

When “Sorry” Isn’t Enough: Apology in Conflict Resolution

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We think we know what an “apology” is, but most of us have not really looked into the question. Saying “I apologize” is not an apology. Saying “I’m sorry” is a beginning, but not all that an apology requires to accomplish its goal. What is the goal of an apology? What is needed for an apology to be successful, to be effective? Are there different types of apologies for varied circumstances? How should a recipient respond to an apology? These are questions we will explore in this presentation.

The word “Sorry” has come to mean many things besides “I am sorry for what I did.” It can mean “Excuse me, but...” It can also mean “Excuse me for interrupting,” “Excuse me for being interrupted,” “I didn’t mean to do that,” or “Your expectations are about to be disappointed.” Remember the SPPA (Society for the Prevention of Premature Apologia) and avoid using “Sorry” for things you need not apologize for. See, <https://www.youtube.com/watch?v=TcGKxLJ4ZGI>.

Let’s try to mean what we say and say what we mean. This task requires direct communication and avoiding euphemisms. We have enough problems with incongruity between our verbal and nonverbal communications. So, let’s try and align both and speak directly without ambiguity. These skills are important for conveying an apology as well as improving communication in general.

I. Why it’s Hard to Apologize:

1.1 Vulnerability: Making an apology is not easy. It not only takes some insight and skill, but it exposes the person making the apology to potential rejection and even making a bad situation worse. Worse than mere rejection, it can spark anger and a harsh counter-response. The person making the apology has to make a commitment to becoming vulnerable in the situation and bearing (without negative reaction) whatever response is received.

1.2 Guilt: Guilt is technically taking responsibility for someone else’s feelings. This can be confusing. If my statement, action, inaction has resulted in your feeling hurt, is that my fault? Maybe not, but I can still feel empathetic, and I can still feel responsible toward you and want to help you out of the “feeling hurt” state. It is easy to confuse responsibility for one’s actions with responsibility for another person’s feelings. If I feel responsible for your feelings, I might be too embarrassed and too hesitant to make an effective apology. As we will discuss

later, making an effective apology does require taking responsibility for one's own actions and recognizing how the negative result could happen.

1.3 Non-Apology: We have all heard “non-apologies.” It does not help a situation for someone to say “I’m sorry if I hurt your feelings,” or “I apologize to anyone who might have been offended.” What do you feel when you hear statements like that? Do you feel hurt, angry? You have a right to be. The speaker is not taking responsibility for his* own actions. To the contrary, the speaker is putting the onus on the person who has been hurt by what the speaker said or did. The victim is attacked (again) by a non-apology.

[*Having been taught all my life that “they” is a plural word, it is hard to adapt to recent English language changes. In these materials, “his” also means “hers” and “their.”]

1.4 Defensiveness: It is hard not to be right. It is even harder to be wrong and to admit to an act that was harmful. It takes self-esteem, caring and consideration, to want to apologize and to carry it out. Lack of self-esteem or problems with having to prop up his own ego can make a person reluctant to apologize. Mediators can help the process, but we need to recognize the difficulties the speaker faces. It can help to explain that making an apology is for the aggrieved person. It might make the speaker feel better too, but the focus needs to be on the person who will receive the apology.

1.5 Fear of Repercussions: Is the apology going to be an admission of a wrongful act? Could it lead to civil liability? Or even criminal liability? Will it make the situation worse? Is it ever safe to apologize? What circumstances are at least free of the danger of an apology being used against the person making the apology? We will look at protected situations and how to create feelings of a protected environment.

II. What Traits Make It Easier to Apologize?

2.1 Self-esteem: Good self-esteem makes it easier to focus on the other person. This trait supports turning the concern away from the speaker to the recipient. This person can put up with some negative reaction from the recipient and realize it is the other person's fears and concerns coming out, not necessarily a judgment on the speaker.

2.2 Self-confidence: A self-confident person is more willing to take risks. This person is more willing to expose his own vulnerability. And this person most likely will take the chance of accepting responsibility for his actions and acknowledging the resulting feelings of the recipient.

2.3 Emotional Maturity: Someone who understands his own emotions and the emotions of others finds it easier to separate feelings of guilt from feelings of

empathy. This person is less likely to have emotional barriers to apologizing, less likely to feel defensive about expressing remorse for his own actions.

2.4 Good Instincts, Understanding, Knowledge of Risks: These obviously are not all the same thing. Yet they all point to the same kind of response and the reason for it. This person is not afraid of apologizing. This person understands the risks and potential repercussions and either accepts them or discounts the level of risk, thus making an apology easier to deliver.

