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THE PROBLEM OF COERCION IN STATE APOLOGIES

by

JACKSON KUSHNER

Under the Direction of Andrew I. Cohen, PhD

ABSTRACT

I argue that state apologies face a distinctive normative challenge. The reason for this is that when states apologize for their transgressions, they tend to implicate their citizens as morally responsible. However, because citizens are coerced into supporting state activities through taxation, I argue that their responsibility is mitigated. Citizens do not support state transgressions in the same way that private investors support corporate transgressions. Consequently, state apologies have a distinctive difficulty performing one of the core normative functions of apologies – namely, the admission of moral responsibility on behalf of a morally responsible party (or parties). Because of this, state apologies might be normatively deficient, and we should doubt their ability to provide robust moral repair.

INDEX WORDS: Apology, Collective apology, State, Government, Transgression, Coercion, Citizen, Moral responsibility

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1 INTRODUCTION

On August 20, 2018, Pope Francis penned an open letter “To the People of God” addressing the horrific sexual abuse that has plagued the Catholic Church for many years. Interestingly, although the letter repeatedly condemns this behavior, it does not attempt to seek pardon or provide material repair for the harm to victims or their families. It denies (correctly, I think) that any such *material* repair is possible. But we should make no mistake: this was an act of *apology*. In the Pope’s own words:

It is essential that we, as a Church, be able to acknowledge and condemn, with sorrow and shame, the atrocities perpetrated by consecrated persons, clerics, and all those entrusted with the mission of watching over and caring for those most vulnerable. Let us beg forgiveness for our own sins and the sins of others. An awareness of sin helps us to acknowledge the errors, the crimes and the wounds caused in the past and allows us, in the present, to be more open and committed along a journey of renewed conversion. (Francis 2018)¹

Pope Francis is not apologizing only for the sexual abuse, for the Church owed an apology for its *inaction* in the face of evil. Pope Francis knew that the Church’s members – and thus the organization itself – had sinned, and that it owed the victims some form of repair. So through its most powerful representative, it apologized.

Apologies by organizations abound in our society, but they do not always come from bodies like the Church. Companies apologize, as do athletic leagues, and even states. In 1988, for example, President Reagan signed an official apology for the United States’ Japanese Internment program during WWII (Civil Liberties Act of 1988). Ordered by President Roosevelt, the infamous program incarcerated over 100,000 Japanese-Americans during the early 1940s, with no trials or due process. It was, unequivocally, a moral disaster. So on behalf of the United States, Reagan took a step toward moral repair by apologizing.

¹ (Emphasis added.) This is clearly an apology. But this does not mean, necessarily, that any individual victim is in a position to accept it. It may be that only God can forgive this kind of transgression. What matters here is that the apology occurred, not that it was accepted.

We can see the importance of apologies not just for individuals, but also for massive organizations such as the Catholic Church and the United States. They serve an important normative function in our society. As individuals we rely on apology to preserve and restore relationships, curry favor, and atone for wrongdoing, among many other functions. Groups often do the same. As such, apologies can capture our collective attention; we judge them as good or bad depending on context, honesty, sincerity, and above all, effectiveness. Kevin Spacey's apology in 2017 for allegedly sexually assaulting a minor was widely condemned, likely because it was perceived as an attempt to deflect attention away from the accusation (Victor 2017). By contrast, David Letterman's 2009 apology for sleeping with a female staff member on his television show was highly effective (Carter and Stelter 2009). Rarely, however, do we discuss whether certain acts *ought* to count as apologies. Spacey and Letterman clearly both apologized, even if one did so more effectively. But with groups such as the Catholic Church or the United States, it is not so easy to see that the purported apologies fit well within the same category. On behalf of whom did Pope Francis and President Reagan apologize, and with what authority? This question is my focus in this paper. For as I will argue, the two cases I have outlined reveal an important difference between apologies by non-state groups, such as the Church, and apologies by states, such as the U.S. There is a high threshold that all group apologies must meet in order to perform their primary normative function of moral repair. Namely, they must admit moral responsibility for a specific transgression on behalf of a party that is actually responsible for that transgression. Private groups have less difficulty than states in meeting this goal because they do not coerce their members, but states do coerce their citizens. And because coercion has exculpatory moral force – that is, because people who are coerced into transgressing are not (as) responsible for the transgression (as they otherwise would

be) – states who apologize “on behalf of the people” risk implicating non-responsible parties. Because the Church, for example, does not coerce its members into transgressing, it can more easily avoid this problem.

My argument to this effect proceeds as follows. In section 2 I say what it means for a group to count as an agent, note the difficulties of *defining* apology (group or otherwise), and give one desideratum that groups must meet in order to perform a primary normative function of apologies. That normative function is the admission of moral responsibility for a transgression, on behalf of a party that actually bears some moral responsibility. Acts that do not meet this desideratum are not *disqualified* from counting as apologies, but they are *deficient* in an important sense. In section 3 I advance my main argument, namely that citizens of a transgressing state might not be responsible, in the relevant sense, for their state’s transgressions. The reason for this is what I call the Coercion Problem: individuals cannot be responsible for a transgression if they were coerced into supporting it; thus an apology on their behalf would make some sort of mistake. Now, while the Coercion Problem is neither necessary nor specific to state apologies, states are especially prone to it. Because the state coerces its citizens (into, e.g., paying taxes, military service, and other activities that directly support transgressions), they cannot be held responsible in most cases. State apologies “on behalf of the people” are vulnerable to a serious deficiency, which has important normative implications.

In the rest of the paper, I respond to five objections to my view. First, there is the objection that my view is trivial, for states do not purport to apologize on behalf of citizens. I respond, first, that we should take politicians and statutes seriously when they apologize “on behalf of the people,” and second, that it is unclear how else we might construe state apologies. A second objection

is that citizens actually are responsible, at least in the sense of owing an apology, for state transgressions. Different views of moral responsibility and group agency, including those of Rousseau, Christopher Kutz, and Iris Marion Young (inter alia), suggest that citizens may hold some responsibility by virtue of their participation in a responsible institution. Here I respond that even if these views are correct, they do not account for the mitigating force of coercion on moral responsibility, so my argument stands. Third, one might object that my argument for the Coercion Problem proves too much, either by rendering all collective apologies deficient or by denying that victims of state transgressions even *can* receive a (non-deficient) apology. I respond to these objections separately. First, I explain that although non-state groups often pressure and exploit their members, they do not *coerce* them; thus individual responsibility is intact in these cases.² Second, I concede that moral repair is normatively important, but deny that it must come on behalf of the citizens of a transgressing state. The individuals (or small group thereof) who *are* responsible for the transgression are the ones who should apologize; thus the possibility of moral repair is intact.

2 GROUP APOLOGIES

Most of the recent philosophical writing on group apologies has focused on whether groups *can* apologize, and if so, how. This is an ontological, not a normative question: it asks not whether groups *should* apologize, or even whether their apologies are sincere or effective, but whether they are the right kinds of agents to do so. In this paper, however, I am not concerned with whether groups can apologize. My claim here – that states face particular difficulties in apologizing – is primarily negative, so I assume that groups, generally speaking, can indeed apologize. If this assumption proves wrong, this will only strengthen my argument against the probability of (non-deficient) state apologies. So in this section, I will first explain what I mean by *group*, (or, more

² Of course, some non-state groups are coercive. These groups are vulnerable to the same issues as states; however, they are not the institutions I am concerned with in this paper. Thanks to Andrew Altman for raising this concern.

specifically, group *agent*) and second, defend a desideratum that apologies – especially group apologies – should meet.

2.1 Group Agents

To begin, what is a group – or more specifically, a group agent? Drawing on Carl Wellman (1995), I will define it as a collection of individuals acting together according to implicitly or explicitly established norms that are recognized by both group members and parties with whom the group interacts.³ Wellman (1995: 157) says that these norms must stipulate or allow that “any act of one member (or a few members) is recognized as an act of the entire group.” Thus in order to be considered a group agent, a collection of individuals must be able to act. What does this mean? According to Christian List and Philip Pettit (2011: 20), agency entails “representational states, motivational states, and a capacity to process them and to act on their basis...” Representational states “depict how things are in the environment,” while motivational states depict how they *should be* (or how the agent wants them to be). The capacity to process and act upon these states is a function of whatever norms a given group has. These can take many forms. A representative of a large business might operate within a rigidly codified set of rules in order to guide her action while representing the corporation; a representative of a smaller business might rely more heavily upon implicit social norms. But either way, the norms are clearly established and recognizable; these norms identify the group both to its members and to outsiders (May 1983). Thus we can stipulate a definition:

Group Agent: X is a group agent if and only if X is a group and X is an agent — that is, X is a collection of individuals that:

- a. has representational states;
- b. has motivational states;

³ I take norms to include explicit rules, laws, and procedures, as well as implicit expectations or social structures. A group of friends might operate based on informal social expectations, while a company might use a well-defined bureaucratic process. Either is sufficient to call the group a group agent.

c. can process these states and act on their basis through norms that are recognized, implicitly or explicitly, by the individuals that constitute and interact with X.

