Guilt, Legal Constraints, and Defensiveness in Corporate Communication

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Crisis communication theorists need to develop a more sophisticated understanding of the ways in which concerns about liability constrain corporate executives from apologizing for crises for which the corporation itself bears some responsibility. Equivocation or strategic ambiguity may be an appropriate communication strategy in such situations. The resulting infelicitous apologies, however, may leave stakeholders dissatisfied, and reiterated public demands for an apology may create frustration, humiliation, and anger in corporate executives, who very likely want to apologize to restore their image. By reacting defensively to protect their wounded self-esteem, they may worsen the situation. Because our present legal system discourages apologies, crisis communication theorists need to research how executives can best communicate about crises in which their companies are implicated.

LIABILITY MEANS NEVER BEING ABLE TO SAY YOU’RE SORRY
Corporate Guilt, Legal Constraints, and Defensiveness in Corporate Communication

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An accident, Exxon called it.
No apology or remorse.
—the first two lines of the poem “The Accident”
(Tallmountain, 1990, p. 30)

Johnson and Johnson’s handling of the Tylenol poisonings is generally perceived as the model for effective crisis communication. That particular case is cited again and again in crisis management literature, by journalists, scholars, and public relations practitioners.¹ In contrast, Exxon’s handling of the Valdez oil spill is generally perceived as an example of what not to do in a crisis.² Exxon is explicitly compared to Johnson and Johnson, and often found lacking, by the New York Times in an editorial titled “Corporate Error—and Arrogance” (1990), by Newsom and Carrell (1991, p. 22) in their textbook, Public Relations Writing: Form and Style,
by *Time* (Behar, 1990, p. 62), and even by Exxon chairperson Lawrence Rawl himself (Behar, 1990, p. 63; Rawl, 1989a, p. 50).

Such comparisons are extraordinarily unfair. The Tylenol case was atypical. Rarely are the company’s hands so clean, and rarely is the corporation so patently a victim. Johnson and Johnson clearly handled a very difficult situation well, but the Tylenol case should not stand as the model for crisis communication. As Kaufmann et al. (1994) point out, “Although it is pure conjecture, it is doubtful that the Tylenol product would have made as successful a recovery if the poisonings were caused by inadequacies in the manufacturing process, even if the corporation made the same disclosure decisions” (p. 36). Crisis communication theory needs to develop a more sophisticated understanding of both the kinds of crises corporations face and the communication options available (or unavailable) to companies in crisis. Specifically, crisis communication practitioners and scholars need to ask what happens when a company is ethically and legally implicated in its own disaster.

In this article, I explore precisely this kind of crisis, in which a company is not an innocent victim. I define the concept of the social account, examine the specific case of Exxon’s accounts in the aftermath of the Valdez spill, and analyze the reasons for the inefficacy of those accounts in restoring Exxon’s image. I suggest that the frustration Exxon’s top executives experienced stems from a conflict between their *internal social context*, that is, their wish to perceive themselves and be perceived by others as competent and moral human beings, and the company’s need to protect itself from legal liability; the former dictates that an apology is in order, but the latter counters that an apology is potentially dangerous. The result is an equivocal or ambiguous apology that leaves the unsatisfied public demanding a more felicitous apology, a demand that frequently results in defensive communication on the part of corporate executives. Both equivocal communication and defensiveness can have serious ethical implications, however, and crisis communication theory needs to develop a clearer understanding of the uses and consequences of such reactive strategies.
CORPORATE GUILT AND SOCIAL ACCOUNTS

Imagine, for a moment, that a company has committed an injustice, that it has sold a product with a dangerous defect, for example, or spilled oil all over a pristine wilderness area. The public is likely to react to the offense with outrage. Such a “failure event” (Schonbach, 1990, p. 11) can cause a company and its managers to lose face, which leads its managers to resort to image restoration strategies: “Because blame occurs throughout human society and because face is important for virtually everyone, this phenomenon, a felt need to cleanse one’s reputation with discourse, occurs throughout our lives, public and private” (Benoit, 1995, p. 5).

