

Apology without Compensation, Compensation without Apology

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Abstract: Reconciliation is a powerful concept of great importance for both theology and social life. This essay focuses on two significant notions, both of which are parts of a broader idea called reparation: apology and compensation. Reparation is one of the constituent elements of a process of reconciliation. Due to the fact that apology and compensation do not necessarily appear together in the same process of reconciliation, they are explored and discussed separately to indicate their specific roles in reconciliation. The Catholic Church's public apology in 2000 and 2001 serves as an example of apology without compensation, and the Swiss banks' compensation is an example of compensation without apology.

THE ROMAN CATHOLIC CHURCH MADE A STEP FORWARD when, instead of excusing itself, it apologised publicly for the past and contemporary faults of the members of the Church.¹ Some people, nonetheless, have pondered whether this apology alone is enough to achieve reconciliation between the Church and those who suffered the atrocities. For example, in his recent book *The Role of the Catholic Church in the Holocaust and Its Unfulfilled Duty of Repair*, Daniel Jonah Goldhagen criticises the Church for not complementing its apology with compensation.² Placing this issue in the broader arena, one may ask whether

1. When the term "sons and daughters of the Church" was used in the Vatican's document *We Remember: A Reflection on the Shoah* (1998), Cardinal Edward Idris Cassidy, one of the members of the commission preparing the document, clarified that this term applies to any member of the Church, "whatever office may be involved". Cassidy explained that this distinction is important to emphasise that the Church cannot be reduced to a secular institution; see Edward Idris Cassidy, "Closing Remarks", in John T. Pawlikowski (ed.), *Ethics in the Shadow of the Holocaust* (Franklin, Wisconsin: Sheed and Ward, 2001) 164. See also International Theological Commission, *Memory and Reconciliation: The Church and the Faults of the Past* (Strathfield, NSW: St Paul's Publications, 2000); Pope John Paul II, *Apostolic Exhortation: Ecclesia in Oceania* (2001).

2. Although Goldhagen raises the issue of compensation in the context of the Church's responsibility for the Holocaust, this may apply to other faults committed by members of

there are any circumstances in which reconciliation between peoples can be achieved by making an apology without compensation. In contrast, Swiss banks, for instance, which profited from the Holocaust, paid compensation to the surviving Jewish victims and heirs without an apology.³ What value could such compensation without apology have in the process of reconciliation between the Jews and the Swiss?

In this article, I will first explore a Christian approach to dealing with guilt taking into account Swinburne's satisfaction theory of atonement and Cross' merit theory. (In these theories, apology and compensation are prominent.) Then, I will discuss the understanding of, and the relationship between, guilt, apology and compensation in a process of social reconciliation. Finally, I will reflect on the possibilities of apology without compensation and vice versa.

CHRISTIAN WAYS OF DEALING WITH INDIVIDUAL GUILT

Christians believe that every sin generates guilt (the condition of accountability) which must be dealt with in this life or the life to come. Although the understanding of sin differs from that of crime, there are some similarities between them, especially when one aims at reconciliation of the offender with the offended party.⁴ Richard Swinburne and Richard Cross suggest two different ways of dealing with guilt caused by sin against the neighbour.

In his satisfaction theory of atonement, Swinburne asserts that the guilt⁵ of the offender is analogous to debt. It can be removed either by voluntary satisfaction (atonement) or by punishment. Satisfaction, according to Swinburne, consists of four components: repentance, apology, reparation and penance. Ideally, satisfaction should be complemented with forgiveness of the offended party. Nonetheless, according to Swinburne, it is possible for guilt to be removed without

the Church as well. See Daniel Jonah Goldhagen, *The Role of the Catholic Church in the Holocaust and Its Unfulfilled Duty of Repair* (London: Little, Brown, 2002) 210-22.

3. Itamar Levin, *The Last Deposit: Swiss Banks and Holocaust Victims' Accounts*, trans. Natasha Dornberg (Westport: Praeger Publishers, 1999) 220-24. See also Michael J. Bazylar, *Holocaust Justice: The Battle for Restitution in America's Courts* (New York: New York University Press, 2003); Philippe Braillard, *Switzerland and the Crisis of Dormant Assets and Nazi Gold* (London: Kegan Paul International, 2000).

