

The duty to accept apologies

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Abstract

The literature on reparative justice focuses for the most part on the grounds and limits of wrongdoers' duties to their victims. An interesting but relatively neglected question is that of what - if anything - victims owe to wrongdoers. In this paper, I argue that victims are under a duty to accept wrongdoers' apologies. To accept an apology is to form the belief that the wrongdoer's apologetic utterance or gesture has the requisite verdictive, commissive and expressive dimensions; to communicate as much to him; and to recognise that his apology changes one's normative status in relation to him, and to comport oneself accordingly. Having so construed the acceptance of apologies, I offer a Kantian argument for the duty to accept. I then examine cases in which, it might be thought, there is no such duty. I end the paper by addressing the more fundamental objection that victims do not owe it to wrongdoers to engage in any form of reparative encounter.

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1. INTRODUCTION

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

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In this paper, I argue that victims are under a (*pro tanto*) moral duty to wrongdoers to accept their apologies. This is not a widely endorsed view. The philosophical literature focuses on the meaning of apologies and the grounds for the duty to offer them. Scholars who discuss apologies from the victims' point of view do not do so at any length. When they do, they deny that victims owe it to wrongdoers, such that the latter have a corresponding claim on them, to accept their apologies.¹

The paper proceeds as follows. Section 2 sets the stage by providing a brief account of what it means to apologise to another person and by outlining two widely endorsed defences of the duty to do so. The first approach is grounded in the moral value of reconciliation between the parties, while the second approach adverts to the Kantian requirement of respect for persons. I reject the reconciliatory approach notwithstanding its appeal for the duty to accept apologies, and endorse the Kantian approach. Sections 3 and 4 offer a Kantian defence of the duty in its doxastic, communicative and attitudinal dimensions. Section 5 examines cases in which, it might be objected, there is no duty to accept. Section 6 considers the objection that victims do not owe it to wrongdoers to engage in any form of reparative encounter. Section 7 concludes.

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

Second, I am concerned with cases in which an individual apologises for a wrongdoing which he committed against another person. I do not address apologies issued by state officials for wrongdoings committed by agents acting on behalf or at the behest of their fellow citizens. Nor do I address apologies for wrongdoings committed by private corporations and issued by those corporations' executives. These cases raise (amongst others) the questions of whether it is possible to apologise and to accept apologies on behalf of a collective agent and, if so, of who has the standing to do so. I lack the space to tackle those complexities here.²

Finally, I assume that victims and wrongdoers are both alive, *compos mentis*, and able to communicate with one another. I also assume that they are relative strangers, and not friends, family members or close colleagues. In the first set of cases, it is not clear to me that the Kantian argument I offer here applies. (If it does not, there may well be other grounds

¹ See L. Radzik, *Making Amends* (Oxford University Press, 2009) and J. Gardner, *From Personal Life to Private Law* (Oxford University Press, 2018), esp. ch. 4. See also L. Bovens, 'Apologies', *Proceedings of the Aristotelian Society* 108, no. 3 (2008): 219–239; P. Davis, 'On Apologies', *Journal of Applied Philosophy* 19, no. 2 (2002): 169–173.

² I offer an account of the ethics of public apologies in the aftermath of war in C. Fabre, *Cosmopolitan Peace* (Oxford University Press, 2016), pp. 268–280.

for the duty to apologise and the duty of acceptance: I remain agnostic on this point.) In the second set of cases, the nature of the relationship together with the seriousness of the wrongdoing does make a difference (I suspect) to the grounds and stringency of the duty - though, again, I lack the space to address this fully here.

2. APOLOGISING

An apology issued in response to a wrongdoing is an illocutionary utterance or gesture by which a wrongdoer explicitly admits to his victim that he wronged her, commits himself not to reoffend (be it against her or against others) and expresses apt reactive attitudes in relation to his wrongdoing (regret, guilt, remorse, and so on); in so saying, he presents himself to his victim in the light of someone who repudiates his wrongdoing. To merge (loosely) J.L. Austin's and John Searle's terminology, an apology is verdictive, commissive, and expressive.³

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

³ Austin does not mention expressiveness as such. On his account, apologies belong to the class of 'behabitive' speech acts, to wit, speech acts which are reactions to other people's conducts or to our own. But as he also notes, a speech act can belong to different classes simultaneously - commissive, verdictive, behabitive, etc. (J. L. Austin, *How To Do Things With Words*, ed. J. O. Urmson (Oxford University Press, 1962), pp. 151-161). Searle, by contrast, explicitly describes apologising as an expressive act. (J. R. Searle, *Expression and Meaning - Studies in the Theory of Speech Acts* (Cambridge University Press, 1979), p.15.) For important works which elucidate both the nature of apologies and the practice of apologising, see, e.g., C. Bennett, *The Apology Ritual* (Cambridge University Press, 2008); C. Bennett, 'What Goes On When We Apologize?', *Journal of Ethics and Social Philosophy* 31 (2022): 115-135; Bovens, 'Apologies'; M. Cohen, 'Apology as Self-Repair', *Ethical Theory and Moral Practice* 21, no. 3 (2018): 585-598; Davis, 'On Apologies'; J. S. Helmreich, 'The Apologetic Stance', *Philosophy & Public Affairs* 43, no. 2 (2015): 75-108; T. Govier and W. Verwoerd, 'The Promise and Pitfalls of Apology', *Journal of Social Philosophy* 33, no. 1 (2002): 67-82; A. Lazare, *On Apology* (Oxford University Press, 2004); Radzik, *Making Amends*; N. Smith, *I Was Wrong - The Meaning of Apologies* (Cambridge University Press, 2008); M. Walker, *Moral Repair - Reconstructing Moral Relations after Wrongdoing* (Cambridge University Press, 2006); Gardner, *From Personal Life to Private Law*, ch. 4. Some of these authors would not endorse my brief account without qualifications. For example, Jeffrey Helmreich is sceptical about the commissive and expressive dimensions of apologies. Still, I hope that my brief description is uncontroversial enough to most readers. Henceforth, I shall speak of apologies as utterances but what I say here applies, *mutatis mutandis*, to apologetic gestures.

