The background of the cover features a large, light purple circular graphic. Inside this circle, several white stylized human figures are arranged in a circle, holding hands. The figures are simple, with rounded heads and limbs, creating a sense of community and unity. The overall design is clean and modern.

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An Analysis of Formal Apologies
by Canadian Churches to
First Nations

Janet Bavelas, Ph.D., F.R.S.C.
Professor of Psychology
University of Victoria

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Centre for Studies in Religion and Society
University of Victoria
Box 1700 Stn CSC
Victoria, B.C. Canada V8W 2Y2
Ph: 250-721-6325
Fax: 250-721-6234
Email: csrs@uvic.ca
Web: www.csrs.uvic.ca

Abstract

The language of a true apology would include taking responsibility for the offending action, but there are situational constraints that may inhibit such direct language and produce equivocal “non-apologies” instead. This project applied a situational theory of equivocation to the texts of six public apologies to First Nations by four Canadian churches. Close textual analysis revealed that, in their apologies, the churches usually avoided taking responsibility, particularly when the offending actions could incur legal liability. One conclusion is that, in order to achieve the potentially restorative and reconciling functions of apology, we need to reconsider both our assumptions and our practices regarding whether taking responsibility must always lead to increased liability.

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What Is An Apology?

The Random House Dictionary (2nd ed.) provides a useful, nontechnical definition of apology: “A written or spoken expression of one’s regret, remorse, or sorrow for having insulted, failed, injured, or wronged another.” Apologies have been of special interest to several scholars, who have gone beyond this definition to draw our attention to other important features.

The language philosopher J. J. Austin pointed out that some utterances, such as apologies, are more than expressions of how the speaker feels. Each is also an action in the social world, which Austin (1962) called a “speech act.” (Although usually spoken, there is no reason that speech acts could not be written as well.) Many linguists have embraced speech act theory:

Language is action, and individual utterances are actions. Austin (1962) has reminded us that we act through language, *doing things through words*.... Some activities in fact are *only* carried out as [speech] acts; *apologizing*, for example, is not something you can do any other way--you must produce a particular utterance, ‘perform a language activity,’ to apologize. (Kess, 1991, p. 142, emphasis added)

Other examples of speech acts include promises, commands, and compliments, but apologies are the prototype of a speech act. It is a social action that can only be done with words and, by corollary, if it is not done in the words, it has not been done.

Speech act theory implies a social rather than cognitive view of language. From a cognitive perspective, language is primarily a medium for representing one’s thoughts, a means of expression. Notice that the dictionary definition of an apology (“expression of one’s regret”) is implicitly cognitive. Most lay persons start with a cognitive view, treating what individuals say or write as equivalent to, or at least as tangible evidence of, what they think or feel. However, the acts of speaking or writing are also social because they affect those who hear or read them. The apologizer expresses regret *to* someone; this speech act affects the relationship between them and may have other social consequences as well.

Tavuchis (1991), a sociologist, expanded on the social nature of an apology, which he called “quintessentially social, that is, a *relational* symbolic gesture occurring in a complex interpersonal field” (p. 14). Later, he re-emphasized that an apology is

a relational concept and practice. . . . It is an externalized speech act whose meaning resides not within the individual (although its effects may), but in a social bond between the Offender and Offended. (p. 47)

Writing in the *Yale Law Journal*, Taft (2000) proposed that

Apology leads to healing because through apologetic discourse there is a restoration of moral balance—more specifically, a restoration of an equality of regard . . . Apology, then, is potentially healing for both the offended and the offender. (p. 1137)

In a rather poetic description of this process, Tavuchis (1991) proposed that an apology is

the middle term in a moral syllogism, a process that commences with a call [for an apology] and ends with forgiveness. (p. 20, emphasis omitted)

Putting together the analyses of authors such as Alter (1999), Taft (2000), and Tavuchis (1991), we can view apology as a crucial step in a broader, potentially restorative, social process: It starts, of course, with an *offense*, which may lead to the offender's feeling *remorse* and making an *apology*. (If not, the offended party or a third party can *call* for an apology.) After the apology, the injured party can choose to *forgive* the offender. The final outcome of the process could be *reconciliation*.

Several authors, such as Alter (1999), Govier (1998), Minow (1998), and Tavuchis (1991), have noted that forgiveness must be freely given and not coerced. However, the power of an apology is such that it may exert considerable pressure on the offended party to forgive. An example of this pressure occurred when First Nations leader Matthew Coon Come rejected an apology by churches. The following comments appeared in a column by Lorna Dueck in the *Globe & Mail* on Tuesday October 31, 2000¹:

An apology spurned is like someone spitting in your face ... Truth is, many Christians feel it's time for native people to stop whining. They don't understand the history driving these demands. They wonder: If 90 per cent of the Indian people attend Christian churches (as Mr. Coon Come says they do), where is their doctrine of forgiveness? (emphasis added)

These harsh statements suggest that, even though forgiveness should be entirely the choice of the offended party (with or without an apology), the process can go very badly wrong if the apology is unacceptable to the injured party and he or she withholds forgiveness. The characteristics that might make an apology acceptable or unacceptable are the focus of this research.

More subtly, the lack of forgiveness has consequences for the offender as well. Hannah Arendt (1958) summarized this problem with an intriguing metaphor:

Without being forgiven, released from the consequences of what we have done, ...we would remain the victims of its consequences forever, not unlike the sorcerer's apprentice who lacked the magic formula to break the spell.

What is the magic formula? What makes an utterance a true apology?

For the answer, we can return to linguistics, specifically to Coulmas's (1981) distinction between *sympathy* and *apology*. Both of these speech acts start with "I'm sorry" (or the equivalent), but an apology must also include a statement of responsibility. If someone says "I'm sorry that you were fired," "had an accident," or "are feeling bad," he or she is expressing sympathy. But if the speaker is the one who did the firing, caused the accident, or made the person feel bad, then that phrasing is inappropriate because it is only sympathy, not an apology. For a true apology, the offender would have to take

A Situational Theory of Non-Apologies

The next question is why offenders might make incomplete or unsatisfactory apologies. Although I am a psychologist, I do not speculate on offenders' inner motives or personality, which is how psychologists usually answer a question about "why?" Instead, I look for the answer in the social context of the apology, specifically by applying a theory that our research group (Bavelas, Black, Chovil, & Mullett, 1990) developed for equivocal or evasive communication. That is, I am treating non-apologies as a form of equivocation. The essence of our theory is that equivocation of any kind arises in what is called an *avoidance conflict*, in which all available actions seem to have negative consequences, which one would therefore want to avoid. For example, in everyday life, one must sometimes choose between telling a truth that would hurt another person's feelings and lying to that person. The conflict arises because of wanting to avoid both of these bad alternatives. (Avoidance conflicts are common enough that we have several colloquial terms for them, such as being caught between "the devil and the deep blue sea," "a rock and a hard place," "the frying pan and the fire," or being "damned if you do and damned if you don't.")