This definition is meant to be widely inclusive. The most-discussed group agents are large companies, but other entities — small businesses, churches, schools, student associations, softball leagues, courts, homeowners associations, unions, and most importantly, states — can be considered group agents as well. Each of these has some set of norms by which it acts, as well as an ability to judge its situation and establish preferences or goals in order to pursue them. Still, we do not want to be overly inclusive. A free market is not a group agent because the norms by which it operates do not allow us to recognize the actions of certain individuals within it as actions of the group (List and Pettit 2011: 12). Because of the market's decentralized structure, no individual can plausibly claim to represent it, or more accurately, to act as it. Likewise, the definition of group agent excludes groups that lack norms altogether, such as the set of red-haired people in the world (List and Pettit 2011: 12).⁴

2.2 The Difficulty of Defining Apology

Defining apology is also complicated, in part because apologies are contextual; what counts as an apology may differ depending on the parties involved, their relationship to one another, and the transgression in question. A quick “sorry” I mutter after bumping into someone on a crowded train differs from the long-winded apology I make to my mother when I inform her that I cannot afford to fly home for Thanksgiving. Likewise, the apology a group offers for intentionally misleading its customers is importantly different from the apology I make to my friend after lying to her. For all these reasons, it is not my goal here to give a complete definition of apology. As I have

⁴ As Linda Radzik (2001) points out, it is sometimes difficult to identify which groups have the necessary kinds of norms and which do not. The set of red-haired people in the world is clearly not a group agent, but what about the set of white people in America? Radzik claims that this group sometimes seems to function as an agent by upholding structural racism. I do not take up these issues here, though they are certainly interesting and important.

said, in this paper I argue that a certain desideratum for apologies is especially difficult to meet for a specific type of group agent, the state. Thus there is no need to specify sufficient conditions as well.

Still, there is considerable disagreement over whether it is even possible to specify necessary conditions for apology. As Nick Smith (2008: 24) puts it, “the meaning of any apology derives from its particular actors and context, and I doubt it would be useful to argue for the existence of a necessary and universal essence of a social practice like apologizing in light of its range of meanings and cultural nuances.” Likewise, Jeffrey Helmreich (2015) declines to offer an account of apologies themselves, but rather characterizes an “apologetic stance” taken on by the apologizer.

All this is to say that Smith is likely correct: possible counterexamples abound for any definition – or even any single necessary condition – we might give for apology. But this does not undermine our project here. For even if we suppose that it is impossible to specify any single necessary condition for all apologies, it is certainly possible to identify certain centrally important features of apologies. Any such feature may, of course, admit of exceptions. But some are features of so many apologies, and serve such an important normative purpose, that we might say apologies that lack them are at least aberrations if not somehow deficient.

2.3 A Desideratum for Apologies: The Admission of Responsibility

One central function of apologies, I submit, is the admission of moral responsibility. Apology theorists seem to be mostly in consensus on this issue. Smith (2008: 141) identifies “acceptance of blame” as an important feature of apologies. (Indeed, the very title of his book, *I Was Wrong*, seems to signal the importance of accepting responsibility for wrongdoing when we apologize.) Likewise, Cohen and Samp (2013: 745) argue that an apologizer must “admit responsibility

for a transgression.”⁵ Richard Joyce (1999: 167) says that apologies include “the admission of responsibility.” Linda Radzik (2009: 92) similarly claims that “an apology must acknowledge the commission of a wrongful act or the holding of a wrongful trait.” Alice MacLachlan (2015: 443) agrees: “the speaker [of the apology] takes responsibility for... these [wrongful] actions, policies, or events.” The point of citing these various theorists, as I have said, is not to show that the admission of moral responsibility is a necessary condition for apology. Rather, it is to identify one of the most basic normative functions that apologies should perform.⁶ Given the strength of theoretical support for this particular function, let us stipulate that apologies that do not admit responsibility are somehow deficient, or at least so atypical as to challenge whether they ought properly to count as apologies. Moreover, we need not even claim that the admission of responsibility is a central feature of *all* apologies. For here we are mainly concerned with a particular type of group apology – namely state apologies. And it seems that regardless of what we might say about apologies in general, the admission of responsibility is indeed central to state apologies. Later, I will say more about what it means for an apology to be deficient, but for now let us examine what it means to admit responsibility.

Note that the theorists I have cited here use a variety of terms to describe what I have taken to be the same concept. Smith calls it blame (or, we might say, *blameworthiness*); Joyce, Radzik, Cohen, and Samp all call it *responsibility*. So, there is also a variety of ways in which we might interpret this concept. Perhaps we could take it as the admission of *legal* liability: if I apologize to you, I admit that I am liable under the law for a specific harm that I have caused you. But this

⁵ Cohen (2018: 181) echoes this claim: “those who offer typical apologies also *accept culpability* for what they have done.”

⁶ I borrow the term *function* from Cohen (2018: 180-181). He casts apologies as usually or often performing certain functions, and argues that even without positing necessary and sufficient conditions, we can criticize apologies for failing to perform these functions.

seems to miss the mark; we often apologize for actions that constitute transgressions yet are not (and should not be) illegal. So, perhaps these terms refer to the admission of a moral duty to provide material repair for whatever harm⁷ the apologizer caused. This is likely closer than the legal liability interpretation, but it still is not quite right. For we often apologize for acts that cause no harm – or at least no harm that can be easily repaired. Imagine, for instance, that I bump into someone on the street. Neither of us is (physically) injured, nor is our property damaged. It would be implausible to say that I ought to repair the harm I have caused them; what would I repair? But I still owe an apology for not looking where I was going.⁸

Another option, drawing from Cohen and Samp, is to focus on *responsibility*. Their account of responsibility follows Angela M. Smith (2007), who claims that “to judge that a person is morally responsible for an action or attitude is to judge that she is responsible for it and that it is morally wrong or unjustifiable” (Smith 2007: 477). This judgment is “conceptually prior to both blaming attitudes and expressions of blame” because blame entails some action or emotion on the part of the blamer (Smith 2007: 467). So, we can liken responsibility not to blame, but to *blameworthiness*.⁹ I do not mean to take a strong stance on this claim. I mean to say, rather, that the idea of responsibility picks out a distinct sense of moral wrongness, unjustifiability, or impermissibility:

⁷ I am careful here to call this a *harm* and not a *wrong*. It is possible, as I will discuss below, to harm someone without wronging them. It is also possible to wrong someone without harming them. But if apology is meant to entail the admission of a duty to provide non-moral repair, then a harm would have had to occurred; otherwise there would be nothing to repair.

⁸ Indeed, Helmreich (2015) certainly thinks I owe an apology here, even though I am not blameworthy. He thinks that failing to apologize in this circumstance would treat the hapless person with whom I collided as something other than a moral patient. Thus I have not transgressed in bumping into them, but I would transgress if I did not acknowledge them. Apology here, then, is seen as a way to avoid transgressing, not (merely) as a way to repair a transgression.

⁹ Adam Smith’s distinction between blame and *blameworthiness* illustrates this point nicely: “Praise and blame express what actually are; praise-worthiness and blame-worthiness, what naturally ought to be the sentiments of other people with regard to our character and conduct.” Whether someone is blamed for a transgression is not the question; the question, rather, is whether they are the proper object of blame.

to admit responsibility is to admit that one's action (or inaction) was "morally wrong or unjustifiable," regardless of whether one has actually been blamed for it or not.¹⁰ But even this reading seems slightly too strong, for once again, we might owe an apology even when we are not blameworthy or responsible for a particular act. To borrow a well-known example from Bernard Williams (1981: 28), consider a lorry driver who, "through no fault of his [own], runs over a child." Clearly, says Williams, the truck driver is not at fault; yet "there is something special about his relation to this happening, something which cannot be eliminated by the consideration that it was not his fault" (Williams 1981: 28). And as Marc Cohen (2018: 593) notes, this seems to be the sort of responsibility for which apologies are appropriate: "apology can be necessary (and effective) [even] when the offender... is not morally blameworthy."¹¹ Thus we need not be blameworthy to owe an apology.

The interpretation I will adopt in this paper is not, then, that a central feature of apologies is the admission of legal liability, a duty to repair, or moral responsibility or blameworthiness.¹² I submit a slightly weaker, but still moralized interpretation: a central feature of apologies is that they are devices with which agents admit *moral responsibility*. On my view, moral responsibility entails neither blameworthiness nor a responsibility to provide material repair, but, crucially, it can entitle the victim of a transgression or harm to an apology. The idea is that even if an agent is not blameworthy, she may still owe the victim an apology in virtue of her responsibility for the harm

¹⁰ Note that responsibility here does not necessarily entail *legal* responsibility. Imagine, for example, that I say something rather mean to a colleague without any provocation, and hurt their feelings. In this situation I have transgressed, and I likely owe an apology. But under most reasonable interpretations of free speech, I have not done anything illegal.

¹¹ Although Cohen is concerned primarily with the offender's psychological state in this essay, we can read his use of "necessary" as clearly normative. Cohen thinks that in situations like this one, where an offender is not blameworthy for the act itself, they might still be blameworthy for failing to apologize.

¹² This is not to deny that these are often important or central features of apologies. I merely mean to say that they are not my focus here.

or transgression the victim suffered. When Nick Smith (2008: 140) gives his account of “categorical apologies” (i.e. “the most robust, painstaking, and formal” apologies), he puts this idea in terms of proximate causation:

In accordance with notions of proximate causation, the offender accepts causal moral responsibility and blame for the harm at issue. We can distinguish this from expressing sympathy for the injury or describing the injury as accidental or unintentional. (Smith 2008: 141)

Indeed, as Smith (2008: 42) says, “if we can determine that someone did not proximately cause something – however contested matters of causation may be in any given case – then an apology from her will lack meaning related to accepting blame for the harm.” But as we will see from Christopher Kutz’s (2000) account of complicity, causal responsibility, proximate or otherwise, is not a necessary condition for moral responsibility.¹³ Kutz takes the 1943 firebombing of Dresden as his primary example. He asks us to consider a pilot who is weighing whether to participate in the murder of German civilians: “if he does not go, another will fly in his place, and even if he does go, his plane’s load of bombs will make no difference to the success of the raid” (Kutz 2000: 121). Kutz’s point is that it is not the causal relationship between the pilot and the transgression that determines his responsibility. (I will return to this example later to say what Kutz thinks *is* important, but the point here is only to show that it is not a causal relationship.) Smith helps solve this issue by focusing on certain normative requirements of categorical apologies, foremost among which is that the categorical apologizer must have *standing* to apologize:

The categorical apologizer will possess the requisite standing to accept blame for the wrongdoing. The offender can and does accept proximate responsibility for the harm and she – rather than a proxy or other third party – undertakes the work of apologizing described herein. (Smith 2008: 141)

¹³ With that said, causal responsibility might be *sufficient* for moral responsibility, construed as the responsibility to provide moral repair of some sort. The lorry driver case shows this: the driver is causally responsible for a harm, and thus owes an apology, even if he has not committed a wrong.

