The Politics of National Reconciliation: Memory and Institutions in German–Czech Relations since 1989

JEFFREY S. KOPSTEIN

In 1997 the parliaments of both Germany and the Czech Republic ratified a joint declaration on reconciliation. The political conflict surrounding the agreement illustrates how collective memory influences and shapes ethnic relations. The path by which memories are institutionalized determines how they reenter politics. Although the purpose of the declaration was to clear the air and pave the way for a new era in ethnic relations in the region, Germans and Czechs with access to institutional resources who opposed specific passages in the declaration succeeded in impeding its passage and ultimately in watering down its meaning.

Six years of Nazi rule was enough, for example, for us to have allowed ourselves to be infected with the germ of evil. We informed on one another, both during and after the war; we accepted – in just, as well as exaggerated, indignation – the principle of collective guilt. Instead of giving all those who betrayed this state a proper trial, we drove them out of the country and punished them with the kind of retribution that went beyond the rule of law. It was revenge.

Vaclav Havel, Prague, 15 March 1990

Like historians, politicians are in the memory business. They market their foreign policies not only as appeals to raw national interest but also as narratives that reflect prevailing visions of historical justice and injustice. Nowhere is this more true than in central Europe, a region where wars, revolutions and changing territorial boundaries have been intimately wrapped up with questions of historical interpretation. In a series of speeches given in the first few months of his presidency in the heady atmosphere of the Velvet Revolution, Vaclav Havel repeatedly raised the sensitive issue of the mistreatment of Sudeten Germans living on Czechoslovak soil in the immediate aftermath of World War II.1 Although the facts of the story are well known by both sides – three million Germans were forcibly deported from Czechoslovakia to Germany between 1945 and 1948 – the
interpretation of the events remains highly contested. For Czechs, the ‘transfers’ and ‘deportations’ (odsun in the official Czech parlance) were long regarded as the justifiable and legal removal of a group of people who had proven themselves traitorous. To Germans, the ‘expulsions’ (Vertreibung) were illegal, inhumane, and an act primarily of revenge, not justice.

Many commentators, both within and outside of Czechoslovakia, were puzzled by Havel’s willingness to depart from the dominant Czech narrative and adopt the ‘German’ line. Why give up such a large piece of moral high ground, national victimhood, that Czechs have cultivated for the better part of this century – to Germany? Why apologize to the Sudeten Germans, of all people? Had they not voted for Nazi candidates in overwhelming numbers in the 1930s and thus in no small measure helped to undermine the democratic interwar Czechoslovak state and pave the way for invasion, occupation, and much suffering? If injustices were committed, so the majority of Czechs thought, the Sudeten Germans received what they deserved. Not surprisingly, then, Havel’s comments in 1990 were frequently interpreted at the time as gestures of good will and reconciliation offered by a political dilettante intoxicated by revolutionary enthusiasm.

Of course, Havel spoke not merely as a political amateur but also as a political moralist. He was, in effect, operating with an implicit model, or set of assumptions, about (international and ethnic relations. It is one in which memories of past wrongs may damage relations in the present by undermining the basis for trust and cooperation. The deepening of relations between peoples requires reopening the wounds of the past so that they may be genuinely healed. It requires national reconciliation.

Havel’s comments did not simply pass from the scene. Instead they inaugurated a fascinating and protracted exercise in national reconciliation between Czechs and Germans that culminated in a joint declaration signed by Helmut Kohl and Vaclav Klaus and ratified by the parliaments of both countries in early 1997. The purpose of the declaration was straightforward: to clear the air between the two nations and thus pave the way for a new era of international harmony in a region where Germany will inevitably play a major, and perhaps dominant, role. As it turns out, however, what should have been a relatively easy and symbolic set of issues concerning the injustices of World War II and its immediate aftermath turned into a focal point for the mobilization of national sentiment. As negotiations proceeded, politicians on each side began to recognize how difficult is the act of national reconciliation. Groups of people, ranging from Sudeten Germans and their progeny to Czechs of various political persuasions, felt quite strongly about the injustices done to them by the other side and could not be expected to put aside their memories with a gratuitous gesture of good will.
Despite the genuine desire for good trade and strategic relations, significant numbers of Germans and Czechs had constituted their political identities on notions of deep injustices committed by the other side. 'Mastering the international past' was a far more complicated task than either side had anticipated.³ Once the text of the declaration was leaked to the press in December 1996, groups opposed to specific passages in the text almost succeeded in derailing the negotiations, and when that failed, scrutinized it critically as it worked its way through the parliaments of both countries. In the end politicians and ordinary people were left wondering whether these kinds of extraordinary international cultural exercises are worth engaging in at all.

The stakes for both sides were high, much higher than when the issue of national reconciliation was put on the table by Vaclav Havel in 1990. For Germans, the declaration served as a signal to the rest of the world that their new prominence in central Europe in no way resembles the imperial role their country played in the past. Furthermore, by highlighting the expulsions of the Sudeten Germans from Czechoslovakia after 1945, the declaration granted many Germans something that they had been quietly seeking for a very long time – the status of quasi-victims of a war that they had started. For Czechs, recognizing their misdeeds in the early postwar years was not easy but, if acknowledged tactfully, promised to take off the table permanently Sudeten German demands for property restitution, the right to return to their ancestral homelands and, most important, the peculiar reluctance of the German government to recognize the 1945 borders as permanent and final. On a more practical level, it was widely understood that once such a declaration was signed, Germany would support fast-track admittance of the Czech Republic to NATO and the European Union. With so much at stake, both sides were shocked when the politics of memory almost scuttled the whole endeavour and in the end watered down the meaning of the declaration. How did it come to this?

Using the declaration as its focal point, this essay is a study in the politics of national reconciliation. Before turning to the analysis, a few words about 'memory'. The concept of memory has become a subindustry of sorts within history and the humanities. For a number of reasons, however, political scientists have been reluctant to explore and employ the concept in their work.⁴ First, it is not easy to quantify exactly who the carriers of collective memory are. People tend to misrepresent to pollsters their true opinions on issues of ethnic bias.⁵ Second, measuring the saliency of the issue – how intensely past memories of slight or injustice matter to people – remains notoriously difficult. Finally, and perhaps most crucially, it is far from clear how such memories are translated into political preferences that politicians exploit, follow, and ultimately translate into...
policy. In short, the ‘fuzziness’ of collective memory as a variable has deterred its use in political science.