One way companies and their managers attempt to save face and defend themselves from public outrage is the social account, which is defined as “a statement made by a social actor to explain unanticipated or untoward behavior” (Scott & Lyman, 1968, p. 46). There are several types of such accounts (Benoit, 1995; Bies, 1987; Cody & McLaughlin, 1985; Schonbach, 1990; Semin & Manstead, 1983). The two that concern us here are causal accounts and penitential accounts: “A causal account is an explanation containing a reason to mitigate the harmdoer’s responsibility for some action, or as it is more commonly referred to, an excuse” (Bies, 1987, p. 298). In essence, a causal account is a denial of responsibility, an attribution of responsibility to other people or some impersonal force. A penitential account is an apology, an acknowledgment of guilt and an expression of remorse.

Both kinds of accounts have positive effects, reducing feelings of outrage and changing the audience’s impression of the harmdoer (Bies, 1987). Countless crisis communication practitioners and theorists advocate candor about organizational disasters and recommend that companies offer an apology, an expression of remorse or contrition, or some other acknowledgement of responsibility. But if that were true, why did Exxon’s accounts of the Valdez spill fail to mitigate public outrage? Why did Exxon’s accounts seem to make matters worse?
THE CASE OF EXXON

Exxon was repeatedly accused by both the media and the public of not taking responsibility for the spill, when the company very publicly had accepted responsibility. As Lukaszewski and Gmeiner (1993) observe with some perplexity,

Despite the facts that during the very first public statement by an Exxon officer (Iarossi, on March 24, the day of the accident), Exxon expressed regret and stated clearly that it assumed responsibility for the cleanup, and that at subsequent press conferences and congressional hearings, Rawl and Raymond repeatedly apologized for the accident and took responsibility for the cleanup, the perception persists through today that the company did not meet the public expectations for taking responsibility for the accident. (pp. 203-204)

In fact, Exxon had apologized in print, when it published a letter to the public that appeared as an advertisement in Time, the New York Times, and about 100 other prominent magazines and newspapers (Church, 1989, p. 41). The letter, signed by Chairman Lawrence Rawl, said, “I want to tell you how sorry I am that this accident took place. We at Exxon are especially sympathetic to the residents of Valdez and the people of the state of Alaska” (Rawl, 1989b, p. 5). In October, Lee R. Raymond (1989), president of the Exxon Corporation, was insisting in the New York Times that “Exxon accepted responsibility for the tragic accident the day it occurred—not days later, not weeks later” (p. A18). In his Fortune interview, Rawl (1989a) repeated the same sentiment: “It’s our problem the ship was on the rock. It’s our problem the oil was spilled” (p. 50).

What we—and by we, I mean the general public, the consumers who watched those news stories of oiled beaches and dying otters—wanted, I think, was not an excuse (or causal account) but a penitential account—in other words, a heartfelt (or at least seemingly heartfelt) apology. Granted, any such apology would inevitably involve some dissembling if it was repeated or elaborated on after the 1st day or so, but the public clearly wanted a sense, even if it was based solely on a single company spokesperson’s convincing performance, that Exxon’s managers genuinely felt bad, that they were sorry, and that the spill represented something more serious to them than simply a financial problem.
It is, of course, entirely possible that no apology for Exxon’s spill would have sufficed, that some acts are so offensive to those offended that no account could be effective, no matter how convincingly it was performed (Schonbach, 1990, p. 12; Semin & Manstead, 1983, p. 114). As Schonbach (1990) explains,

Given an appreciable degree of failure severity the probability is relatively high that an opponent’s reproach phase reaction will be severe, that this will in turn elicit or facilitate defensive account phase reactions in the actor, and that such defensive reactions, meeting unfavourable response dispositions from the opponent’s reproach phase reactions, will lead to fairly negative final evaluations by the opponent. (p. 177)

However, the Valdez spill generated more public anger than did other disasters that have resulted in the loss of human life, a fact that suggests it was at least in part Exxon’s handling of the spill, and not merely the sheer offensiveness of the spill itself, that caused the outrage.

In an editorial titled “Corporate Error—and Arrogance” (1990), even the New York Times called for Exxon to “confess error, [and] demonstrate concern.” Certainly, American consumers sought some public gesture of remorse, whether heartfelt or not. For example, in Senate hearings, Senator Slade Gorton suggested that Rawl resign as chairman, much as a Japanese CEO might do when faced with such a crisis. “ ‘I suggest that the disaster your company caused calls for that sort of response,’ said Gorton. Replied Rawl, ‘A lot of Japanese kill themselves also, and I refuse to do that’ ” (Lemonick, 1989, p. 57). As Keeble (1991) notes,

Senator Gorton, known in his home state as a “moderate” at best and at worst as an “opportunist” when it came to environmental questions, served as a conductor for the intense public desire for some conclusion to the story. Rawl served as a reminder that the story would never end, that the morally definitive action it seemed to require would never occur. (p. 168)

At the shareholders’ meeting in May, stockholders proposed again that Rawl resign and further suggested that he donate part of his salary to the cleanup effort (Rudolph, 1989, p. 69). Since the spill, crisis communication theorists specifically have criticized Exxon’s
failure to apologize (Lukaszewski, 1989; Lukaszewski & Gmeiner, 1993; Marconi, 1992, p. 85; Small, 1991).