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

Third, sincerity, understanding and commitment can come apart. Imagine someone who utters some antisemitic slurs in a burst of drunken anger and who when sober immediately says sorry to his audience. Suppose that he *is* genuinely remorseful and yet at the same time says (truthfully) that some his friends are Jewish. While sincere (he does mean it when he says he did wrong and he does feel awful), he clearly has failed to grasp the nature of his wrongdoing.⁴ Relatedly, suppose that Walter is an alcoholic and had been drinking before driving; this is not his first relapse at the wheel, and it is not the first time in fact that he causes an accident while inebriated. Even if he genuinely believes at the point at which he apologises to Violet and promises that he will not reoffend, his belief is not well grounded. In both cases, his apologetic statement falls short of an apology.

Let us suppose then that Walter's utterance and attitude meet the conditions of an apology. Few would disagree (I take it) that wrongdoers are under a reparative duty to their victims to apologise to them. There are broadly two approaches to defending reparative duties. On the reconciliatory approach, wrongdoers damage their relationship with their victims by acting as they did. Their reparative duties are grounded in the moral imperative of restoring that relationship. To the extent that apologies help repair the damage, wrongdoers are under a duty to apologise.⁵

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

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

Second, reconciliatory approaches cannot account for cases in which victims and wrongdoers do not have a relationship to begin with. When responding to that challenge, some proponents of the reconciliatory approach aver that strangers passing in the night - or on the road - stand in a *moral relationship* with each other which the wrong-

⁴ Thanks to A. Ripstein for the example.

⁵ See, e.g., Radzik, *Making Amends*; Walker, *Moral Repair*.

⁶ Bennett, 'What Goes On When We Apologize?'

doer damages and is under a duty to repair.⁷ Now, I agree that we all stand in a moral relationship with one another, which we alter when we wrong one another. However, the suggested response worryingly construes ‘relationships’ so broadly that the word loses whatever additional descriptive, explanatory and justificatory power it is supposed to have - additional, that is, to the more straightforward claim that we have primary rights and duties *vis-à-vis* another, and acquire secondary, remedial rights and duties following the commission of a wrong.⁸

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

Let us take it for granted that Walter is under a duty to Violet to apologise to her. In the next two sections, I offer an account of what it means to say that Violet accepts his apology; and I argue that she is under a *pro tanto* duty to him to do so. (Henceforth and for short, I shall say that she is under a duty to him to do so, but shall always imply that the duty is *pro tanto*.)

3. ACCEPTANCE

Walter apologises to Violet: he tells her that it was very wrong of him not to pay more attention to her as she was cycling alongside him, that he is deeply sorry about what happened, and that he will be much more careful next time. Let us suppose for now that Walter speaks truthfully. Violet rejoins as follows: ‘I hear you. You’ve just said you were in the wrong, that you wouldn’t do it again and that you feel bad. And I can see you look upset.’

At this juncture, there are three possibilities. First, Violet does not believe that Walter

⁷ See, e.g., L. Radzik, ‘Tort Processes and Relational Repair’, in *Philosophical Foundations of the Law of Torts*, ed. J. Oberdiek (Oxford University Press, 2014), p. 238.

⁸ R. Kumar, ‘Why Reparations?’, in *Philosophical Foundations of the Law of Torts*, ed. J. Oberdiek (Oxford University Press, 2014). See also, for arguments against reconciliatory approaches, Gardner, *From Personal Life to Private Law*, pp. 91-98; V. Tadros, ‘Secondary Duties’, in *Civil Wrongs and Justice in Private Law*, ed. P. B. Miller and J. Oberdiek (Oxford University Press, 2020).

is sincere and/or properly understands what he did to her, and tells him as much. Second, she tells him, truthfully, that she does believe him; but she then insists that he should apologise again and again, or she treats him with contempt. Third, she does believe him but remains silent. In none of these cases is she aptly described as accepting Walter's apology: her response falls short of acceptance on *doxastic*, *communicative* and *attitudinal* counts.

The point might be disputed as follows. On a familiar version of speech act theory, a speech act counts as such only if it succeeds; and it succeeds only if its addressee responds with appropriate uptake. For example, if I return the money you deposited in my bank account as a birthday gift, you have not succeeded in giving it to me; you have merely attempted to do so. By analogy, on this view, if Violet declines to take up Walter's utterance, Walter has not in fact apologised: he has merely attempted, and failed, to do so.⁹ If this is correct, no apology has been given; and since one cannot accept something which is not given, the two-pronged question of whether Violet accepts Walter's apology and is under a duty to do so is moot.¹⁰

In response: even if uptake is a necessary success-condition for some speech acts, it is not a necessary success-condition of an apology. The illocutionary point of Walter's speech act is for Walter to present himself to Violet in a particular moral light, as someone who acknowledges he has wronged her, is remorseful, and commits himself not to reoffend. If she does not see him in that light, his speech act has not had on her the perlocutionary effect which he intended. But there is no reason to suppose that his utterance, which he meant as an apology, counts as such only if it has that effect.

I take it, then, that Walter has apologised and that the question of whether Violet is under a duty to accept his apology remains on the table. To answer that question, we must first ascertain more precisely what accepting an apology involves.

Consider the doxastic dimension of acceptance. Violet accepts Walter's apology only if she believes the following to be true: (a) Walter understands that he wronged her and intends his apology to refer to this wrongdoing; (b) he is committing himself to not re-offending; (c) he is feeling remorseful. For short, as I shall sometimes put it, she has to believe that he means it.¹¹

Mere belief is not enough. Suppose that Violet takes a daily pill for some medical condition, one side effect of which is that every day between 4pm and 5pm, she believes anything anyone tells her. The accident happens at 4pm and Walter apologises at 4:15pm.

