

INTRODUCTION

The first year of the new millennium unfolded in the following way: In May 2001, the French parliament passed a law calling slavery and the slave trade “crimes against humanity.” It was widely perceived to be that nation’s apology for slavery. That same month, the Vatican explicitly apologized for its complicity in the murder of Jews in Poland during World War II. Later that year, the director of the Max Planck Institute apologized for that organization’s involvement in medical experiments in the concentration camps (June); the Russian parliament voted to apologize to the ethnic Germans who were forcibly resettled (July); former Khmer Rouge leader Khieu Samphan apologized for his role in the regime’s atrocities at the same time that the United Nations World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, held in Durban, South Africa, also called slavery and the slave trade “crimes against humanity” (August); the leaders of the Myōshin-ji sect of Zen Buddhism apologized for their ties to Japan’s militarist past (September); the Japanese prime minister apologized to China for acts committed during World War II (October); and the Canadian House of Commons apologized for the execution of Canadian soldiers charged with cowardice during World War I (December).¹

Other apologies were issued during this year, but I have listed only the political and historical apologies from World War II and earlier, not politicians’ apologies for contemporary events, such as the American apology to China for the U.S spy plane that collided with a Chinese fighter jet in April, or the American apology to Japan for an American submarine’s collision with

Excerpt • Temple University Press

a Japanese fishing boat in February. Even where apologies were not offered, they were contemplated. Eleven nations of the European Union had prepared what was described as “a straightforward apology for the transatlantic trade in slavery” in September, but four of the member states demurred, wishing the statement to be more temperate in its contrition—that is, to express “regret” without “responsibility.” It is perhaps not surprising that the four demurring nations—Britain, Spain, the Netherlands, and Portugal—also happen to be the nations that profited most from the slave trade.² The point, however, is that apology had become a routine, expected form. That development is a novel thing, and one, I argue, that defines the guilty age.

What might such a furious attempt to come to terms with the past in this mode of apologizing for it mean? First, I would draw attention to the two most evident kinds of apologies—the political ones for events connected to World War II and the historical apologies for events in the distant past. As I argue in this book, the historical apologies evolved from the political apologies sometime in the 1980s. Thereafter, numerous nations apologized for what they now defined as the crimes of their past. These included institutions (slavery, most notably) as well as political strategies to decimate aboriginal cultures within their borders. Church leaders also apologized for the sins of their past. Some were political apologies, as in the Vatican’s apology noted above for inaction during the Holocaust, and some were historical apologies, as Pope John Paul II apologized for specific events (the Counter-Reformation, the Crusades, the slave trade) as well as long-standing trends (the oppression of women). That distinction between political and historical apologies is admittedly an arbitrary one; events that are of the recent past now will eventually recede into the distant past. But the distinction is not without significance for the guilty age, since it alerts us to the fact that these nations and churches feel the pressures of two distinct pasts—one clearly connected to the present, events around World War II that largely defined our world (prewar, postwar), and the other less clearly connected. As I say above, I believe that the historical apology emerged from the political and that the second sense of connection to the distant past evolved from the first. Institutions and nations that felt guilty for the roles they played or failed to play around 1945 learned to accept a wider sense of guilt for the roles they played a century or five centuries prior.

Second, I would draw attention to the fact that these are *apologies*. By the end of the millennium, they had become routine, and, as I show in the Preface, routinely mocked, but we must not fail to recognize that these public apologies are a recent phenomenon, and the fact that they are so pervasive must tell us something about the epoch in which they first and most fully

Excerpt • Temple University Press

appeared in these forms. These public apologies for events of the recent and distant past, I argue, are the transcendent practice that has emerged as a defining feature of our *guilted* age. The guilted age that began around 1945 is to some extent defined by precisely that—a widespread global feeling of guilt, not an existential guilt unmoored to anything, but a moral guilt that emerges from particular political conditions. The practice that the guilted age has developed to assuage that feeling of guilt is a particular kind of contrition that first takes the form of the political apology and then later the historical apology. *The Guilted Age*, then, is a study of what Martha Nussbaum calls a “political emotion.” The emotion with which she is concerned is love, and the practice through which she believes love is politically expressed in a meaningful way is justice.³ The emotion with which I am concerned here is guilt, and the practice through which that guilt is manifest and expressed is the public apology.

