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Addressing Corporate Ties to Slavery: Corporate Apologia in a Discourse of Reconciliation

Claudia I. Janssen

Pressured by activists to take responsibility, American corporations recently found themselves in the spotlight for their past ties to slavery. Responding to the issue, they stepped into a complex discourse of reconciliation. Taking a rhetorical approach, this article analyzes the response of Aetna Inc. It explores how corporate rhetoric functions within present discourses about historical injustices and illustrates that Aetna's response informed by common strategies of corporate apologia inhibited meaningful reconciliation. The article thus furthers criticisms of (corporate) apologia in the context of historical injustice and raises questions about the potentialities and limitations of corporate rhetoric for reconciliation.

Keywords: Corporate Apologia; Crisis Communication; Reconciliation; Remembrance; Reparations; Slavery

While the 13th Amendment to the Constitution abolished slavery almost 150 years ago, the inhumane system remains a prominent issue in public discourse. Indeed, the injustice of slavery is debated and addressed in diverse spheres of American society (Berlin, 2004). As slavery had pervaded almost every part of American life, institutional and organizational ties to slavery are numerous. Today, these ties are revisited and investigated and stir up debates about justice and responsibility.

In the course of this process, activists have put pressure on corporations to acknowledge their past and take responsibility. Around the turn of the twenty-first century, the reparations movement gained new momentum and shifted its focus from the government to corporations. Starting in 2002, activists filed lawsuits against companies to seek acknowledgement and justice for conveniently forgotten complicities with slavery, which had never been atoned for. At the same time, several states implemented slavery disclosure ordinances that require corporations to make their ties to slavery transparent.

As activists attracted attention to forgotten corporate ties to slavery in industries such as tobacco, insurance, publishing, transportation, and finance, they created critical issues for a broad range of corporations. The issue not only touches on questions of retrospective justice and organizational responsibility for historical injustice but is further embedded within a broad discourse about the past of slavery. It thus differs substantially from issues and crises that are solely rooted in the present, and may demand corporations to move beyond common wisdoms of crisis communication.

Indeed, corporations have struggled to address their resurrected pasts. Their responses range from refusing to comment and denying legitimacy of claims to publicly apologizing and providing funds for scholarships or diversity programs. The insurance company Aetna, for example, repeatedly came under pressure. It had to

deal with its history of issuing policies on slaves' lives while complying with California's disclosure ordinance and being a defendant in a consolidated class action lawsuit. Two public apologies and an emphasis on its present commitment to diversity were not enough to prevent a boycott against the company.

What corporations may perceive as a crisis is, at the same time, an expression of a long struggle for justice for slavery and its subsequent injustices. From an activist perspective, unveiling corporate ties to slavery presents an opportunity to further the pursuit of reparations and justice, to seek acknowledgement, and to bring conveniently forgotten dimensions of slavery and their bearing on the present back to public consciousness (see Biondi, 2003; Ogletree, 2003). In consequence, as corporations respond, they step into a much broader discourse of "coming to terms" with the past of slavery. While challenging the organizations' images, this also opens a window of opportunity for constructive discourse about the history and memory of slavery, which continue to divide US society (e.g., Bacon, 2003).

Rhetorical strategies of apologia and image restoration, which commonly guide corporate responses in crises have been identified as insufficient and even inappropriate to account for the complex demands of discourses about past historical injustice in the present (see Hatch, 2006; Koesten & Rowland, 2004). This not only raises questions about alternative ways and means for corporations to respond but also about the role corporate rhetoric may play within societal discourses about past injustice. While scholars have long been concerned with reconciliation of historical injustice between ethnic groups, societies, nations, and governments (e.g., Barkan 2001; Waldron 1992), corporations' role and participation in these discourses have only been a minor concern (see Spiliotis, 2006). At the same time, corporations around the world are increasingly pressured to account and apologize for their past ties to historical injustices; a trend embedded in what Brooks (1999) has called "The Age of Apology." How do corporations respond to the calls of victims' descendants? What rhetorical strategies do they apply to manage the complex challenges of the discourse of reconciliation? How do they contribute to or inhibit discourses of coming to terms with slavery?

Taking a rhetorical approach, this article analyzes Aetna's response to its resurrected ties to slavery. One of America's largest insurance companies provides an interesting case; it has probably faced the most activist pressure and has responded extensively. Aetna is, for instance, among the few companies that issued official apologies. This article situates the issue within broader processes of reconciliation in US society and provides a reading of the corporation's "problem" as an invitation to and struggle for reconciliation of the past. It first discusses rhetoric of reconciliation as a guiding lens to theorize the present struggle about corporate ties to slavery as well as the limitations of apologia in this context. The article provides an overview of the issue of corporate ties to slavery as it gained critical status in the present. Based thereon, Aetna's response is analyzed. The rhetorical analysis shows that the company's apologia, which is focused on defending the company of today and on achieving closure, fails to actually address the past, to reach out to the offended party, and

to open up space for discourse about the past. In other words, the company's asymmetric strategy of apologia conflicts with the much broader dimensions and demands of the present discourse about the past of slavery, and its rhetoric undermines sustainable reconciliation. Finally, the article provides a summary and discusses implications for reparations activism directed at corporations as well as for corporate rhetoric in discourses of reconciliation.

