

DEPOLARIZING THE PAST: THE ROLE OF HISTORICAL COMMISSIONS IN CONFLICT MEDIATION AND RECONCILIATION

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Building peace in the wake of large-scale historical injustices is difficult and sometimes dispiriting work. Rival groups often conjure vastly different memories of the same events, and these divergences reinforce cycles of violence and deepen feelings of resentment. Whether we look at the conflict in Israel-Palestine, the longstanding feud between China and Japan or the civil wars and genocides that continue to plague sub-Saharan Africa, it is clear that partisans in these contests seek to weaponize the past in order to legitimate their campaigns and support their claims to moral superiority. We know that history pervades and animates many of the seemingly intractable conflicts unfolding in the world today, but can the recounting of past events also work to smooth relations between rival groups who find themselves entangled in each other's memories and identities? Is it possible, without denying history's most traumatic episodes, to remove the past as an obstacle to peaceful and productive inter-group relations?

Conflict resolution experts routinely employ storytelling as a first step in their mediation efforts. By giving rivals an opportunity to exchange perspectives on the roots of their conflict and a chance to air their grievances openly, mediators attempt to open a space for dialogue and clear the way to a possible settlement. Yet practitioners routinely under-utilize history as a tool for conflict mediation and reconciliation under the traditional negotiating frameworks. This is due in part to what one theorist has called the "instrumentalist view" of storytelling, which conflict resolution professionals commonly develop as part of their formal training.¹ Mediators learn to see storytelling as a warm-up exercise for the more difficult and technical negotiations that follow. They do not view the recounting of history as a productive mode of negotiation, but rather as an ice-breaker to overcome the initial awkwardness that appears when deeply embittered adversaries sit together to contemplate an end to their feud. At best, these preliminary exchanges suggest appropriate parameters for subsequent negotiations. However, they are not seen as encounters with

Alexander M. Karn

truth since both sides of the conflict are entitled to their own perceptions, nor are they understood as substantive components of the conflict. Rather, they are merely considered the outward signifiers of a damaged relationship. This relegation of history to the margins of mediation practice is unfortunate. It points to a fundamental misunderstanding of the role that history and historical consciousness play in perpetuating large group conflicts, and, as I will attempt to show here, it takes no account of recent successful efforts to employ history as a tool for reconciliation.

CONTEMPLATING THE POLITICS OF HISTORY

Since the mid-1990s, professional historians have shown increasing interest in engaging the politics of the past and in working to improve inter-group relations where historical injustices generate enduring hostility and tension. Coming off the merry-go-round of postmodern theory and eager account for the trend toward apologies and reparations that gained momentum following the end of the Cold War, scholars began to seriously contemplate the importance of confronting traumatic episodes from the past and accepting the moral obligations attached to historical injustices.² No longer content to remain within the discourse of what happened, “activist-historians” developed a different set of questions. The new mode of inquiry, still fundamentally historical but also opening the way to a multi-disciplinary approach, evolved to become: *How do groups divided by the past utilize their history, and what can be done to mitigate the interpretive differences and misperceptions which help to generate and sustain conflicts?* If enemies could sort through their differences using a shared historical lens, rather than through the partisan narratives that monopolize popular imagination, then history could perhaps provide a new avenue for conflict mediation.

The rising trend toward what might be called “jurisprudential history” (i.e., history that seeks to mediate conflict) culminated in the increasing prevalence of historical commissions beginning in the mid-1990s.³ Similar to the truth commissions that helped to support democratic transitions in South Africa, El Salvador, Argentina and Chile, the historical commissions have been implemented in a variety of settings to reckon with past injustices, whether proximal, as in the case of the Ugandan Workshop on History and Reconciliation, or more distant, as in the case of the Commission to Study the Tulsa Race Riot of 1921.⁴ In Europe, several dozen commissions have investigated and re-examined unresolved issues stemming from the Second World War, the Holocaust and the Stalinist era. While most have been national commissions, a number have recruited international experts to provide a voice for victims’ groups who are no longer adequately represented. However, the most intriguing experiments, from the point of view of conflict mediation, are the bilateral commissions. By engaging historians from opposite sides of long-standing ethno-national conflicts, these commissions have tried to ensure that past injustices

do not overburden contemporary relations. By surveying the work of several recent commissions, both national and bilateral, this essay attempts to highlight the obstacles faced by jurisprudential historians in their attempts to foster reconciliation and to suggest a set of best practices for future commissions.

ACCUSATORY HISTORY VERSUS EXPLANATORY HISTORY: THE CASE OF JEDWABNE

In general, the potential of historical commissions is their ability to move historical discourse away from the accusatory framework used by partisans to support their claims of victimization and instead move toward an explanatory framework that offers a new context for historical facts that have been misconstrued or marshaled differently by rival groups. This principle applies especially well to the Holocaust commissions, which have attempted to clarify the circumstances under which the Nazi genocide was carried out while also providing a new measure of justice for survivors. Though each country has followed a different path, these commissions have generally shown a willingness to contemplate causality and responsibility in a richly elaborated historical context geared toward comprehension rather than accentuating guilt.

Poland's Institute of National Remembrance (IPN) provides a good starting point, particularly with regard to their projects on Polish-Jewish relations and their study of the Jedwabne Massacre (1941).⁵ The achievements of the IPN in this arena are remarkable given the deep enmity which stems from, on the one hand, Jewish insistence on casting Poles as "congenital" anti-Semites who used Nazi aggression as an excuse to enact their own genocidal fantasies, and on the other, persistent claims by Polish nationalists that they, too, were victims of the Holocaust and that disproportionate sympathy for Jews has prevented them from receiving adequate compensation for their losses. As in other conflicts dating from this period, willful misperception of the facts on both sides has kept the conflict energized even in the absence of overt violence.