In the next chapter, I show which forces led to the emergence of guilt as that distinctive quality by looking more intently at the development of particular judicial institutions that defined key terms for that age and the expression of a specific kind of philosophy that argued for an ethics of guilt on the basis of those terms. This chapter first asks, however, in what sense we can speak of an era as being marked by a peculiar attitude and tries to shed light on how this age may be said to be defined by guilt.

In suggesting a name for an epoch as I do here, I gratefully acknowledge that I am humbly and tepidly following the masterly example of Eric Hobsbawm, who has virtually made a career of naming each of the eras of the long nineteenth century (1789–1914): the age of revolution, the age of capital, and the age of empire. At the end of a long and magnificent career, he turned to the short twentieth century (1914–1991), and divided what he called the “age of extremes” into two epochs: the age of catastrophe (1914–1945), and the golden age (1945–1990). Timidly, I disagree. What he is calling “golden,” I am calling “guilted.” I am certainly not denying that it was also golden in its technical achievements, and in describing the material and technological and economic accomplishments of the second half of the century, Hobsbawm more than hints that all that glitters is not gold. (Someone more inclined to punning would have said that Hobsbawm implies that the golden was also a gilted age.) Pierre Nora describes that same era in a different way, calling it the “era of commemoration,” which is marked, he writes, in the “passage from the historical to the remembered and the remembered to the commemorative.” In other words, what happened is transformed from an existential thing (it

4 | INTRODUCTION

Excerpt • Temple University Press

happened) to a cognitive thing (it is remembered) to a symbolic thing (it is commemorated). We see that this dynamic aptly describes the processes of the guilty age, where what happened is remembered frequently in the form of the public apology. Commemoration becomes an expression of guilt.⁴

Writing shortly after the end of World War II, Albert Camus sees the emergence of the primary themes of the twentieth century in terms similar to the ones I am employing here. While the nineteenth was “the century of rebellion,” he writes, the twentieth has become “the century of justice and ethics”—in which, he adds ominously, “everyone indulges in self-recrimination.” The “question of the twentieth century,” he concludes at mid-century, is “how to live without grace and without justice.” A world racked by war and devastated by genocide must feel guilt—indeed, what Camus calls “universal guilt”—both because it was a witness to those atrocities, and, he argues more specifically, because that is what the Third Reich ultimately produced. As he looks around him at the close of the war, he sees the inevitable response to universal guilt—that is, universal contrition. When perpetrators are guilty because of what they have done, and victims are made to feel guilty by what the perpetrators have done, the “concept of innocence disappears from the world,” replaced by guilt and despair. “That is why an unworthy and cruel penitence reigns over this world where only the stones are innocent,” Camus perorates. The rest of the twentieth century, and the beginning of the twenty-first, saw that penitence develop a formal and discursive means by which it would attempt to expiate its “universal guilt.”⁵ Camus is prescient here, as in so much else, about a world where heroic rebellion has been superseded, a century that has lost its innocence in what Camus entitles *The Fall*, is ill with what he calls *The Plague*, and generally is marked by exile, anomie, and despair. Other observers of the unfolding of the postwar world found the same manifestations of guilt.

In a 1967 article entitled “Generation without a Past,” Gitta Sereny, an Austrian-born Hungarian journalist who lived through parts of the Third Reich and then worked in postwar Germany, describes just what a profound sense of malaise there was in a country tense with faithlessness. She interviews several students born in the years after the war who are afraid to ask their parents just what happened, lest they find out things they would rather not know. As one of her interviewees puts it, “It would mean saying to those we love: ‘We accuse you.’” At the same time, many trials of former Nazis were underway in several cities in West Germany, all struggling to complete their adjudication and sentencing before the impending statute of limitations was

