

# Transnational Civil Society's Contribution to Reconciliation

## An Introduction

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The idea for this book has emerged out of the unease with developments in a field that since the 1990s we have become known to summarize under the neologism 'transitional justice'. Within a relatively short time, transitional justice became the standard formula for a broad range of concepts, instruments, and measures dealing with atrocities such as genocide, torture, civil conflict, disappearances, and other human rights violations.<sup>1</sup> Originally a label for legal instruments and mechanisms applied in transitions from authoritarian rule to democracy, the term by now is applied to fields beyond law, and therefore it covers a much broader terrain of attempts to deal with past violence. While transitional justice initially covered mechanisms such as trials, commissions of inquiry, vetting, restitution or reparation, the field

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- 1 A burgeoning scholarly literature has emerged on the subject of transitional justice. For a sampling, see Elazar Barkan, *The Guilt of Nations: Restitutions and Negotiating Historical Injustices* (New York: Norton, 2000); Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. (New York: Routledge, 2011); Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998); *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, 3 vols., ed. Neil J. Kritz (Washington, DC: United States Institute of Peace Press, 1995).

now also includes non-judicial instruments such as apologies, healing circles, or forms of collective remembrance and commemoration. What is particularly striking about this development is the speed with which this development took place. As Christine Bell notes, the term ‘transitional justice’ “only came to be used in the mid-1990s” but already sometime after 2000 it was consolidated as a field of study and a set of practices.<sup>2</sup> One reason for what Elazar Barkan has called the “tidal wave of apologies, truth commissions, reparations, and investigations of historical crimes”,<sup>3</sup> can be found in the establishment of a network of experts, international foundations, and non-governmental organizations, including the International Center for Transitional Justice (ICTJ), the Institute for Justice and Reconciliation (IJR), and the International Institute for Democracy and Electoral Assistance (IDEA). These experts and institutional bodies became quite powerful actors in the transitional justice process. As James Campbell notes, already their sheer number suggests “a fundamental shift in international political culture [and] an emerging consensus on the importance of confronting atrocious pasts”.<sup>4</sup> An example here is the emergence of truth commissions. In her contribution to this volume, Anne Krüger convincingly argues that an “epistemic community” has developed that consists of practitioners in the field as well as academics, politicians, and policy consultants. Some of the members of this network are active in truth commissions, thereby contributing to the institutionalization of transitional justice as “a widely shared expectation in the context of regime transitions”. With the adoption of the United Nations’ “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian

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2 Christine Bell, Transitional Justice, Interdisciplinarity and the State of the ‘Field’ or ‘Non-Field’, *The International Journal of Transitional Justice* 3 (2009), 5-27, here: 7.

3 Elazar Barkan, Introduction: Historians and Historical Reconciliation. AHR Forum Truth and Reconciliation in History, *American Historical Review* 114 (2009), 899-913, here: 901.

4 James T. Campbell, Settling Accounts? An Americanist Perspective on Historical Reconciliation, *American Historical Review* 114 (2009), 963-977, here: 965.

Law”,<sup>5</sup> the codification affirming the importance of confronting past atrocities and recalling the resolutions of the International Humanitarian Law by the Commission on Human Rights in 2005, indicates that a global regime of transitional justice has been successfully established setting an international norm for dealing with past atrocities all around the globe. Or, as Susan Dwyer points out, “there appears to be a global frenzy to balance moral ledgers. Talk of apology, forgiveness, and reconciliation is everywhere”.<sup>6</sup>

To be sure, the unease about this development that inspired this book does not root in a fundamental scepticism when it comes to prosecute and punish perpetrators, restore the dignity of the victims of atrocities or ‘repair’ the injuries suffered by them. It is not arguing in favor of a politics of forgetting, of amnesties and silence. Although it cannot be denied that there are possible dangers when past injustices are excavated, sometimes leading to even more conflict and violence, confronting past atrocities does lead to more balanced justice. It is not only a politically, but even more so an ethically defensible position that the notion of transitional justice and the recognition of past suffering are given more serious consideration today. Fact is that perpetrators nowadays run a much greater risk of becoming subject to legal prosecution, and victims often are given a greater chance of having their suffering acknowledged and of being compensated for their losses. Moreover, it is more likely that their testimonies are being heard and recorded.

