken the maid for his wife, etc.... If this amazing story turned out to be true then we would find ourselves back in the realm of mistakes of fact—he literally *took the wrong one*—and so no moral responsibility could be assigned to him). If someone insisted on some version of a mistake of fact here, we would be justified in asking, “What was the relevant fact that the husband was mistaken about?” or “What piece of knowledge was the husband lacking that, if it had been his,

would have prevented him from having sex with the maid?” I can see no such fact whose presence or absence would be pertinent to our judgment of the husband. So if this is not a case of a mistake of fact then *what exactly* is the mistake being spoken of in the words “I was wrong”?

I want to insist that in reality, no such *mistake* exists. Our uncritical use of the words “I was wrong” is patently misleading and it has the effect of wholly trivializing our offences. By this I mean that when we say “I was wrong,” it is *as if* our action was some kind of mistake of fact, one which we now (in apologizing) recognize as a mistake. And so what is universally considered to be an admission of moral culpability (the “I was wrong to have slept with the maid”) is in fact exactly the opposite insofar as it attempts to disguise the *absence of any error at all*. The horny husband was not mistaken, and neither was the liar, nor the thief, nor the murderer. If they had been genuinely mistaken, their titles (adulterer, thief, liar and murderer: all which imply *intent*) would be inappropriate to their offence.⁽²⁾

When the adulterous husband expresses his regret to his wife, saying “I was wrong etc. etc.,” how are we to understand his words? At this point we should abandon the term *moral mistake* for the more accurate *moral transgression*. The verb *to transgress* evokes an activeness and an intentionality that is completely absent in the verbs *to mistake* and *to err*. To transgress is to act, whereas to err is to be acted upon (by ignorance or false information, etc.). With these considerations in mind we can see how the pairing of *moral* and *mistake* is basically a *contradiction in adjecto*, for—when we consider them rigorously—our mistakes have no business in the moral realm. Immoral actions must be intentional—if they are mistakes then they are essentially *amoral*. Therefore a true immoral act *must be transgressional*, which is to say that in transgressing a moral precept we are transgressing it only insofar as we recognize it.

So let’s return to our randy husband. When he sleeps with the maid he does so intentionally and is fully aware of the moral significance of his act—these are the basic conditions for any transgression. He then apologizes several days later (the immediate cause of his apology is, for the moment, unimportant). What would this apology sound like? In order to apologize genuinely his words would have to be radically different from what is commonly expected of and accepted in expressions of regret. Again, he cannot claim that he was *wrong* to have slept with the maid precisely because in his doing so there was no mistake at all. We must be very careful to not let the offender hide behind the language of mistakes in an effort to mask the intentionality of his act.

The husband—had he joined us in our discussion—might offer the following *revised apology*: “I slept with the maid and did so freely, all the time aware of the moral precepts I was transgressing.”

It hardly sounds like an apology at all—and strictly speaking, it is not (perhaps the term *confession* is suitable). However, with our new understanding of moral transgression, this kind of blunt description of events is perhaps the most we can ask for without falling into disingenuous theatrics that attempt to conjure objects (in this case error or mistakes of fact) where there are none. The traditional language of apology, which attempts to replace the intentional with the accidental, is as prevaricating as the opposite movement: replacing the accidental with the intentional, like when someone gives a random answer to a question and then claims praise for their fortuitously correct response, saying “I knew it!” What does the subject of apology achieve by speaking in this falsifying language of mistakes? We may say preemptively that the primary consequence of this vocabulary is to distance the offender from her offence by describing the latter in terms of what is accidental, inessential to the self, and—ultimately—*not her own*.

4. Disowning our transgressions

To understand this idea it is important that we keep in mind our distinction between mistakes and moral transgressions. I argued that mistakes are essentially unintentional and passive, while transgressions are necessarily intentional and active. When someone unknowingly gives you false information, she has made a mistake. When she does so knowingly, with the intention to deceive (i.e. lies), she commits a moral transgression. In the former case, while she may feel embarrassed about being mistaken, an apology is not required (or even genuinely possible). However, in the latter case, if her lie is exposed, what can she say? “I’m sorry. It was wrong of me to have lied.” The reader can hopefully see that the speaker gives with one hand what she takes with the other; which is to say that superficially the liar admits to and takes possession of her crime, while, at the same time, in speaking of it as a mistake (i.e. as something unintentional and unfortunate), effectively denies the transgressional character of the act.