4. For discussion on the relationship between sin and crime, see Zenon Szablowinski, "The Dynamic Relationship between Roman Catholic Reconciliation and the Processes of National Reconciliation in Chile and South Africa" (D. Theol. diss., Melbourne College of Divinity, 2004) 176-78.

5. Swinburne distinguishes between objective and subjective guilt. Objective guilt is when a deed or unfulfilled obligation hurts another person either intentionally or unintentionally; subjective guilt occurs when someone knowingly fails in one's obligation or acts in order to hurt another person; see Richard Swinburne, *Responsibility and Atonement* (Oxford: Clarendon Press, 1989) 73-76.

such forgiveness. This is because forgiveness is supererogatory – the victim is free to forgive whether the offender has or has not repented and apologised.⁶ But once the offender makes the required reparation, the guilt ends (the “debt” is repaid).

Where the offender ignores or denies their guilt, the guilt can still be removed by others. An official authority, for example, can enforce punishment which will involve more than the reparation that voluntary satisfaction would demand. This is because such punishment will include compensation for the offender’s non-co-operative and ill-disposed attitude as well. Although the offended party is in a position to exact punishment, he or she does not have to do so.⁷

One of the objections raised by Richard Cross to this theory is that it is treating retribution as a component of punishment. He argues that “a debt remains a debt unless something can be given in reparation to the wronged party”.⁸ Depriving the offender of something the victim cannot use (e.g., freedom of the offender by imprisonment) does not pay a debt. Therefore, this kind of punishment, according to Cross, does not provide means for dealing with guilt.

Cross also argues that “the only reparation required to be made to God for human sin, over and above the reparation that we owe each other, is *apology*”.⁹ While discussing the satisfaction theory, he states that we fail against God when we harm God’s creation. This happens when we sin against ourselves, against others and against nature. In all these cases an apology to God that presupposes true repentance is all that God requires for God’s self. Repentance, according to Cross, cannot be seen as reparation. Although it restores the attitude designated by God (that we need to have toward God and the created world), it does not pay any loss to the offended party. Apology, in turn, is an act which is directed and gives something to the victim. It constitutes both a public denouncement of the past evil act and an explicit assurance of future right intentions. Consequently, when we sin in intention, for instance, all we need to do is to change our attitude and to apologise to God.

In cases when we harm another human being, repentance and apology to God, Cross asserts, are not sufficient. Apart from these, we have to apologise and make reparation to the offended person. If the reparation goes beyond the offender’s power, Cross turns to a retributive theory of punishment, according to which the offender can be deprived of things the injured party cannot use. This punishment

6. Swinburne, *Responsibility and Atonement*, 81, 87-88.

7. Swinburne, *Responsibility and Atonement*, 93-94.

8. Richard Cross, “Atonement without Satisfaction”, *Religious Studies* 37 (2001) 400.

9. Cross, “Atonement without Satisfaction”, 402.

though, Cross argues, is not executed for the wrong done to God but for the wrong done to another person.¹⁰

Both Swinburne and Cross agree that in cases of serious sins against others, apology of the offender has to be supported with reparation. Willingness to repair the harm is one of the indicators that the apology is true and repentance is really taking roots. If the victim forgives, reconciliation on the individual level occurs. Often when victims and offenders represent different groups, or many offences have taken place, reconciliation on the social level is also required.

INDIVIDUAL GUILT AND COMMUNITY RESPONSIBILITY

There are various types of responsibility for the wrong committed. The Catholic Church distinguishes between the subjective responsibility (the guilt of the individual for hurting others) and the objective responsibility (the moral burden on the group or society for evil deeds committed by its members).¹¹ The moral burden differs depending on the involvement of the group¹² in the vile act of individuals. If the group authorised the act through its leaders or justified it through its policy, the group takes full responsibility for the consequences of the crime. If the members acted on their own initiative, the group is still, through the bond of solidarity, connected with its members' deed. In order to remove the moral burden from the heritage of the group, in the former case, the group needs to apologise, renounce the act, change the unjust policy and make reparation. In the latter case, the group needs to apologise, renounce the deed and clarify its policy on the matter concerned. If the crime was committed in the past and the next generations have gained economically from it (e.g., the conflict between non-indigenous and indigenous Australians, or the Swiss banks and the Holocaust victims), the group must compensate the victims (if still alive) or their descendants.¹³

