**Atonement, Closure, and Narrative**

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“By the time he was done, he was in such a sorry state that even a simple apology for the status quo was enough to reduce everyone to tears.” - Donald Barthelme

In envisioning this comic-bathetic scenario, Barthelme implicitly poses the question of what kinds of responses are appropriate to what kinds of apologies. An apology for the status quo is not ordinarily understood as an expression of regret, much less an offer to re-examine and seek to combat the effects of entrenched structures of hierarchy; rather, it’s a defense of the status quo. One thinks, for instance, of Jeremy Bentham’s mocking characterization of the eighteenth century British jurist, William Blackstone, whom he called “everything as it should be Blackstone,” a “charming commentator” who regarded the late seventeenth century as “an era of perfection.” If an apology for the status quo is an occasion for tears, that’s because it promises to remain blind to the harms of ongoing inequality and discrimination, not because it prefaces an offer to remedy them. In fact, as that observation shows, in the case of the status quo, a mere apology, no matter how heartfelt, would not be enough – it has to be accompanied by something more, an undertaking to tackle those entrenched hierarchies, if the apology is to be seen as effective. And in that case, one might even doubt whether the apology is doing much work – perhaps the effort to move forward might go better if it starts with an apology, but the apology doesn’t seem to be especially crucial. It signals an awareness of responsibility, an attitudinal shift, but perhaps the adoption of a new program would convey the same signal. What’s needed is some way to convey that the existing state of affairs has come to an end, and a new approach is now under way.

On the other hand, in some situations, an apology, by itself, might serve to convey that message, without any need for a remedial scheme. The question, then, is what kinds of harms can be remedied by an apology – or, to pose the question in terms of the framework suggested by my title, when an apology can serve as a means of closure. Barthelme’s quip is helpful by way of contrast – it imagines an apology that brings no closure, only more tears, and, as I’ve been suggesting, it contemplates a situation in which an apology wouldn’t even be a means of creating closure. To speak of closure is already to imagine a situation that can be framed in narrative terms, a situation in which things would remain unsettled, naggingly inconclusive, without some definite statement. For instance, while an apology might seem like the right gesture if you’ve bumped someone on the subway, it would seem odd to say that it results in closure, because the harm is too brief to fit into a narrative frame. Closure isn’t a necessary effect of a successful apology; rather, it’s associated with the kind of apology that caps some continuing state of affairs whose termination is a significant event. A good deal of empirical work on capital punishment asks whether the families of murder victims find closure when the killer is put to death. Here we do have a state of affairs that can be understood in narrative terms – a harm so serious that it has completely altered the lives of the victim’s family, usually for several years by the time the killer is put on trial, let alone by the time the appeals are exhausted. Scholars who work on these issues generally agree that the victim’s family members do not find closure when the killer is put to death, even if they were anticipating that they would. In this situation, an apology might help to produce closure – that’s not a question this research usually poses. If that’s right, then presumably a lot would depend on the nature of the apology – what kind of acknowledgement of responsibility it conveys, and how sincere it sounds, for instance.

The murder case is, of course, an extreme example, and it’s possible that no apology could be any use. If we consider some less severe examples of ongoing harms, it seems that apologies do sometimes help to create closure. For instance, in a study of discrimination and harassment complaints brought under equal opportunity legislation in Australia, the authors found that complainants regarded apologies as an important part of the process, which “assisted their healing and allowed them to move on.”[[1]](#footnote-1) Even if the apology was offered because a court had ordered it, rather than because the defendant offered it voluntarily, complainants nevertheless saw it as a way of “validat[ing] that they had been discriminated against and vindicat[ing] their decision to complain.”[[2]](#footnote-2) A similar study, of employment discrimination complaints in Hong Kong, found that complainants were likely to seek an apology as part of the process, and that they rejected settlement offers that did not include an admission of wrongdoing.[[3]](#footnote-3) In another study, which posed a hypothetical scenario about the theft and return of a bike, the test subjects reported that they would consider an apology to make a significant difference in their reaction only if it were accompanied by an acknowledgment of the damage and an offer of compensation; in that situation, however, people said that the apology had more impact on their willingness to forgive than the offer of compensation alone would have had.[[4]](#footnote-4) These studies suggest that, while an apology by itself will probably leave the complainant unsatisfied, apologies can play a crucial role in producing closure for the victim. All of these examples are amenable to a narrative framing – particularly the employment discrimination cases, which involved actual, not hypothetical complainants, who had experienced discrimination or harassment over an extended period of time.