The IPN was established by parliamentary decree in 1998 to encourage open engagement with Poland's totalitarian past. Though most of its work has focused on Stalinist repression, the IPN has also sponsored several projects focused on the Holocaust and its effect on Polish-Jewish relations. Because the IPN was established while Poles were reacting strongly to fresh revelations about the massacre of Jews that took place in the town of Jedwabne on 10 July 1941, a great deal of attention has focused on this aspect of their research program.⁶

Following five years of work, the IPN published its findings on Jedwabne as a two-volume set in 2002. Though they do not represent a formal report, these volumes nevertheless reveal the potential of historical commissions as a tool for conflict management. Reading them alongside other accounts of the Jedwabne massacre, it

Alexander M. Karn

becomes clear that the authors wish to document the massacre while also making a counter-statement against the broad accusations of anti-Semitism which come from Jewish partisans eager to highlight their own suffering. By examining the Jedwabne tragedy as one part of the long and complex history of Polish-Jewish relations in the Białystok region where the massacre took place, the IPN succeeds in reasserting the historical particularity of this event. Instead of proceeding directly to the murders that took place in Jedwabne as others have, volume one of the IPN history begins with a treatment of pre-war Białystok. A subsequent chapter extends the region's history back to the 19th century. Though some might interpret this as reluctance to address the massacre directly, the recounting of history provides a nuanced context for the Jedwabne events so that they can be considered outside the framework of reflexive accusation. Rather than attempting to whitewash what happened at Jedwabne, the IPN's historical contextualization helps readers comprehend the complex issues that factored into the massacre. The commission's narrative reasserts the veracity of the most disturbing facts while also seeking new moral categories to give these facts a suitable texture. What happened in Jedwabne is neither denied nor downplayed, but how those events came to pass and who perpetrated them are offered up for reconsideration. Is this a move toward relativism?

Although contextualizing Jedwabne as a local phenomenon that ought to be seen in broader perspective may seem like an attempt to shift responsibility, the IPN does not avoid the issue of homegrown Polish anti-Semitism. Indeed, far from trying to present Jedwabne as an isolated case, the IPN narrative depicts numerous anti-Semitic pogroms that took place along the Nazi warfront during the summer of 1941. What the IPN narrative resists, however, is the simplistic formula that leaps from specific acts of anti-Semitic violence to broader charges of Polish turpitude. The role of Polish perpetrators is clearly delineated in the IPN's history of Jedwabne, but these individuals do not stand in for the larger Polish collective. No rhetorical or social-psychological maneuvers are performed to fashion the individual perpetrators who committed atrocities against Jews as emblems of the larger Polish national identity. The IPN narrative makes no bones about the role of Catholic anti-Semitism; however, these forces are seen as existing within a particular regional and political subculture. While acknowledging that pogroms took place, the IPN narrative also asserts that these acts "cannot be reduced to a single scenario."⁷ In some instances, Germans encouraged Poles to undertake self-cleansings. In other cases, Poles were actively coerced into violence. Elsewhere, anti-Semitic violence occurred spontaneously without any outside participation or encouragement. The scale and scope of these violent outbursts also varied, and the intent was not always genocidal. For Jedwabne, the IPN's research challenges the highest estimates for total deaths. While witnesses described seeing as many as 1,600 victims, a comparison of public records before and after the war suggests a total number of perhaps half of that.

Of course, these numbers hold special significance for Jewish victims and their heirs. But while the IPN's attempts at calculation might appear threatening to Jews anxious to combat the most abusive strains of revisionism, it is necessary to state that clarification in this vein does not represent Holocaust denial. The hallmark of the IPN's *Jedwabne* narrative is that it handles contravening memories and desires, Poles versus Jews, without legitimating the exaggerations and misperceptions that appear on both sides. Instead, by cultivating an approach which integrates different aspects of their competing claims, the *Jedwabne* commission posits a new history that requires modest compromise from both sides. Jews see their core beliefs validated in this formula—the massacres that Poles repressed for years and refused to acknowledge are richly documented—but, at the same time, they are encouraged to scale down their estimate for the total number of victims and to re-examine some of their prejudices concerning the Polish collective. Conversely, Poles can feel vindicated that the blanket label of congenital anti-Semitism is lifted in this narrative, but they must confront the fact that some of the violence perpetrated against Polish Jews was the product of homegrown bigotry.

PRAGMATIC CONSIDERATIONS: DISSEMINATING THE WORK OF HISTORICAL COMMISSIONS

Historical commissions usually have little trouble capturing public attention when they are first convened. However, because their work unfolds over a period of months and years, public attention may wander, making dissemination of their results difficult. The size of their reports (Switzerland's Holocaust commission published its final report in twenty-five volumes, covering some 11,000 pages) also discourages active public engagement, and wrangling over how to spin the summary reports can lead to the perception that politics has poisoned the search for truth.

Given such concerns, it is important to state that the historical commissions do not provide the kind of closure which usually seduces the public imagination. To begin, if these commissions are to have a lasting effect on conflict management, their members must work to ensure that the final reports are not seen as a final judgment, but rather as an overture to further study and future dialogue. Jean-François Bergier, the head of Switzerland's Independent Commission of Experts (ICE), has emphasized this point.⁸ The commissions, he contends, open the way for thoughtful reconsideration of the past rather than roping off their subject as one of history's closed chapters.⁹ While the primary role of the commissions is to provide answers that clarify and demythologize the darkened, taboo corners of national self-understanding, it is equally important that these bodies formulate useful questions for continued study. Even if their mandate covers only a fixed interval, it is important that the commissions understand their work as open-ended.

To effect a practical change in perception, each commission has to engage the

Alexander M. Karn

public at an appropriate level. If highly technical reports sail above the heads of average readers, then any academic gains are likely to be offset by continued misunderstanding at the grassroots level. By the same token, if the suspense of waiting for clarification is greater than the perceived depth and novelty of the final report, the project will ring hollow. There is a danger that the commissions will illuminate a forgotten history only to watch their story relegated to the dustbin again, either because their report lacks human interest or because the task of sifting through huge

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amounts of data for a few kernels appears overwhelming. This does not mean, of course, that the commissions must strive to be sensational. In the case of the Swiss ICE, the final report, which appeared in March 2002, more than five years after work first began, offered little in the way of startling revelations. Moreover, the outlines of the story were

already well-known to both specialists and the lay public. For the most part, the report rehearsed what broad segments of the public already believed about the wartime record: (1) that the Swiss government had maintained an “unnecessarily restrictive” refugee policy; (2) that there had been sustained cooperation with the Axis war economy; and (3) that Swiss banking interests had been negligent in the restitution of “dormant accounts” and lost/looted assets. While these points may appear mundane, the way they were contextualized was genuinely new.