There is some evidence to suggest that severe reproaches and a rejected account are associated with such employee reactions as anger, stress, dissatisfaction, and a need to complain (Braaten, Cody, & DeTienne, 1993). Exxon executives experienced exceptionally severe public reproaches from a public that rejected the company’s account with disgust. Certainly, the level of frustration Exxon executives felt in response to this public pressure was extraordinarily high. In his *Time* interview (Rawl complained:

I went on TV and said I was sorry. I said a dozen times that we’re going to clean it up. But people keep saying that I don’t commit. I don’t know what the hell that means. Do you hang yourself or hold a gun to your head and say, “I’m gonna squeeze it five times, and if there’s not a bullet in there I’ll be all right?” (Behar, 1990, p. 62)

**INTERNAL SOCIAL CONTEXT AND THE PROBLEM OF DEFENSIVE COMMUNICATION**

I want to suggest that at least part of that frustration stems from Exxon executives’ awareness that they could not properly satisfy their audience’s demand for an apology. McCord (1991) argues that in routine business writing, the writer’s need for esteem and connectedness sometimes prompts the writer to respond in ways that make the writer feel better but inadvertently involve the writer’s organization in legal difficulty. She suggests that “writers’ needs, their emotional relationships to their audiences, and how these relationships affect their processes of composing” be called the internal social context (pp. 187-188).

Although McCord (1991) focuses on what she calls “routine business writing” (pp. 176-177), the same conflict between trying to be nice and trying not to incur liability occurs in crisis communication in a magnified form. In other words, the Valdez oil spill, the Bhopal chemical spill, and the Dalkon Shield crisis are all rhetorical situations as well as tragedies, and all would seem to call for an apology or gesture of remorse. Corporate executives caught
in these crises very likely want to apologize, at least initially. As Goffman (1971) explains of human beings in general,

the individual constantly acts to provide information that he is of sound character and reasonable competency. When, for whatever reason, the scene around him ceases to provide this information about him, he is likely to feel compelled to act to control the undesired impression of himself. (p. 163)

One way to control that undesired impression of oneself is to apologize. There is some evidence to indicate that account givers who apologize and attempt to compensate for the offense are perceived as more likable and more competent than those who employ excuses, such as appealing to accident or denying any intent to cause offense (Braaten et al., 1993). At the same time, however, apologies increase perceived blameworthiness (Braaten et al., 1993). Thus, an apology implies guilt (Ansberry, 1987; Tavuchis, 1991, p. 94; Tedeschi & Reiss, 1981; Wagatsuma & Rosett, 1986), and unlike routine business writing, which is rarely reviewed by lawyers, virtually all crisis communication will be thoroughly scrutinized by legal counsel to ensure that it in no way incurs legal liability: “Every word used to persuade the public is a word which may be used to persuade a judge” (Cooper, 1992, p. 40; see also Fiesta, 1994).

In an article analyzing AT&T’s response to a 1991 disruption in long-distance service, Benoit and Brinson (1994) write, “we recommend that those guilty of wrong-doing accept their responsibility immediately and apologize” (p. 87), as AT&T ultimately did. But AT&T had relatively little to lose; the breakdown lasted only for a matter of hours, directly affected only the New York area, and presumably caused only inconvenience rather than devastation or death. Although apologizing—a strategy that Benoit (1995), following Burke (1970), terms mortification—worked for AT&T, it is naive to believe it would work equally well in all situations, as Benoit later concedes when discussing the Bhopal tragedy: “Union Carbide’s image interests (although perhaps not its legal interests) [might] have been better served by an admission of guilt” (p. 141).

