



QUEEN'S
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APOLOGIES & INSTITUTIONAL CHILD ABUSE



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COUNCIL

Apologies, Abuses
& Dealing with the Past

PREFACE

This background report was commissioned as part of the Apologies, Abuses & Dealing with the Past project – a three-year initiative funded by the Economic & Social Research Council.

The wider project explores the relationship between apologies, abuses and dealing with the past. Using the island of Ireland as a case-study, the project will explore a range of wider themes concerning the ways in which apologies have been constructed, delivered and received beyond the state. It focuses on apologies for harms inflicted by paramilitaries, state actors, churches and the corporate sector.

The project team are based at the Schools of Law; History, Anthropology, Philosophy and Politics (HAPP); and Social Sciences, Education and Social Work (SSESW) at Queen's University Belfast.

Despite widespread acknowledgment and acceptance that apologies are key to dealing with past harms, the theoretical literature is rarely informed by detailed empirical assessment of the views of victims, apologisers, or the general public. In recent decades, states, armed groups, churches and large corporations have all apologised for past wrongs, albeit with mixed results. However, in practice, the precise relationship between apology and notions of law, accountability, truth, reconciliation and legitimacy is little understood.

More broadly, while 'saying sorry' is almost a given as an acknowledgement of harm and suffering, there have been few concerted efforts to develop a nuanced understanding of what constitutes a legitimate apology and how the drafting, performance and reception of such apologies may impact on efforts to come to terms with past wrongs.

Through exploring the perspectives of victims, apologisers and the general public, this project aims to make a difference both to theory and to practice and to provide a comprehensive analysis of the role of apologies in dealing with the past.

With fieldwork ongoing, the reports are designed to be of immediate value to practitioners and as such we have sought to avoid complex academic terminology and language.

We will also develop fully theorised accounts of some of the themes explored in these practitioner reports for academic audiences.

The anticipated readership mirrors the diverse range of interviewees with whom we have been engaging:

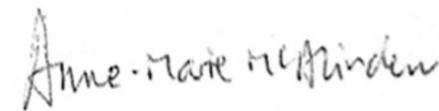
- Victims and survivors
- Legal professionals (including lawyers and judges)
- Government officials
- Local and national policymakers
- The clergy and Church officials
- Bankers
- Civil society activists
- Journalists and other commentators
- Scholars interested in the role of apology in dealing with the past

The entire paper series will be made available on our project website: www.apologies-abuses-past.org.uk and will be circulated via our various networks and twitter accounts.

We hope that you enjoy reading this report and encourage you to disseminate it amongst your colleagues and networks.

For further information about the wider project please feel free to contact us via the 'Contact Us' section of our website or by email to:

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September 2018

ACKNOWLEDGEMENTS AND DISCLAIMER

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EXECUTIVE SUMMARY

This report examines the role of public apologies as a response by state governments, religious congregations and individual clergy to cases of institutional child abuse. The report begins by outlining the emergence of institutional abuse as a public issue in western nations, and considers apologies within the context of broader state and societal responses. The report goes on to examine apologies in more detail, exploring their form and function, including how they can result in restorative benefits for victims/survivors. Referring to apologies issued in Northern Ireland and the Republic following revelations of abuse, strategies to avoid meaningful apologies are discussed, as are the components that make apologies meaningful for victims/survivors. This is followed by a discussion on the obstacles to their provision, and a summary of key issues.

In the 1990s, institutional child abuse emerged as a major social issue. Societies across Europe, North America, and Australasia have had to respond to legacies of child abuse in both state and church institutions. Responses have included a combination of public inquiries, monetary redress schemes, criminal prosecutions, as well as public apologies by political leaders and representatives of religious congregations. Apologies, in particular, have been repeatedly cited as one of the highest priorities of victims/survivors of institutional abuse.¹ As public expressions of acknowledgement and responsibility, apologies can vindicate the experiences of victims/survivors, as well as contribute to healing through the restoration of dignity and moral worth. The value of public apologies rests on their ability to mark a symbolic break from past injustices toward a future of better relations and respect.

While there has been no shortage of public apologies to victims/survivors of abuse in the Republic of Ireland and Northern Ireland, the sincerity of such apologies has been questioned. Many have been dismissed as insincere, as they are viewed as a means to placate victims or end further discussion of the issue, rather than a legitimate attempt to redress harm. These “non-apologies” attempt to elicit the benefits of apology (including reconciliation, forgiveness, and the restoration of trust), without the full acknowledgement, responsibility and remorse that meaningful apologies require. To contribute to reconciliation, apologies must be perceived by victims/survivors as meaningful.

Within the broad academic literature on apologies, five elements emerge as important for a meaningful apology. First, an apology should include an explicit acknowledgement of the wrong(s) and its consequences, which serves to establish common moral ground between offenders and victims. Second, an apology should clearly accept responsibility for the offence. By offering a direct connection between the harm and offender, it is this element that distinguishes an apology from mere expressions of sympathy or regret. However, this is also the most difficult element for offenders, as it may imply guilt or a duty to make amends. Third, an apology should express regret that the wrong

occurred. Through this, an offender demonstrates recognition of the extent of the harm and its impact on victims/survivors. However, this affective dimension is attributed less importance for collective apologies delivered by a representative, as they are often not personally responsible for harm. Fourth, apologies should provide an assurance of non-repetition, which serves to restore trust through reaffirming adherence to the moral norm. Finally, for serious wrongdoing, an apology must also include an offer of repair or corrective action. This element increases the sincerity of the apology by backing up the sentiment with concrete actions. However, it is not only the content or language of an apology that contributes to its perceived sincerity; the performance or choreography of an apology (such as the speaker, setting, form, and timing) also matters. Specifically, meaningful apologies are those delivered by the right person, at the right time, in a setting and form that emphasises the seriousness of the occasion. Importantly, apologies are likely to be more meaningful when they are delivered within a broader context that reaffirms the sentiment they express, such as clear accountability, reform, and the provision of redress.

While public apologies have been cited as one of the highest priorities of victims/survivors of institutional abuse, many have fallen short of the criteria outlined above. Fears of legal or financial liability or reputational damage can prevent offenders from accepting full responsibility for wrongdoing. Moreover, for collective apologies, a lack of consensus among leadership on the decision to apologise, as well as decisions regarding language (what is said) and performance (how, when, where and by whom the apology is delivered), can prevent meaningful apologies from taking place. State apologies have an additional concern in that they often require broad public support, as the public tends to assume the cost of redress. While each obstacle presents a challenge, none are insurmountable. When meaningful apologies are achieved, scholars emphasise their restorative benefits for victims/survivors. Apologies can also help broader society to deal with the past, as it is only through countenancing the past and recognising injustice that attention can be paid to ensuring such injustice cannot recur. However, it is crucial that the sentiment of an apology is followed through in more tangible responses such as redress, reform, and accountability.

INTRODUCTION

Over the past three decades, the abuse of children in out-of-home care has increasingly drawn public and political attention across western nations. Cases of physical, emotional, sexual, and in some instances, cultural abuse have emerged within both state and church institutions in at least 20 countries across Europe, North America, and Australasia. While the type of abuse and institution has varied across jurisdictions, common to all cases has been the failure of government or church authorities to protect children in their care.