⁹ Austin himself is uncertain whether, in general, uptake is necessary for the success of the illocutionary act. See Austin, *How To Do Things With Words*, p. 37.

¹⁰ In this case, we should be asking whether Violet owes it to Walter to make his attempt successful - in John Gardner's apt words, to help him 'finish the reparative job.' Gardner, *From Personal Life to Private Law*, p. 107.

¹¹ To my knowledge, Paul Davis is the only philosopher who stresses that the giving of an apology is a doxastic act, though he does not fully explore the implications of this point for the acceptance thereof. (Davis, 'On Apologies'.)

Violet holds the requisite beliefs but she has not accepted his apology, for her belief in the sincerity of Walter's verdictive, commissive and expressive utterance is not justified. Her belief is justified only if it is reliably grounded in relevant evidence. Violet's belief is reliably grounded when, for example, she properly listens to Walter's oral apologies; when she watches and does not merely see what he is doing if he does so gesturally; when she reads his note and does not merely look at the words on the page as if they were a piece of art should he apologise in writing, and so on. This further suggests that, in just the same way as an overly hasty apologetic utterance or gesture falls short of an apology, an overly hasty assurance by the victim that she believes the wrongdoer falls short of acceptance.

What counts as relevant evidence partly depends on the context of Walter's and Violet's interaction. For the question is not simply what counts as relevant evidence to justify Violet's belief in the truthfulness of the claim that Walter recognises that he has done wrong, is remorseful, and is committed not to reoffend. Rather, the question is what counts as relevant evidence to justify her belief in the truthfulness of *Walter's illocutionary utterance with its perlocutionary intent*. Consequently, such evidence must include Walter's apology. To see this, suppose that, following Walter's apology and noting Violet's sceptical look, Peter, Walter's friend and car passenger, affirms to Violet that Walter really means it. Suppose further that Peter's judgement in general, and about his friends in particular, is infallible, and that Violet knows this. On that basis, *but on that basis alone*, she forms the belief that Walter really does mean it. She is taking Peter's testimony that Walter's self-avowal meets the conditions of an apology as both true and entirely dispositive. She is not aptly described as accepting *Walter's* apology, any more than she would be aptly so described if Walter had remained silent throughout her exchange with Peter.¹²

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

Suppose then that Violet has formed the requisite belief on the basis of relevant evidence. She meets the doxastic condition of acceptance. Now suppose she does not tell as

¹² Thanks to K. Upadhyaya for suggesting the example of the infallible witness.

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

Finally, the acceptance of an apology is attitudinal. Walter's apology is transformative: while he cannot erase his wrong, he does not stand in the same relationship to her as if he had not apologised. Violet, thus, is aptly described as accepting Walter's apology only if she acts towards him in recognition of that fact. She cannot be deemed to have accepted his apology if she keeps insisting that he repudiate himself, again and again, or if she continues to regard him with contempt, nurtures her anger towards him, tells all and sundry, at the first, second, third opportunity, what he did to her - if, in other words, her interaction with and/or perception of him is largely shaped by her negative reactive attitudes. Furthermore, prior to his having apologised, Violet is (up to a point) entitled to discount his interests relative to her own interests and to the interests of others, to a greater degree than if he had not wronged her. If she continues so to discount his interests, *on the grounds that* he wronged her, even though he has apologised, she is not aptly described as having accepted his apology.¹³

4. THE DUTY TO ACCEPT

4.1. *The Kantian requirement*

Suppose that Violet accepts Walter's apology. In this section, I argue that she is under a moral duty to him to do so. That is to say, in the light of my account of acceptance, she is under a duty to him to (a) form and hold the belief that he recognises that he has committed a wrong and understands the nature of that wrong, that he undertakes not to reoffend and is appropriately remorseful (put differently, she is under a moral duty to him

¹³ On my account, thus, there is conceptual space for Violet truthfully to say to Walter that she believes him while also telling him that she does not accept his apology (for, she can tell him without inconsistency, she still despise him; or she insists on further apologetic utterances.)

The point about negative partiality is developed by Joshua Brandt in a sophisticated account of forgiveness. Brandt argues to forgive a wrongdoer is to release oneself from the permission to display 'negative partiality' towards him. As I shall suggest below (s.4), there are important differences between forgiveness and accepting apologies (which Brandt does not deny). Still, they both 'extinguish' attitudinal permissions *vis-à-vis* wrongdoers, of which interest-discounting is one. (See J. Brandt, 'Forgiveness and Negative Partiality', (unpublished 2022).)

to fulfil her (non-moral) doxastic duty in respect of his apology);¹⁴ (b) to communicate as much to him; (c) to recognise that their normative situation has changed in the light of his apology, and to comport herself *vis-à-vis* him accordingly.

To help pave the way, it is worth noting that victims do not, in general, enjoy full discretion over how to conduct themselves towards wrongdoers *qua* wrongdoers. For example, they may not insist that the latter should debase themselves. Even if publicly shaming wrongdoers is justifiable (by no means a foregone conclusion), there are moral constraints on what victims (as well as third parties) may do when engaging in such a practice.¹⁵ Those constraints are rooted in the imperative of treating others, including wrongdoers, with the respect they are owed as rational and moral agents. That imperative, which (as I argued in s.2) supports a wrongdoer's duty to apologise, also supports his victim's duty to accept the apology. Here is why. To treat someone with respect is to treat them as a rational and moral agent. It is to recognise that they have the capacity and willingness to formulate and set ends for themselves and to pursue those ends; that they are, by implication, able to make sense of the world in which they operate and of their place in it with some degree of accuracy (failing which they would not be able to pursue those ends); that they are responsive to reasons. It is also to recognise that they have the capacity and willingness to judge and differentiate between right and wrong, to conduct themselves in the light of those judgments, and to account for their failure or success in doing so; that they have the competence and authority to make demands on us, just as we make demands on them, and to hold us accountable for honouring or ignoring those demands, just as we hold them accountable.