Coming to Terms with Slavery: Discourses and Rhetoric of Reconciliation

The concept and process of reconciliation has been studied in a variety of disciplines and has gained prominence especially in the course of the South African Truth Commissions (see Doxtader, 2004). Most basically, reconciliation can be understood as a process aimed at healing relationships broken by injustice and violence (Hatch, 2006; Lederach & United States Institute of Peace Press, 1997).

Within the study of rhetoric, reconciliation has only recently gained attention. Here, especially Doxtader (2003, 2007) and Hatch (2003b, 2008) have laid the theoretical groundwork for rhetorical approaches to reconciliation. Hatch (2003b) conceptualized rhetoric of reconciliation most generally as aiming "to redeem alienated parties from past offenses and begin healing broken relationships in the present" (p. 34). As such, reconciliation constitutes collective communication processes, in which groups divided by past injustice, victims and perpetrators, initiate talk about the past and work towards overcoming division and to jointly shape a better future. These evolve, according to Lederach et al. (1997), along the contradictory dimensions of truth and mercy, justice and peace. They involve often conflicting questions of guilt, responsibility, and atonement on the one hand and forgiveness, repentance, and coming to terms on the other hand. Within these discourses, corporate ties to historical injustice, such as the exploitation of forced laborers by German companies during WW II or the cooperation of corporations with the South African Apartheid regime, have also been subject to reconciliation.

Though reconciliation oftentimes occurs in the presence of the perpetrators and victims, societies' struggles with unresolved injustices can transcend generations as the memory of atrocities against ethnic groups constitutes an important part of present collective identities (see Waldron, 1992). The Armenian people, for instance, continue to call for an apology from the Turkish government for the genocide committed from 1915 to 1917, while the Turkish government continues to deny that there has ever been a genocide. The lens of reconciliation has thus been applied as a valuable perspective towards racial reconciliation in the United States as well (e.g., Hatch, 2008).

While the goals of reconciliation are associated with restoring relationships and justice, Doxtader (2003) emphasized that reconciliation is not simply a matter of conflict resolution. Instead, it "marks [. . .] the inauguration of a struggle" (p. 282) for recognition. Discourses of reconciliation enable struggles and negotiations about the past. In its twofold nature as "a call for rhetoric and a form of

“rhetorical activity” (Doxtader, 2003, p. 268), reconciliation then stirs up the past along with its public memory. It allows for active confrontations of the injustice along with its meaning, bearing on, and challenges for the present and future; a process that likely involves controversy. It hence opens spaces, in which such a conversation along with negotiations about the subject, process, and means of reconciliation becomes possible and moves beyond silence and forgetting (Doxtader, 2003, 2004, 2007).

We can observe a struggle over the American past of slavery as heated debates about apologies and reparations take place in manifold settings. Indeed, at the turn of the twenty-first century, a wave of movies, academic publications, monuments, policy debates, and lawsuits focused on the issue of slavery (Berlin, 2004; Rupprecht, 2007). Robinson’s (2000) *The Debt: What America Owes African Americans*, for instance, received much public attention in the form of support as well as opposition. At the same time, organizations, towns, and states across the country have rediscovered and addressed their shadowed past. In 2003, Brown University implemented a commission to investigate its history of slavery (Loury, 2004), that slaves built the Capitol and the White House in Washington has reached public consciousness again (Berlin, 2004), and the symbolism of the Confederate flag has caused policy makers in the South to rethink its use. In 2009 and 2008, the Senate (S. Con. Res. 39, 2009) and the House of Representatives (H. Res. 194, 2008) finally passed resolutions to apologize for slavery and racial segregation.¹ These developments led Ogletree (2003) to the hopeful conclusion that “Today, in America and worldwide, we again face one of those historically significant moments when the momentum for reparations efforts rises and arguments that seemed morally and legally unfeasible reemerge with renewed political vigor and legal vitality” (p. 279).

These discourses, however, are often characterized by sharp disagreement, mostly along racial lines, about the necessity of reparations (Bacon, 2003; Ogletree, 2003). This division also involves the construction of “different histories” and ways of “remembering the nation’s history, particularly when it involves oppression, guilt and responsibility” (Bacon, 2003, p. 171). The continuous struggle for reparations, which had gained new momentum at the turn of the twenty-first century, then also involves struggle for what Booth (2001) has called “memory-justice” (p. 780). Consequently, it is not only concerned with financial recognition but with collective memory and the construction of American history. While dominant accounts of the past are commonly characterized by selective forgetfulness (see Hasian & Frank, 1999; Zelizer, 1995), oppressed groups have continuously struggled to gain recognition and acknowledgement of their part within the construction of history and memory.