Scholars point to the United Nation's Convention on the Rights of the Child, adopted in 1989, as a "touchstone" in bringing the issue to light.² This Treaty enshrined children's civil, political, economic, social and cultural rights, and highlighted their welfare and treatment. Within this context, awareness of institutional abuse increased throughout the 1990s, as victims/survivors³ started to speak publicly about their experiences. Investigative journalists and documentary filmmakers shared their stories, exposing a stream of abuse revelations, as well as the failure of state and church authorities to protect children or respond adequately to allegations or suspicions of abuse. Documentaries in particular, were a major trigger in "breaking the silence" of abuse in several jurisdictions.⁴

In Ireland, for example, a series of documentaries (*Suffer Little Children*, 1994; *Dear Daughter*, 1996; *States of Fear*, 1999; *Suing the Pope*, 2002; *Cardinal Secrets*, 2002), acted as a catalyst for the Irish government's response due to the public outcry that followed.⁵ Increasing media coverage coincided with growing numbers of abuse victims/survivors mounting civil lawsuits against individual abusers, religious congregations, and civil authorities. Combined with the collective advocacy of care-leavers demanding recognition and redress,⁶ institutional abuse was firmly established as an issue requiring a societal response.

RESPONSES TO INSTITUTIONAL CHILD ABUSE

In response to institutional child abuse, state governments have adopted a variety of processes, including public inquiries, criminal prosecutions, public apologies and monetary redress schemes. Akin to mechanisms employed by nations transitioning from conflict or authoritarian regimes following the violation of human rights, scholars have drawn on the "the language and tools of transitional justice" to conceptualise responses to institutional abuse in "settled democracies."⁷ Scholars contend that such processes have become a means for states to enact children's rights and restore state legitimacy following public outcry.⁸ While there is little consistency in the chronology and combination of their application, scholars observe a "transnational" (albeit western⁹) trend in state responses, whereby current processes are inspired and influenced by processes that have come before.¹⁰ Specifically, responses offered to victims/survivors of institutional abuse in one jurisdiction often set a precedent for those offered, and demanded, in others.¹¹

The dominant response to abuse in many jurisdictions has been the judge-led inquiry to investigate what happened, as well as (but not always), provide future-oriented recommendations to prevent the recurrence of abuse in the future and determine appropriate redress for victims/survivors.¹² While the fact-finding (or "truth-seeking") function of inquiries is common to all, they have varied, both across and within jurisdictions, in form (whether statutory or non-statutory), aims and scope (such as the timeframe, geographical area or institutional setting covered, and the type of abuse or population included).¹³ Indeed, scholars comment on

the often "impossible task" of inquiries to uncover "a complete and objective truth in terms not only of the magnitude, longevity and historical nature of abuses, but which also takes cognisance of individual, institutional, and societal dimensions."¹⁴ Despite limitations, inquiries have provided an important means by which the past abuse of children, the effects of their suffering, and the failure of state and church authorities to protect them, is documented and acknowledged.¹⁵

In addition to, or sometimes in place of, public inquiries, governments (at all levels) have implemented compensation or financial redress schemes for victims/survivors of abuse. While redress schemes often include broader support services such as counselling, education grants, family tracing, and health benefits, more commonly they are intended to provide financial redress. Redress schemes can provide an often quicker and less burdensome process of justice, but as a consequence, payments tend to be lower than those awarded in civil lawsuits, are conditional on waiving the right to future litigation, and are made without an admission of responsibility or liability—a key desire of victims/survivors.¹⁶ From a transitional justice perspective, scholars contend that financial redress should accompany the acknowledgement of moral wrongdoing (whether through public apologies, memorialisation or commemoration). This can extend meaning to financial redress and avoid the perception that it is an attempt to "buy" forgiveness. Instead, payments are considered *ex gratia* (or symbolic), provided to make a positive difference in the lives of victims/survivors. However, such schemes are not without criticism; eligibility requirements, the timeframe in which the process is initiated, and how payments are calculated (whether by common-experience, individual-assessment, or both) has resulted in disappointment among victims/survivors.¹⁷

Both public inquiries and financial redress schemes act to provide a public accounting of wrongdoing and can precede, follow or accompany an apology. In many ways, apologies have become a routine and accepted part of the process of dealing with past abuse. One of the first "official" apologies (i.e. apologies on behalf of the State) came in 1999 by then Irish Taoiseach (Prime Minister), Bertie Ahern.¹⁸ This apology marked the beginning of a trend toward public contrition for institutional abuse, but was itself part of a broader international trend of societal acknowledgement and repair for past human rights violations—referred to as the "Age of Apology".¹⁹ Ahern's apology was followed by official apologies in 2008 by Canadian and Australian Prime Ministers to their indigenous populations for the forced removal of children from their families;²⁰ by Australian and British official apologies to child migrants who suffered mistreatment and abuse in residential homes and orphanages;²¹ and official apologies in Sweden and Finland to children who suffered abuse in State-run foster care.²² Apologies have also been recommended for victims/survivors of abuse in Northern Ireland, following publication of the Historical Institutional Abuse (HIA) Inquiry Report in 2017, and promised by the Australian government in 2018 following publication of the Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.²³ These official apologies have been offered alongside countless public apologies issued by civil authorities, local and regional governments, as well as religious congregations and individual clergy.

The significance of such public acts of contrition to victims/survivors of institutional abuse has been repeatedly cited.²⁴ While accountability, non-recurrence, financial compensation, and access to support services are also cited as essential to healing, acknowledgement in particular, is identified as one of victims/survivors highest priorities. Given the broad silence surrounding abuse until the 1990s, the desire to have harms publicly acknowledged in this way is perhaps unsurprising. Public apologies can offer a sense of validation and vindication to victims/survivors, as their suffering, and the institutional failure to protect them, is formally and finally acknowledged.

APOLOGIES FOR SERIOUS WRONGDOING: FORM AND FUNCTION

An apology is the “acknowledgement and painful embracement of our deeds, coupled with a declaration of regret.”²⁵ While provided for a variety of offences, apologies for serious wrongdoing, such as institutional abuse, refer to those offered in response to a violation of a contemporary moral norm or standard. Apologies can also be provided for historical wrongs; however, “presentism” rejects this practice, claiming that it is unfair to judge past policies and actions, not viewed as unjust at the time, to contemporary moral standards.²⁶ Yet, to suggest that moral agents in the present should not make moral judgments about events in the past implies that wrongs such as the assimilation policy against the “Stolen Generation” in Australia should never be condemned. In apologising for historical wrongs, offenders seek to “detach” or “distance” themselves from the violated norm and affirm a new identity that commits to its adherence in the future.²⁷

Apologies can be distinguished between those offered at either the individual (“interpersonal”) or group (“collective”) level. The former are issued for individual wrongdoing, usually by the offender or through a spokesperson. The latter are issued for wrongs committed by members of a group, which as a whole accepts collective responsibility for a wrong, irrespective of whether all members individually engaged in wrongdoing. Collective apologies often provoke debate regarding their utility and merit;²⁸ however, it is broadly accepted that collectives can be held morally responsible for harm and apologise for providing an environment that enabled wrongdoing to emerge and persist.²⁹ However, it is important to distinguish between guilt and responsibility at the collective level. Arendt argues that “guilt, unlike responsibility, always singles out; it is strictly personal.”³⁰ Responsibility on the other hand is more diverse and indirect. Therefore, collective apologies are not founded on collective guilt, but on collective responsibility, with members implicated through membership of a moral community.³¹ A similar argument can be made at the interpersonal level in situations where a “surrogate offender” (i.e. someone who committed a similar offence) apologises to a victim on behalf of a deceased offender.³² While the surrogate is not personally to blame for the harm, they can accept responsibility through membership of a moral community. This argument becomes more complicated when considering apologies for historical wrongdoing. However, in this instance, collectives can be conceptualised as continuous in time (i.e. “transgenerational”), transcending individual members that constitute them at a particular moment. In this way, current members can accept moral responsibility for the wrongdoing of those that preceded them as the current members of a transgenerational body.³³