To treat someone as a rational and moral agent, moreover, is not merely to recognise that they possess a property in virtue of which such treatment is in order: it is not just a matter of belief. It is also to comport oneself with them on the assumption (pending evidence to the contrary) that they *are* responsive to reasons and *do* have a relatively accurate

¹⁴ When I speak of duty without qualification, I shall mean a 'moral duty', not 'doxastic duty'. The claim that there is such a thing as a non-moral doxastic or epistemic duty has come under sustained scrutiny. (The terms 'doxastic' and 'epistemic' tend to be used interchangeably in that literature.) I am inclined to think that there is such a thing, though I will not defend that assumption here. In any event, even if there is no such thing as a non-moral doxastic duty, it does not follow that there is no moral duty to form and hold beliefs. (See C. B. Wrenn, 'Why There Are No Epistemic Duties', *Dialogue: Canadian Philosophical Review/Revue canadienne de philosophie* 46, no. 1 (2007): 115–136.) For a seminal rejection of the notion of epistemic duties, see W. P. Alston, 'The Deontological Conception of Epistemic Justification', *Philosophical Perspectives* 2 (1988): 257–299. Alston's objection relies on the claim that we do not have over our beliefs the kind of effective control without which we can be held under duties, epistemic or otherwise. Alston's objection also applies to *moral* duties to hold and form beliefs. I will return to it in s.4.2. Out of a large literature on epistemic and doxastic duties, the following two collections of essays are particularly useful: M. Steup, ed., *Knowledge, Truth, and Duty - Essays on Epistemic Justification, Responsibility, and Virtue* (Oxford University Press, 2001); J. Matheson and R. Vitz, eds., *The Ethics of Belief* (Oxford University Press, 2014).

¹⁵ P. Billingham and T. Parr, 'Enforcing social norms: The morality of public shaming', *European Journal of Philosophy* 28, no. 4 (2020): 997–1016.

understanding of the world we both inhabit and of our respective places within it; that they *are* morally responsible, and thus that it is appropriate to hold them accountable, for their actions.

The imperative so construed has two important and relevant implications. First, it implies that we may deliberately subject someone to harsh treatment only if and on the grounds that they have acted in such a way as to warrant it; or, under conditions of uncertainty, only if and on the grounds that we have sufficient evidence that they have acted in such a way as to warrant harsh treatment. To put the point in the parlance of the criminal law, Kantian respect for persons grounds a presumption of innocence. It is true that in the criminal law, the presumption of innocence does not require of jurors that they believe in the defendant's innocence if the evidence falls below the relevant threshold. It only requires of them that they not convict him unless the evidence suggests that he is guilty beyond a reasonable doubt: it is entirely open to a juror to believe both that the relevant threshold has not been met *and* that the defendant is guilty (in the non-legal sense of the term). Yet, the rationale for the presumption of innocence in the criminal law extends to what one may call doxastic hard treatment. In the context of this paper, doxastic hard treatment consists in charging someone with wrongdoing and morally condemning them for it. Other examples include negatively stereotyping someone on the basis of spurious generalisations grounded in her race, gender, sexual orientation and so on; or forming prejudicial beliefs about her on the basis of hearsay. I take it for granted that one owes it to others, morally speaking, not to subject them to this kind of hard treatment, precisely because one's beliefs about them are not grounded in relevant and reliable evidence. By analogy, then, one owes it to them not to subject them to the hard treatment of moral condemnation absent relevant and reliable evidence.¹⁶

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

4.2. *Applying the requirement*

We are now in a position to see why Violet wrongs Walter when she rejects his apology. His initial wrongdoing - recklessly knocking Violet off her bike - is such as to warrant Violet subjecting him to the harsh treatment of censuring him. Were he to refuse to apo-

¹⁶ Important recent works on the presumption include V. Tadros, 'Rethinking the Presumption of Innocence', *Criminal Law and Philosophy* 1, no. 2 (2007): 193–213; V. Tadros, 'The Ideal of the Presumption of Innocence', *Criminal Law and Philosophy* 8, no. 2 (2013): 449–467; P. Tomlin, 'Could the Presumption of Innocence Protect the Guilty?', *Criminal Law and Philosophy* 8, no. 2 (2012): 431–447; P. Tomlin, 'Extending the Golden Thread? Criminalisation and the Presumption of Innocence', *The Journal of Political Philosophy* 21, no. 1 (2013): 44–66.

logise to her, he would compound his initial wrong and warrant further harsh treatment in the form of additional censure for the additional dereliction of failing to recognise that he has wronged her and to be appropriately remorseful. By apologising to her, Walter is giving her, and shows himself to give her, relevant and reliable evidence - the content of his utterance, his tone of voice, his body language - that he understands both that he has committed a wrong and what the nature of his wrong is, that he is appropriately remorseful and that he is committed not to reoffending. The evidence is such that she can form a judgement as to whether or not his apologetic utterance has the requisite verdictive, commissive and reactive dimensions. When she refuses to believe him notwithstanding the evidence he gives her, she fails to grant him the respect she owes him as a rational and moral agent with testimonial authority with respect to important facts about himself.

