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The Perfect Apology

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The most powerful action in reputation recovery and rehabilitation is to apologize. If you want or need forgiveness, you'll need to apologize. "Wait a minute," you say, "The lawyers won't ever let me apologize." Well, let's talk about apology, understand it, and then we'll get back to the attorneys.

Management avoids apologizing by using an amazing array of avoidance strategies. There's self-forgiveness: "It's an industry problem, we're not the only ones," "Let's not blow this out of proportion." There's self-talk: "It's only an isolated incident," "It's never happened before," "Not very many were involved," and "Let's not get ahead of ourselves."

Look for self-delusion: "It's not our fault," "It's not our problem," "We can't be responsible for everything," "It won't happen again," and "Life can't exist without risk." Or how about lying: "I don't know," "We've never done that," "It won't ever happen again," "I am not a crook," and "I did not have sex with that woman."

The new poster boy for apology failure is New York's Governor Eliot Spitzer, who said, (while some of his people were caught in a scandal), "There is no agency or administration where error does not occur." When that didn't work, he said, "Let's move on." When that didn't work, he wrote an op-ed non-apology in *The New York Times*, which began, ". . . no illegal activity occurred on my watch." Since that didn't work, we're waiting for his next steps. Spitzer is following a pattern for further failure.

Failed and phony apologies happen constantly, take Whole Foods Market®. The company's Web site issued Co-founder, Chairman, and CEO John Mackey's non-apology (on July 17, 2007) after an enormously embarrassing public to-do. First the CEO denied the allegations. Then, he attacked those who exposed him. Next, he tried to explain his action, saying, "Everybody does it." The Whole Foods® Board has announced a "Special Committee to conduct an investigation."

The Board also shut down Mackey's blog. Mackey then begged for forgiveness from his shareholders.

What was wrong with Spitzer's apology, or Mr. Mackey's apology, or the Pope's, or John Kerry's, or Mel Gibson's? There was no admission. They simply never apologized at all. They forgave themselves first, protected the people around them and, in many cases, never directly addressed the pain they caused others.

The perfect apology has three components: First and foremost, the perpetrator has to have an attitude of humility; then an apology strategy, which leads to sincerity of action. Here are the elements of an apology strategy:

- Ongoing expressions of regret and empathy
- Continuous explanation of how behavior will change
- If serious enough, third party oversight of new behaviors, reported independently, to the public's concern
- Encouragement of public discussion, especially by the victims about the perpetrator's mistakes and callousness
- Commitment to overcompensate and complete restoration of damages and injury
- Resolve to maintain contact with the victims and survivors until they lose interest

The most constructive structure for apology I've seen is in *The Five Languages of Apology*¹, a book by Gary Chapman and Jennifer Thomas. Here, with some paraphrasing and modification based on my experiences, are the ingredients of the perfect apology.

1. **Regret (acknowledgment)** – A verbal acknowledgement by the perpetrator that their wrongful behavior caused unnecessary pain, suffering, and hurt that identifies, specifically, what action or behavior is responsible for the pain.
2. **Accepting Responsibility (declaration)** – An unconditional declarative statement by the perpetrator recognizing their wrongful behavior and acknowledging that there is no excuse for the behavior.
3. **Restitution (penance)** – An offer of help or assistance to victims, by the perpetrator; action beyond the words "I'm sorry"; and conduct that assumes the responsibility to make the situation right.
4. **Repentance (humility)** – Language by the perpetrator acknowledging that this behavior caused pain and suffering for which he/she is genuinely sorry; language by the perpetrator recognizing that serious, unnecessary harm and emotional damage was caused.
5. **Direct Forgiveness Request** – "I was wrong, I hurt you, and I ask you to forgive me."

¹ *The Five Languages of Apology: How to Experience Healing in All Your Relationships*, Gary Chapman and Jennifer Thomas. Northfield Publishing, September 1, 2006; ISBN 1881273571.

The most difficult and challenging aspects of apologizing are the admission of having done something hurtful, damaging, or wrong, and to request forgiveness. Skip even one step and you fail.

Do apologies matter? Twenty-nine states seem to think so. These states have enacted legislation exempting voluntary expressions of regret and apology at traffic accidents from being considered by juries when setting auto liability damages. Legislation is pending in Congress to mitigate the impact of liability on malpractice insurance claims against doctors and medical personnel who apologize immediately, or very quickly, and sincerely.

The biggest problem with apology is the attitude among leaders and their attorneys that apology is “sissy” stuff. My advice is, “Get over it.” There’s mounting statistical evidence in health care that apologies, even if they are required by insurance companies (which they more frequently are), are having a dramatic affect on reducing litigation.

So now we’re back to the attorneys. When the lawyers say you can’t apologize because it’s an admission of something (which it is), you can tell them (with nearly absolute certainty) that an apology will, at a minimum, mitigate and, at a maximum, eliminate litigation. An apology may be the trigger to settlement. Failure to apologize is always a trigger for litigation.

Today’s legal reality is that only one in 200 civil cases filed ever get to trial. Instead, these cases will be settled, dismissed, or resolved by some other mechanism such as arbitration. Empathy is where “actions speak louder than words.” Apology is the atomic energy of empathy. Failure to apologize is an integrity lapse that causes the corrosive destruction of your reputation, and creates an impression of you as arrogant and callous.