

Apology in Difficult Family Situations
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Robin M. Deutsch Ph.D., ABPP
Independent Practice, Wellesley, MA
Professor Clinical Psychology, William James College

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Disclaimer

- Some of this material is taken from presentations done in Costa Mesa, CA (Saini, Deutsch, Drozd, February, 2019) and Toronto (Saini, Drozd, Deutsch, June, 2019)

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Apology

- An apology reduces the guilt felt by the offender and relieves the injured party of "the corrosive effects of storing anger."
- Jonathan Cohen, "Advising Clients to Apologize"
72S. Cal.L.Rev. 1009 (1999)

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Resolving Conflict

- A successful healing experience between two parties in dispute requires the facilitation of conflict resolution via three components
 - Apology
 - Forgiveness
 - Reconciliation

(Daicoff, 2013)

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Resolving Conflict

- Apologies can be the first step in repairing broken trust and can pave the way for future productive communication.
 - Acceptance of responsibility
 - Acknowledgement of wrongdoing
 - Retribution

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The Power of an Apology

- There is growing attention in the academic literature about the potential power of apologies for fostering positive relationships.
- Apologies have the potential to restore damaged relationships, mitigate loss of face, and preserve social standing.
- A sincere and timely apology can be a powerful tool, but sorry may not always be enough.

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What factors influence possibility of success?

- Individual characteristics of disputant
- Influence of lawyers on the mediation or intervention
- Timing and manner of apology
- Duration of disputes in which long-term side effects inhibit communication
- Extent to which litigation seems to promise relief through compensation, restitution, retribution

- Jonathan Cohen, "Advising Clients to Apologize"
72S. Cal.L.Rev. 1009 (1999)

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Apology Defined

- An apology is defined as an act that follows a transgression wherein the transgressor recognizes the role they played in the incident and accepts responsibility for their actions, while expressing remorse to the victim (Ely & Gleason 2006).

- The act of apologizing offers both emotional and symbolic compensation for the victim and tends to be perceived as more momentous than monetary compensation (Lee, 2005; White, 2006).

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Purpose of Apologies

- Delivering an apology is a fundamental and validating process as it reassures the victim that they are not at fault for the transgressor's actions.

- Apologies allow victims to regain their dignity and their sense of self-worth (White, 2006).

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Apology, really?

- Does the apologizer believe they are at least partially responsible?
- Do they take responsibility for harm?
- Do they feel regret?

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Apology Embedded in Restorative Justice

- The restorative justice approach places the primary responsibility on the offender and presumes they will repair the damage through symbolic reparations, such as apologies, while also aiming to repair the relationship itself (Choi & Severson, 2009).
- Not only does this approach enhance the opportunity for victims to receive restitution but it offers the offender the opportunity to accept responsibility for their behaviour as well (Choi & Severson, 2009).

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Restorative Justice

- Research has revealed that offenders are motivated to offer apologies, particularly if they realize the harm they have caused and if they feel responsible for their actions (Schlenker & Darby, 1981).
- Validates the victim's right to be angry and reduces their uncertainty about the offender's motivation behind the incident.
- Leads to greater level of forgiveness and a reduced degree of vengefulness towards the offender (Eaton, Struthers, Shomrony & Santelli, 2007; Reyna, 2014).

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Restorative Justice

- Apologies offered by offenders can be a powerful mechanism that influence the later behavior of individuals at risk of recidivism (Choi & Severson, 2000)
- Young offenders who did not apologize for their crimes were three times more likely to reoffend within a three year follow-up period in comparison to youth offenders who did apologize for their crimes (Maxwell & Morris, 1993).

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Apologies in Tort litigation

- Helps attribute responsibility for harm and helps reduce the victim's anger or the desire to see the wrongdoer punished
- Helps resolve disputes
- Helps facilitate settlement
- By expressing regret for the occurrence of a harmful event and acknowledging responsibility for it, apology and compensation can result in restoration of remediation
- CAVEAT: the content that perpetrators provide in response to torts may not correspond with what victims desire, with detrimental effect on its remedial value (Reinders Folmer, Mascini, Leunissen, 2019. <https://doi.org/10.15>).

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Apologies in Family Law

- Although not specifically studied in the context of family law, there is growing attention of apologies for parents and children.
- Anecdotally, apologies are used with parents and children post separation and divorce:
 - Mediation
 - Parent Coaching
 - Parenting Coordination
 - Children's mental health services
 - Reunification Therapy

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Impact of Apologizing

- The use of apologies has been linked to several positive outcomes:
 - Helping to repair relationships (Exline, Deshea, & Holeman, 2007; McCullough, Worthington, & Rachal, 1997; Zuccarini, Johnson, Dalglish, & Makinen, 2013)
 - Fostering empathy and closeness within relationships (McCullough et al., 1997).

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Timing of the Apology

- The amount of time that passes between the act of transgression and the delivery of the apology itself impacts the receptiveness of the apology
- The longer one waits to offer an apology, the more harm that will be done, thus weakening the likelihood that the apology will result in forgiveness (Choi & Severson, 2009).

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Apologies Within Families

- Scholars note the importance of apologetic discourse within families.
- Early experiences with apologies for children can improve overall development and improve pro-social behaviors resulting from apologizes.

(Smith & Harris, 2011)

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Parents Apologizing

- When a parent apologizes to their child, they are modeling empathy, remorse and responsibility towards the child, leading to a more secure parent-child attachment (Ruckstaetter, Sells, Newmeyer & Zink, 2017; Smith & Harris, 2011).
- Repairing ruptures between parent and child can lead to the child experiencing an enhanced understanding of self, while aiding in their capacity to regulate their emotions (Ruckstaetter, Sells, Neymeyer & Zink, 2017).

