

Repairing the Past: Confronting the Legacies of Slavery, Genocide, & Caste

October 27-29, 2005
Yale University
New Haven, Connecticut

National Apologies: Extraordinary Politics within Ordinary Times

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Available online at www.yale.edu/glc/justice/weiner.pdf

National apologies, with or without material compensation attached, as a response to past political wrongs, have become a remarkable contemporary development across the globe, including the United States. Since the wake of World War II, new questions have entered political debate and a new political lexicon has developed. Politics now debate under what circumstances it is appropriate to offer an apology, whether to accept an apology, and if so, when it is fitting to display a willingness to reconcile with past enemies. President Reagan, for instance, in 1985, by laying a wreath in the Bitburg cemetery, where former SS officers were buried, was lambasted by many for forgiving too soon, thus displaying an inadequate regard for the totality of victims and for American Jews in particular.¹ In this new lexicon of national apologies, fine shades of distinction have been drawn between apologizing, expressing remorse, contrition, or sorrow. President Clinton, for instance, in traveling to Africa in 1998, declined to apologize for America's history of slavery, although he did express regret and contrition.² The new politics of national apologies requires an attuned sensibility and a rich vocabulary.

The novelty of national apologies has led some to question whether apologies and the related concept of forgiveness belong in the political realm. Some dismiss apologies as empty symbolic politics; still others see ordinary interest group politics lurking beneath. This paper argues that apologizing and forgiving, albeit extraordinary, may be supremely political acts, while recognizing that the political realm does strain a human capacity most at home in the personal realm. Unequal power relations endemic to politics may mean that the responsible party feels no need to apologize. The political realm's representative institutions may obscure who should apologize to whom, and the political realm may prove to be a difficult environment within which to convey the required sincerity for an apology to be accepted. A national apology, under the right circumstances and performed in the right manner, can be meaningful and transformative, although under different circumstances similar words may appear to be insincere and hollow. And while it would be naïve to neglect the material aspects that accompany some calls for national apologies, an interpretation that focused solely on costs and benefits would be equally incomplete. As political theorist Hanna Pitkin writes, "Because we are simultaneously both distinct and connected, politics always simultaneously concerns both the distribution of costs and benefits among competitors, and the nature and direction of their shared community."³ The calls for national apologies, the paper contends, have just as much to do with the nature and direction of the polity as they do with who is to bear the greatest burden of past wrongs and how past wrongs can be translated, if at all, into tangible terms.

Deep and bitter disputes have erupted in the United States since the late 1970s over the meaning and appropriateness of the national government apologizing for past political acts. The federal government's apology to Japanese Americans interned during World War II initially was



opposed by the Reagan administration and only was accomplished after legislators made a number of changes to the original bill.⁵ One could also expect that if the bill to “acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States,” introduced in May 2004 by five co-sponsors in the U.S. Senate, gains any momentum, that it will be greeted by silence by many and ardent resistance by others.⁶ Similarly, calls for a national apology for slavery and Jim Crow and John Conyers’ repeated proposals for a commission to study its impact, modeled after the Commission on Wartime Relocation and Internment of Civilians (CWRIC), have, on the whole, been met with a less-than-enthusiastic response. What can national apologies achieve? Can national apologies, and the forgiveness that an apology may elicit, provide an alternative to the festering of old wounds which often leads to political resentment, political alienation, and, at times, violence? Do they hold promise as a realistic alternative to individual citizens remembering past political wrongs and feeling alienated from the nation-state, other citizens, and their identity as political beings?

This paper examines the “politicalness” of the novel contemporary phenomena of national apologies, in particular, within the American political context. First, it situates the American debate over national apologies within a theoretical and practical context by describing the American modes of thought most apparent in apology and rectification debates in the United States and then by contrasting contemporary American political conditions to those of most other nations similarly engaged in debates regarding past wrongs. Then, the paper goes on to consider the goals a political collectivity could have in responding to past wrongs and the promise of national apologies, both with and without material compensation, to realize the goals, as well as

the particular challenges entailed in employing apologies (typically thought to concern interpersonal relations) on a public and collective (that is, political) scale.

American Modes of Thought

Rectification debates within the United States, while most proximately modeled after German reparations to Israel, and most immediately provoked and shaped by the American civil rights movement, assume their particular form within the broader context of American modes of thought. Martha Minow observes that when governments throughout the world have responded to past collective violence, the responses “lurch among rhetorics of history (truth), theology (forgiveness), justice (punishment, compensation, and deterrence), therapy (healing), art (commemoration and disturbance), and education (learning lessons).”⁷ This range of responses is apparent in the American context as well. As Minow concludes, no single rhetoric is adequate, and I would add that each contains within itself its own problematic. Using terms drawn from Minow’s work, in the American context, the theological, therapeutic, and juridical frameworks have predominated in most debates over recompense. These three rhetorics suggest different responses based upon varied understandings of what is to be achieved by responding to past governmental misdeeds.

The *theological* framework locates us in a world where justice ordinarily is associated with vengeance, although forgiveness exists as an extraordinary response to a wrong.⁸ Whereas forgiving requires relinquishing vengeance (in fact, Hannah Arendt describes forgiveness as vengeance’s very opposite),⁹ it entails neither forgetting nor unwillingness to judge an act as wrong. A deed may be remembered and judged to be wrong, however, the forgiving party makes a conscious choice to forego vengeance, thus breaking the cycle of action and reaction. This



decision ultimately keeps the wrong from permanently rupturing the relationship between the parties.¹⁰ The ritual of apology in which one says, "I beg your forgiveness," suggests the relation between apology and forgiveness. One party admits its wrongdoing, acknowledges the effects of the wrong, and may accept the need to make amends. The party asked to forgive is then transformed from a victim of a wrong to an agent, for it is the forgiver who has the power to free the perpetrator from the guilt associated with the wrongful deed.¹¹

Forgiveness, and the related concept of apology, is richly suggestive of the transformative possibilities for all parties involved. Parties cast by a wrongful deed into the roles of perpetrators and victims may be liberated from the wrong by offering and accepting an apology. However, the theological roots of forgiveness cast some doubt on whether such a concept is applicable to the political realm. Even when transplanted into the political realm, the theological rhetoric may still frame political misdeeds as sins and cast individuals in the roles of guilty or innocent. To apologize is to admit wrongdoing. Individuals who may not be individually guilty, but who, within a political understanding in which citizens may share responsibility for past political wrongs, may respond to calls for apologies with protestations of innocence. The theological rhetoric, then, may ultimately inspire a politics of self-righteous resentment among people implicated—although not actually guilty—of wrongful deeds.

The *therapeutic* framework tends to focus on the victims of wrongs rather than the doers of deeds. Within this framework, misdeeds are often characterized as traumas experienced and reexperienced by individuals in need of healing. This rhetoric rightly points to the ways in which past wrongs may intrude on the present, blurring the lines between past and present and ultimately obscuring the possibilities of a future untainted by past wrongs. The therapeutic

rhetoric suggests that an appropriate response to a past wrong must focus upon the psychological well-being of the victims. This rhetoric suggests that "talk therapy" is called for, either through individual counseling or in public hearings, which at times have taken the form of truth commissions. Therapeutic-inspired responses may risk, however, depoliticizing political wrongs inasmuch as psychological healing could conceivably take place without the relationship between the wrongdoer and the wronged being altered, or without any changes whatsoever being made in the external world. Psychological healing from a trauma may enable individuals to act in new and different ways toward others and their environment, but it does not necessarily lead to political changes. And finally, the therapeutic rhetoric's focus upon the "traumatized" may ignore the "traumatizer" or others who coexist in the political world. The focus upon the victim may be supplemented by holding public hearings, but one would want to work toward meaningful changes in the political world in addition to publicly airing the effects of wrongful deeds.

As with so many political issues in the United States, issues surrounding present responsibilities for past wrongs have chiefly been framed by the *juridical* rhetoric.¹² In part, the prevalence of legal rhetoric is due to the leading role lawyers have played in debates over rectification.¹³ And, the courts have been a primary forum where advocates for compensation have made their arguments, necessitating the framing of their demands in terms recognizable and acceptable to the courts.¹⁴ However, the "juridicalization" of the issues has extended beyond the courtroom, as American discourse in general, as noted by many observers, has become increasingly rights oriented and legalistic.¹⁵

Two juridical models have emerged in rectification discussions, one derived from the

criminal justice system and the other from the civil justice system. Similar to the theological and the therapeutic frameworks, each model captures some essential components of the issue while mischaracterizing others. The first legal model aims for punishment, deterrence, and public vindication. In this model, wrongdoers deserve to be punished and victims are owed public condemnation of the wrong done to them. Ideally, the punishment will deter future wrongdoing. However, in cases where the original wrongdoers and wronged have died, the aims of punishment and deterrence may be misdirected as applied to present political actors and citizens. And similar to the manner in which the theological framework paints an oversimplified picture of sin and innocence, here the world is peopled by the guilty or the innocent. This division obscures the possibility that individuals may be “innocent,” yet responsible, as citizens, for addressing their polity’s misdeeds.

The second legal model focuses on compensating victims for wrongs suffered. Here, a number of legal methods suggest ways in which victims may be compensated. Three terms, in particular, are used to refer to the process of making amends for a wrong: restitution, reparations, and redress. *Restitution* tends to refer strictly to the restoration of what has been taken from the legal owner, such as the return of land or particular material goods.¹⁶ *Reparations* and *redress* typically refer to financial compensation for that which cannot be returned, such as lives lost, communities destroyed, or rights violated.¹⁷

All three of these compensatory methods suggest a “backward looking” approach, in which the primary goal is to return the wronged, and possibly the wrongdoers, to the conditions that existed prior to the wrong. This “backward looking” approach is most clearly associated with restitution—where objects wrongfully taken are returned—but also is suggested by

reparations and redress, where money typically compensates for losses incurred. Reparations and redress may be most logical in the world of *things*—where objects have been wrongfully taken and where an economic value can be fairly straightforwardly attached to the wrong.¹⁸ However, where the wrong in question cannot so easily be translated into economic terms—for example, the violation of rights, the destruction or diminishment of a community, or the death of loved ones—the payment of cash may appear crude, callous, and unsatisfactory. In cases where a great deal of time has passed, returning people to the position they would have occupied, had it not been for the wrong done, becomes an almost hopeless task inasmuch as it is impossible to know what this “prelapsarian” world would look like had it not been for the wrong.¹⁹ And, the attempt to remedy some may be likely to cause harm to others, including those not even alive at the time of the original wrong. In this civil justice model, the relationship between the parties is framed by the notion of a debt; the wronged are owed compensation by those who have unjustly enriched themselves or have been unjustly advantaged.²⁰ While possibly not as combustible a charge as “guilty,” the demand that one pays compensation for deeds not individually undertaken has still proven quite capable of provoking a politics of resentment within the United States.