Applied specifically to apologies, the avoidance theory of equivocation focuses on the offender's situation *before* he or she has apologized and examines the possible consequences of the two obvious choices: to apologize or not. I have already suggested that there is considerable pressure on an offender to apologize, especially if the offended party or others have called for an apology. So the first option, that of refusing to apologize, has a number of negative consequences.

1. To openly refuse to apologize for a known offense is likely to incur public disapproval and even be seen as compounding the offense.
2. Refusing to apologize may violate one's own ethical or moral principles and the standard of conduct one would like to live up to.
3. An open refusal is demeaning to the injured party, adding yet another injury.
4. Refusing to apologize means losing the opportunity for reconciliation that an apology can initiate.

However, the other alternative of choosing to apologize also has serious drawbacks. On close analysis, in spite of the positive role of an apology in the restorative sequence, there are also many negative consequences of apologizing fully:

5. One must publicly admit wrongdoing, which is embarrassing and shameful.
6. One must personally acknowledge an ethical or moral failing, presumably inconsistent with one's own standards.
7. An apology implies abasing oneself before the offended party.
8. There may be legal consequences because, in the law, fully acknowledging responsibility as part

of a true apology implies conceding liability.

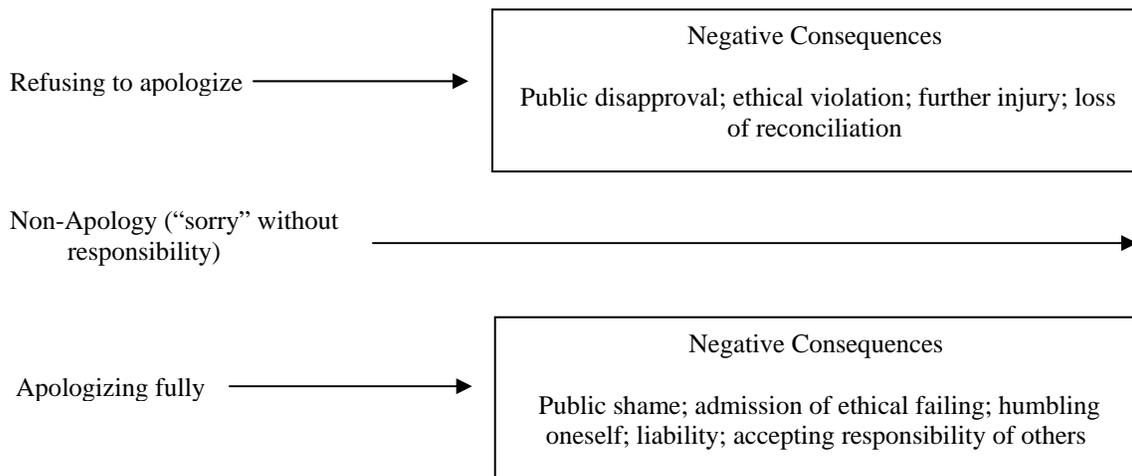
9. For institutions, the person or persons making the apology were usually not the offenders, so they would be taking responsibility for acts they did not do.

Thus, the restorative sequence from offense to apology to reconciliation turns out not to be a smooth path but one full of obstacles. Throughout the following analysis, it is important to keep in mind that there are no easy, or even very good, options available to someone in this situation.

Given the many negative consequences of both apologizing and refusing to apologize, it would be understandable to try to avoid either option. One way to do this is to equivocate. It may be possible to avoid both the consequences of refusing to apologize and those of apologizing fully by means of a non-apology, *a statement that includes the part of an apology that expresses sympathy without the part that accepts agency or responsibility*. (See Figure 2, below). One appears to be apologizing and to be sympathetic but avoids the unwanted consequences of a true apology. It is a completely understandable, although ultimately undesirable, choice.

What I have outlined here is a brief summary of a social science theory of the situational constraints that could shape a non-apology. We had previously successfully tested this avoidance theory of equivocation in data that included laboratory experiments, politicians' statements, and judges' legal writing (Bavelas, et al., 1990; Prevost & Bavelas, 2000), but not with apologies. The goals of the present project were to apply our theory to institutional apologies by churches in a particularly difficult situation and, in so doing, to explore whether the analysis might lead to useful recommendations.

Figure 2. Non-Apologies as a Way of Solving an Avoidance Conflict



Apologies by Canadian Churches

Four churches (Anglican, Catholic, Presbyterian, and United) chose to be missionaries to the First Nations of Canada and also to administer what were called “residential schools” for aboriginal children. Between 1986 and 1998, these four churches made a total of six major apologies to First Nations groups. Appendix A gives the full texts and their locations on the church websites. Here I will refer to them by Church (or Order) and date: Anglican 1993, Catholic 1991, Oblate 1991, Presbyterian 1994, United 1986, United 1998.

In this project, I applied the avoidance theory outlined above to the situation facing these churches (once apologies had been called for) and then examined closely the language of the six apologies. It is important at the outset to point out two directions that I did not pursue. First, I did not judge whether the churches had committed offenses nor what those offenses were. In every case, I took the offenses from the texts themselves, that is, what each church chose to make the topic(s) of its apology. Second, I did not address the issue of whether any or all of the recipients accepted the apology. It would be highly presumptuous of me to say the apologies were satisfactory or unsatisfactory to First Nations peoples, either individually or as groups. (Press coverage suggests that reactions were mixed.) On both issues, my focus was on how the churches carried out their own decision, which was to offer an apology for certain actions. (There are several other potentially controversial issues inherent in this project. Interested individuals and groups have raised cogent issues, questions, and criticisms about earlier versions, which have led to many useful and ongoing discussions. Rather than interrupting this report for debates that may or may not concern the reader, I have summarized most of them in Appendix B.)

