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Title of Session: Genocide, Mass Violence and the Possibility of Reconciliation

Name of Session Convener(s): Elisabeth Claverie; Richard Giragosian

University/Organization incl. City: CNRS / EHESS (GSPM); Armenian Center for National and International Studies (ACNIS)

Chair: Elisabeth Claverie; Richard Giragosian

University/Organization incl. City: CNRS / EHESS (GSPM); Armenian Center for National and International Studies (ACNIS)

Part I: “Denials, Traumatism, Reconciliation, Redress”

I) Title of Selected Paper: Genocide Denial and Tabu: Challenging Turkish National and State Identities

Name/s of Author/s: Hayk Demoyan

University/Organization incl. City: Armenian Genocide Museum & Institute, Yerevan

Abstract: -

II) Title of Selected Paper: Srebrenica’s genocide case at the ICJ, a controversy

Name/s of Author/s: Pierre-Yves Condé

University/Organization incl. City: ENS-Cachan, Paris

Abstract: In 1993 Bosnia sued Serbia before the World Court and alleged that she was committing genocide on her whole territory. In 2007 the Court found that genocide had been committed in Srebrenica only and that it had not been proved that Serbia was directly involved in it. Many denounced a “judicial massacre”, a revisionist and *post mortem* acquittal of Milosevic. Focusing on the oral pleadings on the merits of the case, I will briefly contrast the descriptions of “Srebrenica” given by the Parties, i.e. what is said. More importantly, I will try to elucidate the respective grammars of their pleadings, i.e. how what is said is said, in particular of those on behalf of Serbia. I will argue that the

Serbian pleadings before the Court present two distinctive features: first, counsels frame them as perfectly respectable legal argumentation, grounded on the principles of international adjudication and respectful of the Court – hence the opposite of Milosevic’s “defence of rupture” before ICTY; second, their pleadings have many *Wahlverwandschäften* with a specific discourse analyzed by Foucault in *Society must be defended*, a discourse conceiving of history as of a permanent war and staging particular rights and supposedly hidden stories rather than the law and patient investigation of the facts.

III) Title of Selected Paper: After the violence in 1965 / 1966 in Indonesia: victims' demands and denial of justice

Name/s of Author/s: Clotilde Riotor

University/Organization incl. City: EHESS, Paris (GSPM)

Abstract: Following the military coup in 1965 that brought Suharto into power in 1967, hundreds of thousands of people suffered from political oppression, were killed or imprisoned, often during decades, in the name of Anti-communism. This period of mass violence got very little recognition on the international scene and memories of the massacres remain controversial in Indonesia. Nevertheless, these events appear as a climax of the Cold War in Southeast Asia and also result from tensions that were twinging the archipelago at that time. Today, former prisoners then stigmatized as "communists" claim to be recognized as victims and have mobilized to express their expectations in terms of justice, which have been largely dismissed so far. What kind of justice are they asking for? Why does their cause find so little support in public opinion? Through the example of Indonesia, we will see the different faces that the denial of past violence can take: official memory leaving little room for victims' voices, a draft Bill for a Truth and Reconciliation Commission emptied of its meaning, no judicial condemnations, and we will examine how victims overcome this denial on a day-to-day basis.

IV) Title of Selected Paper: Cultural Trauma and Memory of the Expelled Peoples in Europe

Name/s of Author/s: Barbara Törnquist-Plewa

University/Organization incl. City: Lund University, Lund

Abstract: The aim of the paper is to discuss to what extent the theory of cultural trauma as presented by Jeffrey Alexander et al in the book “Cultural Trauma and Collective Identity” (2004) could be fruitful in analysing how the present-day populations and governments of various European countries deal with the memory the ethnic groups that had been expelled from these countries in connection to military conflicts during the 20th century. The paper proposed consists of two parts. The first part is a short presentation of a research project on collective memories of Europe’s expelled peoples planned by a research group at Lund University, project looking among others at the memory of Germans expelled from Poland, Czechoslovakia, Northern Romania (now Ukraine) and the Republic of Moldova. In the second part the main research questions of the project are discussed in light of theory of cultural trauma. A special focus is put on the question if and to what extent the construction of trauma can be helpful in the process of reconciliation between nations and peoples, a claim made by Alexander.

V) Title of Selected Paper: Between Memory Discourses of the Past and Open Narratives of the Future

Name/s of Author/s: Yona Weitz

University/Organization incl. City: Hebrew University of Jerusalem, Jerusalem

Abstract: Discussing Genocide and Holocaust discourses via referring to history, politics and "memory" of the re-constructed memories in both the case of the Armenian Diaspora of St James and of Israeli-Jews reveals periods of inner strenuous social-political debates and ideological shifts. Identifying dominating themes and issues that evolved in the above mentioned discourses not only contributes in articulating the connections between memory narratives and identity discourses but also illuminates constraints on the process of working through genocidal traumatic memory on wider social and political issues.

The paper debates on non resolved issues such as the tension between conceiving genocidal traumatic memory as sacred memory and claim-making interests, between active memory and "usable memory", between memory images of past and open narratives of the future.

The paper presented will refer to leading social memory studies of Holocaust discourses in Israel and to anthropological field work carried out as part of the author's PhD dissertation entitled "The collective memory of the Armenian genocide in the Armenian quarter in the Old City of Jerusalem", to be submitted to the Department of Sociology and Social Anthropology in the Hebrew University of Jerusalem.

VI) Title of Selected Paper: Researching and skirting justice. Victims of a collective medical drama

Name/s of Author/s: Nicolas Dodier

University/Organization incl. City: EHESS, Paris

Abstract: I study how victims attempt collectively to redress a situation of violence, from the case of a medical drama. I highlight the different ways by which victims try to make justice of what happened. I put in perspective justice with two other forms of violence treatment: recourse to insurance mechanisms; peace maintenance among collectives. By comparison with other cases, I try to bring a contribution to a theory of redress economy.