What is sorely missing in the debates regarding past wrongs is a *political*, rather than a theological, therapeutic, or juridical framework. Unlike the theological approach, a political framework would attend to the consequences of wrongs in this world rather than in the afterworld and would call for the judgment of human beings rather than relying on God’s judgment. Unlike the therapeutic approach, a political framework would necessitate a public discussion rather than the intimacy of a therapeutic setting and would supplement discussion by focusing on material changes to the political world. Finally, unlike the legal approach, a political

framework would consider the present and future consequences of a response rather than being primarily concerned with compensating for past wrongs. As I argue elsewhere, though, not just any political framework will do, as the three primary political perspectives evident in most scholarly discussions of the issues surrounding present responsibilities for past wrongs either attend insufficiently to history, overemphasize the dangers resulting from airing political misdeeds, or have retreated from imagining a nation-state that aims to do right.²¹ The political framework suggested presumes that action concerning public issues necessarily occurs in a context shaped by history, and charged with difference, inequalities, and conflict. At its best, though, within the political realm, by using our human capabilities of speech and judgment, we create a collective capable of responding to the concerns of the diverse individuals who comprise the polity. The political framework is best for addressing past wrongs in that by recognizing the historical wrongs that may burden, albeit unequally, present citizens, and by encouraging citizens to respond to the wrongs that may stand between them, it may orient the polity toward the future with recovered hope in the possibilities of what common political action can realize.

Apologies within the American Polity

In order to evaluate the potential efficacy of a national apology, it is essential to place it within its political context. In numerous cases where claims based on past governmental wrongs have arisen, they have done so in nations in the midst of transforming from repressive regimes toward more democratic ones (e.g., South Africa, former despotisms in South America, and  communist dictatorships in Eastern and Central Europe). As the burgeoning literature on “transitional justice,” makes clear, where nations are in the midst of such transformations, they may be bedeviled by a number of factors that are not present in the United States.²² First, in

many of these nations, the wrongs are much more recent, and thus raise the question of how best can victims, some of whom have been traumatized by abuses, live alongside past perpetrators. Second, the new governmental regimes must grapple with how best to respond to those who have committed wrongs, some of whom remain prominent members of society. And third, the new regimes tend to be understandably concerned with establishing and maintaining stability and worry that if they push too hard to respond to the claims of victims of governmental abuse, then individuals and groups loyal to the prior regime will attempt to destabilize the new government.

The United States, on the other hand, for the most part, faces none of these challenges. For instance, neither the majority of American Indian land claims nor the claims arising over the internment of Japanese Americans do the deeds under debate date from the very recent past. This is not to say that the misdeeds are “ancient history,” nor that consequences of the historic deeds do not reach into the present, but it is significant that, for instance, all of those directly responsible for the violation of 18th and 19th century treaties with American Indians (treaties that are at the heart of many present land claims), and almost of all those responsible for the internment of Japanese Americans, have died. While many American Indians and Japanese American ex-internees clearly felt aggrieved, and have demanded apologies and some form of compensation, the personal animus against perpetrators, or fear of them, has not been a primary feature of the American debate over past wrongs and present responsibilities.

The United States also has been spared contending with the complex set of questions surrounding how to deal with past governmental perpetrators, for, as noted above, on the whole enough time has passed since the wrongs were committed that those directly responsible have died. Recent debates within the United States regarding past governmental wrongs have not had

to take up whether to prosecute wrongdoers or grant them amnesty, or whether to ban past governmental officials from holding political positions or allow them to participate in politics freed of any taint of past wrongdoing. It is noteworthy in this respect that two of the most outspoken opponents of reparations for Japanese Americans, John J. McCloy and Karl R. Bendetsen, were among the few surviving individuals who had participated in conceiving and implementing the U.S. government's policy toward Japanese Americans. Where wrongdoers are still alive, and fear criminal or civil sanctions, or a loss of power, respect, or reputation, they are likely to object to the government admitting wrongdoing based on their actions.

Although the absence, for the most part, of living perpetrators has allowed the political and legal debates regarding past wrongs to proceed without the complications related to criminal or civil sanctions, that absence has also meant that some, if not all, of the functions typically performed by punishing individual wrongdoers may have to be addressed in other ways. The punishment of perpetrators may accomplish a number of significant political functions: It may distinguish the new regime from the old, restore to victims a sense of dignity, individualize guilt and thus may preempt cycles of group recrimination, and deter future wrongdoing.²³ But without punishment, what can perform these needed political goals? This paper explores whether, and to what extent, national apologies and the forgiveness they may elicit may realize some of these political objectives.

Finally, in terms of concerns regarding regime stability, the United States by all accounts may be considered a stable regime; its governmental leaders do not have to take into account the possibly destabilizing effects of acknowledging past wrongs. Enabling victims, or heirs of victims, to express their grievances, and documenting and responding to past misdeeds, is highly

unlikely to provoke a regime crisis, as certainly could have occurred in Argentina, South Africa, or Bulgaria, for instance.

There remain, however, significant obstacles to the U.S. government acknowledging and responding to past wrongs. In fact, as a number of American Indian land claims have revealed, if the amount of time that has transpired between the original wrong and contemporary calls for a response is perceived to be too great, then legal doctrines (in particular, statutes of limitations) may stand in the way of claimants receiving compensation and an apology, even if an implicit one. Political realities as well may pose an obstacle if too great an amount of time has passed between the original wrong and appeals for a response from the government. If much time has passed, then immediate victims, who may speak movingly and persuasively of the need for the government to act, may have died. Japanese Americans who had been incarcerated were particularly persuasive in their ability to speak firsthand of the indignities they endured under the United States' policies; without the presence of individuals who are unquestionably recognized as direct victims of a wrong, the need for an apology and possible compensation appears more ambiguous.

And whereas the U.S. government will not be dangerously destabilized by acknowledging past political wrongs, such acknowledgments do entail costs and may foster resentment by some. A conservative estimate of the financial cost of acknowledging historic wrongs, particularly the expropriation of American Indian lands and enslavement of African Americans, would certainly run into the billions of dollars. And, while resentment would not be driven by fear of criminal sanctions, as is the case in many transitional regimes, in the United

States, when individual citizens are asked to take on responsibility for deeds over which they had no control, many will resent such an imposition.

One final characteristic to consider that distinguishes the United States from most other nation-states engaged in debates over national apologies is what may be considered the repressed or hidden nature of the political fractures that may be in need of reconciliation. In South Africa after the apartheid regime fell, or Argentina after the military regime fell, or (Eastern) Germany, Hungary, Albania, or Lithuania after 1989, few people doubted the need for political reconciliation. The recentness of the crimes and atrocities committed, the scars written on people's bodies, and the family members killed and missing were vivid reminders of the presence of past political wrongs that continued to fracture the political body. In the United States, however, as in Australia and Canada, the need for political reconciliation is itself an unsettled question. Those pressing claims for a response to past wrongs must first make the argument that there are political wounds that need healing, or wrongs that stand in the way of "a more perfect union," before a serious discussion can take place regarding how to respond.

It appears, then, that each political context presents its own set of difficulties in constructing a just and feasible response to past governmental wrongs. If political wrongs are very recent and new governments fragile, then, though the need for reconciliation is apparent, the trauma of victims, defensiveness of those associated with the prior regime and possible reluctance of the new regime to "rock the boat" all may conspire against an open airing of grievances and thorough acknowledgment of past political wrongs. On the other hand, even when the political wrongs date back prior to the present generation and the government is stable, obstacles still remain to achieving national apologies and real political costs may be entailed.

Why should the U.S. government acknowledge historic wrongs and invite such costs? What are the potential benefits of doing so, compared with the financial costs shared by all, were there to be material compensation in conjunction with an apology (assuming that the costs of any compensation scheme would be paid through general taxation), and electoral costs for the politicians who support apologies and possible compensation in the face of a potential political backlash?

The literature on “transitional justice” exhibits that although new regimes face significant obstacles in responding to past crimes and atrocities, many have been willing to expend political and financial resources to do so.²⁴ New regimes seek to distinguish themselves from the practices and culture of prior regimes and may bring to light past transgressions to further delegitimize the prior regime and to instill in citizens the belief that life under the new government will be different. Some new regimes have spoken of the simple need for truth, and publicly and authoritatively acknowledge past wrongs as a step toward creating a political world in which factual truths are not hidden. And simple justice seems to require a response to those who have been wronged as well as those who have committed wrongs. Here, as noted above, criminal trials with the possibility of punishment may enable the new government to perform a number of those functions: to make clear the differences between the new regime and the old, restore to victims a sense of dignity, individualize guilt and thus preempt cycles of group recrimination, and deter future wrongdoing. Truth commissions, in addition to, or in some nations, instead of, criminal trials also have played a novel role throughout the world since the 1980s. More than twenty nations have established truth commissions over the past twenty years, hoping, as the names of many of the commissions announce, both to establish the truth about

past political deeds and to foster reconciliation within the nation.²⁵ Whether both of these goals may be achieved through establishing truth commissions remains an open question. Among other doubts, some scholars have argued that within deeply divided political environments, “shared truths” may not exist; others have expressed skepticism regarding truth’s power to heal victimized individuals.²⁶

In the United States, as the government has lurched toward responses to the appropriation of American Indian lands and the internment of Japanese Americans, the government’s responses have, in some ways, more closely resembled truth commissions than criminal trials. The government has not attempted to individualize guilt. Rather, the government has responded to past political wrongs (to the extent that they have) in reaction to demands by aggrieved parties, or their representatives, to resolve grievances, provide partial compensation, and express new understandings of the political body’s history and of itself. Much of the effort in the United States has been devoted to what legal scholar Marc Galanter calls “historical vindication”: formal acknowledgment of the wrong and apology for it.²⁷ In passing the Civil Liberties Act of 1988, Congress stated its first intent was to “acknowledge the fundamental injustice of the evacuation, relocation, and internment.” Its second was to “apologize on behalf of the people of the United States.”²⁸ And much of the legal record in a number of American Indian land claim cases is devoted to presenting a revised interpretation of the critical role played by various American Indian tribes in the Revolutionary War and, in return, of the American government’s inglorious history of broken treaties and ineffectual protection of American Indian lands in response to the lands’ unlawful acquisition by states and private parties.²⁹

In the United States, the national government’s public and formally expressed revised

understanding of its history—one which acknowledges specific historic wrongs and “redistributes blame and honor”³⁰— may both reflect its transformed collective identity as well as transform individual citizens’ political identity. That is, by owning up to the federal government’s failures of both commission and omission in regards to American Indians, or its unjust and what we now consider to be unconstitutional acts related to the evacuation, relocation, and internment of Japanese Americans, the government is able to declare that it now judges these historic acts to be wrong and that it has become the type of government that attempts to extend justice to those whom it victimized in the past. By doing so, the U.S. government aims for truth and reconciliation: establishing a public record documenting the historic wrongs and encouraging victims, specifically, or those who identify with them, to perceive the government and their role in the political collectivity differently.³¹ The acknowledgment of past wrongs and the offering of national apologies aims to make the relationship between individuals and the national government more meaningful and the relationship within individuals amongst their various identities (in particular, among their racial, ethnic, and political identities) less problematic. If the government is able to do so, then the act of apologizing, and the possibility of eliciting forgiveness, is central to the accomplishment of these aims.