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

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

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

My argument implies that there is such a thing as a doxastic wrong - to wit, the wrong inherent in forming and holding or (as is the case here) failing to form and hold certain beliefs. Some people believe that there cannot be such a thing and would reject this paper's thesis on that basis. By that token, they would have to reject the duty to apologise in the first instance. For as we saw in s.2, one cannot be deemed properly to apologise unless one has formed the belief that one has committed a wrong and that one is capable of not reoffending (failing which it would be irrational to commit oneself not to reoffend.) To say that wrongdoers are under a duty to apologise, then, is to say that they are under a duty to form those beliefs. If proponents of the doxastic wrongs objection are willing to concede (as they surely must) that to apologise is in part a doxastic act, then they must for consistency's sake reject, not merely the duty to accept an apology but also the duty to apologise. This seems seriously counter-intuitive.¹⁷

Suppose, then, that Violet recognises Walter's rational and moral agency, and forms the belief - as is her duty - that he does acknowledge his wrongdoing, is remorseful, and undertakes not to reoffend. The question now is whether she is also under a duty to him to communicate as much to him. I believe so. Suppose that Violet remains silent, even though she can easily tell Walter that she believes him. Outwardly, she treats him in exactly the same way as if he had not apologised. In so doing, she wrongs him, for relevantly similar reasons as Walter would wrong her if he avoidably failed to tell her that he is sorry. The grounds for his duty to communicate to her that he is, we saw, lies in the importance of reassuring her that she always was worthy of respect. The grounds for her duty to communicate to him that she believes him lies in the importance of reassuring him that she sees him as a self-repudiating wrongdoer. Avoidable silence breeds doubt. This particular doubt - that one is not seen and judged by the other party as morality demands - is a form of harm, which one ought not to impose on one another without warrant. In neither case is there warrant for silence.

Finally, as I noted in s.3, to accept an apology is not merely to form the requisite beliefs; it is also to behave towards the wrongdoer in recognition of the fact that one's relationship *vis-à-vis* him has changed. Given that Violet is under a duty to believe in Walter's sincerity and to communicate as much to him, she is also under a duty to Walter

¹⁷ For recent and important work on doxastic wrongs, see R. Basu, 'Can Beliefs Wrong?', *Philosophical Topics* 46, no. 1 (2018): 1–17; R. Basu and M. Schroeder, 'Doxastic Wronging', in *Pragmatic encroachment in epistemology*, ed. B. Kim and M. McGrath (Routledge, 2018); R. Basu, 'The wrongs of racist beliefs', *Philosophical Studies* 176, no. 9 (2019): 2497–2515; R. Basu, 'What we epistemically owe to each other', *Philosophical Studies* 176, no. 4 (2019): 915–931; E. Begby, 'Doxastic Morality: A Moderately Skeptical Perspective', *Philosophical Topics* 46, no. 1 (2018): 155–172; R. J. Bolinger, 'The rational impermissibility of accepting (some) racial generalizations', *Synthese* 197, no. 6 (2020): 2415–2431; E. Begby, *Prejudice - A Study in Non-Ideal Psychology* (Oxford University Press, 2021); J. Fritz, 'Pragmatic Encroachment and Moral Encroachment', *Pacific Philosophical Quarterly* 98, no. 1 (2017): 643–661; J. Fritz, 'Moral encroachment and reasons of the wrong kind', *Philosophical Studies* 177 (2020): 3051–3070; S. Moss, 'Moral Encroachment', *Proceedings of the Aristotelian Society* 118, no. 2 (2018): 177–205; M. Schroeder, 'When Beliefs Wrong', *Philosophical Topics* 46, no. 1 (2018): 115–128.

not to claim more than what she is owed, such as further apologies for the wrong he committed against her; not to have her reactive attitudes towards him entirely coloured by her anger and resentment; and not to discount his interests to the degree she was permitted to do so before he apologised. To hold her under the aforementioned doxastic and communicative duties yet exempt her from those and related practical duties would be inconsistent.

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

Note too that the claim that Violet is under a duty to Walter to accept his apology implies that, should she be derelict in her duty and thus wrong him, *she* would owe him an apology. He, in turn, would be under a duty to accept it, on the same grounds as Violet: he may not object that her refusal provides him with a justification for rejecting that apology. If Violet's utterance meets the requisite verdictive, commissive and expressive conditions, he has no grounds for refusing to accept it. Of course, if he does, he owes her an apology for *that*, and if she refuses to accept it, she in turn...etc. Yet the prospect of infinite regress does not impugn the claim that they owe it to one another to apologise and to accept those apologies.

4.3. Accepting apologies vs. forgiving

I have argued that Violet is under a duty to Walter to accept his apology. Does this imply that she is under a duty to forgive him? Conversely, if we can show that she is under a duty to forgive him, have we not thereby shown that she is under a duty to accept his apology? Those questions arise partly because apologies and forgiveness are often lumped together in the relevant literature (particularly the literature on reconciliation), partly for the related reason that usually (more often than not?), someone who forgives a wrongdoer

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

also and thereby accepts their apology.

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

On normative conceptions of forgiveness, to forgive a wrongdoer is to waive his reparative duties; moreover, once one has forgiven the wrongdoer, one is no longer morally permitted to continue to blame and resent him for what he did, and to discount his interests relative to the pre-wrongdoing baselines. In those respects, forgiveness is similar to accepting apologies. However, on the normative account, to say that a victim is under a duty to the wrongdoer to forgive him is to say that she is under a duty to him to exercise the normative power of (*inter alia*) waiving his reparative duties, *including his duty to apologise*. This is very different from the duty to accept an apology construed in its attitudinal dimension as a duty on the part of the victim to comport herself towards the wrongdoer in recognition of the fact that her normative relationship to him *has changed in the light of the apology*: in this case, there is no normative power to exercise.²⁰

Finally, on both accounts, one can coherently forgive another person even if one does not believe in his apologetic sincerity, indeed even if he has not offered an apology in the first instance. One may also be coherently held under a duty to do so - for example on the view that one can be under a duty to forgive the dead even though the latter did not

¹⁹ For affective accounts of forgiveness, see, e.g., L. Allais, 'Wiping the Slate Clean: The Heart of Forgiveness', *Philosophy & Public Affairs* 36, no. 1 (2008): 33–68; C. L. Griswold, *Forgiveness - A Philosophical Exploration* (Cambridge University Press, 2007); J. Hampton and J. G. Murphy, *Forgiveness and Mercy* (Cambridge University Press, 1988); P. Hieronymi, 'Articulating an Uncompromising Forgiveness', *Philosophy and Phenomenological Research* 62, no. 3 (2001): 529–555. Whereas it is possible to accept a wrongdoer's apology while entertaining some anger towards him, one cannot do so while at the same time regarding him with contempt - though one can do so at *t2* while still feeling contempt for the person he was at *t1*.

