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**THE GUILT OF NATIONS:
RESTITUTION AND NEGOTIATING
HISTORICAL INJUSTICES**

By Elazar Barkan

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The ability to deal decently with demands for apologies and compensation for historical injustices is a sign of maturity, a new book argues

THAT history is written by the winners is a cliché which, while true once, now deserves to be retired. The determination of many of history's losers to unearth their own past, supported by cadres of professional historians looking for new fields to conquer, has prompted a wave of revisionism. The results have not been confined to university history departments, but have come to play a growing role in contemporary politics.

Over the past decade, national apologies and restitution for historical injustices, and claims for both, have become something of a fad. Emperor Akihito this month offered the Dutch his standard expression of regret for events during the war. He is only the latest. Over the past few years, Holocaust victims, indigenous peoples, Japanese-Americans, and the descendants of slaves have all put forward their cases, with varying degrees of success. Not everyone believes this is a good idea. While many consider apologies and restitution a long-overdue righting of grievous wrongs, many sceptics question whether guilt can really be inherited by today's generation, and argue that digging up the past in this way exacerbates current social and racial conflicts. Even when admitted, can huge historical injustices ever

really be recompensed or corrected? And where should the line be drawn? The list of groups that can lay some claim to victimhood seems endless.

Into this minefield steps Elazar Barkan, a history professor at Claremont Graduate University in California, whose new book, "The Guilt of Nations", is being published in America this month and in Britain in September. Given the emotional nature of the cases he examines, Mr Barkan manages a remarkably lucid and even-handed account of the best-known examples of restitution claims. Mr Barkan clearly welcomes the vogue for apology, but he gives due weight to the sceptics and his analyses of why some restitution campaigns have succeeded and others have failed are illuminating.

One of the most straightforward cases should have been that of Holocaust victims. The events of the Holocaust were undeniable, and have been heavily documented. The official repentance embraced by West Germany's Adenauer government after the second world war, together with monetary reparations to Israel, set an encouraging precedent. Many survivors, or their families, were still alive and could be identified. The extent to which companies, banks and insurance companies, not all of them German, had enriched themselves through slave labour, connivance with the Nazi extermination of the Jews or the theft of Jewish assets could be estimated, at least somewhat reliably. And yet it took decades for restitution claims against the banks and companies to be recognised and then, eventually only under duress, negotiated. Mr Barkan's detailed account of the stonewalling and bureaucratic obfuscation of the Swiss banks in particular, and of their wholesale confiscation of dormant Jewish accounts, makes dismal reading, and a fascinating case study of how not to respond to well-founded claims.

The case of Japanese-American citizens incarcerated during the second world war is a more optimistic tale, and in Mr Barkan's

view serves as something of a model both for how restitution claims can be pursued and how they should be dealt with. After the war, most Japanese-Americans, though bitter at being held for years behind barbed wire, wanted to forget the episode as quickly as possible and to assimilate. But a small group of radicals campaigned long and hard for an apology, and for some form of monetary restitution. Only when they moderated their demands, and reached out to conservative Republicans, as well as their more natural allies among liberal Democrats, were they successful. The apology, and the relatively modest payments, passing through Congress because the wrong done to Japanese-Americans was accepted as a violation of values embraced by all Americans, not just special pleading by one small group.

Efforts by African-Americans to make similar claims for restitution have failed for a variety of reasons. Some of the monetary claims have been outlandish. One activist has put a price tag of \$4 trillion to repay African-Americans for the injustices of slavery and the continuing burden of its legacy. No government could agree to this. To some the wrong of slavery seems too vast ever to correct with cash. To others, it is now too far into the past to lay an obligation on today's white Americans, most of whom are the descendants not of slave-owners but of immigrants who also had to overcome economic and racial hurdles to establish themselves. For many, the affirmative-action policies of the past few decades have been restitution enough. And many successful African-Americans want nothing to do with either affirmative action or claims for

restitution, viewing both as embodying the racism which they have managed to surmount.

Given the complexity and intractability of such issues, are apologies and restitutions worth considering? Mr Barkan admits that there will always be anomalies, and these in themselves can seem unjust. Some groups will win recognition, others will not. Some will be satisfied with an apology, for others this will be just a prelude to restitution. There is no single set of principles to apply to all cases, whose circumstances vary so much. Not all claims are justified. And even for those that are, restitution will rarely change the economic prospects of the victims or repay them fully for past wrongs. Moreover, there are uncomfortable contradictions between individual human rights and the kind of group rights often represented by such claims.

And yet Mr Barkan makes a persuasive case that, despite all these difficulties, the recent vogue for apologies and restitution should be welcomed. Negotiations over these claims are not really about the past, but the future. However they are resolved, they give victims, usually the poor and dispossessed, a voice and a reason to believe that they have a stake in their society. And such negotiations force the better-off to recognise their obligations to those beneath them in the pecking order. A society which can face the ugly episodes in its own history, and agree a way to repudiate them, is also a society capable of setting moral standards for itself, of constraining its own worst instincts, and of aspiring to a better future.