Apologizing and Forgiving: Personal and Political?

Typically, apologies and forgiving are most at home in relations between individuals. Can a faculty so seemingly anchored in the realm of interpersonal relations be relevant to the political realm? Must one be an innocent to suppose that apologies and forgiveness could have any efficacy in the political realm? To determine whether and under what conditions apologies and forgiveness may be meaningful in the political realm, we must first analyze the dynamics of

apologies and forgiveness and examine the power, as well as the limitations, of forgiveness. In order to consider whether they can they work on a collective scale, it may be helpful to first examine how apologies and forgiveness perform between individuals.

In the personal realm, when and under what conditions are apologies and forgiveness practiced? Apologies and forgiveness become issues when a relationship, typically between two people, is ruptured due to a wrong.³² Apologies and forgiveness assume importance when one party commits an act against another that recasts the individuals' identities—one as the wrongdoer and the other as the wronged party. The wrong intrudes into the relationship and defines the relationship in terms of the wrong. If the relationship is to continue or is to be renewed, is ever to be experienced apart from the wrong, then the wrong calls for a response.

All wrongs, of course, do not always call forth apologies. The wrongdoer may offer excuses or try to justify the act in question.³³ And all apologies do not always call forth forgiveness. The wronged party may not forgive, judging the wrong too enormous to do so or the apology insincere or inadequate. Or the wronged may simply forget, rather than forgive.³⁴ For forgiveness to occur, there must be an initial agreement between the parties that there is something to be forgiven. Without a preliminary agreement that a wrong was performed, an apology will not be forthcoming, and forgiveness cannot occur.³⁵

Forgiving, actually, may be the least likely outcome when a wrong has been done and has intruded into a relationship. Aristotle, in Book Four of *The Ethics*, in his discussion of the right disposition toward anger, notes that "revenge is more natural to man than forgiveness."³⁶ Hannah Arendt, in her discussion of forgiveness, highlights as well its extraordinariness, noting that in the New Testament Jesus likens the power to forgive to the more general power of performing

miracles.³⁷

A number of more likely responses to a wrong come immediately to mind. The wronged party does not completely let go of the wrong, the offense having so damaged the wronged person that the relationship is permanently spoiled because the resentment will not subside. Aristotle, in defining the right disposition toward anger, distinguishes between grades of irascibility. Bitter people, he writes, "are hard to reconcile, and keep up their anger for a long time, because they suppress their animosity. Relief comes only with retaliation; for revenge provides release from anger by substituting pleasure for pain."³⁸ Here, the relationship may never be righted; only by inflicting vengeance will the wronged party be pacified and let go of the hurt.³⁹ If a first step along the road to forgiveness is an agreement between the parties that a wrong has been done, then a next step is for the wronged party to abandon thoughts of vengeance. Forgiveness does not necessarily require an abandonment of the desire for punishment, but it does require that the relationship be free from vengeance.⁴⁰ Not all thinkers entertain the possibility of purging oneself of the desire for vengeance. Most notably, for Nietzsche, forgiveness is only weakness disguised as strength. In the "dark workshop where ideals are made . . . the inability for revenge (of the weak man) is called unwillingness to revenge, perhaps even forgiveness."⁴¹

Why would some relationships be permanently damaged by a wrong? As Nietzsche suggests, we should consider the psychological state of the wronged person. In doing so, two explanations may account for permanent damage. The first is that the wronged person may be unable to regain the confidence needed to renew the relationship; the wronged person may be unable to see himself or herself as anything but a victim within the confines of the relationship.⁴²

On the other hand, rather than feeling permanently inferior in relationship to the wrongdoer, the wronged party may feel superior, thinking that he or she could never have done such a thing to another. Besides feeling neither inferior nor superior to the other party, another prerequisite for forgiving seems to be recognition of and acknowledgment of shared humanity, or the possibility of doing wrong to another.

Forgiving may be dangerous. To borrow Aristotle's language, rather than getting angry "at the wrong things, and too much, and for too long a time,"⁴³ one may also forgive too easily or too lightly. Aristotle warns that it is possible to forgive "with the wrong people, for the wrong reasons, more than is right, too quickly, and for too long a time."⁴⁴ One who forgives too easily may be demonstrating that he or she cares not enough for themselves; part of forgiving is opening up oneself again to the possibility of hurt, and one who does this "with the wrong people, for the wrong reasons, more than is right, too quickly, and for too long a time" may be displaying a lack of self-regard, or a lack of judgment. Forgiving requires judgment that the other party has adequately apologized by fully recognizing the wrong and is taking the necessary steps to rectifying it.

Forgiving, then, is not without its risks. The peril described above of forgiveness slipping into condonation serves to remind us that all acts do not necessarily deserve forgiveness. Hannah Arendt contended in *The Human Condition* that forgiveness "does not apply to the extremity of crime and willed evil."⁴⁵ Her argument is based upon her interpretation of the New Testament, especially the Book of Luke, where it is written "And if he trespass against thee seven times a day, and seven times in a day turn again to thee, saying, I repent; thou shalt forgive him."⁴⁶ Arendt emphasizes the ordinariness of trespassing; it is "in the very nature of action's constant

establishment of new relationships within a web of relations, and it needs forgiving, dismissing, in order to make it possible for life to go on by constantly releasing men from what they have done unknowingly."⁴⁷

But extraordinary acts of crime and willed evil surpass the limits of the power to forgive. Certain offenses can neither be forgiven nor should they be. Arendt calls these acts, following Kant, "radical evil . . . about whose nature so little is known."⁴⁸ Arendt later traveled to Jerusalem to confront Adolf Eichmann and to explore the nature of evil. There she discovered that monstrous deeds are not necessarily the work of monsters. "Eichmann was not Iago and not Macbeth, and nothing would have been farther from his mind than to determine with Richard III 'to prove a villain.'"⁴⁹ That Eichmann did not prove to be a monster did not mean, though, that he deserved forgiveness. Examining why she could not forgive him forced Arendt to reconsider her understanding of forgiveness. In *The Human Condition*, Arendt had written that "what was done is forgiven for the sake of who did it."⁵⁰ Arendt's encounter with Eichmann compelled her to think through the potential chasm between acts and actors. Arendt admitted to her friend the poet W. H. Auden that she was wrong when she wrote that "we forgive what was done for the sake of who did it. . . . I can forgive somebody without forgiving anything."⁵¹ Eichmann's deeds (what was done) could never be forgiven, although Arendt conceivably could have forgiven Eichmann (somebody). She later explained that whereas it may be possible to forgive somebody without forgiving their deeds, it was neither possible to forgive nor to show mercy to Eichmann:

Mercy was out of the question, not on juridical grounds—pardon is anyhow not a prerogative of the juridical system—but because mercy is applicable to the person rather than to the deed; the act of mercy does not forgive murder but pardons the murderer insofar as he, as a person, may be more than anything he ever did. This was not true of Eichmann. And to spare his life without pardoning him was impossible on juridical grounds.⁵²

Although Arendt believed in new beginnings, in people's potential to change their minds and start again, not all people are greater than their offenses. Some misdeeds so accurately capture who someone is that the disassociation between deeds and doer becomes impossible, thus rendering forgiveness impossible.

Forgiving, then, is not always an appropriate response to a wrong. No simple rules, though, seem capable of specifying when it is appropriate. The danger of forgiving sliding into condonation demonstrates that forgiving not only occurs within a relationship between a wronged party and a perpetrator, but also concerns the relationship between the perpetrator and the offense, and the understanding of the deed in light of the ethical rules or laws that the forgiver takes seriously. To forgive more than is right or too quickly (and here one can think of the controversy sparked by revelations concerning Arendt's seemingly too easy forgiving of Heidegger for his Nazism)⁵³ may display a lack of self-respect on the part of the forgiver, a lack of respect for others as moral agents, and a lack of respect for ethical or legal rules. Forgiveness, like punishment, is expressive and speaks not only to the forgiven but also speaks to other witnesses about the forgiver's regard for ethical action.

 Forgiving, though, even if rare, is possibly the most liberating of potential responses to a wrong; it aims to liberate both parties from the effects of the wrongful deed and reestablish a relationship freed from them. That is not to say that an apology can actually undo what was done, nor that it, accepted by the forgiving party, can or should allow the deed to be forgotten.⁵⁴ The wrong is not erased nor are all its effects erased. However, the relationship may be renewed without the wrong at its center. Let us examine how this last step of the process of forgiving works.

Forgiving provides the possibility of "righting the scales," although in a peculiar manner. In civil law, righting the scales usually entails taking from one who has more due to their wrongful act and giving to the wronged person. In the case of forgiveness, though, it is the wronged person who is in the position of righting the scales.⁵⁵ By the commission of a wrong, the wronged party is cast in the role of a victim; the perpetrator, on the other hand, somehow gains by the wrong.⁵⁶ It is essential to the process of forgiving, though, that the wronged person holds the power to forgive or not to forgive once an apology has been offered. Forgiving thus transforms the person wronged from a victim to an agent. On the other hand, the perpetrator of the wrongful deed who formerly had asserted power over the wronged person now is in the less-powerful position. Having been cast by his or her deed into the role of the morally tainted, the victimizer is now dependent upon the wronged person to free him or her from the wrongful deed. The Hebrew words used in the Old Testament to refer to forgiveness provide helpful clues in this regard. The three words typically used to refer to forgiveness are *kipper*, meaning "to cover," *nasa*, meaning "to lift up, or carry away," and *salach*, meaning "to let go."⁵⁷ All three words point to the forgiver's power to remove the sin from the wrongdoer so that each party can resume the relationship. The ritual of apology also points to the role reversal involved in forgiving: It is the former perpetrator who frequently "begs for forgiveness."⁵⁸

Of course, if the wrongdoer has no desire to renew the ruptured relationship, or if the wrongdoer has acted from a secure position of power and is immune to the cares or power of the wronged person, then apologies will not issue and forgiving is incapable of righting the scales. Equality cannot be reestablished where it had not already been established or where there is not a desire for it to be.⁵⁹ It is essential to forgiveness that the victim holds the power to forgive.