The struggle over memory concerning the African American experience goes back to W. E. B. Du Bois, who early on saw his role in creating a countermemory “at a time when the American historical community had not only subordinated the black experience, but had rendered it virtually unknown” (Blight, 1994, p. 46). From a perspective of “memory-justice,” the discourse about reparations at the same time represents a struggle for acknowledgement of suppressed histories. This is inherent

in arguments that promote reparations as a way to “expose the presence of the slave past” (Balfour, 2003, p. 33) and to “remember and celebrate these forgotten African Americans and insist that our nation fully acknowledge their many contributions to our country’s economic and political well-being” (Ogletree, 2003, p. 283).

While the process of reconciliation is characterized by struggle and the beginning of “talk,” which aims at restoring justice and relationships, it promises overcoming division. It provides the potential to achieve a transition from divided identities to shared identification (Doxtader, 2003) and to move towards “mutual opposition that sets the stage for civil (dis)agreement and common understanding” (Doxtader, 2003, p. 268). This also upholds the opportunity for organizations to transcend the role of the offender and, together with “victims,” develop a shared stance against the greater injustice and to actively confront the past for a better future. In the case of slavery, this could entail developing mutual opposition toward slavery, discrimination, and exploitation and to jointly develop means to remember and address the past.

In order to achieve such an outcome, reconciliation ideally takes the form of dialogue and incorporates “aspects of rhetoric that are designed to respond to exigencies of hurt, injustice, guilt and enmity” (Hatch, 2003a, p. 745). It is thus not simply a process in which one party redeems itself and makes up for the past and the other party forgives. Instead, discourses of reconciliation provide a space, in which victims and perpetrators negotiate the means to do so, while acknowledging the victims’ agency to demand what is necessary to reconcile and forgive the past atrocities. This approach is oriented towards restoring the dignity and honor of the Other, a recognition of interconnectedness and interrelation, and forgiveness based on repentance instead of guilt (Hatch, 2006).

As the actions and solutions to restore justice involve co-creation and negotiation “through a messy and often contentious process” (Hatch, 2006, p. 190), their form may vary depending on the specific discourse. While Doxtader (2003) argued that reconciliation is a meta-discourse that “takes shape in the advocacy and performance of speech about how to speak” (p. 268) and defies a clear definition as genre (Doxtader, 2003), Hatch (2006) conceptualized reconciliation as a secondary genre, which “subsumes and transforms basic genres (such as apology) into something greater than the sum of those parts” (p. 190). Especially acknowledging and remembering the past injustice, providing a public apology, forgiving, repenting, and reparations have been identified as central elements of reconciliation processes² (Hatch, 2006; Schaap, 2005).

Limits of Corporate Apologia

When activists put pressure on corporations to address their past, corporations enter a discourse that requires other-directed and dialogic rhetoric focused on restoring relationships. Corporate rhetoric informed by strategies of self-defense, however, does not seem to be well suited to advance reconciliation. Indeed, the rationale of reconciliation stands in sharp contrast to theories of corporate apologia and image

restoration, which commonly guide corporate responses to crises (Hatch, 2006). The latter suggest that corporations respond to crises in order to restore and protect their legitimacy (Hearit, 1995), or image (Benoit, 1995), and further provide detailed rhetorical strategies for organizations to deflect harm from themselves (for instance, Benoit, 1997; Hearit, 1995; Ice, 1991).

Scholars concerned with apologetic rhetoric in the context of historical injustice have thus pointed to the inherent limitations of apologia. Hatch (2006) has convincingly argued that apologia is inappropriate and insufficient when addressing historical injustice, because utterances motivated by self-defense cannot account for the demands of reconciliation. These concerns are mirrored by Edwards' (2005) observation that officials, who apologize for past injustices commonly do not engage in self-defense. Their "community-focused" apologies would not serve to repair the rhetors' image but to heal broken relationships through "remembrance, reconciliation, mortification and atonement" (Edwards, 2005, p. 321). These criticisms are also in line with work that focuses on apology as a mode of social (inter)action. Here, scholars commonly distinguish "pseudo-apologies" that serve the rhetors' selfinterest (for instance, Lazare, 2004, p. 9) from true apologies.

Koesten and Rowland (2004) have further criticized that apologia falls short in situations in which "guilt is essentially undeniable" (p. 70). The authors suggested that rhetors would need to publicly acknowledge the wrongdoing, to seek forgiveness, to engage in a process of self-reflection to prevent the injustice from happening again, to take steps to enable a better present and future, and to provide evidence of repentance, for instance, through reparations.

Reconciliation and apologia differ fundamentally in their goals to restore relationships versus protecting one's image, to embrace talk versus closure, self- versus other-directedness, and the role of dialogue (see Hatch, 2006). Though not explicitly concerned with corporations, the above outlined criticisms are relevant for corporate rhetoric as well. While apologia and image restoration are limited in their potential to contribute to reconciliation, and while activists are turning towards corporations in their struggle for reparations, important questions arise about the potential of corporate rhetoric for reconciliation.

