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# “Making Whole What Has Been Smashed”: Reflections on Reparations\*

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In his “Theses on the Philosophy of History,” Walter Benjamin describes a Paul Klee painting in which an angel is contemplating the wreckage of the past as it piles up at his feet. “The angel would like to stay, awaken the dead, and make whole what has been smashed,” but a storm blowing from Paradise drives him backward into the future. “This storm,” Benjamin writes laconically, “is what we call progress.”<sup>1</sup> Benjamin’s aphorism echoes his pronouncement earlier in the “Theses” that there is no artifact of culture that is not at the same time a product of barbarism. For all his acknowledgment of the cruelty that underlay great human cultural achievements, Benjamin is nonetheless prepared to accept that this *is*, or at least is intrinsic in, “progress”; however worthy of remembrance these sacrifices surely are, human advance is not conceivable without a certain amount of suffering. Freud had already suggested as much in his reflections on the discomfort that human beings experience in civilized society.<sup>2</sup> Like Benjamin, he wanted to minimize the suffering while celebrating the achievements made possible by the sacrifices.

Our own age is considerably less sanguine about the extent to which sacrifice and suffering should be tolerated, regardless of the cause it might serve. Hegelian views — and certainly Marxist ones — of the teleological character of history-as-progress are decidedly outré; the body counts associated with various utopian projects have grown too large during the course of the twentieth century for anyone still to speak glibly about “striding over corpses” on the way to the good society.<sup>3</sup> We have been chastened by the monumental man-made catastrophes of the last hundred years. Even more, many have come to believe that there are few “acci-

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<sup>1</sup> Walter Benjamin, “Theses on the Philosophy of History,” in *Illuminations*, ed. Hannah Arendt (New York, 1968), pp. 257–58. This work was written shortly before his death in 1940.

<sup>2</sup> Sigmund Freud, *Civilization and Its Discontents*, trans. James Strachey (New York, 1961).

<sup>3</sup> Hannah Arendt was one of the most compelling early critics of this view of history; see her *Origins of Totalitarianism* (New York, 1951), esp. the chap., “Ideology and Terror: A Novel Form of Government.”

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dents” in history and that those that have occurred deserve to be recompensed. For example, an Organization of African Unity (OAU) panel recently asserted that “‘a significant level of reparations’ should be paid to Rwanda by nations and institutions that failed to prevent or stop the 1994 genocide,” particularly including the United States, France, Belgium, the United Nations, and the Roman Catholic and Anglican churches.<sup>4</sup>

It is one of the more remarkable developments in international affairs in recent years that states, churches, and private firms increasingly are being held responsible to those whom they are said to have wronged in the past and being compelled to pay “reparations” — or at least being pressured to apologize for such wrongdoing. The spread and growing recognition of claims for reparations calls sharply into question the age-old idea that “the standard of justice depends on the . . . power to compel[,] and . . . the strong do what they have the power to do and the weak accept what they have to accept” (Thucydides). These trends represent a remarkable transformation in attitudes toward past events, and they present a variety of conundrums for those who observe the past professionally or who confront these demands as citizens. As there is every reason to believe that demands for reparations will be with us for the foreseeable future, it may be worthwhile to reflect on where these demands have come from and what they may mean.

In what follows, I offer a primer on the global spread of “reparations politics” — that is, of attempts to come to terms with the past through the vehicle of monetary and other kinds of compensation. First, I describe the main sources and types of demands for reparations. Next, I discuss the consolidation of the Holocaust as a standard and its “globalization” as a model for such demands. Although reparations for wartime damages have a long history, the general trend toward indemnifying various groups for past injustices is a product of responses to the Holocaust; the worldwide spread of reparations politics has its roots in postwar responses to European experiences. Third, I argue that the background of “reparations politics” has been the emergence of a broader “consciousness of catastrophe” that is rooted in but goes well beyond Holocaust awareness. This novel sensibility derives fundamentally from the dominant interpretations of the history of the twentieth century, which stress its catastrophic qualities rather than the humanitarian possibilities to which its disasters have given momentum. Fourth, I consider the spread of interest in what I call — following Jürgen Habermas — a “theory of communicative history” that is a further aspect of reparations demands and is intended to help lay to rest the unquiet past. Finally, I analyze the politics of reparations politics, its resonance and dissonance with larger political trends.

Throughout this discussion, my main claim is that the concept of race, the po-

<sup>4</sup> Barbara Crossette, “U.S. and France Are Urged to Pay Reparations for Rwanda Deaths,” *International Herald Tribune* (July 8–9, 2000), p. 1. For discussions of similar efforts to gain compensation for acts of omission in the 1997 shootings by Michael Carneal in West Paducah, Kentucky and the Columbine High School shootings of April 20, 1999, respectively, see William Glaberson, “Futility Follows an Effort to Lay Blame for Killings,” *New York Times* (August 4, 2000) (West Coast ed.), p. A1; and Michael Janofsky, “Families of Columbine Victims Sue Officials at High School,” *New York Times* (July 20, 2000) (West Coast ed.), p. A16.

litical deployment of which was profoundly undermined by the Holocaust and its aftermath, is at the heart of the current worldwide proliferation of demands for "reparations." Malcolm X was right when he said, referring to the American rendezvous with racist destiny, that "the chickens are coming home to roost"; and this is because, in the aftermath of the Holocaust, invidious racial distinctions have come to be seen as an unacceptable violation of "human rights." The proliferation of demands for reparations for historical injustices has so far involved more than anything else the righting of injustices based on racial hierarchies. Yet, paradoxically, the attempt to get beyond race ineluctably involves a rejection and simultaneous reappropriation of that category on the road to overcoming iniquitous pasts.

#### THE SOURCES AND TYPES OF REPARATIONS DEMANDS

The various claims for reparations for historical injustices now being raised constitute major challenges to numerous states around the world. The shift in the "liability" of states for past actions that is inherent in the spread of reparations claims may confront officials of government, churches, corporations, and international financial institutions with demands for substantial monetary compensation, far-reaching and potentially costly rehabilitative policies, and even the cession of certain aspects of sovereignty over parts of national territories. My focus will be on reparations claims directed at states, however, because these have so far constituted the principal targets of such claims and because claims against churches and private firms typically result in responses worked out in close collaboration with, if not directly by, states.<sup>5</sup> Broadly stated, the various campaigns for reparations for past injustices bespeak the dawning of a new phase in relations between states and the groups that they have victimized historically, and the outcome of these campaigns may well influence the future willingness of statesmen to oppress other groups. Demands for reparations are part of a broader challenge to state power and sovereignty that has been one of the major consequences of the post-Holocaust era. In short, the stakes involved in the proliferation of reparations claims are very significant indeed.

There are three basic sources of claims for reparations. First are those cases arising from acts of injustice perpetrated during World War II. These include claims arising from state-sponsored mass killing, forced labor, and sexual exploitation on the part of the Axis powers (Germany and Japan, but also Austria), as well as from the unjust wartime incarceration of those of Japanese descent in Allied countries (the United States and Canada) and from economic or other kinds of collaboration

<sup>5</sup> As, e.g., in the recent settlement of claims arising from the exploitation of forced and slave labor by German companies during the Nazi period. See Edmund L. Andrews, "Germans Sign Agreement to Pay Forced Laborers of Nazi Era," *New York Times* (July 18, 2000) (West Coast ed.), p. A3. See also the Canadian government's plan for dealing with the abuses arising from the forcible assimilation of native children through residential schools run by both the government and churches in "Gathering Strength: Canada's Aboriginal Action Plan," January 7, 1998, available at ([http://www.inac.gc.ca/gs/index\\_e.html](http://www.inac.gc.ca/gs/index_e.html)).

in Nazi crimes by putatively neutral countries (Switzerland, France, the Netherlands).

Next are those claims ensuing, in the aftermath of a “transition to democracy,” from “state terrorism” and other authoritarian practices. Such cases have been prominent aspects of political life in Latin America, Eastern Europe, and South Africa in recent years. These cases, however, have been more notable for generating “truth commissions,” debates over past complicity with the old regime, and purges of collaborators than demands for monetary compensation as such, although restitution and privatization of property have been major issues in post-Communist countries.<sup>6</sup> “Coming to terms with the past” in these countries has primarily concerned clarifying the circumstances under which victims of the regime suffered. Those victims are generally understood in political rather than racial terms, and thus they only come to constitute groups as a result of their shared experience of political repression.<sup>7</sup> The South African case is a mixed one, combining aspects of this second source with the third — namely, campaigns for reparations stemming from colonialism.