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Apologies Reduce Anger

- Unresolved conflict can lead to anger that festers, producing resentment in the individual, thus leading to a greater degree of suffering (Daicoff, 2013; Ohbuchi, Agarie, & Kameda, 1989).
- Apologies can reduce levels of anger, helping victims move on from the negative experience.

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An apology is about Repairing Relationships

- An apology can successfully decrease the aggressive feelings experienced by victims and can contribute to a more favorable perception of the transgressor (Ohbuchi, Agarie, & Kameda, 1989; Ohbuchi & Sato, 1994).
- The process of offering an apology can foster therapeutic guilt, allowing the transgressor to understand that they are inherently a good person who has committed an act that can be avoided in the future (Daicoff, 2013).

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Limits of Apologies

- Apologies do not always result in greater levels of forgiveness
- When the transgression is perceived as deliberate by the victim or when the victim believes that the transgressor is likely to commit a similar act in the future (Gold & Weiner, 2000).

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Limits of Apology in Divorce

- Insincere apologies when used strategically to control or manipulate - to try to win or get something, can wreak havoc on divorce negotiations and damage already fragile relationships (Ross, 2014)

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Limits of Apology

- Personality traits of the individual receiving the apology can impact the success of the apology process.
- Apologies may not have their intended effect when they are delivered to individuals with defensive self-esteem in comparison to those with secure self-esteem (Eaton, Struthers, Shomrony & Santelli, 2007)
- Apologies can create the opposite effect in this population of individuals; making this group less forgiving and more likely to engage in retaliation.

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Is Sorry Enough?

- Greater correlation between apology and forgiveness when elaborate and complex apologies are offered in comparison to apologies that are more simple (Reyna, 2014).
- Simple apologies appear to lack sincerity and are deficient in addressing the core elements of an adequate apology, namely accepting responsibility, promising restraint in the future and offering restitution (Reyna, 2014).

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Tips for Apologies

- When delivering an effective apology, the apologizer must avoid excuses, justifications, defensive statements and arguments (Daicoff, 2013).
- An apology that is being delivered should be directly conveyed to the individual that was harmed by the transgressor's actions.

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Tips for Apologies

- Face-to-face means are ideal when delivering an apology
- In instances where such encounter is not feasible, a letter, video or statement that is delivered can be a substitute (Smith, 2013).

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Tips for Apologies

- Apologies need to be about the other party and not themselves — about their intentions, thoughts, and feelings:
 - “I didn’t mean to...”
 - “I was trying to...”
 - “I didn’t realize...”
 - “I had a good reason...”

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Apology Session

- Should be viewed a ‘process’, not a one time event.
- “I want to apologize for the things that I’ve done to make you feel scared, or unsafe. I suspect that I’ll need to apologize many times over, and I will do that. I hope that someday, you’ll find it in your heart to forgive me. Until then, I will continue to learn how I can be the kind of parent that you need, and deserve”.

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The Apology Template

- 1. Expressing Regret – Saying, “I am sorry.”
- 2. Accepting Responsibility – Admitting, “I was wrong.”
- 3. Making Restitution – Committing, “I will make it right.”
- 4. Genuinely Repenting – Promising, “I will not do that again.”
- ***5. Requesting Forgiveness – Asking, “Will you forgive me?”

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Examples of apologies

- Parent to child
 - Parents to children
 - Spouse to spouse
 - Grandparents to children and /or grandchildren
- Need to work with parent or parents to craft apologies that focus on the receiver and not the person making the apology. It needs to be given with no expectation for forgiveness.

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Parent to child

- Sarah, I want to tell you how very sorry I am for hurting you and your mom. I know that by hurting your mom, I hurt you. You saw us fight and I know it was frightening for you.
- I have worked very hard to get better and to understand how my behavior affected you. I cannot undo what happened and I so regret my behavior.

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- I want you to know that I will never again hurt you or your mom You have told me you are afraid of me, that I might hurt you or mommy again. I promise you I wont.
- I love you and will not put you through this ever again. I don't want you to worry about being hurt by me again.

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Parents and Children Apology

- Marco and Juliana,
- Your daddy and I have been talking together and we want you to know that we are so sorry we put you in the middle of our anger at each other.
- We know we both have hurt you. We have both said bad things about each other and we both wanted you to believe those bad things. That was wrong and hurtful.

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- You have two parents who love you very much. We know we caused you so much stress. We don't want you to feel like you have to choose one of us. We know having two parents who love and care for you is what you deserve.
- So we want you to know we have both done some hurtful things that are wrong. We got divorced because we needed different things in our lives. It was not any one thing or one person's fault. We did not want you to divorce either one of us.

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- Neither of us was fair or thoughtful in telling you such bad things about the other. We want you to know we love you and we want you to have two parents who love and care about you.
- This might be confusing to you after all we have each said to you. We now understand our anger got in the way of doing what is best for you and our family. We don't want you to suffer anymore or to feel you have to choose.
- We promise to be different and not to put you in the middle of us or make you choose. We hope you will feel less stressed and freer to have time with and love from both of us.

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Apologizing to someone you hurt deeply

- The context
- The act
- The timing
- The place

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Let Go of Your Grudges. They're Doing You No Good.
What does holding on to grudges really get us?
Credit: Rose Wong



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