I propose that the officials who wrote and delivered these apologies faced a difficult choice among the primarily negative options available to them and that these constraints shaped their apologies. Indeed, their avoidance conflict may have been particularly severe precisely because they are churches: most of the consequences would be especially difficult for an institution with a central ethical and moral identity.

Consider first that all of the negative consequences of refusing to apologize are heightened for churches because of their commitment to doing right and doing good. That is, I am explicitly accepting that churches have admirable motives, probably more than many institutions. Given these motives, refusing is not an option:

1. Overt refusal would risk serious public disapproval; imagine that, after a victim had asked for an apology, a church said publicly it had no intention of apologizing.
2. The act of refusing would also violate the church’s own ethical and moral principles (e.g., repentance), as well as the principles of the individuals making the decision.

3. A refusal would demean the victims, many of whom were still part of the church.
4. A blunt refusal to apologize would utterly abandon the opportunity for reconciliation, making it clear that the church would not move toward healing.

Still, there are also many reasons that a full apology would be particularly problematic for the churches:

5. The public admission of wrongdoing is harder, especially when the offenses are difficult even to talk about: for example, the forcible apprehension, sexual abuse, beating, isolation, and degradation of some of the children in their care.
6. Within the institution, the acknowledgment of ethical or moral failing is more difficult because a church's standards are higher than, say, those of business corporations or many individuals.
7. The residential schools were, and churches still are, hierarchical, but an apology reverses that status: The institution must seek forgiveness from those over whose lives it once had virtually absolute power.
8. The legal consequences of a full apology (with responsibility) could involve considerable cost for the institution, whose officials are accountable for its financial status.
9. The offenders were not "the church" as a body and probably not the person making the apology. It would be easy to argue that current members should not apologize for things they did not do. (However, as one apology pointed out, "we are the bearers of many blessings from our ancestors, and therefore we must also bear their burdens"; United Church, 1998)

Taken together, all of these factors combined to create a strong avoidance conflict in which church officials faced many negative consequences for either refusing to apologize or apologizing fully.

Obviously, they did not openly refuse, so the question is whether they truly apologized, that is, whether the avoidance conflict intrinsic to their situation led to equivocal non-apologies. The answer requires a detailed analysis of key parts of these texts.

The Analysis

If the difference between a true apology and an equivocal one is the presence or absence of responsibility for the offense, then it should be possible to look directly at the text of the apology for language that expresses responsibility (or not). Although linguistics provides several technical ways to assess the features of interest here, none is superior to a fairly simply grammatical approach, using tools familiar to the educated lay person. As described earlier, a true apology would (a) name the appropriate agent of the offense and (b) describe equally clearly the actions that constituted the offense. The most direct form would therefore be a clause that (a) places the church or its personnel as the subject in a sentence that (b) also describes the offense with a verb in active voice; for example,

We imposed our civilization as a condition of accepting the Gospel. (United 1986)

Avoiding Agency

In the above example, the church (“we”) is clearly the agent of the offense, by virtue of its position as subject of the sentence. There are at least three ways to avoid or obscure agency, which I will describe on a continuum from subtle and minimal to more obvious . First, some grammatical choices inherently minimize agency. Passive voice puts the agent in the background. The recipient of the action is the grammatical subject (and therefore the focus) of the sentence, while the agent appears in a prepositional phrase after the verb:

the way the native peoples of Canada have been treated *by civil governments and the churches*. (Oblate 1991)

Linking verbs (e.g., forms of “to be”) have a similar backgrounding effect. The subject of the sentence cannot be an acting agent because there is no action in the verb. Thus, rather than having been an agent of the offense, the subject simply existed in a given state:

... *we were* closed to the value of your spirituality. (United 1986)

... *we were* part of a system ... (Anglican 1993)

In our cultural arrogance, *we have been* blind to the ways ... (Presbyterian 1994)

Next, even in active voice, the choice of terms for the subject of the sentence can abstract agency or distance it from the church itself:

... the pain and suffering that *our church’s involvement* in the Indian Residential School system has caused. (United 1998)

In this example, “involvement” is the grammatical subject, with the church itself somewhat distanced in the background. Or,

... a *system* which took you and your children from home and family. (Anglican 1993)

The abstracted “system” is the subject and agent in this apology, so the church and its personnel are not directly responsible.

Finally, the agent can be entirely missing:

In these schools, children *were deprived* of their traditional ways ...(Presbyterian 1994)

This example and the following illustrate that, in passive voice, there is no grammatical requirement to

include an agent at all:

... there was opportunity for sexual abuse, and some *were so abused*.
Presbyterian 1994)

... those individuals who *were* physically, sexually and mentally *abused* as
students of the Indian Residential Schools. (United 1998)

... that in our schools so many *were abused* physically, sexually, culturally, and
emotionally. (Anglican 1993)

None of these descriptions tells us who was responsible for the abuse.

Avoiding Actions

We can now turn to an examination of the verb or other form that described the actions constituting the offense. Again, I will present the possibilities on a continuum of increasing avoidance. The most straightforward acknowledgement of the actions for which one is apologizing would be in simple active voice:

[we] *have* thus *misrepresented* Jesus Christ. (Presbyterian 1994)

A slight avoidance may occur in the use of active voice with an infinitive:

... and in doing so we *helped to destroy* the vision that made you what you were.
(United 1986)

There is some avoidance in this example because the offense (“to destroy”) appears in the infinitive, while the mitigating aspect (“helped”) is the main verb in active voice.