Although Smith does not abandon the language of causal responsibility here (as I think he probably should), his focus on standing provides us the best interpretation of this function of apology. On my view, a person has standing to apologize when (and only when) they owe an apology. This is the central feature of apologies with which we are concerned here; this is what it means to be responsible. The apologizer, and any parties on behalf of whom they apologize, must owe an apology for the transgression or harm in question. Hence, I will stipulate a desideratum, D, for apologies:

D: an apology should admit moral responsibility for a harm or transgression only on behalf of a party (or parties) who is (are) actually responsible.

Of course I still have not said, specifically, what it means to be responsible, or to owe an apology; all I have said is that it is not a question merely of legal liability, responsibility to provide repair, or causal relationship. I think it is best to save this question for later. In section 4.2 I will discuss several plausible views of collective responsibility, but here my stipulation of D will suffice to explain the potential deficiency of state apologies. As I have said, this desideratum is neither necessary nor sufficient for apology, but it identifies a central normative function that most good apologies perform. In this paper, then, I will refer to a purported apology that does not fulfill D as a *deficient apology* – one that does not perform a function that apologies should typically perform.¹⁴ That function is *moral repair*. Apologies typically help a transgressor make amends to a victim for some wrong; I submit that an apology cannot do this, or at least not fully, without meeting desideratum D. The reason that so many theorists see the admission of responsibility as central to apology is not merely that it descriptively tracks our use of the term; there are normative reasons

¹⁴ Alice MacLachlan (2015: 444) puts it even more strongly, casting the admission of responsibility as a *necessary condition* for apology. Though I take up the weaker view in this paper, I am sympathetic to MacLachlan's claim.

as well. Whether the function of apology is to mend a broken relationship, to promise better conduct in the future (e.g. Smith 2008: 144-145), or to acknowledge a victim's moral worth (e.g. Helmreich 2015), the admission of responsibility is centrally important.

I assume in this paper that at least some groups are at least sometimes capable of meeting this desideratum. In this assumption I mainly follow theorists who defend the idea that groups can be moral agents. Two prominent defenses of this view come from List and Pettit (2011) and Cohen and Samp (2013). As I have said, List and Pettit argue that groups of individuals can rely on certain norms and forms of coordination in order to act; when they do so, we can properly consider them not only groups but group *agents*. This agency is not reducible to the agency of individual constituents, but neither does it rely on any metaphysically controversial assumptions. Instead, they say, agency is a result of complex aggregation functions that allow group attitudes to supervene on individual attitudes in a way that makes them independent of any particular individual without separating ontologically from the collection thereof. Cohen and Samp defend the more specific view that groups can *apologize*. They take a linguistic approach, arguing that we speak both truthfully and meaningfully when we say that the Church apologized for failing to address sexual misconduct. In other words, the term "Church" successfully refers to *something*, and that something apologized. But as many who doubt the possibility of group agency¹⁵ point out, this raises the question of what that something is. Like List and Pettit, Cohen and Samp think groups consist of their members, along with the norms and properties that tie them together. So when we say "the Church apologized," what we mean is that a *representative* (or small group of representatives) of the Church expressed regret, referenced a specific transgression, and admitted responsibility on behalf of the group. In short, Cohen and Samp think individuals can meaningfully represent groups

¹⁵ e.g. Cohen 1935; Lewis 1948; Wellman 1995; Narveson 2002; Velasquez 2003; Hasnas 2010.

in order to apologize on their behalf. This view is corroborated by people who think not only that groups can apologize, but that they can even have corresponding reactive attitudes, such as guilt or remorse (Björnsson and Hess 2016). So my assumption here is that not only individuals as part of groups, but groups *themselves* have the ability to apologize.

Now, before continuing, I will note three features of our assumption that group apology is possible. First, this assumption does not obviously commit us to any controversial metaphysical claims. List and Pettit argue convincingly that groups can be agents in a way that is not reducible to the agency of individual group members, without implying that they have any sort of non-physical existence.¹⁶ Second, our conception of agency here is still fundamentally individualistic. Many writers who affirm the possibility of group agency maintain that individual humans are crucial (if not the only) units of moral concern. Even if we accept List's and Pettit's position, it may still be true, as H.D. Lewis (1948: 3) insists, that "responsibility belongs essentially to the individual." As we will see in the following section, this has knotty implications for our ascription of responsibility to group agents. Finally, it should be clear that I have *not* assumed here that all, or even most group apologies meet our desideratum. In the next section I will examine one way in which group agents can fail to meet D when they apologize, and explain why states are more susceptible to this problems than other groups.

3 THE COERCION PROBLEM

In this section, I defend my main thesis: even with our assumption that group agents are generally capable of apologies, there are strong reasons to doubt whether *state* apologies will meet desideratum D. Recall:

¹⁶ See also Velasquez (2003: 532).

D: an apology should admit moral responsibility for a harm or transgression only on behalf of a party (or parties) who is (are) actually responsible.

Before levelling a criticism against state apologies, I will say one more thing about the literature on group apologies. Group apology theorists tend to avoid distinguishing among various types of groups, so when discussing apology, they often lump states together with businesses, religious institutions, and other group agents. List and Pettit (2011: 40), for instance, affirm that “states... can count as distinct group agents, as they have their own goals and commitments...” And since they think group agents can be held morally responsible for their actions, it would be reasonable for them to hold that they can apologize, too. Linda Radzik (2001: 455) mentions multiple political apologies in which leaders explicitly implicate all their states’ citizens. She takes these as paradigmatic examples of “collective responsibility” (Radzik 2001: 456). In her later book, she also groups together “states, churches, and corporations” as collective agents (Radzik 2009: 175). Likewise, Cohen and Samp (2013: 742) cite several examples of “corporate political apologies,” including Reagan’s apology for Japanese Internment. Indeed, this will be our main example of state apology for the rest of this paper. There is, however, a variety of dimensions along which groups can differ – and those who defend the possibility of group apologies ignore this at their peril.

One important difference is that states, unlike other groups, systematically and characteristically coerce. Thus arises what I will call the Coercion Problem, or CP: inherent in state action, and thus also in state transgression, is the coercion of citizens. And coercion is a mitigating factor in considerations of moral responsibility; if an individual agent is coerced into committing, supporting, or being complicit in a moral transgression, their moral responsibility for that transgression is mitigated. Since we have cast standing to apologize as a function of moral responsibility, it

too is limited when an agent is coerced. Thus, when states coerce citizens into committing, supporting, or being complicit in a transgression, they mitigate citizens' moral responsibility for that transgression.

I think this idea is fairly intuitive, and it is borne out by relatively uncontroversial examples. If Nathan punches Joe, he has standing to apologize to Joe, for he is morally responsible. But if Meagan threatens to kill Nathan unless Nathan punches Joe, then Nathan's moral responsibility for succumbing to Meagan's demand is mitigated by her (credible, we assume) threat. The person who has standing to apologize to Joe in this case is not Nathan, but Meagan. I will show that this idea applies to states and citizens in three steps. First, I will establish a working definition of coercion. Second, I will argue that according to our working definition, states either always or almost always coerce their citizens when they act, and certainly when they transgress. Finally, I will argue that given this coercion, citizens are not individually responsible to the extent they would be in its absence, and thus do not have (as much) standing to apologize as members of non-coercive groups that transgress.

3.1 Coercion

There is a great deal of rich philosophical discussion about the concept of coercion. So, here we can neither articulate nor defend a full account. Still, while establishing necessary and sufficient conditions for coercion is beyond our scope, we can identify certain key themes common to many leading accounts. I draw on these to show that coercion entails a credible, impermissible threat that leaves the coercee with no choice but to succumb.

Wertheimer endorses a "two-pronged" theory of coercion, on which coercion claims of the form "A coerces B to ϕ " are true if and only if A's proposal meets two conditions. First, there is the *choice prong*. For the coercion claim to be true, A's proposal must constrain B's options such

that B has “no acceptable alternative” but to succumb to A’s demand and ϕ (Wertheimer 1987: 267).¹⁷ Second, there is the *proposal prong*, which tests whether A somehow acted wrongly in proposing that B ϕ . This is where Wertheimer’s view imports a moral judgment: it is not just that A limits B’s options, but that A does so *impermissibly*, as determined according to a moralized baseline. So, impermissible threats limit B’s options such that B is worse-off than she *should* have been if the offer had never occurred.¹⁸

I have argued elsewhere (Kushner 2019) that Wertheimer’s claim that coercion is impermissible per se is too strong. I agree with liberal theorists, such as Stanley Benn (1988: 87, 146), that states must justify coercion in order to use it legitimately, but also that they sometimes succeed. For that reason, let us weaken Wertheimer’s impermissibility criterion and say instead that coercion constitutes a pro tanto wrong – that is, an act that is impermissible without justification. Thus we can stipulate a working account:

A coerces B into ϕ ing if and only if A credibly and (pro tanto) wrongly threatens to harm B unless B ϕ s, and A’s threat leaves B no acceptable alternative but to ϕ .¹⁹

It is easy to see how certain paradigm cases will fit this account. Consider perhaps the best known example: a mugger puts a gun to someone’s head and says, “your money or your life.” The mugger has threatened to kill his victim unless the victim gives him all her money, and this threat, we can suppose, is clearly impermissible not only because the victim (presumably) does not owe the mugger any money, but also because murder is impermissible.²⁰ What’s more, assuming the

¹⁷ See also Benn (1988: 141).