Accidental happenings and unfortunate mistakes—even if they issue directly from us—are largely external to the conception we have of the self. We can find proof of this in our everyday attitude towards our blunders. For example when we say “I didn’t mean to” in the wake of some clumsy act (for example, accidentally burning someone’s clothing with a cigarette), we are trying to insist upon a distance between the intentional–self (the will) and this accidental happening. We are anxious to assure the injured party that we did not intentionally (out of some ill–will) burn a hole in their jacket. By describing it in terms of intentionality we hope to show that our will did not produce the act in question and to this extent we succeed in externalizing the act itself. Against this

centrifugal movement, we often claim our intentional acts (especially when they are praiseworthy) for ourselves, as representative or even constitutive of our true or willed identity. When I intend X and bring it about, X is more proper to me, more my own, than if I had merely brought X about mistakenly or by accident. It is this distinction that apology perverts by representing our transgressions as mistakes; that is to say, by describing what is intentional and properly our own as external, aberrant, and inessential.

Let us once more return to the horny husband who apologizes passionately to his wife for having acted wrongly. What all of his efforts amount to is an attempt to convince his wife (and himself, indeed!) of the inessential nature of his fidelity. And along these lines he can further insist that in spite of his infidelity he is still and always committed to his wife and the values they share. In other words, the affair with the maid becomes a singular aberration that is ultimately unconnected with the husband and his love for his wife. Or, described spatially, the husband's true self is the central body around which his infidelity orbits as an insignificant satellite. The apologist pushes his crimes away from himself, he denounces them as external and inconsequential to his intentional being, in the same way as he might speak of snoring or unpleasant body odors. The effect of apology is to deny any fundamental ownership of one's transgression. The reversal of this, of course, would be to affirm the will that brought it about, saying essentially that *I willed this transgression and it is mine*. Such utterances are antithetical to apology. And while they obviously excel in honesty, we ought to be wary about saying the same for apology.

5. Regret: undoing the past

Let us return to Smith's definition of regret as the offender's belief that "she has made a mistake that she wishes could be undone." (Smith, p.141) I have so far addressed the first part—the recognition of the mistake—and will now move on to the second part, namely the *wish to undo the past* which is so essential to the expression of regret.

How are we to understand this wish to undo what is already done? This desire is far from uncomplicated; however, it seems to be effectively saying that if the offender could turn back time (magic powers and time machines come to mind) she would refrain from committing the same offence again. The obvious impossibility of realizing such a wish should go without saying. Nevertheless, I will risk insisting upon precisely this: *that one cannot change the past*. Banal as it may be, this basic point takes on a profound significance in our discussion of regret, leading us to suggest that the irreversibility of the past is exactly what makes regret so convincing

and—simultaneously—so fallacious.

It is an obvious point that we cannot actually return into the past and nullify our transgressions, and yet regret expresses exactly this wish. Of course, while wishes have no duty to be realistic or realizable, we might pose the basic question about what exactly motivates and conditions such an unrealizable desire. The common reading of regret would suggest that we wish to undo our past transgression because we recognize our mistake—but since there is no mistake to be recognized (as per our findings above) we remain perplexed. What I want to suggest is that the reason the subject of regret is able to wholeheartedly⁽³⁾ express their unrealizable wish to undo the past is precisely *because of this unrealizability*. Which is to say that since we have *already* had the pleasure of enjoying our transgression (and there is an undeniable pleasure in sin), there is nothing easier in the world than to wish to have it undone. The wish itself cannot retroactively rob us of our enjoyment—and the knowledge of this fact is exactly what allows regret to operate so effortlessly. The historical moment of our transgression is forever in the past, and while denying and disowning our commitment to it may seem like fine and efficacious work, there is something absurd about the utter inefficaciousness of it, like spraying the burned out ruins of a house with a fire-extinguisher.