One implication that emerges from these studies is that the sincerity of the apology may not be the most important factor in producing closure. As the authors of the first study observed, the complainants felt vindicated, in part, by the public recognition that their allegations were valid, and by the completion of a legal process that required the wrongdoers to acknowledge their responsibility for the harm. Again, this is not to suggest that receiving an apology was the only thing that made a difference, just that the apology played a signalling role that helped to strengthen the sense of closure. To put the events behind them, the complainants not only wanted compensation for their harm, and a legal pronouncement that confirmed their view of the events, but also a statement by the wrongdoers that acknowledged their wrongdoing, and that explained what they had done. While the sincerity of the apology was perhaps relevant to the victim’s satisfaction, it did not seem to be especially important. As a general matter, it would be hard to assess the sincerity of an apology that was ordered by a court, since it would be difficult to overcome the presumption that the speaker was offering it only because it had been required. But even in those circumstances, the apology seems to have served a signalling function that helped the complainants to see their experience as prompting the condemnation of the community, and to see the wrongdoers placed among those articulating the condemnation.

This way of understanding the role of the apology is made explicit in an Australian decision in which a mother and son were ordered to pay $23000 to a gay couple they humiliated and vilified over the course of nine months. As the court explained, “[T]his is a case in which there has been a finding of sexual harassment over an extended period, [and] in my view it is appropriate that there be an apology, and that there be a statement of acknowledgement of regret.” This was appropriate, in part, because the defendants themselves had “acknowledged that homosexuals were entitled to be treated like any other member of the community and not be subjected to discrimination on he grounds of their sexuality,” and in part because “the conduct in question was … designed and intended to be hurtful.”[[5]](#footnote-5) Again, my point is not that the sincerity of the apology would be irrelevant, in such a case, but that requiring the wrongdoers to apologize can “assist[] [the victims with] their healing and allow[] them to move on,” helping to produce closure because it helps to restore the victims to their place in the community.

It probably won’t have escaped your attention that most of these examples feature victims who were targeted on the basis of personal characteristics – cases of discrimination and harassment in which the suffering fits into a particular kind of narrative: initially, the victims are singled out in a fashion that serves to isolate them, to make them feel as if they aren’t entitled to a place in the community, and the adjudication process is therefore also a process of restoration as equal members of the community. It may well be that apologies are likelier to afford closure in these cases, than in most others that involve wrongdoing, or, more precisely, that closure resulting from the uttering of an apology itself, with a diminished concern about its sincerity, would be more characteristic of these cases, precisely because the narrative arc terminates with the victims’ perception that they have been restored to full status within the community, and a mandated apology can be an effective factor in producing this result. Consequently, it might seem that a court-ordered apology can be useful in only a minority of the cases where plaintiffs seek it, but it seems to me that these cases aren’t so exceptional, because in a significant number of cases where the issue arises, this is exactly the kind of harm that occurred: these are cases in which individuals or groups were victimized on the basis of personal characteristics, and they are seeking a public acknowledgement of the wrongdoing that also achieves this signalling function – that makes the wrongdoer express the same condemnation that a legal decision expresses, on behalf of the community. If that’s right, the somewhat surprising implication is that sincerity, which seems vital to most apologies between individuals, may not be all that important in these cases.

1. Alfred Allan, Dianne McKillop, and Robyn Carroll, “Parties’ Perceptions of Apologies in Resolving Equal Opportunity Complaints,” *Psychiatry, Psychology and Law* 17 (2010): 538-550. [↑](#footnote-ref-1)
2. Id. [↑](#footnote-ref-2)
3. Carole J. Petersen, Janice Fong, and Gabrielle Rush, "Enforcing Equal Opportunities: Investigation and Conciliation of Discrimination Complaints in Hong Kong,” Hong Kong Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong (2003). [↑](#footnote-ref-3)
4. Manfred Schmitt, Mario Gollwitzer , Nikolai Förster and Leo Montada, “Effects of Objective and Subjective Account Components on Forgiving,” *Journal of Social \Psychology* 144 (2004): 465-86. [↑](#footnote-ref-4)
5. Wilson & McCollum v. Lawson [2008] QADT 27 ( 2008). [↑](#footnote-ref-5)