The unease about the developments briefly described above has other reasons. It is based on the impression that the current developments in transitional justice, both as a field of practice and research, tend to narrow the horizon and restrict the view of what coping with past atrocities means and contains. There is for instance a certain tendency to conflate democratization and transitional justice. Relevant research contends that coping with the legacies of repression of the old regime is a precondition of democratization. Leaving aside the fact that this fundamental assumption is fraught with multiple problems, for example the problem that we know cases of successful democratic consolidation based on silencing the past such as in

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5 [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/60/147](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/60/147), accessed 21 June 2012.

6 Susan Dwyer, Reconciliation for Realists, *Ethics and International Affairs* 13 (1999), 81-98, here: 81.

Spain, this assumption seems to somehow constrict our focus on societies in transition. However, coping with past legacies is not always limited to transitional periods; rather it is sometimes linked to older historical issues that inform contemporary crisis and political tensions. Take the example of historical injustices towards indigenous people who suffered from colonialism and who have been living in long lasting democracies such as Australia or the United States of America. It took several generations before attempts of dealing with these injustices emerged. Or, take the individual humanitarian payments to people who had to perform slave and forced labor in Germany during the period of National Socialism. The disbursement of these payments only commenced in 2001, no less than 55 years after the collapse of the National Socialist Regime. These are only two of many examples out of a great variety of cases that can be brought forward to show that coping with past atrocities is not always linked to processes of democratization. This book therefore decouples questions related to transitional justice from processes of democratization by arguing that transitional justice is not only about the sometimes rather short period of transition, but also about *longue durée*. Within this context, it was important to also integrate cases of transitional societies such as Ulrike Schröder's case study on Franco-German rapprochement and reconciliation in the ecclesial domain in the late 1940s and early 1950s. But, at the same time, we have broadened the spectrum of cases to be considered by including studies in which past atrocities became the focus of attention either long after transitions or even completely decoupled from such transitions.

Furthermore, this book takes issue with the practices that are considered as relevant in transitional justice discourse. With the establishment of networks of transitional justice experts, the tendency to formulate "best practices" of how to cope with past atrocities has emerged. An example is the International Center for Transitional Justice (ICTJ) that provides "policy briefs and reports on best practice cover measures" such as reparations or vetting.<sup>7</sup> Experts not only formulate these standards of transitional justice but also are often involved themselves in these processes as third parties and some kind of mediators. This not only points to a certain tendency towards standardizing measures and instruments for coping with past atrocities but it moreover points to a concentration on processes in which experts

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7 <http://ictj.org/our-work/policy-relations>, accessed 21 June 2012.

are involved. Against this backdrop, the articles in this book argue in favor of a differentiation of the field. This volume presents studies that examine cases beyond the support of experts and outside the sphere of standardized best practices of coping with past crimes. We are especially interested in cases where actors from within civil societies – dedicated personalities or engaged initiatives – developed often idiosyncratic means of dealing with the past. A case in point is the *Aktion Sühnezeichen* (literally: Action Sign of Atonement) analyzed by Christiane Wienand in her article for this volume. Founded in 1958, this organization developed a specific approach of hands-on reconciliation that was meant to atone for the atrocities committed under the National Socialist regime – a goal that is still being pursued today. Activities consist of practical reconciliation work performed by German volunteers in those countries that suffered the most from German crimes and include work assignments in various Kibbutzim in Israel or care for elderly Holocaust survivors in various countries. Within the scope of practical reconciliation work, it seems that approaches such as the one developed by the Protestant church functionary Lothar Kreyssig in the 1950s do not fit neatly into the rationale of best practices designed by transitional justice experts because they are to a great extent connected to particular local realities and specific cultural contexts. This book therefore argues in favor of studying cases of dealing with past atrocities that were established long before transitional justice developed as a paradigm. Moreover, it argues in favor of looking into initiatives that adopted approaches beyond the best practices designed by experts in the field of transitional justice, often idiosyncratic and born out of specific cultural prerequisites.