Excerpt • Temple University Press

reached in 1970 (the statute of limitations was extended in Germany and then later abolished for crimes against humanity, but these were trials usually of lesser charges of simple murder). At the same time, these courts recognized the futility of what they were doing. They could not charge the two groups of people everyone knew to be guilty—that is, the *Schreibtischtäter* (the desk murderers) who issued and signed the orders that led to the murder of millions and the major Nazi criminals who had already been found guilty in the military tribunal courts of the Allies in the 1940s and then amnestied in the early 1950s. Those who signed the death orders could not be tried because of technicalities, while those who killed could not be retried because of the Allied treaty forbidding Germans from repealing any Allied legal decision. And, in any case, as the prosecuting attorneys Sereny interviews notes, what difference does it make? What sentence could mean anything in the face of the crimes? In the “final analysis,” they conclude, “any punishment handed out belittles the crime.”⁶

Sereny is an acute observer who spent her adolescence witnessing the spectacle of National Socialism. As a preteen, she accidentally wandered into a rally in Nuremberg when the train taking her to London had mechanical difficulties. She was in Vienna when the Nazis took over the city, and she volunteered as an Allied nurse during the war. After the war, she worked with the agencies trying to identify and return the children who were stolen from Polish families and given to German families as adoptees. Heinrich Himmler had established the policy of identifying which children had what he called “racial potential” and then giving them to families for what was called “Germanization.” Sereny, then, witnessed Germany at the beginning and at the end of the Nazi era and helped redress some of what Nazi policies had done. As an outsider, and someone with a keen ear and shrewd intelligence, she is able to see what lies underneath what her interviewees are telling her. She senses a country that in many ways is immature, precisely because the generation that should be arising to activity and endeavor is mired in a relationship with its parents that has never been resolved. “In other countries,” she writes, “a man of twenty-seven or thirty is an adult—in Germany the term ‘youth’ must apply even to those of thirty-five and over” because the “only valid point of division is who was part—and who was not part—of the Hitler era.”⁷ Sereny, in 1967, describes a country that is profoundly stalled.

It was also a country that was suffering a particular and dynamic kind of travail. “Contrary to popular belief abroad,” she asserts, “the Germans are consumed by impotent guilt.” She finds that guilt etched into the very geography and chronology of the nation: “They are a country not only geographically divided, but divided from their own history and divided, what is



6 | INTRODUCTION Excerpt • Temple University Press

more, into sharply defined age groups, each with an entirely separate and yet primarily evasive perspective of their past and present.” Although Sereny is not particularly given to drawing on the language of psychoanalysis, she sees this situation in precisely those terms: All German generations are in separate states of denial (each one evading what it fears to confront, its own responsibility, its parents’ complicity), and that denial only augments and deepens that primal guilt: “The nation’s guilt—entirely unresolved—has become the nation’s trauma.”⁸

Sereny describes a number of different kinds and qualities of guilt in this society. There are those who are criminally guilty—found so and then freed and amnestied, or on trial and likely to meet punishments that will mock rather than fit the crime. There are those who are morally guilty—who cannot confront their children because they know that they have led a life of ethical corruption, of accepting the unacceptable. And there are those who are politically guilty—those who supported the regime or failed to resist its most obvious and obnoxious actions. These, as it happens, are three of the four categories of guilt that the philosopher Karl Jaspers identifies in his 1948 book *The Question of German Guilt*. (I discuss this book in greater detail in the next chapter; the fourth category is metaphysical guilt.) It was, in other words, a society that was guilty in no simple sense, not merely guilty of having pursued a particular course of action, but one guilty in a fundamental and complex way and with a guilt that festered and was turning pathological. When Primo Levi’s *Survival in Auschwitz* was published in a German edition in 1961, he received about a letter a month from German readers in the first three years his book was in print. Many of these letters state directly, as one representative example does, “We are guilty,” or accepts, in the words of another, “what we recognize to be our guilt before God and mankind.”⁹ It is telling that so many sought to confess their moral guilt to someone they could clearly identify as a victim of their nation’s political guilt.¹⁰