²⁰ For powerful defences of the normative account, see C. Bennett, 'The Alteration Thesis: Forgiveness as a Normative Power', *Philosophy & Public Affairs* 46, no. 2 (2018): 207–233; C. Bennett, 'Normative Power Accounts of Forgiveness', in *Routledge Handbook of Forgiveness*, ed. G. Pettigrove and R. Enright (Routledge, forthcoming 2022); B. Warmke, 'The Normative Significance of Forgiveness', *Australasian Journal of Philosophy* 94, no. 4 (2016): 687–703.

apologise while alive. Forgiveness can be a one-way street, whereas the acceptance of an apology requires that wrongdoers should pass each other on the road.²¹

5. HARD CASES

My recurrent case is a relatively easy one: Walter has not wronged Violet before; he is sincere; his wrongdoing, though fairly serious, is not the worst one can possibly inflict on another person. In this section, I address some hard cases: repeat wrongdoers; insincere wrongdoers; agents whose wrong consists in pressurising their victims in giving them undue attention; evil wrongdoers. Each case, it might be claimed, lies beyond the scope of the duty to accept, even if there is such a duty in the relatively easy case under discussion so far. I show that there still is a duty of acceptance in at least some of those cases. (I do not claim to be exhaustive: there may be other hard cases, treatment of which might lead to further refinements.)

5.1. Repeat wrongdoers

I have assumed that Walter is sincere and that the evidence is such that Violet lacks epistemic justification for disbelieving him. Let us relax the second assumption. Suppose that Violet learns that Walter is a habitual careless driver who has already caused a couple of accidents.²² Does she owe it to him to accept his apology?

Let us suppose that he genuinely recognises that he committed a wrong and that he is genuinely remorseful. Let us further suppose that he genuinely believes, at the point at which he apologises, that he will not reoffend. We must distinguish between two cases. In the first case, his belief in his ability not to reoffend is not justified: recall the variant of the case in which, I imagined, Walter is an alcoholic (s.2). Given that he is not in fact apologising, *and* that the evidence at Violet's disposal also so suggests, she is not under a duty to him to accept his apology.

In the second case, by contrast, his belief is justified under the circumstance. Even so, the evidence at Violet's disposal is such that she is not epistemically justified in forming the belief that Walter's utterance meets the verdictive and commissive conditions for an apology: on the contrary, she is epistemically justified in not believing him.

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

²² Thanks to A. Taylor for raising the problem of repeat wrongdoers. The example is mine.

Derek Parfit's seminal distinction between evidence-relative and fact-relative wrongdoing is helpful here. Suppose that someone is knocking on my door. The evidence at my disposal tells me that this person is a murderer out to kill me. I am evidence-permitted to kill him in self-defence; but if, as a matter of fact, he is a stranger in need of help, I fact-relatively wrong him if I kill him. In the language of duties, I am not under an evidence-relative duty not to kill him, but I am under a fact-relative duty not to do so. By parity of reasoning, Violet is not under an evidence-relative duty to believe him and, by implication, to accept his apology. But if the facts are such that Violet's belief that Walter does not genuinely and robustly mean it is false, she fact-relatively wrongs him by disbelieving him and by rejecting his apology.²³

5.2. *Insincere wrongdoers*

Let us now suppose that Walter is lying through his teeth but that the evidence - the content of his utterance, his tone of voice, his body language, etc.-, unambiguously points to his sincerity. Now, as we saw in s.2, sincerity is a necessary condition for Walter's utterance to count as an apology. Given that he is not sincere, Walter is not in fact apologising. Since no apology has been issued, Violet is not under a fact-relative duty to accept it. However, in so far as *ex hypothesi* the evidence points to Walter's sincerity, it seems, in the light of my treatment of the case of repeat wrongdoers, that Violet is under an evidence-related duty to him to believe him and thus to accept what she thinks is, though in fact is not, an apology.

However, we should resist this conclusion. Given that Walter is deliberately and culpably distorting the evidence on the basis of which Violet forms her belief as to his sincerity, she is not under a duty to him to consider his utterance in the light of such evidence. To be sure, she is not off the moral-doxastic hook altogether. In particular, she is under a duty to him not to interpret the evidence he presents her through (e.g.) the distorting lenses of her own prejudices. But although Walter has a claim not to be disbelieved and not to be censored for committing the wrongdoing of lying on grounds which are not relevant, *a fortiori* on grounds which themselves imply a denial of fundamental respect, he does not have a claim against Violet that she should regard his mendacious evidence as

²³ See D. Parfit, *On What Matters vol. 1* (Oxford University Press, 2011), pp. 150-162. Two points. First, whether Walter *will in fact* reoffend is irrelevant: what matters, for ascertaining whether Violet is under a fact-relative duty to, is whether he is sincere and whether his belief in his ability (and willingness) not to reoffend is robust. This should not trouble us: a wrongdoer can be aptly described as making a strong, sincerely felt and robust commitment not to φ at time $t1$ even though he will in fact reoffend at $t2$. Second, it does not follow from the claim that Violet fact-relatively wrongs Walter that she owes him an apology for that. In so far as she is evidence-relatively justified in rejecting his apology, she is not culpable for wronging him. Whether she is under a duty of acceptance to him depends on whether, in general, non-culpable wrongdoers owe it to their victim to apologise to them. For lack of space, I leave that question unresolved.