At the same time, these limitations and challenges may also open spaces for rhetorical innovation and, thus, merit scholarly attention. Especially the inherent concerns with image protection, stockholder interests, and the bottom line may inhibit corporate ability to apply rhetoric of reconciliation. Corporations, however, may also adapt Koesten and Rowland's (2004) moderate perspective that "atonement" is a process of "long-term image restoration" (p. 69), which provides a means to develop a sustainable and responsible policy towards one's past. In this context, the willingness to actively confront the past shows the changed character of the organization in light of the past. It provides an opportunity for the corporation to build positive relationships with the offended group and allows taking a stance against the past injustice of slavery along with its expressions in the present, such

as racism and economic and structural discrimination.

The Continuous Struggle for Reparations: Corporate Ties to Slavery in the Spotlight

With the beginning of the twenty-first century, American corporations found themselves in the spotlight for their ties to slavery. This development marks one of the latest expressions of the continuous struggle of the reparations movement, which has “deep historical roots in this country” (Brooks, 2004, p. 4). The pursuit of reparations began as a struggle by freed slaves for redress and, along with never fulfilled promises such as “40 acres and a mule,” still remains an unresolved and controversial question.

Bacon (2003) argued that present calls for reparations are rooted in what McPhail has theorized as “implicature,” an attitude that recognizes complexity and interconnectedness. Different from arguments against reparations that emphasize “privatization and personal choice,” (p. 179), “advocates of reparations highlight large, complex economic and power relationships” (p. 180) and view past and present as inherently linked. Supporters of reparations thus emphasize that present racial disparities have been shaped by the eras of slavery and Jim Crow and view reparations as a way to close the socioeconomic gap caused by past injustice (America 1999; Browne, 2007) and/or as a symbolic means to do what is just and to acknowledge the suppressed history (Brooks, 2006; Ogletree, 2003; Robinson, 2000).

Because attempts to achieve reparations from the government remained unsuccessful, activists shifted their focus towards corporations in the late 1990s. When another lawsuit against the US government was dismissed in 1995, Deadria Farmer-Paellmann started investigating insurance companies and found that Aetna, among other insurers, had issued policies on the lives of slaves. Around the year 1850, slaveholders had increasingly purchased policies to hire “their” slaves out and to engage them in dangerous tasks such as mining or railroad construction. The policies served to decrease the financial risk of a slave’s death, hence enabling exposure to dangerous work (Murphy, 2004).

Farmer-Paellmann’s “highly publicized discovery [. . .] sparked broader investigation of the role that profits from slavery played in laying the foundation for modern American corporate wealth” (Biondi, 2003, p. 12). The investigations were extended, and a newly founded Restitution Study Group (RSG) started preparing lawsuits against different corporations. The group focused on benefits corporations had gained from slavery by collecting duties and fees on slave ships, lending money to slave traders and on the exploitation of slave labor. The investigation shed light on the neglected economic dimensions of slavery. Indeed, Ransom (2001) estimated that the value of slaves was \$3 billion by 1860, a dimension of free labor that contributed to economic growth and profit in the United States. Corporations and public institutions

alike benefitted from slavery in various ways. Slaves, for instance, built railroads, streets, and buildings and worked on tobacco and cotton fields. Their lives were insured and sold via ads in newspapers (for instance, Rupprecht, 2007).

The “news” about the forgotten history of slave insurance policies gained attention in the media and presented a key impetus for slavery disclosure ordinances. In 2001, California implemented the State Slavery Insurance Registry, requiring insurance companies operating in the state to disclose information on slave policies they had issued in the past. The following year, the City of Chicago implemented a disclosure ordinance asking companies who do business with the city to provide information about profits gained from slavery. The latter was passed on initiative of civil rights activist and reparations proponent Chicago Alderman Dorothy Wright Tillman in order to create more transparency about organizations’ pasts with slavery (“Chicago makes history,” 2002). The triggered public disclosures then constituted events that prompted additional commentary from the organizations. Prominently, JP Morgan and Wachovia used this occasion to issue public apologies. In the following years, states and cities around the country implemented similar ordinances (for instance, Los Angeles and the State of Iowa in 2003, Detroit and Philadelphia in 2004, and San Francisco in 2006).

A wave of carefully coordinated lawsuits during 2002 drew more attention to the 17 defendants from the financial, tobacco, textile, railroad, and insurance industries.³ National news media, including the Washington Post and the New York Times paid close attention to the developments. USA Today (Cox, 2002), for instance, devoted a special edition to the issue; it included numerous articles about Farmer-Paellmann and other leading activists, focused on the companies’ involvement with slavery, and provided a timeline of the history of slavery reparations, among others.

The first lawsuit was filed against Aetna, Fleet Boston, and CSX in New York. Eight similar litigations were consolidated into one class action lawsuit at the US Federal Court in Chicago (Worrill, 2006). In the following years, the legal struggle for reparations continued. After two dismissals by the court in 2004 and 2005 followed by complaints and appeals, the US Court of Appeals upheld the possibility for claims on the basis of consumer fraud and protection acts, concerning corporate failure to disclose ties to slavery. In 2007, the Restitution Study Group brought a case to the Supreme Court accompanied by a petition to revisit their appeal of the 2006 Court of Appeals’ dismissal of the case (Worrill, 2006).