¹⁸ Wertheimer does not say specifically what it would mean for B to be worse-off than she should have been, largely because he wants to avoid committing to any particular moral theory; instead, he motivates his account with prima facie moral judgments (Wertheimer 1987: 217).

¹⁹ Note that both the threat and ϕ ing may constitute an *inaction*. For example, B might be coerced into not revealing compromising information about A.

²⁰ In this sense, the wrongness of the threat might be said to be *parasitic* upon the wrongness of the threatened act. For a fuller articulation of this view, see, e.g., Scanlon (2008) or Pallikkathayil (2011).

victim rationally prefers life to death, the threat has left her no acceptable alternative but to succumb to the demand and hand over her cash. Hence, the mugger coerces his victim. I now turn to examine how state actions might fit this definition.

3.2 Do States Necessarily Coerce?

It is often said that states maintain a monopoly on the legitimate use of force within their territories, and that they may permissibly use force to coerce their citizens. Indeed, many debates in liberal theory center on the justification of state coercion. So, given our working definition, in what sense can we say that states coerce, and are they *necessarily* coercive? First, consider a paradigmatic state action: taxation. To determine whether this is coercive on our working account, we must first look for a *proposal* from the state to its citizens. At least in the United States, citizens who refuse to pay taxes are subject to steep fines and, in cases of protracted recalcitrance, even prison time. So we can read the proposal as saying, *pay your taxes or we will fine you. If you continue to refuse, we will incarcerate you.* But does this proposal fulfill both of Wertheimer's prongs? First is the choice prong, which asks whether the proposal limits a given citizen's options such that opting-in — in this case, paying taxes — is the only rational choice. For most citizens, the choice is so easy that it does not merit deliberation; they choose to pay instead of going to prison. So the state does indeed limit the options of most citizens in a way that made opting-in the only rational choice.

The second prong asks whether the proposal constitutes a *threat* — that is, whether it is a pro tanto wrong. Now, as I said above, this is where the taxation case gets tricky. We do not want to say here that taxation is illegitimate, unjustified, or even immoral, for this would prove far too much. All we want to show is that taxation is *coercive*. But this is precisely why I have specified that coercion is pro tanto wrong but not necessarily impermissible. On this view, if a proposal is a

threat, then making it requires some special type of moral justification.²¹ This does not mean such justification is impossible or even unlikely, only that it is morally necessary. The state's proposal of incarceration as punishment for tax evasion is, I submit, one such instance. Again, this is not to say necessarily that taxation is immoral, illegitimate, or unjustified — just that it requires justification.²²

So, taxation is coercive. But of course, this does not show that all state actions are coercive; indeed, I think some are not. Consider, for example, the recognition of *The Star Spangled Banner* as the national anthem by congress in 1931.²³ This was clearly a state action. But was it coercive? I doubt it. First, there is no identifiable proposal between agents here; congress did not condition the acceptance of the song upon some action or inaction of any particular citizens. And we cannot point to any particular coercee in this case; Congress did not force anyone to act simply by recognizing the song as the national anthem.²⁴ It seems possible, then, for states to act without coercing. However, to say that not all state actions are coercive is not to say that states are not *themselves* coercive. For the structures that enable the state, foremost among them taxation, are indeed coercive. While states do not necessarily coerce with every action, they rely upon coercion even simply to *exist*. There would be no official national anthem without a coercive state to recognize it as such.

²¹ To be clear, this is *not* what distinguishes threats from offers. It is a relevant feature of all threats, and some offers. Thanks to Andrew Altman for pointing this out.

²² This reading of the state's proposal as a threat also has the advantage of tracking ordinary language usage. We commonly think of taxation as necessarily involving some kind of threat, or at least an enforcement mechanism. The state does not *ask* for our money, but in an important sense, it *takes* it.

²³ Thanks to Andrew I. Cohen for suggesting this example.

²⁴ Of course we could argue that there are, *now*, certain seemingly coercive practices surrounding the national anthem. Sporting events are rich with examples of just this. But for the purpose of this example, I think we can safely ignore these.

3.3 The Deficiency of State Apologies

Still, merely showing that states are coercive does not prove that citizens are not responsible for state transgressions. We must further show that there is some connection between the coercion and the transgression. First, recall that coercion can mitigate moral responsibility – and therefore standing to apologize. I might owe my friend an apology for missing our lunch appointment, but I do *not* owe her an apology if I missed the appointment because someone threatened to kill me if I left my house. Wertheimer (1987: 185) is clear on this point, even taking it as the primary application of the concept of coercion: “we sometimes use coercion claims... to cancel the normal legal and moral effects of one’s act — to deny one’s obligation to keep a promise, to cancel the effects of the waiver of a right, or to absolve one of moral or legal responsibility for one’s immoral act.” So, if I were to apologize for missing the appointment, I would be apologizing on behalf of someone, myself, who is not morally responsible. (Now, I might owe my friend an *explanation* of why I missed our appointment – “I know I said I would meet you, but a crazed maniac threatened to kill me if I left my house” – but as soon as I offered this explanation, any perception that I owed an apology would dissipate.) In this case, then, my apology would fail to meet desideratum D because the party it implicates, myself, is not actually responsible – that is, does not actually owe an apology.

Not all state actions fit this description of coercion. Imagine, for example, that *The Star Spangled Banner* was an *explicitly* racist song – that its lyrics affirmed some ideology privileging a particular race.²⁵ If this were the case, recognizing it as the official national anthem constitutes a (prima facie) transgression. But since, as we said above, the act of recognition was not itself coercive, it seems citizens could not escape responsibility for their complicity in the racist system that

²⁵ Actually, it has been argued in multiple popular publications that this is indeed the case. See, e.g., Stiehm (2018). I do not take a stand on this issue.

enabled it – at least, not without taking measures to indicate that their strong dissent. If the state were ever to apologize for recognizing *The Star Spangled Banner* as the official national anthem (surprising though this development would be), I concede that it might rightly do so on behalf of the people.

However, most state transgressions *do* involve coercion, so the national anthem example proves rather little in the way of state apologies. Let us return, then, to our main example of Japanese Internment. Was it coercive? In one obvious sense it was, for it coerced Japanese-Americans into moving away from their homes forfeiting their civil liberties. But this tells us very little about moral responsibility. Victims of transgressions are not responsible for those transgressions, regardless of whether they were coerced into supporting them.²⁶ What matters is not whether the transgression itself was coercive, but whether the state coerced citizens into *supporting* it. I submit that the state did precisely this. For here, American citizens were coerced, through taxation, into *funding* the transgression. Federal tax dollars, coercively collected from U.S. citizens, funded the myriad expenses of the Japanese Internment program, including transportation of prisoners, construction of camps, and wages for guards.²⁷

So in short, the answer is yes: the Japanese Internment program was indeed coercive, even to those citizens who were not its victims. They had no acceptable alternative but to contribute to the transgression. To see this point, consider, for example, the choice that confronted a reasonably well-informed, morally conscientious, non-Japanese US citizen of, say, 1944. Call her Anne. Being morally conscientious, Anne takes action against Japanese Internment: she speaks openly against it, implores her fellow citizens to see reason, and even writes to her representatives — all

²⁶ It is worth noting here that two-thirds of Internment victims were American citizens, which means that through taxation, they were coerced into paying for their own subjugation (U.S. National Archives and Records Administration 2017). I won't examine this issue in detail, but at least intuitively, this seems to exacerbate the transgression.

²⁷ The total cost to the nation was estimated at \$158,414,000 – over \$4 billion in 2019 dollars (Truman Library).

to no avail. For our purposes here, we can suppose that even if Anne is responsible for Internment, no other citizen (save, perhaps, the victims of Internment) is *less* responsible than she is. That is, given her non-ideal moral circumstances, she has done all she reasonably can to act against her state's transgression. So, when it comes time to pay taxes, Anne faces a dilemma. She could succumb and pay her taxes, knowingly supporting a moral transgression; or she could opt-out and avoid responsibility for the transgression, but go to prison for tax evasion. Knowing that Japanese Internment will occur either way, and knowing that she can likely do more to stop it if she is not incarcerated, Anne determines that even if her only motive were to stop Japanese Internment, she would *still* be better off succumbing to the coercion.²⁸ And of course, stopping Japanese Internment is not her only motivation; she has numerous reasons, prudential and otherwise, to want to avoid prison. In other words, Anne has only one acceptable alternative: pay her taxes. She was *coerced* into doing so.

From this, however, we cannot simply conclude that Anne is absolved of responsibility for the transgression. There are at least two complicating factors. First, it might be objected here that Anne's reasoning is overly utilitarian, or that her purposes might be better served if she goes to jail and becomes a martyr for her cause. The costs of dissent are high in such a case, but not so much as to make succumbing her *only* acceptable alternative. Anne would not (necessarily) be *irrational* to opt-out of paying her taxes.²⁹ So perhaps taxation was not coercive in this sense. To further illustrate this issue, consider again my previous example: someone threatens to kill me

²⁸ That Japanese Internment would have occurred whether Anne paid taxes or not is significant, for it allows us to say that her calculation here – and thus also our assessment of her moral responsibility – is *not* based on her causal connection to the transgression. This means that our discussion in this section still fits with Kutz's account of responsibility as based on the mental state of the agent, not on her causal contribution to the transgression. Just as an individual pilot's choice will not affect what happens in Dresden, Anne's choice will not affect whether Internment occurs.

