TRIUMPH AND TRAUMA

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Contents

27. Could Evita Perón or James Dean be imagined as old persons? Weber knew that continuity was the Achilles' heel of charisma (Weber 1980, p. 122, p. 541).

28. The relationship between rituals and myth are discussed by Raglan (1975, p. 141), Connerton (1989, p. 53) and Bell (1997, pp. 3–23).

29. We will deal with this cult of the dead hero in greater detail in the chapter on relics.

30. More advanced patterns of recalling the voice of the hero will be examined in the chapter on classics.

31. We will consider more elaborate forms of representing the face of the hero in the chapter on monuments.

32. In Connerton's (1989, p. 64) phrasing: "Under the conditions of modernity the celebration of recurrence can never be anything more than a compensatory strategy, because the very principle of modernity itself denies the idea of life as a structure of celebrated recurrence."

33. See especially the introduction of Pierre Nora (1992).

34. See the too-long-neglected study by Halbwachs (1941).

35. The existence of miracles is still one of the basic presuppositions for sanctification in the Catholic Church. According to the *London Times* (July 26th, 1998, pp. 42–50) the Pope considered seriously the sanctification of Princess Diana in order to provide Great Britain with a contemporary saint who surely would attract masses of devotees. But, unfortunately, there are up until now no miracles—because the British Catholics do not pray powerfully enough, the Pope said.

36. On this topic, there have been explorations by, among others, Herrmann-Mascard (1975), Fichtenau (1952), Geary (1978, p. 31), Le Blant (1887), Hotzelt (1935) and Kötting (1965, 1966).

37. See Webb (1999), Davidson/Dunn-Wood (1993), Geary (1978) and Töpfer (1956).

38. The history of the idea of the king or prince figuring as a "typus Christi" has been traced by Kantorowicz (1957).

39. The significance of monuments for the construction of collective memory is explored by von Beyme (forthcoming).

40. For a general perspective on the religious and social role of sacred places, see McLuhan (1996).

41. For the history and development of what is and has been called *classical*, see Scholtz (1987) and Pieper (1987).

42. If, however, the classic was regarded as a dogma in a political community, it may be banned after its collapse. Hitler's *Mein Kampf* is a case in point. Its publication is outlawed in Germany.

43. Nietzsche himself soon became the center of a cult (Tönnies 1897). See also Nicholls (1958/59).

44. Objectivation of the social world was a major theme in Marx (1990). See also Lukàcs (1968).

45. For the Weberian concept of objectification of charisma, see Schluchter (1989).

46. Here, the handling of the issues requires an impersonal attitude, a comparison between different objects or efforts, a mundane perspective that treats everything as ordinary and regular.

CHAPTER 2

Victims

Neither Subjects nor Objects

THE SOCIAL CONSTRUCTION OF VICTIMS

Living heroes, in their attempt to rise above the ordinary, disregard mundane reasoning and disdain the voices of caution. Cruel and merciless, their deeds demand sacrifices also from their followers and can even entail the death of those who are not members of the charismatic community. The concentration of the sacred in the person of the triumphant hero comes at the price of desacralizating others. Thus heroes, in the moment of triumph, can, and frequently do, produce victims.

To regard somebody as a victim seems to be a spontaneous self-evident classification that does not need further justification. Indeed, the suffering and the death of victims are obvious facts beyond doubt and question—ultimate certainties about our cohumans, if there are any at all. Death is, like birth, a categorical presupposition of our human existence—ultimately certain and exempted from the contingencies of individual experience (Heidegger 1986, pp. 231–267). In reflecting on our mortality, we are constructing our collective identity as humans. Because mortality is a common certainty linking all members of the human species, it also brings the question of boundaries to the fore and acquires a particular salience if entire groups are concerned. Therefore, the Nazi genocide of the European Jews, Stalin's ethnic cleansing and waves of purge, the killing fields of Cambodia, the death marches of the Armenian people in 1915, the extinction of large numbers of Native Americans under the Spanish and North American conquest, the enslavement of the African black population, as well as the massacres of 800,000 in Rwanda in 1994, the ethnic cleansing in former Yugoslavia, and the terrorist attack on the Twin Towers are commonly acknowledged as paradigms of collective victimization, as icons of innocent suffering. Yet, even this seemingly obvious reaction to the suffering and death of others is based on symbolic codings, presup-

posing the social construction of boundaries and resting on cultural foundations.[1] I will try to outline these tacitly assumed cultural foundations of victimhood in the following chapter.

Although not entirely limited to the above mentioned cases of genocide and collective suffering, my perspective is mainly focused on them.