Part of the reason is that this guilt had not been addressed in the institutions where it most reasonably might have been—namely, the courts. Consider two of the most reflective and thoughtful defendants in the first Nuremberg trial. At the end of his testimony, Hans Frank, the minister of justice for the Third Reich, famously prophesied that a “thousand years will pass and still this guilt of Germany will not have been erased.” It is a striking statement, a moment of seemingly resolute recognition and penitence. Some of his fellow defendants were skeptical and wondered why Frank resorted to a grand claim of national guilt instead of acknowledging a more personal one. In any case, by the end of the trial, in his closing statement before sentencing, Frank returned to this question and gave a rather different assessment. He



Excerpt • Temple University Press

reminded his listeners of his earlier claim and then suggested that he would like to modify it: “Every possible guilt incurred by our nation has already been completely wiped out today,” he now claimed, by virtue of the ongoing “mass crimes” against the German people in the aftermath of the war. In a matter of weeks, Frank went from penitence to resentment, from a millennial guilt to an indignant absolution.

The other defendant, Albert Speer, is often cast as the one Nazi who accepted responsibility at Nuremberg and lived his life thereafter in consistent atonement. And yet in his testimony at Nuremberg, he was remarkably unclear and, as shown later, dishonest about what he knew. In a redirect after the cross-examination, Speer’s lawyer Hans Flächsner sought clarity about a statement Speer made during the cross-examination about “common responsibility.” Did Speer want to say that he was claiming a “measurable guilt or coresponsibility under the penal law” or rather that he was noting Germany’s “historical responsibility”? Speer acknowledged that the “question is a very difficult one to answer”—and then didn’t answer it. Here, then, were the two most confident acknowledgments of responsibility at Nuremberg, and both came to nothing. Neither Frank nor Speer revoked their “not guilty” pleas when they accepted responsibility and guilt, and neither, in the end, maintained that responsibility for long, or honestly. The next generation would pay for that. One of the people Sereny interviews for a later article, Dirk, is the son of the head of the Gestapo in Braunschweig. His father had been found guilty and hanged in 1948. More than forty years later, his son is still haunted. Nazis like his father, he claims, “were incapable of shame or repentance and therefore left us alone with nothing but the heritage of their awful guilt.” He had joined a group counseling session led by an Israeli psychologist, Dan Bar-On, to find some resolution to that guilt. The guilt that was found or not found, claimed or unclaimed, in the courtroom was now appearing on the therapist’s couch.¹¹

Three years before Sereny published her 1967 essay on Germany’s postwar malaise, Japan had undergone a similar moment of reflection around an enigmatic moment in its postwar history. In 1964, Japan awarded American Air Force General Curtis LeMay the highest honor a non-Japanese citizen could receive, the First Class Order of the Rising Sun. Both Emperor Hirohito and Prime Minister Satō Eisaku and his cabinet approved the award. The Japanese Diet was aghast. LeMay, after all, had planned and executed the bombing campaign against Japanese cities, including the firebombing of Tokyo, which he had masterminded without consulting Washington. That campaign, conducted on the night of March 9–10, 1945, involved flying 334 aircraft at low altitudes with incendiary bombs that created fires so intense that, as one

8 | INTRODUCTION

Excerpt • Temple University Press

historian of the war puts it, “canals boiled, metal melted, and buildings and human beings burst spontaneously into flames.” It was the most devastating bombing raid during World War II, and the second-largest “urban conflagration in recorded history.” LeMay had also planned Operation Starvation, in which American planes dropped mines in the waterways that transported Japanese food distribution. Finally, he was also the one who relayed the presidential order to drop the atomic bombs on Hiroshima and Nagasaki. How could Japan honor this person, whose missions under his command had killed somewhere around half a million Japanese civilians? Members of the Diet demanded that the honor be retracted. The Foreign Ministry and the Self-Defense Agency responded to their request in an odd way, reportedly replying, “There is no limit to talking about what occurred during the war.”¹² If this is their true reply, it is a profound statement, and, if apocryphal, just as profound.

In Japan, this anecdote reveals, there were at least two ways of talking and thinking about the war. One involved something like forgiveness, and the other something like resentment. Honoring someone who had done so much damage to the country and its citizens could mean only an exorbitant act of acceptance, a willingness to forego indignation that amounted to an act of forgiveness at the very highest levels of the polity. The emperor approved. Those who saw this act of honoring the enemy as a violation, an affront to their history and the meaning of the lives of their fellow citizens, felt a righteous resentment. The Diet seethed.