Part II: “Forms of mobilization after mass violence”

VII) Title of Selected Paper: South Africa as a matrix for post-violence solutions: advocacy networks between South Africa and Asia Indonesia’s massacre in 1965-1966

Name/s of Author/s: Clotilde Riotor

University/Organization incl. City: EHESS, Paris

Abstract: Since the establishment of the South African Truth and Reconciliation in 1995, many activists and NGO around the world have seen this institution a model they could import to deal with post-violence issues in their countries.

Our presentation aims at describing the new advocacy networks that have been created over the last years between South-East Asia and South Africa and their impact on the activists' strategy.

VIII) Title of Selected Paper: Dealing with the Khmer Rouge mass graves. The UN, the Cambodian government and the peasants

Name/s of Author/s: Anne Guillou

University/Organization incl. City: CNRS, Paris

Abstract: The Khmer rouge regime in Cambodia (1975-1979) has created hundreds of mass graves. They have been dealt with in many different ways since the end of the genocide in 1979, following the changing perception of the genocide itself, both inside and outside Cambodia. The paper will analyze these various perceptions and practices. It will specifically focus on the rituals performed by neighboring villagers in Bakan district, Pursat province (Western Cambodia).

IX) Title of Selected Paper: Delicate Liaison: Universal Concepts and National Perspectives in the Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery in 2000

Name/s of Author/s: Sang-Hui Nam

University/Organization incl. City: Research fellow at the University of Heidelberg (Cluster of Excellence), Heidelberg

Abstract: The so-called “comfort women” are often described as victims of an Asian Holocaust committed by the Japanese military forces during World War II. Over the past two decades, the “comfort women” movement groups and activists have been struggling for the moral and financial compensation of an estimated number of 200,000 victims of the Japanese system of military sexual slavery in East Asia. This presentation focuses on discursive processes within the “comfort women” movement based on the transcripts of the Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery that was held in Tokyo in December 2000. The Tribunal Initiated by civic groups was only a public hearing without legal consequences. In the Women’s International Tribunal, 64 survivors from nine East Asian countries and two Japanese Veterans testified. Prosecutors retroactively and symbolically accused nine former Japanese officers and the

Japanese Emperor Hirohito of having committed war crimes. During the Tribunal, the organizers put strong emphasis on the similarities between the “comfort women” issue and other incidents of sexual violence in Asia and Eastern Europe, in short, on “universal” character. The widespread nationalist and anti-Japanese rhetoric related to the “comfort women” issue was meanwhile labeled as particularistic and counterproductive for the establishment of a strong transnational solidarity network. In the light of the debate, the presentation examines the discrepancy between subjective identities of former “comfort women” and their public representation in the Women’s International Tribunal, and furthermore, the possibilities of reconciliation between conflicting meaning frames will be discussed.

X) Title of Selected Paper: *“Humanity is the sovereignty which has been offended”*. Prosecuting the Destruction of the European Jewry and Incorporating Humanity (1943-1948)

Name/s of Author/s: Pierre–Yves Condé

University/Organization incl. City: ENS-Cachan, Paris

Abstract: “Humanity is the sovereignty which has been offended”, the Tribunal declared in 1948 in the *Einsatzgruppen* case. The understanding of humanity as a Body Politic transcending particular nations and in whose name crimes may be prosecuted is now common sense. In 1945 however the formula “crimes against humanity” was resorted to as a mere tool to allow prosecutions where no international rule had been enacted. It was a solution to a problem with the sources of international law. An analysis of the practical contexts in which players invoked “crimes against humanity” in the second half of the 1940s can explain how a quasi-philosophical notion emerged from a legal instrument.

XI) Title of Selected Paper: “Judging mass crimes with the notion of individual responsibility: the case of ICTY judging international crimes perpetrated in former Yugoslavia. The “Joint Criminal Enterprise notion”, Some problems”

Name/s of Author/s: Elisabeth Claverie

University/Organization incl. City: CNRS (GSPM), Paris

Abstract: In Nuremberg war tribunal, the notion of collective responsibility was given up in favour of individual responsibility. But to catch the collective and state management side of the Nazi enterprise there were the notion of « conspiracy » and of « crime against peace ». ICTY cannot lay on these grasps, they are no more available. So, a notion appears that is not written nor in the status nor in the rules of the Court, but is constantly used to grasp the collective and intentional or deliberate side of the ethnic cleansing process: the « Joint Criminal enterprise ». However, hearings after hearings, this notion meet great difficulties. This text is about those different difficulties and is focussed on the question of how to deal with individual responsibility in mass murders’cases?

XII) Title of Selected Paper: Development of the Concept of Crime of Genocide in Public International Law and its Contemporary Implementation

Name/s of Author/s: Vladimir Vardanyan

University/Organization incl. City:

Abstract: The paper will focus on the development of the idea of prohibition of crimes against humanity and genocide in Contemporary Public International Law. Legal basis of responsibility for genocide existed before creation of the 1948 UN Convention on Prevention and Punishment of the Crime of Genocide will be considered in the presentation. The conventional nature of the very notion “genocide”, coined by Raphael Lemkin, will be emphasized. The specifics of implementation (non-implementation) of the Genocide Convention during the Cold War Era and peculiarities of contemporary implementation of the concept of genocide especially in the frameworks of *ad hoc* tribunals for ex-Yugoslavia and Rwanda as well as in the framework of proceedings in the International Court of Justice will be discussed in the paper.