It can be stated that the broadening of the field beyond law has paradoxically caused a narrowing down of our perspective on actors, instruments, and measures involved in processes of coping with past atrocities. While, on the one hand, the initial focus on legal mechanisms has been broadened by including factors beyond law, the basic assumptions of transitional justice have, on the other hand, not been adjusted or codified accordingly. This observation serves as the point of departure for the contributions to this book. It is a plea for opening up opportunities for inquiry in the field of transitional justice by looking into relevant cases that do not fit neatly into the paradigm and that, to a large extent, have so far been overlooked.

Because this is a considerable challenge, we made some initial decisions concerning the case studies to be included and the research questions

to be concentrated on. Firstly, we decided to integrate cases from the beginning of the 20th century up to the current day. The decision to cover this rather long period stems from the observation that transitional justice research seems to reflect a certain bias towards recent developments and cases to an extent that the invention of the term ‘transitional justice’ is somehow conflated with the beginnings of an increased sensibility for human rights violations and for questions of how to deal with them appropriately. An example is Joanna Quinn’s textbook entry on transitional justice: “It was only in the 1990s that scholars and practitioners began to sort out how to deal with violent histories.”<sup>8</sup> Contrary to such assertions, this book attempts to show that concerns about human rights violations and attempts at dealing with past atrocities can already be found at the beginning of the 20th century. We included case studies starting around 1919 with Armin T. Wegner’s efforts of convincing his German and international audiences to look at images and listen to stories of the forced deportation of the Armenians from the Ottoman Empire.<sup>9</sup> We consider cases of early concerns with human rights, more precisely René Cassin’s impressive engagement in favor of soldier’s rights in the interwar period,<sup>10</sup> and the European Unity Movement’s visions on human rights and reconciliation in the aftermath of the Second World War.<sup>11</sup> We proceed with three transnational initiatives developed by civil society actors since the 1950s that cover a broad range of ideas, instruments, and attempts of dealing with the atrocities committed under the National Socialist Regime. More precisely, these are attempts at Franco-German rapprochement and reconciliation in the ecclesial domain in the 1950s,<sup>12</sup> attempts at reconciliation between Germans and the French town Oradour-sur-Glane from around 1950 up to today,<sup>13</sup> and the already mentioned study on *Aktion Sühnezeichen*, founded in the late 1950s in the Federal Republic of Germany.<sup>14</sup> We furthermore included more recent ex-

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8 Joanna R. Quinn, Transitional Justice, in: *Human Rights. Politics and Practice*, ed. Michael Goodhart (Oxford: Oxford University Press, 2009), 354-369.

9 See the contribution by Charlton Payne to this volume.

10 See the contribution by Jay Winter to this volume.

11 See the contribution by Marco Duranti to this volume.

12 See the contribution by Ulrike Schröber to this volume.

13 See the contribution by Andrea Erkenbrecher to this volume.

14 See the contribution by Christiane Wienand to this volume.

amples on civil society's engagement. With Ayda Erbal's chapter on the apology campaign initiated by Turkish intellectuals in 2008, we revisit the question of how to come to terms with the Armenian genocide around 90 years after Armin T. Wegner started his campaign in interwar Germany. Moreover, our recent examples include two case studies on the problem of dealing with colonial violence in postcolonial settings, both between Namibia and Germany<sup>15</sup> and Portugal and Mozambique.<sup>16</sup> Finally, we included two case studies on commissions in their function as rather new instruments of reconciliation and by now, the most commonly used restorative mechanism in processes of transitional justice.<sup>17</sup> With this long-term perspective on processes and dynamics of coping with past atrocities and human rights violations, we intend to present a more comprehensive and simultaneously more refined understanding of what transitional justice can mean in different socio-political contexts and time spans. At the same time, this approach allows us to gain comparative insights on similarities and differences emerging over a longer period.