In the background of these events in 1964 were two different kinds of politics. One was immediate: Tokyo was hosting the 1964 Olympics, and some believed that this act was a way of establishing a tenor for the type of gracious host Japan would prove to be as the world arrived. The other was less recent and directly connected to the events of 1945: Like Germany, Japan too had developed a guilt complex. The filmmaker Itami Mansaku published an article in 1946 in which he contests the prevailing idea that Japanese people had been deceived by their war leaders and were therefore not responsible in any way for the crimes their country had committed in the war. Itami argues for a more robust and stringent sense of responsibility, more akin to the one that Jaspers would produce for German guilt.¹³ A people are held responsible for what their leaders do, and the leaders are also responsible for what they do. This, in Japan, was a toxic issue, since the leader whose responsibility was primarily the topic of debate was Emperor Hirohito. As I discuss later, the question of Hirohito’s “responsibility” would haunt Japan for decades—indeed, for the rest of the Shōwa era, and beyond. So, the odd politics of 1964, where the Japanese emperor who refused to apologize for what he did to begin the

Excerpt • Temple University Press

war seemed to be forgiving the American general who had devastated his country at the end of that war, echoed back to debates that had begun in 1945 and would continue well into the new millennium.

Jaspers and Itami are early theorists of national responsibility, at the dawn of the era I am calling the guilty age. And yet Germany and Japan both came to their guilt late. Devastated beyond belief at the end of the war, neither nation had the physical, mental, and spiritual resources to respond quickly to the historical events many elsewhere in the world believed that they had to acknowledge. That guilt would be expressed, in conscious and unconscious ways, over the next several decades. (The LeMay incident might well be an unconscious expression of it.) And the strategies that both nations employed to express that guilt and in some ways address it would also develop over the course of those decades. At the heart of those strategies was the hallmark of the guilty age: Acts of atonement and redress manifest most often in the political apology. Both nations believed that the way out of guilt was repentance. And that repentance, like the feeling of guilt it was meant to assuage, was long in coming, and its unfolding is the unfolding of the guilty age. As Sereny views the sort of industriousness with which Germany had achieved its remarkable economic success by the mid-1960s, she notes that it appears to her that this work ethic, this drive to produce and succeed, was, as she puts it, “not because of, but instead of repentance.” Likewise, in 1946, the Japanese scholar of French literature Watanabe Kazuo published an essay in which he ponders whether Japan and Germany would be returned to the international community if they did not express “repentance,” which he believes that the Japanese at least did not sufficiently comprehend.¹⁴ Japan’s similar “economic miracle” might well have caused some to reflect, as Sereny does of Germany, whether this was another case of industriousness in lieu of penance.

Despite, or maybe because of, the fact that there had been no “war responsibility” clause in the aftermath of World War II, as there had disastrously been in the Treaty of Versailles, the issue of responsibility and guilt became more amorphous and free-floating. Because it was not encased in a formal document, the sense of responsibility appears to have been more diffuse and, in some ways, more potent for that very reason. Germany and Japan are extreme cases, not paradigmatic ones. And yet their experiences, the evolution of their strategies for returning to the global order, I think define what would happen to a lesser degree in other nations over the seven decades following the end of the war. The sense of guilt that Germans and Japanese exhibited, and also bitterly disputed and contested, formed a discourse that

10 | INTRODUCTION

Excerpt • Temple University Press

spread to other nations and defined the new sensibility of the guilty age. The way out of that guilt, as I show, was through symbolic acts of atonement, particularly the political apology that both Japanese and German leaders would offer and offer again to the nations they injured, and to the world in general.