10. Cross, "Atonement without Satisfaction", 402-6.

11. Commission, *Memory and Reconciliation*, # 5.1.

12. Kinship groupings and similar social groupings, such as family, tribe, ethnicity, nation and religion give rise to movements to right old wrongs more often than groups of class, residence, age or political party, when hurt. This is probably because the former groups have a stronger sense of identity. As a result, they carry the memory of injustice much deeper. See Marc Galanter, "Righting Old Wrongs", in Martha Minow (ed.), *Breaking the Cycles of Hatred: Memory, Law and Repair* (Princeton and Oxford: Princeton University Press, 2002) 121-22.

13. The question often raised at a process of reconciliation is how far back we should go in dealing with the past hurts. I suppose we should go as far as the unhealed wounds of the present demand. For a nation, that might mean taking into consideration even a few hundred years. For individuals who suffer from unresolved trauma, the time would be much shorter.

Moral burden, however, does not indicate that a community is guilty of crime. Only those who were directly involved in the crime by planning, ordering or executing it are guilty. In every community, there is always a group of people who disagree with unjust policies and oppose them. Some others are not very clear about the policies, or believe the lies which are being circulated by the leaders and the supporters of the unjust policy.¹⁴ Extending guilt from those directly involved to every member of the group sends a dangerous message that every member is equally guilty and deserves equal punishment including children of any age. Such understanding may instigate hatred against every member of a particular group and easily lead to discrimination and violence against the group.

Can a group be harmed? In her book *Forgiveness and Revenge*, Trudy Govier reflects on how hurt done to a few members of a group because they belong to this group, inflicts harm on the other members of the group. She distinguishes between distributive and collective harm. The former harm applies to the trauma and insecurity experienced by every member because of what had happened to other individuals within this group. The latter harm occurs when the collective resources, namely land, buildings and cultural heritage are destroyed. Among other examples, she presents the destruction of September 11, 2001, and the slaughter of Tutsis by Hutus in Rwanda. She is right when she states that in these examples not just individuals but all the members of the particular groups (Americans and Tutsis respectively) became the targets of their offenders. Moreover, although other members of these groups were not hurt in the same gross way as the prime victims and their immediate families, they were hurt by the killings. Thus, she concludes, “[d]istributively and collectively, in this atrocity [in Rwanda] one group suffered at the hands of another. The same can be said, obviously, with reference to the terrorist attacks on the United States. Clearly, the group can suffer harm.”¹⁵

Though the statement that “one group suffers at the hand of another” may be true to a certain extent, in practice the division is not very clear. Take, for example, the September 11 attacks. Although the terrorist acts were directed against Americans, Americans were not the only ones killed, nor were they the only ones traumatised. Rather almost everyone who lived and stayed at that time in the United States felt vulnerable and insecure. Also people living in the developed countries may feel more insecure after September 11, 2001. In Rwanda, there were

14. Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York and London: Routledge, 2001) 27; Andrew Rigby, *Justice and Reconciliation after the Violence* (Boulder and London: Lynne Rienner Publishers, 2001) 82.

15. Trudy Govier, *Forgiveness and Revenge* (London and New York: Routledge, 2002) 90.

intermarriages and friendships between Tutsi and Hutu. Hence, some Hutus tried to save Tutsis and suffered persecution.¹⁶ Should not those families, in spite of being Hutu, join the group of the victims rather than the group of perpetrators? Such cases shatter any clear-cut polarisation between groups and call for taking individual cases into consideration in a process of social reconciliation. What becomes obvious is that harsh pursuit of justice can cause more injustice and, consequently, increase the number of victims.