2.5 Mediator Action: Apology can be about the person making the apology. Affirming these traits helps.

III. **Nonverbal Communication:**

3.1 Double Messaging: Is the nonverbal message congruent with the verbal or is there a disconnect? If our words are saying one thing, but the tone of voice or body posture says something else, our verbal message is not likely to succeed. Saying “I love you” while your nonverbal message is “I hate you” or “I am so mad at you that I am about to burst” does not usually work. We have to convince ourselves first that what we intend to say we really mean. If we aren’t able to do that, we should wait a while and try again. The double message discloses that our verbal message is not sincere.

3.2 Sincerity: Sincerity or at least an adequate appearance of sincerity is essential to a successful apology. Is it fair to act sincerity when it is not really felt? That might depend on the situation. But the appearance of insincerity will kill the apology. And therefore, the nonverbal messaging must be congruent with the verbal one. An apology can be heartfelt, a necessary move based on custom or public relations, or simply a tool. The context will determine which category it is. And in turn, will determine whether it is likely to be successful.

IV. **CAT: Context, Audience, Theme & Timing:**

4.1 Context: The broader context can be whether the injury is private, public or both. We will look at some examples. Public apologies require most of the same actions as private apologies, but there can be room for more creativity.

The opportunity context for an apology requires:

- a. Injury to the person who will receive the apology: physical, economic, reputational, emotional or a combination of these.
- b. Responsibility for the injury is perceived to be on someone or some entity other than the injured person.
- c. The past event remains a present problem.
- d. There is the possibility of redemption through an expression of remorse.

4.2 Audience:

- a. There is always a recipient of an apology, but that person or those people are not necessarily the primary audience for whom the apology is designed.
- b. A private apology is typically directed at one individual and the relationship to be repaired is between the two directly affected.
- c. A public apology can be intended to address a large group that has been directly affected.
- d. In either event, there can be third parties who are the intended audience for a successful apology. Between parents, the reconciliation might be more for the sake of their children. For public companies, the audience can be investors, consumers, business partners.
- e. An apology is a tool to be used in the proper circumstance. It can be a sincere tool to address an emotional conflict, an efficient tool to address an employment or business conflict, or a crass tool to accomplish some “useful” end and reach a useful goal. The characterization does not make it less important or less meaningful in the particular context.

4.3 Theme:

- a. The apology will have an underlying theme. Different contexts and different audiences affect the content and delivery of the apology. Is the apology context affected or even governed by “outside” influences?
- b. Is there a particular personal dynamic between the parties that needs to be addressed, such as a pattern (e.g., fight, make up, make love)? Is the apology useful or does the pattern need to be changed to avoid conflict repetition?
- c. Is there an extended family dynamic (human or organizational) that places the apology in a particular context for conflict resolution? Will it help move toward a peaceful resolution process or is it a demand as part of gaining the upper hand in a negotiation?
- d. Is there a cultural dynamic that makes the apology appropriate?
- e. For example, in 1985 a Boeing 747 Japan Airlines flight crashed into a mountain 30 minutes after takeoff. Only 4 survived of the 524 passengers and crew aboard. The cause was a faulty repair by Boeing technicians at a facility in Japan some years earlier. JAL passenger traffic decreased by 25%. The maintenance manager and inspecting engineer each committed suicide. Boeing wrote personal letters to each victim’s family and paved a path up the steep mountainside where it placed a white granite memorial as a shrine to the dead.

When family members viewed recovered bodies in a hanger to confirm identification, JAL President Yasumoto Takagi personally apologized to each victim's family. He also donated the equivalent of \$182,000 to maintain a garden in memory of all decedents on the flight. He subsequently resigned from JAL as well. JAL paid \$7.6 million U.S. to relatives as "condolence money" without admitting liability.

- f. The direct audience for this apology were the families of the victims. But the indirect audience was the Japanese flying public. And the indirect beneficiaries were the investors in JAL and those dependent on the company for their own business or employment.
- g. People want sincerity and they want their suffering acknowledged. But in Japanese culture, responsibility rises to the top. There is a cultural expectation that the top-ranking person takes personal responsibility. There are also cultural expectations that the company will express remorse and protect the well-being of the company and all who work for it.