The intellectual rationale for this essay is thus twofold. First, it contributes to our knowledge of the new ethnic and (inter)national relations of central Europe. Second, and perhaps more important, it explores the concept of memory and attempts to render it useful for political scientists. The German–Czech case illustrates that the initial path along which memories are institutionalized shapes their reemergence in politics. If memories matter, it is not simply because people possess the innate capacity to recall old wrongs in their relations with each other. As powerful as this capacity may be, there are more prosaic and even logical explanations for why and how memory influences politics. In what follows I attempt to show how memories of the past are channelled, preserved, and organized by political and social institutions. In the German and Czech cases in particular, the institutions set up after World War II to integrate expelled Sudeten Germans into West Germany, and the electoral institutions and rules set up in the Czech Republic to channel popular sentiment into democratic participation after the fall of communism, determined the ways in which memory came back to haunt the politics of reconciliation during the 1990s.

The Origins of Divergent Memory

Czechs and Germans have lived in portions of what is now the Czech Republic for over seven centuries. With the Habsburg military victory in 1621, Germans became the politically dominant cultural group in the region and German the language of upward mobility. As in other regions of east-central Europe, most cities have German as well as Czech names, and in many cases it is difficult to say which people gave a name to a locality first. During their cultural and economic renaissance at the beginning of the nineteenth century, however, Czech nationalists increasingly talked and wrote about their inferior position in the Habsburg Empire and proposed a number of ways to rectify it, including the creation of a national state. Czech national consciousness in turn engendered a specific Sudeten German identity among German speakers which, by the middle of the century, was already well established. With the collapse of the Habsburg monarchy at the end of World War I, the fission products of the Empire established themselves as nation-states, and, under the leadership of the Czech middle classes, the lands in which the Sudeten Germans lived were incorporated into the new Czechoslovak state.

From the outset, both Germans and Czechs had specific complaints about the policies and dispositions of the other group. Germans complained,
with some justification, that the centralized Czechoslovak state had failed to honour its commitments to cultural autonomy and minority language rights that it had made in a series of treaties signed after World War I. Conflict over schools, street signs, city names, government employment, the language of administration – in short, many standard issues of ethnic politics in democratic multinational states – were part of the landscape of everyday politics.6 The Germans had especially strong cultural claims because in many areas of northern Bohemia they constituted a clear majority of the population. The Czechs maintained, also with some justification, that Germans continued to look down upon Czechs as their cultural inferiors, to discriminate against them in business practices, and furthermore to nurture latent irredentist sentiments in their ranks through particularist cultural organizations and political associations.7 What was most galling to Czechs was the small but growing pro-Germany sentiment among Sudeten Germans during the 1920s and early 1930s; for what is often forgotten is that these Germans had never been part of the German state. They were, strictly speaking, ‘Austrian’ Germans, in that before 1918 they had been subjects of the Habsburg Empire.

Despite these sources of tension between the two communities, relations remained remarkably peaceful, and even cooperative, into the 1930s, in stark contrast to relations between Germans and Poles in Pomerania and Silesia. Germans and Czechs tended to settle, if not resolve, their differences in dialogue, at the ballot box, and on the parliamentary floor – again, the stuff of democratic ethnic politics. The differences between the ‘Polish’ and ‘Czech’ Germans became crucial for the evaluations of events after 1945. First, unlike the Germans in Poland who were actually considered by Germany to be German citizens ‘temporarily’ separated from their homeland, the official German governmental stance on the Sudeten Germans was one of cultural and (before 1933) not primarily political affinity.8 Second, because western Poland had been part of Germany, successive Weimar governments directed the largest portion of its covert assistance in the form of ‘cultural subsidies’, agricultural ‘Osthilfe’, and revisionist demands in diplomatic negotiations against Poland and not Czechoslovakia. Third, whereas the German population in Poland was overwhelmingly rural, traditionalist, and pro-Germany in orientation, the Sudeten Germans were urban, and, for the most part, modern. Its sense of community was not merely ethnic but also civic in orientation. Apart from occupying important positions in the Czechoslovak economy, they also fielded a range of political parties from Social Democrats to Conservative Nationalists that participated actively in the Czech parliament.

The world-wide economic depression after 1929 and the Nazi seizure of power in Germany in 1933 changed everything. The Sudeten Germans’ drift
to the radical right in overwhelming numbers during the 1930s not only provided the justification for their eventual expulsion after the war, but also constitutes a key point of divergent historical memory for both groups. During the 1930s, Konrad Henlein's *Sudetendeutsche Partei*, a rough equivalent of Germany's Nazi party, made significant inroads among Germans, and by 1935 it received 68 per cent of the ethnic German vote in national elections. In retrospect, to many Czechs the march to the right of the Sudeten Germans during the 1930s represents a story of historical continuity and inevitability: in the interwar era Germans continued to be what they always were and, in any case, openly now became what they were all along: enemies of the Czechoslovak state and, ultimately, Nazis. To Germans, however, the story is commonly told as one of discontinuity and external influence: only after 1929 did the radical right begin to dominate Sudeten German politics, and this only under the impact of the great depression and the careful tutelage of Hitler's Germany. As in all national narratives, in both accounts one finds a good deal of truth along with a touch of distortion. Germans did harbour a grudge against the republic and were susceptible to radical nationalism, but, until the mid-1930s, public opinion was actually quite diverse within the community on questions of acceptable strategies and tactics, and Germans in fact did suffer disproportionately during the depression, in particular those who inhabited the crisis-ridden industrial regions of the country. On the other hand, although Hitler eventually exercised considerable influence over the Sudeten Germans and the local Nazi movement, it would be an exaggeration to characterize Sudeten German Nazism as a purely foreign movement. In fact, one can easily make the case that the multicultural borderlands of former Habsburg Empire were the original breeding ground for the *völkisch* ideal that formed the core of Nazism.