Demands for reparations arising from colonialism can be broken down further, depending on whether the variant of colonialism referred to is the “classical” European version, one or another variant of “internal colonialism” (e.g., slavery, jim crow, apartheid),<sup>8</sup> or more recent “neocolonial” structures and institutions. With respect to claims emerging from the aftermath of classical European colonialism, we witness claims for reparations both by the formerly colonized, especially in Africa, and by a variety of “indigenous” groups against states dominated by the descendants of their European conquerors. More recently, demands for reparations have been raised against international lending agencies that are regarded by some as the causes of Third World poverty and environmental destruction, rather than as protagonists of their cure. During the protests against the activities of the World Bank and International Monetary Fund held in Washington, D.C., during April 2000, for example, activists insisted that the World Bank should pay “reparations” for its funding of dams that have allegedly displaced over 10 million people from their homes and land, caused severe environmental damage, and driven impoverished borrowers further into debt.<sup>9</sup>

<sup>6</sup> The best work on “coming to terms with the past” in the former Communist countries is Tina Rosenberg, *The Haunted Land: Facing Europe's Ghosts after Communism* (New York, 1995). See also her editorial, “In Chile, the Balance Tips toward the Victims,” *New York Times* (August 22, 2000) (West Coast ed.), p. A26. On restitution and privatization in Eastern Europe, see Elazar Barkan, *The Guilt of Nations: Restitution and Amending Historical Injustices* (New York, 2000), chap. 6.

<sup>7</sup> Sharon McConnell, “Is Truth Enough? Reparations and Reconciliation in Latin America” (paper presented at the symposium “Politics and the Past: On Repairing Historical Injustices,” University of British Columbia, February 25–26, 2000).

<sup>8</sup> On the concept of “internal colonialism,” see Robert Blauner, *Racial Oppression in America* (New York, 1972).

<sup>9</sup> The dams highlighted in the demands included one in Guatemala that was said to have been opposed by the Maya Achi indigenous group and the Pak Mun Dam in Thailand. See the announcement of the “Issues Forum on World Bank, Dams, and Reparations” distributed by Aviva Imhof of the International Rivers Network, April 10, 2000, ([aviva@irn.org](mailto:aviva@irn.org)). I am grateful to Todd Gitlin for bringing this case to my attention.

In contrast to these three sources of reparations demands, there are two basic types of reparations claims. First are those that seek to compensate persons whose physical victimization took place in the past and who now suffer principally psychological scars. Their claims are rooted in commemorative projects that call attention to the acute barbarity or humiliation associated with past mistreatment of individual members of the group. In these cases, reparations are largely symbolic attempts to recognize the recipients' past victimization. The claims arising from World War II are typically of this first type, although of course Holocaust survivors and comfort women may also have physical ailments deriving from their victimization during the war. Commemorative reparations projects tend to be backward looking, not necessarily connected to current economic disadvantage, and dependent on the cultivation of a consciousness of victimhood among both "survivors" and the broader public.

Second, demands for reparations may be rooted in claims that a past system of domination (colonialism, apartheid, slavery, segregation) was unjust and is the cause of continuing economic disadvantage suffered by those who lived under these systems or their descendants. Claims related to the various forms of colonialism are generally of this latter type, although the reparations campaigns of groups whose oppression took or takes place on territories ruled by the descendants of Europeans (aboriginals, American blacks) often involve a commemorative cultivation of ethnocultural victimhood that makes them similar to the first type. These antisystemic reparations movements are more forward looking, view reparations as a means of transforming the current conditions of deprivation suffered by the groups in question, and are more frequently connected to broader projects of social transformation than are commemorative projects.<sup>10</sup> In these cases, the demand for reparations is a tactical political move in a historical period that lacks the capacious, inclusive vision of progressive social change that was once supplied by socialism and the American civil rights movement. For these groups, who find other channels toward progress blocked, the road to the future runs through the prolonged disasters of the past.

Demands for reparations deriving from now-defunct authoritarian regimes tend to fall between these two stools, not least because political stigmatization is more easily left behind than the ethnoracial stigmata on the basis of which the other groups were principally persecuted. Political apostasy, however severely or unjustly punished, is not carried like a mark of Cain by future generations; only those who suffered it directly or their immediate families can plausibly demand compensation.

Despite their differences, the various types of reparations claims frequently share the common characteristic that the Holocaust is regarded as a standard for judging the seriousness of past injustices and as a template for claiming compen-

<sup>10</sup> These divergent perspectives on reparations were exemplified in the talks given by Charles Maier and Roy Brooks, respectively, at the symposium "Politics and the Past: On Repairing Historical Injustices," University of British Columbia, February 25–26, 2000. For a different conceptual framework on reparations, see Roy Brooks, "The Age of Apology," in *When Sorry Isn't Enough: The Controversy over Apologies and Reparations for Human Injustice*, ed. Roy Brooks (New York, 1999), pp. 3–11.

sation for them. Far from a merely local event of little relevance to those outside the Euro-Atlantic world, the Holocaust has emerged as the touchstone of a “consciousness of catastrophe” that has been perhaps the principal legacy of the twentieth century with respect to the way our contemporaries think about the past.

#### THE HOLOCAUST AS STANDARD AND MODEL

The spread of demands for reparations in the more recent past follows from the fact that the Holocaust has come to comprise the “true emblem”<sup>11</sup> of our age. The perfidy of the Nazi assault on European Jewry has emerged as a kind of gold standard against which to judge other cases of injustice and to which advocates seek to assimilate those instances of human cruelty and oppression for which they seek reparations. Contrary to those who regard the Holocaust as a sponge of historical memory that sucks the juices out of alternative commemorative and reparations projects, the very opposite is the case: the Holocaust has become the central metaphor for all politics concerned with “making whole what has been smashed.”

*The Black Book of Communism*, published in France in 1997 to intense controversy that was repeated when German and Italian editions appeared soon thereafter, made this point in spite of itself in the very act of insisting that Communist crimes were more atrocious and hence more deserving of recompense than those of the Holocaust. In the provocative introduction to what otherwise were relatively sober (if macabre) country-by-country analyses of Communist misdeeds, editor Stéphane Courtois asserted — against much countervailing evidence — that “in contrast to the Jewish Holocaust, which the international Jewish community has actively commemorated, it has been impossible for victims of Communism and their legal advocates to keep the memory of the tragedy alive, and any requests for commemoration or demands for reparations are brushed aside. . . . [A] single-minded focus on the Jewish genocide in an attempt to characterize the Holocaust as a unique atrocity has also prevented an assessment of other episodes of comparable magnitude in the Communist world.”<sup>12</sup>

It was this kind of extraordinary outburst that led some of the contributors to *The Black Book* to distance themselves publicly from Courtois’s introduction. Still, the bizarre notion that, in comparison with the Holocaust, the misdeeds of Communism have not received their fair due has received an extensive airing in France in recent years. For example, Alain Besançon has asserted that there has been a “hypermnésie” with respect to Nazism and an “amnésie” concerning Communism. The claim that Communism has been underscrutinized compared to the Holocaust reflects the belated reckoning with Communism in France rather than any lack of attention to that system while it still held sway in Eastern Europe and elsewhere.<sup>13</sup>

<sup>11</sup> Dan Diner, *Das Jahrhundert verstehen: Eine universalhistorische Deutung* (Frankfurt am Main, 2000), p. 66.

<sup>12</sup> Stéphane Courtois, “Introduction: The Crimes of Communism,” in *The Black Book of Communism: Crimes, Terror, Repression*, ed. Stéphane Courtois et al. (Cambridge, Mass., 1999), p. 23.

<sup>13</sup> See Alain Besançon, *La malheur du siècle: Sur le communisme, le nazisme, et la unicité de*

The recent controversies over the “uniqueness” of the Holocaust, and over whether the crimes of the Nazis were more damnable than those of Communists, should sound familiar to those who have followed these matters during the past decade and a half. In effect, these disputes over the way in which we think about the history of the twentieth century reprise the central arguments of the *Historikerstreit* of the mid-1980s. The renewal of competition over whether the Nazis or the Communists were responsible for greater evil, in which *The Black Book of Communism* has been perhaps the most inflammatory intervention, thus seems something of a rearguard action, with relatively little prospect of transforming our perception of the larger meaning of the twentieth century. Dan Diner has suggested one important reason for this situation: terrible though the gulag was, the “knowledge” associated with our grasp of the “liquidation of the kulaks as a class” or of other Communist brutality cannot constitute the basis of an ethnic self-understanding because most of the relevant groups do not persist through historical time.<sup>14</sup> Ethnic and racial conceptions of groups are more likely to have visible, ongoing referents than class conceptions. That fact undermines the likelihood that class-related injustices will capture the imagination of the successors of those who suffered them and make them into the focus of a campaign for commemoration and reparations.

The strenuous efforts in *The Black Book* to demonstrate the extent to which Communist oppression had ethnoracial dimensions bear unintentional witness to the validity of Diner’s insight. Thus, in the book’s chapter on Cambodia, Jean-Louis Margolin writes: “[F]or the Khmer Rouge, as for the Chinese Communists, some social groups were criminal by nature, and this criminality was seen as transmittable from husband to wife, as well as an inherited trait. . . . We can speak of the *racialization* of social groups, and the crime of genocide therefore can be applied to their physical elimination.”<sup>15</sup> Margolin is pointing to a crucial feature of the interpretation of the crime of genocide as it has come to be understood since the Holocaust assumed its dominant role in contemporary historical consciousness: namely, that the notion of genocide has mainly come to be applied to groups defined in ethnoracial terms, despite the Genocide Convention’s inclusion of “national” and “religious” groups as possible victims of that crime. Diner’s observation about the difficulties of constructing “actionable” historical memory on the experiences of economically defined groups is thus very much to the point.