Without that act and without this power, the wronged party remains always a victim within the confines of the relationship. Just as importantly, the wronged party must completely let go of the resentment and not assume a position of superiority. What we can learn from examining the process of apologies and forgiving in the personal realm is that it is a means of reestablishing a relationship not between victim and perpetrator but between two equal parties. Forgiving falls somewhere between vengeance and condonation. And, the process of apologizing and forgiving entails a number of stages: the recognition by both parties that a deed was wrong; a call for an apology; a judgment made as to what response (including possible restitution, compensation, or punishment) will constitute an adequate apology; recognition of shared humanity between the parties; and finally, willingness on both parties to renew the relationship.⁶⁰ Apologizing and forgiving, then, are present responses to a past wrong for the sake of a future; if the relationship is to have a future untainted by a wrong then the resentment and anger related to the wrong, and even possible masochistic attachment to victimhood, must be let go.⁶¹

As extraordinary as forgiveness and the apologies that may elicit that forgiveness may be, it may still be the case that their power is restricted to relations between individuals, and thus have limited usefulness in the political realm. Do apologies and forgiveness belong in the political realm? Can we conceive of an understanding of politics capacious enough to encompass the potential power of national apologies and forgiveness?

Apologies and forgiveness have received scant attention from most political theorists. However, forgiveness fascinated Hannah Arendt, one of the most “political” of political thinkers, and in fact it is woven into her concept of political action.⁶² In a 1953 essay, Arendt described forgiveness as “one of the greatest human capacities and perhaps the boldest of human

actions."⁶³ Arendt returned again and again to the concept, writing of it in *The Human Condition* and *Eichmann in Jerusalem*, as well as in a number of essays in *Men in Dark Times*. By briefly examining the essential role that forgiveness played in Arendt's conception of political action, we may more fully imagine the promise of national apologies in American politics.

Arendt most fully articulated her concept of forgiveness in the concluding sections to Part V of *The Human Condition*. The fifth part of the book, entitled Action, is in many ways Arendt's most programmatic statement on politics. Two epigraphs begin that section: one a quotation from Dante, the second a quotation from Isak Dinesen:⁶⁴ "All sorrows can be borne if you put them into a story or tell a story about them."⁶⁵ Arendt, concerned to distinguish the public realm from both the private and the social, and contending that the public realm houses the political, argues that forgiveness and promising are the *only* moral principles intrinsic to political action. She notes that promising has long been recognized as a concept central to Western political thought. On the other hand, forgiveness "has always been deemed unrealistic and inadmissible in the public realm."⁶⁶ Arendt attempts to reclaim forgiveness from the moral and religious realm and locate it in the realm of politics. Much of Arendt's larger theoretical project is devoted to explaining why individuals must engage in the public world—must act, in order to be fully human.⁶⁷ Though sensitive to the ways we are shaped by our history, Arendt maintained that we are not determined by it, and that we are capable of free action. To recognize the past as a force, to envision one's life as a story entangled with the stories of others and connected to the much larger stories of the place and the time in which we are born, may tempt us to imagine ourselves mere pawns in a game much larger than we are, mere playthings of the God of History.

Arendt's concern to call people to act, to portray the very necessity of action for individuals to live a fully human life, is evident in her careful distinction between her understanding of action and the attitude that portrays humans as the helpless products of historical factors. Yet, in Arendt's portrayal, human action is beset with complexities due to three inherent characteristics: "its futility, boundlessness, and uncertainty of outcome."⁶⁸ The futility of action is explained by the fact that it takes place in a public realm, where, falling into "an already existing web of human relationships, with its innumerable, conflicting wills and intentions . . . [it] almost never achieves its purpose."⁶⁹ And although it may almost never achieve its purpose, action is not without consequences. The consequences "are boundless, because action . . . acts into a medium where every reaction becomes a chain reaction and where every process is the cause of new processes. . . . [O]ne deed, and sometimes one word, suffices to change every constellation."⁷⁰ The consequences of acts are both boundless and unpredictable. And finally, action is also burdened by irreversibility. One is "unable to undo what one has done though one did not, and could not, have known what he was doing."⁷¹ Arendt's unblinking portrayal of the public realm in which political action takes place leads her to recognize two different temptations that may undermine political action: turning away from political action and retreating into the private realm, or conceiving action as domination and freedom as sovereignty.

Arendt's theory of political action is an attempt to hold on to two different insights: Action is at once frustrating and miraculous, and the public realm is one of moral haphazardness, yet still individuals must use judgment and act thoughtfully within it. Action in Arendt's hands appears as a frail miracle. She knows very well that courage is needed to act in public. It is daunting to insert oneself into the public realm partly because it is impossible to fully know

ourselves, and because political action necessarily entails acting with others:

Men have known that he who acts never quite knows what he is doing, that he always becomes "guilty" of consequences he never intended or even foresaw, that no matter how disastrous and unexpected the consequences of his deed he can never undo it, that the process he starts is never consummated unequivocally in one single deed or event, and that its very meaning never discloses itself to the actor but only to the backward glance of the historian who himself does not act.⁷²

For Arendt, we know neither ourselves nor our motives fully; we too may be surprised by our actions. Rather than resolving our intentions beforehand, and entering the public realm to act in a preconceived manner (as in what Arendt calls *fabrication*), we disclose ourselves in public, and even then, not to ourselves. We depend upon others not only to complete our actions, but to give them meanings and so disclose them. In light of the hazards of acting in public, of our dependence on others, and our inability to know ourselves or our intentions fully before we act, the safety of the private realm appears more inviting.

Forgiveness redeems action from many of these predicaments. Without it, Arendt writes, "our capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain the victims of its consequences forever."⁷³ Forgiveness allows us to act anew. Its possibility means that one wrong step in public need not haunt us forever. If acts are unpredictable, consequences boundless and limitless, and others have the last word on one's actions, yet at the same time one will have to live with those actions (for Arendt this meant to think with the person who performed them), then Arendt seems to fear that many people will be drawn to choose private comfort over public risk, retreating from the public realm and its responsibilities. In Arendt's understanding, the retreat to the private realm may not be prompted by selfishness so much as by individuals' sense of personal responsibility in a realm of moral ambiguity.⁷⁴

If the first danger to action is to retreat to the private realm, then a second danger is the temptation to think of action as domination. Complete control of one's actions is impossible, due primarily to the plurality of agents, meaning that the political realm is one of haphazardness and moral irresponsibility.⁷⁵ Forgiveness allows people, though, to insert themselves into the public realm and, if granted, may release them (at least partly) from the consequences of what they do.⁷⁶ Part of the allure of conceiving of action as domination is the seeming clarity of questions of responsibility. The asserted control of a single agent draws a linear relation between actor and act. But in the in-between realm that Arendt portrays, the realm of freedom but not sovereignty, the realm of action but not single domination, responsibility is ambiguous.

Arendt's discussion of action was written in the wake of her account of totalitarianism. In a 1953 essay, "Understanding and Politics," Arendt wrote that: "The originality of totalitarianism is horrible, not because some new 'idea' came into the world, but because its very actions constitute a break with all our traditions; they have clearly exploded our categories of political thought and our standards for moral judgment."⁷⁷ Arendt sought to address this vacuum; if the world had been changed irrevocably by totalitarianism, then we needed new ways to think about politics and morals.⁷⁸ How should we think about political action and responsibility in this new world where action can neither be conceived as fabrication nor domination?⁷⁹

Arendt divorces action from its consequences, as well as from motives, purposes, and antecedent conditions.⁸⁰ It is the simultaneous presence of freedom and non-sovereignty that distinguishes Arendt's thinking about responsibility from most conventional accounts. Non-sovereignty implies that individual actors are unable to foretell or determine the consequences of an act. From the perspective of the potential actor, holding one responsible for the unpredictable

and boundless consequences of a deed may inhibit action. Arendt wrote approvingly that "Kant had the courage to acquit man from the consequences of his deed, insisting solely on the purity of his motives, and this saved him from losing faith in man and his potential greatness."⁸¹ And from the perspective of the historian or the judge, to use consequences to judge actions would give up that human role to History. The last line of one of Arendt's last completed works, *Thinking*, is a favorite quotation of hers from Cato: "Victrix causa deis placuit, sed victa Catoni" (which Arendt translated as "The victorious cause pleased the gods, but the defeated one pleases Cato.")⁸²

Although Arendt wrote that she stood with Kant in having the courage to acquit man from the consequences of his deed, she had been disabused of the notion that one should insist on the purity of the actor's motives. To insist on pure motives would ring untrue to Arendt's portrayal of action, for in her understanding, rather than one knowing one's self and one's motives and then acting, it is one's actions that may lead to a greater sense of self-knowledge. Nor would pure motives, even if known, necessarily vindicate one in the realm of action. In the epilogue to *Eichmann in Jerusalem*, Arendt explains why Eichmann must hang and why even his alleged pure motives are not sufficient to warrant mercy:

We are concerned here only with what you did, and not with the possible noncriminal nature of your inner life and of your motives. . . . Let us assume, for the sake of argument, that it was nothing more than misinformation that made you a willing instrument in the organization of mass murder; there still remains the fact that you have carried out, and therefore actively supported, a policy of mass murder. For politics is not like the nursery; in politics obedience and support are the same.⁸³

Unwilling to reduce the meaning of a political act to either the motives of the actor or to the consequences of the deed, Arendt writes that "action can be judged only by the criterion of

greatness," or "the specific meaning of each deed."⁸⁴ Arendt's concept of forgiveness saves her conceptualization of political action from one completely divorced from responsibility. It is central, then, not only to the very possibility of political action for Arendt, but also to the judgment of political action by political terms, rather than distinctly moral, legal, or religious ones. Forgiveness presents a picture of humans as fallible (ever needful of forgiveness), yet open to change. It was Arendt's peculiar genius to perceive the need for new political thinking, and to retreat to the Greeks, the Romans, the Jews, and the early Christians to find it. In need of a new way to think about the relationship between political action and responsibility in a morally ambiguous public realm, Arendt looked to Jesus as an example of the power of forgiving.

One of the most surprising aspects of Arendt's fascination with the political possibilities of forgiveness is that it seems to contravene her concern for maintaining sharp distinctions between the public and the private realm. She contends that Jesus of Nazareth was the discoverer of the role of forgiveness, and although he made this discovery in a religious context, she argues that forgiving should be considered a political, rather than a moral or religious, experience.⁸⁵ She points out a number of characteristics that forgiving shares with political action. Forgiving depends on human plurality; no one can forgive himself.⁸⁶ It also parallels her conception of political action in that it "is the only reaction which does not merely re-act but acts anew and unexpectedly, unconditioned by the act which provoked it and therefore freeing from its consequences both the one who forgives and the one who is forgiven."⁸⁷ In its "miraculous" and unexpected quality, it exemplifies the spontaneity of political action. Apologies and forgiving also share with political action a reliance upon speech: As one scholar has written, until apologies are "articulated in the presence of the offended other, they serve only as soliloquies

with little or no consequence or meaning.”⁸⁸ Forgiving also calls for judgment (which elsewhere Arendt called the most political of faculties, the “hallmark” of political thinking)⁸⁹; the potential forgiving party, in deciding whether to grant forgiveness, neither relies upon strict moral rules, legal notions of intent, nor the consequences of actions. Lastly, in *The Human Condition*, Arendt writes that "forgiving and the relationship it establishes is always an eminently personal (though not necessarily individual or private) affair in which *what* was done is forgiven for the sake of *who* did it."⁹⁰ We have seen above that in encountering Eichmann and reflecting on his deeds she later amended her understanding of forgiveness, positing the possibility of forgiving someone without necessarily forgiving their deeds.⁹¹ Yet, while she entertained the prospect of forgiving someone while judging their deeds unthinkable to forgive, her conception of forgiveness retained an attention to the personal qualities of the actor. Can such a conception of apologies and forgiveness be meaningful in relation to historic acts committed by political collectivities?