²⁹ For our purposes, let us assume that she has this option: the state does not simply come and take her tax money, but instead demands that she give it to them.

unless I cancel my lunch date. Clearly, this is coercive; assuming the threat is credible (and assuming I prefer to live, etc.), my only rational choice is to succumb and cancel the date. But if we raise the moral stakes of succumbing, the conditions of my choice change. If she tells me she will shoot me if I do not murder my own family, then *not* succumbing (i.e. choosing my own death instead of allowing the murder of my loved ones) seems to be a more rational option than it was before. Unattractive though this choice undoubtedly is, it does not seem to constitute coercion on our working definition.³⁰ So if Anne ought to avoid supporting Japanese Internment, just as I ought to avoid killing my family, it seems that succumbing is *not* her only rational option. And since our definition of coercion requires succumbing to be the only rational option, it does not seem as though taxation is coercive in this case.³¹

A second complicating factor is that the strength of the coercion can also affect the degree to which it mitigates responsibility. For our conception of responsibility is *scalar*. It is possible that coercion (or indeed, any other exculpatory factor) may render Anne less responsible than most other citizens, but still responsible to a certain degree. Most views of group apology can account for this. For instance, the Church's apology implicated the Church, qua group, but in doing so it in no way denied that certain individuals were more responsible than others. Priests who knew details about the sexual assault and chose to remain silent are more responsible than Church members at

³⁰ One might argue that this reveals a *reductio* against the definition: if such a threat is not coercive on a given definition of coercion, then that definition is wrong. I would respond, however, that coercion always entails succumbing. We cannot say 'A coerced B into ϕ ing' if B did not ϕ . Thus even when a threat is as blatantly immoral as the one presented to Anne, it is only coercive if Anne's only rational choice is opting-in. Still, we can follow Wertheimer in saying that threats might be *coercive* without succeeding in *coercing*. This is clearly one such case.

³¹ However, this seems to be a rather onerous moral ought to place on Anne. We need not say that Anne would be irrational to refuse to pay her taxes, but has she done something *wrong* by succumbing to the coercive threat? (If so, would it even count as a coercive threat? Can somebody wrong me by coercing me to do something I ought to do?) Some moral theories may imply that we ought to sacrifice our own well-being for a cause even when we know that doing so will not contribute to the amelioration or even mitigation of a transgression. But it seems implausible to say that Anne *ought* to have gone to prison.

another parish, who had only heard rumors of the transgression. Perhaps all those whom the apology implicated were responsible to at least some extent. Reagan's apology similarly allows for a scalar assignment of responsibility. It is consistent with the apology to say that camp guards were more responsible for Japanese Internment than citizens who supported the program out of overt racism; and in turn, that those racist citizens were more responsible than citizens like Anne, who opposed the program on moral grounds, but paid their taxes anyway. And importantly, this allowance for scalar responsibility can help to avoid the Coercion Problem. If all citizens are responsible to *some* extent, even if only very slightly, the Coercion Problem does not occur. Thus, if no citizen is less responsible than Anne, and if Anne is still responsible to at least a small extent, there is no Coercion Problem. Thus, it seems rather reasonable to say that every citizen bore at least some responsibility for Japanese Internment, and thus Reagan's apology on behalf of the people fulfills desideratum D.

Both these arguments — that the exculpatory power of coercion depends on the moral stakes of the situation, and that our scalar conception of responsibility renders it more likely for citizens like Anne to be responsible — weaken the force of the Coercion Problem. There is, then, conceptual space to defend state apologies on behalf of the people. As I have said, my argument here is not that state apologies are impossible, nor that they are necessarily deficient because they always encounter the Coercion Problem. My argument, rather, is that they are especially vulnerable to the Coercion Problem, which also makes them vulnerable to deficiency. For in addition to the two complicating factors I just mentioned, there are also two factors that *increase* the force of the Coercion Problem. First, in order for the Problem to occur, an agent must only be innocent with respect to the specific transgression in question, not with respect to all (or even all related) transgressions. It may be the case that although Anne vehemently opposed Japanese Internment,

she was a strong proponent of Jim Crow laws, making her responsible for that particular transgression. This responsibility is undoubtedly significant, but here it is ancillary. For as Cohen and Samp (2011: 744) note, apologies admit responsibility not in general, but for a *specific* transgression.³² Thus in order for the Coercion Problem to occur, we do not have to say that Anne is some kind of perfectly innocent moral agent; all the Coercion Problem needs is for her to be innocent with respect to the transgression in question.

Second and more importantly, only a single member of the group — in this case, one citizen of the state — must be innocent in order for the apology to be deficient. For an apology “on behalf of the people” comes on behalf of *all* the people.³³ Indeed, this claim is not specific to state apologies; the same is true of the Church and its members. Now, I recognize that this is a strong claim. While I have not said that a citizen such as Anne actually exists, or ever has existed, it seems that when we acknowledge that people can be coerced into contributing to a transgression without owing an apology for that transgression, there will exist at least one citizen in any given state who is not responsible for a given transgression. In other words, although it is not conceptually impossible for all citizens in a given state to be responsible for a particular transgression, it seems (again, intuitively) unlikely. And this means that *every* apology on behalf of the people will be deficient. So, yes, this is a *very* strong claim. And I *do* mean to call into question whether there has ever been a state apology that did not encounter this problem.

But even if this very strong thesis is true, we can weaken it by noting that deficiency, just like responsibility and coercion, is a scalar concept. Nothing in my account prevents us from saying that some apologies are more deficient than others. A state apology that implicates only one inno-

³² See also Govier and Verwoerd (2002: 71), Smith (2008: 167-173).

³³ I accept this claim as true for now; I will defend it in Section 4.1.

cent citizen does quite a good job – far better than an apology implicating a large number of innocent citizens. Indeed, the extent to which individual citizens are responsible also factors into the effectiveness of the state apology. An apology that implicates a hundred people who are only slightly responsible for a transgression is more deficient than an apology implicating a hundred moderately responsible individuals. It follows from these considerations that determining the extent to which a particular apology is deficient is largely an empirical matter. This also means that there are certain epistemic limitations on state apologies: a politician who purports to apologize on behalf of her constituents cannot make sure they are all responsible to a sufficient degree. There will be an allowable degree of deficiency for any given apology. I will not say what this degree is, nor do I think there is only one answer to this question. The allowable amount of deficiency will likely vary with context; presumably, the greater the transgression, the lower our tolerance for deficiency.³⁴ The important point here, however, is not these empirical issues (though I think investigating them would be well worthwhile). Rather, I hope to have underscored that when an apology fails to *fully* meet desideratum D, it is not necessarily *completely* deficient, nor is it necessarily a bad apology (relative to others in similar contexts). With this said, it is difficult for an apology that significantly or mostly fails to meet D to provide robust moral repair, and as I have argued, this is a serious normative concern.

3.4 Summarizing the Coercion Problem

I began this section with an account of coercion on which an agent's act is coercive if and only if it (pro tanto) wrongly leaves a coercee with only one acceptable alternative, namely to succumb to the coercer's demand. I then showed that, while not all state actions are coercive, states

³⁴ Of course, there may be countervailing concerns here, as well. My account does not rule out raising our tolerance for deficiency when this is necessary to provide any moral repair at all.

must coerce in order to exist, and in order to transgress. This raises what I have called the Coercion Problem: when a state coerces individuals into supporting a transgression (through taxation), those individuals are not responsible for that transgression; thus when the state apologizes on their behalf, this apology fails to meet desideratum D and is deficient. Now, to be clear, let me repeat that the Coercion Problem is neither specific nor necessary to state apologies. It can (and often does) occur in other kinds group apologies, and it is at least conceptually possible to imagine a state apology that avoids it. I therefore do not mean to defend a claim of conceptual impossibility in this paper. But as we have seen, the fact that states are inherently coercive makes the Coercion Problem far more problematic for them than for other agents. Indeed, I cannot think of a single actual state apology where the Coercion Problem does not crop up in some form. Such an apology is undoubtedly possible, but I have not yet come across an example. Of course this may well be my own shortcoming. So for this reason, the claim I wish to defend here is that while state apologies are not conceptually impossible, they are often – perhaps even always – deficient in at least one way.

There are, of course, many concerns that arise on this strong conclusion. So, I will spend the remainder of this paper noting and offering preliminary responses to the strongest of these objections. I hope that in doing so, I will elucidate both my view and the reasons that support it.

4 OBJECTIONS AND REPLIES

Of the myriad objections to my view that immediately spring to mind, five seem particularly concerning: the Triviality Objection, the Responsibility Objection, the Proving Too Much Objection, the Legitimacy Objection, and the Moral Repair Objection. Let us begin with the Triviality Objection.

4.1 The Triviality Objection

Strictly speaking, the Triviality Objection is not an objection to my view; it merely questions whether my view has presented any new or interesting information. The Objection argues that states do not mean to implicate citizens in their apologies, for it is trivially obvious that citizens are not responsible for state transgressions. I suspect that citizens do not consider themselves responsible for their states' sins, and they are probably right not to. So when politicians apologize on behalf of their nation, we should not think of them as implicating citizens, for they do not think of themselves as implicating citizens. The Objection admits that state apologies *would* be deficient if they did implicate citizens, but denies that they often (or perhaps ever) do. Thus state apologies are not deficient in the way I have described; they do not fail to meet desideratum D because they do not purport to implicate anyone who is not responsible. So says the Triviality Objection.