In the ICE report, Switzerland’s failures during the war were impersonal, by and large, and were driven by an instinct for profit rather than by a deep commitment to fascist ideology or racist theory. A peculiar absence in the top echelons of government supported a business-as-usual economic policy throughout the war. However, the moral failure did not rise to the level of malfeasance, let alone murderous complicity. If the Swiss were guilty of anything, it was for what they failed to do, rather than what they did. The decision to institutionalize guilt satisfied those who wanted to acknowledge injustice but also move forward. However, as the Swiss banks had negotiated a multi-billion dollar settlement five years earlier, was there already a sense that the country had paid its debts, from both the Swiss and Jewish positions? Did the commission dredge up nothing more than historical overkill?

Although the ICE report strains to depersonalize guilt, the details of Jewish despoliation and Swiss complicity are etched clearly into public memory. Enormous effort went into tracing lost assets and detailing the banking transactions that helped to support the Nazi war effort. The ICE narrative gave added substance and precision to a picture of the past which, while already known, had not yet thoroughly penetrated the Swiss consciousness. As Bergier puts it, “We did not destroy the picture, we added some nuances and we even filled it out, made some contrasts: In addition to the lights that are present in our collective memory, we reintegrated—we

had to—the repressed shadows that are part of the history of every people.”¹⁰ Bergier and the ICE did not have to explode or completely rewrite the history of the Holocaust to make a positive contribution to inter-group relations. Rather, the ICE report gives the Swiss an opportunity know themselves better, and it allows them to shed the burden of an ill-fitting, poorly constructed mythology. Not only did the debate around the Bergier Commission’s work “break the silence,” it helped to unmask the image of a country “standing aside, neutral, decent, innocent.”¹¹ In addition, by depicting their history in a way that connotes corporate responsibility for ethical lapses, the Swiss got an opportunity to present themselves to the international community as a rehabilitated, morally resolute player. If, as Bergier maintains, “Switzerland did not show enough solidarity” at a crucial moment in its history, then the work of the ICE offers a second chance. By commissioning a new history and facing up to their errors, the Swiss recommitted themselves to the liberal democratic principles which they failed to honor during the Second World War.

BILATERAL COMMISSIONS: USING QUESTIONS TO DISCOVER COMMON GROUND

Because they engage rivals directly and succeed only where groups divided by the past are committed to negotiation, bilateral historical commissions offer the best potential for reconciliation. In their work, we can see that differences of perspective do not necessarily need to be negated for effective conflict management. Rather, the commissions that allow room for divergence and treat disagreements as acceptable differences often succeed best. Even where these commissions have arrived at fairly orthodox views of the past (i.e., at explanatory narratives that have previously been disseminated), a non-dialectical approach offers important lessons to those looking for a useable past.

In the case of Poland-Ukraine, where deadly ethnic violence along the borderlands during the Second World War still triggers debate and resentment, competition for the role of victim has been intense. The so-called “Volyn conflict” has been bitterly contested on both sides, with little agreement about either the total number of casualties or which side is responsible for the worst atrocities. While research has shown that territories in what is now western Ukraine were ethnically cleansed of their large Polish minority and territories that now fall within southeastern Poland were vigorously cleansed of their Ukrainian minority, the precise chronology and the lines of causation are still unclear in public memory. Independent researchers have shown that 50,000 to 100,000 Poles and Ukrainians were murdered, while another 1.5 million individuals were forced to flee their homes; however, divergent and contradictory accounts remain as to how and why these events took place.¹² Even after Presidents Kuchma (Ukraine) and Kwasniewski (Poland) issued a joint statement in 2003 to commemorate the 60th anniversary of the conflict, many of their con-

Alexander M. Karn

stituents complained either that the other side had still not taken full responsibility for its actions or that the official statement did not encompass all that the other side had grudgingly admitted.

For the most part, engaging the debate in Poland-Ukraine has not required the two sides to give up their particular claims to the facts. Rather, attempts to foster historical reconciliation have revolved around coaxing the two sides to see their respective facts differently. One of the best examples of this is the “Common Ground” project sponsored by the Warsaw Karta Center since 1997. Instead of

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attempting to invalidate competing memories, Common Ground has enlisted Polish and Ukrainian historians to elucidate a new context for the existing narratives of Volyn and to develop a new conception of co-responsibility. By participating in a series of joint seminars, the Karta commission has made significant strides to bol-

ster new understanding. Past seminars have featured one Polish and one Ukrainian historian giving papers on the same aspect of the conflict, followed by an open session in which members of the audience were invited to contribute their views. Karta has published nine volumes based on these exchanges, and a final report, *Poland-Ukraine: Difficult Questions*, was compiled in 2003. Together with expanded versions of the seminar papers, the discussion and debate portion of each seminar appear in the corresponding volume under the header “Agreements and Differences.”

This approach reminds us that reconciliation typically unfolds best where rivals approach each other gingerly. Instead of forcing closure onto the process, the two sides merely seek to identify the potential areas of agreement and the persistent areas of “difference,” as opposed to “disagreement.” Seminar participants emphasize the importance of sharing similar questions rather than producing identical answers. By working in conjunction with state archivists in both countries, members of the commission catalogued fifty Polish and eight Ukrainian archives and started work on an electronic database of victims. With the release of each seminar report, Poles got an opportunity to see how the Volyn conflict had been concealed by their own government, while Ukrainians got to see not only how bloody the campaign against ethnic Poles had been, but also the range and extent of the reprisal killings that-claimed Ukrainian lives. Common Ground clarified what had happened along the borderlands during and immediately after the Second World War, but more importantly, the commission’s work revealed how the memories of these events had been manipulated for political consumption by the Polish and Ukrainian regimes. Reflecting on the success of the joint project, one participant, Professor Hennadiy Boriak, noted, “With this work, we repay our moral debt to the thousands of innocent victims of the bloody massacre of the Polish population and of Polish reprisals

against Ukrainians.”¹³ Boriak’s understanding of the moral debt as a “two-way street” is crucial. It signals that both sides are willing to discuss their losses in terms of co-responsibility, and it shows how far they have come with respect to re-contextualizing the conflict. Whereas partisans in the debates over Volyn have previously framed the attacks against members of their own group as something “strange and incomprehensible,” as if there were no provocation or history of antagonism, Common Ground documents provide an alternative narrative that replaces false incredulity with historical self-reflection. By combing the archives and interpreting the data together, even if sometimes differently, the two groups have shifted the discourse away from blame, recrimination and calls for revenge toward acknowledgment, apology and forgiveness.