Passive voice does describe an action, but even when the agent is present, there is a subtle shift of focus to *receiving* the action rather than doing it:

the way the native peoples of Canada *have been treated* by civil governments and
the churches. (Oblate 1991)

All other forms omit any actions at all and recast them in various ways. Linking verbs simply create an equation, usually one followed by an adjective or adjectival phrase, which is a property, not an action:

... disciplinary practices that *were foreign* to Aboriginal peoples. (Presbyterian
1994)

Finally, as this example also illustrates, nouns (“disciplinary practices”) or noun forms such as gerunds are the most indirect way of describing an offense because they remove it entirely from the realm of real action in the world (where, for example, someone disciplined a child in a particular way) and transform it into an abstracted state. Similarly,

... the cultural, ethnic, linguistic and religious *imperialism* (Oblate 1991)

does not tell us what the imperialism consisted of, that is, what anyone did. It is worth noting here that noun forms can either have agents:

our insensitivity. (Presbyterian 1994)

or omit them:

We are sorry and deeply regret *the* pain, suffering, and alienation...(Catholic 1991)

Units of Analysis

Like most discourse, these six apologies did not consist of simple sentences devoted to one topic, with one subject and a single verb form. They often used complex sentence structures, and they addressed issues other than the offenses themselves (e.g., motivations, justifications, effects, and resolutions for the future). Therefore, before applying the above principles, it was necessary, first, to identify the parts appropriate for analysis. As shown in Appendix A, I began by locating and putting in boldface all of the sections that described the offenses. My identification of offenses included only direct or indirect references to the harmful actions themselves, for example,

To those individuals who were physically, sexually and mentally abused as students of the Indian Residential Schools in which The United Church of Canada was involved, I offer you our most sincere apology. You did nothing wrong. You were and are the victims of **evil acts** that cannot under any circumstances be justified or excused. We pray that you will hear the sincerity of our words today and that you will witness the living out of this apology in our actions in the future. (United 1998)

Then I divided these descriptions of offenses into grammatical clauses (dependent or independent), that is, groups of words with a subject and finite verb. In the division of the above excerpt, the subject and verb form of each clause are underlined:

- To those individuals who were physically, sexually and mentally abused as students of the **Indian Residential Schools**
- in which The United Church of Canada was involved,
- I offer you our most sincere apology.
- You did nothing wrong.
- You were and are the victims of **evil acts**
- [evil acts] that cannot under any circumstances be justified or excused.
- We pray
- that you will hear the sincerity of our words today

- and that you will witness the living out of this apology in our actions in the future.

Notice that clauses are often linked, so that part of one clause (e.g., “evil acts,” above) must be inserted again as the subject of the next clause. Similarly, the sentences often followed the common practice of leaving the links to the clauses implicit; I inserted these in square brackets:

- We recognize
- that **the negative experiences in the Residential Schools** cannot be considered in isolation from the root causes of the indignities and injustices
- [indignities and injustices] [that were] suffered by aboriginal peoples in our country. (Catholic 1991)

For the longer apologies (Anglican 1993, Presbyterian 1994, United 1998), I highlighted the offenses in boldface and only analysed these clauses and their immediate context. For the three shorter apologies (Catholic 1991, Oblate 1991, United 1986), I divided the entire text into clauses and analysed both offense and non-offense descriptions. The latter permitted me to compare the language used for a conflict versus a non-conflict topic. (Future analysis for a scholarly journal will include all of the clauses in the full six texts, as well as statistical comparisons of the forms used for offense versus non-offense descriptions.)

After identifying each clause, I parsed its elements in tabular form. The first column of the table was the clause. The second was the grammatical subject of the clause. Note that, as illustrated above, the subject of the verb was not necessarily the agent of the action. The third column gave the verb form in the clause (e.g., active + infinitive). The fourth and fifth columns focussed on the description of the offense. (If the clause did not describe an offense, these columns were blank.) The fourth column identified the agent of the offense. The last column described the form used to describe the action constituting the offense (e.g., active voice, noun, etc.). These two columns were frequently identical to the second and third, as in this example:

TEXT IN CLAUSES	CLAUSE GRAMMAR		OFFENSE DESCRIPTION	
	SUBJECT	VERB	AGENT	ACTION
that we were part of a system	“we”	linking	“we”	linking
which took you and your and your children from home and family. (Anglican 1993)	[“system”]	active	[“system”]	active

The last two columns were necessary because the offense description was not always redundant with the clause grammar. Sometimes the offense did not appear in the verb of the clause, most commonly when it

became a noun. In the following example, the offense description differs from the clause structure:

TEXT IN CLAUSES	CLAUSE GRAMMAR		OFFENSE DESCRIPTION	
	SUBJECT	VERB	AGENT	ACTION
that the negative experiences in the Residential schools cannot be considered in isolation from the root causes of the indignities and injustices	“negative experiences”	passive	[none]	noun (“negative experiences”)
[that were] suffered by aboriginal peoples in our country. (Catholic 1991)	[“indignities and injustices”]	passive	–	–

In the first clause, the verb phrase (“cannot be considered”) does not describe an offense itself. The actions that constituted the offense appear as a noun (“negative experiences”) with no agent; indeed, the focus is on the victims’ experiences rather than on the offenders’ actions. A final point about the tables: The second clause in the last excerpt refers very broadly to “indignities and injustices” of any kind, not to an offense that the church was saying that it committed, so the fourth and fifth columns are empty.

Summary of Analysis

Most of the churches’ references to their offenses avoided describing themselves as agents of wrongful actions. In four of the six apologies (Anglican 1993, Catholic 1991, Oblate 1991, and United 1998), not one of the 18 clauses describing an offense was in active voice with the church (or “we”) as agent. This usage did appear in half of the United 1986 offense descriptions and about one-fifth of those in Presbyterian 1994. In the following summary, I will review each text, in chronological order, in terms of the language used and also the topics covered. As will be seen below, I came to the conclusion that *date* and *topic* were vital to understanding the differences within and among the apologies.

The United 1986 apology used “we” as the agent for all six clauses, one with a linking verb, three with active voice, and two with active voice plus infinitive. In both of the latter cases, the offense description was in the infinitive with the mitigating verb in active voice (“tried to” and “helped to”). The topics of their apology were religious or cultural offenses, and they did not address issues regarding residential schools.

Similarly, the Oblate 1991 apology was about cultural offenses, with no direct reference to the residential school system. The agency in three of the four clauses was unclear, with several interpretations possible because of the complex sentence structure; in only one of these three clauses was “we” a possible agent. In the fourth clause, “the churches” were the agent, after “civil governments.”

Two of the offenses appeared in noun form, one was in active voice (with “mentality” or “imperialism” as the possible agents), and one was in passive voice with the governments and churches as agents.

The 1991 apology by the Catholic National Meeting never used “we” or the church as agent. Two clauses had no agent and no verb; the offenses appeared as nouns (“pain, suffering, and alienation” and “negative experiences”). The third clause was in active voice, with the victims as the subject (“... that so many experienced”). The offenses did refer to the residential schools, but only generally.