Additionally, activists launched several “Direct Action Campaigns” to pressure corporations to settle out of court and begin restitution. They called for boycotts against JP Morgan’s student loans, Aetna, and New York Life Insurance. The campaigns were supported by several organizations, church leaders, and politicians⁴ (Levick, 2006; Walsh, 2005).

Facing public pressure and attention, the corporations had to address their past of slavery and respond to the demand for “talk.” The issue confronting corporations

then cannot simply be understood as an isolated struggle between activists and select corporations. Instead, it constitutes an expression and form of a struggle for justice that transcends the scope of courtrooms. Thus, as Aetna responded, it stepped into the spheres of a broad societal discourse of reconciliation over the unjust past of slavery.

Aetna Responds

Among the 15 corporations sued, Aetna most extensively addressed its past and is one of the few organizations that actually apologized. The rhetorical analysis is based on six central documents released between 2000 and 2008.⁵ In its first brief statement released March 10, 2000, in response to Farmer-Paellmann's publicized findings, Aetna apologized and clarified that it has "long acknowledged that for several years [. . .] the company may have insured the lives of slaves," points to its present commitments to diversity and neglects the necessity for further actions regarding its past. Only a few days later, Aetna spokesperson Fred Laberge restated the apology in an interview with the radio show "Democracy Now!" The show also featured Farmer-Paellmann, and the recording along with the transcript were included in the analysis.

In 2002, the year of the first lawsuit, the company issued two further responses. First, on March 27, Aetna responded to the planned lawsuit. The company rejected the legitimacy of the lawsuit for reparations, because "these issues in no way reflect Aetna today." One month later, on April 26, Aetna CEO John Rowe delivered a speech at the annual shareholder meeting in which he reiterated the initial apology from 2000, condemned slavery as "morally wrong," pointed to Aetna's commitment to eliminating racial disparities in health care and acknowledged the past business practice. Four years later, on November 15, 2006, Aetna issued a statement in reaction to the "Call for a Boycott" in which the company condemned the campaign as "divisive" and pointed to its 2000 and 2002 apologies as well as its present commitments to the "African American community." Lastly, a statement accompanied by a Q&A sheet (Aetna Inc., 2008a, 2008b) outlined "Aetna's support for diversity" and provided information about the state of the lawsuit against the company along with Aetna's position.

This selection of texts is most reasonable because it represents Aetna's public response as it entered into the discourse over its ties to slavery. Its rhetoric is characterized by an emphasis on defending the present-day company against its past and by apologies and acknowledgements directed at closure.

Defending 'The Aetna of Today' against the Past

Issuing slave policies "in no way reflects Aetna today," (Aetna Inc., 2002a, para. 1) appears as the central message in Aetna's response. In support, the company emphasizes its "long-standing commitment to diversity" (2008a, para. 1) and defines itself "as a place driven by integrity, fairness and a commitment to equal opportunity"

(2002b, para. 6). This message is bolstered by descriptions of Aetna's social responsibility activities, including efforts to reduce "racial and ethnic disparities in health care" (2006, para. 5), cooperation with US Senators to improve health legislation for minorities, partnerships with African American groups, and significant financial contributions to minority programs. Aetna further points to its role as a "groundbreaking leader" (2008b, para. 8) who "has the strongest record of supporting the African-American community" (2006, para. 10).⁶ Indeed, Aetna's social commitment has been recognized and awarded. The company proudly states that Black Enterprise Magazine ranks it among the best companies for diversity and that Fortune Magazine named it among the "Top 50 Employers for Minorities."

The time in which Aetna issued policies on slaves' lives, however, is framed as a matter of a "distant past" (2000, para. 2) representing "a company practice from nearly 150 [. . .]" (2008a, para. 4) or even "hundreds of years ago" (2002a, para. 1). Past and present are sharply separated, and the past becomes a singular episode from "about 1853 to 1860" that is not representative of Aetna. The past practice is further relativized as something that took place in "an era defined by very different practices and customs," during which "several other insurers appear to have sold these policies" (2008b, para. 6) as well.

The company thus vehemently defends its present image as diversity-committed insurer against the resurrected past. While Aetna clearly condemns slavery and regrets its participation, charges of ties to slavery are framed as almost insignificant against its present record. "We believe," the company states, "that any policy decisions made in the distant past are today more than outweighed by our record of diversity" (2000, para. 2). As past and present are not just separated but "outweighed" and sharply contrasted, past moral wrongs are conveniently locked into the "distant past," and the focus remains on the present character. And indeed, if Aetna's premise that the issue has no relevance for its present is accepted, the conclusion that "beyond our apology no further actions are required, considering our strong, consistent commitment to diversity" (2000, para. 3) seems only reasonable.