Arendt well understood that forgiving, a miracle of sorts, was fragile and not easily transplanted from the private to the public realm. In *The Human Condition*, Arendt wrote that forgiving could only take place in a context of personal revelation, where people are "fully receptive to *who* somebody is" rather than "what they are," the *who* being their qualities, shortcomings, achievements, failings, and transgressions.⁹² Such an open receptivity to who someone is usually is thought to occur only in the rarest of settings, that of love. But Arendt answers what seem to be her own objections regarding the transplanting of forgiving to the public realm by contending that "what love is in its own, narrowly circumscribed sphere, respect is in the larger domain of human affairs." Respect, which Arendt defines as "a kind of friendship without intimacy and without closeness . . . is a regard for the person from the distance which the

space of the world puts between us, . . . [a] regard independent of qualities which we may admire or of achievements which we may highly esteem."⁹³ Arendt fears, though, that what she regards as the modern loss of respect may restrict the power of forgiving to the private realm. The indispensability of forgiveness to Arendt's concept of political action discloses the deeply personal nature of Arendt's politics. The "increasing depersonalization of public and social life" throws into doubt for Arendt both the possibility of forgiving and of political action itself.

The Limitations and Promise of Apologies in Contemporary American Politics

The nature of politics itself, and particularly how politics is ordinarily practiced in the contemporary United States, places exceptional strains upon the power of forgiveness. The personal nature of the dynamic of apologies and forgiveness raises serious doubts regarding the potential of apologies and forgiveness to work on a public and collective scale. If only the wronged have the power to forgive, and if they forgive primarily, although not only, for the sake of who the wrongdoer is, then can apologies and forgiveness work when applied to wrongs inflicted by political collectivities upon groups of people? And what can be done if the wrongdoers or the wronged have died? Can anyone speak for either the wronged or the wrongdoers? Most basically, is the power of apologizing and forgiving limited to relations between living individuals, or might it work in relations between groups?⁹⁴

Earlier, I alluded to the stages in which we can see apologies and forgiveness occurring. At each stage of the process, political realities may limit the potential effectiveness of national apologies. In particular, the power and conflict endemic to politics, the representativeness built into American politics, the concerns raised by Arendt in the 1950s that have only grown more dire regarding the devitalization of political action, and the related fragmentation of the

American citizenry into numerous identity groups all call into question how effective national apologies may be in the United States. Let us examine the stages from apologies to forgiveness, and consider how ordinary political realities may impair their potential.

In the first stage, a preliminary agreement is reached between the parties that there is something from the past for which to apologize. Unless some consensus is reached regarding the wrongs that have been inflicted, there is no hope for an apology or for forgiveness. When wrongs have been inflicted by groups of people against other groups, it may be most difficult to reach an agreement as to who inflicted the wrongs (who was the aggressor?) on whom. One student of apologies argues, in fact, that the primary work apologies achieve in the political realm is putting the wrong on a public record.⁹⁵ Governments may be extremely loathe to create a public record declaring that they have inflicted wrongs, fearing that an admission may lead to calls for compensation not only by the specific peoples aggrieved, but by other groups who may feel similarly aggrieved. For instance, a major concern voiced during the debates over reparations for Japanese Americans interned during World War II was whether a reparations law would encourage other groups to seek compensation and whether the law would establish a precedent upon which American Indians, African Americans, and Mexican Americans could demand similar compensation. It was not until Jesse Helms' amendment was tacked onto the bill explicitly stipulating that the Civil Liberties Act of 1988 did not establish a legal precedent that the law passed the Senate.

It is in this initial stage, when political wrongs may or may not be recognized, that the significance of power may be most apparent. As noted in exploring apologies and forgiveness in the private realm, if the wrongdoer is impervious to the grievances of the wronged person, then

an apology likely will not be forthcoming. Inequalities are likely to be even more common in the public realm, where the resources of some may be consolidated to form powerful groups or interests who needn't concern themselves with the demands of less powerful others. The import of inequalities is apparent in observing the manner in which the politics of national apologies in the United States has been contested over the past thirty years. Members of minority racial, ethnic, and cultural groups have voiced grievances against the government (typically the federal government but also state governments), attempting to employ various levers of power to gain an apology and possible compensation. A number of American Indian land claims have languished for decades, and only recently have neared a response, owing to the new-found legal and economic power of some tribes, bankrolled by American Indian gaming profits. And the success of the Japanese American reparations movement may be attributed to a number of strategic factors intrinsic to the movement itself, but it also would be naïve to overlook the significance of economic power. Sheldon Wolin suggests that the success of the reparations movement, after nearly three decades of official silence on the matter, may have more to do with the growing power of Japan's economy in the 1980s than with America's deepened conscience:

What dictated this about-face? Was it less a question of injustice remembered than of a radical change in the American perceptions of Japan rather than of the Nisei, an official recognition on the part of American policy makers, both governmental and corporate, of the extraordinary power now possessed by Japan and hence of its vital importance to global political and economic strategies?⁹⁶

It may be that national apologies are offered to those who can most effectively wield power against the government, rather than to those most wronged or in need of an apology and compensation. If that is the case, then certainly one lesson for proponents of an apology to American Indians or African Americans is to search for potential sources of power to leverage in

requesting a national apology.

If a wrong is recognized by both parties, and an apology is demanded, then the next stage in the process is for the parties to judge what would mark an adequate apology. In order for apologies to issue and the chance for forgiveness to occur, judgments must be made as to what restitution, compensation, or penalty, if any, may be needed to indicate the sincerity of the apology. This stage may present the greatest difficulties in transplanting apologies and forgiveness into the public realm. In the private realm, typically parties face each other and “the offender acknowledges full responsibility for the transgression, expresses sorrow and contrition for the harm done, seeks forgiveness from the offended party, and implicitly or explicitly promises not to repeat the offense in the future.”⁹⁷ A face-to-face encounter allows the offended party to judge the sincerity of the offending party’s apology and to respond directly to the request for forgiveness. National apologies, on the other hand, tend to be offered by governmental representatives of the actual wrongdoers to, at times, representatives of the wronged, rather than the immediate wronged. The apologies also tend to be presented in a written rather than oral form. A number of consequences flow from these differences. First, issues related to representation arise. Who can speak for the wrongdoers? In the case of now-agreed upon clear wrongdoing by past federal governmental actors, such as the illegal evacuation and incarceration of individuals of Japanese ancestry, representatives of the present federal government are the appropriate parties to apologize on behalf of the past U.S. government. However, issues related to representation may be more complex when it comes to broad and diffuse social and political wrongs such as slavery and Jim Crow. Can the present national government speak for all those involved in the systems of slavery and Jim Crow, including slave

traders (many from other countries), slaveholders, and all those who benefited from the caste system established by Jim Crow?⁹⁸

And who can speak authoritatively for the wronged, particularly if the wrongs were committed long ago? One of the difficulties typically encountered by the federal government and state governments in attempting to resolve American Indian land claims is determining who speaks for the tribe, as conflicts have erupted within tribes as well as between various bands of tribes as to what compensation is acceptable. In one case, for instance, that of the Oneida Indians, tribal members have established reservations in three states and Canada. In the case of reparations for Japanese Americans interned, internal divisions between the more “radical” elements of the redress movement and the more mainstream movement were eventually squelched, if not healed, and the ultimate decision by the U.S. Congress to offer reparations to individuals (those alive at the time of the passage of the law) rather than to Japanese Americans as a group eliminated some of the perplexities that would have further confounded the law. Most serious proponents of an apology to African Americans for slavery and Jim Crow that would include some sort of reparations envisage a collective rather than an individual model, though, contending that it would better enable institution building within the African American community.⁹⁹ If an apology to African Americans and group reparations ever are to become more than wishful thinking, then questions of representation will have to be solved.

The U.S. government does have experience using a group model of compensation, as it is typically employed to resolve most American Indian claims. In most cases, federal law dictates that only tribes and not separate individuals may bring claims and be compensated. The law presumes a preexisting solidarity within American Indian tribes, with institutions in place to

decide how resources are to be used.¹⁰⁰ Dissimilarities become immediately apparent when comparing African Americans to American Indian tribes, however. Members of tribes typically live close together on a reservation; African Americans are scattered across the United States. Tribes have in place institutions to decide upon matters of public concern, such as how to allocate resources, whereas no such generally agreed-upon body exists for African Americans. These dissimilarities present real administrative difficulties when considering group compensation. What group would represent African Americans, or descendants of slavery and Jim Crow? Who would manage the money, and who would decide how the money was to be spent? Would all African Americans be given a vote, or only those who could prove they have suffered from the lingering effects of slavery and Jim Crow? And how would it be determined if one were African American?¹⁰¹ These quandaries need not prove insuperable, although they do indicate that if national apologies with some material compensation are to have any chance of promoting reconciliation, then determining who a national apology should be directed to and who could administer whatever funds may be offered must be resolved.

As noted above, another noteworthy difference between the dynamics of apologies and forgiveness in the public as opposed to the private realm is the written rather than oral form that apologies tend to take when offered by nation-states. And, as Nicholas Tavuchis notes, when governments offer apologies, “as befits its formal, official, and public character, [an] institutionally licensed and scripted apology tends to be couched in abstract, remote, measured, and emotionally neutral terms.” Part of this quality Tavuchis attributes to “the discursive and practical obstacles in addressing a collective bill of particulars that documents numerous personal injuries, deprivations, and suffering, often far removed in time from the present.”¹⁰² The

Civil Liberties Act of 1988 reads in such a manner; similarly the proposed joint resolution, offering “an apology for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States,” while including a lengthy list of wrongs, does so in detached and dispassionate language. Whatever power a national apology could have cannot reside solely in the official words. Tavuchis also notes that such apologies “are typically expressed in a compressed and summary manner.”¹⁰³ Witness Congressman Tony Hall’s proposed concurrent resolution on slavery: His proposal reads, “Resolved by the House of Representatives that the Congress apologizes to African-Americans whose ancestors suffered as slaves under the Constitution and the laws of the United States until 1865.”¹⁰⁴ Although Hall’s resolution dodges a host of perplexities (Are there lingering effects of slavery? What about Jim Crow?), speaks in an extraordinarily clipped manner, and does not entail any monetary compensation, as he pointed out, it still managed to erupt “a fire storm of controversy throughout the Nation,” and has not moved further in Congress since its introduction in 1997.¹⁰⁵ Such neutered language, if offered as an apology in the private realm, doubtless would be judged lacking. And while it may ultimately be judged inadequate as a national apology as well, it is instructive that even Hall’s spare words elicited angry rebuttals.¹⁰⁶

Strains are apparent when representative institutions such as the U.S. Congress attempt to convey sincerity when offering national apologies. Part of the difficulty, as Tavuchis has noted, is the bloodless language typically employed by formal and official bodies. However, the problem is not the language alone, but also the context in which apologies are expressed. In an impersonal, bureaucratic megastate where politics is ordinarily understood as the competing play of interests, an apology, which uses words to achieve reconciliation between parties, may appear

to be either “an empty, meaningless gesture,”¹⁰⁷ or a hopelessly unrealistic one. Much of the debate over The Civil Liberties Act of 1988 was devoted to considering whether words alone were sufficient to convey the sincerity of the U.S. government in apologizing for the forced evacuation, relocation, and internment of Japanese Americans. Proponents of reparations, of course, ultimately won the day, arguing that officials’ words had to be accompanied by money in order to adequately convey “how absolutely clear we want to be about what is at stake.”¹⁰⁸ The payment of money, however, was criticized by some on both the political right and left, as it was argued that money cheapened the apology, rather than communicating its sincerity.

