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Apologies and Recognition

Mark LeBar
Florida State University

1. Introduction

In his *Apologies and Moral Repair*, Andrew I. Cohen has given us a wonderful piece of moral philosophizing.[1] It is in my view the best sort of contribution moral philosophy can make. He examines closely an important (even though mundane) moral practice: the practice of apologizing. He attempts to understand what apologies *are*, what makes them appropriate, what makes them successful (when they are), and other aspects of this practice. Since human beings treat one another badly so very often (sometimes inadvertently, sometimes not), apologies are an important lubricant for decent and peaceful social life. What is more, as I shall argue, we can learn something important about ourselves from considering them.

I think Cohen is broadly successful in his central claims, so I will not challenge them. Instead, I suggest that there are two avenues open to developing the moral machinery he sees at work in apology, both of which can enhance our understanding of not only apology, but also the nature of our moral relations with others more generally. In other words, what I will say is by way of friendly amendment to rather than critique of Cohen's account. These avenues are, first, seeing ourselves as bearers of *normative interests*, in a sense I shall explain, and second, seeing apology as rooted in a deep interest we have in being *recognized* by others, in a sense I shall also explain. I believe that both are by and large congruent with Cohen's general picture, but I will take it to places his account at present does not explore.

2. Normative Interests

I draw the idea of normative interests from David Owens.[2] The idea as I understand it is that we need to recognize a broader range of

[1] Andrew I. Cohen, *Apologies and Moral Repair: Rights, Duties, and Corrective Justice* (New York: Routledge, 2020). All subsequent references to *Apologies and Moral Repair* will be cited by page number parenthetically in the text.

[2] David Owens, *Shaping the Normative Landscape* (Oxford: Oxford University Press, 2012).

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interests—of things that contribute to our welfare or well-being—than we often do. It is easy to recognize many nonnormative interests. We have interests in food, shelter, fresh air, fresh water, and many other things besides.[3] However, this picture omits a really important dimension of what contributes to human life and well-being.

The key to seeing this comes from recognizing our nature as *rational* beings, that is, as beings who negotiate their way through the world—not just the natural environment, but our social world as well—using reason. We get a picture of what we are like from Aristotle, who makes this point quite well. We are, Aristotle says, like plants in being living beings with capacities for growth, nutrition, and reproduction.[4] We are also like other animals in having perception and locomotion as well as passions. Those we might term our "*first* nature."[5] Our first nature is, so to speak, the natural endowment we have as animals, giving different kinds of living beings their distinctive forms of life. But we (humans) alone have a "*second* nature," which is our capacity to direct our thoughts and actions via reason. This is important because in virtue of this second nature we have a capacity to shape our first nature in ways not possible for other living beings.

This second nature also establishes a modality for relating to our conspecifics that other animals do not have. Lions relate to other lions (and gazelles) on the grounds their first natures afford them. They have no choice. In contrast, while it is open to us to interact with our fellows on terms lions would find congenial, it is not necessary to do so. We can manage our interactions by interacting on the basis of reason, being guided by norms that allow us to do so. We are social rational animals.

Our normative interests, then, are our interests in controlling the reasons or norms by which we live and move and have our being—at least those pertaining to those interacting with us personally and immediately. Owens holds that it is *good* for me that I can obligate

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[3] Perhaps Maslow's "hierarchy of needs" is a useful heuristic in thinking about the most important of these. Abraham Maslow, "A Theory of Human Motivation," *Psychological Review* 50, no. 4 (1943): pp. 370–96.

[4] Aristotle, *Nicomachean Ethics*, trans. W. D. Ross and J. O. Urmson, in *The Complete Works of Aristotle*, ed. Jonathan Barnes (Princeton, NJ: Princeton University Press, 1984), I.7, 1098a1–9.

[5] Following John McDowell. See John McDowell, "Two Sorts of Naturalism," in *Virtues and Reasons: Philippa Foot and Moral Theory*, ed. Rosalind Hursthouse, Gavin Lawrence, and Warren Quinn (Oxford: Clarendon Press), pp. 149–79.

myself to you, see you as obligating yourself to me, and it is likewise good for you. This is not just because this allows us to get things through cooperation we otherwise might not, but because (and here I switch from Owens's metier to my own) it is, above all, an exercise of the second nature distinctive to us and which grounds and supports our lives with others in a way characteristic of no other species. It is how we live good human lives.