Despite the contrasting political implications, the dyspeptic views of the cen-

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*Shoah* (Paris, 1998). For a critique of this view, see Henry Rousso, “La légitimité d’une comparaison empirique,” in *Stalinisme et nazisme: Histoire et mémoire comparées*, ed. Henry Rousso (Paris, 1999), esp. p. 18. For a further discussion of the significance of *The Black Book of Communism*, see my “What Future for the Future? Reflections on *The Black Book of Communism*,” *Human Rights Review*, vol. 2, no. 2 (January–March 2001), as well as the other essays collected there.

<sup>14</sup> Diner, p. 233.

<sup>15</sup> See Jean-Louis Margolin, “Cambodia,” in Courtois et al., eds., p. 634. For an extended discussion of the “racialization” of social groups and its relation to state-sponsored killing, see Eric Weitz, “Race, Nation, Class: Das ‘Schwarzbuch des Kommunismus’ und das Problem des Vergleichs zwischen nationalsozialistischen und sowjetischen Verbrechen,” *Werkstatt Geschichte* 22 (1999): 75–91.



trality of the Holocaust in contemporary memory observable in recent French discussions overlap in one crucial respect with Peter Novick's recent critical assessment of the stature of the Holocaust in American historical memory.<sup>16</sup> Both those seeking greater recognition of Communist misdeeds and those such as Novick, who chart the steady growth of Holocaust awareness in American public discourse, argue that the *Shoah* has assumed a place of such overriding prominence in our mental landscape that it may be difficult to accord to other human catastrophes the attention they deserve. In contrast to those seeking to gain greater attention for the commemoration of Communist crimes, Novick's critique comes from the future, so to speak; he wishes us to view the Holocaust as a cautionary tale leading us to redouble our efforts to forestall any repetition of its horrors, not as an episode redolent with "lessons" about the shadow side of human nature and certainly not as an event on which to fix our political fantasy to the exclusion of other, avoidable catastrophes yet unimagined. The convergence of views between the two camps regarding the predominant position of the Holocaust in current discussions of historical injustices is nonetheless striking, and it bespeaks the towering significance of that episode in contemporary consciousness.

In contrast to this perspective, Charles Maier has argued that many in other parts of the world view the preoccupation with the moral narrative of the Holocaust as "parochial," a diversion from the outrages done to those in the once-colonial world in the name of progress and civilization.<sup>17</sup> It is altogether appropriate for Maier to remind us that those outside the Euro-American world are likely to think differently about the past than those from the colonial "metropolises." People in the former colonies of European countries will understandably be more familiar with and attuned to the misfortunes that have befallen those closest to them in distance and time. Yet there is every indication that elites hailing from what was once known as the Third World are sharply aware of the extent to which the Holocaust and its legal and financial consequences may be relevant to their own situation. Thus, for example, the Nobel Prize-winning Nigerian novelist Wole Soyinka has written with regard to efforts to gain reparations for past misdeeds suffered by Africans that "it is not possible to ignore the example of the Jews and the obsessed commitment of survivors of the Holocaust, and their descendants, to recover both their material patrimony and the humanity of which they were brutally deprived."<sup>18</sup>

Indeed, in the early 1990s the Organization of African Unity appointed a so-called Group of Eminent Persons with the mandate "to explore the modalities and strategies of an African campaign of restitution similar to the compensation paid by Germany to Israel and the survivors of the Nazi Holocaust."<sup>19</sup> Similarly, in

<sup>16</sup> Peter Novick, *The Holocaust in American Life* (Boston, 1999). Novick's discussion is more measured than that in Norman Finkelstein, *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering* (New York, 2000).

<sup>17</sup> Charles Maier, "Consigning the Twentieth Century to History: Alternative Narratives for the Modern Era," *American Historical Review* 105, no. 3 (June 2000), p. 826.

<sup>18</sup> See Wole Soyinka, *The Burden of Memory, the Muse of Forgiveness* (New York, 1999), p. 83.

<sup>19</sup> Ali A. Mazrui, "Who Should Pay for Slavery?" *World Press Review* 40, no. 8 (August 1993), p. 22.

Namibia, representatives of the Herero people have pursued a campaign for reparations against the Germans for a pre-World War I massacre that reduced their numbers from approximately 80,000 to around 15,000 between 1904 and 1907. The Namibian claimants have asserted a parallel to the Holocaust in an extermination order issued by Lieutenant General Lothar von Trotha (although no such order has ever been found in the Nazi case).<sup>20</sup> In a further instance of this African appropriation of the Holocaust and its consequences, the recent report by the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events notes in its recommendations concerning reparations that “the case of Germany after World War Two is pertinent here.”<sup>21</sup> Such references to the exemplary character of the response to the *Shoah* for those who have suffered violence and degradation elsewhere demonstrate that, far from obscuring their suffering from view, the emblematic status for our time of the Jewish Holocaust has helped others who have been subjected to state-sponsored mass atrocities to gain attention for those calamities — though hardly all of them, to be sure.

Our world is thus populated by “one, two, many Holocausts,” to paraphrase a slogan from the Vietnam era. The victory that went to those who defended the “uniqueness” of the Holocaust in the *Historikerstreit* of the mid-1980s has since been overtaken by the efforts of those seeking attention for various historical injustices and who, in so doing, find “holocausts” of many kinds in the historical inheritance of our age. The proliferation of holocausts inflates the term and undermines the notion of the uniqueness of the Nazi genocide, but — given the exemplary role of the Holocaust in the contemporary “consciousness of catastrophe” — it does encourage attention to other catastrophic pasts.<sup>22</sup> Indeed, the recent appearance in Germany of a volume titled *The Red Holocaust and the Germans* bespeaks the crumbling of a taboo in that country on comparisons with the genocide perpetrated by the Nazis and the growing acceptability of applying that term to other historical experiences. The publication of a title such as this by a reputable scholarly institution would have been almost inconceivable only a few years ago. That the volume bears witness to a shift in mentalities seems all the more certain in view of the fact that the collection was edited by the director of the renowned

<sup>20</sup> Local descendants of the German colonists are less concerned about reparations payments coming from the German government; their fear is that the Herero could make inroads on the millions of acres of ranches they own in the country. Recent developments in Zimbabwe make such fears seem far from paranoid. The Herero quest for reparations also appears to have been bolstered by comparable events elsewhere. Upon hearing of the Japanese recognition of crimes against some of those whom they sexually exploited during the Second World War, one of the Herero’s leaders — who, like many Herero, has a German grandparent — said, “I thought, hey, that’s my grandmother — a comfort woman. And I thought, if the Japanese could pay for that, the Germans could [too].” See Donald G. McNeil, Jr., “Its Past on Its Sleeve, Tribe Seeks Bonn’s Apology,” *New York Times* (May 31, 1998) (West Coast ed.), p. A3.

<sup>21</sup> The report, issued on July 7, 2000, can be found on the OAU’s website at (<http://www.oau-oua.org/Document/ipep/ipep.htm>); the quoted passage appears in chap. 24, “Recommendations.”

<sup>22</sup> On this point, see Samantha Power, “To Suffer by Comparison?” (paper presented at the 1999 annual meeting of the Social Science History Association, Fort Worth, November 1999). Power is executive director of the Carr Center for Human Rights Policy at Harvard.

Institute for Contemporary History, a quasi-official institution long dedicated to making sense of the Nazi past.<sup>23</sup>

The consolidation of the Holocaust as a standard for thinking about other historical injustices has stimulated a vigorous competition for recognition of various historical injustices as “Holocaust-like” or “worse than the Holocaust.” The charge of genocide having come to mean a set of acts comparable to the Holocaust, application of that label has become an important objective of those seeking to gain attention to and compensation for past atrocities. Commentators and activists concerned with the horrors of Communism, the legacies of the African slave trade, and the fate of nonwhite indigenous populations at the hands of European colonizers have been in the forefront of these efforts.<sup>24</sup> The result is an often unseemly contest for the status of worst-victimized. Thus the African scholar Ali Mazrui has written bluntly: “Twelve years of Jewish hell — against several centuries of black enslavement.”<sup>25</sup> It is difficult to avoid the conclusion that the Holocaust has emerged as the model for other historical disasters in part precisely because it has been so politically fecund, facilitating demands for reparations by other groups that have suffered tragic histories. Yet it could not have done so without the development of a broader sense that the twentieth century, and European domination generally, were catastrophic wrong turns in world history.

#### THE CONSCIOUSNESS OF CATASTROPHE

The widespread pursuit of reparations bespeaks the pervasive consciousness of man-made catastrophe in our post-Holocaust, post-Gulag era. This consciousness of humanly ordained catastrophe so prominent in the current era is deeply intertwined with our perception of twentieth-century European history as an epoch of unprecedented cruelty. This interpretation is strengthened by views of the century as a “short” one, bracketed by the rise and demise of the system created by the Bolsheviks and marked by a nearly century-long conflict between liberalism and totalitarianism that took the form of a “European” or indeed “world civil war.” These prominent views, advanced by such redoubtable historians as Eric Hobsbawm, François Furet, and Ernst Nolte, properly point to two of the most decisive watersheds of the era — the Russian Revolution and the end of the cold war — as well as to the gruesome toll exacted by Nazism, Communism, and their various imitators.<sup>26</sup>

<sup>23</sup> See Horst Möller, *Der rote Holocaust und die Deutschen: Die Debatte um das “Schwarzbuch des Kommunismus”* (Munich, 1999).