If the background to the Sudeten Germans' shift to the radical right constitutes one point of divergent memory and historical interpretation, the background to the deportations after 1945 constitutes an equally important second point. The Nazi annexation of the Sudetenland in 1938 followed by the occupation of the rest of Czechoslovakia in March 1939 brought death and hardship to thousands of Czechoslovak citizens. Approximately 80,000 Jews would die at German hands before 1945 and Czechs themselves were subject to severe treatment for the smallest acts of resistance. Furthermore, thousands of Czechs were driven from their home towns and stripped of their possessions to make room for German settlers. Although the Czechs did not suffer nearly as much as, say, the Poles under German domination, the memory of the war continues to colour the image of Germans within the country, especially among elderly Czechs. Germans continue to point out, quite correctly, that not all Sudeten Germans supported Hitler's annexation
and occupation policies (this was true even among some of those who supported Henlein) even if a majority did. The point is a crucial one, for it undergirds their charge that the postwar expulsions failed to consider who exactly had betrayed the Czechoslovak nation and relied instead on a notion of collective ethnic guilt for Nazi misdeeds.

The principle of collective guilt ultimately adopted by the Czechoslovaks was, however, a necessity if a policy of *odsun* was to be justified. The Czechoslovak exile government in London, led by Edvard Beneš, had already started thinking as early as January 1939 about the postwar fate of the Sudeten Germans. After discarding proposals for redrawing borders in the face of nationalist pressures, a proposal that would have the Sudeten Germans remain in their historical homeland, Beneš had to choose between two unappealing alternatives. Either continue to live with Germans within the ‘historic frontiers’ of the country or deport those who remained at the end of the war. After extensive discussions between the exile government and the underground, the second option was chosen: between May and October 1945 Beneš issued a series of decrees that declared the Germans on Czechoslovak soil to be traitors, stripped them of their citizenship, confiscated their property, and ordered their deportation. The legality of the decrees was subsequently confirmed by the allies in the Potsdam Agreement on 2 August 1945 and by an act of the interim Czechoslovak national assembly on 26 March 1946.

In fact, ‘wild expulsions’ – spontaneous and unofficial ethnic cleansing – had already occurred even before the Beneš decrees, once the Wehrmacht had retreated in the face of the approaching allied armies. The number of Germans who perished both during the wild and legal expulsions remains a matter of historical dispute. Little doubt remains, however, that the suffering was great and Sudeten Germans continue to point to the amnesty retrospectively granted by the national parliament to Czechs for acts, criminal or otherwise, committed during the deportations as one of the greatest acts of injustice permitted on the European continent in the postwar era.

Creating Public Memory in Postwar Germany

The memory of the interwar and immediate postwar era was consciously cultivated by both Czechs and Germans in the years to come. Official and semi-official histories of the period were flogged by all sides. During the cold war, the official Czechoslovak line characterized the deportations as justified and legal. Opinions to the contrary – and one finds very little evidence of any dissent on this question – were dismissed as ‘revanchist propaganda’. The few Czechs brave enough to write along such lines were
driven from the ranks of the historical profession. The Czechoslovak position was supported by the East Germans, who were eager to prove to their Soviet patrons and east European allies that they, unlike the West Germans, were perfectly prepared to live within the borders of 1945. During the 1950s and 1960s official East German intellectuals produced a steady stream of books and articles implicitly or explicitly supporting the official Czechoslovak position.

The West German government, for its part, took up the cause of the Sudeten Germans. With millions of refugees streaming into all parts of Germany, and most eventually moving westward, the Bonn government confronted the formidable task of integrating the newcomers into West German society. The way in which they were integrated, however, helped determine the future of German–Czech relations. Although most students of the period now regard this integration as an unqualified success, it is now easily forgotten how many expellees were, how easily they were organized into politically suspect regional expellee organizations, and how deep the potential was for them to destabilize the Bonn republic. Indeed, throughout the early 1950s, expellee politicians scored remarkable electoral successes and even founded their own party based on platforms that amounted to little more than unrealistic promises of a return to homelands now inhabited by Poles, Czechs, and Yugoslavs.

The Adenauer government, largely through the incorporation of many of the expellee demands into its state doctrine (although not in its practices), managed to coopt most of the expellee vote but not before instituting several provisions designed to ease expellee entry into West German society, but which also ensured the sustained strength of expellee opinion within West German society well after most of the initial expellees (that is, those who were actually expelled) had passed from the scene. First, in a conscious effort to avoid the destabilizing effects experienced after World War I, when thousands of Germans suddenly fled Poland and faced destitution, in 1952 the German government passed a law on ‘burden equalization’ (Lastenausgleich) that in effect provided the expellees with reparations for their lost property to be paid out over a period of decades. Second, as the older expellees aged and the chances of their receiving their share of the Lastenausgleich diminished, the federal government made expellee status inheritable. Although the financial costs of such a policy could easily be met by an expanding West German economy, the long-term impact of inherited status was permanently to sustain expellees as a social category and political interest group. In effect, with each passing generation Germany continues to be home to more and more ‘expellees’. Third, at a cultural level, like the Czechoslovaks and East Germans, but in a far more subtle way, the Bonn government sponsored the writing of its own version of the post-1945 deportations by generously
financing a number of documentary and oral history projects, sometimes of questionable scientific merit and frequently one-sided, designed to keep the memory of the expellees and their homelands alive. Propagated in popular writing, textbooks, and even occasionally in film, as Robert Moeller has recently shown, these private memories and expellee ‘war stories’ became part of the postwar West German public memory. Taken as a whole, they ensured that the narratives of loss and suffering after World War II constituted an important part of what it meant to be a German.20

Quite apart from federally sponsored publication projects, the West German government also supported the expellees organizationally. Adenauer established a cabinet-level Federal Ministry for Expellees, Refugees, and War Damaged charged with caring for the interests of the expellees. With a modest budget and considerable administrative resources, the ministry attracted the attention of expellee politicians in every major party who could hardly have been expected to resist the allure of money for distribution. Expellees were furthermore encouraged to organize themselves into interest groups based on their region of origin and received fairly generous financial support from the federal government and continue to receive support today.21

Thus, in the case of the Sudeten Germans, the Sudeten Landsmannschaft continues to be, among other things, a federally funded political lobby charged with ensuring that federal tax revenues continue to flow in its direction, primarily so that it can continue to organize and lobby for the interests of the Sudeten Germans. Not surprisingly these interests are often defined in terms of funding levels to the organization itself. Given that the Sudeten Germans and their progeny are concentrated in Bavaria (up to one quarter of Bavarians define themselves as Sudeten Germans) the long-term ruling party of the Land, the Christian Social Union, which is at the same time a junior partner in the federal government, has diligently represented the organizational interests of the Landsmannschaft, and has included its leaders in all deliberations on policy that might concern it.