Historical commissions do not perform their work in a vacuum, and it is too much to say Common Ground has single-handedly facilitated reconciliation. Instead, Karta’s work supplements and supports efforts unfolding at the upper echelons of government as well as initiatives from other large institutions, e.g., the efforts by Pope John Paul II and Orthodox Archbishop Ihor Isichenko to cultivate forgiveness and renewed cooperation. The role of grassroots organizations is also important to consider. In the Polish-Jewish example, the IPN’s success in mediating a compromise for Jedwabne is magnified by non-official breakthroughs such as the community project undertaken in Radom to refurbish a Jewish cemetery that had been vandalized and desecrated near the end of the war.¹⁴ One can envision a rising chain of reconciliation that connects local events to larger initiatives like the IPN and extends upward to the economic and military agreements concluded between Poland and Israel since 2002.¹⁵ In other words, even if historians working on joint commissions are not directly responsible for these instances of strategic cooperation, it seems fair to say that warming relations between the two countries owe something to the willingness of Poles and Jews to confront their shared history openly and honestly. While the needs of *realpolitik* will continue to drive bilateral relations, engagement with the past helps to keep the ground clear for deepening political and economic partnership.

A TEXTBOOK CASE:

RE-FRAMING THE GERMAN-CZECH SUDETEN QUESTION

We can discern the interrelationship of historical reconciliation and politics once again in the German-Czech case. When nationalist rhetoric focused on the post-war expulsion of ethnic Germans (Sudeten) from Czechoslovakia overheated during election season in 2002, old wounds threatened to unsettle bilateral relations and nearly derailed the process of European Union enlargement. After the Czech Prime Minister Miloš Zeman referred to the Sudeten as “Hitler’s fifth column” in a magazine interview and wondered whether the Czechoslovakian government would have

Alexander M. Karn

been right to undertake mass executions, a diplomatic uproar erupted, leading to the cancellation of a planned summit for the first-wave European Union accession candidates. Even after the EU's commissioner for enlargement stated on the record that the Sudeten question would not interfere with ongoing accession negotiations, feathers

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remained ruffled and bitterness prevailed. But while Zeman and other heads of state appeared ready to plunge over the edge in the furor over the Sudeten and the Beneš Decrees that presaged their expulsion, others refused to be seduced by attempts to use the past for political capital. New narratives aimed at

removing the past as an obstacle to cooperation held sway, and once again, historical commissions played a role in maintaining equanimity.

The German-Czech Textbook Commission, after working on an updated portrayal of German-Czech relations for secondary school curricula, issued new guidelines for teachers in November 2002 aimed at re-examining national histories from a critical perspective.¹⁶ The revised guidelines grew out of conferences in 1997 and 1998, sponsored by the Georg Eckert Institute for International Textbook Research in Braunschweig, Germany, which dealt with nationalism and representations of the nation-state in German and Czech historiography. These meetings began with a critical perspective that viewed nations as historical constructions rather than primordial realities. This desire to recast the nation as “an imagined community” marks one of the strengths of the commission model.¹⁷ Much of their potential for conflict mediation stems from their ability to effectively critique the authenticity of competing partisan narratives. This is particularly useful where national rivalries interfere with efforts to foster trans-national cooperation. Of course, any historian is free to offer this sort of critique, but the German-Czech textbook commission has benefited from better public reception thanks to its bilateral makeup. Also, because the textbook commission distributes its materials directly to the public schools, it has been able to exert unique leverage on the formation of civic identity in both countries. Rather than emphasizing “uncritical obedience and unreflective identification with the nation-state,” the new curriculum was created to reveal “how pupils can develop skills towards an autonomous, well-founded, critical assessment of history.”¹⁸ This approach does not suppose that students who begin such reflection will then want to move beyond the nation-state, nor does it suggest that young Germans and Czechs will have to give up their attachments to their nations in order to thrive in the New Europe. Instead, by following history back to the migrations, negotiations and contingencies that have lent discrete ethnic identities to Europe's polities, the textbook commission infuses a non-partisan component into the common understanding of the nation. By scrutinizing national conflicts like the Sudeten

question and by choosing how and where to disagree, historical commissions can offer a negotiated view of the past that dampens friction and highlights the appropriate paths for moving forward.

Another bilateral project related to the Sudeten question, the Czech-German Historical Commission, has operated along similar lines. Established under the articles of the Treaty on Good Neighborhood and Friendly Cooperation, which the Czechs and Germans signed in 1990, the German-Czech Historical Commission has met with increasing regularity to contemplate a variety of issues related to the two nations' common past. The commission's work following the cancellation of the Visegrád summit in 2002 is most salient. With Zeman trading barbs in the press with Germany's chancellor, Gerhard Schroeder, Bavarian president Edmund Stoiber, who was running for the post of chancellor at the time, and the poster-boy for the European Right Wing, Austria's Jörg Haider, members of the German-Czech Historical Commission convened in Berlin to draft a statement aimed at salvaging bilateral relations. Their position paper "against the reduction of Czech-German relations to the issue of the Beneš Decrees" reiterated the mutual apology for past injustices that the two countries exchanged in the Declaration on Mutual Relations in 1997 and elaborated a rich context for the expulsion of the Sudeten.¹⁹