Here we can see how effortless it must be for the philandering husband to regret and apologize for his affair *after* having enjoyed all of that sex. And because apology earns him moral approval, he is allowed to enjoy the best that both worlds have to offer: the pleasure of enjoyment and the catharsis of apology. We may even allow that the husband is genuine in his regret insofar as he would never commit the same transgression again; however, this promissory aspect of regret misses the key point, which is that the offender *has already* enjoyed his transgression once. His offence is located irrevocably in the past, and all the desire in the world to have it undone comes to nothing. The apologizer is, in this sense, much like the bulimic who stuffs himself full of cake only to vomit it all up again. The bulimic expels his food, he forces it from himself, making it appear *as if* he had never eaten the cake in the first place. Just as the latter attempts to sever the delicious taste of the cake from its fattening consequences, so too does the apologizer hope to sever his transgression from the heavy burden of responsibility that follows in its wake. Regret and apology are the emetics we use to treat our transgressions.

The connection here with our earlier analysis of the language of mistakes should be clear: both aspects are aimed towards diminishing the bond between the offender and his offence. In the case of the language of mistakes, the apologizing party, in speaking of his “mistake”, works to conceal the fundamental intentionality of his offence and thereby separate it from his *true being*. A similar

movement is visible in the case of regret, or the desire to undo the past. Here the offender denies his transgression in the very moment that he affirms its factual commission, even hoping to nullify its historical existence, saying “I wish I had never done X” or “If I could take it back I would!”—all of which amounts to a fundamental disavowal of the offence, effectively claiming, yet again, “It is not mine!” The language of mistakes enables the offender to disown his transgression as something inessential to himself; while regret—like a good emetic—disowns the offence as something the offender is no longer committed to or possessed of. These two moments of distancing and disavowal are part of the basic machinery of regret and apology, and in identifying them we are forced to question seriously the ethical soundness of these phenomena which are cherished universally.

6. Conclusion: towards a new ethics of transgression

In the final section of this paper I will return to some of our discoveries above to create a more comprehensive picture of the structure of apology. I will then contrast this *ethically corrupt* (in the Nietzschean sense of corruption, meaning primarily: *dishonest*) system with a more robust, more honest alternative, using the figure of Prometheus as a model.

Our inquiry thus far has hopefully been able to peel back much of the thick and glittering skin that conceals the structure of apology. While on the surface there appears to be something courageous, something essentially praiseworthy in apology, *we*, having looked deeper, may be justifiably suspicious.

A superficial understanding of apology describes it as an *owning up to* a transgression, in the sense of *taking possession* of it, or *making it one's own*. One of the consequences of this is that I am the only one who can apologize for my offence (Smith describes this connection as one of *standing*). To take a negative example, the phenomenon of a parent apologizing for her child's bad behavior may have significance as a mollifying social gesture, but because the mother lacks an appropriate connection with the offence, she is unable to effectively apologize. Thus, in its most obvious form, the structure of apology seems to demand that the apologizer take possession of or identify with their offence. However, as we have seen, there are other, deeper, more clandestine forces in apology that work towards a different and profoundly opposed end; namely, towards separating the offender from his offence and denying that a fundamental connection exists between the two. The real work of apology is thus not one of unifying the offender and his offence, as is naively supposed; but is one of distancing and denial. And thus the effective truth of apology is precisely the opposite of its common estimation as a morally upstanding gesture of taking ownership. Instead of simply affirming the

intentionality of our transgressions we mutate them into the inessential affects of our true being. Instead of confronting the irrevocability of our offences and the pleasures gained thereby, we *regret them away* and insist upon their undesirability and insignificance (we can imagine the husband telling his wife, “But she didn’t even mean anything to me!”). Apology misrepresents itself, and insofar as we can recognize this, the received view that apology is an ethically sound gesture must be radically rethought.

In bold contrast to the counterfeit morality of the apologizer, who pretends to assume responsibility for herself, Prometheus—the hero of Aeschylus’ tragedy *Prometheus Bound*—is a wonderful example of what I would call an honest or ethical offender. Prometheus is chained to mountain peak for his crimes against Zeus (specifically, for giving humans fire and knowledge of their mortality). Both his friends and his enemies entreat him to apologize to Zeus and appease the thunder god’s anger. However, Prometheus is categorical in his refusal saying, “Wrong? I accept the word. I willed, willed to be wrong” (*Prometheus*, p.29) Prometheus neither denies his crimes nor does he evade their intentionality. He fully assumes ownership of his offence and all the consequences that attend to it. Even when threatened with more horrible punishments he remains resolute: “Never persuade yourself that I, through fear of what / Zeus may intend, will show a woman’s mind, or kneel / To my detested enemy, with womanish hands / Outspread in supplication for release. No, never!” (*Prometheus*, p.50) Prometheus’ ethical brilliance comes from his absolute fealty and identification with his own will. There is a strength and an honesty in his fatalistic attitude that is wholly foreign to the apologizer, who hopes to divest himself of his wickedness through the *purifying* and *purging* powers of apology. The deceit that is so fundamental to every apologetic act, is primarily (but not solely) a deceit of oneself—a betrayal of those past-selves who have transgressed and enjoyed but who have now become too heavy a weight to bear. Every act of apology is thus an act of abandoning the self, a “supplication for release” from our existential and factual responsibility.