The Civil Liberties Act of 1988, if not a legal precedent owing to Helms’ amendment, still has established the expectation with other groups seeking an apology from the United States that monetary compensation should play a part in any such apology. As supporters of the 1988 Act were quick to state, though, the reparations paid as part of the national apology did not come close to fully compensating Japanese American internees for their losses. Rather, the payments of \$20,000 to each internee alive at the time of the law’s passage served to symbolize the United States’ willingness to penalize itself to demonstrate sincerity (although critics contended the Act would penalize the next generation, and not the present). If national apologies ever are to issue to either American Indians or African Americans, Congress certainly will have to revisit the question of how much money, and paid to whom, is sufficient to convey the government’s seriousness. It is likely that words without resources, in light of the Civil Liberties Act of 1988, would be scorned.

As is evident in claims by numerous Indian tribes, land often stands at the center of the judgments made by tribes and the federal and state governments as to what would constitute an

adequate apology. Tribes' demands for the return of land often conflict with the settled expectations, if not property rights, of present land owners. These seemingly zero-sum battles, at times, have proven nearly intractable, although a number of noteworthy resolutions have been negotiated, most prominently the Alaska Natives Land Settlement of 1971, as well as various claims based on the Non-Intercourse Act that have been resolved. Though land claims tend to pit tribes against present owners, vying for a scarce resource, it also serves to "ground" claims and provides an agreed-upon starting point for negotiations between tribes and governmental representatives.

The only comparable touchstone in various calls for reparations for African Americans to accompany a national apology would be the "40 acres and a mule" promised in 1865 by General Sherman to each family of freed slaves.¹⁰⁹ Congressman Conyers named his proposal to study reparations for African Americans HR 40. And, in the early 1990s, a number of members of the National Coalition of Blacks for Reparations in America (N' -COBRA), filed a lawsuit seeking \$380 million in reparations for themselves and for local black communities. One plaintiff explained, "We're seeking reparations for our ancestors who aren't here to bear witness. . . . Nobody was paid 40 acres and a mule because Lincoln was assassinated before it could go through."¹¹⁰ "Forty acres and a mule" also figured in the provocative suggestion that appeared in a 1993 article in *Essence* magazine that African Americans file a "Black Tax" claim for \$43,209, the estimated value of "40 acres and a mule" in 1993 dollars.¹¹¹ While the trope of 40 acres and a mule has penetrated the African American community and have figured in African American claims for reparation,¹¹² claims have not yet passed "the political laugh test," as Wade Henderson, the NAACP's chief Washington, DC, lobbyist remarked.¹¹³ A number of

commentators have noted the fantastic quality of many calls for African American reparations for slavery and Jim Crow.¹¹⁴ Partly, the unreal quality of some of the proposals seems driven by proponents' attempts to convince the public of the magnitude of the harms done under slavery and Jim Crow and the continuing effects of the harms. (Law professor Robert Westley, for instance, estimates that due to policies of the 1950s, "the current generation of Blacks will lose about \$82 billion in equity due to institutional discrimination. All things being equal, the next generation of Black homeowners will lose \$93 billion."¹¹⁵) A major obstacle to be surmounted in any national apology for slavery and Jim Crow would be for both proponents and the U.S. government (as well as the public) to arrive at a judgment as to what would serve as an adequate symbolic payment that would neither dramatically underestimate the costs of slavery and Jim Crow, nor pose such an unrealistic figure as to make such a policy politically unfeasible.

Another impediment evident at this stage in the process of national apologies and possible forgiveness, in addition to the difficulties noted above in both parties agreeing as to what would mark an adequate apology, is the reluctance by present governmental representatives to judge harshly the actions of their predecessors. Harkening back to the debates over reparations for interned Japanese Americans, the two most often-voiced criticisms of offering a national apology were that it was unfair for present politicians to judge the actions of predecessors with the great advantage of hindsight, and that it is not our place to judge—only God can do so. Here we can learn from Arendt. Her writings present a passionate plea for individuals to recognize the political capacity and need to act and judge. If the past is not even past, then it is incumbent upon us to respond to past/present wrongs. And Arendt's argument in *The Human Condition* was that it was Jesus who recognized the miracle of forgiveness—but the miracle was that it was a

human, not merely a divine, capacity.

As we have also noted in considering forgiveness in the personal realm, another danger that threatens the dynamic of apologies and forgiveness is the unwillingness or inability on the part of the wronged party to accept an apology and to renew the relationship with the wrongdoer. This is not to say that all apologies should be judged to be adequate or sincere; as discussed earlier, it is essential to the process of apology and forgiveness that those wronged have the power to accept or reject an apology. If an apology is offered in an attempt to reestablish a relationship of equality without the wrong at issue at its center, the wronged party may rightly judge the apology insufficient. However, all apologies are not necessarily lacking. It is essential to the process of apology and forgiveness that the wronged party actually has the potential and, where judged fitting, the willingness to give up the desire for vengeance and the resentment that the wrong may have bred. If the wronged party is unable or unwilling to do so, then the past wrong will continue to intrude into the present. If the wronged party feels either self-righteously superior, or permanently inferior, to the wrongdoers then the wrong will continue to haunt the relationship and forgiveness will prove elusive. Both of these possibilities may point to an unwillingness or inability on the part of the wronged party to see themselves as anything but victims within the relationship, and to see their relationship with the wrongdoers as defined by anything greater than the wrong. The wronged party may wed themselves to the wrong and to the identity of victim.

These psychological tendencies may manifest themselves politically in what some, particularly within the African American community, have criticized as the “victim politics” that they perceive as endemic to calls for national apologies and reparations. A number of prominent

African American public thinkers have openly disdained calls for apologies, and in particular reparations, arguing that, as Armstrong Williams writes, “the reparations movement encourages minorities to regard themselves, collectively, as helpless victims.” Williams primarily blames civil rights leaders for attempting to “capitalize on free-floating white guilt.”¹¹⁶ Similarly, John McWhorter scornfully criticizes Randall Robinson (author of the best-selling book, *The Debt: What America Owes to Blacks*) and other black “leaders” (his quotation marks) as “hooked on the satisfactions of victimhood.”¹¹⁷ Shelby Steele also casts blame on the “entire civil rights establishment” that has strategized “to keep us wards of white guilt.”¹¹⁸ These criticisms echo Arendt’s concerns over translating knotty political issues into the “phony sentimental” terms of collective innocence and collective guilt, as well as her insistence that those who perceive themselves as wronged must overcome their desire for vengeance in order for present political action to occur.

These criticisms point to the potential problematic nature of groups organizing their identities around past wrongs. What is required for such groups to see themselves as active agents rather than as passive victims? What is required for such groups “to come to terms with the past”? Williams, McWhorter, and Steele cynically view the demands of “the civil rights establishment,” and suggest this establishment has no real desire to overcome the past; that doing so would put them out of business. Without calling into question the motivation of those who have voiced grievances based on past wrongs, it is still possible to suggest that dangers reside in basing one’s identity around past wrongs. Political theorist Wendy Brown applies Nietzsche’s insights to what she labels “the dominant political expression of the age: identity politics,” and argues that a distinctive peril of such a politics is that “it becomes invested in its own

subjection.” In an imaginative application of Nietzsche’s *Genealogy of Morals*, Brown maintains that a politicized identity “becomes attached to its own exclusion both because it is premised on this exclusion for its very existence as identity and because the formation of identity at the site of exclusion, as exclusion, augments or ‘alters the direction of the suffering’ entailed in subordination or marginalization by finding a site of blame for it. But in so doing, it installs its pain over its unredeemed history in the very foundation of its political claim, in its demand for recognition as identity.” Brown argues that identity politics then, unwittingly perhaps, “makes claims for itself, only by entrenching, restating, dramatizing, and inscribing its pain in politics.”¹¹⁹

Without contending with the psychological nuances of Brown’s argument, or evaluating how well the argument fits the groups under discussion, it is instructive to note that the process of apology and forgiveness requires a willingness and ability on the part of those who perceive themselves as wronged to negotiate psychologically challenging transformations in relationship to their own identity, the wrong, the wrongdoers, and their temporal orientation. Arendt’s writings hold out the possibility that through the process of forgiving these transformations may be navigated. It provides people who have been wronged with a means of actively contending with the past and thus becoming an active agent. Forgiving, for Arendt, is how we as human actors express our freedom with regard to the past—we accept the deeds of the past, yet we do not accept them passively. In “Understanding and Politics,” Arendt writes that forgiving “tries the seemingly impossible, to undo what has been done, and succeeds in making a new beginning where everything seemed to have come to an end.”¹²⁰ The wrong, as Arendt later corrected herself, is not undone. Rather, it assumes a new meaning and a new fixity in the past. That is, the

past wrong no longer comprises the whole of the world, nor is it relived in the present. A task for victims, or those who identify themselves as such, is to move from a world in which the perceived wrong is the center of the world, to one in which it becomes only a part, thus leaving room to see other people, their needs, and desires. Similarly, forgiveness allows individuals to “come to terms with the past” so that “a serial sense of time eventually replaces the nightmare of pure simultaneity.”¹²¹ Prior to such transformations, one could say that the world of those who identify themselves as victims appears one-dimensional, that dimension being the wrong, which comprises the world’s focus. Through forgiving, the wrong is not undone, but it becomes one dimension of many. It also takes its rightful place in the past, making room for the present and future.¹²² Forgiving also demands a transformation in how the wronged view their wrongdoers. If they insist on seeing those they hold responsible for their past suffering as unredeemable then forgiveness stalls; ex-victims must be open to seeing past wrongdoers as fallible humans worthy of a renewed relationship. Finally, and possibly most importantly, if the process of apology and forgiveness is to succeed, both in the personal as well as the public realm, it will do so not for the sake of the painful past, but for the sake of a hopeful future. One forgives a past deed primarily for the future; for the hope that the future holds of a renewed relationship. To the degree that the relationship is one that both parties have an interest in renewing or reestablishing, national apologies and forgiveness provide an extraordinary possibility of political renewal.