Citing concern over "the misuse of historical arguments in the current political debate," the German-Czech commission rehearsed the events that preceded the post-war expulsion of ethnic minorities in a counter-narrative aimed at overcoming the misperceptions endemic to the debate. The crucial point in this "prehistory" is that the Beneš Decrees cannot be understood outside the 1945 context. The property seizures and expulsions that appear patently unjust in hindsight were predicated on and determined by "the memory of wartime atrocities and Nazi crimes."²⁰ Acknowledging that the regulations to ensure that Sudeten Germans could demonstrate their loyalty to the Czech government were not consistently observed and conceding that an unknown number of innocents were unfairly punished according to the logic of collective guilt, the commission also asserts that the expulsions were inextricably linked to violence which had been visited on the Czechs by the German army during the war. The statement cites the brutal reprisals against the Czech community in Lidice following the assassination of Reinhard Heydrich in May 1942. Instructed by Hitler to seek revenge for the killing, Nazi soldiers drove Lidice's civilians into a barn where they conducted executions that claimed 60 percent of the population (the remaining 40 percent were sent to concentration camps). The "inhumane conditions" faced by German expellees at the end of the war were, therefore, presaged by the violence which Germany's leaders sanctioned between 1939 and 1945. Thus, the original intention of judging ethnic Germans individually was aban-

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Alexander M. Karn

done in the context of a generalized conflict characterized by mass violence, indiscriminate violence and genocidal terror. This is not a “fog of war” argument aimed at exculpation, but rather a detailed rehearsal of historical facts to deepen understanding. Although members of the joint commission accept that the transfer and displacement of whole populations failed to reflect “the basic idea of human rights,” the expulsion of the Sudeten remains, at its core, “one of the consequences of the war caused by the German political leadership.” Without other options, and supported by the Allied Governments, the Czech government undertook measures that caused harm in practice but were based on principles of peace in theory, i.e., the predominant view of that age that homogenous nation-states would be the best guarantee of future peace.

This narrative is bolder than it first appears. Although it includes little that is new to specialists, the commission’s statement breaks important ground in terms of acknowledging co-responsibility for past injustices. By developing a story with clear lines of causation in which atrocity begets atrocity, the German-Czech commission allows for compromise on both sides of the Sudeten debate. Germans get acknowledgment for their ordeal, although they do not get political leverage for their long-standing property restitution claims. On the other side, Czechs are asked to accept their role in a grim story of human rights violations, but they also get to reassert their own history of victimization and receive renewed assurance that the German government will not seek restitution on behalf of the expellees. Where there is commitment to forward-looking partnership, history offers rivals a chance to reconsider their mutual debts and reapportion the guilt that complicates inter-group relations. In this framework, history becomes a wellspring for the creative reassessment of old identities.

BRIDGING THE SACRED AND THE SECULAR: CATHOLIC-JEWISH RELATIONS AND THE HOLOCAUST

The negotiations undertaken by historical commissions can resemble old-fashioned horse-trading and diplomacy, but these projects aspire to higher ideals as well. There is understandable concern that pressure to conjure a useful history, i.e., to put the past in service of mediation, pushes the limits of social scientific objectivity. Obviously, commissions must guard themselves against prejudice if they want their work to support the logic of peace. The idea is not to massage the facts into a predetermined narrative that exists prior to the actual historical record. Rather, the objective is to develop a narrative that respects the facts and, to the greatest extent possible, allows both sides to maintain the claims that are crucial to their identities. This approach is especially well-suited to conflicts that appear intractable because of the perceived sacredness of opposing claims. If, for example, we consider the Catholic-Jewish debates over the Vatican’s role during the Holocaust and Pope Pius XII’s record, we see that the commission model retains excellent potential despite

recent setbacks. Though flawed in key respects, the International Catholic-Jewish Historical Commission (ICJHC), which suspended its work in 2001 after concluding that the Vatican lacked sufficient commitment, nevertheless points in the right direction. Because polarized views of Pius XII remain an impediment to Catholic-Jewish reconciliation, a critical re-examination of his papacy is essential if there is to be any possibility for compromise. But what kind of framework is appropriate for these negotiations? And what explains the difficulties of the ICJHC?

The project was framed so that standards of historical scholarship could not be adequately upheld.

Since 1963, when Rolf Hochhuth's play *The Deputy* ignited controversy by presenting Pius XII as "a symbol of all men who are passive when their brother is harmed," critics and defenders of the Catholic Church have been aligned against each other in two conflicting camps. Even with efforts to improve relations, e.g., doctrinal reforms approved at the Second Vatican Council in 1965 and Pope's John Paul II's apology for Catholic passivity during the Holocaust in 1998, the Catholic-Jewish divide has deepened over questions regarding Pius XII.²¹ For that reason, it came as a surprise when Cardinal Edward Idris Cassidy, President of the Holy See's Commission for Religious Relations with the Jews, convinced Seymour Reich, chairman of the International Jewish Committee for Inter-Religious Consultations, to help him establish a bilateral commission to study the Vatican's diplomatic activities during Pius XII's tenure. Many hoped that the decision to launch a new inquiry would mark a turning point in the history of Catholic-Jewish relations.

Unfortunately, concerns over the composition of the commission arose almost immediately. Despite promises by its members to put aside personal prejudice, Catholic partisans complained that the makeup of the ICJHC, given that five of the six members had written or spoken critically of Pius XII prior to their joining, assured a skewed outcome. Of course, the problem of subjectivity always exists with these commissions. However, by assembling three Catholic scholars together with three Jewish scholars, it was hoped that the preconceptions that commissioners brought to the table would balance and cancel one another. Unimpressed with the line-up, Catholic hardliners who supported "fast-track" beatification for Pius XII never dropped their complaints that members of the ICJHC were conspiring against them, and this perception compromised the project from its start.