We can recognize immediately that a full response to the Triviality Objection would likely entail certain empirical claims, both about apologizing politicians' intentions and about state apologies themselves. This seems difficult to provide (though note that the Objection has not provided any empirical evidence against my arguments, either). However, even in the absence of *extensive* data about apologies, there is significant evidence that the Triviality Objection is implausible. For it has become a common refrain, at least in American political apologies, for presidents to apologize "on behalf of the people." This was particularly common at the end of the 20th century. Indeed, Reagan's Japanese Internment apology is an excellent example. Recall that the apology came in the form of the Civil Liberties Act of 1988, one of the explicit goals of which was to "apologize *on behalf of the people* of the United States for the evacuation, relocation, and internment of [Japanese-American] citizens and permanent resident aliens" (emphasis added). Likewise, in 1993, the United States apologized to the Kingdom of Hawaii for overthrowing its government by force a

century before: “The Congress... apologizes to Native Hawaiians *on behalf of the people of the United States...*” (emphasis added). And in 1999, President Clinton apologized for the US Government’s participation in unethical scientific testing on human subjects: “today, on behalf of another generation of American leaders, and another generation of *American citizens*, the United States of America offers a sincere apology” (emphasis added). What are we to make of these sorts of statements?

One way to tackle this issue would be to shrug it off as a mere rhetorical device. Call this the *empty rhetoric account*. On this account, apologizing on behalf of the people makes the sentiment seem more sincere. The apology aims at reconciliation among parties, some of whom have a grievance, but it need not implicate all citizens. After all, a U.S. president surely need not consider citizens *responsible* for the state’s transgressions. However, I do not think the empty rhetoric account is correct. I have several misgivings. Apologies on behalf of the people often come in the form of carefully written speeches – calculated not only in terms of their rhetorical impact but of their legal and moral implications. We should seriously what heads of state say, because what they say matters; they were elected, presumably legitimately, to represent their people. Even if their speeches are rhetorical, and they are, their words matter. And this point applies even more strongly to *legislation*. The Civil Liberties Act of 1988 passed both houses of Congress and was signed into law by the president. Hundreds of elected representatives thought carefully, and collectively, about how to word it, and came to a level of agreement sufficient to meet a remarkably high standard for passing a bill into law. The words in that act – as in any law – are to be taken seriously. So, if we take it as a central function of group apologies that they admit responsibility, it seems unavoidable that the people are in some way implicated as responsible when governments apologize “on behalf of the people.”

Of course, not all political apologies explicitly mention the citizens, nor do they all seem to imply that the citizens are responsible. Consider, for example, former American Secretary of Defense Robert McNamara's apology for his role in the Vietnam War. In his memoir, *In Retrospect*, he says, "we were wrong, terribly wrong. We owe it to future generations to explain why" (McNamara and VanDeMark 1995:) I think this clearly constitutes an apology; at any rate, it certainly fulfills desideratum D. But who is "we"? Interestingly, in an interview with the *New York Times*, McNamara seems to imply that "political bodies" are to blame: "People don't want to admit they made mistakes... This is true of the Catholic Church, it's true of companies, it's true of non-governmental organizations and it's certainly true of political bodies" (Power 2003). Here it seems a stretch to say that McNamara intends to implicate *citizens* for the mistakes of a few elite military commanders. So perhaps this is a counterexample – a state apology that does not implicate the state's citizens. But may we call this a state apology? McNamara's unequivocal communication of *personal* remorse and even shame seems far more characteristic of an individual apology. This is not to say that heads of state cannot communicate remorse when they apologize, but rather to say that McNamara's remorse was deeply personal. He seems to be apologizing on behalf of, at most, a few individuals who bore most of the responsibility for the harm. This is not, then, the counterexample it seems to be. McNamara's remarks undoubtedly constitute an apology, but they do not constitute a *state* apology.

4.2 The Responsibility Objection

A second objection to my view states that citizens, qua citizens, are indeed responsible for state transgressions, in virtue of their responsibility for their role within a morally corrupt system. As Radzik (2009: 92) says, "people understand themselves as capable of offering apologies for the actions of their compatriots, employees, and children, and these apologies are indeed accepted as

such by their audiences.” If this is true, perhaps the notion that citizens owe apologies for state transgressions is not quite so objectionable. This is a direct refutation of my argument, so it warrants substantial discussion. And indeed, it is not without philosophical support. Here, I will gloss three plausible theories of collective responsibility – a Rousseauian view, a view from Christopher Kutz, and a forward-looking view – on which we could plausibly say that citizens are responsible for state transgressions, merely in virtue of being citizens.³⁵ I then offer a preliminary reply.

4.2.1 Rousseauian Responsibility

I draw the first theory of collective responsibility from Rousseau’s *The Social Contract* (Book I):

These clauses [of the social contract]...all come down to just one, namely the total alienation of each associate with all of his rights to the whole community: for, in the first place, since each gives himself entirely, and since the condition is equal for all, no one has any interest in making it burdensome to the rest. (Rousseau 1997: 50)

This is a *very* strong ontological claim about the state – namely that it is *comprised* of its citizens. If this is true, then an action of the state *is* an action of the citizens, for we cannot make any ontological distinction between the state, qua agent, and the set of its citizens. It further follows from this that it is the citizens themselves who bear (joint) moral responsibility when their state transgresses. Few, however, are willing to commit to such a strong view of the state’s ontology, for we commonly think of the state and the set of all its citizens as distinct entities who, though they interact, do not necessarily bear any ontological connection to one another.

4.2.2 Responsibility as Complicity

A second theory on which private citizens might be responsible for state transgressions comes from Christopher Kutz’s book *Complicity*. Kutz (2000: 1) opens the book by describing

³⁵ I am confident that there are more than three views that may be applicable here; but given the constrained scope of this paper, I discuss only the ones I take to present the strongest objections to my main argument.

several examples in which individuals “stand outside the shadow of evil...[but] do not find the full light of the good.” One of these examples is “a citizen of a nation that bombs another country’s factories in a reckless attack on terrorists.” The thought is that individuals can be *complicit* in collective harms or wrongs when they have “participatory intention – a conception that one is doing one’s part in a collective project” (Kutz 2000: 76). One way to interpret Kutz here is as giving a kind of *mens rea* account of moral responsibility, on which an individual must have a *guilty mind* – a clear intention to knowingly commit a crime. Indeed, the theory is in one sense Kantian, for Kutz (2000: 165) emphasizes that its ground “lies...in a conception [of individual accountability] that relates agents to wrongs and harms in virtue of the content of their wills.” But especially in cases of collective transgressions, *mens rea* is a high standard; it is rarely clear that someone was complicit because they had some sort of malicious intent. Indeed, as Larry May (2006: 313) puts it in his discussion of the Nuremberg Trials (which prosecuted crimes in which individuals were *certainly* complicit), “it is unclear whether anyone, except perhaps the highest-ranking official, would meet the requirements of *mens rea*.” So, given Kutz’s stated goal of defending a theory that could adequately account for individual accountability in collective harms, we should not interpret him as giving a *mens rea* account.

Rather, Kutz thinks an individual intends to participate in a collective project when they intentionally contribute to achieving its end, with the knowledge that their contribution will be known to other participants and the expectation that others will participate as well. These expectations and relationships need not be robust; they can occur among complete strangers just as easily as close friends. This low bar for complicity is intentional. Kutz goes out of his way to ensure that people who contribute only minimally are not excluded from our responsibility. Even actions that do not causally contribute to a transgression, such as *voting*, can be sufficient to “[exemplify] one’s

membership in a group or participation in an activity,” and thus intentionally participate in it (Kutz 2000: 82). On this broadly inclusive view, we might be responsible for state transgressions not just in virtue of paying our taxes, but in virtue of any political participation in a morally corrupt system.

This conception of participatory intention motivates what Kutz calls the Complicity Principle:

The Complicity Principle: (Basis) I am accountable for what others do when I intentionally participate in the wrong they do or harm they cause. (Object) I am accountable for the harm or wrong we do together, independently of the actual difference I make. (Kutz 2000: 122)

Note that the Complicity Principle is broader than any account of *causal* responsibility we might offer. Kutz’s account of responsibility is therefore even stronger than Smith’s; on it, we can be responsible for any act in which we participate, regardless of our causal connection to its outcome. Kutz (2000: 146) insists that the Principle is a threshold concept: “an agent who participates intentionally in a wrong is accountable in some form for that wrong.” But of course this does not mean that all intentional participants are *equally* accountable, for Kutz allows that some individuals are more accountable than others. Hence, “the responses due [to complicit individual agents] must reflect the nature of their conceptions of their role and identity within the shared project” (Kutz 2000: 165). We can quibble with Kutz on the importance of the agent’s conception of their accountability as opposed to their actual accountability, but the important point here is that his account allows for scalar attributions of responsibility.