<sup>24</sup> For representative examples, see Russell Thornton, *American Indian Holocaust and Survival: A Population History since 1492* (Norman, Okla., 1987); and David Stannard, *American Holocaust: Columbus and the Conquest of the New World* (New York, 1992). Toni Morrison dedicated her 1987 novel *Beloved* to “Sixty Million and More,” which, as Peter Novick points out, “bears no relation to any scholarly estimate, but it is, of course, ten times six million.” See Novick, p. 194.

<sup>25</sup> Mazrui, p. 22.

<sup>26</sup> Eric Hobsbawm, *The Age of Extremes: A History of the World, 1914–1991* (New York, 1996); François Furet, *The Passing of an Illusion: The Idea of Communism in the Twentieth Century* (Chicago, 1999); and Ernst Nolte, *Der europäische Bürgerkrieg, 1917–1945: Nationalsozialismus und Bolschewismus* (Berlin, 1987).

Yet the emphasis on the “short” century’s bookends also tends to overshadow its critical turning-point — namely, the Allied powers’ defeat of fascism and Japanese imperialism — and the opening it created for humanistic and emancipatory projects that have profoundly shaped subsequent history and politics. As Jürgen Habermas has noted, the portrayal of the century just concluded in catastrophic colors obscures the decisive achievement that issued from the end of World War II: “At that time, the rug was pulled out from under *all* claims to legitimacy that did not at least rhetorically embrace the universalistic spirit of the political Enlightenment.”<sup>27</sup> Decolonization in Africa and Asia was one important consequence, and the consolidation of the notion of human rights as a demand that could be raised against abuses of state power was another.

It would be difficult to draw such conclusions from those assessments of the twentieth century that view the epoch as a catastrophe rooted in the intrinsically oppressive universalism of the Enlightenment, rather than as the century that defeated the horrifying particularisms of Nazism and Japanese imperialism and opened the door to the realization of human rights ideas that were reasserted (if not first created) in the Enlightenment.<sup>28</sup> Interpretations of the history of the twentieth century cannot fail to point to its staggering capacity for generating mass death, which unquestionably outstripped that of all its predecessors. Still, those who stress the disastrous features of the era typically underplay the new opportunities for the just and peaceful organization of human affairs that were achieved as a result of the defeat of fascism and imperialism. Contemporary campaigns for reparations would be unthinkable without these victories.

Thus it is that, at the millennium’s dawn, Europe — once thought of as the homeland of the Enlightenment — replaces Africa as the *Dark Continent*, to borrow the title of Mark Mazower’s perceptive history of the century. Stoked by postmodernist critiques of “grand narratives” and the celebration of small-d “difference” over a Universalism alleged to harbor intrinsically totalitarian impulses, the end of the century meets *The End of Utopia*. Perhaps the grandest of the grand narratives, socialism, is now routinely dismissed as a form of utopianism that leads inevitably to the gulag. We find ourselves in a postsocialist and postutopian condition, which, in the absence of any plausible vision of a different and better future society, instead fixes its gaze on the past and seeks to “make whole what has been smashed.”<sup>29</sup> The canonization of the Holocaust as the “true emblem” of the century has been essential to this development.

The catastrophic interpretation of the twentieth century has gone hand in hand

<sup>27</sup> Jürgen Habermas, “Aus Katastrophen lernen? Ein zeitdiagnostischer Rückblick auf das kurze 20. Jahrhundert,” in his *Die postnationale Konstellation: Politische Essays* (Frankfurt am Main, 1998), p. 75.

<sup>28</sup> For a like-minded view, see Amartya Sen’s review of Jonathan Glover’s *Humanity: A Moral History of the Twentieth Century* (New Haven, Conn., 2000) in “Reason East and West,” *New York Review of Books* (July 20, 2000), p. 33.

<sup>29</sup> Mark Mazower, *Dark Continent: Europe’s Twentieth Century* (New York, 1998); Russell Jacoby, *The End of Utopia: Politics and Culture in an Age of Apathy* (New York, 1999); Nancy Fraser, *Justice Interruptus: Critical Reflections on the “Postsocialist” Condition* (New York, 1997).

with recent historiographical trends that see the Nazis' misdeed as that of having perpetrated upon white/European populations the same outrages they had routinely carried out against nonwhite/non-European colonial populations with relatively little outcry on the part of Europeans. In other words, Nazism is seen as continuous with "classical" European colonialism.<sup>30</sup> Mazower argues, for example, that the German assertion of racial superiority was a rude awakening for smug Europeans because Nazism "turn[ed] imperialism on its head and treat[ed] Europeans as Africans."<sup>31</sup> This claim, which of course fits in nicely with the "dark continent" theme enunciated in the book's title, surely has a superficial plausibility. It certainly was a shock to many Europeans, accustomed to viewing themselves as the avatars of "civilization," to find themselves confronted with a party that was prepared to implement against one group of people a project of extermination on a scale that was unprecedented in their experience—even if too many of them did not take that threat seriously as it was approaching.

Yet the equation of Nazism with European colonial domination is deeply problematic. The racist policies of the Nazis and their collaborators may indeed have made Europeans aware of the centrality of "race" in parts of the world whose exploitation made possible many of the comfortable illusions of white European society. Still, the parallels between the Nazi project and the colonial one are sharply limited. This assertion can be clarified by a brief consideration of one of the most frequently cited quotations in recent discussions of imperialism, namely, Joseph Conrad's characterization of that state of affairs in *Heart of Darkness*:

The conquest of the earth, which mostly means the taking it away from those who have a different complexion or slightly flatter noses than ourselves, is not a pretty thing when you look into it too much. What redeems it is the idea only. An idea at the back of it; not a sentimental pretence but an idea; and an unselfish belief in the idea—something you can set up, and bow down before, and offer a sacrifice to.

To contemporary sensibility the passage reads like an ironic observation skewering imperialist hypocrisy. It harmonizes well with the postmodern inclination to see the knowledge and cultural products of the "oppressors" as threadbare veils for the exercise of power—ideas as mere fig leaves covering sinful designs. The ideas that Europeans set up and bowed down before were, of course, those of the "white man's burden," the *mission civilisatrice*, and other self-congratulatory notions

<sup>30</sup> Maier (n. 17 above), p. 827. Maier notes that Hannah Arendt was the progenitor of this argument in her *Origins of Totalitarianism*.

<sup>31</sup> Mazower, p. xiii. Adam Hochschild employs a similar motif in his recent history of the predations of King Leopold in the Congo: "[M]en who would have been appalled to see someone using a *chicotte* [a whip made of hippopotamus hide] on the streets of Brussels or Paris or Stockholm accepted the act, in this different setting, as normal. We can hear the echo of this thinking, in another context, half a century later: 'To tell the truth,' said Franz Stangl of the mass killings that took place when he was commandant of the Nazi death camps of Sobibor and Treblinka, 'one did become used to it.'" See Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (New York, 1998), p. 122.

about the backwardness of those racial others whom states and private companies sought to exploit for their own gain.

But just as it must be admitted that the notion of a “civilizing mission” was to a considerable extent a mask for plunder and brutality, it must be conceded as well that this notion also decisively distinguishes colonialism from Nazism, which had no such mission. The Nazis were relatively forthright about their plans to subject those deemed *lebensunwertes Leben* (“life unworthy of life”) to a future of unremitting and unredeemed toil, if not immediate death. They had no intention of “civilizing” those they considered *Untermenschen*, and they were not accompanied by Bible-thumping missionaries when they colonized their heathen.

Moreover, European missionaries to the colonies in particular — and even some employees of the governments and companies engaged in the plunder of colonial territories and peoples — were often aghast at the depravities committed in the name of “civilizing” and other less uplifting missions, a point that receives considerable emphasis in Adam Hochschild’s exorcism of *King Leopold’s Ghost*. Much as they deserve to be remembered and perhaps even recompensed, extensive atrocities and brutal exploitation on a large scale do not transform colonial plunder into “genocide”; the systematic extermination of the Africans of the Congo in the sense of the Holocaust was not on the agenda, even if gross wastage of human life surely was. Despite Hochschild’s inclination to draw parallels between the Holocaust and what King Leopold did to the Africans of the Congo basin, Hochschild concedes that “the killing in the Congo . . . was not, strictly speaking, a genocide” because “the Congo state was not deliberately trying to eliminate one particular ethnic group from the face of the earth.”<sup>32</sup>

The problem here is that Hochschild’s usage is not, strictly speaking, the definition of “genocide.” The UN Convention on Genocide was adopted in the aftermath of World War II at the urging above all of Raphael Lemkin, the man who coined the term and who meant it to refer to a wide variety of types of state-sponsored murder. In the event, the definition adopted by the UN General Assembly in 1948 stated that genocide involved a number of acts “committed with the intent to destroy, *in whole or in part*, a national, ethnic, racial or religious group as such.” Such acts may include the more direct types of killing as well as “inflicting on the group conditions of life calculated to bring about its physical destruction” and “forcibly transferring children of the group to another group.”<sup>33</sup> Whether or not Lemkin had the colonial situation in mind when he developed the arguments for the Genocide Convention, its ambiguous language at least makes it hard to preclude such an interpretation.