Adding to the problem of perceived bias, the ICJHC also struggled to conform to a vague and problematic mandate. Unfortunately, this seemed to push members of the commission into a pattern of thinking in "either/or" terms, which rarely proves useful in historical analysis. In any case, the project was framed in such a way that the professional standards of historical scholarship could not be adequately upheld. The commission was expected to provide a comprehensive evaluation of the

Alexander M. Karn

Vatican's role during the Second World War, but their investigation was constrained by the limited source material that the Vatican provided.²² The expectations for the project and the tools for its execution were, thus, radically incompatible. While some members of the commission expressed hope that their work would open the way to full archival access, the Vatican did little to support those hopes. Instead, made to rely exclusively on archival sources that the Vatican had already cleared for examination, the ICJHC encountered sharp dissonance between the pre-selected questions

Why was Pius XII silent?

that members brought to their inquiry and the pre-selected source materials that were provided to them. In the end, this scenario seems to have pushed the commission more deeply into the accusatory framework that has characterized Catholic-Jewish relations for the last forty years. Members of the commission came to believe that the inherent limitations of the source material obscured instances of immoral conduct documented elsewhere in the Vatican's archives. By the time the commission addressed these supposed lacunae in their preliminary report, they had already slipped into a deeply confrontational mode of inquiry. Instead of maintaining a neutral stance (i.e., What was the Vatican's policy with respect to Jews during the Holocaust?), the ICJHC took a more presumptuous tack (i.e., Why was Pius XII silent?). Is it any surprise that the Vatican did not wish to maintain the project?

The lesson for future commissions is clear: These bodies must develop an investigative style that does not elicit reflexive defensiveness from the groups that open themselves to scrutiny. To maintain a working relationship with the Vatican, members of the ICJHC would have been wise to pose their questions in subtler form, preferably in some formulation that could strike a doctrinal chord with the Catholic faithful. Reading the commission's preliminary report and noting the hard edge that most of their questions exhibit, it is difficult to imagine that the Church could respond at all except for defensively. In such cases, where the secular and sacred overlap, the commissions might strive to develop a "bridging discourse" that makes cross-cultural communication easier and historical investigation less overtly threatening.²³ In 1998, Pope John Paul II spoke of *teshuva*, the Hebrew word for repentance, when he broke a long silence by addressing the Catholic Church's role in the Holocaust. Could the ICJHC have fared better by posing their questions in language from the Gospels, for example, by reminding the Catholic segment of their audience that Jesus had a question for everyone he met? Because the nature of religious difference is that sacred spaces are not open to compromise, it is crucial that members of inter-faith initiatives such as the ICJHC work to address their counterparts in language that resonates with them. Members of these commissions must realize that how they state their case matters just as much as what they communicate.

Historical negotiations are unlikely to succeed unless commission members can map the boundaries of the moderate center. The most strident Jewish critics look

upon Pius XII as someone who neglected his basic moral and clerical obligations or, worse, as someone whose anti-Semitic leanings explain a record of inaction that amounted to complicity with the Nazi regime. At this accusatory end of the memory spectrum, Pius XII is reviled as “Hitler’s Pope,” and his mortal stains on the Church’s record are impossible to expunge. Guilt is non-negotiable. At the other end of the spectrum are the Catholic hagiographers who support “fast-track” beatification for Pius XII and maintain that the Holy Father undertook heroic measures, even risking the physical annihilation of the Catholic Church, to protect European Jewry in the darkest hours of the *Shoah* (the Holocaust). What if these two sides could meet in the middle, so to speak, at a negotiated position that respected the essential claims of both groups?

The two sides would have to split the difference between their conflicting views of the past.

Delving into the historical record (the two sides would have to revisit the question of archival access), what if the ICJHC resumed its work and developed a narrative that highlighted the Vatican’s attempts at diplomacy and Pius’s efforts to intervene on behalf of Jewish communities in Europe and, at the same time, reiterated the scope and magnitude of the Holocaust and the impotence of the Vatican to stem the tide of anti-Semitic violence? In essence, the two sides would have to split the difference between their conflicting views of the past. Jews pushing for humiliating guilt would have to give up their claim that the Catholic Church was a monolithic extension of the Nazi regime. Catholic partisans, meanwhile, would have to give up their claim that Pius XII worked miracles in the face of terrific odds. Instead, both sides could work to substantiate a narrative that combines the essential points of their distinct memories while incorporating a third axis of truth: In spite of efforts to condemn the politics of anti-Semitism and to save Jews, Pius XII and the Vatican were unable to thwart the Nazi program because their authority and tactics were insufficient in the face of a totalitarian regime bent on war and genocide. Here, Pius appears as neither saint nor sinner, but rather as a man of his times who, like other statesmen, failed to stop Hitler even though he may have had some opportunity to do so. In this narrative, Hitler and his minions are placed once more in the role of perpetrators; Jews remain the victims of horrific violence and atrocity, and the Vatican and pontiff figure as bystanders, not entirely helpless but also not empowered to single-handedly face down the Third Reich. Through negotiation and compromise, the two sides (or three, if we include the Germans) might return to a kind of historical orthodoxy, not a myth or a falsification but an explanatory narrative that documents essential points, apportioning guilt appropriately and offers all parties a route out of the current cycles of blame and recrimination. Does such an approach presuppose too much? Do we risk setting the cart before the horse here? Or does getting the story right have a different meaning in the context of conflict mediation? If denial is the worst possible

Alexander M. Karn

way of managing the past, then guilt-mongering ought to be eschewed, too. The principle task for the historical commissions is, therefore, depolarization.

ADDITIONAL LESSONS FOR FORMULATING FUTURE COMMISSIONS

Although it is not always possible for rivals to negotiate a perfectly convergent history of their conflict, the recounting of the past can be an important tool for fostering reconciliation. Each case is unique, but by considering the results of previous commissions, we can begin to see which techniques and formulations offer the best chances for successful conflict management.

First, future commissions should bear in mind that differences of perspective need not be obliterated in order to make progress. Replacing the double memories that rivals conjure to validate themselves with a better, more truthful version of history is, in general, neither feasible nor desirable. Instead, the goal for future commissions should be to render the past in a way that allows rivals to maintain what is crucial to their self-identity while gently wresting away the distortions that have put them at odds. This might entail the contemplation of a more nuanced, more thoroughly contextualized version of past events, as with the IPN's Jedwabne project, or it might require a straightforward, orthodox narrative like the one I have tried to sketch out for the ICJHC. In either case, the emphasis remains on developing mutually acceptable areas of inquiry rather than enforcing answers that both sides must accept. Historical commissions must be adept at structuring narratives that are not only multi-faceted but also compatible with the universal values that exist at the core of democratic, open societies. The tension here between post-modern "perspectivalism" (i.e., each side has its own truth) and the old-fashioned rationalism of the Enlightenment (i.e., both parties find their way to a single, consensual truth) reflects larger issues related to the debates over globalization, but commissions will shy away from these complexities at their own peril.