VICTIMS, PERPETRATORS AND THE PUBLIC PERSPECTIVE

There are no natural victims. The very notion of victims presupposes agencies that intervene and change human lives, that define and recognize victimization. To define someone as a victim is to assume that his or her condition is the result of human action and that it could have been avoided if human decisions would have been different (Shklar 1990). If somebody dies at the age of eighty, nobody calls him or her a victim of old age. Even if an unforeseeable earthquake kills people, the dead are not immediate victims of the earthquake in the strict sense of the term. Only if at least vague information about the risk of catastrophe were available, if precautions could have been taken, if the presence in the area of risk and danger could have been avoided, is the term "victim" justified. Victimhood presupposes—at least partly—voluntary action, intervention in natural processes, uncertainty and risk, even accountability and responsibility—although in many cases the responsible perpetrators are not easy to spot.

Victims are produced by human action that could have been expected to have taken a different direction. If the result of a human action is in accordance with the usual expectations, we do not consider the person concerned to be a victim—even if his or her suffering is caused by the action of others. The loser in a fair competition is not a victim of the winner, the convicted criminal is not a victim of the judge, latecomers who get no parking spot are not victims of those who came earlier.

To call somebody a victim does not only assume that his or her condition is caused by voluntary action under uncertainty. It also implies that the result of this action is considered wrong, even that the decision to act in this way is considered as an avoidable error on the part of the acting individual.

Evaluating an action as wrong or mistaken is, of course, first and foremost done from the perspective of outside observers who assume certain rules to be unquestionably valid and certain information to be available for the actor in question. In most cases, these assumptions result in a moral judgment which holds that the observers' perspective should also be the perspective of the actor and even be the perspective of the victim. Thus the discourse about victimization becomes a social construction and is carried by a moral community defining an evil. Of course, the notion of evil varies according to the core principles of the respective culture (Ricoeur 1967). The evil can, for example, refer to demons invading and polluting the community from the outside, it can be seen as an upheaval against a divine and transcendental order, it can be defined as a violation of the law and its

constitutional principles, it can be phrased as a scandal with respect to a public moral, it can be constructed as a scapegoat by the yellow press, etc.

These cultural narratives of evil are embedded in institutional arenas that impinge on them, support them or obstruct them—in law courts, in religious ceremonies, in literary discourses, in parliamentary debates, in informal encounters among neighbors, in news-media, in professional services. We will try to outline why particular institutional arenas impede the cultural coding of evil as "victims," whereas others give way to the cultural construction of victimhood (Neal 1998, pp. 21–37).

Before we turn to these institutional arenas, we should, however, analytically separate three structural positions or agencies presupposed in the construction of victimhood: The agent who, by voluntary decision, risks producing the condition of the victim has to be distinguished from the victim, and both have to be distinguished from the position of the outside observer or the third party who evaluates the action and recognizes the condition of the victims, even if the victims should not be aware of it. This analytical separation between three positions might—like all structural idealtypes—be blurred in historical cases of victimization, but it cannot entirely be dispensed with (Giesen 1999a, p. 69). If, for example, an individual is held entirely responsible for his or her deplorable condition, outside observers will not consider him or her to be a victim. Whoever dies in a car accident while driving 120 miles an hour on a narrow winding road, drinking a bottle of whiskey, will not be acknowledged as a victim of the road authority; whoever invests in high risk stock and loses money will not be recognized as a victim of the stock exchange; whoever refuses to take medical advice seriously and continues a risky lifestyle will not be regarded as a victim.

The social construction of victimhood presupposes an outside actor who is at least partly responsible for the misfortune of the victim—the driver must be seen as involuntarily intoxicated by others and warning signs about the winding road must be missing; the investor must be trapped by an investment consultant, the terminally ill man must be forced to continue a risky lifestyle by his boss; etc. Victimization presupposes the—at least partial—attribution of responsibility to outside agencies—it assumes the innocence of the victim and can increase the awareness of victimhood by focusing on members of the community whose innocence is beyond doubt, e.g., children.

Of course, societies differ vastly in this attribution of responsibility. What is attributed in the United States to the individual's success and failure in a market is, in Sweden or East Germany, charged to the responsibility of big corporations or the state; what is seen in India as the inescapable karma of each individual is attributed by Westerners to the reckless management of the chemical industry, etc.