corroborative simply by dint of the fact that it is his evidence.²⁴

5.3. *Manipulative wrongdoers*

Suppose that Walter's wrongdoing consists in manipulating, indeed pressurising, Violet to interact with him, when he has no entitlement that she should do so. For example, he sexually harasses her. If my argument is correct, she is now under a duty to give him precisely (some of) what he wrongfully wanted in the first place, namely her attention. This seems seriously counter-intuitive. For not only, then, does he have a further reason *ex ante* for harassing her: it also seems utterly perverse to grant him *ex post* what he should not have believed himself entitled to get in the first instance. Even if (the objection continues), there is a duty to accept apologies in cases in which acceptance does not provide wrongdoers with an incentive to commit a wrong and is not tantamount to giving them some of what they wanted, there is no such duty in this kind of case.²⁵

I am not convinced that the objection works, for two reasons. First, the wrongdoing for which Walter apologises at *t2* is precisely the wrongdoing of, at *t1*, unwarrantedly seeking to get Violet to (at the very least²⁶) pay attention to him by harassing her while relying on the fact that if he does apologise to her, she will pay him attention. *Ex hypothesi*, when he does apologise, he gives Violet evidence that he accepts he committed *this* particular wrong, to wit, the wrong of having regarded at *t1* her paying him attention as an incentive for apologising at *t2*; he commits himself not to reoffend; and he is appropriately remorseful. Admittedly, given the nature of his wrongdoing, she may have strong reasons to doubt that he has apologised for the right, illocutionary, reasons; and she may therefore need more evidence of his sincerity than she would if he had, e.g., recklessly knocked her off her bike. However, unless there are grounds for believing that harassers can never provide strong enough evidence of their sincerity, the Kantian argument in favour of the duty does seem to apply to those cases as well. It is not clear to me that there are such grounds.

Second, victims are sometimes under a duty to wrongdoers to give them at *t2* part of what they wrongfully sought at *t1*. Suppose that Walter loiters outside Violet's home in the hope of getting a glimpse of her yet having been warned about his harassing behaviour, and is run over by a car, sustaining a serious injury in the process. The driver flees the scene of the accident. Violet is the only person present who is in a position to call an ambulance. In order to do that, she has to pay some attention to Walter. It seems to me

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

²⁵ The objection was put to me at the 2022 Oxford Political Thought Conference.

²⁶ I say 'at the very least' for in the case under consideration, what he really wants from her is sex.

that, at the bar of Good Samaritanism ethics, she is under a duty to him to do that.²⁷ If the fact that she would give him what he wrongfully wanted - her attention - is no bar to holding her under a duty to him to help him, one must identify a relevant difference between this case and the apology case. I am not sure (as yet) what the difference is.

I suspect that what drives the objection is the worry that victims of harassment and stalking, who are disproportionately women, are held under a duty to do *yet more* emotional, placatory, attention-giving work for the sake of the men who wrong them.²⁸ I share that worry. It seems to me however that it can be, if not blocked, at least alleviated by the following considerations. For a start, it does not cover cases in which victims of harassment are men and thus do not operate under the aforementioned gender-stereotypical burdens. In addition, a victim of harassment clearly is not under a duty to the harasser to interact with him in the way he wanted in the first instance - on which point the objection is obviously correct. All that she needs to do is communicate, either herself or via a third party, that she believes the wrongdoer. Moreover, as we saw at the close of s.4, she need not forgive him; indeed, it may still be entirely apt of her to remain angry; and it does not behove her to make him feel better. She need not say anything above and beyond, 'I believe you', and she need not do more than communicate as much to him and comport herself accordingly. Even if for her to meet the communicative and attitudinal dimensions of apology acceptance *are* two steps too far, she may still be held under a moral duty to fulfil her non-moral doxastic duty to him in respect of his apology. While this falls short of holding her under a duty to accept his apology as I have construed that duty, it does not leave her completely off the moral hook. (Likewise, incidentally, there might be good reasons for not holding a wrongdoer under a duty to make his apology explicit to his victim; this does not exempt him from a moral duty to admit, *in foro interno*, that he did wrong, to commit himself not to reoffending, and to have appropriate reactive attitudes.)

5.4. *Evil wrongdoers*

The case of insincere wrongdoers is one in which there is, in fact, no apology. So is the case of evil wrongdoers - at least on some accounts. On such accounts, some wrongdoings are so evil that their perpetrators can never apologise for them. Albert Speer is a good example. Speer, the Third Reich's Minister for Armaments and War Production, pleaded guilty at the Nuremberg Trials. Not only did he not attempt to justify or excuse himself: on the

²⁷ Two points. First, even if Walter has not apologised, Violet is under the aforementioned duty. For even though she may discount his interests until he apologises, she may do so - recall - *up to a point*, and not to the point where he would suffer very serious harm as a result of her not helping him. Second, her duty of rescue is subject to a no-undue-sacrifice proviso. If Walter's campaign of harassment has escalated to the point where Violet has genuine reasons to fear for her mental health and *a fortiori* her life, she is not (I believe) under a duty to rescue him in this case. I will return to this issue in s.6.

²⁸ That, in fact, seemed to have been the tenor of some of the remarks made at the above mentioned conference.

contrary, he averred that ‘no apologies are possible’ for those crimes.²⁹ If an apology cannot be given in such cases, then there clearly is no duty (be it fact-relative or evidence-relative) to accept it.

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

I am not persuaded. As I noted in s.4, someone who forgives a wrongdoer often also and thereby accepts their apology. We know of cases in which victims of unspeakable wrongs, such as suffered in the Holocaust, or under the Apartheid regime in South Africa, have forgiven the perpetrators of those wrongs, and in terms such as to suggest that they have also accepted their apologies. In such cases, then, the perpetrators’ utterances have had the requisite illocutionary (and for that matter perlocutionary) force. If so, then it is not the case that evil wrongs by their nature make the apology impossible.