Secondly, we decided to concentrate on civil society's involvement in processes of dealing with past atrocities. We are particularly interested in transnational engagement of civil society actors, ranging from dedicated personalities over institutionalized forms of engagement to societal elites. The decision to address the legacy of past wrongs from the perspective of transnational civil society's interventions is based on the observation that relevant research has mostly concentrated on major initiatives, either by national governments or by the international community. Except for non-governmental organizations involved in these initiatives, the role of civil society has not attracted careful attention. Given the fact that actors from within civil society are active in processes of coping with past atrocities already since the beginning of the 20th century, the chapters collected in this book intend to contribute to this so far neglected aspect of transitional justice. That civil society became an active protagonist in the processes and dynamics of dealing with past atrocities is due to more general developments such as the increasing significance of society's involvement in public

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15 See the contribution by Reinhart Kössler to this volume.

16 See the contribution by Robert Stock to this volume.

17 See the contributions by Anne K. Krüger on truth commissions and by Melinda Sutton on the Bloody Sunday Inquiry.

affairs. But it is also related to changing practices of warfare and state-sanctioned violence in 20th-century Europe and elsewhere. Just as total wars affected and mobilized whole societies, post-war processes also involved an unprecedented range of actors beyond the state. This involvement of large strands of the population into wars and atrocities as victims, perpetrators or bystanders led to a shift in the understanding of how power works. As Jeremy Sarkin and Erin Daly note, “until recently, political acts were likely to be seen as acts of single individuals or small cabals”.<sup>18</sup> If justice after transitions was done, it was by trying and punishing the top leaders only. This slowly changed with “the recognition that political events are not the exclusive province of leaders, but implicate, and are implicated by, the population as a whole”.<sup>19</sup> This fact carries implications “both for the new government’s treatment of the past and for laying the foundations for the future”.<sup>20</sup> Transitional justice is also an attempt at dealing with the involvement of society into the atrocities of past regimes, and building up a civil society after transitions is one of the main tasks in democratization processes. In addition, the question of contributions to these processes by actors from within civil society is here of fundamental importance. By focusing on civil society’s involvement in processes of dealing with past atrocities, the chapters of this book refer to these developments.

Thirdly, we decided upon paying particular attention to reconciliation, both as a concept and a practice. On the one hand, “reconciliation has become a buzzword in the literature on [...] transitional justice”<sup>21</sup> and “the darling of the transitional justice movement”.<sup>22</sup> It is, as Jeremy Sarkin and Erin Daly note, “so easily evoked, so commonly promoted, and so immediately appealing”.<sup>23</sup> Yet, at the same time, reconciliation remains a black box insofar as our knowledge is very limited with regards to the specifics of

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18 Jeremy Sarkin and Erin Daly, Too Many Questions, Too Few Answers: Reconciliation in Transitional Societies, *Columbia Human Rights Law Review* 35 (2004), 661-728, here: 683.

19 Ibid., 684.

20 Ibid., 685.

21 Jens Meierhenrich, Varieties of Reconciliation, *Law and Social Inquiry* 33, 1 (2008), 195-231, here: 224.

22 Sarkin and Daly, Too Many Questions, 665.

23 Ibid., 664.



achieving and promoting reconciliation. We are not fully aware of the historical factors that contribute to the spread of reconciliation initiatives around the globe, the question of whether reconciliation can achieve the goals imputed to it, or what reconciliation actually means in different cultural contexts. In other words, there are still “too many questions, too few answers”.<sup>24</sup> The chapters of this book intend to contribute to a better understanding of what reconciliation actually means when imbedded in processes of coping with past atrocities. The multitude of meanings generally associated with the term becomes more so obvious when looking at the actors in our case studies who refer within the context of their actions in various ways to ‘reconciliation’. Yet, not only do they attach different meanings, goals, instruments, and strategies to the term, ranging from the Christian notion of reconciliation to versions that are more secular, but they themselves are at times uncertain about what this term might mean or what implications it might carry. In other words, continuing debates about the meaning of the term are not merely academic, but are already present within the initiatives under study here. We therefore do not start from a common definition of the term but rather ask what understandings of reconciliation are brought forward by the actors under consideration, what measures and instruments are used when ‘reconciliation’ shall be achieved, and what actually happens when actors become involved in processes they label as reconciliatory.