Apologies can repair reputational damage to an offender and relieve guilt for harm; however, the primary goal is reconciliation, achieved through forgiveness and the restoration of trust. At the interpersonal level, apologies contribute to reconciliation by restoring “moral balance” in a relationship following a transgression.³⁴ This process works via an exchange of shame and power. Through a sincere admission of wrongdoing, an offender admits to the violation of a moral norm, and affirms the victim’s equal moral status. This humbling conveys a sense of power to the victim, restoring their dignity and removing any sense of shame for the offence. The victim, now empowered, can redress the new imbalance through forgiveness or acceptance. The offender’s willingness to apologise and the victim’s willingness to forgive allow each to recognise the humanity in the other and restore the relationship. Yet the offender must take the risk that the victim will reject the apology, as acceptance and forgiveness is granted at the victim’s discretion.³⁵

For collective apologies, scholars concede that forgiveness may not be necessary for reconciliation.³⁶ Instead, forgiveness is replaced with a restored sense of dignity and self-worth on the part of victims through a public acknowledgement of wrongdoing and clear acceptance of responsibility by the offender. As Govier and Verwoerd explain, “For one who has been humiliated or treated as worthless, such acknowledgment of dignity and human worth is profoundly significant.”³⁷ This is where the value of a collective apology lies; it marks a symbolic break from past injustices toward “a future of just dealings and respect.”³⁸ However, not all apologies are provided with the aim of reconciliation, or restoring dignity and moral worth to victims/survivors.

NON-APOLOGIES: APOLOGISING WITHOUT APOLOGISING

Many public apologies have been dismissed as “cheap talk” or “empty rhetoric”, as they are viewed as a means to placate victims or end further discussion of the issue rather than genuine attempts at reconciliation. These “non-apologies” attempt to elicit the benefits of apology without the full acknowledgement, responsibility and remorse that meaningful apologies require. In addition to justifications and excuses, there are several means by which individuals and collectives can “apologise without apologising.” Such strategies include: a failure to acknowledge the full offence; the use of passive language (such as, “mistakes were made”); making the apology conditional on whether offence was taken (such as, “if you feel”); trivialising the effect of the wrong; minimising its seriousness; addressing the wrong person, for the wrong offence; and, using an empathic “I’m sorry” rather than explicitly accepting responsibility.³⁹ Offenders can also seek to distance themselves from harm, shift the blame entirely, or distribute blame among others to divert attention away from personal blame.⁴⁰ All result in vague apologetic speech, designed to evade accountability.

Public apologies issued following reports into allegations and responses to institutional abuse in the Republic of Ireland provide some clear examples of non-apologetic rhetoric. For example, An Garda Síochána (the Irish police force) were strongly criticised in the Report of the Commission of Investigation into the Catholic Archdiocese of Dublin (i.e. Murphy Report) for having an “inappropriate relationship” with church officials and considering priests “outside their [investigative] remit.”⁴¹

The Report accused the Gardaí of “connivance” with the church, “stifling” or “failing to investigate” complaints, and allowing an alleged perpetrator to flee the country.⁴² In an apology following the Report, Garda Commissioner, Fachtna Murphy, excused such failings on “a misguided or undue deference [that] was often shown to religious institutions and figures by many in our society.”⁴³ By contextualising what the media referred to as “collusion” between senior civil and church authorities,⁴⁴ within a more general societal reverence to religious figures at the time, the statement fails to explicitly accept responsibility for wrongdoing.

Early apologies by the Catholic Church leadership in Ireland also sought to minimise the extent of the harm. During the launch of the “Time to Listen” Report in December 2003, Cardinal Seán Brady prefaced an apology for the “hurt caused” and “damage done” by abuse with a comment on how the majority of sexual abuse occurs within the home.⁴⁵ Including such a statement within an apology for clerical abuse can be viewed as an attempt to reduce the severity of the problem. This strategy is also apparent in apologies issued for individual wrongdoing. For example, Cardinal Desmond Connell released an apology following publication of the Murphy Report, which severely criticised his handling of sexual abuse.⁴⁶

In response, Connell stated,

“From the time I became aware of this history, I have experienced distress and bewilderment that those placed in a position of sacred trust could be guilty of such heinous offences... I wish to express without reservation my bitter regret that failures on my part contributed to the suffering of victims in any form. I have spoken of my utter abhorrence of these grave offences and apologised for them on many occasions during my time as Archbishop... I apologise again now from my heart and ask the forgiveness of those who have been so shamefully harmed.”⁴⁷

For the majority of his statement, Connell apologises for “these grave offences” (i.e. child abuse), and by doing so, attempts to deflect personal responsibility for his own failures (i.e. mishandling of cases). Such non-apologetic rhetoric can signal indifference, not only to the harm itself, but also to the indignities suffered by those who were harmed, and can therefore add moral insult to moral wrong.⁴⁸ To contribute to reconciliation or facilitate forgiveness, apologies need to be perceived by victims/survivors as meaningful.

ELEMENTS OF A MEANINGFUL APOLOGY

Broadly, the academic literature on apologies identifies five elements as important to making a sincere or meaningful apology. Briefly, these include:

1. Acknowledgement of the wrong;
2. Acceptance of responsibility;
3. Expression of regret;
4. Assurance of non-repetition; and,
5. An offer of repair or corrective action.⁴⁹

While an apology that includes each element is not guaranteed to satisfy victims/survivors and lead to reconciliation, an omission is likely to result in failure. However, it is not only the content or language of an apology that is important, its performance and choreography—such as the speaker, setting, form, and timing, as well as the broader context in which it is delivered—has to reflect the intended sentiment of contrition. These elements are discussed in turn below.

ACKNOWLEDGEMENT OF WRONGDOING

The acknowledgement of wrongdoing is the “spelling out” or articulation of the offence. Without such acknowledgment, common moral ground between offenders and victims cannot be established, as the reason for the apology is left unclear and unspecified. Instead, a detailed description of the offence is required, along with recognition of the consequences of the harm for victims/survivors, and clear acknowledgement that those who experienced harm were in no way responsible for it.⁵⁰ The more explicit the offender, the more willing they appear to take ownership of their responsibility. The Sisters of Mercy, who operated residential care institutions and industrial schools in Ireland, issued an apology in 2004, which stated:

“We accept unreservedly that many of you... were hurt and damaged while in our care. We believe that you suffered physical and emotional trauma... without reservation we apologise unconditionally to each one of you for the suffering we have caused. We express our heartfelt sorrow and ask your forgiveness. We ask forgiveness for our failure to care for you and to protect you in the past, and for our failure to hear you in the present.”⁵¹

The Congregation clearly acknowledges victims/survivors’ experiences of “hurt” in their care.

Moreover, each offence (“failure to care for you”, “protect you”, “hear you”) is spelled out, removing the possibility of providing a vague or equivocal apology, or one that devalues the severity of the harm. The Congregation also takes ownership of wrongdoing by recognising, “the suffering we have caused.” Victims/survivors commended the “unambiguous nature” of the apology and expressed “relief” that their experiences in the institutions were finally being acknowledged.⁵² This provides a contrast to the apology issued by the Sisters of Nazareth during their testimony to the HIA Inquiry in January 2014, which vaguely apologised for “any abuse suffered by children in their care.”⁵³ Such blanket apologies lack the specificity to demonstrate recognition of wrongdoing and its consequences.