It would be that kind of atonement that many nations would express in the decades following 1945. The political apology was obviously not the only practice that developed for healing the wounds of the past or assuaging the guilt for it. Many other forms were available and developed, especially when a collective body, usually a nation, had to confront the major divisions and widespread complicities in its past. This has been most clearly the case in those nations in which notorious regimes of all sorts—military juntas, police states, totalitarian societies—have undergone a transition to a new regime. These polities have had to confront the fact that many of their citizens were active agents in the previous regime—sometimes as police agents, sometimes as spies, and sometimes as what in East Germany were called *Inoffizielle Mitarbeiter* (“unofficial collaborator”). The processes for dealing with those agents have ranged from “de-Nazification” in Germany in the late 1940s, to contested amnesties in many Latin American nations in the 1980s, to lustration and what was called “de-communization” in the European countries emerging from communist rule in the early 1990s, to truth and reconciliation commissions in both South America and South Africa at the fin de siècle.¹⁵ In some cases, these processes were made forms of entertainment. In 1992, French television aired an episode of the television program *Marche de Siècle* on which appeared two Poles on polar sides of politics in Poland, General Wojciech Witold Jaruzelski and Adam Michnik, to discuss whether forgiveness was an apt response to the political transition. The German station Sudwestfunk broadcast another interview between two people, one a spy and the other his victim, that it titled “My Friend the Stasi Informer.”¹⁶

The scholarship assessing what constitutes justice when the creators of law are turned out and their rule of law shown to be wholly coercive has come to be called “transitional justice.”¹⁷ The point of studies conducted in that field is to demonstrate the range of options such societies have when they undergo these transitions and to gauge to what extent such societies are torn between making a choice to pursue retributive justice or a choice to nurture a fragile democracy, between rigorously punishing those who operated the previous regime’s often terrorist machinery or tepidly attempting to establish the grounds for a new social order. That choice, sometimes cast between amnesty and justice, and, more recently, between truth (for amnesty) and justice, has struck some as based on a logical flaw.¹⁸ That debate is not my concern, though.

Excerpt • Temple University Press

My concern is that these transitional societies undergo particular kinds of travails precisely because the citizens in them feel guilty, and that guilt manifests itself in specific ways and inspires particular courses of action. These cases, like those of Japan and Germany, show us the dynamic that formed and extended the guilty age. No period of recorded history has witnessed more such transitions than the period following the end of what Hobsbawm insightfully calls “the thirty-one years’ world war,” that period of history between Austria’s declaration of war on Serbia in July 1914 and Japan’s surrender in August 1945.¹⁹ First, and most crucially, Germany and Japan were both occupied, both put on trial (the Nuremberg and Tokyo trials), and both subjected to a forced transition from one regime to the next (de-Nazification in Germany, demilitarization in Japan). Neighboring countries like Austria and France likewise underwent transitions, from the First to the Second Republic in the former, from Vichy to the Fourth Republic in the latter. Thereafter, in a series of waves, we saw global transitions.

The first wave that followed 1945 spelled the end of colonization. England lost Jordan in 1946; the crown jewel of its empire, India, in 1947; its other Asian holdings in Burma, Ceylon (now Sri Lanka), and Indonesia in 1948; and then shortly thereafter the rest of its empire in Africa. France lost Syria and Lebanon in 1945, the states of Indochina in 1946 (although the wars over it would continue to the 1970s), and then its North African holdings in Morocco, Tunisia, and Algeria from 1956 to 1962. The Netherlands lost its East Indies colonies in 1950, while the United States lost the Philippines in 1946. Political decolonization was followed by intellectual—that is, how to decolonize the mind—and then by pointed questions about what to do with that past, how a nation cobbled together by the colonizer could establish a unity of that diversity, and how to address just what colonization meant for the lack of development in that nation. In other words, here were nations that demanded at the very least an acknowledgment that their histories had been compromised.

The next wave came in the fall of totalitarian regimes in the 1980s and 1990s, including the fall of the communist bloc, the fall of military juntas in South America, and the fall of apartheid. These events inspired the formation of the concept of “transitional justice” and posed the questions about how to address widespread cases of complicity with the mechanisms of a judicial system that were simply inadequate to define and process those kinds of allegations.