But we do not recognize individuals as victims merely because their suffering can be attributed to an actor or agency. If a group or an individual accuses another group or agent of being responsible for its miserable condition and if it is not supported in this claim by a third impartial perspective, there can be a conflict

between the accused agent and the accusing party, but no assessment of victimhood.[2] The very idea of victimhood presupposes a kind of universalist moral discourse that aims at impartiality and justice (Barry 1995), it is embedded in special institutional arenas where this impartial perspective is routinized, and it is carried by special groups or actors who are at a certain distance from the victims, as well as from the perpetrators. Clans can engage in bloody feuds and revenges, but they cannot claim the status of victims because they do not conceive their conflict in terms of impartial justice (W. I. Miller 1990). Their conflict is purely reciprocal, it goes back and forth, each threat asking for a counterthreat, each attack requiring retaliation (Nisbett and Cohen 1996). In contrast, the model of victimhood presupposes the intervention of a seemingly impartial third party who is able to assess the damage and to transform the retaliation into a public definition of evil, thus ending the feud.

Like the attribution of responsibility (Gluckman 1972), the institutional arenas—where the victimization is recognized—and the social carriers of the public perspective also vary vastly.[3] The public perspective can be based on the authority of priests, kings, intellectuals, or judges, or it can just refer to the majority of impartial spectators. It can be constructed in the discourse of civil society, articulated in literature and art, or brought forward by the response of the common people on the streets. Before we consider several institutional arenas that foster or impede the construction of victimhood, we will outline the general structural position of the victim at the fringe of moral communities.

At the Fringe of Moral Communities

Victims take a special position in a community. If they are still alive, their subjectivity is damaged; they have been, temporarily at least, excluded from the usual rights attributed to every member of the community; they are displaced and uprooted persons, assembled in camps, submitted to violence, torture, rape. Similar to heroes, but at the opposite end of the social order, they have been put into a state of exception in a space beyond laws, rules and rights. In recognizing this damaged subjectivity, a society tries to include them again in the community of human beings who are not only endowed with rights, but also tied to each other by some bond of solidarity in distinction to outsiders.

Yet the obligations that are derived from this bond of solidarity vary: respect for basic human rights, limited economic support, far-reaching use of personal resources, obligation to listen extensively to the presentation of psychic problems—all these ties extend to different circles of solidarity and the claims to this solidarity differ vastly between societies or groups.[4] The bond of collective identity may even be extended beyond the boundaries of humankind, and this, too, may be debated and defined in culturally varying ways. We—at least, non-vegetarians—do not regard the cattle, the meat of which we eat, as victims of our dietary habits, but ethical vegetarians do. Most people in Western societies would

refuse to eat the meat of apes and dogs, because they are considered to be related to humans or even regarded as members of the family, but Chinese gourmets do not share this reluctance.[5] Chaining dogs or torturing apes for medical research purposes is seen as unethical by many members of Western societies even if there might be good technical reasons to do this. Although to a lesser degree than human beings, dogs and apes are included in a moral community that invests them with certain basic rights and excludes any possibility to sacrifice their lives for instrumental reasons (Singer 1986). Human beings are, on the other hand, under certain conditions deprived of their sovereign subjectivity, declared to be insane, unconscious and bound to death, treated as dead corpses exploitable for medical research and the survival of others, or considered as animals that could be traded like cattle. The construction of boundaries between those who are endowed with subjectivity similar to us and those who are not, and who are therefore excluded from common solidarity, is far from being clear and unquestionable. After the conquest of the Americas, intellectuals like Las Casas and Sepulveda engaged in serious debates about whether the natives in the New World had to be treated as tradable goods or as savable souls, and the conclusion of the debate was not easy to arrive at for the contemporaries.[6] To regard somebody as a subject endowed with consciousness and a sovereign self does not result from simple empirical observation; instead, it is categorically assumed and presupposed,[7] socially attributed and intentionally imputed to others if we communicate with them. Even if this imputation of consciousness and subjectivity is shared in a community, it can never escape completely from its shifting foundations in collective decisions.

This fragility of boundaries and shifts in solidarity affect the social construction of victimhood directly. Although unquestionably included into the community, the position of victims is at a certain distance from the persons who recognize their suffering. The victim is, of course, closer to us than the objects that we can eat, use and trade. There is no normative obligation with respect to the fish or the salad we have for dinner; the car we drive has—at least under regular conditions—no moral claims that we have to respect; the property we buy and sell is not a subject we can communicate with. These are commonly seen as objects and treated by technological action, instead of being included in a common collective identity, however weak it might be. In particular historical settings, human beings, too, have been considered objects of trade and consumption beyond any moral obligation and claims of solidarity. The raids of the Assyrian kings in ancient Mesopotamia, the slavery in the Roman Empire or certain forms of cannibalism are examples of this "objectification" of human beings.[8] If a culture does not classify outsiders as subjects who are included in a common identity, but sees them as mere objects, there is no way to claim the status of a victim on moral grounds. What we consider genocide or exploitation is seen as normal or natural behavior on the part of the "perpetrators" and as a kind of natural catastrophe on the part of the "victims."