4.4 Timing:

- a. An apology can be too soon if it seems to be a tactic to stop a conversation rather than address a problem that has arisen. A person should not rush into an apology. Doing so will likely not address the necessary aspects of a successful apology and is more likely to appear insincere, and to be addressing a motive different from care and concern about the injured party.
- b. An apology can be too late for reasons similar to being too early. That is, the motive is suspect. Is the person apologizing doing so because it is clear that the other person wants an apology rather than a sincere desire to express remorse? Is the person apologizing making a last-ditch effort to make up for a failure to deal with the issue when it was the appropriate time to do so? It is possible to make a long-overdue apology, but it requires a complete commitment.
- c. There is never a too soon or a too late if the recipient is willing to listen and the person apologizing can do so sincerely.

V. Uses for an apology?

5.1 Power Rebalancing

- a. "Apologies are rituals designed to cure arrogance through humility, obeisance, respect and appreciation for the suffering of others, thereby rebalancing the power in the relationship" Kenneth Cloke -- Center for Dispute Resolution, Santa Monica California.

- b. Holy Roman Emperor Henry IV: 1077. A completely nonverbal apology. In January 1077, Henry trekked across the Alps from Germany to Canossa, Italy. Henry knelt in the snow for three days in front of the residence of Pope Gregory VII. The Pope finally invited Henry in, forgave him his “sins,” withdrew his excommunication, and welcomed Henry back into the Catholic Church.
- c. **Context:**
 - i. The Roman Emperor had always appointed the Pope, Bishops and other high Church officials. The positions came with income-producing lands and other perks.
 - ii. In 1075, Pope Gregory VII asserted that only the church could name the Pope, and by the College of Cardinals.
 - iii. Henry ignored Gregory, who then excommunicated him. The excommunication theoretically stripped Henry of his crown, resulting in a nascent uprising of German Princes to replace Henry with a new Emperor of their choosing.
 - iv. The populace accepted Henry’s excommunication and would not support his crown against the agitating princes.
 - v. Henry restored his legitimacy as Emperor by obtaining the Pope’s forgiveness and withdrawal of the excommunication.
 - vi. The populace now supported Henry and the princes’ agitation for a new ruler failed.
 - vii. A politically-motivated apology.
- d. **Epilogue**
 - i. Having solidified his power, Henry shortly thereafter resumed appointing local Bishops.
 - ii. Gregory then excommunicated Henry, but the populace saw this second one as political and maintained support of Henry as Emperor.
 - iii. Henry then deposed Gregory and installed his own supporter as Pope Clement III.

5.2 Personalized Business Apology: O.B. Tampon Story

- a. **Context:** In 2010,
 - i. Johnson & Johnson temporarily stopped selling O.B. tampons in Canada due to a supply problem.

- ii. The price on eBay.ca spiked to over \$100 per box.
- iii. A consumer petition to boycott J&J products was widely circulated.
- b. **Audience:** To apologize, J&J emailed 65,000 women a link to a personalized video (with 1000 names in its database). See, <https://www.youtube.com/watch?v=cNsUZGvLnMY&rel=0>.
- c. **Theme:** Designed to appeal to its demographic.
- d. **Elements of the Apology:**
 - i. Personalized: Customer enters her own name.
 - ii. Acknowledgement of J&J's responsibility expressed in a creative way: ("We went away; We let you down").
 - iii. Expressions of care, concern and offer of repair: ("You deserve the best." "Thanks, we owe you one." (and gave a coupon)).
- e. **Effectiveness:** 600,000 views within 10 days in Canada. Market completely recovered.

VI. Legal Protection for Apologies.

6.1 Protection of Health Care Providers

RCW 5.64.010: "Any statement, affirmation, gesture, or conduct **expressing apology, fault, ...**"

Not admissible in a civil action against a health care provider based on professional negligence if:

- a. Conveyed by a health care provider **within 30 days** of the act, omission or discovery of act or omission, &
- b. Relates to the discomfort, pain, suffering, injury or death of the injured person as the result of alleged **professional negligence**.

6.2. Protection of Other Tortfeasors

- a. RCW 5.66.010: "The portion of statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death..., shall be inadmissible as evidence in a civil action."
- b. But: "A statement of fault, however, which is part of, or in addition to, any of the above shall not be made inadmissible by this section."