JUSTICE AND FORGIVENESS

The truth about a painful event or an experience of oppression usually clarifies who the oppressors and the victims were. However, there are not only oppressors and victims involved in a conflict but also a huge group of bystanders. Some of the bystanders will have supported the oppressive system, some will have tried to remain neutral, some will have empathised with the victims but done little or nothing to help them, and some will have actually supported the victims and provided assistance to them. Who then takes the responsibility for the suffering caused? It is quite logical that the responsibility should be placed upon the direct oppressors. But the oppressors were usually members of a larger group or an organisation, and as such were representing or misrepresenting it. Therefore, the involvement and responsibility of the whole dominant group as the oppressors needs to be taken into consideration as well.

Next, the process of reconciliation requires both forgiveness and justice. Neither can forgiveness be seen as substitute for justice, nor can justice replace forgiveness.¹⁷ This is because no justice can bring the murdered back, or return full health to the tortured or victims of rape. What cannot be undone, the offended party needs to forgive in order to be reconciled with the offender. However, forgiveness granted to an offender who remains unrepentant rarely leads to reconciliation. Therefore, on the one hand, the offender has to consider and undertake what is just while apologising and asking the victim for forgiveness. On the other hand, the offended party cannot take advantage of the situation and, through his or her uncompromising demands, try to victimise the offender. It seems that the victim needs to make a choice whether he or she opts for retribution against, or reconciliation with, the oppressor.

16. Susan L. Nelson, "Facing Evil: Evil's Many Faces", *Interpretation* 57 (2003), 413.

17. Miroslav Volf, "The Social Meaning of Reconciliation", *Interpretation* 54 (2000) 169-72; Pope John Paul II, *Message for the World Day of Peace: No Peace without Justice, No Justice without Forgiveness* (2002). [<http://www.vatican.va>].

After a transition from a totalitarian regime to democracy, for example, the forms of justice pursued in the processes of national reconciliation can be classified as punitive and restorative. It is not surprising that punitive justice (retribution) is the one that many victims demand for their perpetrators. Victims want to make their offenders suffer the same humiliation and pain as they themselves have suffered.¹⁸ For many people legal punishment of the perpetrator is an expression both that the victim matters in society and that society rejects certain deeds. But punishment itself does not heal the wounds of the victim. Moreover, many offenders are often not sentenced because, for instance, of lack of convincing evidence, or of the huge number of those who took part in atrocities. Finally, after exhausting all the legal means by survivors to punish oppressors, beginning a process of reconciliation between the victims and their oppressors does not make much sense. As reconciliation requires forgiveness, the Christian notion of forgiveness entails total or partial cancellation of the punishment of the offender, which is rightly claimed by the victim.

COMPENSATION

Nowadays, more and more victims are receiving compensation for their personal injuries. Compensation is granted not only for harm done intentionally by offenders for personal or political reasons, but also when the injury was caused by negligence (at least partial) of a person, a company or an institution. Hence personal harm eligible for compensation ranges from that caused by serious criminal acts to that inflicted by traffic accidents, faulty products or errors of medical personnel.

Criminal justice systems in their present form, however, can neither cope with a large number of violations nor take indirect victims into consideration.¹⁹ After a political transition from a totalitarian regime to democracy, the issue of responsibility and reparation is much more complex than in individual criminal cases and, consequently, requires a broader approach. For example, the evidence for abuse that a judicial procedure requires from a victim is very high. It needs to prove the responsibility of individual oppressors. For a non-judicial procedure, it may be enough to award reparation if victims are able to prove that the damage was suffered as a result of the abuse. Moreover, normally it is impossible through a judicial approach to ask beneficiaries who, legally

18. Rigby, *Justice and Reconciliation*, 82.

19. Stef Vandeginste, "Reparation", in David Bloomfield et al. (eds.), *Reconciliation after Violent Conflict: A Handbook* (Stockholm: International Institute for Democracy and Electoral Assistance, 2003) 152-53.

speaking, are not responsible for the violations to contribute to reparation.²⁰ In addition, a common hindrance that often prevents both the poorest victims²¹ and governments²² from dealing with the perpetrators through the courts is financial limitation.