Kutz’s (2000: 118) primary example here is a state action – the 1943 firebombing of Dresden – and his primary concern is with the “pilots, navigators, bombers, and gunners” who carried it out. He concludes that their participatory intentions render them complicit in the act.³⁶ But what of the citizens of the Allied Nations? Were British and American civilians at the time also complicit in the firebombing of Dresden? Kutz does not answer these questions directly, but it seems

³⁶ By ‘the act’ I mean a single act, the firebombing of Dresden, undertaken by a group agent, the state. Individual acts, e.g. by individual pilots, are properly viewed as contributions to the collective act.

clear that his account directs an answer in the affirmative. For he *does* say explicitly that participation in a political process, e.g. voting, may render an individual accountable for their state's transgression even if they had no (direct) causal relationship to it. British and American citizens participated in the political processes that led to the firebombing, and so while they are not "in the shadow of evil," neither are they clearly in the "full light of good." This seems even more obvious in the Japanese Internment case. For here, most American citizens had ample knowledge of the transgression, and many explicitly supported while it occurred. Now, as I have said, this does not mean that all citizens shared equal responsibility with the people directly connected to the incident, nor does it necessarily imply that citizens deserved punishment or owed material repair – though, given the severity of the transgression in this case, they might have.³⁷ These are complex issues that warrant more discussion than this paper allows. But given the now widely acknowledged fact that there was no evidence to suspect any kind of threat widespread enough to warrant Japanese Internment, in addition to the fact that not a single seditious citizen was apprehended – and furthermore, given the fact that Internment was a brazen violation of both constitutional and natural rights regardless of the presence or absence of sedition among Japanese-Americans – it seems reasonable to say that victims of Internment were owed an apology at the very least. So if we accept Kutz's account, on which citizens are complicit in and therefore accountable for state transgressions, I think we can reasonably say that the state has standing to apologize on their behalf.³⁸

So perhaps Reagan fulfilled desideratum D when he apologized.

³⁷ As Kutz (2000: 123) says, "at least for serious harms, a normative theory of complicitous accountability must have a political component: Such a theory must justify the coercive application of penal and compensatory institutions."

³⁸ Perhaps this is still too strong. We might say that citizens are complicit not in virtue of having voted simpliciter, but rather in virtue of having voted in a particular way, namely for the party or individual that would (continue to) commit the transgression. Jason Brennan (2016: 159) seems to offer something like this view (though he does not develop it): "The voters who put the National Socialists in power in Germany in 1932 cannot be held responsible for everything their government did. But much of what their government did was foreseeable by any reasonably well-informed person, and so their *supporters* were blameworthy" (emphasis added). Thus even if we find that Kutz is too quick to implicate *all* private citizens, his account might be weakened to still plausibly implicate many of them.

4.2.3 *Forward-Looking Responsibility*

However, since *Complicity* was published, discussions of both individual and collective responsibility have given rise to another kind of theory, which represents a third way in which we might say that citizens are responsible for state transgressions. I am referring here to *forward-looking*, or *accountability-based* theories of responsibility. Whereas traditionally, models of responsibility have focused on the metaphysics of blame for past transgressions, forward-looking theories are concerned with the future redress that agents owe. As Zheng says:

Accountability...concerns a moral and political (rather than metaphysical) problem. When a person fails to carry out a duty, the burdens of redress must be distributed across the community somehow or other; and it is sometimes appropriate to place burdens on an agent even if it did not result from a faulty exercise of agency. (Zheng 2018: 872-873)

While accountability models must often look to the past to determine who owes redress, they need not always. In short, this type of theory of responsibility is concerned not with whom to blame for the transgression, but with who must fix it.³⁹ Thus, “[individual] agents need not meet the high bar required for blame and punishment to bear accountability” (Zheng 2018: 873). So, what is this lower bar, and how might citizens meet it when their state transgresses?

Forward-looking theories differ on the answer to this question. One prominent forward-looking theory, for example, is Iris Marion Young’s “Social Connections Model.” Young (2011: 105) casts responsibility in terms of participation in unjust structures: “responsibility in relation to injustice...derives...from participating in the diverse institutional processes that produce structural injustice.” Young’s account then focuses on determining who is responsible, not on assignments of blame. She is especially concerned with who is responsible, in the forward-looking sense, for

³⁹ For instance, we might not think an individual motorist is blameworthy for rising atmospheric CO₂ levels, but we might legitimately expect her to contribute to efforts to reduce the effects of climate change (e.g. by taking public transportation or investing in a fuel-efficient vehicle).

mitigating unjust structures. Still, as we saw above with Kutz’s account, participation in an injustice is not always sufficient to show moral responsibility – backward- or forward-looking. Recognizing this issue, other recent forward-looking accounts set the bar for responsibility differently. Zheng (2018: 873) proposes the “Role-Ideal Model” of accountability, on which we are “individually responsible for structural injustice through and in virtue of our social roles.” It is our *roles*, in other words – “as parents, colleagues, employers, citizens, etc.” – that render us accountable for addressing structural injustices (Zheng 2018: 870).

So, whether we accept Young’s, Zheng’s, or someone else’s⁴⁰ forward-looking account of responsibility, it seems clear that citizens bear at least some responsibility for mitigating their states’ transgressions.⁴¹ One way in which they might do this is by providing moral repair – specifically, by apologizing. Since on these views, citizens are indeed responsible to a certain degree, an apology on their behalf would seem to meet desideratum D. So, on a forward-looking view, just as on Kutz’s view, states can rightly implicate their citizens when they apologize.

4.2.4 Responding to the Responsibility Objection

For the most part, I find the Kutzian and forward-looking accounts of responsibility (construed in terms of what it means to owe an apology) convincing. Indeed, I am not completely convinced that the Rousseauian view is false, though I think it has some serious ontological explaining to do. My goal here is neither to choose between nor to argue against these accounts. I hope to have shown, rather, that there is ample support for the idea that individuals can be morally

⁴⁰ See, e.g., David Miller (2007: ch.4).

⁴¹ One might object that I have drawn this conclusion too hastily, as forward-looking accounts are primarily concerned not with individual transgressions, but with *structural* injustices. I have, admittedly, taken a fairly solipsistic view of transgression by leaving the background structures that lead to injustices largely aside. I agree with the objector that my account could be strengthened by considering more structural factors. I doubt, however, whether this would change the conclusion that forward-looking accounts implicate citizens. Zheng’s and Young’s projects are to examine individual responsibility; for this reason, I will not address this concern in any more detail here.

responsible for collective wrongs, and specifically state wrongs. I do not think the view that citizens, qua citizens, owe apologies for state transgressions is *obviously* mistaken. As I have argued, however, it *is* mistaken. The Objection does not weaken my argument because it fails to respond to my point about the normative force of coercion to mitigate claims of responsibility. For both Kutz and defenders of forward-looking accounts seem to view responsibility as involving voluntary, non-coerced action. So even if they are correct that something as seemingly insignificant as a participatory intention or a social role can make us responsible, the fact of coercion mitigates that responsibility. My account, as I see it, is compatible with Kutz's, Zheng's, or Young's view.

4.3 The Proving too Much Objection

A third objection critics might level against my argument is that it proves too much by implying that many, or perhaps even *all* group apologies fail to meet desideratum D. The Church, for example, wields an enormous amount of influence over its members; in some places, that influence approaches the level of power that states possess. Likewise, BP's power over its investors might be viewed as coercive in some cases. Indeed, some recent theories of coercion have attempted to account for cases such as the Church or BP, which seem coercive but do not fit Wertheimer's two-pronged definition. Scott Anderson (2010, 2016), for example, argues that coercion merely requires an imbalance of power (social political, economic, or otherwise) between coercer and coerced. I have said that these apologies avoid the Coercion Problem, but this does not seem to be true if we adopt an approach such as Anderson's.

However, as I have argued before (Kushner 2019: 9-11), Anderson's approach to coercion risks over-inclusivity in two ways. First, when we de-moralize our theory of coercion as he claims to do (Anderson 2010: 17), we lose our ability to differentiate between certain clearly coercive and

clearly non-coercive acts (Nozick 1969: 450-451).⁴² But second, and more importantly for our purposes here, Anderson's account has trouble tracking our intuitions about coercion. Since he thinks that *any* imbalance of power can produce coercion, he has trouble saying that, e.g., monopolies and monopsonies can possibly be noncoercive. If a power company is the only electric supplier in a given area simply because no other company got there first, they do not coerce their customers by charging high prices. The company has done nothing *wrong*, pro tanto or otherwise, by charging the price it does. Anderson's account does not seem to be able to exclude this situation (Kushner 2019: 10-11). Pope Francis' apology is another excellent example. Members of the Church are not coerced into attending mass, tithing, or even retaining Church membership. At least on our (and Wertheimer's) conception, these actions are non-coerced. Now, here an objector would argue that this position ignores the often immense social pressures associated with Church membership. Not just individuals, but entire *families* often build their identities around their faith, and this makes the cost of exit exceptionally high. It seems unlikely, however, that this is an instance of coercion, for the Church does not limit its members' options in the requisite way. The Church offers people a religious option, but it does not take away other religious options. At most, I think Wertheimer (1987: 225-241) might call this *exploitation*, but not coercion. Indeed, there is support for drawing this particular distinction between states and private corporations in more recent writings on the topic. Bernard Boxill, for example, says:

...the analogy between a firm or corporation and the state fails. People are not born into firms or corporations, and they can easily join or leave firms or corporations. No one has to belong to a firm or corporation. Further, when people join a corporation they understand that they are joining something that may have liabilities that they may be assuming when they join. None of this applies to the state. People are born into states, and must belong to some state or other. We cannot say that when they came of age they were told that they were at the point of joining a firm or corporation with hefty debts they will have to pay if they join. And even if they were told this it would not mean that they freely took on the duty to pay the country's slave debts, for people are born into a country and usually have nowhere else they can go to readily. (Boxill 2003: 71-72).

⁴² Still, I argue (Kushner 2019: 10-11) that his approach is not fully de-moralized.