Anglican 1993 was clearly about the residential school system, describing several specific offenses (taking children from their homes, taking their language and identity, and several kinds of abuse). None of the four offense descriptions put the church and active voice in the same clause: “we” appeared with a linking verb, and “a system” was the subject and agent for the active voice. A third clause (“tried to remake you”) followed the pattern of active voice for the mitigating verb with infinitive for the offense. The fourth, which was about physical, sexual, cultural, and emotional abuse, was in passive voice without agent.

The lengthy Presbyterian 1994 apology contained 29 offense descriptions covering a wide variety of acts, including abuse in the residential schools. Six of the clauses placed the church as agent in active voice; these included offenses ranging from “co-operated in this policy” and “misrepresented Jesus Christ” to “used disciplinary practices” and “did not . . . hear their cries for justice.” The two more common forms in this apology were nouns and passive voice. Over half of the clauses describing offenses had the church as agent, especially when the offenses were nouns but never when the offenses were in passive voice.

The last apology, United 1998, focussed explicitly on the residential school system. In none of the clauses describing offenses was the church the agent. The majority were in noun form, with one passive voice (no agent) and one active voice (“system” as agent). This was one of three apologies (along with Anglican 1993 and Presbyterian 1994) that included sexual and physical abuse as offenses for which they were apologizing. In all three, this specific clause was in passive voice without agent.

In the final section, I will propose an interpretation of these results that also leads to a positive recommendation.

Apologies and the Law

In applying conflict theory to the churches’ situation, I outlined several reasons that a full apology might have negative consequences. The analysis of these six apologies seems to implicate one factor more than others, namely, *legal liability*.

First, consider the evidence. The striking contrast in language and responsibility between the United

1986 apology and all of the others (including United 1998) led me to look for differences that might account for its directness. The most obvious difference is the date: it was the first such apology, and there is a five-year interval before the next cluster (1991-1994). As it turns out, it was during this period that the Canadian Supreme Court began to make clear that churches would be responsible for offenses in their institutions (e.g., Mount Cashel) and that Aboriginal peoples would have rights in this and other regards.² Another line of evidence also points to a specific concern about legal liability: The United 1986 apology is exclusively about cultural and religious errors, which may not be actionable or at least would not at present incur large damages. Responsibility for physical and sexual abuse is quite different, especially from the early 1990s on, and the apologies that refer to these topics all used passive voice with no agent, which avoided taking responsibility.

In the law, many believe that to take responsibility as part of an apology is to become legally liable (Alter, 1999; Cohen, 1999; Taft, 2000). Therefore, after lawsuits over certain offenses became a real possibility, many within a church (or advising a church) would argue that to say publically “We abused you” would inevitably incur massive damages. If this were true, then to apologize fully might abrogate financial responsibility for the church. Thus, while each of the several kinds of negative consequences of full apologies may have some effect, the risk of legal and therefore financial liability seems to be the one most obviously operating here.

Having identified the issue, it is beyond the scope of this report and my professional expertise to suggest a solution to this legal conundrum. However, there is a small, recent literature worth following up; Cohen (1999) provided an excellent review of the legal issues and possibilities, albeit in an American context. There seem to be voices within the legal and legislative communities speaking to the restorative function of an apology (for both parties) as well as to the moral and ethical issues raised by preventing an apology.

So far, there appear to be two different, but not incompatible, approaches to the problem. The first is to seek ways to create a “safe” context for an apology, that is, to remove or minimize the liability incurred by statements of responsibility. As Taft (2000) pointed out, some jurisdictions in the U.S. have created so-called “safe harbor” legislation to encourage apologies. Unfortunately, these laws protect only “I’m sorry” (expressions of sympathy), not an acknowledgement of responsibility for the offense; that is, they protect non-apologies, not true ones. Taft argued that it is morally unacceptable not to acknowledge the offense, although one might dispute damages. However, in my opinion, it would be hard to distinguish between disputing damages and minimizing the offense. A better alternative may be to acknowledge the offense by a full apology, but in a protected or confidential setting, such as mediation may provide (Cohen, 1999). If the mediation were subsequently unsuccessful, the apology might not be admissible for liability in litigation.

Another, more intriguing, alternative is to question two key assumptions, first, that a full apology will in fact establish or increase liability and, second, the corollary that avoiding a full apology will prevent or minimize liability. Regarding the first, which is the widespread belief that to apologize is to concede liability and will lead to adverse legal consequences, there is apparently very little Canadian case law even referring to apologies.³ None of these cases clearly establishes the supposed strong link to liability. Indeed, one possible reading is that judges clearly see the potential value of an apology and would therefore be reluctant to punish a sincere or helpful one. A fuller discussion of this issue would be salutary.

The second assumption, that avoiding a full apology will prevent or minimize liability, is also worth questioning. At least one report has identified an apology as one of the primary needs of survivors of institutional child abuse (Law Commission of Canada, 2000). Anecdotal evidence suggests that victims may sue precisely because they do *not* receive an apology. The courts then become their only option for confirming the responsibility of the offender. In any case, the churches' avoidance of true apologies, as analysed here, has not prevented litigation that is both extended and extremely costly and which is still not resolved as this report is being written. It is therefore worth noting that three studies on medical liability have suggested that openness may be helpful rather than harmful, leading to moderate liability and damages (Kraman & Hamm, 1999; Vincent, Young, & Phillips, 1994; Wu, 1999). As one author pointed out,

The model . . . which dictates honestly notifying patients of medical errors and offering timely, comprehensive help in filing claims, seems designed to maximize malpractice lawsuits. Instead, it seems to have maximized only the number of patients who are justly compensated for injuries. This seems to be the rare solution that is both ethically correct and cost-effective. (Wu, 1999, p. 972)

In the case of Canadian churches and residential school lawsuits, it may be too late to explore this alternative, although perhaps not impossible. A full apology now would have to include an admission of the earlier non-apology. In any case, there may be important lessons for the future, not only for the churches but for any other organization or individual in a similar situation and for anyone concerned with reconciliation, whether for ethical, moral, legal, or practical reasons.

Endnotes

¹ The article as a whole makes it clear that the parts I am emphasizing here were not the columnist's opinion but her reporting of others' opinions.