Mitroff and Pauchant (1990) suggest that the potential for liability is high in any crisis and that the only difference between Exxon’s
denial of responsibility and Lee Iacocca’s admission that Chrysler
turned back odometers and sold used cars as new is moral fiber
(p. 11). If only Exxon’s CEO, like Lee Iacocca, had had more
character, Mitroff and Pauchant imply, he would have apologized
and accepted full moral responsibility for the spill. Chrysler’s
liability was so limited in this case as to make such a contention
laughable. Selling even thousands of used cars as new simply
cannot be compared to spilling 240,000 barrels of oil into a pristine
wilderness, killing wildlife, temporarily depriving fishermen of a
living, damaging Alaska’s tourism industry, and jeopardizing the way
of life of Native Americans living in the area. It is much easier to
apologize “when the damages are easily calculable” (Wagatsuma &
Rosett, 1986, p. 484) or when the repercussions are not severe
(Schlenker, 1980, p. 157).

Whereas one team of researchers simply observe that “systems
are structurally evasive when it comes to responsibility taking”
(Snyder, Higgins, & Stucky, 1983, p. 301), Tavuchis (1991)
states the dilemma in morally charming terms: “In this respect, corpora-
tions and similarly constituted collectivities are sociopathic: they
are incapable, on the whole, of acknowledging regret and express-
ing remorse” (p. 43).

In part, this inability to express remorse occurs because the
company has multiple goals and multiple audiences. Does the
company favor victims or shareholders (Marcus & Goodman,
1991)? Victims presumably want an acceptance of responsibility,
that is, an accommodative policy, whereas shareholders would
probably prefer a defensive policy, in which the company “insists
that the problems do not exist, tries to alleviate doubts about the
firm’s ability to generate future revenue, and takes action to resume
normal operations rapidly” (Marcus & Goodman, 1991, p. 286; see
also Coombs, 1995, p. 464). As Ice (1991) explains in his discussion
of Union Carbide’s handling of the Bhopal chemical spill, “the
rhetorical strategies a corporation chooses to emphasize can repair
certain public relationships, while alienating other publics” (p. 360).
Union Carbide, like many companies, chose to focus on protect-
ing itself from the financial risks of legal liability rather than
improving its public image—perhaps even at the expense of its
public image (Sen & Egelhoff, 1991, p. 77). Such a choice may in fact be a moral one:

Management has a legal and moral obligation to consider a variety of stakeholders in making its decisions—excluding stockholders and creditors. As such, decision makers who only consider the interests of "victims" of a crisis may breach these important obligations. (Kaufmann et al., 1994, p. 35)

The threat of legal liability and consequent threat of corporate extinction make an admission of guilt unwise and perhaps even immoral, even when some audiences (such as victims of the crisis or members of the general public who are not shareholders in the company implicated in the crisis) might find such an admission of guilt highly desirable.

Corporate executives are thus trapped, because much as they might like to apologize, they cannot do so without violating their fiduciary responsibility to stockholders. Yet, the media and the public are clamoring for an apology. This situation constitutes what conflict theorists term a communicative avoidance-avoidance conflict, in which both alternatives are equally untenable (Bavelas, Black, Chovil, & Mullett, 1990). Apologizing incurs legal liability; not apologizing incurs public anger and disgust. Bies (1987) explains this conflict and the ethical dilemmas it generates: "Thus, a person is confronted with distorting the reality to manage the situation, or being true to oneself, but losing credibility or authority" (p. 313). Corporate executives respond by equivocating.

EQUIVOCAL COMMUNICATION

Canadian researchers Bavelas et al. (1990) define equivocal communication as "nonstraightforward communication [which] appears ambiguous, contradictory, tangential, obscure, or even evasive" (p. 28). It bears a striking resemblance to what communication scholars have termed strategic ambiguity (Eisenberg, 1984). Equivocal communication is perhaps best known, however, as doublespeak. It is, therefore, not surprising that the Committee on Public Doublespeak of the National Council of Teachers of English
named Exxon Corporation the recipient of its 1989 Doublespeak Award, which "calls attention to conspicuous examples of public language that in the committee's view are 'deceptive, evasive, euphemistic, confusing, or self-contradictory' and have potential for 'pernicious social or political consequences'" (National Council of Teachers of English, 1989, p. 2). Bavelas et al. argue, based on their thorough research, that equivocal communication only arises under certain conditions: "Equivocation is avoidance; it is the response chosen when all other communicative choices in the situation would lead to negative consequences" (p. 54).