This institutional logic, initially forged in response to a genuine emergency – the need to integrate the expellees socially and politically – has set German policy down a path from which it has been extraordinarily difficult for any government to deviate. Although the expellee organizations themselves remain highly fragmented and diverse in what exactly they want, there are two main demands that all basically share: the right of some kind of return to their ‘homeland’ and the right to ‘restitution’ for property illegally seized after World War II. At the level of doctrine, the influence of the expellee organizations have ensured the continuity of what appears to be an odd quirk of German foreign policy, the consistent unwillingness of any government to recognize unambiguously the eastern borders of the country
as 'final'. Although such legalisms did not prevent the series of treaties in Brandt's Ostpolitik in the 1970s from getting through the Bundestag, nor did it prevent the ratification of the '2 plus 4 treaty' that paved the way for German unification in 1990, both of which entailed de facto recognition of borders, such ambivalence in recognizing the results of World War II as final has always been a source of concern to Germany's eastern neighbors. Furthermore, German governments continue to represent the right to homeland and property restitution as legitimate goals of the country's foreign policy. Thus, for example, the proposal to include in the Czechoslovak-German Friendship Treaty of 1992 a provision to annul all property claims by Sudeten Germans was scuttled under the pressure of expellee organizations. German politicians are quick to point out that, as in earlier dealings with the countries of eastern Europe, they had little leeway here because of a further institutional feature of the German state: if any German government were officially to renounce homeland and property claims against its eastern neighbors, it could, in theory, be taken to court for failure to represent the interests of its citizens and be forced to foot the entire bill for the damages incurred after World War II. With so many 'Sudeten Germans' such a sum could be large indeed.

Of course, such legalisms and fine points of German politics are lost on most Czechs and Poles, who correctly point to earlier German Supreme Court decisions that rejected challenges to Brandt's Ostpolitik treaties. Rightly or wrongly, they tend to see the entire matter as further evidence of the pernicious influence of vengeful expellee organizations on politicians who worry more about votes than court decisions. In part, of course, they are right. But it is also true that the way in which the expellees were integrated into West German society, combined with the intricacies of the postwar West German Rechtsstaat, have made a policy of ambiguity the only realistic one for German politicians of all stripes.

Stumbling into Reconciliation

It is perhaps in ignorance of these constraints in German politics that Vaclav Havel first put national reconciliation on the table. It is nevertheless worth recalling the level of enthusiasm and good will that reigned in late 1989 and early 1990. In Spring 1990, for example, the new Czechoslovak ambassador to Bonn presented the Germans with a new book, Ztracené Dlany (Lost History) that outlined the long symbiotic history of Germans and Czechs in Bohemia and Moravia. The book also contained a preface by Franz Neubauer, the head of the Sudeten Landsmannschaft. With enough effort, so many must have thought, there is no reason why rational people could not meet halfway on a mutually acceptable version of the past.
Although the honeymoon between Czech and Sudeten German politicians lasted but a few months (indeed, by 1992 Czech politicians and expellee representatives were no longer on speaking terms), both sides understood that the basis for any kind of national reconciliation must be a painful reopening of the disputed chapters of history in the hope of finding some sort of common ground. To this end, in 1990 German Foreign Minister Hans-Dietrich Genscher and Czechoslovak Foreign Minister Jiří Dienstbier announced the creation of a joint historical commission of Germans, Czechs, and Slovaks that would meet yearly and be charged with fostering the process of reconciliation.24

From the outset, the historians, who met in specialist groups of eight from each nation on a wide range of issues, understood that for the first time historians were working as ‘state officials’ in the service of international understanding. According to most reports, both sides proceeded at first with a good deal of hesitancy. ‘Cautiously they criticize each other. But they [both sides] don’t ruin the friendly atmosphere,’ was how one German commentator put it.25 When it came time, however, to reach conclusions on important questions of interpretation, it became clear how difficult it was to move beyond edited volumes with divergent viewpoints. Large groups of historians had to be divided up into pairs in order to make any progress at all. On questions of interwar treatment of the Germans in Czechoslovakia, the distribution of responsibility between the allied powers and the Czechs for the deportations, and the legitimacy of the expropriation of German property by Beneš, the search for common ground was not easy. Nor could the historians settle on terminology for the deportations: ‘outsettling’, ‘forced outsettling’, ‘transfers of population’, ‘wild expulsion’, ‘expulsion’. Ultimately the historians settled on the term ‘expulsion’ for the period before the Potsdam meeting of the allies – indicating the non-legal nature of the actions – and ‘forced resettlement’ for the period after August 1945 – suggesting, if only partially, the legality of the Czech actions after that point.26 Czech historians in particular had a difficult time criticizing the interwar Masaryk government and its less than generous cultural policies towards the Sudeten Germans, not only because Czechs do not like to think of themselves as violators of human rights (this they normally reserve for Russians and Germans), but also because in their search for a democratic tradition on which to build a post-communist state, they naturally gravitated to the interwar republic. German historians’ attempts to question the record of the Masaryk government were interpreted by the Czech side as attacks on the ‘nation’. Several drafts of a two-language sketch of German–Czech history since the nineteenth century simply landed in the wastebasket, after each side accused the other of taking the ‘national standpoint’ in its respective draft. The final draft which appeared as a short book in 1996 was
clearly, according to Hans Mommsen, 'a compromise document'. Disputes about the details of its contents ended, according to the high-brow Czech weekly *Respekt*, only days before its publication. Committed as they were to the project of national reconciliation, German and Czech historians did not find their differences easy to overcome.