ACCEPTANCE OF RESPONSIBILITY

While acknowledgement of the offence is necessary, alone it is not enough to constitute a meaningful apology; it must also be accompanied by the full acceptance of responsibility. Minow describes this element as the “hallmark” of an apology; it is what distinguishes an apology from mere expressions of sympathy or regret, as it offers a direct connection between the harm and offender.⁵⁴ Indeed, there is an important difference between the statements, “I’m sorry you were hurt” and “I’m sorry for hurting you”. The latter assigns agency and responsibility to the offender for the harm, the former statement goes no further than acknowledging and expressing sadness that such harm occurred. This careful and often deliberate choice of words reveals the extent to which an offender is willing to accept responsibility for harm. To fully accept responsibility is to “declare voluntarily that one has no excuse, defense, justification, or explanation for an action (or inaction) that has insulted, failed, injured, or wronged another.”⁵⁵ By avoiding equivocation, the offender demonstrates humility and expresses a genuine attempt at restoring trust, the relationship and forgiveness.

However, while the acceptance of responsibility is the most important element for a meaningful apology, it is also the most difficult for offenders to admit, as it implies a duty to make amends. On May 11, 1999, An Taoiseach, Bertie Ahern unequivocally accepted the State’s complicity in the abuse and mistreatment of children in institutional care due to the “failure to intervene, to detect their pain, to come to their rescue,” and committed to providing redress to victims/survivors.⁵⁶ This approach sits in contrast to Cardinal Seán Brady’s response to criticism over his involvement in silencing two victims/survivors of abuse by Fr. Brendan Smyth in 1975, and for not passing suspected cases of abuse to the civil authorities. Smyth continued to abuse children until he was jailed in 1994, and while Brady vaguely apologised in 2010 during Easter mass for “hurt” caused by “any failure on my part,”⁵⁷ he later claimed that it was not his responsibility to pass on allegations, stating, “With others, I feel betrayed that those who had the authority in the Church to stop Brendan Smyth failed to act.”⁵⁸ Brady maintained this stance through to his written evidence to the HIA Inquiry in June 2015, where he justified his actions again, “believ[ing] at the time that [he] had done the right thing.”⁵⁹

EXPRESSION OF REMORSE/REGRET

For interpersonal apologies, remorse is considered the *raison d’être* behind their provision and acceptance.⁶⁰ Through an expression of remorse, an offender recognises the extent of the harm, its impact on victims/survivors, and regrets that it took place. Victims want to know that the offender understands the full implications of their action (or inaction) and this is assessed through the content of the apology, as well as through the body language and tone of the offender.⁶¹ At the collective level, this affective dimension is attributed less importance, due to the often deliberate and choreographed nature of their delivery. Instead, the move from an

interpersonal apology to a collective one shifts the emphasis from remorse as the organising principle, to documenting an apology on record.⁶² However, the shame of injustice on the historical record of a nation or institution can produce genuine emotion even in the absence of personal wrongdoing. For example, Irish Taoiseach, Enda Kenny, became noticeably emotional during his 2013 apology to the victims/survivors of the Magdalene Laundries. This apology followed a rejected “half-hearted”⁶³ apology by Kenny two weeks earlier, following publication of the McAleese Report.⁶⁴ In response to the renewed apology, a spokesperson from the Irish Women Survivors Network said: “It was so significant and so genuinely expressed. He got the humanity of the suffering and what they endured.”⁶⁵ Such genuine displays of emotion, even at the collective level, can be profoundly significant in expressing sincerity.

ASSURANCE OF NON-REPETITION

Apologies should have both backward and forward-looking elements that require an offender to recognise the past wrong and commit to its non-repetition in the future. Celermajer describes this as an act of “re-covenanting”—acknowledging a collective failure to live up to normative ideals in the past and renewing a commitment to live up to those ideals in the future.⁶⁶ This element acts to restore trust through reaffirming adherence to the moral norm. Apologies by those who continue to engage in similar offences are deemed insincere. For victims/survivors of institutional abuse, one of their main desires is assurance that future generations of children will be spared the abuse they experienced. As such, assurances of non-recurrence, and measures by which this will be achieved, should be stated.

Following revelations of abuse in residential care, members of the Irish Catholic Church expressed commitments to ensuring a safer environment for children, and referred to current initiatives aimed at child protection. However, successive inquiries into the handling of allegations of abuse by church authorities, repeatedly reported non-compliance with the Church’s own child protection procedures (specifically, the guidelines outlined in “Child Sexual Abuse: Framework for a Church Response” or “Framework Document”). The Cloyne Report found that until 2008, there was a deliberate effort to conceal clerical abuse in the diocese—12 years after the Framework Document was implemented. The Report also revealed details of a confidential letter sent to Irish Bishops in 1997 by the Vatican’s nuncio in Ireland, dismissing the Framework as “merely a study document.”⁶⁷ Such sentiment coming from the Vatican suggests an attitude from the top that fails to appreciate the severity of the issue. Furthermore, a review of child protection standards, published in 2017 by the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI), found that three of four religious orders (Irish Norbertines, De La Salle Brothers, and Sisters of Nazareth) that gave evidence to the HIA Inquiry in Northern Ireland had failed to implement any of the Board’s standards. The Report cited that “their performance in the recent past does not demonstrate any real change from their historical behaviour, in terms of ensuring good safeguarding practice or putting in place effective pastoral responses to complainants who have made allegations of abuse.”⁶⁸ It is, therefore, unsurprising that many apologies and assurances of non-repetition by church officials have been dismissed as insincere by victims/survivors of abuse. To be considered sincere, commitments to reform have to be followed-through.

OFFER OF REPAIR/CORRECTIVE ACTION

For serious wrongdoing, words alone are rarely, if ever, enough to redress harm. As Minow observes:

“Official apologies can correct a public record, afford public acknowledgement of a violation, assign responsibility, and reassert the moral baseline to define violations of basic norms. They are less good at warranting any promise about the future, given the shifts in officeholders. Unless accompanied by direct and immediate actions (such as payments of compensation) that manifest responsibility for the violation, the official apology may seem superficial, insincere, or meaningless.”⁶⁹

An offer of repair serves to increase the sincerity of the apology by “backing up” the sentiment with concrete actions. Often this refers to compensation or financial redress schemes, which provide a tangible acknowledgement of the seriousness of wrongdoing. However, concrete action can also include services to provide support to victims/survivors, or legislative changes to ensure the wrong cannot recur. Bertie Ahern’s apology in 1999 announced a host of measures to redress past abuse including, a nationwide counselling service, the establishment of a bifurcated inquiry process (subsequently the “Commission to Inquire into Child Abuse” or “Ryan Commission”), redress board (“Residential Institutions Redress Board” (RIRB)), as well as legislative changes to enable victims/survivors to press charges against abusers. By 2014, 94 out of 99 recommendations that resulted from the inquiry process had been fully implemented, and approximately €1 billion had been provided toward redress—actions that demonstrated the State’s continued commitment to repairing past wrongs.⁷⁰ This commitment stands in contrast to the response of the 18 religious congregations involved in the operation of institutions investigated by the Ryan Commission. While the congregations agreed to contribute to the RIRB, the commitment was conditional on a controversial “Indemnity Agreement” that shielded congregations against further compensation claims.⁷¹ Based on an estimated equal split with the government in 2002, the congregations committed €128 million, and volunteered a further €225.6 million when the estimated cost was revised to €1.25 billion. However, by the end of 2015, €162 million remained outstanding.⁷² Irish Minister for Education and Skills, Richard Bruton, harshly criticised the congregations’ commitment to redress in 2017, citing, “I find this hugely disappointing... that the organisations responsible... place so little value on that responsibility.”⁷³ Such failure to follow through on corrective action can leave prior apologies sounding hollow. This illustrates the importance of viewing the sincerity of apologies within a broader context and over time, rather than on the content of an apology alone. James and colleagues refer to the “impermanency” of apologies, whereby former apologies can later be undermined by “an expansion in public knowledge” (emerging from public inquiry reports or investigative journalism) that points to additional failings, responsibility and failure to follow-through.⁷⁴ Apologies, therefore, mark the beginning of an iterative process, as opposed to a summative end.