It is this communicative avoidance-avoidance conflict that corporate executives confront in crisis situations, and it is this conflict that prompts equivocal responses; after apologizing repeatedly for the spill and assuring the public that Exxon took full responsibility, the company later came out with the following statement to the media:

The Exxon Valdez spill was an accident, a bad one. But accidents can happen to anyone. If Exxon's rules and regulations governing conduct aboard ship had been followed, the accident would not have occurred. If Exxon had been permitted to follow the cleanup plan immediately, the effects of the spill would not have been as extensive. (cited in Shabecoff, 1989, p. A17)

Exxon simultaneously apologizes for the spill and insists that it was not Exxon's fault; the company says it takes responsibility but then insists that the spill was an accident. The company's printed apology, "An Open Letter to the Public" (Rawl, 1989b), similarly included the word accident three times in three paragraphs.

The language here is certainly evasive, and the glib contention that "accidents can happen to anyone" seems disingenuous at best, given Captain Hazelwood's history of alcoholism and his drunk driving convictions, the fact that an unqualified pilot was at the helm when the ship hit the reef, the fatigue of the crew as a result of the 11-hour workdays the company demanded, Exxon's resistance to paying for safety measures like tugboat escorts that could have prevented the spill, and Exxon's refusal to build double-hulled tankers that could have limited the quantity of oil spilled (Davidson, 1990).
Moreover, oil spills, like nuclear plant accidents and instances of chemical contamination of groundwater, are unnatural disasters, defined as “the uncontrolled exposure to environmental contaminants with an unbounded potential for risk” (Fowlkes & Miller, 1988, p. 23). As such, “they are simultaneously predictable, inevitable, and avoidable, and in those respects, non-accidental” (p. 32). Nevertheless,

their agents often mobilize substantial resources to defend the claim that they are just this: accidents originating in technology run amok and typically absolved by “human error” or “ignorance.” The achievement of just this point of view is highly effective for the manipulation of perceptions in the matter of who is to blame. (p. 34)\textsuperscript{7}

Exxon’s contention that it accepted responsibility for the spill is contradicted by statements to the media like the one quoted above, in which Exxon blames others for the damage caused by the spill; its insistence that what happened was an accident minimizes the possibility of corporate negligence or malfeasance as a contributing cause of the spill: “The unintentional and generally random nature of accidents lead[s] to attributions of minimal organizational responsibility” (Coombs, 1995, p. 456; see also Daley, 1991). Calling the spill an accident makes it seem like an unavoidable act of God rather than a preventable result of human error.

Both Rothchild (1994) and the team of Wagatsuma and Rosett (1986) suggest that equivocal apologies like Exxon’s may be typical of companies facing potentially great civil liability. Attorney and assistant professor of public relations Fitzpatrick (1995) openly advocates equivocal communication when she counsels:

Before accepting responsibility for a particular act or admitting fault, the spokesperson should consider the potential legal liability attached to such admissions. Regret for the occurrence and consequences of a particular event can be expressed without accepting responsibility for causing it. (p. 36)

As Bies (1987) notes, however, “Interestingly, providing a causal account with a penitential account represents a paradoxical solution, as the former is an attempt by the harmdoer to deny responsibility, whereas the latter is an acknowledgment of his or her
responsibility” (p. 312; see also Owen, 1983, p. 96; Tavuchis, 1991, p. 17).8

Such a strategy is apparently not uncommon, however. In a study of sexual harassment cases, Fitzpatrick and Rubin (1995) note that in 8 of the 39 cases analyzed, a company spokesperson used strategic ambiguity, or what they call a mixed strategy of denying fault while nevertheless expressing remorse that an incident had occurred (p. 22). Hearit (1994) quotes similarly ambivalent expressions of contrition by Toshiba Corporation and Volvo, whereas Rothchild (1994), in an informal essay, cites unintentionally comic instances involving Sears, Salomon Brothers, and Prudential Securities. In each case, Rothchild wryly observes, “The company announces concrete steps to ensure that whatever they haven’t admitted to doing will never happen again” (p. 51).