Though the company emphasizes that it has apologized and acknowledged this chapter of its past, as I will discuss in the following section, it fails to actually deal with it. Aetna is applying a strategy of corporate apologia by directly dissociating itself from the past and by strongly associating itself with present norms and values of diversity. This strategy undermines its ability to foster reconciliatory dialogue about the past and to confront its own history.

Its dissociation from slavery follows what Hearit (1995) theorized as act=essence dissociation. Consequently, Aetna dissociates itself from its past business practice as an act that occurred within a singular episode of its past and that is not representative of its present-day character. However, while it does make a convincing case for its good present character, Aetna is not addressing the issue at hand.

Indeed, no one is calling Aetna racist today. The contention is primarily about taking

responsibility for the Aetna of yesterday. The demand for reparations is not primarily about Aetna's present attitude towards minorities as it is about acknowledgement of injustice and bringing the issue to public consciousness in contrast to neglect. A petition initiated by the RSG addressed to the CEOs of 19 companies, for instance, demanded them to "take responsibility," and to "Tell the Truth. Pay the Debt." The petition is mostly concerned with the fact that the corporations, which had gained financially, have never atoned for the injustice and even lied about their past in the present.

As reconciliation involves struggle for acknowledgement and justice, the issue is more concerned with the company's attitude towards its past (and its victims), than with its present commitment to diversity. From a perspective of reconciliation, it is important that the company does not remain silent about its past. Important questions for Aetna to address would hence be how it has dealt with its past, what actually happened, how it could acknowledge and actively confront it in the future, and what it could do to take responsibility. These questions are not questions Aetna could just answer by itself but would need to be explored in dialogue. This would at the same time be a different form of dissociation=association; one that shows that Aetna has clearly changed, yet is not detached from its past, and is willing to remember and to contribute to a shared effort to come to terms with the wounds of slavery. Social commitment and activities could be part of such an approach and, for example, could evolve from the corporation's responsibility to deal with its past's bearing on the present. At the same time, they could be offered as form of symbolic and financial reparations.⁷

We Acknowledge and Apologize—Done!

While Aetna's rhetoric remains focused on its flawless present, the company acknowledges that it has issued slave policies and also apologizes. The acknowledgement of unethical behavior moves from "the company may have" (Aetna Inc., 2000, para. 1) to the "company had written insurance policies on slaves" (Aetna Inc., 2002b, para. 29). Throughout, Aetna further emphasizes that it "has long acknowledged" its past and "that Ms. Paellmann did not unearth a deep dark secret about Aetna" (Laberge, 2000). Aetna points to a book published for its centennial in 1956, which included copies of four slave insurance policies (see Hooker, 1956).

The acknowledgement, however, does not go far beyond stating that slave insurance policies were issued. Aetna claims that there is only "sketchy and inconclusive" (Laberge, 2000, para. 36) or "limited and incomplete" (Aetna Inc., 2008b, para. 3) information. The only details Aetna confirms are that there is evidence of four policies, that 17 names of slaves were listed, and that evidence supports the coverage of 24 lives.

Given the incomplete information, Aetna shows only little interest in furthering knowledge about the business with slave insurance. It simply concludes that "there is no way of knowing whether the company ever profited" (Aetna Inc., 2008b). Asked if Aetna would be willing to open its archives to scholars and activists, Laberge (2000)

bluntly replies “it’s not a public office; it’s our company” (para. 44). The acknowledgement thus lacks information and a willingness to extend it. Further, the company’s rhetoric is highly impersonal and focused on the numbers.

Aetna does not recognize the nature of the issue and fails to realize the interrelated yet distinct nature of “memory” and “history” (Nora, 1989). Concerning historical injustice, Berlin (2004) finds that instead of factual history based on evidence, memory constitutes “the driving force in the search for social justice, the mortar that bonds the violations of the past to the grievances of the present” (p. 1266). Memory is not a matter of a distant past but instantaneous, personal, and emotional (see Berlin, 2004; Nora, 1989). Through memory, the injustice of the past further becomes an important part of individual and collective identities in the present (see Waldron, 1992). The dimension of memory is, for instance, inherent in Farmer-Paellmann’s (as cited in Cox, 2002) statement that “[. . .] it’s not because of the money. Our ancestors were kidnapped, whipped, tortured, forced to breed” (para. 10).

By simply focusing on evidence and quantities, Aetna fails to account for this dimension of the issue. Who were the slave owners insured under these policies? What were the slaves’ names? What happened to them after insurance policies were issued? Where did they work? Who owned them? What was life insurances’ role in all of this? What role did the slaves’ suffering have in the context of corporate profit? Committing to telling and remembering these stories would be a different kind of acknowledgement, one that honors individual victims, respects their suffering and their descendants’ identities, while keeping the memory alive. Aetna could actively promote furthering knowledge about its past, for instance, by engaging scholars, and together with activists become an agent for this memory instead of an obstacle to it. In consequence, Aetna could again prospectively transcend the role of a defendant and work toward developing shared opposition while positively contributing to reconciliation.