Our faith in apology, in its thaumaturgic power to set our wrongs right and to *clean the slate* is easy enough to understand—not only for the subject of apology, but also for those harmed who demand and expect its performance. Apology offers relief. For the injured party, it is better to believe in the inessential and unintentional character of our loved ones’ sins against us, than to know that their transgressions (just like their merits) express and constitute a significant part of who they *really are*. But as understandable as this hope may be, we must never lose sight of its mendacious core. The ethical response to our transgressions must certainly be nothing other than *a refusal to apologize at*

all. It is only by *not apologizing* that we are able to take responsibility for ourselves and for our actions. We may of course choose to act differently in the future and alter our course in light of our transgressions; however this futurity is different from the falsifying historicity of apology. While the burden of bearing one's own sin is undoubtedly heavy, indulging in the sedative that apology proffers is a much baser, more mendacious alternative—and in this light we can see how Christ's death on the cross *for us* describes the ultimate escapist fantasy of having one's transgressions paid for by another. Against the escapist morality of apology, let us recall Lacan's definition of the hero, who he describes (in reference to the character of Philoctetes in Sophocles' tragedy of the same name) as remaining "fiercely committed to his hate right to the end." (REF, p.320) Philoctetes' will is certainly not infirm. He does not turn against himself by rejecting his previous attitude towards Odysseus as mistaken or regrettable. Slavoj Žižek elaborates on the Lacanian hero "as the subject who ... fully assumes the consequences of his act, that is to say who does not step aside when the arrow that he shot makes its full circle and flies back at him." (Žižek, p.16) Lacan's hero is our honest offender—our Prometheus—who refuses to dodge the missile of his transgression and prepares to bear all of the weight and woe his action brings. A new ethics of apology—why even preserve the term?—*A new ethics of transgression* must embody this fundamental responsibility for oneself, which is nothing other than a complete readiness to endure the fate of one's choices, to have a Promethean strength for one's own wickedness.

Notes

(1) My assumption here is that for an act to be judged morally it must have some kind of intentionality at its root. In the case of the mistaken directions, intentionality is lacking to the extent that I do not will to lead the woman astray nor to see her mugged and beaten. If intentions are morally significant—as I believe—then I am innocent of any moral transgression.

(2) A possible criticism of this reading is that it basically ignores the possibility that the apologizing subject can, at a later point in time, regard his past actions as immoral. I admit that my present treatment of apology does not deal adequately with this problem, but I can at least offer a tentative reply (one which I hope to take up in a forthcoming paper): I am willing to acknowledge that individuals frequently change their moral positions and thus are wont to judge a certain act that they performed at an earlier time (from an earlier moral position) differently than they might have before. However, this immediately presents us with the issue of *standing*, and we might ask about the validity of apologizing across moral positions (even if these positions were occupied by the same individual). For example, a born-again Christian will condemn the sins committed in his "previous life", but how able is he to apologize for that *previous self*? Indeed, if a fundamental moral transformation has occurred in an individual, we may wonder whether or not the previous moral self still persists at all, and—if it does—in what way? Can this past self be spoken for? Can apologies be made for it? The condition of standing stipulates that one individual cannot apologize for another (i.e. a son for his slave-owning, now deceased father); however might this not also be applied to one and the same person?

(3) Let us be perfectly clear: I am not doubting the sincerity of the subject of regret or apology. They may be completely genuine in their gestures. What *is* disingenuous is the system of apology itself. Its strongest

support is that the people who participate in it do so with complete sincerity—no one is winking ironically at the camera, so to speak. For the participants it is simply a matter of faith in the system itself (i.e. that apology is good, morally upstanding, a duty, etc.) And thus, to repeat, the prevarication that occurs in apology is *systemic* and is for the most part hidden. The aim of my work is to reveal some of the clandestine force that is essential to apology.

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