What does this have to do with our understanding of apology? I think it enhances the notion of "moral repair" for which Cohen is making a case. Consider an example Cohen borrows from Christopher Wellman (p. 55). A brother fails to attend his sister's wedding, despite his having no pressing reason not to go. He has, intuitively it seems, wronged his sister, but it is not so easy to see why. Wellman rejects the explanation that the brother has violated some moral duty, along with the thought that he has violated some *right* his sister has against him that he attend.[6] Cohen agrees that the brother has not shown disrespect, along the lines of what Kantian principles prohibit, but insists that the sibling relationship can be one not simply governed by the Categorical Imperative. Their shared history (presumably among other things) matters in some way that entails that the brother has nevertheless damaged the relationship.

To see what kind of obligation the brother may have toward his sister, consider what Owens says about the nature of the obligations friendship generates.[7] First, Owens argues that "friendship entails rights and obligations because those rights and obligations contribute to the value of friendship."[8] This is because, as beings with deontic (normative) interests, *it is good to be obligated*, and the distinctive patterns of obligations that emerge and hold in friendships are one

[6] Christopher Heath Wellman, "Associative Allegiances and Political Obligations," *Social Theory and Practice* 23, no. 2 (1997): p. 186. Wellman seems to be operating with a narrow conception of the meaning of "moral" here, perhaps (as Cohen takes him to be) identifying such duties with Kantian moral requirements; see Cohen, *Apologies and Moral Repair*, p. 55. Instead, Wellman suggests that perhaps this involves a "different dimension of moral evaluation, perhaps virtue ethics," but the scope of what counts as moral and what not is not at issue here.

[7] Both relationships with friends and those with siblings would come under the category of love Aristotle calls *philia*, which he (alone among major philosophers) apprehends as something so important to human life that "without friends no one would choose to live, though he had all other goods"; see Aristotle, *Nicomachean Ethics*, VIII.1, 1155a5.

[8] Owens, *Shaping the Normative Landscape*, p. 112.

important domain in which we can exercise our normative powers and "shape the normative landscape." The value in friendship is not just being in a reciprocal relation of taking an interest in, caring about, and even helping advance the friend's nonnormative interests, though without a doubt it is a fine thing for both giver and receiver to do so. Additionally, Owen argues, the value of friendship consists in no small part in the obligations that tie us together. Tim may need a ride from the airport, but if Tim is not your friend, then lacking some distinctive story, that fact imposes no obligation upon you. If Tim is your friend, though, and you are available to pick him up and capable of doing so, you may well be under an obligation to do so; it is part of the value of the friendship to you (as well as to Tim) that you bear that obligation. That obligation may be defeasible and Tim may in the end need some other way to get home, but the dynamic patterns of obligations between friends are part of what make friendships so important to us.

In a similar vein, we might think that the bonds between siblings would take much the same shape. The special ties that bind us to siblings through shared history make for distinctive patterns of obligating and being obligated. When the brother fails to recognize these obligations in the case of his sister's wedding, he depreciates the value of the relationship to both himself and his sister, *just in virtue of failing to recognize the obligation*, leaving aside the failed opportunity to share the experience with his sister and others as well as the other nonnormative benefits such events can bring. Cohen himself says that the brother owes his sister an apology "out of respect for her as his sister" (p. 119)—and I do not disagree. However, I think, in particular, that it is the fact that his sister has normative interests and these interests create distinctive obligations among those in close relationships such as siblings, that grounds the need for apology. Also, I argue, it is the brother's failure to acknowledge those interests that apology most naturally can come to address, as Cohen insists, as a matter of "moral repair."

The distinctive light that the recognition of normative interests sheds on apology is this. Those interests reflect the nature of beings we are at the deepest level of our sociality. Although it is good to obligate and be obligated, we are (sadly) infamously bad at fulfilling our obligations. Inadvertently or not, we hurt, abuse, neglect, denigrate, and otherwise violate obligations we have to others—very often those to whom we are closest (such as siblings or friends). Without tools to recognize and ameliorate the damage we do to one another—not just in terms of our nonnormative interests, but also to our interests in being

able to manipulate the field of obligations that surrounds us—it is difficult to imagine how any worthwhile relationship could survive. Apology is a method or means of recognizing *that distinctive way* in which we can damage those around us, the distinctive damage of wronging in the light of our normative interests. That is a toehold for understanding the morally reparative nature of apology that, I believe, enriches the picture Cohen wants to provide us.