² This information is from a telephone conversation with John Borrows, of the Faculty of Law, University of Victoria, in the fall of 2001.

³ This information is from a review presented by Catherine Morris, of Peacemakers Trust, at our workshop on apologies, October 3, 2003.

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APPENDIX A: Texts of the Six Church Apologies

In chronological order:

United 1986

Catholic National Meeting 1991

Catholic Oblate 1991

Anglican 1993

Presbyterian 1994

United 1998

United Church of Canada (1986)

The United Church made the earliest apology (and then another, 12 years later); the full text of the first apology is below. I have pointed out the offenses they identified by putting them in boldface:

Apology to First Nations

“Long before my people journeyed to this land your people were here, and you received from your elders an understanding of creation, and of the Mystery that surrounds us all that was deep, and rich and to be treasured.

We did not hear you when you shared your vision. In our zeal to tell you the good news of Jesus Christ **we were closed to the value of your spirituality.**

We confused western ways and culture with the depth and breadth and length and height of the gospel of Christ.

We imposed our civilization as a condition of accepting the Gospel.

We tried to make you like us and in doing so **we helped to destroy the vision that made you what you were.** As a result, you, and we, are poorer and the image of the Creator in us is twisted, blurred and we are not what we are meant by God to be.

We ask you to forgive us and to walk together with us in the spirit of Christ so that our peoples may be blessed and God's creation healed.”

The 31st General Council,
August 1986
The United Church of Canada

Source: http://www.united-church.ca/cgi-bin/MsmGo.exe?grab_id=25&EXTRA_ARG=&host_id=42&page_id=16253184&query=apology+to+first+nations&hiword=to+first+nations+apology+
(May 2004).

The Catholic Church - National Meeting (1991)

The Catholic website provides two national apologies. The first is a statement issued by the National Meeting on Indian Residential Schools, which was attended by 16 bishops, officials of religious orders who had been involved in residential schools, and First Nations Catholics. It is reproduced in full below. I have pointed out the offenses they identified by putting them in boldface:

Statement by the National Meeting on
Indian Residential Schools, March 1991

"We are sorry and deeply regret **the pain, suffering and alienation that so many experienced**. We have heard their cries of distress, feel their anguish and want to be part of the healing process.

We recognize that **the negative experiences in the Residential Schools** cannot be considered in isolation from the root causes of the indignities and injustices suffered by aboriginal peoples in our country.

Therefore, we:

- pledge our solidarity with the aboriginal peoples in their pursuit of recognition of their basic human rights;
- reiterate our respect for the dignity and value of their cultures and spiritualities and reaffirm the principle of inculturation;
- will support aboriginal peoples in pressing governments at all levels to respond to their legitimate aspirations."

Source: http://www.cccb.ca/html_commissions/html_missions/recent_statements_e.htm
(no longer available).

The Catholic Church - Oblate Conference (1991)

The second Catholic apology was specific to the Oblate order. The available text is below. I have pointed out the offenses they identified by putting them in boldface:

An Apology to the First Nations of Canada by the Oblate
Conference of Canada, July 1991

"We apologize for **the part we played** in the **cultural, ethnic, linguistic and religious imperialism** that was part of **the mentality** with which the peoples of Europe first met the aboriginal peoples and **which consistently has lurked behind the way the native peoples of Canada have been treated by civil governments and the churches.**

"We want to ... [sic] pledge ourselves to work with Native peoples in their efforts to recover their lands, their languages, their sacred traditions, and their rightful pride."

Source: http://www.cccb.ca/html_commissions/html_missions/recent_statements_e.htm
(no longer available).

Anglican Church of Canada (1993)

Their present website presents “The Apology” as the following excerpt from a fuller text delivered by Archbishop Michael Peers, Primate, August 6, 1993, at the second Anglican National Native Convocation in Minaki, Ontario. I have pointed out the offenses they identified by putting them in boldface:

The Apology

“I am sorry, more than I can say, that **we were part of a system which took you and your children from home and family.**

I am sorry, more than I can say, that **we tried to remake you in our image, taking from you your language and the signs of your identity.**

I am sorry, more than I can say, that **in our schools so many were abused physically, sexually, culturally, and emotionally.**

On behalf of the Anglican Church of Canada, I offer our apology.”

Source: <http://www.anglican.ca/acip/apology.html>

The present website also presents a fuller version:

A Message from the Primate to the National Native Convocation Minaki, Ontario
Friday, August 6, 1993

“My Brothers and Sisters:

Together here with you I have listened as you have told your stories of the residential schools.

I have heard the voices that have spoken of **pain and hurt experienced in the schools**, and of **the scars which endure to this day.**

I have felt shame and humiliation **as I have heard of suffering inflicted by my people**, and as I think of **the part our church played in that suffering.**

I am deeply conscious of the sacredness of the stories that you have told and I hold in the highest honour those who have told them.

I have heard with admiration the stories of people and communities who have worked at healing, and I am aware of how much healing is needed.

I also know that I am in need of healing, and my own people are in need of healing, and our church is in need of healing. Without that healing, we will

continue the same attitudes that have done **such damage in the past**.

I also know that healing takes a long time, both for people and for communities.

I also know that it is God who heals, and that God can begin to heal when we open ourselves, **our wounds**, our failures and our shame to God. I want to take one step along that path here and now.

I accept and I confess before God and you, **our failures in the residential schools. We failed you.** We failed ourselves. We failed God.

I am sorry, more than I can say, that **we were part of a system which took you and your children from home and family.**

I am sorry, more than I can say, that **we tried to remake you in our image, taking from you your language and the signs of your identity.**

I am sorry, more than I can say, that **in our schools so many were abused physically, sexually, culturally and emotionally.**

On behalf of the Anglican Church of Canada, I present our apology.”

Source: http://www.anglican.ca/acip/apology_ft.html
(May 2004).

Finally, the version on an earlier website continued for about two pages more. The only reference to offenses in the additional material was:

“I do this [apologize] even though there are those in the church who cannot accept the fact that **these things were done in our name.**”

Presbyterian Church in Canada (1994)

Below is the full text of Presbyterian Confession. I have pointed out the offenses they identified by putting them in boldface:

Our Confession

“The Holy Spirit, speaking in and through Scripture, calls The Presbyterian Church in Canada to confession. This confession is our response to the word of God. We understand our mission and ministry in new ways, in part because of the testimony of Aboriginal peoples.

