

I APOLOGIZE FOR THIS ESSAY

*Glen Weissenberger**

IT could be my imagination, but it seems that since September 11, 2001 people in the United States have become more polite to one another. Prior to September 11, people would walk down a busy street jostling one another, bumping into one another, and nearly knocking each other over with an inadvertent swing of a backpack, without saying a word. After the terrorist attack of September 11, it is my experience that people are quick to apologize to one another for the smallest of slights, inconveniences, or inadvertent minor collisions. It is as if we are saying that, while we really don't know exactly how to band together against terrorism, at least we can be a bit more courteous to one another.

On a recent day that required a good deal of walking on the sidewalks of Chicago, I took account of how many apologies I gave out and how many I received as a result of the inevitable minor nudges and path obstructions that occur in pedestrian traffic. The number of apologies was actually surprising. In no more than an hour's time, there were no less than 20 apologies. Perhaps all for the good, we appear to have become a society in which people wish to assure one another that the minor mistakes of life should not be confused with hostility.

Prior to becoming a dean, I did my share of apologizing. Rarely, however, did the apology come from the authority of my position. My apologies were much like those of all individuals walking through society, apologizing for the minor affronts, bumps, collisions, and other minor infractions that could be construed as rudeness. True, I did occasionally apologize in my capacity as a law professor, and usually this was for something that occurred during class. Perhaps the class ran over or my assignment turned out to be excessive. Nevertheless, even these apologies in my capacity as a law professor felt primarily personal. Never did I feel like I was apologizing on behalf of the law school at which I held an appointment.

Now, after 27 years in legal education as a professor, things are different for me as a dean. Seemingly from the first day I assumed my appointment, I was presented with repeated opportunities to apologize in an official capacity. Initially, the responsibility to decide when to apologize and when not to apologize felt somewhat overwhelming. I learned very quickly, however, that an apology was one of the most powerful preemptive weapons a dean could use. Consequently I have learned to use it unhesitatingly, early, and often.

Many years ago, when I was practicing law as a litigator, I was counseled by a senior partner never to apologize in a professional capacity. He suggested to me that it demonstrated weakness in terms of strategic position and softness in terms of character. The closest this mentor ever came to an apology was to state that if people found him difficult, there was little that could be done about it. It was, as he would explain it, simply his personality. This style may have worked for him, but it does not work for me.

* Dean and Professor of Law, DePaul University College of Law.

Very often, I feel, people in positions of authority are reluctant to apologize because they want to appear infallible. While there is much to be said in demonstrating confidence in decisions, positions, and institutional strategies, human fallibility is inescapably part of the operation of every institution, including, of course, educational institutions.

Recent history is replete with instances in which public figures paid dearly for their reluctance to apologize. For example, President Bill Clinton sought to hide behind semantics, and only late in the game apologized to the American people for his indiscretions in the oval office. While the delay in an apology did not cost him the presidency it seriously diminished his place in history. In fact, those who forgive Bill Clinton do so on the basis of his human vulnerability and his human qualities would have been an even better defense had he apologized sooner. Trent Lott seemingly waited for the jury of public opinion to return its verdict before he was prepared to apologize for his remarks at an event honoring Strom Thurmond. Would history have been different if very early in this episode Lott had apologized for remarks that could be construed as grossly inappropriate?

I cannot help but think that people in positions of authority like my mentor in the practice of law, believe that apologies carry with them some loss of credibility or the loss of political capital. It is hard for me to think of one situation, however, where this has ever proven to be true. In fact, to the contrary, the admission of human fallibility which is inherent in every apology, only seems to make a person more endearing and more sincere.

One of my favorite film scenes is in the *Wizard of Oz* when Dorothy, the Scarecrow, the Tinman, and the Cowardly Lion discover that a small white-haired man—not an omnipotent wizard—is the presence behind the curtain. Outraged that the imposter has no powers to reward the quartet's pilgrimage, the Scarecrow says, "You are a humbug!" The man immediately acknowledges the accusation, "Yes, Yes. Exactly so, I am a humbug." Then scolding the man, Dorothy says, "You are a very bad man." The man replies, "Oh no my dear, I'm ... I'm a very good man. I am just a very bad wizard."

The ersatz wizard immediately acknowledged his fallibility and we as the audience spontaneously forgive him for his fraudulent pretense. I cannot help but believe that any person in a position of authority does well by using apologies early and often as a demonstration that he or she, like the man behind the curtain, is a good person. Regrettably Bill Clinton's and Trent Lott's belated apologies failed to demonstrate that they were good people worthy of forgiveness. Had the apologies come earlier, they might have had that effect. Rather, because they occurred rather late in the game, they had precisely the opposite effect.

Beyond simply being construed as weakness and softness, apologies are avoided because they seem to concede liability, something that we all seek to avoid in a litigious society. For example, on May 16, 2003 the *Chronicle of Higher Education* reported that the President of the University of Arizona, Peter Likins, apologized in an e-mail message to his faculty staff, and students regarding two incidents in which campus police officers handcuffed black professors. The president wrote, "The juxtaposition of these two unrelated events has created a perception of racial bias, however, ill-founded. I deeply regret the events that have created this impression." One of the victims reportedly replied, "The apology was totally

inadequate,” and I believe he was right. In my experience, an expression of regret is not the same as an apology. I regret the sinking of the Titanic, but my statement of regret does not take ownership or constitute an apology. (For the record, I had nothing to do with the sinking of the Titanic, and I apologize if I gave that impression.) Compare the unequivocal apology of Senator Joseph Lieberman, who, after initially declining an invitation to the 2003 NAACP Convention in Miami, stated, “I was wrong, I regret it and I apologize.”

In the very same May 16, 2003 issue, the *Chronicle* reported a mistake made by Sallie Mae undercharging 8,000,000 borrowers because of a computer glitch. In addressing the matter, Albert L. Lord, Sallie Mae’s Chief Executive Officer, said, “There is no question that we messed up,” adding that it was “a genuine mistake and it won’t happen again.” Taking full ownership for the error might have been enough, but officials from Sallie Mae additionally said, “We have accepted full responsibility for our error and are apologizing to our affected borrowers.” Beyond taking full responsibility and beyond the apology the company then expressed empathy. According to the article, Kathleen deLaski, the company’s chief spokeswoman, said, “We understand that any change in the monthly payment amounts may be difficult for some of our customers, and we are working closely with them to offer repayment options that best address their financial situation.” The article stated that some lobbyists and lenders questioned why the U.S. Department of Education or Congress did not take a more aggressive role in investigating the mistake. Perhaps it is because Sallie Mae deterred legal and governmental action by first, taking full responsibility; second, by apologizing; and third, by showing genuine empathy.

Deans would do well to take a lesson from the man behind the screen, Senator Lieberman, and Sallie Mae. Usually there is little to be lost and much to be gained by apologizing, even when there is some doubt about fault. The very worst thing that could happen by apologizing is, perhaps, another apology may be necessary for apologizing in the first instance. That is hardly a large price to pay. Moreover, in addition to defusing an immediate, volatile situation, a well-placed apology demonstrates that a dean does not perceive himself or herself as infallible. Ultimately it can go a long way in demonstrating that a dean is in fact a good person.

Finally I would like to apologize to the reader for one aspect of this essay. According to the guidelines provided to all contributors, this essay was to be at least eight manuscript pages. It falls short by a page or two. It seems much more appropriate simply to apologize rather than embellish and pad a manuscript which, I hope, has made its point.