Although the historians of both countries put a positive spin on the final document and were hopeful for further dialogue, most Czechs and Germans felt that reconciliation could not simply be the cultural creation of historians but should in some way involve official governmental statements that would reflect the will of the two nations. In February 1995 a new round of intergovernmental negotiations began with the aim of arriving at a joint declaration. From the outset, however, the talks were burdened by a 'two level' domestic and diplomatic game. On the one hand, by announcing the opening of negotiations, politicians in both countries had a stake in coming to some kind of agreement on the wording of a statement. Failure to do so would constitute a signal that neither side was genuinely prepared to take up new roles in the post-cold war world. On the other hand, politicians on both sides also had an interest in proving to their domestic constituencies that they were being as tough with the other side as possible in defense of the 'national interest'. Even before the talks began, the waters had been muddied from several quarters with demands for financial restitution for both Czechs and Germans, for unilateral renouncements of the Beneš decrees on the Czech side and territorial ambiguities on the German side, and for dual citizenship for Germans with Bohemian and Moravian ancestral roots and Czechs with territorial connections to Germany.

Havel himself appears to have become frustrated by the intractability of the issues and the ease with which expellee politicians could influence German bargaining positions. By the beginning of 1995, the man who initiated the process of mastering the international past was clearly fed up. In a widely publicized speech given on 17 February 1995, the Czech president declared that 'the era of apologizing has ended, a new era of seeking truth has begun...We can have different opinions on the deportation. However, separating it from the historical consequences and separating it from all the horrors that preceded it is impossible. The demands for restitution are naive.' Finally, in a series of statements that disappointed his German interlocutors, Havel declared that although many Czechs continued to have a 'parochial combination of fear of and servility to Germans', in Germany one also finds people with an 'illusion of a special German mission that legitimizes the superiority of Germans in their relations with others.' History is best left to the historians, Havel argued, but if people were genuinely interested in the reasons for the tragic end to Czech–German coexistence in historic Czechoslovakia, the 'deportations'
were the wrong place to look. The true reason for the deportation, Havel maintained, was the fact that the majority of Czechoslovak Germans identified with Nazism. ‘Nothing can justify their failure, not even the objectionable national politics of prewar Czechoslovakia.’

The Czech reaction to Havel’s speech was predictably enthusiastic. Commentators hailed it as the most important speech he had given since his historical address to a joint session of the US Congress. Havel’s words may not have influenced the deliberations of the Czech Supreme Court less than one month later, when it ruled on the request of a ‘German’ from Liberec, Rudolf Dreihalter, to declare Beneš’s decree No.108 on the confiscation of German property after the war unconstitutional, but the President’s speech certainly set the moral tone for the decision. Dreihalter claimed that Beneš’s decree was illegal because only the parliament had the right to issue new bills. Dreihalter further argued that even if this were not the case, Beneš did not have the right to issue any decrees after his abdication in the wake of the Nazi invasion in 1939. Such arguments, while certainly valid in some legal sense, were bound to receive a hostile hearing among Czechs, who sensed in it a typical German tendency to cast power politics in terms of principled legalisms. In any case, if the court had recognized the validity of the arguments, Czechs claimed, all Sudeten Germans would have the right to claim their property rights in Czech courts. Czechs and Germans anxiously awaited the outcome, while on the day of the deliberations, the hard line ‘Club of the Czech Borderland’ held a small, if vocal, demonstration in front of the Supreme Court building in Brno.

Unsurprisingly, the Supreme Court rejected the claim. Germans and other European diplomats pointed to the reasoning of the decision, which once again reaffirmed the peculiar Czech use of the concept of collective guilt of all Sudeten Germans for the crimes of the Nazi era. Czechs acknowledged the difficulties of such reasoning; some even claimed that it should never be employed again. Other commentators applied the full apparatus of judicial scholasticism to justify the ruling. The bottom line, however, appears to have been a quite practical one. Because the confiscated German property had already been sold and resold several times since the original confiscation, opening up the Czech courts to property restitution cases might overburden a new and fragile Czech Rechtsstaat. It seems to have bothered Czechs very little that the reestablishment of constitutional democracy was now joined to a legally questionable act. For the Czech Prime Minister, Vaclav Klaus, the combination of Havel’s speech and the Supreme Court ruling had cleared the air and, in the words of one Czech commentator, provided a ‘useful signal to foreigners’ that Czechs can only be pushed so far.

Expressing their frustration, Sudeten German politicians began to
question publicly whether Germany should, in fact, be sponsoring the admission of the Czech Republic to the European Union. Although few mainstream German politicians identified with the Sudeten German position at this point (Theo Waigel, Federal Minister of Finance from Bavaria, would do precisely this one year later at a rally of Sudeten Germans), even the otherwise level-headed German Foreign Minister, Klaus Kinkel, lashed out in the Bundestag at the logic of the Czech Court ruling. The Czech press responded with recriminations of its own. ‘You will deal cordially with those who wish the results of World War II to be revised. If not, you do not belong in a united Europe,’ was how one Czech commentator characterized the German view of proper Czech behaviour.

Reacting to the deepening crisis in relations, cooler heads prevailed, and the negotiations on a joint declaration picked up steam. Before this point, neither side had much of an interest in bringing a statement to the table; better simply to keep the dialogue going. Once relations started deteriorating, however, politicians on both sides decided that the whole affair had got out of hand and that some sort of joint statement was needed. To facilitate matters, negotiations were now conducted in secret and at the ministerial level. By spring 1996 it appears that appropriate wording had been agreed upon that would distance the Prague government from the deportations and not bind it to restitutions, while at the same time shielding the German government from claims emanating from the expellee politicians and progeny.