In cases where a judicial approach is unable to provide justice, non-judicial approaches may complement it. The non-judicial approaches are carried out by truth commissions and national administrative bodies (trust funds and compensation commissions).²³ These commissions try to treat oppressors' responsibility (for crimes committed) together with beneficiaries' and bystanders' responsibility (for their "part" during human rights violations) on political and moral bases. The latter, indirect offenders are accountable for advantages and privileges they enjoyed as a consequence of the discrimination against others and/or for inaction while witnessing human rights violations.

Some countries have chosen to establish national funds for compensating victims (e.g., the National Damage Claims Settlement Office in Hungary in 1991). In other countries compensation administration bodies were the results of truth commissions (Chile) or a part of the truth commission as it happened in South Africa.

A process of righting historical injustice becomes even more complicated for, above all, two main reasons: the difficulty in identifying the link between original victims and present claimants, and the struggle to avoid anachronistic thinking that would judge the past with the insights and understanding of the present.²⁴ As long as the victims of the original injustice are still alive, it is obvious that they must be compensated. But when they are already dead, should the claimants need to suffer in the present time the consequences of that earlier victimisation to be eligible for compensation? In what cases may it satisfy to prove that the claimants are the material or cultural legatees of the victims?

20. Vandeginste, "Reparation", 152-53; Hayner, *Unspeakable Truths*, 88-89.

21. During interviews at the National Commission on Truth and Reconciliation in Chile, some relatives admitted: "This is the first time we've made a formal accusation. We were afraid, and we didn't have money for the fare.... I have the death certificate, but I'm not sure it's really him. I didn't have enough money to do any more checking." See "Report of the Chilean National Commission on Truth and Reconciliation" (Notre Dame, Indiana: Notre Dame Law School, 1993), 792. [http://www.nd.edu/~ndlibs/eresources/etexts/truth/table_of_contents.html.]

22. For instance, two high-profile trials in South Africa in 1996 for apartheid era events took almost two years of investigation each, and cost over eight million dollars for the trials excluding the investigation costs. Although some considerable evidence was provided, one of the two trials ended in acquittals for all twenty accused; see Hayner, *Unspeakable Truths*, 89-90.

23. For more information on these commissions, see Vandeginste, "Reparation", 153-55.

24. Galanter, "Righting Old Wrongs", 114-17.

In regard to anachronistic thinking, how do the old wrongs which were at that time done under claims that they were the right thing to do but now are regarded as wrong, need to be evaluated? The new judgement of the old actions and policies surely calls for a reassessment of the facts. In the nineteenth century, for example, Native American and Aboriginal skeletons were collected as scientific specimens. Now they are recognised as "ancestral remains". In this turnabout, behaviour once encouraged as scientific collection is now considered as desecration.²⁵

Those who campaign to right old wrongs usually seek symbolic reparation (historical vindication) that redistributes blame and honour. It needs to include both acknowledgments of the wrong (revisions of history books, posthumous pardons, public holidays or historical monuments commemorating the victims) and apology for the injustice. These forms of reparation do not involve compensation. Further, when the claimants ask for restitution (the return of their land, human remains or artefacts), they normally receive the sought objects or items back without compensation for the intervening time.²⁶ If the land cannot be returned, it may be compensated for. Finally, in some cases (e.g., the processes of national reconciliation in Chile) where people were murdered or hurt, both symbolic and material reparation (compensation) is granted. Compensation here frequently takes a form of token payment, but more than a trivial sum, for losses. Full compensation is not possible because there is no price for human life or injury.

The case with the Swiss banks paying compensation to Holocaust victims and their descendants is a unique one. The main accusation made against the banks by the Jewish organisations was that they were beneficiaries of the Holocaust. They profited from both the unclaimed accounts and gold confiscated from European Jews during the Second World War.²⁷ Compensation granted without apology misses the interpersonal element that is crucial in restoring the broken relationship between the two parties. Can just the distribution of US\$1.25 billion heal the wounds of the survivors and their families?

Although compensation of a considerable amount can improve the quality of life of the survivors (or their descendants), strengthen the acknowledgment of the wrongdoing and make apology (if included) more genuine, it also brings some dangers.