At the other end of the scale of distance is the close proximity of kinship and sympathy. If a close friend or a member of the family gets into a miserable

situation, we offer our more or less unrestricted personal support without calling him or her a victim. Here, the ties of communality and solidarity are so strong that we feel personally harmed by the calamity affecting our parents, children, or friends. There is only one distinction which matters in these situations: us and them—those who are held responsible for the harm that affects one of us. These strong ties of solidarity do not need a moral justification—right or wrong, it is my family, my friend, my people who need support and have to be defended against the evil from outside. Here, the collective identity of insiders is unquestionably given—they have to see each other exclusively as subjects, as carriers of an identity, as the Alter who will undoubtedly understand because he or she is alike in a primordial way. If we assume the other to be a subject in the full sense of the term, we assume him or her to be like us, to be endowed with competence to act like us, but we also assume him or her to be a unique and individual person. He or she has a face we know and a voice that talks to us, objects don't.

In between the ultimate distance of objects and the ultimate proximity of primordial collective identity, the construction of victimhood unfolds. As clear as the categorical reference to proximity and distance is for the endpoint, so is the construction of boundaries in between ambiguous and questionable. Many cultures try to cope with this ambiguity by imagining a realm in between subjects and objects, populated by strange creatures like demons who are half humans and half animals, or crazy and insane persons who are human by bodily nature, but animals by the lack of reason and morality.[9] Primitive art, as well as the sculptures of medieval cathedrals and fictitious reports about demons living on the wild margin of the world, show these blendings of humans and animals; they are half-human and half-horse or fish, they have hairy bodies and wings, a human body, but the head of a lion or a bird, etc.

In every society there is a fringe, a place for those who do not fit into the dominant classificatory grid. In early modern territorial states that wanted their populations to be sedentary, accountable and productive, these "misfits" were people without a home and a master, migrants and beggars, vagabonds and other "useless" individuals who could not be turned into sedentary citizens with a clear position in the newly emerging society of production and labor. The Age of Reason responded to this awareness of uncertain boundaries and shifting foundations by separating those who are human by nature, but deprived of reason, from the reasonable citizens, by enclosing them in mental asylums (Goffman 1961; Foucault 1965). But the clear-cut social separation between the reasonable and the insane members of the community could not remove the suspicion that we all are both, that reason may be only the superficial cover for our mad desires, which occasionally erupt in every human being. The assumedly insane persons, in turn, may be discovered as truly humane and reasonable beings in their own world.

Today, it is the debate about the ethics of vegetarianism and the rights of animals that hints at a moving frontier between human beings and other mammals. When humans and other primates share 99 percent of their genes, there is, indeed, a haunting suspicion that the frontier between them and us is arbitrary,

questionable and gradual. What were once considered objects of consumption that are controlled by taboos of purity, but exempted from any ethical rules, are now discovered to have hidden subjectivity and are reinvested with rights. Instead of excluding an animal from the range of eatable food because it is regarded as alien and impure, ethical vegetarianism excludes animals from human diet because they are seen as too similar to us.

One of the most important responses of modern cultures to the uncertainty of boundaries consists of including the outside in the inside. This move is at the core of any construction of victimhood. To refer to a person or a group as "victim" not only presupposes a certain detachment from direct involvement and identification, but also an inclusion of the suffering persons into a community of subjects. The subjectivity of victims, however, is restricted, damaged and anonymous: Victims have no faces, no voices, no places of their own—at least in the moments when they are victimized. They cannot raise their voices in the public discourse of civil society; they are dead, mutilated, traumatized, or overwhelmed with grief. Frequently, the surviving victims are enclosed in special camps, in an outland exempted from property claims to the land and citizenship rights, separated from normal life within the state (Agamben 1995, p. 166).