6.3. Protections in Mediation in Washington

a. **RCW 7.07.030(1): Privilege against disclosure**

“Except as otherwise provided in RCW 7.07.050 [9 exceptions, including signed record, open meeting, threat, etc.] a mediation communication is privileged as provided in subsection (2) of this section and **is not subject to discovery or admissible in evidence** in a proceeding unless waived or precluded as provided by RCW 7.07.040.”

b. **RCW 7.07.070: Confidentiality.**

“Unless subject to chapter 42.30 RCW [Open Public Meetings Act], mediation communications are confidential **to the extent agreed by the parties or provided by other law or rule of this state.**”

Tip: Put the Confidentiality Protection in the Agreement to Mediate & in the Mediation Settlement Agreement.

VI. **Elements of an Effective Apology**

7.1 Business and Employment

a. **“An Exploration of the Structure of Effective Apologies,”** Lewicki, Polin & Lount, 9 Negotiation and Conflict Management Research at 177-196 (May 2016). The authors conducted two studies, testing 755 persons’ reactions to apologies for a breach of trust. Lewicki is a Professor Emeritus of Management and Human Resources, Fisher College of Business at Ohio State University.

b. Results. The most effective apologies contained the following six elements:

- i. Acknowledgment of responsibility
- ii. Offer of repair
- iii. Expression of regret
- iv. Declaration of repentance
- v. Explanation of what went wrong
- vi. Request for forgiveness

c. Most Important

- i. Acknowledging responsibility.

ii. Recipients most want someone to admit what they did and acknowledge their responsibility, their fault or their mistake, for their action.

d. Second Most Important

i. Offering or committing to a repair action.

ii. Recipients want to know that the person apologizing is not merely talking, but intends to take action to rectify the wrong.

e. Third Level of Importance

i. Tie: regret, repentance, explanation. Note: There is a danger of an explanation sounding like an excuse and thereby undercutting the apology. Benjamin Franklin is reputed to have said, "Never ruin an apology with an excuse."

ii. Least Important: request for forgiveness.

f. Note about Forgiveness: Forgiveness may be a goal, but it is not part of the apology and there is no quid pro quo for the apology. The apology is to right a wrong and to be able to move forward. In that sense, the apology can be a precondition for the recipient's forgiveness, but forgiveness does not automatically flow from receipt of an apology. The topic of "forgiveness" is a topic unto itself.

7.2 Personal Apology

a. Marsha L. Wagner Study, Columbia University, 1999.

b. Wagner's Study Came Up with the Following Elements:

- i. Statement of the substance of the offense.
- ii. Acceptance of responsibility or accountability.
- iii. Acknowledgment of pain or embarrassment inflicted.
- iv. Characterization/judgment about the offense.
- v. Statement of regret.
- vi. Statement of future intentions.

7.3 Apology vs. Non-apology

a. The Offense: Distinguish your own actions from those of the recipient.

Yes: "Yesterday I said..."

Not: "Yesterday I said something that apparently you found offensive."

Even without "apparently," it is neither necessary nor advisable to reference the recipient's state of mind or reaction or feelings when addressing the substance of what was done or said.

b. Take Responsibility for Your Actions.

Yes: "I spoke without thinking. I should have used other words."

Not: "When I am mad, I say things that I don't really mean."

The latter is an explanation that can supplement but not replace taking responsibility and accountability. Don't make an excuse.

c. Acknowledge the Damage Done.

Yes: "If someone had said that to me, I would not have liked it either" or
"I can see why you would be upset by what I said" or
"I understand that my doing/saying _____ resulted in_____."

Not: "I am sorry if you felt offended" or
"I didn't know you were so easily hurt."

Be careful not to minimize or diminish your own responsibility by placing the onus on the recipient or minimizing the impact.

d. Acknowledge the Offense of Your Action.

Yes: "My comment was insensitive,"
"What I did was thoughtless," or
"I made a mistake to say/do that."

Not: "That's my sense of humor" or
"I was just making a joke."

Again, don't diminish what your offense was. Doing so diminishes your responsibility or tries to excuse your action.

e. State Your Regret

Yes: "I am sorry I used those words," or
"I wish I had thought before I did/said _____."

Not: “Apparently my timing was off.”

Continuing common theme: You must accept full responsibility. You must not shift or minimize responsibility.

f. Future Intent Must be a Concrete Action

Yes: “In the future I will think about the impact of my words before speaking,” or

“I will not be flippant again, but will treat you with respect.”

Not: “I hope we can avoid future misunderstandings.”

Words are cheap; actions are meaningful. Even if the action is a statement of intent rather than a promise of a specific act, it must be a specific and meaningful statement about something you can control. Usually the only thing you can control is your own action.