Along with the incomplete acknowledgement, Aetna also publicly apologized. Following Farmer-Paellmann’s investigations, Aetna issued a brief statement in March 2000, which was again read by Laberge (2000) in an interview with “Democracy Now” four days later. The company expresses its “deep regret over any participation at all in this deplorable practice.” With the second apology in 2002, CEO John Rowe reiterates a “sincere apology for the actions of our company in its earliest days” (Aetna Inc., 2002b, para. 3). He further states that the company was “deeply disappointed and embarrassed” (para. 2) when the issue of slave insurance policies came to their attention and says that “slavery is morally wrong and reprehensible” (Aetna Inc., 2002b, para. 3). From then on, the company frequently underlines that it has already apologized.

Even though Aetna is taking some responsibility for its past by publicly apologizing, the brief apologies appear motivated out of self-defense, and Aetna is applying a strategy of “I said I’m sorry,” which serves to deflect further demands (Smith, 2005, p. 488). From a perspective of reconciliation, however, “an apology must reflect a

change in core motivation from defending the individual or collective self-image and interests toward restoring the respect and well-being of which the Other has been deprived” (Hatch, 2006, p. 193). The apologies clearly fail to account for the Other in this equation. They are about what Aetna does, expresses, and feels, while there is no mention of “them.”⁸ The company does not even mention victims. Aetna further neither addresses the harm that was caused along with its consequences nor states directly that it is sorry for having caused this harm. The apologies further fail to express sympathy for the grievances and feelings that motivate activism on this issue in the present. While merely apologizing for having provided material support to the practice of slavery, the company, for instance, does not express regret for not having been aware, more straightforward, and critical about its history earlier.

Instead of taking the opportunity to reach out to the groups that feel harmed and offended by its actions, Aetna’s statement further ignores the necessary counterpart of an apology: forgiveness. Through the lens of reconciliation, apology becomes part “of a discourse of repentance and forgiveness,” while its negotiation offers the potential to foster dialogue (Barkan, 2001, p. 7). Aetna’s apology, however, inhibits such a discourse. “We have concluded that, beyond our apology no further actions are required,” the company simply states (Aetna Inc., 2000, para. 3). The statement excludes any possibility for talk while taking forgiveness for granted. This apology appears as a monologue in which Aetna basically forgives and redeems itself. It is the opposite of an invitation for “the unpredictable response of the offended party” (Hatch, 2006, p. 192).

The brief apologies further stand by themselves as the only step Aetna is willing to take about its past. The company communicates a clear “no” towards any further actions, especially the payment of reparations. In support, Aetna refers to a court’s dismissal of reparations claims, its present corporate social responsibility, and the fact that it has acknowledged and apologized for its past. The dichotomy of apologizing on the one hand and the expressed unwillingness to take any further actions and responsibility on the other invokes insincerity. Aetna appears to perceive the activist cause to be primarily about the payment of financial reparations. The demand of reparations is, indeed, central. However, it is embedded in more complex concerns with justice and repentance. Reparations thus importantly serve to underline the sincerity of apologies (Barkan, 2001; Hatch, 2006), and they turn “rhetoric of apology into meaningful, material reality” (Brooks, 2006, p. 224). Contrarily, the company’s apology is limited to often repeated words that preferably have no further consequences. Aetna’s apology thus remains empty and is unlikely to invoke a sense of sincere repentance.

The brief acknowledgement and apologies together primarily serve as defense against further charges and as a means to achieve closure. Frequent references to the fact that Aetna has apologized and “has long acknowledged” its history are, for instance, used to counter further activist demands. The company’s acknowledgment and apologies thus work to put a large “period” behind the issue. Instead of opening and enabling dialogue about the past, Aetna’s apologia does the exact opposite.

Implications

In an “Age of Apology” (Brooks, 1999), where societies around the world are revisiting historical injustices in efforts to heal the wounds inflicted by the past, it is worthwhile to focus on corporations as actors within these discourses. Rhetorical theories of reconciliation and corporate apologetics offer insightful perspectives to make sense of corporate advocacy within complex struggles over historical injustices. I have argued that corporate crisis response rhetoric conflicts with the demands of reconciliation and can inhibit meaningful reconciliation of the past. Aetna’s public response to activist pressure has provided an instructive example for corporate rhetoric within the continuous struggle about the past of slavery. The case raises important questions for reparations activism directed at corporations and about alternative ways in which corporations can address their unjust past.

While the manifold corporate ties to slavery have long been neglected, the reparations movement’s shift from the government to private organizations has brought corporate benefits from slavery back to public consciousness. Slavery disclosure ordinances and lawsuits against pillars of US business provided a focal point that the discourse evolved around. At a time when reparations claims against the state had failed, the legal actions against corporations opened new opportunities to inhibit an unjust past from settling without proper reconciliation. The conveniently “forgotten” economic dimensions at the same time raised uncomfortable questions about the connections between the exploitation of slaves and present (corporate) wealth. As such, the reparations claims constitute an important form of “resistance to forgetting” (Minow, 1998, p. 5), which broke silence and opened up new spaces for discourse within which alternative accounts could enter the public sphere and challenge collective memory.