That language was an eminently political artifact. In the debates preceding adoption of the Genocide Convention in the United Nations, representatives of the USSR tried unsuccessfully to tie the concept closely to the outrages of the Nazis. With the defeat of the Soviet effort, the notion of genocide was applied in the early years after the war principally to crimes allegedly perpetrated by the Soviets and

<sup>32</sup> Hochschild, p. 225.

<sup>33</sup> “United Nations Convention on the Prevention and Punishment of the Crime of Genocide,” available at ([http://www.unhcr.ch/html/menu3/b/p\\_genoci.htm](http://www.unhcr.ch/html/menu3/b/p_genoci.htm)). My italics.

other Communist regimes and groups, and only relatively rarely to the Holocaust (which itself scarcely existed as an idea during these early postwar years). The concept of genocide was thus initially caught up in cold war rivalries between the two superpowers and their respective allies.<sup>34</sup> With the end of the cold war, the concept of genocide was freed from the competition between the superpowers and made available for broader use—now frequently against the victors in the ideological-political contest between capitalism and communism.

Over time, however, as the Holocaust has assumed greater centrality in popular consciousness, the concept of genocide has come to be ever more closely tied to that set of events. Indeed, proponents of other candidates meriting the label “genocide” increasingly must, as has previously been noted, demonstrate their bona fides by establishing that the events in question were “Holocaust-like.” Hence the efforts of writers such as Hochschild to draw analogies between the atrocities in the Congo and the Nazi assault on European Jewry, even as he recognizes that the two are not really the same.

In contrast to the drive among many activists to have the particular experiences for which they seek reparations declared “Holocaust-like,” it is worth noting that the recent OAU report on the 1994 genocide in Rwanda included among its recommendations the admonition that various elements of the Genocide Convention need to be reexamined, including “the absence of political groups and of gender as genocidal categories.”<sup>35</sup> The report’s authors want to call our attention to precisely what was *un*-Holocaust-like about the massacres in Rwanda, especially the killing of “moderate Hutus” that often is underplayed in the discussion of the Rwandan “genocide,” as well as to recognize the special abuses to which women are prey—a fact recently acknowledged by the International Criminal Court’s extension of the definition of crimes against humanity and war crimes to include rape in the context of war.<sup>36</sup>

The vagaries of the definition of genocide have led to ever-widening use of the term in ordinary parlance and in political controversy over past injustices. For example, those seeking reparations for the children of the “stolen generation” in Australia have invoked the last clause of the Genocide Convention (“forcibly transferring children”) to argue that the Australian government (and churches) involved in the removal of these children from their homes through the middle of the twentieth century had engaged in genocide.<sup>37</sup> In seeking to have the crimes of Com-

<sup>34</sup> Novick (n. 16 above), pp. 100–101.

<sup>35</sup> See <http://www.oau-oua.org/Document/ipep/ipep.htm>, chap. 24, “Recommendations.”

<sup>36</sup> See the “Finalized draft text of the Elements of Crimes” of the Preparatory Commission of the International Criminal Court at <http://www.un.org/law/icc/statute/elements/english/add2e.pdf>.

<sup>37</sup> See “Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families,” available at the Website of the Australian Human Rights and Equal Opportunity Commission, <http://www.austlii.edu.au/au/special/rsj/project/rsjlibrary/hreoc/stolen/>. See also Antonella Romeo, “Die geraubte Generation,” *Die Zeit* (May 31, 2000), available at [http://www.archiv.zeit.de/daten/pages/200023.australien.neu\\_.html](http://www.archiv.zeit.de/daten/pages/200023.australien.neu_.html); and Thomas Schmid, “Australiens Holocaust,” *Die Zeit* (May 31, 2000), available at [http://www.archiv.zeit.de/daten/pages/200023.tasmanien\\_.html](http://www.archiv.zeit.de/daten/pages/200023.tasmanien_.html).

munism characterized as a “genocide” by highlighting the “racialization” of many of the victims, the authors of *The Black Book of Communism* were only attempting to realize the potential for punishing Communist atrocities that had come to be obscured as the interpretation of the Genocide Convention came to take the Holocaust as its touchstone.

In sobering contrast to the rhetorical overuse of the concept of genocide for describing past atrocities, however, its practical impact in halting state-sponsored mass killing in the present has been limited at best. To be sure, numerous participants in the massacres in Bosnia and Rwanda have been or are being tried on charges of genocide, a development that may give pause to future dictators and barbarians — especially before they book flights out of their blood-soaked countries. Yet despite the appearance of numerous contenders that fulfill the criteria for “genocide” as laid out in the Convention, the procedure for translating that agreement into action while mass killings are actually in progress has never been invoked in the United Nations.<sup>38</sup> Here we run head-on into the Realpolitik that continues to guide much statecraft, despite the remarkable expansion of nongovernmental participation in foreign policy making and changes in attitudes toward state-sponsored atrocities. In keeping with the terms of the Genocide Convention, the invocation of that instrument would trigger concrete measures to halt the killings, a contingency that most states have preferred to forgo.

We thus confront the paradoxical situation that the incentives for claiming to have been the (descendants of the) victims of “genocide” in the past that have been created by the spreading attention to reparations demands are more effective than the mechanism designed to stop genocide in the present. This outcome is surely at odds with Lemkin’s intention of forestalling any repetition of the misdeeds carried out by the states of his day.

#### REPARATIONS: IMPLICATIONS FOR HISTORIANS

The proliferation of demands for reparations has drawn historians into an unusually prominent position in recent political controversy. The importance of the past in contemporary politics, as well as the litigious character of attempts to gain reparations for past injustices, has cast a number of distinguished historians in the unwonted role of arbiters of a past worked up for legal rather than the more usual (and notably less remunerative) scholarly purposes. Needless to say, this has raised alarm bells among those concerned to police the boundary between truth seeking and partisan advocacy, and hackles among those excluded from the largesse and unprecedented archival access offered the chosen few by some of the companies that find themselves under — and have opened themselves to — public scrutiny.

<sup>38</sup> Novick, pp. 100–101. I owe to a conversation with Ben Kiernan at the 2000 annual meeting of the Social Science History Association in Pittsburgh the reminder of the importance of the genocide charges in the trials of these war criminals. It remains to be seen, however, whether the fear of prosecution will not lead some maniacal rulers to hold fast to the reins of power in order to stave off the threat of prosecution.



Gerald Feldman, one of those called upon to investigate the history of German companies (potentially) implicated in past activities that might now generate claims for reparations, defends the employment of scholarly experts in these situations, arguing that there is no reason that historians should not be paid for their work just as other professional experts are.<sup>39</sup>

It is nonetheless inevitable that the beneficiaries of such opportunities will be regarded with some envy by those who do not share in them and that the historians so employed will find themselves attacked for allegedly forfeiting their independence. The matter of scholarly independence is a real issue, not to be gainsaid. Equally important, however, is the threat that historians may pose to commemorative projects as a consequence of their professional commitment to unending revisionism.<sup>40</sup> Analysts who suggest that “the victims of an inhuman regime might have lost some of their humanity on the road to perdition,” for example, are not likely to be welcomed by the guardians of memory who are vital to many reparations efforts, even if the community of historians might agree that such efforts contribute to historical “truth.”<sup>41</sup>

It is the nature of that truth that has now come under scrutiny, giving rise in particular to efforts to replace the narcissistically triumphalist history that has frequently been the mother’s milk of national history textbooks with more multicultural content. Indeed, the contemporary preoccupation with the crimes of the past expressed in the spread of demands for reparations bespeaks the demand for a new orientation to the past that might be termed, following Jürgen Habermas, a “theory of communicative history.” Habermas argues that a satisfactory ethics (what he calls “discourse ethics”) involves arriving at and acting on norms on which all participants can agree, whatever their interests.<sup>42</sup> Similarly, in the most comprehensive analysis of global “reparations politics” to date, Elazar Barkan has argued

<sup>39</sup> Gerald D. Feldman, “Unternehmensgeschichte im Dritten Reich und die Verantwortung der Historiker: Raubgold und Versicherungen, Arierisierung und Zwangsarbeit,” in *Geschichte vor Gericht: Historiker, Richter und die Suche nach Gerechtigkeit*, ed. Norbert Frei, Dirk von Laak, and Michael Stolleis (Munich, 2000), p. 119. An English version of Feldman’s article appeared in January 1999 as an Occasional Paper of the Center for German and European Studies of the University of California, Berkeley, under the title, “The Business History of the ‘Third Reich’ and the Responsibilities of the Historian: Gold, Insurance, ‘Aryanization,’ and Forced Labor.” For another representative account, see Harold James, “Die Bergier-Kommission als Wahrheits-Kommission,” in Frei, von Laak, and Stolleis, eds., pp. 130–40.

<sup>40</sup> See the judicious article by Daqing Yang, “The Challenges of the Nanjing Massacre: Reflections on Historical Inquiry,” in *The Nanjing Massacre in History and Historiography*, ed. Joshua Fogel (Berkeley, Calif., 2000), p. 151.