REJECTED APOLOGIES

Unfortunately for Exxon, the Judeo-Christian ethic demands that the sinner admit guilt to be forgiven. As Wagatsuma and Rosett (1986) note, “In Western eyes, ambiguity and ambivalence detract heavily from the worth of an apology” (p. 492). And both sociology and speech act theory suggest that for an apology to be felicitous, two basic conditions must be met:

First, the speaker acknowledges responsibility for some act; and second, the speaker conveys regret for the offense which came about as a result of the commission of the act. Note that neither, “I apologize for Xing, but I deny that I did it” or “I apologize for Xing, but I don’t regret it one bit” can be used as an apology, even an insincere one. In short, to apologize is to do two things: take responsibility for an offensive act, and express regret for the offense committed, although not necessarily for the act itself. (Fraser, 1981, p. 262; see also Bies, 1987, p. 303; Schlenker, 1980, p. 157; Semin & Manstead, 1983, p. 73; Tavuchis, 1991; Tedeschi & Reiss, 1981, p. 296)

The former example identifies precisely what Exxon did: The corporation apologized for the spill but then insisted the spill was an accident, thus implicitly denying that the company was really
responsible. As a result, Exxon’s “apologies” were inelicitous, that is, flawed performances that were really not acceptable as apologies at all. The public, then, was aware of Exxon’s apologies but simply refused to countenance them. Exxon’s equivocal pseudoapologies were unacceptable and did not count as apologies at all.

Retrospective analyses of Exxon’s response certainly indicate that this contradiction damaged the acceptability of the company’s apology: “The advertisement never actually stated that Exxon accepted responsibility for the tragedy, only that the company would clean up the spill” (Williams & Olaniran 1994, p. 14). Similarly, Dougherty (1992) mentions the newspaper advertisement and adds, “Although Exxon apologized for the disaster, it did not accept responsibility for the incident” (p. 91). More than 5 years after the spill, an article in the popular women’s magazine Redbook was still critical:

Apologies in the business world are seen also as a financial liability, a welcome mat for lawsuits. For an oil company to apologize for dumping billions of gallons of oil in the ocean would suggest it knows it did something wrong. This is why corporations never apologize for anything. A statement may be issued with the word sorry in it, but it’s couched in language clarifying that the company is not to blame and is not responsible in any way. (Snowden, 1994, p. 62)

Similarly, Keeble (1991) writes,

Exxon kept repeating in its ads and press releases that it “accepted responsibility” for the spill, but it sounded more and more as though the purpose of the apology was to absolve the apologist of responsibility, like President Reagan with the Iran-contra affair. (p. 97)

The attorney who later represented the plaintiffs in their lawsuit against Exxon specifically attributed the corporation’s refusal to apologize to legal concerns, although he somewhat disingenuously argued that the company should simply have apologized and thrown itself on the mercy of the court:

“They lacked a unity of command. They had hawks and doves and lawyers and non-lawyers not in agreement about whether they were right or wrong. Maybe if they had agreed that they were wrong and offered to settle or try the case on a theme of contrition and
redemption they would have fared better,” Mr. O’Neill said. “Americans like that.” (Schachner, 1995, p. 12)

Presented instead with an equivocal response from the corporation, the public becomes frustrated and repeats its demands for an apology. Company officials become increasingly frustrated themselves because they have already done all they can without jeopardizing the company; unable to respond adequately, they become increasingly defensive and sometimes even accusatory. Lawrence Rawl, for example, complained that “we’re really getting worked over” (Holusha, 1989a, p. A21) and told *Time*, “They almost act as if it was some conspiracy of ours to foul up that sound” (Behar, 1990, p. 62).

Exacerbating the problem is the personal chagrin the officers experience (Lukaszewski & Gmeiner, 1993, p. 209). Rawl, for example, complained to *Time* that “the thing that has bothered me most” about the disaster is “the embarrassment,” adding, “I hate to be embarrassed, and I am” (Behar, 1990, p. 63). Tavuchis (1991) speculates that “the higher the rank of the transgressor, the greater the reluctance to apologize, . . . and the more humiliating it is when an apology is given” (p. 149, note 29). In Exxon’s case, the company had published an apology in newspapers all over the country. As Hearit (1994) points out,

the primary benefit of apologetic advertisements is that they are public statements of contrition that complete the ritualistic cycle of transgression and absolution. In so functioning, apologiae deprive journalists of a continuing story and, thus, limit the damage done to corporate images. (p. 122)

Having (in their view) so openly humbled themselves by offering a public apology, the corporation’s managers were particularly infuriated when it was not accepted. At this point, the wounded self-esteem of the participants very likely becomes more important (to them, at least) than the conflict itself (Schonbach, 1990, p. 15). The public, disappointed in its hopes for an acknowledgement of guilt, becomes even more insistent, and the destructive cycle of defensive communication spirals out of control until both parties give up, aggrieved and exhausted.10
ETHICAL IMPLICATIONS, TENTATIVE CONCLUSIONS, AND THE NEED FOR MORE RESEARCH