While the academic literature emphasises the content of apologies discussed above, this prescriptive approach to assessing sincerity may be limited. To explore the significance of language, word clouds were generated for eight public apologies reported in the media (see **Figure 1**).⁷⁵ Four were reported as being positively received by victims/survivors (Panel A)⁷⁶ and four were reported as being negatively received (Panel B).⁷⁷

undermine the Report’s capacity to deliver justice to victims/survivors.⁸⁵ In addition, it emerged that the Order maintained its denial stance up to five days before the release of the Report in a letter sent to the RIRB. Such a contradictory sentiment illustrates a context in which apologies are unlikely to be regarded as sincere. Fine Gael spokesman on children Alan Shatter responded to the Order’s apology, stating, “It’s the reason why many people don’t regard the apologies... as necessarily reflecting their true position.”⁸⁶

On release of the Murphy Report in November 2009, Cardinal Connell issued an apology that concluded with the statement, “it has long been in my prayer that [victims/survivors] may be able to rebuild their lives and find healing and hope for the future.”⁸⁷ Yet the Murphy Report found that Connell had taken an “active interest” in overseeing the Archdiocese’s civil litigation defences, which never admitted liability for injury and damage, “often add[ing] to the hurt and grief of many complainants.”⁸⁸ Connell was also “gravely disruptive of the Commission’s work,” securing a temporary injunction to block access to more than 5,000 files, which delayed the investigation for four months, and therefore, delayed justice for victims.⁸⁹ Perhaps unsurprisingly, Connell’s apology was rejected by victims/survivors as insincere.⁹⁰ Similarly, the Sister’s of Nazareth’s apology delivered during oral evidence to the HIA Inquiry in January 2014 was later criticised by Senior Counsel for the Inquiry, Christine Smith. Smith described the Congregation’s response as “less than wholehearted” due to the significant delays and “haphazard and piecemeal” manner in which they provided documents, causing “considerable difficulties to the inquiry.”⁹¹ Apologies within this context appear perfunctory, offered in formulaic fashion to appease public criticism, rather than legitimate attempts to reconcile with victims/survivors.

Apologies are unlikely to be perceived as sincere if no effective action is being taken to correct wrongdoing. Indeed, few criminal prosecutions occurred following the successive reports into institutional abuse in the Republic of Ireland or following the HAI Inquiry in Northern Ireland. In fact, the UN Committee against Torture criticised that only 11 cases were forwarded to the Director of Public Prosecutions as a result of testimony gathered by the Ryan Commission, eight of which were eventually rejected.⁹² Only two priests were prosecuted and convicted as a result of the Ferns Inquiry, one priest was convicted following the investigation in Cloyne, and only five convictions resulted from the HIA Inquiry.⁹³ In addition, few individual clergy were removed from their positions for mishandling or concealing abuse allegations. In March 2018, Bishop of Dromore, John McAreavey resigned with a “heavy heart”⁹⁴ after it emerged that he had concelebrated Mass in 2000 with suspected clerical abuser, Fr. Malachy Finegan, and failed to pass on allegations and suspicions of abuse. However, McAreavey was not forced out by the Church, he was forced out by public outrage.⁹⁵ Similarly, following publication of the Murphy Report in 2009, calls were made for four bishops (Bishop Donal Murray, Bishop James Moriarty, Bishop Éamonn Walsh and Bishop Raymond Field) to be removed. However, none were dismissed, but instead, tendered their resignations—of which only two (Murray and Moriarty) were accepted, with the other two Bishops returned to ministry in Dublin. Finally, Cardinal Brady resisted calls to resign for four years over his involvement in the 1975 meeting that silenced two victims/survivors of sexual abuse at the hand of Fr. Brendan Smyth, and his subsequent failure to pass on suspected cases of abuse to authorities. As Primate of All-Ireland, Brady’s resignation would have signalled a change in the Church’s broader response to abuse—one that demonstrated a willingness to accept responsibility for the culture of clericalism that enabled abuse to continue over decades. Indeed, one of the most visible ways an institution can demonstrate a commitment to change is by replacing leadership. That Brady remained in his position until his resignation in 2014, despite repeated calls to resign, indicates reluctance

by the Church to reform. Even meaningful apologies offered within a context where no one in authority is held accountable for their actions can be undermined by the broader response (or lack thereof).

OBSTACLES TO MEANINGFUL APOLOGIES

Apologies are increasingly included among the recommendations stemming from public inquiries and are one of the highest priorities of victims/survivors of abuse.⁹⁶ Unfortunately, many apologies fall short of the criteria discussed above, with state governments, religious leaders and individuals often reluctant to accept full responsibility for wrongdoing.

LEGAL AND FINANCIAL LIABILITY

Fear of legal and financial liability is cited as a central obstacle to meaningful apologies, as an admission of responsibility is often equated with an admission of guilt, and thus, obligation for redress.⁹⁷ While several scholars argue that such risk is overstated, it has nevertheless altered the construction of apologies to those that express sympathy for wrongdoing only (“partial” apologies).⁹⁸ Indeed, a study of apologies by religious congregations in Canada for their role in the Indian Residential School system found that they were carefully constructed to avoid describing themselves as agents of wrongdoing.⁹⁹ Similarly, the NBSCCCI noted the response to allegations by the Sisters of Nazareth, De La Salle Brothers, and Irish Norbertines were “driven by legal advisors,” rather than pastoral care.¹⁰⁰ To remove this obstacle, several jurisdictions (e.g. the United States, Canada, and Australia) have introduced legislation to protect apologies from implicating liability (“Apology Laws”)—a method also explored in Scotland to encourage apologies for institutional abuse.¹⁰¹ However, these protect “partial” apologies only, which are often dismissed by victims/survivors as insincere and can lead to further anger and disillusionment.¹⁰² Alternatively, scholars have explored the use of meaningful apologies in a protected setting, such as mediation, or in reference to institutional abuse, within the public inquiry model.¹⁰³ Such approaches assume that an admission of responsibility (necessary for a meaningful apology) will incur legal liability, and by corollary, avoiding a meaningful apology will avoid or minimise liability risk. Yet the avoidance of an apology does not prevent litigation, and can instead encourage it when it becomes victims/survivors only recourse to justice.¹⁰⁴ Moreover, in the absence of liability risk, meaningful apologies have still been avoided suggesting additional obstacles that prevent such apologies. For example, while the Indemnity Agreement with the State protected the 18 religious congregations in Ireland from further compensation claims, many still failed to fully acknowledge and accept responsibility for wrongdoing.