1. We, the 120th General Assembly of The Presbyterian Church in Canada, seeking the guidance of the Spirit of God, and aware of **our own sin and shortcomings**, are called to speak to the Church we love. We do this, out of new understandings of our past, not out of any sense of being superior to those who have gone before us, nor out of any sense that we would have done things differently in the same context. It is with deep humility and in great sorrow that we come before God and our Aboriginal brothers and sisters with our confession.
2. We acknowledge that the stated policy of the Government of Canada was to assimilate Aboriginal peoples to the dominant culture, and that **The Presbyterian Church in Canada co-operated in this policy**. We acknowledge that the roots of **the harm we have done** are found in the attitudes and values of western European colonialism, and the assumption that what was not yet moulded in our image was to be discovered and **exploited**. As part of that policy **we, with other churches, encouraged the Government to ban some important spiritual practices** through which Aboriginal peoples experienced the presence of the creator God. For **the Church's complicity in this policy** we ask forgiveness.
3. We recognize that there were many members of The Presbyterian Church in Canada who, in good faith, gave unstintingly of themselves in love and compassion for their aboriginal brothers and sisters. We acknowledge their devotion and commend them for their work. We recognize that there were some who, with prophetic insight, were aware of **the damage that was being done** and protested, but **their efforts were thwarted**. We acknowledge their insight. For the times **we did not support them adequately nor hear their cries for justice**, we ask forgiveness.
4. We confess that **The Presbyterian Church in Canada presumed to know better than Aboriginal peoples what was needed for life**. The Church said of our Aboriginal brothers and sisters, "If they could be like us, if they could think like us, talk like us, worship like us, sing like us, work like us, they would know God as we know God and therefore would have life abundant". In **our cultural arrogance we have been blind** to the ways in which **our own understanding of the Gospel has been culturally conditioned**, and because of **our insensitivity to aboriginal cultures**, we have demanded more of Aboriginal peoples than the gospel requires, and **have thus misrepresented Jesus Christ** who loves all peoples with compassionate, suffering love that all may come to God through

him. For the Church's **presumption** we ask forgiveness.

5. We confess that, with the encouragement and assistance of the Government of Canada, **The Presbyterian Church in Canada agreed to take the children of Aboriginal peoples from their own homes and place them in Residential Schools.** In these schools, **children were deprived of their traditional ways, which were replaced with Euro-Canadian customs** that were helpful in the process of assimilation. To carry out this process, **The Presbyterian Church in Canada used disciplinary practices which were foreign to Aboriginal peoples, and open to exploitation in physical and psychological punishment beyond any Christian maxim of care and discipline.** In a setting of obedience and acquiescence **there was opportunity for sexual abuse, and some were so abused.** The effect of all this, for Aboriginal peoples, was the loss of cultural identity and the loss of a secure sense of self. For **the Church's insensitivity** we ask forgiveness.

6. We regret that there are those **whose lives have been deeply scarred by the effects of the mission and ministry of The Presbyterian Church in Canada.** For our Church we ask forgiveness of God. It is our prayer that God, who is merciful, will guide us in compassionate ways towards helping them to heal.

7. We ask, also, for forgiveness from Aboriginal peoples. **What we have heard we acknowledge.** It is our hope that those whom **we have wronged with a hurt too deep for telling** will accept what we have to say. With God's guidance our Church will seek opportunities to walk with Aboriginal peoples to find healing and wholeness together as God's people.”

Source: <http://www.presbycan.ca/residentialschools/confession.html> (May, 2004).

United Church of Canada (1998)

The full text of the second apology by the United Church is below. I have pointed out the offenses they identified by putting them in boldface.

United Church apologizes for its complicity in the
Indian Residential School System
(By the Moderator of the United Church, the Right Reverend Bill Phipps)

“I am here today as Moderator of The United Church of Canada to speak the words that many people have wanted to hear for a very long time. On behalf of The United Church of Canada I apologize for **the pain and suffering that our church's involvement in the Indian Residential School system has caused.** We are aware of some of **the damage that this cruel and ill-conceived system of assimilation has perpetrated on Canada's First Nations peoples.** For this we are truly and most humbly sorry.

To those **individuals who were physically, sexually and mentally abused as students of the Indian Residential Schools in which The United Church of Canada was involved,** I offer you our most sincere apology. You did nothing wrong. You were and are the victims of **evil acts** that cannot under any circumstances be justified or excused. We pray that you will hear the sincerity of our words today and that you will witness the living out of this apology in our actions in the future.

We know that many within our church will still not understand why each of us must bear the scar, the blame for this horrendous period in Canadian history. But the truth is we are the bearers of many blessings from our ancestors, and therefore we must also bear **their burdens.** We must now seek ways of healing ourselves, as well as our relationships with First Nations peoples. This apology is not an end in itself. We are in the midst of a long and painful journey. A journey that began with the United Church's Apology of 1986, to our Statement of Repentance in 1997 and now moving to this apology with regard to Indian Residential Schools. As Moderator of The United Church of Canada I urge each and every member of the church, to reflect on these issues and to join us as we travel this difficult road of repentance, reconciliation and healing.”

Source: http://www.united-church.ca/cgi-bin/MsmGo.exe?grab_id=25&EXTRA_ARG=&host_id=42&page_id=16253184&query=apology&hiword=apology+
(May, 2004).

APPENDIX B: Issues for Discussion

An important part of intellectual and scientific discourse is the consideration of alternative views of the evidence, and in this I have had the valuable input of many to whom I have presented these findings. The following are issues, questions, and criticisms that some have raised over the course of the project, along with my answers to them. My answers are not meant to be final, but they may perhaps initiate a continuing discussion of the intertwined technical and ethical issues that my analysis raises.

1. Aren't you accusing the churches (and only the churches) of offenses regarding First Nations peoples?

No. I started from the churches' own positions; that is, I took their decision to apologize as a voluntary assumption of some guilt and then limited the analysis to the offenses that they themselves identified in their apologies. The decision to apologize is, in my view, always an admirable and difficult one. My concern here was how this decision was carried out.

Nor does anything in the analysis imply that the only agents of the offenses were the churches or that only the churches have not apologized fully. The federal government established the residential schools, and its various agencies enforced them. Using the analysis described in this report, readers can establish for themselves that the federal government's 1998 statement of reconciliation (by The Honourable Jane Stewart) was a non-apology.