Taken together, the in-depth studies contained in this book analyze processes of coping with atrocities and human rights violations that were committed since the beginning of the 20th Century. The studies focus on the role civil society plays in processes in which reconciliation, both as an idea and a practice, plays a significant role. Special attention is given to situations where the actors and processes transcend national borders. The contributions describe actors and actor constellations involved in transitional justice, both as initiators and addressees. They ask for meanings attached to the concept of reconciliation and for the implementation of these ideas in practice. The contributions analyze strategies adopted and instruments utilized in attempts to repair historical injustices and to make whole what has

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24 Ibid., 661.

been smashed.<sup>25</sup> In addition, they investigate expected and/or received outcomes of processes of reconciliation, hence ask both for successes and failures, potentialities and limits of intentional strategies and unintentional dynamics related to these processes.

What conclusions with regard to these research questions can be drawn from the detailed case studies contained in this volume? Firstly, the findings show that reconciliation by and large seems to be a utopian project. In all our cases, it is an unfinished, sometimes even a highly fragile endeavor in which a single ill-chosen phrasing, an inappropriate timing or the focusing on one group of victims or one atrocity instead of another can lead to even more dispute or hardening of positions. For example, take Wegner's attempts at reconciliation in interwar Germany, analyzed by Charlton Payne. Wegner's lecture in Berlin in 1919 and the accompanying presentation of pictures showing stages of the deportation and massacre of the Armenians in 1915 in graphic, sometimes brutal detail "was interrupted by the violent uproar among Turks and Armenians in the audience". As Payne shows, with the presentation of these pictures that was meant to create empathy for the fate of the Armenians, Wegner achieved just the opposite, namely the mobilization of feelings of partisanship instead of empathy. Or take the reactions to Tony Blair's setting-up of a judicial inquiry into the killings of thirteen unarmed civil rights demonstrators in Derry in 1972 that became known as Bloody Sunday. As Melinda Sutton shows, many Unionists interpreted the establishment of this inquiry "as indifference to the suffering sustained by the families of other victims of the Troubles". The example shows that acknowledgement of the pain and suffering of some victims can lead to bitter feelings on the side of other victims who interpret this recognition as a denial of their own trauma, suffering, and loss. It therefore points to the creation of some sort of competitive victimhood through measures aimed at reconciliation. In sum, these examples demonstrate how difficult and 'preconditionally dependent' these attempts at reconciliation are, e.g., how much they depend on an abundance of premises. They also raise the question of who is included in such endeavors, whose pain and suffering is left without public consideration, and who is entitled to make

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25 I borrow this phrase from John Torpey, *Making Whole what has been Smashed: On Reparation Politics* (Cambridge, Mass.: Harvard University Press, 2006).

decisions within these processes. In other words, within the politics of reconciliation power may at times also play a significant role.