<sup>41</sup> The quotation is from Zygmunt Bauman, *Modernity and the Holocaust* (Ithaca, N.Y., 1989), p. x, discussing the response to Hannah Arendt’s claims in *Eichmann in Jerusalem* that the leaders of Jewish communities in Eastern Europe shared a heavy load of responsibility for the Holocaust. For a discriminating brief assessment of Arendt’s arguments, see Michael Marrus, *The Holocaust in History* (New York, 1987), pp. 110–13.

<sup>42</sup> See Jürgen Habermas, “Diskursethik: Notizen zu einem Begründungsprogramm,” in *Moralbewusstsein und kommunikatives Handeln* (Frankfurt am Main, 1983), pp. 75–76. The notion of “discourse ethics” flows from Habermas’s reflections on the nature and implications of language in social life, in his *Theory of Communicative Action*, 2 vols., trans. Thomas McCarthy (Boston, 1984/1987).

that efforts to amend past injustices “can fuse polarized antagonistic histories into a core of shared history to which both sides can subscribe.”<sup>43</sup> An excellent example of this approach was “a series of meetings between Polish and German teachers and historians for the purpose of revising school textbooks of the two countries so that the story of their twentieth-century relations would be interpreted to each other’s young people in mutually acceptable accounts.”<sup>44</sup> It has of course been precisely the failure of Japanese textbooks to appropriately reflect the realities of the wartime imperial project that has helped sustain complaints that the Japanese persist in refusing to own up to their responsibilities for the injustices suffered by other Asians during World War II.<sup>45</sup>

The notion of a “communicative history” is analogous to trends in more present-oriented disciplines such as sociology and anthropology toward submitting research findings to the “affected communities” in order to gain their assent to the interpretations proffered by scholars. Concerns about the possible “exploitation” of the knowledge of various groups, particularly of so-called indigenous people, have grown increasingly prominent in recent years as well, raising the question, “Can culture be copyrighted?”<sup>46</sup> The overall result, in any case, is that scientific inquiry is no longer merely an ivory-tower undertaking whose practitioners can expect to be shielded from the concerns and demands of the relevant groups, or at least of their mobilized representatives.

Yet one wonders whether history is a matter of agreement between “sides,” as Barkan’s remarks suggest. Barkan points to what seems the unobjectionable participation of Indian communities in determining the fate of their religious and cultural patrimony, a role that we would scarcely consider denying to the guardians of major world faiths. Yet he goes on to write, “It is not surprising that Indians see scientists as sinister outsiders and as enemies.”<sup>47</sup> Here what is needed is the kind of sociological perspective that Peter Novick brought to his analysis of the cultivation of the Holocaust in American popular memory. Who is to say whether the views of those Indians who wish to play a part in the disposition of cultural and religious artifacts are representative of “their communities”? Whose particular interests might they represent? Max Weber pointed out long ago that nationalism is fundamentally a matter of the “cultivation of the peculiarity of the group” and that this is a project typically undertaken by intellectuals, who are adepts in the sphere of culture.<sup>48</sup> It is reasonable to conclude that it is intellectuals and their interests that play the leading role in debates about the disposition of cultural patrimony.

<sup>43</sup> Barkan, p. xxii. See also Yang.

<sup>44</sup> Donald Shriver, *An Ethic for Enemies: Forgiveness in Politics* (New York, 1995), p. 91.

<sup>45</sup> See Ian Buruma, *The Wages of Guilt: Memories of War in Germany and Japan* (New York, 1994), esp. the chap., “Textbook Resistance”; and Shriver, chap. 5.

<sup>46</sup> For an illuminating and in some respects alarming discussion, see Michael Brown, “Can Culture Be Copyrighted?” and the subsequent exchanges in *Current Anthropology* 39, no. 2 (April 1998): 193–222.

<sup>47</sup> Barkan, p. 179.

<sup>48</sup> Max Weber, “The Nation,” in *From Max Weber*, ed. Hans Gerth and C. Wright Mills (New York, 1946), p. 176.

Similarly, who were the participants in the case of the Polish-German discussion of school textbook revision? The idea behind those discussions is surely laudable enough. But should the writing of history be a committee undertaking? One doesn't imagine Marxist views of history finding much approbation among the upstanding citizens of Germany, Poland, or almost anywhere else, for that matter. The scientific institution of peer review is of course designed to insure that a particular publication represents more than simply a scholar's whims, however erudite, and revision of earlier findings is the very essence of the scientific enterprise.<sup>49</sup> School textbooks are one thing, but will committees of nonscholars who are preoccupied with historical representations be empowered to evaluate scholarship that "affects their communities"? The difficulty here is that scientific communities may be in the process of ceding their hard-won autonomy, a historical achievement of central importance to the conduct of scholarly inquiry.<sup>50</sup>

With respect to the notion of indigenous groups' ownership of knowledge that is said to be "theirs," the problem is the extent to which knowledge should be understood as a provisional, contingent claim to capturing some element of reality or, alternatively, as the property of the groups that may have generated certain ideas historically.<sup>51</sup> As knowledge itself has become the target of an unrelenting "hermeneutic of suspicion," Karl Mannheim's now imperious-seeming view of the intellectual as a person capable of sorting out competing claims to knowledge on the basis of broad, multiperspectival learning<sup>52</sup> has been discarded in favor of a more dialogic conception of truth, whether historical or otherwise.

The consciousness of catastrophe that underlies this transformation of the status of knowledge has also provoked a profusion of thinking on the nature and meaning of our obligations to our predecessors. In the immediate aftermath of the defeat of the Nazis, Karl Jaspers made an important early effort to analyze the nature of our obligations to those wronged by states of which we are members — whether we have personally committed criminal acts or not.<sup>53</sup> Trying to overcome the hostility of many Germans to what they regarded as the "victor's justice" then being meted out by the Allies, Jaspers argued against the notion of collective guilt, as well as against the idea that those who had only stood by indifferently were guilty of any criminal wrongdoing. Still, he insisted that people of a state share a collective *responsibility* for crimes committed under the authority of the leaders of their country because all people are responsible for the way they are governed. The

<sup>49</sup> Max Weber, "Science as a Vocation," in Gerth and Mills, eds., p. 138.

<sup>50</sup> On this point, see Pierre Bourdieu, "The Structure of the Scientific Field and the Social Conditions of the Progress of Reason," *Social Science Information* 14, no. 6 (1975): 19–47.

<sup>51</sup> See Brown, and, more generally on American Indian claims to their cultural patrimony, see Fergus Bordewich, *Killing the White Man's Indian: Reinventing Native Americans at the End of the Twentieth Century* (New York, 1996).

<sup>52</sup> Karl Mannheim, *Ideology and Utopia: An Introduction to the Sociology of Knowledge*, trans. Louis Wirth and Edward Shiels (New York, 1936 [1929]).

<sup>53</sup> Karl Jaspers, *The Question of German Guilt*, trans. E. B. Ashton (New York, 1947), originally published in 1946 as *Die Schuldfrage: Ein Beitrag zur deutschen Frage* (Heidelberg).

upshot of that responsibility, Jaspers argued, was the need to make “reparation” (*Wiedergutmachung*), although he was vague about what this should entail. Nonetheless, the spirit of all contemporary discussions of reparations for historical injustices — a part of what Wole Soyinka has called the “*fin de millénaire* fever of atonement”<sup>54</sup> — can be traced to Jaspers’s effort to make sense of the obligations of those entwined in some identifiable connection to the perpetrators of those injustices.<sup>55</sup>

More recent attempts to wrestle with the nature of apology and of our obligations to those who have suffered wrongs in the past stress the importance that inheres in simple recognition of injustices that have been ignored or left to fester, whether this involves monetary reparations or not.<sup>56</sup> In a more philosophical vein, Lukas Meyer has recently built on Jaspers’s considerations in order to clarify the parallels and divergences relating to the inheritance of “public goods” and “public evils.” What is clear is that Edmund Burke’s notion is no longer tenable that nations inherit only the good they have done, but not the bad. Meyer argues that even “faultless people” may be said to have an obligation, as part of our larger duty to create just societies, to provide reparations to those who have suffered wrongs in the past. Meyer puts the matter straightforwardly: “Surviving victims of . . . past injustices as well as those currently living people who[,] as a consequence of the lasting impact of the past public evil[,] are disadvantaged today have to be compensated.”<sup>57</sup> By including both “surviving victims” and “those currently living people who . . . are disadvantaged today,” Meyer gets some of the way around the knotty question, often raised as an objection to paying reparations (or even just apologizing), “How far back should we go?”<sup>58</sup> Still, this question is not always very easy to resolve, as the burgeoning discussion of reparations for slavery suggests.<sup>59</sup>

#### THE POLITICS OF “REPARATIONS POLITICS”

There is no question, however, that race and ethnicity have an intuitive appeal as criteria for determining membership in a victim group — just as they were so used by many of the oppressors of the groups raising demands for reparations today.

<sup>54</sup> Soyinka (n. 18 above), p. 90.

<sup>55</sup> For analogous efforts in Japan, see the discussion in Takashi Yoshida, “A Battle over History: The Nanjing Massacre in Japan,” in Fogel, ed. (n. 40 above), pp. 110–11.

<sup>56</sup> See Shriver (n. 44 above); Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston, 1998); Gesine Schwan, *Politik und Schuld: Die zerstörerische Macht des Schweigens* (Frankfurt am Main, 1997; an English translation is forthcoming from University of Nebraska Press); and Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford, Calif., 1991).

