The Public Chorus and Public Apologies: Comment on Linda Radzik, The Role of the Public in Public Apologies, for NOMOS’

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Despite some notable exceptions among high political leaders, we live in an era of public apologies. Former USA Gymnastics physician Larry Nassar for sexually abusing over 150 women patients. Equifax apologized—thought not well—for breaching the data privacy of 145 million people. Vice President Joe Biden apologized during his current presidential campaign for supporting tough-on-crime legislation in the 1970s and 1980s. Pope Francis apologized for slapping the hand of a woman who had grabbed him. Discussing and evaluating public apologies is a subject debated in classrooms, over dinner tables, and on-line. But these discussions focus on what is a good or a poor apology.

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Linda Radzik asks, instead, why is any of this business for her, and what is she supposed to do?

And then she turns to speak to and for us all with this great question: what role do and should members of the public play when individuals make public apologies—for their own wrongdoing or on behalf of their communities or institutions? Thank you, Linda, for turning our attention this way, and for your illuminating exploration. Along the way, your paper offers many peals of insight, like: it cannot be that forgiveness is only something that victims can give, because that would make self-forgiveness impossible; and like: the wrongdoer may often be as or more interested in repairing relationships with a broad public than solely with direct victims.

Linda also usefully maps within the larger frame of moral repair several potential roles for the public audience for public apologies. Public audiences be candidates to forgive by proxy, or may seek themselves to repair their own relationships with victims, because members of the public perpetrator the same or similar wrongs. She is especially interested in the situation where the audience is “third parties are simply people who are neither victims nor wrongdoers—or, at least, the apology does not represent them as being either victims or fellow wrongdoers.”

Or members of the public could act as advisors; as independent parties to the public expressions of contrition and potential responses of forgiveness; passive witnesses or publicizing agents, or as punishers or instruments of punishment. She notes the danger that even if the public audience acts passively, it could have a kind of complicity as tools of punishment especially by treating the issue at hand as judgment of the underlying wrong, or public accounts of it. Instead, she calls for a more active role, through which we strangers of the public could

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8 Linda Radzik, What is the Role of the Public In Public Apologies? (draft paper).
9 Radzik, p. 8.
take care to form proper judgments about the case, perhaps by collecting more information and consulting with others. We must decide when enough is enough and speak out when we think things have gone awry. Notice, at this point, we have become something more like referees or independent parties to reconciliation, roles which presumably require stronger forms of standing or authority than mere witnesses do.\textsuperscript{10}

Linda’s analysis brought to my mind three points of reference: The Greek chorus; the current, halting steps toward national and international reckonings with racial injustice; and the developing practices of restorative justice in the United States.

1. Greek Chorus

These days, if any of us to be given access to an apology from someone we don’t know to others we don’t know, it is likely through media, and often, social media. We become an audience or observers of what is inevitably then at least in part, a performance. In this light, perhaps the pubic given access to an apology acts like the chorus in ancient Greek drama. I am hardly an expert on the subject, but I have seen performances and read about the practice that puts a group of people in a spectator role, often of tragic tales. A 19\textsuperscript{th} century expert on the topic described the Chorus as "the ideal spectator," whose presence and voice on stage convey to the actual spectator "a lyrical and musical expression of his own emotions, and elevates him to the region of contemplation."\textsuperscript{11} Later critics point out that the Chorus on stage actually often knows less

\begin{footnotes}
\item[10] Id., at 24.
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about the facts and context than the actual audience would. In addition, often the Chorus would be composed of women while the actual audience would be men. Perhaps the women in a chorus created a more intimate, private, and communicative setting while the male audience would be more distant and political in character. In any case, the Chorus would tap into traditional cultural values and memories. In keeping with Linda’s call for active roles for current public viewers of public apologies, the Greek Chorus would often actively question main characters and comment on the action.

The classic Greek Chorus typically express and comment on the moral issues raised by the dramatic action, or convey emotion matched to each stage of the unfolding drama. A longstanding understanding sees the Greek chorus “expresses the fears, hopes, and judgment of the polity,” and provide a judgment as “the verdict of history.” Woody Allen—someone who probably should be giving some public apologies—cast a Greek chorus is also used in his film, *Mighty Aphrodite*. There, the chorus gave advice to the main character. In sum, the Greek chorus offers advice, consolation, urges restraint, comments on the action, reflects on its meaning.