REPUTATIONAL DAMAGE

Individuals or institutions may also seek to avoid the reputational damage that comes with an admission of wrongdoing. The Catholic Church in Ireland was severely criticised in the Murphy Report for subordinating “the welfare of children and justice for victims” to “the protection of the reputation of the Church, and the preservation of its assets.”¹⁰⁵ The Church pursued a strategy of placing blame on “errant clergy”, as opposed to institutional failure, and only issued apologies following public criticism.¹⁰⁶ In the long term, however, the lack of a meaningful apology has not saved the Church’s reputation. In fact, the failure to adequately apologise for widespread abuse and attempts to conceal it has served to inflict further damage. The Church has lost its authoritative voice on moral or social issues in Ireland

following lapses in these areas by the Church itself. In addition, although Ireland remains a majority Catholic country, more people are identifying as spiritual or “Cultural Catholics” (i.e. “believing without belonging”), with fewer numbers remaining involved with the institutional Church.¹⁰⁷ While this has been a trend since the onset of modernisation and economic development in 1960s, the 1990s and 2000s witnessed more people turning away from the Church due to the perceived betrayal of trust from abuse revelations. A meaningful apology from the Vatican, on behalf of the Catholic Church as a whole, may help repair its reputation, as it reaffirms the ideals it professed to believe in. However, given the repeated partial and non-apologies offered by Church leaders since the late 1990s, an additional obstacle may stem from its overuse of apologies, rendering any future meaningful apology suspect.

LACK OF CONSENSUS/BROAD SUPPORT

For collective apologies, a key obstacle appears to be gaining widespread support. As collectives, the decision to apologise and decisions regarding language and performance require agreement among leadership. The stronger the consensus or support, the more stable the apology will be, as future corrective action is more likely to be maintained. The resignation in 2017 of Irish abuse survivor, Marie Collins, from the Pontifical Commission for the Protection of Minors, suggests disagreement among the leadership of the Catholic Church on how to handle institutional abuse. In her resignation letter, Collins cited reluctance by some members of the Vatican Curia to implement the Commission’s recommendations, despite their approval by Pope Francis.¹⁰⁸ This lack of consensus among leadership can prevent meaningful action from taking place.

For meaningful apologies on behalf of the State, support is not only required within government, sufficient public support is also necessary, as the cost of redress would be funded by the taxpayer. While collective apologies often start out as controversial, the challenge of gaining public support is not insurmountable. Public support can be rallied through the advocacy of victims/survivors, care-leaver associations, documentaries, and public inquiry reports. In Ireland, the documentary, *States of Fear*, is often cited as leading to Bertie Ahern’s 1999 apology; however, revelations of abuse began appearing on the public agenda in the early 1990s via books, documentaries, investigative reports and scandals that were instrumental in opening public debate. While initial efforts at gaining apologies may not be successful, over time they succeed in bringing the issue into the public domain, providing an opportunity for discourse to occur and attitudes towards contrition to evolve.

SUMMARY

Public apologies have become a common response to institutional abuse, along with public inquiries and financial redress schemes. While some apologies are genuine attempts to provide healing to victims/survivors, others appear perfunctory, formulaic and legalistic, raising questions regarding their sincerity. However, meaningful apologies are not easy to deliver. When obstacles to apologies are overcome, they require clear acknowledgement of wrongful behaviour and its effects, along with the unequivocal acceptance of responsibility and regret, a commitment to a course of action that will prevent such behaviour recurring in the future, as well as measures of redress. Moreover, they are required to be delivered by the right person, at the right time, in a setting and form that emphasises the seriousness of the occasion, and within a broader context that reflects the intended sentiment. Even if an apology succeeds in meeting this criteria, there still is no guarantee that it will be perceived as meaningful by victim/survivors or society as a whole. However, when they are achieved, scholars emphasise their restorative benefits for even the most serious injustice of institutional child abuse.

While apologies for institutional abuse may never be perfect, they remain a valued means for acknowledging and dealing with the past, not just for victims/survivors of abuse in the ability to restore their dignity and self-worth, but also for wider society. It is only through owning up to the past and recognising injustice that attention can be paid to ensuring such injustice cannot recur. Public apologies provide the opportunity to mark a symbolic break from past injustices to a future that commits to change and redress. However, as examples of apologies provided in Northern Ireland and the Republic illustrate, words alone are an insufficient response. Instead, apologies must be followed through with more tangible responses, such as redress, reform, and measures of accountability. In other words, when it comes to apologies for institutional child abuse, it is clear that actions speak louder than words.

NOTES

¹ Law Commission of Canada (ed), *Restoring Dignity: Responding to Child Abuse in Canadian Institutions: Executive Summary* (Law Commission of Canada 2000); Patricia Lundy, 'Historical Institutional Abuse:

What Survivors Want From Redress,' University of Ulster Seminar Report (March 2016).

²Katie Wright, 'Remaking Collective Knowledge: An Analysis of the Complex and Multiple Effects of Inquiries into Historical Institutional Child Abuse' (2017) 74 *Child Abuse & Neglect*, 10-22, 15; Johanna Sköld and Shurlee Swain (eds), *Apologies and the Legacy of Abuse of Children in 'Care'*: International Perspectives (Palgrave Macmillan UK 2015) 5.

³The term "victims/survivors" is used throughout the report to refer to individuals that have suffered abuse. While the term "victim" is broadly used to denote any individual that has suffered harm, scholars note that it has an implied connotation of passivity or weakness. The term "survivor", however, implies an individual that has not been irretrievably damaged by their experiences, but one that has resisted and overcome (to varying degrees) the effects of harm. For more information on this distinction, see Carol Brennan, 'Trials and Contestations: Ireland's Ryan Commission', in Sköld and Swain (eds), *Apologies and the Legacy of Abuse of Children in 'Care'*: International Perspectives (Palgrave Macmillan UK 2015) 55-69.

⁴Anne-Marie McAlinden, 'An Inconvenient Truth: Barriers to Truth Recovery in the Aftermath of Institutional Child Abuse in Ireland' (2012) 33 (2) *Legal Studies*, 189-214, 6.

⁵Documentaries played a similar role in provoking government responses in Denmark (Drenghejmettet 'The Boys Home', 2005) and Sweden (Stulen barndom 'Stolen Childhood', 2005).

⁶Redress here is defined broadly as any activity or process established by governments or institutions that recognise and "provide a compensatory mechanism for harms or wrongs against an individual or group." Kathleen Daly, *Redressing Institutional Abuse of Children* (Palgrave Macmillan UK 2014) 115.

⁷ McAlinden (n 4) 3.

⁸ James Gallen, 'Jesus Wept: The Roman Catholic Church, Child Sexual Abuse and Transitional Justice' (2016) 10 (2) *International Journal of Transitional Justice*, 332-349; Anne-Marie McAlinden and Bronwyn Naylor, 'Reframing Public Inquiries as "Procedural Justice" for Victims of Institutional Child Abuse: Towards a Hybrid Model of Justice' (2016) 38 *Sydney Law Review*, 277-309.

⁹ Child Rights International Network, 'When the State Doesn't Care: A Guide to Accessing Justice for Violations of Children's Rights in Care Institutions in Eastern and Southeastern Europe and the Caucasus,' *Child Rights International Network* (2017) 4.

¹⁰ Johanna Sköld, 'Apology Politics: Transnational Features', in Sköld and Swain (n 2) 26.

¹¹ For example, victims/survivors of abuse in Northern Ireland are advocating for a monetary redress scheme similar to that offered in the Republic of Ireland. See Panel of Experts on Redress, 'Response to Historical Institutional Abuse Inquiry Redress Recommendations: Position Paper and Recommendations' (20 April 2017) <<https://www.amnesty.org.uk/files/2017-04/Panel%20Position%20Paper%20April%202020%20pdf.pdf?LUgUHAYg4iP9cPdKGeXsMwFK5IIXUwHL>> accessed 1 February 2018; Furthermore, in New Zealand, victims/survivors have demanded an inquiry akin to the Australian Royal Commission. See Tim Miller, 'Abuse Victims Demand Royal Commission' *Otago Daily Times* (9 November 2017) <<https://www.odt.co.nz/news/dunedin/abuse-victims-demand-royal-commission>> accessed 24 February 2018. Finally, the combination of a fact-finding and therapeutic forum to enable survivor testimony in Ireland's Commission to Inquire into Child Abuse subsequently shaped the design of inquiries internationally. See Carol Brennan, 'Facing What Cannot Be Changed: The Irish Experience of Confronting Institutional Child Abuse' (2008) 29 (3-4) *Journal of Social Welfare and Family Law*, 245-263.