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

6. THE ‘CLEAN-BREAK’ OBJECTION

In s.5, I considered cases in which, it might be objected, there is no duty of acceptance. As we saw, the objection does sometimes hold, though even when there is no duty of acceptance, the victim is not always off the moral hook. Moreover, as we also saw, the objection does not always hold.

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

This objection is one that I have often encountered in discussions of this paper.³⁰ It goes something like this. Walter has recklessly knocked Violet’s off her bike and injured her, and has shown utter disregard for her interests. Even if Violet has every reason to believe that he is sincere and even if her belief is correct, she does not owe him to participate in his reparative enterprise - as she would have to do were she to listen to his utterance and

²⁹ Tavuchis, *Mea Culpa*, p. 21.

³⁰ I am particularly grateful to the members of the Nuffield Political Theory Workshop, the Berkeley Law and Philosophy Reading Group and the USC seminar on Conceptual Foundations of Conflict Project for such discussions.

pay attention to the way he communicates his admission of wrongdoing, commitment not to reoffend, and expressions of remorse and shame. While Violet is permitted to ignore him (at least *vis-à-vis* him) regardless of the seriousness of the wrong, the objection is particularly powerful, its proponents would aver, the more grievous the wrong.³¹

What lies behind the objection, I suspect, is something like this: it is bad enough that someone should have been wronged; it is worse to hold her under duties to the very person who wronged her. Or, to put it differently: it seems perverse that the commission of a wrongdoing should confer on the perpetrator a claim against his victim.

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

That being said, she is still subject to moral constraints *qua* victim. In particular, whether she may waive his duty without wronging him depends on her reasons for doing so. Thus, if she refuses to hear him out on the grounds that she has already decided, without considering the evidence at her disposal, that he cannot possibly be sincere or properly understand the wrong he did to her, then by the lights of the Kantian argument, she does wrong him. Moreover, she may not waive his duty *and yet* at the same time conduct herself towards him as if their normative situation has not changed. For her to continue to condemn him and thus to treat him as an unrepentant wrongdoer without giving him a chance to apologise, indeed having communicated to him that he need not do so, would be unfair, and thereby wrong *vis-à-vis* him.

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

Suppose, finally, that Violet neither waives nor demands Walter's performance of his apologetic duty, and that Walter apologises anyway. If his utterance meets the requisite conditions of an apology, in this case too she is under a duty to accept it. She is not exempt of any and all moral duty in respect of the beliefs she holds and forms about Walter. If one accepts that failing to fulfil one's doxastic duty can in principle wrong the subject of that belief (as I suggested in s.4 that we must), then one can accept, in principle, that Walter has a claim that Violet should form the correct beliefs about him and communicate as much to him - here, the beliefs that he admits to have committed a wrong, is committed not to reoffend, and has the appropriate reactive attitude. He also has a claim that she

³¹ It is also particularly powerful in cases in which a victim is repeatedly subjected to the same kind of wrongdoing at the hands of different people - such as victims of repeated acts of sexual harassment or of racist slurs. Thanks to A. Mullin for the point.

should recognise that their normative situation *has* changed in the light of his apology, and that she should comport herself accordingly. To say otherwise is to assume that she is morally permitted (*vis-à-vis* him) to continue to treat him as if he had not apologised. If that claim were true, however, it is hard to see why he would be under a duty to her to apologise. If an apology is to be normatively meaningful (as it surely must be), it calls for (and does not merely invite) some fitting response on the part of the victim. If it is not normatively meaningful, then wrongdoers are off the apologetic hook. This seems too high a moral price to pay.

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

I am sympathetic to this view - which is one of the reasons why victims, on my account, may waive wrongdoers' duty to apologise. Duties to φ are subject to a no-undue costs proviso: sometimes, the cost to the agent of φ -ing is so high that she may not be reasonably expected to φ . In particular, the victim of a grievous wrong (one moreover for which there is no excuse) may not reasonably be expected to engage in the cognitive and emotionally draining labour of attending to his apology; nor may she be reasonably expected to stifle any of her justified anger, or indeed contempt, towards him. However - and this is crucial - note that even if, at the bar of the proviso, Violet is not under a duty to Walter to accept his apology, one can imagine a case in which the victim of a wrong - including a serious one - remains able to form the requisite belief, and is not someone for whom it would be unreasonably costly so to communicate to the wrongdoer. If the costs fall within a reasonableness threshold (which threshold, in turns, is set by reference to the seriousness of the wrong, the victim's circumstances, etc.), she can be held under a duty to the wrongdoer to accept his apology.

The argument I am mooting here raises an interesting question. In some cases, notably of grievous wrongdoings, the wrongdoer is epistemically justified in believing that the costs would be too high, and thus *ought not* to apologise but rather ought to wait until such time as he thinks the victim is able to attend to the apology - in awareness of the fact that the time might never come. Suppose however that he does what he ought not to do on the balance of the evidence, and apologises. Now that the victim has received the apology, does she owe it to him to accept it? If, as a matter of fact, the costs would not be too high (such that the wrongdoer though epistemically justified in believing otherwise was not in

fact correct), I am inclined to say so. If the costs would be too high, then 'no'.³²

7. CONCLUSION

In this paper, I have argued that at the bar of the Kantian requirement of respect for persons, victims are under a moral duty to apologetic wrongdoers to form the belief that the apologetic utterance or gesture has the requisite verdictive, commissive and expressive dimensions; to communicate as much to him; and to recognise that the issuing of the apology changes their normative relationship with the wrongdoer, and to comport themselves accordingly. Although the point does not hold for insincere wrongdoers, it can sometimes hold even if the wrongdoer is a repeat, manipulative or evil wrongdoer. Reparative justice makes demands not just on wrongdoers, but on victims too.

³² Thanks to M. Gerver for prompting me to think about this case.