2. Isn't the language that you described here as "avoiding responsibility" simply typical of formal institutional writing?

This is an important question, because it is true that, in this genre, many writers have learned to avoid first person and active voice in favour of more indirect constructions. In other words, my findings could be the spurious result of a particular writing style rather than avoidance of responsibility. However, the evidence suggests the contrary. In these texts, direct usage is common when describing acts that are not offenses. In Appendix A, the reader can verify for him- or herself that the full texts frequently use direct active forms with the church as agent for positive topics, where no avoidance conflict exists. For example,

"We apologize"	rather than	"An apology is being offered"
"We recognize"	rather than	"It is recognized"
"I pledge"	rather than	"I am part of a system that pledges"
"We regret"	rather than	"Experiences of regret"

Just as we found in legal trial judgements (Prevost & Bavelas, 2000), even formal speakers or writers are capable of being direct when the topic is not negative for them. The difference between the offense and

non-offense parts of these texts supports the avoidance theory. That is, the indirect structures are not inevitable, but they do provide a familiar and socially acceptable way of not saying what is painful or risky to say.

3. Isn't the suggestion that the churches are deliberately avoiding responsibility by only appearing to apologize a serious criticism of their motives and ethics?

That is not my meaning or intention. First, I admire the churches for making public apologies; other, less ethical institutions rarely do. Second, the main feature of the avoidance theory is to shift the focus from personal or institutional blame to situational constraints. In our culture, we tend to focus on individual motivations or intentions as the driving force, neglecting the situation in which actions take place. As shown in the report, when I looked for the pressures facing the churches who would apologize, I found a surprising number. Crucial among these was the potential for legal liability, which truly put officials "between a rock and a hard place." I came to believe that, for the most part, the churches overcame the other obstacles but could not solve the legal one. It is important to continue to seek a way to do so.

4. Aren't you ignoring all of the good works of the church, including many in the residential schools?

Again, the churches themselves chose to describe their own failings in these texts. Certainly they did not see these failings as erasing their good works. Good and bad acts co-exist in most lives; one does not preclude the other. Most modern theologies do not see a single bad act as evidence of irredeemable evil. My approach is, in any case, not theological. I am examining the difficult context that shaped the apologies, in the present, especially the difficulties that arise in acknowledging offenses. There is little conflict involved in described one's good works.

I have also ignored good intentions and justifications for the offenses, because describing them does not present a conflict; quite the opposite. Moreover, by focussing precisely on the details of the offenses themselves, it might be possible to see what could have been done differently and thereby to discover ways of making the future better.

5. Aren't you dwelling on the past? Why should anyone take responsibility for offenses committed a long time ago?

I propose that the fact that the offenses were in the past is ultimately irrelevant. In the law, in religious confession, and in everyday life, we retain responsibility for our past actions, rather than leaving them behind simply because of the passage of time.

6. Still, should we judge past actions by current standards? Those who ran the residential schools were not as knowledgeable about cultural differences as we are today.

This claim might be supported specifically for cultural and religious offenses in earliest contact, but

increased contact also brought increased knowledge of native cultures. For example, in the Residential Schools, one justification for forbidding the children to use their first language and for imposing English instead was that there were dozens of different languages in B.C., and only one could be used in the school. However, local schools could have used local languages. The imposition of English also ignored the existence of Chinook, a common trading language already established among these peoples. They were quite capable of talking to each other.

Moreover, for the other offenses identified in these apologies, cultural and historical differences were not the issue. These actions were just as wrong in earlier centuries as they are today, especially in a religious context. It would be very hard to claim that there was ever a Christian standard that mandated forcible conversion by breaking up families, apprehending children, and beating or otherwise abusing them. In my limited knowledge, none of the four churches included here had traditions that justified violence, forced conversion, or the destruction of family life. Certainly, it is absolutely clear that none of these religious traditions permitted children to be used as sexual objects by religious authorities. Rather, all of their tenets would have mandated extreme vigilance in this regard. This was not a cultural issue.

Finally, even if the church authorities had not anticipated the many problems their actions led to, experience soon brought these to light. There were always those who saw, reported, and even protested, but others chose not to hear:

We recognize that there were some who, with prophetic insight, were aware of the damage that was being done and protested, but their efforts were thwarted. We acknowledge their insight. For the times we did not support them adequately nor hear their cries for justice, we ask forgiveness. (Presbyterian, 1994)

The failures of the residential schools soon became clear, yet the system continued until fairly recently.

7. Why should individuals who are presently part of the churches be guilty of offenses that they themselves did not commit and, indeed, which they abhor?

This is a crucial issue, raised by many church members and officials and therefore important to examine closely. First, the issue is not one of guilt but of *responsibility*. We are sometimes responsible for actions of which we were not personally guilty (e.g., our employees' or our children's actions).

Second, each church, as a institution, has an enduring group identity; the roots of this collective identity are theological, historical, legal, and social. Individuals who are part of a church can appropriately point with pride to the actions or qualities of past or present clergy or members, which bring credit to their church. It would be hard to argue, logically, that a group and its members could invoke a collective identity for the past positive actions of other members, while disowning their past offenses. As the United 1998 apology pointed out, to claim one's history is to claim all of it.

This leads to the third and most complex issue of what churches and their members can *accurately*

take responsibility for. In the most extreme example, it would never be reasonable to say “Our church sexually abused children.” No church, as an institution, could sexually abuse a child; only an individual could do so. However, it is still possible to examine the issue of responsibility more closely: Church officials selected the offending individuals and gave them absolute authority over children. Clearly, some of those personnel decisions were tragically wrong. Moreover, such widespread abuse could not have remained invisible to everyone, so either officials did not monitor their representatives and employees sufficiently, or they knew of but chose to ignore evidence of abuse. Finally, when they learned of abuse, they should have acted decisively in every instance; even a few instances should have led to dramatic changes in policies and administration. These are the actions (or inactions) for which the church can accurately take responsibility. I stress these actions because they have surprisingly positive implications for the future. Only by being specific about what the offenses were can one hope to avoid them or similar problems in the future. Only an accurate accounting makes the pledge to change convincing. The churches were responsible for what churches can do, administratively, but there is a great deal that can be done at that level.