¹² McAlinden and Naylor (n 8).

¹³ Johanna Sköld in Sköld and Swain (n 2).

¹⁴ McAlinden (n 4) 24.

¹⁵ Shurlee Swain, Katie Wright and Johanna Sköld, 'Conceptualising and Categorising Child Abuse Inquiries: From Damage Control to Foregrounding Survivor Testimony' (2017) *Journal of Historical Sociology* <<https://doi.org/10.1111/johs.12176>> accessed 22 February 2018.

¹⁶ Kathleen Daly, 'Money for Justice? Money's Meaning and Purpose as Redress for Historical Institutional Abuse', *The Sexual Abuse of Children: Recognition and Redress* (Monash University Publishing 2016).

¹⁷ Gallen (n 8).

¹⁸ 'Taoiseach apologises to victims of child abuse' *RTÉ News* (11 May 1999) <<https://www.rte.ie/news/1999/0511/1662-abuse/>> accessed 17 November 2017.

¹⁹ Mark Gibney, Rhoda Howard-Hassmann, Jean-Marc Coicaud and Niklaus Steiner (eds), *The Age of Apology: Facing up to the Past* (University of Pennsylvania Press 2008).

²⁰ Stephen Harper, 'Statement of Apology to Former Students of Indian Residential Schools' *Indigenous and Northern Affairs Canada* (3 November 2008) <<http://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>> accessed 2 March 2018; Kevin Rudd, 'Apology to Australia's Indigenous Peoples' Parliament House, Canberra (13 February 2008) <<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=ld%3A%22chamber%2Fhansard%2F2008-02-13%2F0003%22>> accessed 2 March 2018.

²¹ Kevin Rudd, 'Apology to the Forgotten Australians and Former Child Migrants' *Parliament House, Canberra* (16 November 2009) <<http://pandora.nla.gov.au/pan/110625/20091116-1801/www.pm.gov.au/node/6321.html>> accessed 2 March 2018; Gordon Brown, 'PM Apologises to Child Migrants' *BBC News* (24 February 2010) <http://news.bbc.co.uk/2/hi/uk_news/8531664.stm> accessed 27 February 2018.

²² 'Finland Formally Apologises to Children Abused in Care' *Yle Uutiset* (20 November 2016) <https://yle.fi/uutiset/osasto/news/finland_formally_apologises_to_children_abused_in_care/9305060> accessed 27 February 2018; 'Mistreated Foster Kids Receive Official Apology' *The Local se* (21 November 2011) <<https://www.thelocal.se/20111121/37476>> accessed 2 February 2018.

²³ Sir Anthony Hart, David Lane and Geraldine Doherty, 'Report of the Historical Institutional Abuse Inquiry. Chapter 4: Recommendations' *Historical Institutional Abuse Inquiry Report* (20 January 2017) <<https://www.hiainquiry.org/>> accessed 27 November 2017; Jonathan Pearlman, 'Australia PM Malcolm Turnbull to Deliver National Apology to Victims of Child Sexual Abuse' *The Telegraph* (8 February 2018) <<https://www.telegraph.co.uk/news/2018/02/08/australia-pmmalcolm-turnbull-deliver-national-apology-tovictims/>> accessed 27 February 2018.

²⁴ Law Commission of Canada (ed), *Restoring Dignity: Responding to Child Abuse in Canadian Institutions: Executive Summary* (Law Commission of Canada 2000); Patricia Lundy, 'Historical Institutional Abuse: What Survivors Want From Redress' University of Ulster Seminar Report (March 2016); Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and Civil Litigation Report* (Royal Commission into Institutional Responses to Child Sexual Abuse 2015). Lee Taft, 'Apology Subverted: The Commodification of Apology' (2000) 109 (5) *The Yale Law Journal*, 1137.

²⁵ Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford University Press 1991) 19.

²⁶ Michael Cunningham, *States of Apology* (Oxford University Press 2014).

²⁷ Trudy Govier and Wilhelm Verwoerd, 'Taking Wrongs Seriously: A Qualified Defence of Public Apologies' (2002) 65 *Saskatchewan Law Review*, 139-162.

²⁸ Indeed, Danish Secretary of Social Affairs, Karen Ellemann refused to apologise to 'the Godhavn Boys' despite a report presenting evidence of physical, psychology and sexual abuse, citing that apologising would be tantamount to judging the past by current norms. See Maria Rytter and Jacob Knage Rasmussen in Sköld and Swain (n 2) 104.

²⁹ Janna Thompson, 'Apology, Justice, and Respect: A Critical Defense of Political Apology' in Gibney and others, (eds) *The Age of Apology: Facing up to the Past* (University of Pennsylvania Press 2008); Trudy Govier and Wilhelm Verwoerd, 'Taking Wrongs Seriously: A Qualified Defence of Public Apologies' (2002) 65 *Saskatchewan Law Review*, 139-162.

³⁰ Hannah Arendt, 'Collective Responsibility' in Jerome Kohn, *Responsibility and Judgment* (ed, Schocken Books 2003) 147.

³¹ Arendt (n 30).

³² Theo Gavrielides, 'Clergy Child Sexual Abuse and the Restorative Justice Dialogue' (2013) 55 (4) *Journal of Church & State*, 635.

³³ Thompson (n 29).

³⁴ Lee Taft, 'Apology Subverted: The Commodification of Apology' (2000) 109 (5) *The Yale Law Journal*, 1137.

³⁵ Tavuchis (n 25).

³⁶ Rhoda Howard-Hassmann, 'Official Apologies' (2013) 1 (1) *Transitional Justice Review*, 1-25.

³⁷ Trudy Govier and Wilhelm Verwoerd, 'The Promise and Pitfalls of Apology' (2002) 33 (1) *Journal of Social Philosophy*, 70.

³⁸ Thompson (n 29) 10.

³⁹ Aaron Lazare, *On Apology* (Oxford University Press, 2004).

⁴⁰ Zohar Kampf, 'Public (Non-) Apologies: The Discourse of Minimizing Responsibility' (2009) 41 (11) *Journal of Pragmatics*, 2257-2270.

⁴¹ Judge Yvonne Murphy, Ita Mangan and Hugh O'Neill, Report of the Commission of Investigation into the Catholic Archdiocese of Dublin (Department of Justice and Equality 2009) 24.

⁴² Murphy, Mangan and O'Neill (n 41) 343.

⁴³ Commissioner Fachtina Murphy, 'Statement of Garda Commissioner Fachtina Murphy on the Publication of the Report of the Commission of Investigation into the Catholic Archdiocese of Dublin' *An Garda Síochána* (27 November 2009) <<http://www.garda.ie/Controller.aspx?Page=4691>> accessed 6 December 2017.

⁴⁴ Henry McDonald, 'Irish Church and Police Covered up Child Sex Abuse, Says Report' *The Guardian* (26 November 2009) <<http://www.theguardian.com/world/2009/nov/26/ireland-church-sex-abuse>> accessed 1 March 2018; Maeve Sheehan, 'No Clergy to Be Prosecuted after Three-Year Probe' *Independent.ie* (21 July 2013) <<https://www.independent.ie/irish-news/no-clergy-to-be-prosecuted-after-threeyear-probe-29436105.html>> accessed 2 March 2018.