<sup>57</sup> Lukas Meyer, “Inheriting Public Goods and Public Evils” (unpublished manuscript, University of Bremen, June 1999), p. 15.

<sup>58</sup> See Tyler Cowen, “How Far Back Should We Go?” (unpublished manuscript, George Mason University, July 1999).

<sup>59</sup> See “Forum: Making the Case for Racial Reparations,” *Harper’s* (November 2000), pp. 37–51.

The history and consequences of the race idea, and the possibility of assimilating the experience of racial groups to that suffered by the Jews, have thrust the category of race into the forefront of debates over reparations. We have already seen that it has been difficult for victims of Communism to gain recognition for their claims due to the lack of an ongoing historical reference group, and the corresponding efforts on the part of advocates for those claims to draw analogies between assorted Communist horrors and the Holocaust trope.

Similar difficulties have confronted those who have suffered injustices and atrocities on account of their gender. Despite the fact that women are often subjected to mass rape as a strategy of intimidation and defilement in wartime, “the case of the [primarily Korean] comfort women is the only instance in which gender has been used as the basis for victimization and in which it has become the banner for demands of restitution and apology.”<sup>60</sup> Yet the race of the victims—Asians regarded as inferiors by their Japanese exploiters—has been important in making their case for reparations plausible. Although the triad “race, gender, and class” has assumed an institutionalized status in recent sociological discussion,<sup>61</sup> the dimension of race and the consequences of racial domination have clearly become central to claims for reparations.

In this sense, the various claims for reparations for historical injustices that have emerged in recent years constitute an aspect of a broader shift in world politics toward greater ethnic self-assertion. While some perceive this trend as a threat to liberal and republican ideas, the idea of “group rights” for putative or soi-disant national groups—largely discredited by the minority treaties of the interwar period—has recently received thoughtful and enthusiastic philosophical consideration.<sup>62</sup> Under these conditions, however, what has come to be known as “the politics of redistribution”—in a word, class politics—has widely come to be seen as being challenged, if not superseded, by the “politics of recognition.” The controversy over how these two kinds of politics fit together has emerged as one of the central preoccupations of left-wing political discourse in recent years.<sup>63</sup>

It scarcely needs mentioning that “struggles for recognition” have been especially significant in recent U.S. politics. This has led at least one French analyst to discern the globalization of the American multicultural impulse in controversies

<sup>60</sup> Barkan (n. 6 above), p. 48.

<sup>61</sup> The American Sociological Association has had a “section” on “Race, Gender, and Class” since 1996.

<sup>62</sup> See esp. Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (New York, 1995).

<sup>63</sup> For a critical appraisal, see Nancy Fraser, “From Redistribution to Recognition? Dilemmas of Justice in a ‘Postsocialist’ Age,” *New Left Review*, no. 212 (July/August 1995): 68–93. See also Richard Rorty, “Is ‘Cultural Recognition’ a Useful Concept for Leftist Politics?” and Fraser’s reply, “Why Overcoming Prejudice is Not Enough: A Rejoinder to Richard Rorty,” *Critical Horizons* 1, no. 1 (February 2000): 7–28. For two German contributions to the discussion, see Jürgen Habermas, “Struggles for Recognition,” in his *The Inclusion of the Other: Studies in Political Theory*, ed. Ciaran Cronin and Pablo De Greiff (Cambridge, Mass., 1998), pp. 203–36; and Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, trans. Joel Anderson (Cambridge, Mass., 1995).

over reparations elsewhere in the world.<sup>64</sup> The often complicated boundary-drawing processes that could be necessary to determine who might be the proper beneficiaries — and who the targets — of reparations campaigns raises the prospect of an identity politics run wild. The problem of determining the proper addressee of an African reparations campaign, for example, caused considerable embarrassment in the OAU summit on the issue that was convened in 1993. Should reparations be sought for the ravages to the continent caused by slavery or, as the Tunisian delegate to the conference proposed, for the damage caused by European colonialism? The role of North Africans and Middle Easterners — not to mention sub-Saharan Africans themselves — in the slave trade threatened to muddy the historical waters. As one commentator put it, a campaign directed against colonialism “would require a totally different orientation and strategy[;] it would expand to embrace the indigenes of both North and South America, Australia, and New Zealand.”<sup>65</sup> Needless to say, such a transformation of the campaign would deflect attention away from the experiences and demands of Africans and their descendants in the diaspora. Who among those groups constitute legitimate beneficiaries of reparations raises further, seemingly intractable problems.

It is not surprising that the perception of global “reparations politics” as a product of American ways of looking at the world stems from a French observer. French writers are perhaps especially inclined to view such politics in terms of the threat that they might represent to republican conceptions of unity and the virtues of states as vehicles for social integration. Henry Rousso makes precisely this point in an analysis of the shift in French judicial reckonings with the events of World War II. Rousso argues that there has been a drift from the state-sponsored prosecution of crimes in France, motivated by *raison d'état*, to a near-exclusive preoccupation with privately initiated prosecutions of those who persecuted Jews. This shift, embodied in the trial of Maurice Papon, was “a symptom of the continuing desacralization of state power and of traditional French national consciousness.”<sup>66</sup> Rousso’s point has wider validity; the spread of reparations politics harmonizes with the more general challenge to state sovereignty that has accompanied the rise of human rights as a rallying cry for activists and policy makers everywhere.

Contemporary campaigns for reparations for historical injustices breathe much the same spirit of opposition to “the state” that is currently sweeping the globe in the guise of neoliberalism — though for quite different reasons, to be sure. Charles Maier is correct to suggest that those who see colonialism rather than more specifically European disasters as the primary “moral narrative” of the twentieth century tend to be more enthusiastic about the possibilities of state regulation of eco-

<sup>64</sup> On this point, see Ariel Colonomos, “Non-State Actors as Moral Entrepreneurs: A Transnational Perspective on Ethics Networks” (unpublished ms., CNRS-CERI, Paris, 2000).

<sup>65</sup> The scene is described in Soyinka (n. 18 above), pp. 45–47; see also Bethwell Ogot, “The Muslim Trade,” *World Press Review* (August 1993), p. 23.

<sup>66</sup> Henry Rousso, “Justiz, Geschichte, und Erinnerung in Frankreich: Überlegungen zum Papon-Prozeß,” in Frei, von Laak, and Stolleis, eds. (n. 39 above), pp. 141–63.

conomic and other kinds of activity.<sup>67</sup> Yet the idea of human rights that lies at the core of reparations politics simultaneously represents a challenge to states *tout court*, despite the fact that the legal institutionalization of human rights was inaugurated with the American and French revolutions. The ambivalence inscribed in the heart of those revolutions — the U.S. Constitution's reference to "persons" rather than "Americans," and the intrinsically contradictory *Declaration of the Rights of Man and Citizen* — proclaimed the United States and France as guarantors of human rights, even as they proclaimed their national sovereignty. The catastrophes caused in the recently expired century by nationalism and related exclusionary projects have greatly dimmed the original connection between the nation-state and human rights.<sup>68</sup>

Indeed, it seems almost inconceivable at this point that a chapter of Hannah Arendt's *Origins of Totalitarianism* was called "The Decline of the Nation-State and the End of the Rights of Man."<sup>69</sup> Arendt argued that it was "the conquest of the state by the nation" that had deflected nation-states away from what had been their original "supreme task," namely, "to protect and guarantee man his rights as man." That it is still nation-states that provide that guarantee, despite the "perversion of the state into an instrument of the nation,"<sup>70</sup> often gets lost in the enthusiasm for human rights and postnational citizenship, however warranted this enthusiasm may be in the defense of individual rights and freedoms.<sup>71</sup>

Beyond its antistatist implications, reparations politics also has a curiously apolitical quality about it. The notion of gaining compensation for those who have suffered injustice in the past seems at first glance inherently uncontroversial — of course, why not? The decline of the nation-state as a legitimate force promoting social and political integration, the widely prevalent "consciousness of catastrophe," and the more or less simultaneous decline of the socialist project have made it difficult to generate enthusiasm for a transformative politics that speaks to the vast majority, as socialism once attempted to do. Jürgen Habermas may have been too dire in suggesting that we have entered a "postpolitical world" in which "the multinational corporation becomes the model for all conduct,"<sup>72</sup> but the difficulty of mounting political projects with broad appeal to populations tends to favor a politics of legal disputation rather than of mass mobilization. In this climate, reparations politics presents itself as a useful tactic for progressive politics in a transitional, "postsocialist" period.

<sup>67</sup> Maier (n. 17 above), p. 830.

<sup>68</sup> For a discussion, see Jürgen Habermas, "The European Nation-State: On the Past and Future of Sovereignty and Citizenship," in Cronin and De Greiff, eds., pp. 105–27.

<sup>69</sup> Arendt, *Origins of Totalitarianism* (n. 3 above), chap. 9.

<sup>70</sup> *Ibid.*, pp. 230–31.

<sup>71</sup> Although they are frequently accused of failing to give sufficient credit to the role of states in the current period, Yasemin Soysal and David Jacobson are careful to note the continuing importance of states in the administration of "human rights" norms. See Yasemin Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago, 1994); and David Jacobson, *Rights across Borders: Immigration and the Decline of Citizenship* (Baltimore, Md., 1996).