Czech Institutions and the Logic of the End Game

It is here, however, that we see how institutions not only constrained German politicians by channelling memory back into politics, but constrained Czech politicians as well. Forty years of communist rule had effectively cut off all debate on the question of postwar Czech behaviour and fostered a consensus on the justice of postwar policy. In fact, the communist support for the odsun, cast as it was in nationalist terms, was probably the one popular policy in four decades of rule. The new electoral institutions put into place after 1992, by shaping the way that memory reentered democratic politics, ensured that no one party could easily bring this consensus into question.

After the dissolution of Czechoslovakia, the new Czech electoral system worked on the basis of proportionality to a lower house and single member districts to the upper house. Unique among postcommunist East European countries, the Czech Republic has avoided returning ex- and post-communist parties to power and has sustained a dominant centre-right coalition of three parties under the leadership of Vaclav Klaus’s Civic
Democratic Party (ODS). The opposition essentially consists of three parties: the Social Democrats, the far-right Republicans, and the essentially unreconstructed Communists. Both the Republicans and the Communists are pariah parties and neither has seriously been considered as a potential coalition partner. Both have also consistently rejected any reconciliation with Germany, thus capturing a small but significant part of the electorate on nationalist grounds. This electoral logic put the Social Democrats in an awkward position. Any hope of gaining power in the June 1996 elections necessarily entailed tapping into the nationalist vote of the other two opposition parties. Thus the institutional logic of the Czech electoral system, lured an otherwise internationalist party into nationalist politics. During the campaign, the Social Democratic leader, Miloš Zeman, assiduously cultivated the nationalist vote. In his strategy he was unwittingly assisted by the Bavarian CSU, whose luminaries during and after a May rally of the Sudeten Landsmannschaft had sided with the expellee politicians’ demand that German support for Czech entry to the European Union be tied to a renunciation of the Beneš decrees and a recognition of the homeland rights of Germans.

Klaus’s coalition returned to power, but during the campaign he was forced to take increasingly tough positions on the German question to forestall defections from his party. More important, his coalition no longer held a majority of seats in the parliament (99 out of 200), giving the Social Democrats the power to bloc legislation and treaty ratification. The same logic was intensified during the November Senate elections, which were run as single member district races with a second round runoff election. In the majority of races, the Social Democratic candidate emerged as the second strongest candidate for the run-off round, although the ruling coalition eventually achieved a comfortable majority in the upper house. The stage was now set for the end game in which any signed joint declaration would have to be approved by the parliaments of both countries.

The negotiations and the contents of the joint statement remained a closely guarded secret throughout the summer of 1996. When Helmut Kohl, a politician known for his extreme care in dealing with the press, announced in September 1996 that the declaration would be signed before the end of the year, both sides understood Kohl had put his full political weight behind the signing of a declaration – a sure sign that it would come to pass. Still, there was much public relations spadework to be done and the wording of the finer points of the declaration was still being honed.

In what appeared to be a last-ditch attempt to preempt a well-timed joint release of the declaration, Sudeten German politicians leaked the contents to the press on 11 December 1996. Both foreign ministries were deeply disappointed because the hope was to present the declaration as a
'Christmas present' to both nations and use the good feelings of the holiday season to sign the document amid much fanfare. The document itself was quite unremarkable, consisting of eight paragraphs. After a perfunctory preamble and first paragraph that reaffirmed the democratic values of both countries, paragraph 2 declared the responsibility of Germany for the events leading up to and the acts of injustice committed during the war. The article further recognized that Nazi policy had paved the way for the 'flight, expulsion, and forced resettlement after the war's end'. Paragraph 3 expresses the regret of the Czech side for the 'expulsion and forced resettlement' of the Sudeten Germans that took place after the war, the expropriation and stripping of citizenship of innocent people, the collective assignment of guilt, and the amnesty for the atrocities granted by the Czechoslovak government on 8 May 1946. Paragraph 6 outlines German support for the Czech Republic's membership in the European Union and Paragraph 8 calls for the creation of a joint German–Czech 'fund for the future' to foster dialogue and cooperation between the two countries.

What offended the Sudeten Germans, however, was paragraph 4, by far the most carefully worded portion of the declaration: 'Precisely because [both sides] are conscious of the tragic chapters of their history, they are committed to making understanding and mutual recognition a priority in their relations, whereby each side remains obligated to its own legal order and respects the fact that the other side has a different legal conception. Both sides declare that they will not burden their relations with sensitive political and legal questions of the past.' This paragraph declared, in as strong a way as legally possible for a German government to do without bringing down upon itself a flood of law suits, that the German government will not press the property and settlement claims of the Sudeten Germans. The recognition of different 'legal conceptions' permits the German government to retain its previous position of formally protecting the rights of Sudeten Germans, while in effect abandoning any practical method for pursuing those rights. Not surprisingly, Sudeten German politicians immediately rejected the declaration as a step backward in their struggle for recognition and restitution.

Despite the opposition of the powerful Sudeten German lobby, the joint declaration was signed on 21 January 1997 and passed fairly easily through the Bundestag ten days later (although several CSU members with close ties to expellee organizations voted against it after its passage was assured, and several who voted for it remarked in their speeches that they did so against their personal beliefs). In Prague, however, the opposition Social Democrats argued that the text should not be considered the final draft of the declaration. Social Democrat Zeman maintained that the parliaments of both countries should add a supplementary paragraph to the declaration,
firming up the legal and juridical security of the Czech Republic from further claims against them by Sudeten Germans. Although Zeman was accused by Prime Minister Klaus of playing electoral politics in what should have been a non-partisan issue, the ruling coalition remained two seats shy of majority in the parliament and passage of the declaration through both houses required the support of at least some Social Democrats. Zeman’s position received added indirect credibility from Chancellor Kohl himself who, during his visit to Prague for the signing ceremony, also cautioned that the question of confiscated property of the Sudeten Germans remained ‘open’.41 Although Havel was quick to note that Kohl’s statement in no way undermined the joint declaration and was simply a restatement of German legal norms, Kohl’s words underlined the remaining ambiguity of what was clearly a compromise document. The Czech Social Democratic leader quickly seized on Kohl’s statement, warning his countrymen, ‘We are constantly assured that the meaning of the declaration is to close history, including the property and legal claims. If the highest official of the German government says the opposite, we have to think about it.’42