To state that reconciliation is a utopian project indicates an understanding of reconciliation as some kind of end state. In the case studies presented in this volume, this end state is hardly ever achieved. Against the background of a maximalist concept of reconciliation that calls for nothing less than an “ethics of caring for the enemy”,<sup>26</sup> this seems not only plausible but in most cases probably an unrealistic expectation. As is convincingly argued in the contributions to this volume, reconciliation is not only an end state, but also constitutes a process. There is a *road* to reconciliation. It is made up of a great variety of gestures, symbols, instruments, and measures. Often it is taken in small steps, but it is those small steps that *can* make a difference. The case studies presented here may also be read as a plea to concentrate on those small steps and to adopt rather minimalist conceptions of reconciliation. Of course, sometimes already neutralizing issues of past conflicts in post conflict societies and initiating processes to move away from war requires a huge effort, as Jay Winter shows. At times, as Ayda Erbal in her contribution on the apology campaign by Turkish intellectuals in 2008 argues, even a rather unsuccessful attempt at apologizing can at least be “a step in the right direction for changing the lens of society by informing the public sphere of the necessity for recognizing that there is something grave to apologize for”. Against this background, it seems plausible to not only shift the focus from an understanding of reconciliation as an end state to one as a process, but moreover to pay closer attention to related and probably less morally charged terms such as atonement, understanding, rapprochement, or redress. As Christiane Wienand points out in her contribution, the founder of *Aktion Sühnezeichen*, Lothar Kreyszig, had initially intended to call the organization *Aktion Versöhnungszeichen* (sign of reconciliation), “yet became convinced that *Sühnezeichen* (act of atonement) would be a more fitting term: atonement is offered by or on behalf of the one who has become guilty, whereas reconciliation already describes the next step of a mutual agreement between the two sides”. To adapt less ambitious and morally charged concepts such as atonement, also seems to comply with the feelings of the victims. Asher Ben Nathan, the first Israeli ambassador in the Federal Republic of Germany, and one of the supporters

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26 Meierhenrich, *Varieties of Reconciliation*, 211.

of German-Israeli youth exchange programs, nevertheless stated “instead of reconciliation I was talking about understanding”. This and other examples in our volume show that the quest for reconciliation can be an unreasonable demand for the victims. Andrea Erkenbrecher draws our attention to the psychological barriers of some of the surviving victims of the massacre conducted on June 10, 1944 by a unit of the *Waffen-SS* in the French village of Oradour-sur-Glane. She argues that “reconciliation is not something that can rationally be decided upon”, and that some victims just “*cannot* reconcile even if they would like to”. Within the context of these findings, Erkenbrecher also states that the demand for reconciliation can be an all-to-ambitious objective. The conclusion she draws is “a plea for a right to irreconcilability” on the part of the victims. This is only one of many examples that point not only to a certain scepticism when it comes to reconciliation but to its very limits.

The chapters of this volume convincingly show that there is no way around recognizing the power of experiences and memories related to conflict and war and that therefore one has to be very modest in expectations when it comes to reconciliation. In fact, in most of the cases described and analyzed here, only future generations might be able to reestablish “trust-worthy and cooperative relationships”<sup>27</sup> and master the task of returning to some normalcy. This also leads to a conclusion of great significance: reconciliation is not just about a situation or moment, but rather, as stated previously, it involves rather long-term processes. Aside from this aspect of *longue durée*, the findings in our chapters point to another dimension of time being of importance, especially when asking at what time actors take initiative for reconciliation and within what time span these initial attempts take place. There are cases of rather immediate attempts at reconciliation such as Armin T. Wegner’s activities described by Charlton Payne or the meetings of French and German church affiliates taking place as early as 1949 and 1950 analyzed by Ulrike Schröber. René Cassin’s dedicated engagement for the war disabled presented by Jay Winter is another example

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27 Veit Straßner, *Versöhnung und Vergangenheitsaufarbeitung – Ein Vorschlag zur Begriffsbestimmung und Konzeptualisierung*, in: *Amnesie, Amnestie oder Aufarbeitung? Zum Umgang mit autoritären Vergangenheiten und Menschenrechtsverletzungen*, ed. Siegmund Schmidt et al. (Wiesbaden: VS, 2009), 23-36, here: 29.

for initiatives being launched in temporal nearness to the experiences of war and violence they refer to. Nevertheless, other initiatives only start with a rather huge temporal distance to the events. The apology campaign by Turkish intellectuals analyzed by Ayda Erbal was set in motion nearly one hundred years after the genocide of the Armenians in the late Ottoman Empire. The cases of attempts at reconciliation connected to crimes committed under colonial rule analyzed by Reinhart Kössler and Robert Stock, also point to context variables that are of some importance here. Both in the case of Turkey's reluctance of dealing with the Armenian genocide in an open manner and in the cases of dealing with colonial atrocities, we are faced with the problem of silence and taboo that only lately began to slowly break down. In other cases such as in Franco-German relations, the environment was more supportive of these attempts at reconciliation, not least because of the political necessities imposed by the Cold War.