<sup>72</sup> Habermas, "The European Nation-State," p. 125.

The recent flowering of “rights talk” and the pursuit of damages for historical injustices both reflect and promote the “juridification” of politics. Reparations politics—a response to what has aptly been called “the widespread contemporary mood of enlightened bewilderment”<sup>73</sup>—is typically a politics of courtrooms and legal briefs, not street demonstrations. It is consistent with an era of individualization, in which the expansive solidarities of the Fordist age of mass production increasingly seem a thing of the past and even mildly ameliorative responses to racial inequality encounter strong political headwinds. Thus legal scholar Robert Westley begins his recent analysis of reparations for black Americans by noting that affirmative action is “almost dead” and that therefore “mapping a legal path to enforcement of Black reparations . . . remains a challenge for legal theorists and policymakers attempting to pursue alternative routes to social justice.”<sup>74</sup> There is, accordingly, no overlooking the prominence of lawyers in discussions of reparations.

Reparations politics, which takes its cue from the German response to the Holocaust, often have a backward-looking dimension, promoting the cultivation of victimhood and cultural parochialism. Yet the more forward-looking type of reparations seeks to harness the prevalence of “human rights” to political projects oriented both to coming to terms with brutal pasts *and* to equalizing the imbalance between rich and poor. Hence the Organization for African Unity’s demand that the United States, the United Nations, and other states and international entities pay reparations for failing to stop the genocide in Rwanda was accompanied by calls for cancellation of the country’s debts. This approach has also been used by activists seeking “reparations” and debt relief for the disastrous consequences of apartheid and, more generally, for the inequalities suffered by those in the global “South” at the hands of the Euro-American “North.”<sup>75</sup>

Here the historicist preoccupation with the identity-bolstering cultivation of the past is joined to future-oriented projects aimed at narrowing the growing gap in standards of living between the well-off few of the postcolonial metropolises and the vast nonwhite majority of the world’s population outside the comfortable bastions of the “North.” In these cases, the demand for “reparations” involves not so much a potentially resentment-laden preoccupation with past suffering but rather the politicization of atrocious histories that one can plausibly argue are the cause of contemporary inequalities. The matters of “how Europe underdeveloped Africa,” its diaspora, and analogous groups and regions of the world lie at the heart of such interpretations.<sup>76</sup> Campaigns for reparations coupled with demands for debt relief waged by social movements in the “South” bear witness to the potentially

<sup>73</sup> Habermas, “Vorwort,” in *Die postnationale Konstellation*, p. 7.

<sup>74</sup> Robert Westley, “Many Billions Gone: Is It Time to Reconsider the Case for Black Reparations?” *Boston College Law Review* 40, no. 1 (December 1998): 429, 433.

<sup>75</sup> See Art Serota, “Working Paper on Reparations,” prepared for the Lusaka Conference, May 19–21, 1999; and Jubilee South, “Lusaka Declaration and Areas of Action: Towards an ‘African Consensus’ on Sustainable Development and Sustainable Solutions to the Debt Crisis,” May 19–21, 1999, available at ([http://www.jubileesouth.net/declarations/js\\_de\\_lusaka\\_declaration.html](http://www.jubileesouth.net/declarations/js_de_lusaka_declaration.html)).

<sup>76</sup> To borrow the title of Walter Rodney, *How Europe Underdeveloped Africa* (Washington, D.C., 1972), cited in the Lusaka Declaration.



valuable tactical uses of the Holocaust metaphor without being “a sign . . . of a retreat from transformative politics.”<sup>77</sup>

At the same time, such politics seem preprogrammed to generate their own backlash, as with any politics that promises benefits for specific groups rather than “everyone” (though admittedly the latter is a rare bird). The likelihood of a backlash is not necessarily a reason not to pursue this avenue. Much politics provokes backlash of one sort or another, and, in the absence of a convincing universalist project, the forward-looking aspects of reparations politics may have much to offer in contemporary struggles to enhance equality both within countries and on a global scale. The fact that there are many who have suffered unjustly by no means insures, however, that everyone will regard compensation to specific groups as appropriate, no matter how demonstrable the injustices done them.

The acrimony that can be generated by reparations politics found dramatic representation in a recent episode of the popular television show “The West Wing.” Josh Lyman, the White House Deputy Chief of Staff, is interviewing Jeff Breckinridge, a black lawyer whom the Bartlett administration wants to nominate as an Assistant Attorney General. There is one small problem, however; Breckinridge has written an enthusiastic blurb for the dust jacket of a book by “Otis Hastings” called *The Unpaid Debt*. After a “fascinating abstract discussion” of reparations for slavery that Josh clearly finds exasperating, he says, “You know, Jeff, I’d love to give you the money, I really would. But I’m a little short of cash right now. It seems the SS officer forgot to give my grandfather his wallet back when he let him out of Birkenau.”<sup>78</sup> Troubling though it is, this fictional dramatization of the animosities that may be generated by reparations politics scarcely compares to the fears that the heightened attention to reparations payments for former slave laborers (many of whom were not Jews at all, but Slavic groups slated by the Nazis for a perpetual subaltern status) may be adding fuel to a resurgence of antisemitism in contemporary Germany.<sup>79</sup>

Indeed, it may be salutary to recall that, although the payment of war-related reparations long predates World War I, it is with that conflagration that we most associate the notion of reparations, and that the reparations obligations imposed on Germany were a decisive element in fostering the resentment that spurred the rise of the National Socialists in the 1920s. The inflation that followed upon German efforts to meet these obligations provoked a truculent sense of injury because of the perception that the reparations obligations were simply a matter of “victors’ justice” and had little to do with equity per se. After all, the historiographical debate

<sup>77</sup> See Charles Maier’s critical assessment of the cultivation of the past in “A Surfeit of Memory? Reflections on History, Melancholy, and Denial,” *History and Memory* 5, no. 2 (Fall–Winter 1993), p. 150.

<sup>78</sup> “Six Meetings Before Lunch,” aired April 4, 2000; quotations are taken from the script provided to me by NBC. The book apparently being referred to in the characters’ conversation was Randall Robinson’s recent case for reparations, *The Debt: What America Owes to Blacks* (New York, 2000).

<sup>79</sup> See Edmund L. Andrews, “Germans Sign Agreement to Pay Forced Laborers of Nazi Era”; and Roger Cohen, “Former Soviet Jews Find Uneasy Peace in Germany,” *New York Times* (August 6, 2000) (West Coast ed.), pp. 1, 6.

over blame for the war hardly yields any unambiguous conclusion of exclusively German culpability. The payment of enormous sums in reparations helped generate a backlash against those who exacted these payments. Large segments of post-World War I German society sought to be released from penury imposed for a war that had multiple causes, instigators, and evildoers. The Nazis' rise to power is scarcely imaginable without this background. It is worth bearing this outcome in mind when considering the political implications of the worldwide demands for reparations for historical injustices.

Finally, there are those who will simply insist on "letting bygones be bygones." Although this may be a "conservative" response, implying that past injustices are "old history" for which the perpetrators should be absolved of responsibility, it need not be. Struggles for reparations may help to repair past damage (as opposed to transforming conditions for future generations), but most observers agree that such repair can only be symbolic. As many critics of reparations — including some potential recipients of such compensation — have pointed out, there can be no value set on wasted human life. Max Horkheimer once put the point succinctly in a letter to Walter Benjamin: "Past injustice is over and done with; the slain are truly slain."<sup>80</sup> No amount of compensation can bring the dead back from their graves, and the perverse political consequences of appearing to try to do so must be taken very seriously.<sup>81</sup>

#### CONCLUSION

In an age that is more delicate and civilized than the period when Horkheimer wrote those words, the urge to "make whole what has been smashed" is nonetheless experienced as urgent in many quarters around the world. We are likely to see a great deal more of reparations politics in coming years, and the actions of Europeans rooted in the idea of race — whether at home or abroad — will continue to be at the center of those politics, whether as a direct source of historical injustices for which compensation is sought or as a conceptual frame for determining whether injustices committed by others merit compensation. But there are also signs that "reparations politics" is bursting this frame and will supply the logic of much political conflict, both within and among countries, in the near future.

Hannah Arendt was right to insist that "we can no longer afford to take that which was good in the past and simply call it our heritage, [and] to discard the bad and simply think of it as a dead load which by itself time will bury in oblivion."<sup>82</sup> Surely historians would be the last to suggest that the past is simply gone, dead and buried. Yet we need a balanced perspective on what is past and a sense of what is worth taking forward from it. A satisfactory interpretation of the twen-

<sup>80</sup> Quoted in Meyer (n. 57 above), p. 29. My translation.

<sup>81</sup> For a valuable discussion of "perverse" political outcomes, see Albert O. Hirschman, *The Rhetoric of Reaction: Perversity, Futility, Jeopardy* (Cambridge, Mass., 1991).

<sup>82</sup> Arendt, *Origins of Totalitarianism* (n. 3 above), p. ix.

tieth century would have to include an understanding of the upsurge of attention to human rights and the burgeoning global preoccupation with coming to terms with past injustices that have flowed from the Jewish catastrophe. The current profusion of demands for “reparations” for various historical injustices is otherwise unthinkable.