The final stages of the process of apologies and forgiveness, the parties recognizing a sense of shared humanity and reestablishing a relationship untainted by the wrongs of the past brings into sharp relief the particular political promise of national apologies and forgiveness. The process is not only, or primarily, a therapeutic one. It entails not only a change in consciousness,

but also a change in the relationship between those who perceive themselves as wronged and those they hold responsible. The change is brought about through speech. Nor can the process remain strictly moral if it is to have political potential. That is, while sharing the qualities fundamental to morality in that apologizing and forgiving call for people to recognize each other as ends and not as objects to be exploited for one's own purposes, and to use dialogue in treating each other as peers, the process, for it to be political, can neither be intimate nor strictly dialogical. National apologies typically are not offered in intimate settings nor are they offered on a one-to-one basis. The debate, deliberation, and negotiation that transpire in the process of political bodies deciding whether to offer national apologies, and what, if any, compensation is to accompany the apologies, is "not dialogical but multivocal and impersonal."¹²³ Finally, for the process ultimately to aim for political reconciliation and renewal, it must not remain strictly bound to the legal concerns of fixing blame for past wrongs, but must turn to the more imaginative concerns of how peoples with different identities, interests, and understandings of their shared past can continue to live and act with each other. If Americans are to do so, it may be that national apologies, and the possibility of forgiveness, in encouraging an active engagement with the nation's past prompted by the present claims of American citizens, will enable Americans to use their conflictual past as a site upon which to build a new or reinvigorated vision of the future. Such a process holds out the possibility of reconnecting citizens to their political past, present, and future, as well as reconnecting individuals and groups to the larger political collectivity.

I do not mean to be "Pollyannaish" and imply that national apologies and forgiving, like other political activities, may not easily be perverted. National apologies may serve as an

inexpensive alternative to more far-reaching structural changes that may be needed to create a more comprehensively just society. And, while national apologies that offer only symbolic compensation for past wrongs may appear to entail only token costs, they are still limited by a moral economy: As apologies proliferate, they lose their value. For national apologies to maintain the possibility of communicating meaning and promoting change, they must not be offered too often or too easily. Difficult political choices must be made among a cacophony of claimants. And, as noted earlier, apologies, and the reparations that may be offered along with them, are sure to foster political resentment among some other Americans. Any responsible political analysis of the costs and benefits of national apologies would have to account for the resentment certain to be nurtured. Finally, as suggested earlier, national apologies may condone, or promote, a politics of victimization in which individuals and groups are encouraged to belittle their own capacities and blame others for conditions over which they could collectively change.

Yet, national apologies and forgiveness present extraordinary political possibilities as a means of contending with the reality and presence of past wrongs. At its most basic, this process recognizes our common fallibility and reveals us to be continually in need of forgiveness. Although apologizing and forgiving do fall outside of many of our ordinary ways of thinking about politics, the process may engage us in the political at its most meaningful, where issues of membership, political identity, and responsibility are central. To apologize and to forgive opens up a central issue of political identity. Forgiveness involves thinking through the relationship between an agent and an act, and implies the possibility of seeing the agent as more than—better than—the deed. The question that necessarily follows is who is the agent, if not only the doer of the deed? Debates in the United States prompted by the possibility of national apologies have

raised searching questions of American political identity: Was the expropriation of Indian lands an aberration? Was slavery an aberration, or Jim Crow, or the evacuation and internment of Japanese Americans? Or should these troubling episodes be viewed as defining and illuminating of our political identity? Finally, the process of deciding whether to offer national apologies and the process groups may go through in deciding whether to accept the apologies and forgive may be transforming—through it we become a people responding to our past to create a more just future, rather than simply forgetting and repressing disquieting moments that may haunt the hearts and minds of many of our fellow citizens.

¹Geoffrey Hartman, ed. *Bitburg In Moral and Political Perspective* (Bloomington: Indiana University Press, 1986).

²US News and World Report, in Brooks, *When Sorry Isn't Enough*, 352.

³Hanna Fenichel Pitkin, *Fortune Is a Woman: Gender And Politics In The Thought Of Niccolo Machiavelli* (Berkeley: University of California Press, 1984), 300.

⁵ A similar outburst occurred in response to the Smithsonian Institute's exhibition on the atomic bombing of Hiroshima and Nagasaki. Some thought the exhibition too sympathetic to the Japanese and overly critical of the actions of the United States government.

⁶ S.J. Res. 37. A similar resolution has been proposed in the House, H.J. Res. 98. Bills have been proposed offering an apology to Native Americans and establishing a commission to study the effects of slavery and Jim Crow.

⁷Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1998), 147.

⁸Donald W. Shriver, Jr., *An Ethic For Enemies: Forgiveness in Politics* (New York: Oxford University Press, 1995), 7-8. And see Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1974), 247.

⁹Arendt, *The Human Condition*, 241.

¹⁰*Ibid.* And see Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988), 38.

¹¹Murphy and Hampton, *Forgiveness and Mercy*, 83.

¹²Alexis De Tocqueville, was, of course, the first in a long line of political and legal observers to note this tendency. *Democracy in America*, ed., J.P. Mayer, trans. George Lawrence (Garden City, N.Y.: Doubleday, 1969).

¹³The most recent efforts to achieve reparations for slavery are being led by Charles Ogletree of Harvard Law School and other noted law professors.

¹⁴See Carrie Menkel-Meadow, "The Transformation of Disputes by Lawyers: What The Dispute Paradigm Does and Does Not Tell Us," *Missouri Journal of Dispute Resolution* (1985), 31-34, for an account of how attorneys frame legal arguments.

¹⁵Mary Ann Glendon, *Rights talk: The impoverishment of political discourse* (New York: Free Press, 1991).

¹⁶Barkan, *The Guilt of Nations*, xix.

¹⁷*Ibid.*

¹⁸Kathleen Sullivan, "The Sins of Discrimination: Last Year's Affirmative Action Cases," *100 Harvard Law Review* (November 1986): 78-98. See also Jeremy Waldron, "Superceding Historic Injustice," *103 Ethics* (October 1992), 4-28.

¹⁹This "counterfactual" dilemma has been oft-noted as well. See Andrew Koppelman, *Antidiscrimination Law and*

Social Equality (New Haven, CT.: Yale University Press, 1996), 90. And see Waldron, "Superceding Historic Injustice."

²⁰Randall Robinson's best-selling book arguing for reparations for slavery is entitled *The Debt*.

²¹Brian A. Weiner, *Sins of the Parents: The Politics of National Apologies in the United States* (Philadelphia: Temple University Press, 2005), 174-188.

²²See, for an excellent overview of issues, Neil J. Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon With Former Regimes* (Washington, D.C., : United States Institute of Peace Press, 1995).

²³Carla Hesse and Robert Post, "Introduction," in Carla Hesse and Robert Post, eds., *Human Rights in Political Transition: Gettysburg to Bosnia* (New York: Zone Books, 1999), 15-16.

²⁴In addition to Kritz, ed., *Transitional Justice* and Hesse and Post, *Human Rights in Political Transition*, see Robert I. Rotberg and Dennis Thompson, eds., *Truth v. Justice: The Morality of Truth Commissions* (Princeton: Princeton University Press, 2000) and Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001).

²⁵See Hayner, *Unspeakable Truths*.

²⁶See Hesse and Post, *Human Rights in Political Transition*, Rotberg and Thompson, eds., *Truth v. Justice*, and Hayner, *Unspeakable Truths*.

²⁷Marc Galanter, "Righting Old Wrongs," in Martha Minow, *Breaking The Cycles of Hatred: Memory, Law, and Repair*, introduced and commentaries edited by Nancy L. Rosenblum (Princeton: Princeton University Press, 2002), 107-131, see esp. 118.

²⁸See Section I of Public Law 100-383.

²⁹See in particular the American Indian land claims based upon the 1790 and 1793 Indian Trade and Non-Intercourse Act.

³⁰Galanter, "Righting Old Wrongs," 119.

³¹Nicholas Tavuchis, in *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford, Ca.: Stanford University Press, 1991) argues that the principal function of what he calls a collective apology is to 'put things on a public record.' See pages 116-117.

³²Jean Hampton, in "Forgiveness, resentment and hatred," in Jeffrie Murphy and Jean Hampton, *Forgiveness And Mercy* (Cambridge: Cambridge University Press, 1988) argues that forgiveness involves overcoming a point of view--the point of view of the other as "the one who wronged me." See 38.

³³Jeffrie Murphy, in "Forgiveness and resentment," in *Forgiveness and Mercy* distinguishes to excuse from to forgive by arguing that to excuse is to say that what was done was morally wrong, but because of certain factors about the agent it would be unfair to hold the wrongdoer responsible or blame him for the wrong action. He writes that to justify is to say that what was done was prima facie wrong, but because of other morally relevant factors considered, the action was--all morally relevant factors considered--the right thing to do. Forgiveness is directed toward responsible wrongdoing, wrongdoing neither excused nor justified.

³⁴Murphy, "Forgiveness and resentment," 20-23, argues that an important distinction between mercy and forgiving is that with respect to mercy, it is not necessary that the wronged person respond. For example, governors may show mercy to convicted murderers. With forgiveness, it is the wronged who must forgive. Forgetting is, on the whole, less active than forgiving, even though both Nietzsche and Freud have taught us that forgetting is not a simple loss of a memory.

³⁵Shriver, Jr., *Ethic For Enemies*, 7.

³⁶Aristotle, *The Nicomachean Ethics*, 1126a. And a recent study described in The New York Times seems to confirm Aristotle's insight. See *The New York Times*, July 27, 2004, National Edition, Science Times.

³⁷Arendt, *The Human Condition*, 247.

³⁸Aristotle, *Ethics*, 1125b.

³⁹*Ibid.*, 1126a.

⁴⁰Shriver, Jr., *Ethic For Enemies*, 7.

⁴¹Friedrich Nietzsche, *On The Genealogy Of Morals*, trans. Walter Kaufmann and R.J. Hollingdale (New York: Vintage Books, 1989), 47. See also B. Honig, "Arendt, Identity, and Difference," *Political Theory*, Vol. 16 No.1 (February 1988): 77-98, esp. fts. 47 and 49.

⁴²Hampton, in "Forgiveness, resentment and hatred," 85 presents a portrayal of forgiveness as involving a number of stages. The first stage is marked by psychological preparation in which one regains confidence in one's worth

despite the action challenging it.