When the corporations responded, they became participants in a complex struggle of reconciliation. This involves a struggle for recognition and acknowledgement of past injustices and of the need to address it in the present. Having overcome silence and forgetting, a discourse of reconciliation then holds the potential for divided parties to engage in dialogue over what is necessary to come to terms and to move beyond division.

The activists were successful in bringing the issue to public attention and to pressure corporations to address their past. The corporate rhetoric of apologetics, however, constituted an asymmetric response directed at closure, which worked contrary to actual dialogue. Aetna focused on defending its present self from its past self. It acknowledged that it had issued slave insurance policies, yet it limited its response to showing that this has no bearing on its present. The company then tried to achieve quick closure through acknowledgment and apology. In consequence that, Aetna failed to deal with its past, to reach out to the offended party, and to engage in dialogue about the past under question. Discourse about corporate ties to slavery seemed to be perceived as threatening the company’s image and as making the company vulnerable to further claims.

What appears to be constraining for corporations within a discourse of reconciliation is the issue of liability. Liability is commonly perceived as limiting corporate “ability” to admit responsibility and to apologize (see Tyler, 1997). Legal claims for reparations thus likely cause organizations to take a highly defensive instead of an ethical stance towards their past. In the case of Aetna, we can indeed observe strong strategic ambiguity. The company apologizes for its past behavior yet neglects claims for reparations and questions the legitimacy of the activists’ cause. Reparations are thus narrowed to a matter of direct liability, and not as necessary support for the sincerity of an apology that could contribute to the societal process of coming to terms with the past.

From a rhetorical perspective, this points to a dilemma for reparations activism through the courts. While lawsuits are important means to create pressure, to stir up public debate, and to achieve payments of reparations, they also likely trigger narrow and defensive responses. Further, the court’s rejection of the reparations claims in 2006, which only left the door open for claims against corporations based on consumer fraud and protection acts, likely provided another closing point for discourse about the past along with possible justifications for the organizations to let bygones be bygones again. But how can reconciliation move on from here?

The question of corporate rhetoric in discourses of reconciliation then points to fundamental questions about moral agency (e.g., French, 1995) and responsibility of corporations towards their unjust past in the present. What accountabilities and responsibilities do corporations have for their practices and decisions of the past over time? What historical responsibilities derive from their past in the present and for their participation in reconciliatory discourse? In a time when corporations embrace their social responsibility and citizenship, the way in which they address their past may indeed be most telling about their present civil character (see Spiliotis, 2006).

Finally, the intersections of past, present, and future of crisis communication, corporate citizenship, reconciliation, and moral agency within discourses about corporate ties to historical injustice open an intriguing window for rhetorical innovation that merits attention. A reconciliatory approach committed to dialogue and focused on apology, repentance, reparations, remembrance, and acknowledgement provides a promising alternative for corporate communication. While such an approach would require organizations to move beyond common crisis response strategies, rhetoric of reconciliation offers an alternative perspective for corporations to make sense of their “problem,” and to develop new ways to address their past; ways that embrace even a dark corporate history in the present in order to jointly come to terms with the past.

Notes

[1] The Senate resolution, however, excludes any possibility for reparations in the future.

[2] I will extend on these in more detail in the analysis as they relate to Aetna’s communication.

[3] These defendants included Aetna, JP Morgan, American International Group (AIG), Lloyd's of London, New York Life Insurance Company, Southern Mutual Insurance Company, FleetBoston, Bank of America, AFSA Data Corporation, Brown Brothers Harriman, Bank One, Lehman Brothers, RJ Reynolds Tobacco Company, Brown and Williamson, Liggett Group Inc., Loews Corporation (Lorillard), Canadian National Railway, CSX Corporation, Norfolk Southern Corp., and Union Pacific Railroad. Similar litigations were filed in New York, New Jersey, Virginia, North and South Carolina, Mississippi, Louisiana, and Texas.

[4] While the lawsuits, the implementation of disclosure ordinances and the boycotts marked high peaks of attention and activism, discourse and activism about corporate ties to slavery occurred throughout this time. Farmer-Paellmann, for instance, testified at a Chicago City Council hearing to speak out against the merger of JP Morgan and Bank One on the backdrop of JP Morgan's past with slavery ("On JP Morgan," 2004).

[5] When it comes to addressing slavery, extensive is a relative term. With six different documents and statements addressing this issue, Aetna has indeed responded extensively in comparison to other corporations that were sued as well.

[6] Aetna states that it has invested \$1 million per year since 1980 for minority investment programs and community initiatives, and that it has made a commitment in 2006 to invest \$50 million in minority- and women-owned businesses.

[7] Only once CEO John W. Rowe subtly implies that "significant concerns about race in America" remain as a result of slavery, while Aetna wants to be the "leader in addressing these problems." This rationale, however, is never pursued and connected to responsibility or past corporate behavior, and a clear separation of past and present is dominant in the response.

[8] For instance, "we concluded," "we do not believe," "we express," "we are proud," "we are disappointed and embarrassed."

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