⁴⁵ Archbishop Sean Brady, 'Launch of "Time to Listen – Confronting Child Sexual Abuse by Catholic Clergy in Ireland"' Report of Royal College of Surgeons in Ireland' *Royal College of Surgeons in Ireland* (4 December 2003) <<http://www.armagharchdiocese.org/4-dec-launch-of-time-to-listen-confronting-child-sexual-abuse-by-catholic-clergy-in-ireland-report-of-royal-college-of-surgeons-in-ireland/>> accessed 1 November 2017.

⁴⁶ Murphy, Mangan and O'Neill (n 41) 10.

⁴⁷ Cardinal Desmond Connell, '26/11/09 Personal Statement of Cardinal Desmond Connell' *Archdiocese of Dublin* (26 November 2009) <<http://www.dublindiocese.ie/261109-personal-statement-of-cardinal-desmond-connell/>> accessed 9 November 2017.

⁴⁸ Kampf (n 40).

⁴⁹ Susan Alter, 'Apologizing for Serious Wrongdoing: Social, Psychological and Legal Considerations' (May 1999) *Final Report for the Law Commission of Canada; Gibney M and others* (eds), *The Age of Apology: Facing up to the Past* (University of Pennsylvania Press 2008).

⁵⁰ Law Commission of Canada (n 1).

⁵¹ Sisters of Mercy, 'Statement of Sisters of Mercy Central Leadership Team' *Mercy World* (5 May 2004) <http://www.mercyworld.org/news_centre/view_article.cfm?loadref=1&id=136> accessed 1 December 2017.

⁵² Patsy McGarry, 'Abuse Victims Welcome Apology by Nuns Sisters of Mercy Say Sorry for the Suffering' *The Irish Times* (6 May 2004) <<https://www.irishtimes.com/news/abuse-victims-welcome-apology-by-nuns-1.1139216>> accessed 2 March 2018.

⁵³ Turbough Montague, 'Evidence Presented to Sir Anthony Hart at Banbridge Court House' *Historical Institutional Abuse Inquiry* (14 January 2014) <<https://www.hiainquiry.org/sites/hiainquiry/files/media-files/hia140114day2.txt>> accessed 26 November 2017.

⁵⁴ Martha Minow, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Beacon Press 1998), 115.

⁵⁵ Tavuchis (n 25) 17.

⁵⁶ Bertie Ahern quoted in 'Taoiseach apologises to victims of child abuse' (n 18).

⁵⁷ Homily of Cardinal Seán Brady, 'Mass for St Patrick's Day, St Patrick's Cathedral, Armagh' *Irish Catholic Bishops' Conference* (17 March 2010) <<http://www.catholicbishops.ie/2010/03/17/homily-of-cardinal-sean-brady-mass-for-st-patricks-day-st-patricks-cathedral-armagh-2/>> accessed 1 November 2017.

⁵⁸ Seán Brady, 'Cardinal Brady's Statement in Full' *BBC News* (2 May 2012) <<http://www.bbc.com/news/uk-northern-ireland-17926449>> accessed 17 March 2018.

⁵⁹ Seán Brady, 'Written Statement of Cardinal Sean Brady' *Historical Institutional Abuse Inquiry* (19 June 2015) <<https://www.hiainquiry.org/module-6-father-brendan-smyth>> accessed 20 November 2017.

⁶⁰ Tavuchis (n 25).

⁶¹ Alter (n 49).

⁶² Tavuchis (n 25) 97.

⁶³ Douglas Dalby, 'Irish Premier's Apology Fails to Appease Workhouse Survivors' *The New York Times* (6 February 2013) <<https://www.nytimes.com/2013/02/06/world/europe/ireland-magdalene-institutions-report.html>> accessed 17 November 2017.

⁶⁴ Department of Justice and Equality, *Report of the Inter-Departmental Committee to Establish the Facts of State Involvement with the Magdalen Laundries* (Department of Justice and Equality 2013) <<http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013>> accessed 9 April 2018.

⁶⁵ Douglas Dalby, 'Irish Government Apologizes in Laundry Scandal' *The New York Times* (19 February 2013) <<https://www.nytimes.com/2013/02/20/world/europe/irish-government-expected-to-apologize-in-laundry-scandal.html>> accessed 17 November 2017.

⁶⁶ Danielle Celermajer, *The Sins of the Nation and the Ritual of Apologies* (Cambridge University Press 2009).

⁶⁷ Judge Yvonne Murphy, Ita Mangan and Hugh O'Neill, *Report by Commission of Investigation into Catholic Diocese of Cloyne* (Department of Justice and Equality 2010) 52.

⁶⁸ National Board for Safeguarding Children in the Catholic Church, *Overview of Safeguarding Practice Arising from Four Child Safeguarding Reviews* (5 April 2017) 4.

⁶⁹ Minow (n 54) 116.

⁷⁰ Ryan Report Monitoring Group, *Ryan Report Implementation Plan Fourth Progress Report* (Department of Children and Youth Affairs 2014).

⁷¹ Bruce Arnold, *The Irish Gulag: How the State Betrayed Its Innocent Children* (Gill & Macmillan 2009) 122–127.

⁷² The Comptroller and Auditor General, *Cost of Child Abuse Inquiry and Redress: Special Report 96* (Office of the Comptroller and Auditor General 2016) 37–38 <http://www.audgen.gov.ie/reports/Cost_of_Child_Abuse_Inquiry_and_Redress.pdf> accessed 1 March 2018.

⁷³ Department of Education and Skills, 'Minister Bruton Expresses Disappointment at the Lack of Progress by the Religious Congregations in Meeting the Costs of Residential Abuse' *Department of Education and Skills* (9 March 2017) <<https://www.education.ie/en/Press-Events/Press-Releases/2017-Press-Releases/PR2017-09-03.html>> accessed 4 February 2018.

⁷⁴ Matt James, Jordan Stanger-Ross and the Landscapes of Injustice Research Collective, 'Impermanent Apologies: On the Dynamics of Timing and Public Knowledge in Political Apology' (2018) *Human Rights Review*, 1-23.

⁷⁵ Word clouds were generated by extracting the text for each apology, removing punctuation and numerical values, converting the text to lower case, removing English stop words (e.g. the/and etc.), and stripping the document of white space. Following this process, a frequency matrix of terms was created, that was then used to generate the word clouds using a minimum frequency threshold of three occurrences across the matrix (i.e. a term had to occur at least three times across the four apology texts in order to be represented in the word cloud). The larger the text, the more frequent the term occurs. By contrast, the smallest text reflects three occurrences—in line with the threshold applied. The four apologies for each word cloud were selected based on the coherence of the media response (positive/negative).

⁷⁶ Apologies received positively: Renewed apology issued by the Sisters of Mercy (5 May 2004); Bishop Eamonn Walsh's apology following publication of the Ferns Report (25 October 2005); Apology by President Mary McAleese following publication of the Ryan Commission report (29 June 2009); Apology by Archbishop Eamon Martin following publication of the Historical Institutional Abuse inquiry (HIAI) report (20 January 2017).

⁷⁷ Apologies received with scepticism: Apology statement issued by the Christian Brothers following Ryan Commission report (26 May 2009); Apology by Cardinal Desmond Connell following the Murphy Report (26 November 2009); Apology by Bishop John Magee following publication of the Cloyne Report (13 July 2011); Sisters of Nazareth apology delivered during the NI HIA Inquiry (14 January 2014).

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