First, it may lead to a wrong conclusion, as Martha Minow puts it, that "monetary reparations can remedy nonmonetary harms, such as the

25. Galanter, "Righting Old Wrongs", 117.

26. Galanter, "Righting Old Wrongs", 118-19.

27. Braillard, *Switzerland and the Crisis*, 20-21, 31-32; Levin, *The Last Deposit*, 220.

death of a child, the loss of an arm, the agony of remembered torture, or the humiliation and shame of being wrongly detained and interned".²⁸ Modest requests (for a death certificate for a relative, a tombstone or subsidies for their children's education) made by some survivors to the Truth and Reconciliation Commission in South Africa, for example, seem to highlight the truth that torturers can acknowledge but cannot remedy the harm done to their victims.

Next, some economically weak societies (e.g., South Africa) or offenders stricken by poverty can offer their victims only a small amount of money in compensation. A small token gesture instead of recognising the harm may easily trivialise it.²⁹

Further, any collective forms of compensation weaken the direct connection that individual compensation could make between the harm done and the responsibility for it, and, consequently, between the offender and the offended party. When a government covers all the cost of compensation, how can perpetrators expiate their guilt?

Finally, there is a tension between compensating past victims without creating new ones. Especially, when historically victimised groups need to get preferential treatment, who is to pay for it? In some cases, a government takes the responsibility and the cost is spread broadly among the taxpayers, but in other cases major cost is put on specific individuals.³⁰ Is it always just to decrease the resources and life chances of some in order to increase those of others?

No matter how important compensation can be, it cannot be seen as the only or the most crucial element in the process of social reconciliation. Amending wrongs appears to be always selective, flawed and incomplete. What is then the constituent element which should not be overlooked in a process of reconciliation?

APOLOGY

Compensation paid to victims without uttering a word of apology is bizarre. By doing this, the wrongdoers seem to manifest their disagreement with the guilty sentence passed on them by a court. If they do not feel guilty for the harm done, their act of compensation neither acknowledges their regret nor can be seen as a promise not to repeat the offence.

28. Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1998) 93. See also Bazylar, *Holocaust Justice*, 287-89.

29. "Victims Reject Reparation Grant", *News24*, 16 April 2003.

30. Galanter, "Righting Old Wrongs", 123.

Apology is a concept based on a paradox.³¹ On the one hand, no matter how sincere apology is, it cannot undo the wrong done. On the other hand, this is exactly what it often manages to do. Apology, surely, by itself is unable to heal. But forgiveness, which is at the heart of reconciliation, can; although not compelled by apology, it may depend on such apology. This is because apology is not merely words uttered. Rather, it is a force that revives and strengthens social relationships.

The communal process of apologising, which requires the involvement of both the injured party and the offender, plays a significant role in dealing with human hurt. While apologising, perpetrators admit violating the community norms, express regret and make themselves accountable for the consequences. Sincere remorse with full acceptance of responsibility for consequences is the sign of genuine apology. Such apology helps the offended party and the offender regain their trust for each other.³²

Compensation, of course, is important and cannot be easily overlooked in a process of reconciliation. Justice demands that what has been stolen be returned and that damages be compensated. Furthermore, the presence of mutual trust between the offended and the offender will prevent one party from trying to exclude the other party. Instead, they will make an attempt to accept each other or, as Miroslav Volf puts it, they will strive to "embrace".³³

A couple of examples from the process of national reconciliation in South Africa may clarify what this restoration of trust and the willingness to "embrace" mean. Among personal apologies and requests for forgiveness at the TRC hearings, one significant case was an apology made by Colonel Horst Schobesberger, former chief of the Ciskei Defence Force. He apologised and asked for forgiveness not only in his own name but also on behalf of the homeland soldiers. The audience were the families of those who were shot dead by the soldiers in the Bisho massacre. He said:

I say we are sorry. I say the burden of the Bisho massacre will always be on our shoulders for the rest of our lives. We cannot wish it away, it happened but please I ask the victims not to forget, I cannot ask this, but to forgive us, to get the soldiers back into the

31. Minow, *Between Vengeance and Forgiveness*, 114.

32. As human beings, we all are in a basic relationship of trust. While interacting with others, I take responsibility for ensuring that certain things are done and certain things are not done.