Legal constraints can thus prevent organizations from acknowledging responsibility for harmful acts, and this rhetorical problem can have serious ethical implications that it is important for us to consider (Hobbs, 1995, p. 343). Company executives who insist that the Exxon spill was an unavoidable accident surely are less likely to work to prevent such accidents in the future. If corporate executives insist that the accident would not have occurred if Exxon’s rules had been followed, they have less reason to examine corporate policies and procedures and more reason to perceive themselves, unreasonably, as the victims of the situation (Mitroff & Pauchant, 1990, p. 45). Thus, this inability to admit guilt can facilitate denial of responsibility and foster an attitude of arrogance and inappropriate defensiveness, as it seems to have done in Exxon’s case.

But the inability to admit guilt can have further serious ethical implications. Unable to acknowledge responsibility, corporate executives sometimes find themselves unable to mitigate damages; Dow could hardly warn women about breast implants without acknowledging guilt, for example. In trying to alert women to the dangers of the Dalkon Shield intrauterine device, A. H. Robins sent out a letter to physicians warning of its connection to an obscure and very rare infection but not mentioning its high failure rate; its connection to other, more common infections; and its link to several fatalities (Mintz, 1985, pp. 207-209; Perry & Dawson, 1985, pp. 182-183). Mintz (1985) is especially explicit in condemning the letter to physicians as “a ploy” designed specifically to avoid incurring liability: “The attorneys’ apparent purpose was to limit the ultimate number of Shield lawsuits and to put a cap on the payouts to victims—but to do these things without a hint of culpability on the company’s part” (p. 209). Mintz notes that the infection mentioned in the letter was “so rare that only thirty-one cases had been reported in a half-century” and scathingly observes,
Obviously, [the infection] was no more than an alibi for suggesting Shield removal. As an alibi, it was splendid. It made the company appear to be almost noble, and it eased its litigation plight while reducing somewhat the number of users. (p. 206)

Similarly, it is generally conceded that Union Carbide was very conscious of potential liability in its handling of the Bhopal crisis (Meyers & Holusha, 1986, pp. 61-62; Mitroff & Pauchant 1990, pp. 44-45; Wagatsuma & Rosett, 1986, p. 488). The company refused to send $20 million in relief to the victims of Bhopal because Indian officials would not provide extensive documentation of how the money would be spent, documentation that would then be used in Carbide's defense (Sen & Egelhoff, 1991).

Ideally, perhaps, we should work to encourage apologies. There is, in fact, some anecdotal evidence to suggest that a genuine, heartfelt apology—or at least a more convincing semblance of one than Exxon executives could muster—can deter, rather than encourage, lawsuits (Ansberry, 1987; Erikson, 1995; Fiesta, 1994; Nelson-Horchler, 1990; Wagatsuma & Rosett, 1986). And perhaps requiring corporate executives to apologize personally to victims of their decisions could deter managers from making decisions like the one that allowed Ford to keep producing the Pinto despite the dangers of its design (Wolfe, 1990). But our present judicial system actively discourages such behavior (Tavuchis, 1991; Wagatsuma & Rosett, 1986).

Most of our crisis communication literature recommends candor and openness (e.g., Alexander, 1984; Guzzardi, 1985; Small, 1991), but openness is not always the best choice: “Overly disclosive communications may be harmful to organizations during a crisis,” and consequently, “managers and CEOs monitor their degree of openness with the public as a way of protecting their organizations from possible threats to legitimacy or survival” (Eisenberg & Witten, 1987, pp. 421, 424). When a crisis occurs, managers do have a legal and moral obligation to consider the rights of stockholders, creditors, and employees, as well as victims and the general public (Kaufmann et al., 1994).

Scholars in crisis communication theory therefore need to acknowledge that candor and openness are sometimes impossible (Eisenberg, 1984; Eisenberg & Phillips, 1991; Eisenberg & Witten,
1987) and that when the legal consequences of candor have the potential to destroy the company financially, equivocation or strategic ambiguity is more appropriate (Eisenberg, 1984). Tompkins (1993, p. 137) has criticized this notion of strategic ambiguity, arguing caustically that such ambiguity contributed to the Challenger disaster. But I am not arguing for the use of strategic ambiguity in all situations; I am merely arguing for its advisability in situations in which company executives experience a need to restore the company’s image but are limited in what they can say because they are reluctant to incur legal liability. Those circumstances did not apply in the circumstances leading to the Challenger accident.