The final wave, at the time of this writing, is what is being called the “Arab Spring,” which led to the fall of several long-standing tyrannies in Libya, Tunisia, Algeria, Egypt, and Yemen. As the citizens of other nations in

12 | INTRODUCTION

Excerpt • Temple University Press

the region, notably Syria, continue to attempt the overthrow of their corrupt governments, we will likely witness another set of tribunals, commissions, and debates about how each of these countries can emerge from the destructive rule of its previous regime.

In the midst of the decolonization of the 1960s and 1970s also emerged an important social movement in which we saw the rise of consciousness of oppressed peoples worldwide (women, the working class, ethnic and racial minorities). In the United States, out of the civil rights, Black Power, feminist, antiwar, and indigenous peoples' movements came a new sense that there was a long history of oppression that required more than legal redress. The 1960s also marked a changing of the guard in the historical profession and the emergence of a new social history that took seriously the idea of examining the past "from the bottom up"—that is, using the testimony of the oppressed, and not the victors only, to tell the nation's story. These would be histories of accusations and not celebrations, of crimes and not destiny, of guilt and not innocence. The French student uprising, like the American one, addressed the Vietnam War, but it also wanted to dismantle the myth of France's wartime experience, the "resistance" account that bracketed Vichy as an anomaly that could be denied. Likewise, the German student movement was antiwar, and it also seemed to be about more than only the Vietnam War; the students in Germany simultaneously raised difficult questions about their parents' wartime conduct under National Socialism. The "youth revolt of 1968," as the future president of West Germany writes, "brought about a new, more honest response to the Nazi past."²⁰ The social movements of the 1960s, then, constituted another moment when members of a generation came to question their nations' past and to demand answers to what to do with that past—whether it was the Nazi past, the Vichy past, or the slave past.

All these transitions raised precisely the kinds of questions that were raised in 1945. What does one do with the guilty, and what does one do with the guilt? That sense of guilt is sometimes criminal, and sometimes moral, to employ the categories Jaspers suggests in the wake of World War II. In some cases, the guilt is felt by individuals who were agents of the state, who did the nasty work of policing, surveilling, disappearing, and exterminating particular populations. Theirs is the guilt of the betrayed warrior, whose cause has been definitively shown to be corrupt and riddled with lies that now appear transparent. People like Franz Stangl, the commandant of the Treblinka extermination camp, or Eugene de Kock, a colonel in the South African Police, specializing in murdering perceived insurgents against apartheid, express that kind of guilt. They recognize that what they did was wrong and that the social order they were trying to uphold was wrong, but they also

Excerpt • Temple University Press

feel singled out as sacrifices to a new morality. These are cases of criminal guilt. The more widespread sentiment, though, is one of moral guilt, of those who believe that they lived compromised lives under those regimes, within those social orders. They feel an uneasiness that they were somehow complicit in what they knew to be wrong. Some were more active than others; some, for instance, were recruited to operate in the spying networks of their societies, while others were simply willing to look the other way. In either case—as informal agents of the state or unquestioning citizens of it—they believe that they have not done the better part, and therefore feel a gnawing moral guilt. The question is what to do with it.

In the face of unprecedented inhumanity, what possibilities could there be for the institutions and practices that humans had previously used to define, punish, and show mercy? Trials? If almost an entire society can be seen as complicit in what happened, it would be unfair to single some out as more culpable than others—the quislings, the collaborators, the insufficiently resistant. To put only some on trial when almost all were guilty to varying extents would be manifestly unjust, but to put none on trial would also be manifestly unjust. What other practice besides justice might serve in these critical situations? One answer, a tragic one that was not theoretical but practiced widely, was summary justice. Throughout Europe, people pursued a policy of vengeance against their fellow citizens. People perceived to have collaborated or slept with the enemy were killed by mobs; subjected to ritual humiliations, their hair shorn, stripped, tarred and feathered; and made to suffer other indignities. This aggressive vindictiveness was massively widespread, as recent works on the postwar period demonstrate. It was in light of those debates—and in the midst of those acts of summary justice—that some thinkers proposed the possibility of forgiveness. The French philosopher Vladimir Jankélévitch, who published his book on forgiveness, *Le Pardon*, in 1967, first turned to the subject around 1945. His translator notes that the “subject of forgiveness begins to appear in Jankélévitch’s works after World War II,” starting with his book *Le Mal* in 1947.²¹