Although historical commissions can be useful tools for resolving conflicts, their ability to negotiate peaceful resolutions often depends on maintaining disagreements and probing them in an organized way rather than seeking what is often referred to as closure. We can see this clearly in the case of Poland-Ukraine. The Common Ground commission has used an open-ended approach to conflict resolution that seeks to highlight agreements and differences rather than trying to push the two sides to abide by a single scenario. In its seminars and reports, the commission brackets and sets aside the most contentious subjects for future consideration instead of making them the objects of obsessive confrontation. This is not a case of letting bygones be bygones exactly, but rather of conscientiously working to ensure that contemporary relations are not overloaded by historical considerations. As the past loses some of its emotional valence, new opportunities for critical reexamination may arise. This strategy of deferment relieves immediate tensions while still

allowing groups to interrogate the stereotypes that inform and exacerbate inter-group conflicts. As the director of one textbook commission has put it, the emphasis on negotiating difficult questions “explodes a historical presentation based on national history, which asserts the full homogeneity of [each] society and differentiates itself from the outside with latent hostility.”²⁴ Instead, by working toward a supra-national perspective, i.e., above the fray of partisan double memories, historical commissions attempt to commit the groups they represent to a social scheme based on interdependence and cooperation. The needs of the present and future outweigh a fixation on thick description and blame.

The mark of progress will be different in each scenario, and the historical commission model is not appropriate to all phases or types of conflict. In the case of extreme sectarian violence, or the zero-sum wars of religion that are fought along cultural fault lines, even a brief ceasefire counts as improvement. Later, perhaps with the aid of a mediator, enemies can work toward slightly more durable principles such as non-lethal coexistence, leaving loftier goals like reconciliation and the creation of multicultural democracy for another day. Where conflicts are based on historical injustices, however, and legacies of violence live on mostly as historical memories that discourage openness and cooperation, one can aim higher. This is where historical commissions will have their greatest potential impact.

Though these commissions are for the most part unable to determine the course of normal politics, they can take advantage of openings in the political discourse to begin the process of contextualization and negotiation as described above. Ideally, these commissions will supplement progress toward constructive dialogue at the more official levels. In the absence of such goodwill, these commissions can provide a counter-narrative where leaders find it hard to put the ideals of peace and cooperation above self-interest or where moderate group representatives have no influence over the most extreme political factions. Such a counter-narrative would not necessarily be fast-acting, but would require a period of inculcation and maturation. Though these commissions offer no panacea, they can be effective when employed together with other tools that have proven useful in conflict mediation.

If we begin to think of inter-group relations as an evolving process marked by ebb and flow in which there are intermittent opportunities for mutual understanding and cooperation, then the historical commissions can undoubtedly play a role in promoting shared perspective and solidarity. The promise of historical commissions is that they can give rivals a new way of seeing each other. By mingling two histories together in a process of careful and calculated negotiation, members of these commissions can offer themselves, not simply as documentary professionals and “bean counters” (adding up the spoils of history), but as mediators of conflict and practi-

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Alexander M. Karn

tioners of peace. A combination of idealism and pragmatism—members work toward a narrative that is psychologically acceptable to both sides while at the same time rigorous enough from an empirical standpoint to pass the social scientific litmus of the historical profession—gives these commissions significant leverage in the management, and possibly even resolution, of longstanding conflicts that are enflamed by the splintering of memory. The problem with past attempts to incorporate historical understanding into mediation practice has not been the instrumentalist view of storytelling, but rather the fact that mediators have so far made too little of this potentially powerful tool. 

NOTES

¹ John Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace* (Oxford and New York: Oxford University Press, 2005), 146-47.

² The body of literature treating apologies for historical injustice is growing steadily. For an overview of the subject, see Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (Baltimore, MD: Johns Hopkins University Press, 2000); Elazar Barkan and Alexander Karn, eds., *Taking Wrongs Seriously: Apologies and Reconciliation* (Palo Alto, CA: Stanford University Press, 2006); Roy L. Brooks, ed., *When Sorry Isn't Enough: The Controversy over Apologies and Reparations for Human Injustice* (New York: New York University Press, 1999); Janna Thompson, *Taking Responsibility for the Past: Reparation and Historical Justice* (Cambridge: Polity Press, 2002); and John Torpey, ed., *Politics and the Past: On Repairing Historical Injustices* (Lanham, MD: Rowman and Littlefield, 2003).

³ Charles Maier has written thoughtfully about the capacity of historians to overcome entrenched political differences. His classic study of the German *Historikierstreit* (historians' debate) already points toward a new historiography based on the principle of impartial mediation. Maier writes: "The question becomes how history can mediate ideology methodologically. By mediate I do not mean just cover over, or state indirectly. I mean incorporate, but transcend. For the historian, this requires a rigorous analysis of presuppositions from all contending points of view, indeed the effort to see the stakes even for parties who may have been muffled or absent." Charles Maier, *The Unmasterable Past: History, Holocaust, and German National Identity* (Cambridge, MA: Harvard University Press, 1988), 61. For more in this vein, see also Charles S. Maier eds. Robert I. Rotberg and Dennis Thompson, "Doing History, Doing Justice: The Narrative of the Historian and of the Truth Commission," in *Truth v. Justice: The Morality of Truth Commissions* (Princeton, NJ: Princeton University Press, 2000).