In the days before the Bundestag vote, Zeman tried to enlist the German Social Democrats in a plan to introduce a supplementary resolution declaration that once again relegated the past to the past. The fear, of course, was that the only group to benefit from additional resolutions, apart from the Czech Social Democrats, would be the expellee organizations who were openly trying to scuttle the declaration. Both German and Czech politicians warned that the Social Democratic plans were unwise; if negotiations were reopened there was a good chance that Sudeten German politicians and their supporters in the Bavarian CSU, such as Premier Edmund Stoiber would demand stronger language of support for expellee rights. As a gesture to the Czech Social Democrats, the supplementary resolutions were introduced during the Bundestag ratification debate but ultimately voted down, and the text passed as originally written. With the ball now in the Czechs’s court and the heat on the Social Democrats turned up both domestically and internationally, the declaration passed easily through the Senate and, after some raucous debate and hints of large scale horse trading between Klaus and Zeman, it passed through the lower house of parliament as well, but only after the passage of a supplementary resolution stating that the declaration closes all questions pertaining to the property and homeland rights of the expellees, an interpretation explicitly at odds with the official German one.43 Since the parliaments of both countries had now agreed to what were two different packages, the meaning of the declaration had clearly been watered down.

In the end, however, most politicians, including Zeman, were happy simply to have saved face and passed some kind of joint declaration.
Although one heard much talk in subsequent days about ‘continuing dialogue’, there was more form to these statements than substance. Everyone was relieved that the entire matter had been put behind them. From a political standpoint, the process of reconciliation had created at least as many hard feelings as it had good will because the act of creating official negotiations with self-imposed deadlines had reawakened and mobilized memories that many now felt were best left dormant.

Conclusion

In the months after the signing of joint declaration, Havel gave several more speeches in which he raised the subject of reconciliation with Germans. It is always difficult to infer psychological dispositions of leaders from their official statements but Havel had come a long way in his thinking on reconciliation since he first put it on the agenda in 1990. Gone was the confidence that the past could be efficiently, if not easily, worked through and that official statements of reconciliation could really amount to anything more than a compromise between two deeply entrenched positions.  

Such observations lead us back to Havel’s implicit theory of relations between national groups, noted at the beginning of this essay, that good relations require some form of reconciliation for past wrongs. Is Havel right? Is it better to rehash the (inter)national past or is it easier to forgive what is forgotten, or at least not actively remembered? Do official statements and discourses on the past ease the process of healing or do they merely create wounds where none had previously existed?

The answers to these questions depend very much on one’s implicit understanding of relations between national groups. The functionalist approach, first put forward by Karl Deutsch and his collaborators, maintains that cognitive change comes about as a result of cooperation in seemingly unconnected realms (such as water rights, environmental regulation, and trade). Given this logic, explicit reconciliation is probably best left for the distant future, when functional cooperation has created a set of deeply entrenched interests that have a stake in ‘mastering the past’. Why, so the argument might run, risk the continuity of functional forms of cooperation (and the promise of cognitive change some time in the future) for the sake of ‘principles’ that really affect no one’s daily lives?

From a different point of view, however, the basis of functional cooperation is immeasurably strengthened and secured by recognizing the wrongs done by nations to each other and making some effort to rectify or at least acknowledge them. The need for ‘recognition’, as political theorists Charles Taylor and Axel Honneth have argued, may be as strong as the need
for food, water, and physical security. To the extent that they are correct, to the extent that memory and political identity are not as plastic as functionalism might lead us to believe, national reconciliation as part of the politics of recognition may be as important for creating stable forms of functional cooperation as functional cooperation is for creating new forms of consciousness.

One does find some striking evidence in the German–Czech case that the theorists of recognition have a case. Among expellee Germans who opposed the treaty, only a tiny minority express the slightest hope for material restitution and the faintest interest in actually returning as settlers to their Bohemian and Moravian homelands. Such views are hardly surprising. How many Germans really want to resettle in the Czech Republic? What the expellees considered more important is an acknowledgement of their ‘rights’ to restitution and return, even if these rights are never practically acted upon. Czechs also understand very well that there is little chance that they will soon, or even in the distant future, find Germans on their doorsteps asking for their property and land back. Nonetheless, like Germans, they viewed the declaration as a reflection of their political identities. Clearly for both Germans and Czechs, the issues are as much tests of memory and symbolism as they are matters of interest.

Beyond the case examined here, in the past few years politicians in a number of societies have increasingly shown a keen appreciation for the salience of memory and reconciliation in everyday politics. Whether it is Tony Blair apologizing for the potato famine in Ireland, the US Congress debating an official apology for slavery, Jacques Chirac admitting the responsibility of France for the fate of Jews on its soil during World War II, or Germans and Czechs apologizing for the mutual wrongs committed during and after the war, politicians themselves appear to have accepted, at least in part, a non-functionalist view of reconciliation. Of course, the jury is still out on whether the kind of cultural exercise that has unfolded in the last seven years between Germany and the Czech Republic will ultimately contribute to or undermine the bases of cooperation among the two nations. Given the recent ubiquity of the phenomenon, however, for the student of nationalism and ethnicity the politics of reconciliation may offer not only an interesting vantage point from which to study memory and institutions, but also to explore broader theories of social action.

ACKNOWLEDGEMENT

The author is grateful to Simone Chambers and Lyn Spellman for comments on earlier drafts of this essay, and to Ondrej Valenta and the UROP program of the University of Colorado at Boulder for research assistance.
1. Havel's pronouncement was made not only in Prague but, more shocking to many Czechs, during his visit to Germany as well.

2. This was especially the case after Franz Neubauer, the hardline chairman of the primary Sudeten German organization in Germany (the Sudeten Landesmannschaft), praised Havel for repudiating the notion of collective guilt.

3. 'Mastering the Past' is the standard translation for the German Vergangenheitsbewältigung, a term usually preserved for the German concern with working through the crimes of the Nazi era. Charles S. Maier, *The Unmasterable Past: History, Holocaust and German National Identity* (Cambridge: Harvard University Press, 1988).