In one notable instance in 1944–1945, in post-Vichy France, two former members of the French Resistance, François Mauriac and Albert Camus, debated whether it was better for France to pursue strict justice and punish those who committed crimes against the nation or to be more forbearing, accept the human condition of sinfulness, and forgive their enemies. In the editorials he wrote for *Combat*, Camus maintains that charity at this moment would destroy the nation. To extend forgiveness or mercy—*une charité*

14 | INTRODUCTION

Excerpt • Temple University Press

divine—would be to deny the French people of the justice they deserve and to frustrate the creation of a new society. In his columns in the pages of *Le Figaro*, Mauriac holds the opposite but fears that such forgiveness is simply impossible at this moment: “*La charité se retire tous les camps à la fois.*”²² It is significant that both thinkers, writing at the end of one regime, Vichy, and at the dawn of the one that would replace it, the Fourth Republic, are irresistibly drawn to the eighteenth century of the First Republic to ground their arguments.

Mauriac immediately draws on the example of the Terror of 1793–1794 to compare the desire for retribution with another moment of France’s desire to purify itself through violence. Camus returns to this point a few years later in *The Rebel*. Citing Louis Antoine de Saint-Just, one of the leaders of the Terror before he became its victim, Camus notes that Saint-Just’s dream for “a republic of forgiveness” in revolutionary times—like 1945, one is meant to infer—leads “with implacable logic, to the republic of the guillotine.” Camus recognizes that “there is a certain ambiguity in the case of Saint-Just,” as there is in Camus’s own argument. A few years later, Camus would write passionately against the death penalty in his “Reflections on the Guillotine,” and so it is not entirely clear what he means by citing Saint-Just’s opposition to it, if his point is simply to show that such opposition in times that call for strict justice can consume all those who wish to temper it.²³ It could be that Camus holds more tenuously in 1951, when he wrote *The Rebel*, the position he holds more firmly in 1957, when he wrote his anti-death penalty manifesto. Or it could be that he is working out in 1951 the issues he had raised in 1944, about the place of forgiveness in cases of transitional justice. Could forgiveness appear in a world that required but could not find justice? Or, in the terms Camus himself uses, could forgiveness have a place in a world racked with “universal guilt” and exhibiting only “cruel penitence”?

We can see, then, that the postwar world was consistently defined by a series of political transitions that inspired key questions about the place of mercy and amnesty and forgiveness in societies where it was hard to identify the appropriate measures of justice for crimes that beggared the imagination as much as they mocked the insufficiency of any punishment that could be imposed on those who performed them. That postwar world, which I am calling the guilty age, did not answer those questions in a uniform way, nor did it develop the primary practice that would mark that age—the political and historical apology—in the immediate aftermath of the war. It took the unfolding of the decades, and the deepening of the political guilt, and then

Excerpt • Temple University Press

the expansion of the historical guilt, for those strategies to emerge in the fullness witnessed in the scenes described at the beginning of this chapter. Political events at the beginning of the 1970s, and then further developments in the mid-1980s, began to reveal the potential for the public apology as a practice.

Moreover, when that sense of guilt began to manifest itself in the form of political and historical apologies, as I show later, it was deeply contested—the apologies were rebutted by some who saw them as unnecessary because the guilt was wrongly ascribed, and they were condemned by others who saw them as inadequate because the guilt was too deep and the apologies insufficient. Those who see them as inadequate often make the argument for the propriety of more concrete forms of reparation, which is a topic unto itself. What is important for this study is to recognize that the advocates for reparations accept the terms of the debate about guilt and responsibility and challenge instead the forms of the resolution that the debate takes. Those who see the apologies as unnecessary, on the other hand, contest the terms of the debate itself, claiming that the key ideas of guilt and responsibility for the past are the wrong terms for us to use when assessing our sense of historical placement. We need, then, to have a better sense of how those terms—the crucial ideas and language that defined how to think about the particular dynamics of the guilty age—evolved in the postwar world. It is to those terms and the institutional and intellectual traditions from which they emerged that I now turn.