⁴ Uganda's "Workshop on History and Reconciliation" was created in 2004 as a collaborative effort between the Institute for Historical Justice and Reconciliation (Salzburg, Austria) and the Center for Basic Research of Kampala. For background and analysis on this project and on recent efforts to understand the roots of the ongoing conflict between southern and northern Uganda, see Elazar Barkan, "Engaging History: Managing Conflict and Reconciliation," *History Workshop Journal* 59 (2005): 229-36; The work of the Tulsa Riot Commission is reviewed in Alfred L. Brophy, *Reconstructing the Dreamland: The Tulsa Race Riot of 1921, Race Reparations, and Reconciliation* (Oxford: Oxford University Press, 2002). The commission's final report and recommendations are available online at <http://www.ok-history.mus.ok.us/trrc/freport.htm>.

⁵ For a detailed analysis, the IPN's work on Jedwabne, refer to Krzysztof Persak, "Coming to Terms with the Wartime Past: The Institute of National Remembrance and its Research on the Jedwabne Case," (Lecture, Yad Vashem, December 2002), http://yad-vashem.org.il/about_yad/departments/institute/conferences_persak.html.

⁶ After a long period of official repression and amnesia, the Jedwabne events were brought into the public eye in 1998 following the publication of Jan Gross's monograph, *Sasiedzi*, later translated into English as Jan Gross, *Sasiedzi, Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland* (Princeton, NJ: Princeton University Press, 2001).

⁷ Quoted in Persak, 2002. See note 5 above.

⁸ More information on the organization and activity of the ICE, including all interim and final reports,

Depolarizing the Past

can be found online at <http://www.uek.ch/en/>.

⁹ See Jean-François Bergier, "Commissioned History in Switzerland," in *Revisiting the National Socialist Legacy*, ed. Oliver Rathkolb (Vienna and Munich: Studien Verlag, 2002), 43.

¹⁰ *Ibid.*, 45-46.

¹¹ *Ibid.*

¹² For an overview of the Polish-Ukrainian conflict, including research on casualties and chronology, see Timothy Snyder, "To Resolve the Ukrainian Problem Once and for All: The Ethnic Cleansing of Ukrainians in Poland, 1943-47," *Journal of Cold War Studies* 1, no. 2 (1999): 86-120.

¹³ "Opening the Archives," *The Warsaw Voice*, 24 July 2003.

¹⁴ The community project to refurbish Radom's cemetery was reported in Roy Gutman, "Chain of Claims," *New York Newsday* (27 December 2000).

¹⁵ The synergy between historical reconciliation and strategic cooperation is pronounced here. In 2002, for example, the Polish Defense Ministry signed a contract worth \$250 million with an Israeli supplier for several thousand anti-tank missiles. The same year, the Poland's National Security Bureau chief announced that his country had initiated a joint program with Israel's Mossad to assist in the hunt for terrorists following the attacks of 11 September 2001. While observers and analysts can debate the "horse and cart" relationship between politics and reconciliation, mediators will simply note the inter-connection and seek to capitalize on it in their work.

¹⁶ Sponsored by the Georg Eckert Institute for International Textbook Research, the German-Czech Commission began as a UNESCO initiative in 1967. For background on the GEI and the German-Czech project, see http://www.gei.de/english/projekte/d_t_projekte.shtml.

¹⁷ See Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London: Verso, 1991), *passim*.

¹⁸ *Ibid.*

¹⁹ A full version of the German-Czech Declaration appears at <http://www.mzv.cz/servis/soubor.asp?id=1873>.

²⁰ The commission's statement can be accessed online at the Czech Foreign Ministry's web site, <http://www.mzv.cz/www/mzv/default.asp?ido=14082&idj=2&amb=1&ikony=False&trid=1&prsl=False&poccl=>.

²¹ The publication of *Nostra Aetate* (full-title: *Declaration on the Relation of the Church with Non-Christian Religions*) following the Second Vatican Council marked a qualitative shift in the Church's policy toward Judaism. After lengthy deliberations, the Church's Council of Fathers renounced the traditional view that blamed Jews collectively for the crucifixion of Christ and repudiated the teaching that Jews were a cursed people who had broken their covenant with God. Reaction to John Paul II's apology was mixed. Some saw it as "too little, too late," while others viewed it as a straightforward statement of acknowledgement and a solid foundation for reconciliation. The Vatican's official statement on the Holocaust, based on the statements that John Paul II made earlier, *We Remember: Reflections on the Shoah* (1998), elicited a similar split in public opinion. The document cites individual, anonymous Christians who failed to execute their moral duty toward Jews during the war, but it skirts the role of the Vatican and says nothing at all regarding Pius XII. While this "generalized" approach to guilt appears to have worked elsewhere, e.g., in the case of the Swiss ICE, the Catholic-Jewish conflict has been more focused on individual personalities.

²² The ICJHC's investigation was limited to eleven volumes from the Vatican's archives compiled between 1965 and 1981 by four Jesuit priests who were employed to rebut the charges leveled against Pius XII. These volumes, the *Actes et documents du Saint Siège relatifs à la Seconde Guerre Mondiale*, offered an overview of the Vatican's diplomatic relations between 1939 and 1945, as well as a record of the Vatican's efforts to intervene on behalf of non-combatants, including the Jewish victims of Nazism. Two specialized volumes cover Pius XII's personal correspondences with Germany's bishops and the persecution of the Catholic Church in Poland and the Baltic states before and during the period of the Second World War. While the *Actes* caused little stir at the time of their release, they became an item of contention after the formation of the ICJHC. Members insisted that these materials provided a partial and biased glimpse into the Vatican's wartime policies. Though Vatican officials later maintained that the commission would

Alexander M. Karn

gain access to other archival materials later, no specific framework for their preparation or release was ever given. More than anything else, these unresolved questions about archival access are responsible for the dissolution of the ICJHC in 2001.

²³ The term is borrowed from R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (Lanham, MD: Rowman and Littlefield, 2000), 293. Appleby argues that reconciliation depends on the ability of rivals to find a vocabulary that is mutually intelligible and minimizes dissonance between sacred convictions and secular curiosities.

²⁴ Robert Maier, "German-Polish Textbook Cooperation since 1989," in *Textbook Improvement with a View to Enhancing Mutual Understanding between Countries* (Seoul: Korean Educational Development Institute, 2002), 50.