⁴³Aristotle, *Ethics*, 1126a.

⁴⁴*Ibid.*, 1125b.

⁴⁵Arendt, *The Human Condition*, 239.

⁴⁶Luke 17:3-4.

⁴⁷Arendt, *The Human Condition*, 240.

⁴⁸*Ibid.*, 241.

⁴⁹Arendt, *Eichmann in Jerusalem*, 287.

⁵⁰Arendt, *The Human Condition*, 241.

⁵¹Arendt to Auden, February 14, 1960, Library of Congress, quoted by Elisabeth Young-Bruehl, *Hannah Arendt: For Love of the World* (New Haven: Yale University Press, 1982) 371.

⁵²Arendt, *The Jew as Pariah: Jewish Identity and Politics in the Modern Age*, ed. Ron H. Feldman (New York: Grove Press, 1978), 250.

⁵³See, in particular, Elzbieta Ettinger, *Hannah Arendt/Martin Heidegger*, New Haven: Yale University Press, 1995.

⁵⁴Tavuchis, *Mea Culpa*, 5 and Minow, *Between Vengeance and Forgiveness*, 114.

⁵⁵I thank Jill Frank for pointing this out to me.

⁵⁶Hampton, "Forgiveness, resentment and hatred," 83.

⁵⁷"Forgiveness," in *A Theological Word Book of the Bible*, quoted by Hampton, *Forgiveness And Mercy*, 37.

⁵⁸Murphy, "Forgiveness and Resentment," 28.

⁵⁹B. Honig argues in her article "Arendt, Identity, And Difference," that the parties involved in forgiving become the one who forgives and the one who is forgiven. Thus, she argues, the former has cause to feel virtuous or generous, and the latter grateful and indebted, thus undermining relations of equality.

⁶⁰See Shriver, *Ethic For Enemies*, 7-8, and Tavuchis, *Mea Culpa*, 100.

⁶¹Hanna Fenichel Pitkin, *The Attack of the Blob: Hannah Arendt's Concept of the Social* (Chicago: The University of Chicago Press, 1998), 267.

⁶²The literature on Hannah Arendt is, of course, massive. For her "politicalness" see Pitkin, *The Attack of the Blob*, and Emily Hauptmann, "A Local History of "The Political," *Political Theory*, Vol. 32, No. 1 (February 2004): 34-60.

⁶³Hannah Arendt, "Understanding and Politics," *Partisan Review* 20 (1953): 377.

⁶⁴Arendt translates the Dante quotation as: For in every action what is primarily intended by the doer, whether he acts from natural necessity or out of free will, is the disclosure of his own image. Hence, it comes about that every doer, in so far as he does, takes delight in doing; since everything that desires its own being, and since in action the being of the doer is somehow intensified, delight necessarily follows... Thus, nothing acts unless [by acting] it makes patent its latent self.

⁶⁵Quoted by Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1958), 175.

⁶⁶Arendt, *The Human Condition*, 243.

⁶⁷"A life without speech and without action ... is literally dead to the world; it has ceased to be a human life because it is no longer lived among men," Arendt writes in *The Human Condition*, 176.

⁶⁸Arendt, *The Human Condition*, 195.

⁶⁹*Ibid.*, 184.

⁷⁰*Ibid.*, 190.

⁷¹*Ibid.*, 237.

⁷²*Ibid.*, 233-234.

⁷³*Ibid.*, 237.

⁷⁴Stanley Cavell, in *Must We Mean What We Say?* cited by Hanna Fenichel Pitkin, *Wittgenstein And Justice* (Berkeley, CA: University of California Press, 1972), 333 describes this dilemma: "Such persons shun responsibilities not out of selfishness but because they no longer know where responsibilities end.... The newspaper tells me that everything is relevant, but I cannot really accept that because it would mean that I do not have one life, to which some things are relevant and some not. I cannot really deny it either because I do not know why things happen as they do and why I am not responsible for any or all of it. And so to the extent that I still have feeling to contend with, it is a generalized guilt, which only confirms my paralysis."

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- ⁷⁵ Arendt, *The Human Condition*, 220.
- ⁷⁶ *Ibid.*, 237.
- ⁷⁷ Arendt, "Understanding and Politics," 377.
- ⁷⁸ Benhabib makes a similar point regarding *The Origins of Totalitarianism*. See "Redemptive Power of Narrative," 180. See also Richard J. Bernstein, *Philosophical Profiles: Essays In A Pragmatic Mode* (Cambridge, U.K.: Polity Press, 1986) for a similar point regarding Arendt's preoccupation while she was writing *The Life Of The Mind*.
- ⁷⁹ Arendt, in the Preface to *Between Past And Future* (New York: Viking Press, 1968), 14 wrote that "thought itself arises out of incidents of living experience and must remain bound to them as the only guideposts by which to take its bearings."
- ⁸⁰ Hanna Fenichel Pitkin, "Justice: On Relating Private and Public," *Political Theory*, Vol. 9, No. 3 (August 1981): 341.
- ⁸¹ Arendt, *The Human Condition*, 235 ft. 75.
- ⁸² Arendt, *The Life Of The Mind* (New York: Harcourt Brace Jovanovich, 1971), 216.
- ⁸³ Arendt, *Eichmann In Jerusalem*, 278.
- ⁸⁴ Arendt, *The Human Condition*, 205-206.
- ⁸⁵ *Ibid.*, 239.
- ⁸⁶ *Ibid.*, 237.
- ⁸⁷ *Ibid.*, 241.
- ⁸⁸ Tavuchis, *Mea Culpa*, 121.
- ⁸⁹ Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago: The University of Chicago Press, 1982), 43 and Pitkin, *Attack of the Blob*, 270.
- ⁹⁰ Arendt, *The Human Condition*, 241.
- ⁹¹ "I can forgive somebody without forgiving anything." Arendt to W.H. Auden, February 14, 1960, Library of Congress, quoted by Young-Bruehl, *For Love of the World*, 371.
- ⁹² Arendt, *The Human Condition*, 242.
- ⁹³ *Ibid.*, 243.
- ⁹⁴ Tavuchis, *Mea Culpa*, 98-117; and see P. E. Digeser, *Political Forgiveness* (Ithaca, N.Y.: Cornell University Press, 2001).
- ⁹⁵ Tavuchis, *Mea Culpa*, 108-117.
- ⁹⁶ Sheldon S. Wolin, "Injustice and Collective Memory," 35-36.
- ⁹⁷ Tavuchis, *Mea Culpa*, 121.
- ⁹⁸ Galanter, "Righting Old Wrongs," 113.
- ⁹⁹ Boris I. Bittker, *The Case for Black Reparations* (New York: Random House, 1973), 131. Also see Darrell L. Pugh, "Collective Rehabilitation," in Brooks, ed., *When Sorry Isn't Enough*, 372-373.
- ¹⁰⁰ Shirley Castelnovo, "With Liberty and Justice for Some: The Case for Compensation to Japanese-Americans Imprisoned During World War II," in *Japanese Americans: From Relocation to Redress*, ed. Daniels, Taylor, and Kitano, 203-205.
- ¹⁰¹ Castelnovo, "With Liberty and Justice for Some," 203-205; and Bittker, *Case for Black Reparations*, 73.
- ¹⁰² Tavuchis, *Mea Culpa*, 103.
- ¹⁰³ *Ibid.*, 102-103.
- ¹⁰⁴ 143 *Congressional Record* H3890-H3891, 105th Congress, 1st Session (June 18, 1997).
- ¹⁰⁵ *Ibid.*
- ¹⁰⁶ President Clinton, while not angrily, opposed a national apology for slavery. See "Clinton Opposes Slavery Apology," *U.S. News & World Report*, April 6, 1998, 7, in Brooks, ed., *When Sorry Isn't Enough*, 352.
- ¹⁰⁷ Congressman Tony Hall, in his comments, responded to the charge that a national apology would be "an empty, meaningless gesture." 143 *Congressional Record* H3890-H3891, 105th Congress, 1st Session (June 18, 1997).
- ¹⁰⁸ Congress, House, Representative Bruce A. Morrison speaking for H.R. 442, 100th Congress, 1st Session, *Congressional Record* (21 September 1987), 133: H7578.
- ¹⁰⁹ See Special Field Order No. 15, Headquarters, Military Division of the Mississippi, in the Field, Savannah, Georgia, January 16, 1865, in Brooks, ed., *When Sorry Isn't Enough*, 365-366.
- ¹¹⁰ Stephen Magagnini, "Descendants Suing U.S. over Slavery," *Sacramento Bee*, April 14, 1994, A1, quoted in Joe R. Feagin and Eileen O'Brien, "The Growing Movement for Reparations," in Brooks, ed. *When Sorry Isn't Enough*,

342.

¹¹¹ Wes Smith, "40 Acres, A Mule Plus 132 Years' Interest; Man's Crusade for Slavery Reparations Picks up Momentum," *Chicago Tribune*, July 10, 1997, 1N, quoted in Joe R. Feagin and Eileen O'Brien, "The Growing Movement for Reparations," in Brooks, ed. *When Sorry Isn't Enough*, 342.

¹¹² Spike Lee's movie production company is named 40 Acres and a Mule.

¹¹³ Wade Henderson, quoted by Michael Fletcher, "Is It Time to Consider Reparations for Black Americans?," *Columbian*, (October 21, 1994), cited in Barkan, *Guilt of Nations*, 286.

¹¹⁴ Barkan, *Guilt of Nations*, 283-293. And see Raymond A. Winbush, Ph.D., ed., *Should America Pay? Slavery and the Raging Debate on Reparations* (New York: Amistad, 2003) for a collection of articles on the issue.

¹¹⁵ Robert Westley, "Many Billions Gone: Is It Time to Reconsider the Case for Black Reparations?" *Boston College Law Review*, Volume XL, No. 1 (December 1998)

¹¹⁶ Armstrong Williams, "Presumed Victims," in Winbush, ed., *Should America Pay?*, 166, 165.

¹¹⁷ John McWhorter, "Against Reparations," in Winbush, ed., *Should America Pay?*, 194.

¹¹⁸ Shelby Steele, "...Or a Childish Illusion of Justice?: Reparations Enshrine Victimhood, Dishonoring Our Ancestors," in Winbush, ed., *Should America Pay?*, 198.

¹¹⁹ Wendy Brown, "Wounded Attachments," in *States of Injury: Power and Freedom in Late Modernity* (Princeton, N.J.: Princeton University Press, 1995): 72-74.

¹²⁰ Arendt, "Understanding And Politics," 377. As noted in the text, later Arendt will amend this statement and clarify that forgiveness does not actually undo what has been done.

¹²¹ Michael Ignatieff, "Articles of Faith," *Index on Censorship* 5 (1996): 110-122.

¹²² *Ibid.*

¹²³ Pitkin, *Fortune Is a Woman*, 301. I am indebted to Pitkin for the point above on the distinction between morality and politics.