33. Volf, "The Social Meaning of Reconciliation", 170-71.

community, to accept them fully, to try to understand also the pressure they were under then. This is all I can do.³⁴

His words received applause from the audience.

Another example is the case of forgiveness and reconciliation between the murderers of Amy Biehl and her parents. Mongezi Christopher Manqina, Mzikhona Eazi Nofemela, Vusumzi Samuel Ntamo and Ntombeki Ambrose Peni were the black students in Guguletu who beat and stabbed to death the white student, Amy Biehl. Manqina, who delivered the blow that killed Biehl, testified that he saw her as a supporter of apartheid because she was white. By killing her, he believed they would force the government to accept the demands of the black people. In fact, Amy Biehl never favoured apartheid. On the contrary, she supported the black movement against it.³⁵

In order to achieve reconciliation, the Biehl's first went to South Africa and met the mother of one of Amy's killers, Evelyn Manqina. They told her they would not oppose her son's application to be freed from jail. Then they attended the amnesty hearing at which they described what kind of person Amy was, her ambitions, and her admiration and support for Nelson Mandela's struggle against apartheid. Upon hearing this, Christopher Manqina admitted that they did not know who Amy was and surely they targeted the wrong person. He and the three other murderers apologised to Amy's parents, friends and relatives, and asked them for forgiveness. In response, Amy's mother, Linda Biehl, said that she had not much to forgive because neither she nor Biehl's family ever truly felt hatred against the murderers. Instead their hearts were filled with incredible sadness.³⁶

The encounter of the offended parties with the offenders helped them to see the others as human beings worthy of trust and respect. In these two cases, some reparation took place through the expression of remorse, apology and the request for forgiveness. Asking for financial compensation from these oppressors would most probably be inappropriate.

These examples show that in order to restore a broken relationship it is helpful if not necessary to believe in the capacity of people for goodness. Perpetrators often find themselves caught up in doing harm

34. "Human Rights Violations: Hearings and Submissions: East London: Bisho Massacre", 11 September 1996. [<http://www.doj.gov.za/trc/hrvtrans/Bisho1/day3.htm>.]

35. Amnesty Hearing, Cape Town, 8 July 1997. [<http://www.doj.gov.za/trc>].

36. Lyn S. Graybill, *Truth and Reconciliation in South Africa: Miracle or Model?* (Boulder and London: Lynne Rienner Publishers, 2002) 45-46; "Long Night Journey into Day", (Transcript of the documentary by Frances Reid and Deborah Hoffman that covers four specific cases brought before the South African Truth and Reconciliation Commission hearings). [<http://www.newsreel.org/transcri/longnight.html>.]

to others. They, nonetheless, are capable of change. The change may occur when the estranged parties are willing to meet and listen to each other's story. However, when perpetrators refuse to accept their guilt or beneficiaries deny their responsibility for reparation, in some circumstances compensation may become the only sign of public recognition that the harm really took place.

CONCLUSION

This discussion demonstrates that apology is indispensable in a process of social reconciliation. Genuine apology (with sincere remorse, admission of the wrongdoing and a promise not to re-offend) has the power to heal the wounds of victims and encourages the victim to forgive. There are, however, different sources of hurt. Stolen material items or land must be returned or compensated if apology is to be sincere. In other cases, compensation may be appropriate to strengthen the offender's seriousness to reconcile.

Righting historical wrongs seems to be the most difficult. There have usually been many layers of injustice committed in the meantime. Unveiling the truth (as much as possible) and uttering an apology are indispensable in such cases. If subsequent generations have gained materially from the atrocities, compensation must be paid to the victims' descendants.

Granting compensation without apology is incomplete in a process of reconciliation. Although compensation acknowledges that injustice took place, it misses the truth, which apology highlights, that nothing can remedy hurt inflicted on victims. If compensation could do this, human life, psychological and physical wellbeing, and life chances would descend to the level of commodities. As a result, the human person would be reduced to merely a highly priced commodity.