There is more to say, though, about ameliorating the damage to the normative interests of those we wrong; it takes the form of amending the *recognition* we have of them. To that I now turn.

3. Recognition and Respect

One way to come at the point I wish to make now is to begin with Cohen's observations on a puzzle. Why is it that an interactive *performance* is so important to apology (p. 109)? Why is this sort of interaction essential to the reparative work that apology can do? Cohen surveys a variety of alternatives and, of course, it is possible that each is a part of a larger and complex story. The most viable ones, from Cohen's perspective and my own, turn in some way on *respect*. Because there are many varieties of respect, such proposals require careful handling.

Cohen begins with an account from Luc Bovens.[9] Bovens approaches the matter from the question of why *forgiveness* matters to the transgressor in apologizing. His answer is that people are owed respect as moral equals and the transgressor has treated the victim with less respect than is due her. In doing so, he "places himself outside the community of moral equals," thereby losing "moral stature."[10] The victim is key to recovering that stature; in fact, in apologizing, the transgressor "grants the victim the power to determine his moral stature."[11]

Cohen is not satisfied with this account—and for good reason. It is puzzling just what Bovens means by "moral stature." If it includes something like the "recognition respect" that Stephen Darwall distinguishes from "appraisal respect"—a respect for them *as* a person and, in that sense, inalienable[12]—then the transgressor cannot have lost it through transgressing. Cohen rightly insists that treating another as a

[9] Luc Bovens, "Must I Be Forgiven?" *Analysis* 69, no. 2 (2009): pp. 227–33.

[10] Bovens, "Must I Be Forgiven?" p. 230.

[11] Bovens, "Must I Be Forgiven?" p. 231.

[12] Stephen Darwall, "Two Kinds of Respect," *Ethics* 88, no. 1 (1977): pp. 36–49.

moral equal is consistent with resenting and distrusting others (p. 108).

On the other hand, Cohen's own explanation depends literally on the idea of the accountability of the transgressor to the victim. The transgressor "owes an account" to the victim: "In offering an account, one provides one's understanding of the wrongdoing and its significance in light of mutually acceptable norms. In offering an account, one provides the wronged parties the opportunity to decide whether the account is acceptable." In so doing, the transgressor offers a "retraction of the denigrating message their conduct sent" (p. 110).

Both Bovens's and Cohen's theories seem to me to illuminate aspects of the truth, but neither provides the full story. The question, again, is why an interactive *performance* is required. Why does the transgressor have to *apologize to* the victim? Bovens's story about disparities in respect has something going for it, but why are those disparities or inequalities remediable only by an interactive apology? "Restoring a balance" cannot explain that. If Transgressor embezzles $400 from Victim's checking account, the relevant balance can be restored simply by refunding Victim's money; no interaction is required. For a difference in balance of respect something other than money is clearly wanted, but why does it have to be restored *interactively*? Why is it not enough for Transgressor to wear a sandwich sign saying: "Respect me less and Victim more"? My point here is not that there can be no adequate answer to these questions, but that for Bovens's account to help us with our puzzle, we need those answers and are not in possession of them.

Similar concerns apply to Cohen's account. The "account" Cohen envisions presumably is something like an *explanation* that must not devolve into a putative excuse, but explanations are not apologies. There must be something in the attitude of the transgressor that turns in the proper way on the damage done to the relation between them with the aim (as Cohen insists) on moral repair. I doubt that this is so much a matter of content, though content surely matters, so much as the nature of the attitude in which it is framed, what we might call its "mode of presentation."