This comparison suggests 1) public audiences for contemporary public apologies could provide wells of connection with moral intuitions, as well sources of emotion and responses that include

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13 Id., at 21.
advice, consolation, and judgment; and 2) the public offerings of apologies represent contemporary performances serving a function with parallels to the role of theater. Greek theater also gives us the idea of “spectacle.” From ancient Greek theater, spectacle means all that contribute to sensory experiences of the theater: costumes, scenery, the gestures of the actors, the sound of the music and the resonance of the actors' voices.\(^{17}\) Perhaps it is time to reclaim this earlier meaning despite the contemporary negative connotations.\(^{18}\)

2. Halting Steps Toward Societal Reckoning with Racial Injustices

Many of us spend time this summer of 2020 asking, will this moment of acknowledgment of systemic racism endure? Or: “Will This Be The Moment Of Reckoning On Race That Lasts?”\(^{19}\) In the wake of George Floyd’s murder by police in Minneapolis, waves of protests and statements of concern by nonprofit organizations, college, and corporations, some small steps of actual change are taking place. Washington’s football team finally retired an offensive racially demeaning name. The government leadership of Ashland, North Carolina, has committed to reparations. Leaders other cities and the governor of Rhode Island say they are looking into similar possibilities.


\(^{18}\) See Dana Milbank, The Democratic Apology Tour is a Sorry Spectacle, Wash. Post (Feb. 6, 2019),

\(^{19}\) Ron Elving, Will This Be the Moment of Reckoning on Race that Lasts?, NPR (June 13, 2020),
Nothing, though, thus far has begun to meet the scale of the need and the challenge. Racial disparities structured by local, state, and national policies and practices permeate housing, education, employment, wealth, law, policing and punishment systems, elections, and positions of power and authority. One of the great warriors for civil rights, Justice Thurgood Marshall, warned shortly before his death in 1992, that we “play ostrich”—complacently keeping our heads in the sand, ignoring ongoing injustices, and he urged Americans to recall the ambition of what can be. Missing for now is that scape of ambition in meeting this moment, and in recognizing that the rectifications to come will require efforts, large and small, in every community, every home, and institution.

Linda notes that some wrongdoers making a public apology might be far more interested in repairing his relationship with the community than with the particular wrongdoer. When it comes to racial and class divides in this country, the question is whether the public with all our differences, divisions, and diversities, will be interested in building relationships often for the first time, and creating the predicates of fairness and respect required to do so.

3. Restorative justice lens: we are each implicated

Perhaps more dramatically revealed by our nation’s racial relations, the public dimension of public apologies very often is not just about third party observers to the exchange of contrition and possible forgiveness by two or a few individuals. Repeated acts of sexual abuse and assaults

involve countless bystanders and widespread cultural attitudes even if commonly treated as
violent individual attacking individual victims. The title and details of Amos Guiora’s
forthcoming book, “Armies of Enablers” paint the horrible but convincing picture. When we
speak of “implicit bias” around race, gender, and class, we are capturing the nearly invisible
imprint of the patterns of wrongdoing implicating concentric circles and systems all made by
human beings.

Our conventional justice system converts systemic issues into dyadic disputes between plaintiff
or prosecutor and defendant because it was set up to address disputes between individuals. Some
public apologies may be addressing wrongs between just an individual perpetrator and an
individual victim, but most do not, because most implicate attitudes and patterns that implicate
many, many others. In some sense, then, I am questioning how large is the number of public
apologies that meet Linda’s description of a public made of strangers, not involved as
wrongdoers of victims.

Efforts gathered under the name, “restorative justice,” represent a perception that even conflicts
that seem between two individuals implicate larger communities – in both the origin of the
problem and in the resolution.21 These efforts focus more on accountability and service rather
than punishment and as much on what those in the concentric circles surrounding those most
directly affecting can and should do.