VII. Context and Themes Affecting the Apology

8.1 Typical Contexts to Address

- a. Business v. Personal.
- b. Cultural Responsibility or Expectations.
- c. Employee Mistake v. Insensitive Expression.
- d. Dealing with the “clueless” Offender.
- e. Preventing the counter-productive “apology.”
- f. Should it be in writing or oral?
- g. Third party beneficiaries? Explain to children?

Each context can require a different course of action for the mediator. Some of these may be obvious prompts for a specific tactic, but it is helpful to first think through some of the possibilities.

8.2 Potential Mediator Actions with the Aggrieved Party

- a. Explore the feelings of the aggrieved person and ask whether it is okay to convey them to the offending party.

- b. Role play discussion: What would you have liked the other person to have said after this happened? Or how would you have felt if the other person had said_____?
- c. Explore how to respond to an apology or expression of remorse.
- d. Coaching an appropriate response. Explore what the apologizer needs to hear. *E.g.*, recognition, appreciation.

8.3 Potential Mediator Actions with the Offending Party

- a. Does the offending party appear to want to apologize? If so, coach the necessary elements of an apology.
- b. If not, explore instead possible statements that can address the feelings and concerns of the aggrieved person. The offender does not have to agree with the aggrieved's perspective, the offender need only recognize that the offender's action resulted in a hurt and the offender can take responsibility for that action.
- c. Some will want to address the aggrieved's concerns. Others care more about how they are perceived. For them you will need to address third-party perceptions of alternative courses of action. (What will other people think about you?)
- d. Coaching an appropriate apology. Remember the nonverbal message must match the verbal message.
- e. A good way to end the apology is for the offender to ask the aggrieved what else the aggrieved would like from the offender for the aggrieved to heal or to move forward from the incident. (Note: this is not asking for forgiveness and forgiveness is not something to be asked for or demanded; and it is not a topic for this presentation.)

IX. Responding to an Apology

9.1 Think of an Apology as a Gift.

- a. How do you receive a gift?
- b. Receiving a gift involves being quiet while the gift is being given and appreciating the sentiment behind the gift regardless of its exact contents.
- c. Receiving the gift graciously and appreciatively helps both the recipient and the person giving the gift.
- d. Being open to receiving the gift also involves letting go of expectations of disappointment and suspending judgment for the duration of the process.
- e. Recognize that the offering is an offering of connection, a statement of caring and concern, and an extending that can make the offeror vulnerable, but willing to take the risk in order to benefit the recipient.

- f. Accepting the gift accepts a connection; it creates positive feelings for both parties and the connection strengthens both the feelings and the connection in a positive loop.

9.2 Avoid the Wrong Way

- a. You don't need to apologize.
- b. Don't worry about it.
- c. It's no big deal.
- d. I've forgotten about it already.
- e. It's about time.
- f. That's not the first time you did that.

These are all tempting responses, but despite the temporary satisfaction in payback or minimizing the apology, they all constitute a form of rejection. The offender has extended an olive branch and these responses cut it off. These responses tell the gift giver that the gift has been rejected and not to bother offering a gift again.

9.3 Go for the Right Way

- a. Listen. Do not interrupt. Wait until finished.
- b. Acknowledge the difficulty if appropriate: "I am sure it was not easy to say that to me."
- c. Express appreciation.
- d. If it had a positive impact, let the person know.
- e. If still hurt, angry or need something else, try to determine what it is. Don't express the anger; express what you still need or want.
- f. Avoid diminishing anything you heard.

X. Takeaways

- 10.1** A successful apology does not usually use the word "apology." Saying "I apologize" can be counterproductive.
- 10.2** Successful apologies do not require or necessarily lead to forgiveness. They create an opportunity for forgiveness. Forgiveness is up to the other person.
- 10.3** The apology need not involve blame. Taking responsibility for one's own action is different from accepting blame.
- 10.4** Empathy and understanding are different from guilt, which is taking responsibility for the feelings of another.

10.5 When is an apology likely to be useful?

Answer: Remember the Context, Audience, Theme, Timing.

10.6 What makes an apology successful?

Answer: Nonverbal must match verbal. Include the essential elements.

10.7 How can a mediator help?

Answer:

- a. Assessing, probing, coaching.
- b. Addressing needs of both parties.
- c. Determine what is needed for the offender to be able to apologize.
- d. Determine what is needed for the aggrieved to receive it properly.
- e. Help the aggrieved with recognition and appreciation for the apology.

Reading Materials

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