I think what is needed is an attitude we might call "respectful recognition."[13] Perhaps the best way to come at this idea is to return to

[13] This is clearly, and intended as, a form of Hegelian recognition. However, my purposes here are moral-theoretical and I make no claims about fidelity to Hegel's own project as a matter of history. See Georg Wilhelm Friedrich Hegel, *The Phenomenology of Spirit*, trans. Terry Pinkard (Cambridge: Cambridge University Press, 2018), para. 178.

the Aristotelian idea that we are social rational animals. The point is not just that we are social; so are many other kinds of animal. Nor is it just that we are also rational; Thomas Hobbes (at least) imagines a kind of rational animal that is capable of a kind of rational deliberation even on its own.[14] Instead, the *way* we are rational is conditioned by our sociality. Aristotle says that we have speech to "set forth the expedient and inexpedient; and therefore likewise the just and the unjust."[15] I think it is not accidental that Aristotle points to our use of normative concepts in thinking about our linguistic practices, as our interactions with one another are saturated with normative judgments.

We are capable of making such judgments and being the objects of them, as reflected in the fact that we have normative interests, as discussed above. Crucially, it also matters to us that we be *recognized* as such: recognized as creatures capable of responding to reasons; of manipulating a normative social world with obligations, rights, and so on; and (crucially) of reciprocally recognizing others as having those same capacities. It matters to us that we be recognized as creatures worthy of recognition, in virtue of our capacities for recognition, *by* those we see as worthy of recognition in virtue of that selfsame capacity.

This is not an entirely new insight. Aristotle observes that it is "by men of practical wisdom that [men] seek to be honored, and among those who know them, and on the ground of their excellence."[16] Adam Smith's take on this thought is that man "naturally desires, not only to be loved, but to be lovely, or to be that thing which is the natural and proper object of love."[17] Neither Aristotle nor Smith catch on, though, to the distinctly normative content of respectful recognition. We desire the mutual recognition *as* norm-mongering, reciprocal-recognizing beings, that constitutes the foundation for respect. Understanding the importance of this kind of mutual respectful recognition helps, I believe, sort out some of the puzzles about apologies.

First, it helps explain the "job description" of apology, which is the offer of corrective repair, as Cohen puts it. Apology is called for

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[14] Thomas Hobbes, *Leviathan* (1651; repr., London: Penguin Classics, 2017), chap. VI.

[15] Aristotle, *Politics*, trans. Benjamin Jowett, in *Complete Works*, ed. Barnes, I.2, 1253a14–15.

[16] Aristotle, *Nicomachean Ethics*, I.5, 1095b27–29.

[17] Adam Smith, *The Theory of Moral Sentiments* (1759; repr., Indianapolis, IN: Liberty Fund, 1982), III.ii.1.

when, and because, mutual respectful recognition has broken down and wronging has occurred.[18] As I understand things, functional apologies are offers to restore a relationship of mutual respectful recognition where it has been blocked or destroyed by wronging. Wronging others is one way of denying them a place in the extended practice of mutual recognition. The basis for respect may be inalienable, and thus not lost by the wrongdoer, but mutual recognition takes two and it absolutely may be broken. This can easily be seen in the case of intimates, but I believe it holds true even of strangers. A and B may pass each other on the street, unknown to each other and without event. However, if A stumbles into B, he may well apologize for doing so. The harm is minor and inadvertent, but the work of the apology is to establish that no threat to the recognition of B as a mutual recognizer was intended and A does still (now) offer recognition to B as a mutual respectful recognizer. That they are strangers does not impair the possibility of mutual respectful recognition.

Second, it helps explain Cohen's puzzle about why apology must be *transactional*. The answer is that recognition is transactional as, of course, is wronging. The offer to reestablish mutual recognition is one that must be extended, by a recognizer, to a recognizer. There may well be other harms associated with the wronging and they may also need redress, though that redress might not need to be transactional. However, restoring the relationship of mutual respectful recognition *must* be; a sandwich sign will not do.

Finally, it helps explain Bovens's puzzle about why acceptance of apology matters to us (and to apologizers in particular). Mutual recognition takes two, as we saw above. Acceptance of the offer of apology is a way of restoring a fully mutual relationship of recognition. Without it, that relationship remains broken. That is a loss to both wrongdoer and victim, to apologizer and apologizee. It being such a loss is compatible with other harms in the wrongdoing being of such a nature that the victim cannot bring herself to accept the apology, but a loss it remains.

[18] I am not asserting that it is the *only* appropriate response to such breakdowns, but only that it can do the job of moral repair that I believe Cohen has in mind.