Many schools in the United States now use restorative justice methods to resolve and even prevent
conflicts, curb delinquency, and disrupt the school-to-prison pipeline. Some American high
schools replace “zero tolerance” discipline policies and automatic suspensions with opportunities

21 For a thorough and thoughtful review and assessment of recent developments in restorative justice in the United
States, see Adriaan Lanni, Taking Restorative Justice Serious (forthcoming).
for victims to narrate their experiences and for offenders to take responsibility for their actions. As they describe their experiences and feelings about the theft, hateful graffiti, a physical or verbal assault, victims and offenders often express strong emotions, other members of the community take their turns describing the impact of the offense on them.

The leader—often a student peer—de-escalates the conflicts, and orchestrates a conversation about what the offender could do that would help the victim. Together they come to an agreement about how to move forward, what the wrongdoer can do to repair injury and what all can do better to avoid future conflicts.

Consider this reported example: Mercedes M. enrolled in a California high school after she was suspended due to too many fights at another school. As two classmates one day called her a liar, and the “b”-word, a facilitator talked with her for a while, and earned enough trust to discover Mercedes had in fact stolen another girl’s shoes, but also she and the two other students had been fighting for years and did not know any other way to communicate. The three young women agreed to attend a “circle,” a confidential conversation facilitated by a trained leader. There, they each initially expressed anger. Then, Mercedes apologized and explained that she'd stolen the shoes to sell them to help her mom pay for a drug test. If her mom could prove to the court that she was clean, she might be able to get Mercedes's younger siblings returned to her from protective custody. When the other girls saw Mercedes crying, they empathized and gave her a hug. They

didn't ask her to replace what she'd stolen, but they wanted a restart—an assurance that, going forward, they could trust her.

Mercedes later said that without this process, the conflict would have escalated and she probably would have been suspended or expelled. Her school, with the help of such restorative justice circles, has reduced suspensions by more than half. Restorative justice alternatives, involve offenders and victims in discussion, in learning more truths than come out when people are defensive and adversarial. Restorative justice focuses on reparations and other constructive steps. This model is now the go-to legal tool for prosecutors in the District of Columbia and initiatives including one track within the Teen Court in Los Angeles.

Restorative justice does not excuse those directing committing wrongs but locates responsibility—whether past or current ability to respond – also in other individuals, groups, institutions, and structures. Attributing blame to individuals for circumstances largely outside their own control is a mistake. Restorative approaches widen the lens to enable glimpses of these larger patterns and to work for new choices that can be enabled, not only through the exchange of apology of forgiveness between individuals but within communities, and public involvement.

Linda shares the remarkable grace of Christin Cooper, the victim of the racialized threat by Amy Cooper in the Central Park birdwatching case.²³ Christin Cooper, a birder, had asked Amy Cooper to comply with the requirement to leash her dog only to have her threaten to and then actually call the police and report that a Black man was threatening her. The story spread

when his sister shared the video on social media. The Manhattan district attorney charged Amy Cooper with making a false report.\textsuperscript{24} She publicly apologized. A graduate of Harvard College and a writer, Christin Cooper accepted the apology. Her asset manager employer fired her and she became the face of mass media discussions of white privilege.\textsuperscript{25} As Linda reports, Christin Cooper expressed concerns about public reaction to the wrongdoer—not to excuse the racism but to question the proportionality of the response. In a way, Christin’s stance invited a kind of restorative justice process, although the public media spectacle did not follow-through on that promise.

4. Closing Reflection

Individual, visible public apologies can be moments of drama, gossip, shame, or awkwardness for those who are witnesses. Besides being judges of the quality of a particular apology, proxy forgivers, or simply audiences unable to avert their gaze, public witnesses to apologies can also educate themselves and others about the larger patterns in which the wrongs, the apologies, and the responses arise and persist. It is not an excuse for those who most directly commit wrongs to locate those wrongs in larger structures of social attitudes, practices, and institutions, connected with power and sexual entitlement, power and race, or the ethical lapses or deeper corruption of a given society. Ultimately, public audiences, as Linda suggests, can be more than


passive witnesses, and instead can be pivotal players who question central actors and those in concentric circles of proximate and more distance contributing factors behind the harms at issue. Perhaps public audiences can take up the deeper issues, for example, of structural racism or contribute to expanding roles of community members in restorative justice efforts. Perhaps, public audiences can turn media spectacles into transformative moments of public meaning-making.