Corporate executives need to become more aware of the way their internal social context can affect their business communication by prompting them to say things that are potentially harmful to the organization and can create frustration when those needs are not easily fulfilled. Perhaps we can help develop ways that companies can work to mitigate damages without destroying themselves. Perhaps we can develop ethical guidelines for equivocation strategies so that managers can learn when equivocation is appropriate; Kaufmann et al. (1994) have begun that task by developing a series of questions for determining whether full disclosure is appropriate. But their list of questions is not enough; what do managers do when the answers to the questions suggest conflicting strategies? Further research is desperately needed. Because our legal system is unlikely to change, surely crisis communication theorists can better prepare executives to cope with such situations by openly discussing equivocal communications and suggesting ways to avoid denial, arrogance, and defensiveness.

NOTES


3. Comparisons between Johnson and Johnson’s handling of the Tylenol crisis and the Exxon Valdez oil spill are unfair because Johnson and Johnson was clearly an innocent victim, whereas Exxon’s own employees brought about the oil spill (Kaufmann et al., 1994; Small, 1991; Winkelman, 1989).

Marcus and Goodman (1991) identify three different kinds of crises and suggest that managers might choose either accommodative or defensive communication strategies depending on the kind of crisis they face. Their taxonomy seems to need further refining, however, because it indicates that Exxon’s communication efforts should have been well received: “When a company is involved in an accident, its investors will react more positively to defensive signals than to accommodative signals” (p. 286). Of course, Marcus and Goodman concern themselves with the reactions of investors, and it is also entirely possible that investors might react differently than the general public would.

4. The creators of alternate account typologies use different terms for these kinds of accounts but nonetheless recognize the distinction between penitential and causal accounts. Tedeschi and Reiss (1981) divide accounts into three categories: excuses, justifications, and apologies. Semin and Manstead (1983) have separate categories for apologies (i.e., penitential accounts) and accounts, which include excuses and justifications. Schonbach (1990) distinguishes between concessions, in which the account giver admits responsibility, and excuses, in which the account giver claims reduced causal responsibility. Coombs (1995) identifies repentance as a mortification strategy and excuses as distance strategies. Benoit (1995) distinguishes between mortification (or apology) and evading of responsibility, which includes Exxon’s strategy of appealing to accident. For a useful summary of account typologies, see Benoit (1995).


6. See Wagatsuma and Rosett (1986) for a comparison of Japanese and American attitudes toward apology with respect to law.

7. Daley (1991) discusses at some length the political ramifications of labeling the spill an accident.

8. For denunciations of this kind of infelicitous apology in the popular press, see Jacoby (1986, 1993), Rothchild (1994), Snowden (1994), Lazare (1995), and Kramer (1995). It is interesting to note that even the titles of two of these articles, “Apologies That Aren’t” (Jacoby, 1993) and “That Was No Apology” (Kramer, 1995), indicate that infelicitous apologies are not recognized as apologies at all.

9. President Reagan’s speech on the Iran-contra affair has been thoroughly analyzed by several scholars specializing in image restoration and impression management strategies (Benoit, Gullifor, & Panici, 1991; Heisey, 1988; Snyder & Higgins, 1990).
10. The defensive communication cycle is easily launched: “Once we sense defensiveness in our communicative counterpart, we will usually react with similar defensive behavior and perceptual distortion. Thus, defensiveness usually results in a cycle of communicative distortion between persons” (Baker, 1980, p. 40). For a definition of defensive communication, see Gibb (1961); for further discussion of the concept, see Baker (1980), Eadie (1982), and Gordon (1988). Tavuchis (1991) suggests that remedial exchanges that are public are particularly likely to lead to defensive communication. Schonbach (1990) indicates that severe failure events and severe reproaches, such as those expressed toward Exxon after the spill, are more likely to garner defensive responses, and defensive responses are more likely to evoke negative evaluations (pp. 35-36; see also Schonbach & Kleibbaumhuter, 1990). Finally, the seven deadly sins of corporate doubletalk that Alexander (1984) identifies are all essentially defensive communication strategies.

11. Johannesen (1983) suggests that ambiguity is in some cases “ethically justified” and mentions “legal discourse” as one such case (pp. 106-107). Benson (1988) also advocates the use of “tentative language and ambiguity” (p. 64) in crisis communications.

REFERENCES


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