Furthermore, the findings of the investigations underline the importance of keeping alternatives in mind, both with regard to civil society's engagement and in terms of instruments utilized in processes of reconciliation. As Charlton Payne shows, Armin T. Wegner's attempt at reconciliation failed – at least as far as we can tell. What had a more positive effect was the trial against the Armenian student Salomon Teilirian who assassinated Talaat Pascha, one of the principle instigators of the Armenian genocide. After he had fled from Istanbul in 1919, Talaat Pascha had been living incognito in Berlin, where he was detected and assassinated by Teilirian in 1921. Teilirian's entire family had been massacred during the deportation in June 1915. A district court in Berlin had to decide whether this was a case of premeditated murder. Surprisingly, Salomon Teilirian was acquitted of the charge. As Payne argues, "this trial marks an instance of reconciliation between Germans and Armenians, and can be interpreted as contributing to the formation of an official cultural memory of the Armenian genocide. In this case, an authority sanctioned by the state [...] became a conduit for the dissemination of witness testimonies as well as for a gesture of reconciliation, by issuing a verdict of not-guilty in favor of a victim of a massacre and thereby distancing itself from the previous foreign policy of supporting Germany's war-time ally responsibility for the forced deportations and massacres." This incident reminds us of alternatives to civil society's engagement. Here, the juridical system did find a more adequate response than was found by the civil society – not only from the perspective of Ar-

menian victims living in Berlin but also in the view of some Germans. It is therefore of utmost importance to keep the interplay of different levels and actors – state, juridical system, civil society, dedicated personalities – in mind. Furthermore, this incident points to the distinction between restorative and retributive justice. While the latter includes forms of actively enforced measures such as trials und tribunals, the former describes ultimately voluntary instruments such as commissions, healing circles, or apologies. While the goals of measures of retributive justice are prosecution and punishment, restorative justice is commonly associated with reconciliation. The case presented by Charlton Payne complicates the picture of this often too clear distinction by showing that under certain circumstances, retributive rather than restorative justice can contribute to the dynamics of reconciliation.

Finally, the contributions to this volume point to the crucial and at the same time changing role played by mediators in processes of reconciliation. These mediators can be dedicated personalities as described in the chapters by Charlton Payne and Andrea Erkenbrecher, non-governmental organizations such as *Aktion Sühnezeichen* or various kinds of commissions as analyzed by Anne Krüger and Melinda Sutton. Even published texts, technical objects, or documentary films may be viewed as having mediating capacities as demonstrated by Robert Stock and Charlton Payne. Although not always with positive outcomes, these mediators fulfilled different functions. At times, they made people look at the pain of the victims and they created space for dialogue. They made efforts toward multiplying the number of circulating narratives and at complicating the language of all parties involved. The contributions also point to the changing role of mediators in the course of the 20th century. Methods and instruments utilized in the first half of the century have been rather idiosyncratic and mediators were sometimes in some – often unclear – way themselves involved in the events they had to cope with. In contrast, today we face the growing importance of standardized instruments of a culture of experts who advise countries all over the world in how to deal with past atrocities. It almost seems that by now a global regime of transitional justice has developed that might be a successor of the international humanitarian organizations having emerged in the first half of the 20th century. To look more closely into the question of whether these new global cultures of transitional justice are or will indeed be the successors to the international regimes of humanity described

by Marco Duranti, Jay Winter and Charlton Payne in their chapters, will certainly be a challenging task for future research.

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