So, is the Church coercive? Does it coerce people to tithe or retain membership, and in doing so mitigate their responsibility for the transgression? I doubt it. The Church has seen a decline in attendance and donations in recent years, and this is likely due at least in part to the sexual abuse scandals. Having expressed their moral disapproval by refusing to fund an institution that allows such abuses, those who left or stopped tithing do not seem to be implicated by Francis' apology. The apology was for an inaction, but these people acted. Those who did *not* express their disapproval, however, and voluntarily chose to tithe or donate despite ample evidence of protracted wrongdoing, are certainly (pro tanto) wrong. Thus the apology properly implicates them as constituents of a responsible group. Three caveats are important here. First, as I have said, there are varying levels of responsibility in this and most cases of group apology. The Priests who chose to remain silent despite knowledge of sexual assault are more responsible than the members who continued tithing even after the scandals broke. We could even say that members who reduced the amount of their donations are less responsible than those who did not, but still responsible to an extent. Desideratum D does not preclude this. Second, I do not mean to imply that tithing was morally wrong in this case, or even that these members should not have tithed. Church members had to weigh certain moral oughts against one another. While they may have seen clearly that they ought not tithe, they may also have seen clearly that they ought to support an institution that was important to them and their identity. I only mean to say that by continuing to tithe despite knowledge of wrongdoing, Church members exercised moral agency and are therefore morally responsible for that wrongdoing, even if only to a small extent, and even if that wrongdoing was their best moral option given non-ideal circumstances. Third, group membership is not a necessary condition for responsibility. Customers of a jewelry store that sources its diamonds from mines where working conditions are inhumane are not considered members of that group, but insofar as

they are aware of the transgression, they may be responsible for it nonetheless. Thus they also may owe an apology. They are not, however, implicated in the group apology, because they are not members of the group; in no sense can their actions be taken as the actions of the group. Thus just as individuals can share responsibility with one another, so too can groups share responsibility both with other groups and with individuals.

The same is true of BP's apology. Shareholders are responsible here because they had the option to divest from the transgressing corporation, but chose, voluntarily, not to do so. So when Heyward apologized on behalf of BP, he rightly implicated BP's shareholders. Neither the Church nor BP engaged in coercion, so the Coercion Problem does not apply to their apologies. Now, it may be the case that other, non-coercive factors mitigate group members' moral responsibility for transgressions as well. For example, there may have been no way for most BP shareholders to know that the oil spill would occur beforehand, so an apology on their behalf might not have met desideratum D either. The point here is not that coercion *must* occur in order for an apology to fail to meet desideratum D. As the BP example shows, groups can fail to meet it in multiple ways. The point, rather, is, that it is possible for non-state groups to avoid the Coercion Problem when they apologize. Thus my argument does not eliminate the possibility of group apologies altogether, though it does place a rather restrictive (and, in my view, important) limitation on them.

4.4 The Legitimacy Objection

Another objection is that even if coercion occurred, legitimate states are granted the authority both to represent and to coerce their constituents. States need not solicit consent from their citizens each time they act; if they had to ask, we probably would not call their actions coercive coercion. But as I have said above, they are coercive – and perhaps legitimately so; in liberal

democracies we want our state to be able to enforce certain policies that align with whatever political principles we agree upon. Thus when the state acts, it does so with the consent of its citizens, and so by virtue of having legitimized it, they are responsible for what it does.

A reply to this objection would, I think, require complete theories both of legitimacy and of coercion, neither of which is within the scope of this project. I can, however, offer a preliminary remark. On an appropriately moralized theory (e.g. Simmons 1999), legitimacy does not give the state a blank check on the citizens' behalf. That is, a legitimate state cannot simply do anything because it has the *de facto* authority to do so; it must meet minimal moral standards, too. Presumably, whatever standards we can reasonably come up with, they would not authorize the state to detain an entire group of citizens, without due process, based only upon race. We can say, then, that even if the United States in the early 1940s was indeed legitimate, the deeply immoral Japanese Internment Program was not a proper extension of this legitimacy.⁴³ Thus even if we grant (a) that legitimate states may coerce their citizens, and (b) that this coercion generally does not excuse those citizens from moral responsibility for states' acts, we may still claim (c) that citizens are exculpated when states coerce them into supporting *prima facie* immoral acts, for legitimacy does not grant states the right to commit transgressions in the name of their citizens. Bernard Boxill (2003: 75-76), interpreting John Locke, makes precisely this point: "although [Locke] allowed that citizens may consent to the unjust acts of their government, such consent is not contained in the consent they give to government that makes it legitimate." In other words, citizens can consent to be complicit in state transgressions, as many Americans surely did during Japanese Internment;

⁴³ A small caveat: note that on views such as Simmons', a state's legitimacy is indexed to particular citizens. The state might be legitimate with respect to some citizens, but not others. I take it as a basic premise, however, that given the deeply immoral nature of Japanese Internment, there was no citizen with respect to whom this act counted as legitimate.

but we cannot infer this consent from the fact that they have given a *general* consent to be governed. Likewise, even if the United States had been a legitimate state at that time, this does not imply that citizens consented to all its actions. As I said, this response is not meant to be comprehensive, for this is not a paper about legitimacy. It is meant to show merely that my conclusion regarding the Coercion Problem in the previous section is consistent with a robust conception of legitimacy.

4.5 The Moral Repair Objection

Even if my responses to all these objections have succeeded, an even more basic objection remains. The Moral Repair Objection states that my view implies that full moral repair is impossible in certain cases, perhaps including Japanese Internment. Many of the worst transgressions in history have been committed by states, including liberal democracies, so denying their ability to apologize in a non-deficient way removes important aspects of our moral landscape, so to speak. Victims of transgressions are owed moral repair, and an important part of this is apology. In other words, victims of state transgressions such as Japanese Internment are owed an apology *from somebody*, so an account that denies this ability in at least some cases falls short. I think there are two possible responses here. First, denying the ability of states to apologize does not deny the ability of *responsible parties* to apologize. Even if we concluded, strongly, that a state cannot apologize in a given situation, it does not follow that *nobody* can apologize. Whoever is responsible for the transgression, whether they were acting within their official capacity or not, still owes an apology. So it may be true that the citizens of the United States did not owe an apology when Reagan apologized on their behalf. But President Roosevelt, the contractors who built the camps, and the camp guards all did owe an apology, not on behalf of the state, but on their own behalves.

This answer will hardly be satisfactory in many cases. President Roosevelt, who initially implemented the Japanese Internment program (or oversaw the regime that did) likely owed an apology, but he is dead, so an apology will not be forthcoming. Indeed, even if he were alive, it is doubtful whether he would have apologized, for he likely did not see Japanese Internment as a transgression at all. So my answer is unsatisfactory for the simple reason that even if it is true, it does nothing to improve the chances that a non-deficient apology will actually occur. Consider, however, a simplified parallel case. Imagine that I owe my friend an apology for a mean comment, but since I (wrongly) feel the comment was permissible, I do not apologize. This is not, I submit, an issue with our discussion of apology itself; it is some kind of moral failing of me, qua moral agent.

Of course, the issue is often even deeper than this simple example suggests. In so many of the examples we have discussed in this paper, responsibility is distributed over a large number of natural agents who were complicit in a given transgression. This means that while each of those may owe some small apology, none on their own owes an apology that fits the magnitude of the transgression. This is the role that the state apology would have filled, had it been possible. Anna Stilz (2011) calls this a “responsibility shortfall.” “While we can attribute some liability to individuals,” she says, “this does not add up to liability for the entire harm” (Stilz 2011: 193). The Moral Repair Objection, then, contends not just that moral repair will be incomplete when apologies are not forthcoming.

Thus a second, stronger response to the Moral Repair Objection is in order. The stronger response is that in situations such as Japanese Internment, where transgressions have done indelible damage, there is a *conceptual* limit on the possibility of adequate moral repair. For as David Schmidtz (2006: 214-215) notes with respect to Japanese Internment, “[the apology] was too late

and the crime too huge for anything to make victims whole.” Even Reagan’s reparations did not come close to making the victims whole. And the responsible parties, as I have said, are long dead. So what are we to do in these situations? Schmidtz argues that moral repair in such situations should aim for something closer to reconciliation than revenge.

5 CONCLUDING REMARKS

Now to be clear, let me repeat that the Coercion Problem is neither necessary nor specific to state apologies. That is, I have not shown that state apologies can never meet desideratum D, for some may have features that differ from the Japanese Internment case enough to render an apology possible. For example, there simply might be no Anne — that is, no innocent citizen — in a given case. We could imagine a Japanese Internment example where racism was so prevalent among citizens that not a single one disagreed with the program, on moral grounds or otherwise. In such a case, every citizen is responsible not just because they pay taxes, but because they either support or do not care about the transgression. In this case, meeting the desideratum seems possible, because all the parties whom the apology implicates are actually responsible, even if only to a small extent.

We should recognize, however, just how unlikely this possibility is. First, I doubt there is a single case in American history where not one citizen actively dissents against a political decision. From slavery abolitionists to protestors against the war in Vietnam, there is a long history of dissent against the state in the US. And second, almost every historical example of egregious transgression by the state — slavery, Jim Crow, Indian removal, the Tuskegee Syphilis Study, and modern mass incarceration, to name only a small handful — has involved clear, concerted action.

So, can states meet desideratum D, and thus give an apology that fulfills a primary normative function of moral repair? In theory, yes. For we can imagine a state apology that avoids the

Coercion Problem. But it is crucial to recognize just how difficult it is for a state to meet this standard. As I have said, every instance of an official United States apology I can find encounters the Coercion Problem to some degree. So while, yes, it is conceptually possible for states to meet desideratum D, I conclude that the coerciveness of states gives us an excellent reason to doubt their ability to provide robust moral repair when they apologize for their transgressions.

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