5. There is, of course, a large literature on public opinion and foreign policy. This literature, however, suffers from two flaws. First, the questions it asks rarely touch on deeply held prejudices in inter(ethnic) relations. Second, and more seriously, the connections it draws between opinion and policy are often tentative at best. Ole Holsti, *Public Opinion and American Foreign Policy*, (Ann Arbor: University of Michigan Press, 1996).


8. Of course, this cultural affinity was often expressed through direct contacts between Sudeten German associations and their counterparts in Germany and Austria. Contacts between Sudeten civic associations and their equivalent Czech associations were largely undeveloped. Ibid

9. This made it not merely the largest party among Sudeten Germans but also the largest party in Czechoslovakia at the time.


11. In 1936 846,000 Czechoslovak citizens were unemployed. Of this number, 525,000 were Sudeten Germans.

12. According to Rudolf Jaworski, ‘Henlein fascism was no mere import from the Third Reich. It had its ideological and organizational roots in the Sudetenland and Austria. The idea of a ‘national socialism’ had in fact spread from these areas outward: the Sudeten German DNSAP (German national socialist workers party) began before the NSDAP (National Socialist German Workers’ Party) in Germany.’ Unlike the case of the Germans in Poland, therefore, one cannot make the case that the drift into right wing radicalism and national socialism was outright dependent on events in Germany. Jaworski, ‘Die Deutschen Minderheiten in Polen in der Tschechoslowakei während der Zwischenkriegszeit’, *Österreichische Osthefte*, (1991), p.74.


14. For a fine treatment of the international legal aspects of the past and present, see Timothy Burcher, *The Sudeten German Question and Czechoslovak German Relations since 1989*, (London: Royal London Services Institute for Defence Studies, 1996). As Burcher perceptively notes: ‘The German leadership had in any case left little doubt as to how they would deal with the “Czech problem” if only they got the chance: the “heart of the German Reich”, this “fortress of Germanness” (Bohemia and Moravia) would be cleared of its Slavic inhabitants. “It would be best if the Czechs were moved out as quickly as possible.”’
quotations are from remarks made by Reichsprotektor Reinhard Heydrich in 1944 and from an announcement made by the České Budějovice Reichssicherheitsdienst on 2 October 1944.

15. While Sudeten German historians calculate the number of deaths at approximately 250,000, Czech historians put the total closer 30,000. Part of the difference in totals is related to which deaths are attributed to the expulsions themselves and which to the trying conditions that awaited the refugees once they arrived in Germany. Obviously, from refugees' standpoint it made little difference when exactly they died.

16. Jan Křen, a young Czech historian in the 1960s, was among the first historians to reopen the question of Czech responsibility for the excesses committed during the deportations. After the Prague Spring he was effectively driven from the profession.

17. See, for example, Horst Kopstein, Beiderseits der Grenze (Berlin: Deutscher Militärverlag, 1965).


19. Ibid.


22. Timothy W. Ryback, 'Dateline Sudetenland: Hostages to History', Foreign Policy, No.105 (Winter 1996). The head of the Sudeten Landsmannschaft, Franz Neubauer, refused to endorse the treaty, declaring, 'The treaty does not solve the problems of our fundamental right to homeland, Beneš’s decrees, and the problem of the Sudeten German property left in the Czech republic.' Lidové Noviny, 27 February 95, p.3.

23. Ryback, p.171.

24. It is noteworthy that the head of the Czech delegation was the politically rehabilitated Jan Křen.


26. This represents only a partial legitimation of the action because at a different point in the text one finds the sentence: 'Undoubtedly all the expulsions and forced resettlements contradicted fundamental notions of human rights.'

27. Kleine-Brockhoff in Die Zeit.


29. For typical reactions and excerpts from the speech, see Dušan Třestík’s contribution in Lidové Noviny, 20 February 1995; Viliam Buchert in Mladá Fronta Dnes, 20 February 1995; Martin Weiss in Mladá Fronta Dnes, 23 February 1995; Emanuel Mandler in Mladá Fronta Dnes, 25 February 1995.


32. See Mikule in Lidové Noviny.


34. Ryback, p.174.


36. See report by Armin Führer in Die Welt, 15 October 1996; and in Neue Züricher Zeitung, 17 October 1996.


38. The text can be found in Frankfurter Allgemeine Zeitung, 11 December 1996, p.7.

39. Sudeten German leader Franz Neubauer explained in an interview on the same day as the document was leaked to the press that he rejected the document because in it, 'If they had said that expulsions were disavowed once and for all, then that would have been something completely different. Regretted was only the pain and injustice that befell innocent people during the expulsions. The expulsions themselves were not regretted, and then both sides said that each side remains obligated to its own legal order. And you know the Czech
constitutional court just declared the Beneš decrees legal and legitimate.' Süddeutsche Zeitung, 11 December 1996.

40. For consistent mainstream conservative opposition to the declaration, see the articles by Gernot Facius in Die Welt. For example, on 17 December in Die Welt, Facius complained that the agreement mentioned the horrors of the Nazi period but failed to discuss the violations of Sudeten Germans’s rights to self-determination during the founding of the Czechoslovak state in 1918–19.


42. Ibid.

43. Jiří Leschtina in Mladá Fronta Dnes, 11 February 1997; Miroslav Korecký and Marketa Matouškova in Lidové Noviny, 15 February 1997; Eva Martinkova in Lidové Noviny, 6 March 1997.

44. According to one poll taken in April 1996, after five years of reconciliation politics only a small percentage of Czechs felt that their government should apologize for the deportation of the Sudeten Germans; 86 per cent declared that they would not vote for a political party that apologized. On the other hand, if the Sudeten Germans ceased making property claims, a poll taken one month later showed that 50 per cent of Czechs would have been willing to ‘distance themselves from postwar excesses’. Mladá Fronta Dnes, 4 April 1996, p.4 and Mladá Fronta Dnes, 22 May 1996, p.6.


46. For some suggestive public opinion data along these lines, see Mladá Fronta Dnes, 21 January and 22 January 1997, p.5.