It is in the universalistic moral communication between members of the noninvolved third party that persons or groups are seen and labeled as "victims." In this construction of victimhood, the noninvolved third party, the public perspective of citizens, merges communality and distance. On the one hand, the victims are reincluded in the community and hence supported in their claim for solidarity; on the other hand, the victims' misery is kept at some distance from the social carriers who represent the public center of society. Their place is the camp of refugees, the nonlocal locality of special spaces in airports and harbors, the realm in between the outlands of violence and the civil life of the community. The transitory nature of these camps is a permanent one—most of the surviving victims remain here for a longer time of their life, and the authorities of the surrounding state seem to make much more of an effort to keep the victims within the fences of the camps than to integrate them into the citizenry. Only later on, when the passing of time has provided the inevitable distance, are the voices of survivors heard, their reports collected and their faces become well known public icons.

In order to find an answer to the question of why modern societies construct victims, we have to turn to the moral basis of modern communities. In the definition of victimhood, the center of a moral community not only distinguishes itself from the periphery, it also reveals the tension between the moral ideal and the imperfect realization of this ideal. The moral community evidently needs the difference between the normative ideal and the factual behavior in order to construct its basic motive of integration; the moral community needs deviance (H. Becker 1973) and perpetrators in order to construct the boundary between the good and the evil because the community of reason and enlightenment requires the tension between truth and reason on the one hand and error and insanity on

the other. In moral communities, there is an unavoidable tendency to define and to detect transgression, to identify and to condemn perpetrators, and even to scapegoat others if the evil cannot be located in a different way. The intimate ties between collective identity and scapegoating, between the construction of a normative order and the sanctioning of deviance, between virtue and sin, have been outlined before.[10]

But the construction of a moral community does not only require reference to actors who are held guilty for deviance, crime and evil, and whose position as outsiders can be attributed to their own decisions and responsibilities. It also needs reference to actors who do not correspond to the moral ideal of membership, without being guilty. These individuals are outsiders not because of their deliberate decision to violate the common norms, but because of their basic dispositions, or because they simply fail to dispose of the necessary means to correspond to the ideal of membership. In this way, homosexuals and handicapped persons, people who are mentally deprived or extraordinarily poor, gypsies and vagabonds are frequently labeled as despised outsiders who have to be kept at a distance without being directly the target of criminal persecution. Moral communities regard these outsiders as persons with restricted sovereignty and treat them—depending on the institutional arena—with contempt and disgust, with compassion and paternalistic care, or with educational efforts and medical therapy. They are kept at a distance, removed from regular interaction and encapsulated in special institutions.

Even more exempted from the charge of guilt, however, are those individuals who are considered as victims. Victims are neither guilty nor despised—they are innocent individuals who could have enjoyed a normal human life within the moral community, but have been treated as non-humans. They clearly represent the fringe of moral communities, but on the opposite end to the position of the perpetrators. This reference to victims becomes increasingly salient when societies emphasize the distinction between morality within the community and means outside of the community, between solidarity on the one hand and power on the other hand, between the range of personal responsibility and the determination of action by biological or social conditions. If these realms are not clearly separated by institutional patterns—and they rarely are—the boundaries between perpetrators, deviant outsiders and victims tend to be blurred; hence perpetrators can be considered as deviant outsiders, and deviant outsiders can be treated as victims. In the process of scapegoating, all three positions are merged. Viewed from the center, the fringe of moral communities appears as an area of twilight and ambivalence where the opposites are sometimes in close vicinity.

If the moral community succeeds in establishing a clear definition of victimhood, it relates the imperfection of society to differences in power on the one hand and to differences in moral justification on the other; victims are recognized as possible subjects and invested with moral dignity, but they lack the power to act as responsible members of the community or simply to survive; perpetrators, in contrast, have the power to act as responsible members of the community,

but fail to act in accordance with the moral principles and thus pollute the sacred core of the community. Hence, their membership status is a morally degraded one and the society can violently restrict their sovereignty as subjects. In between victims and perpetrators is the position of the despised outsiders who, due to their origin, their personal predisposition and their social condition, cannot live up to the expectation of normal and regular citizens and sometimes do not want to do so. But because of their unclear position between voluntarily accepting the outside and being doomed to stay outside by external conditions, they do not fit well into a moral construction of society. Therefore, the moral community constitutes its basic tension and its fringe of restricted membership mainly by pointing to victims and perpetrators—and considers the despised outsiders frequently either as victims or as perpetrators.

Full membership is ascribed to those who not only satisfy the moral expectations but also dispose of the necessary means and power to act accordingly. Excluded are those who are seen as devoid of any moral standards shared with the community. If these excluded ones are considered as powerful agents, they are demonized; if they are seen as nonpowerful and lacking agency, they appear as objects of technical manipulation. In distinction to this, victims and perpetrators are located at the margin of moral communities, in between full membership and the outside—the victims because they are unable to act as full members of the community or restricted in their means to do so, the perpetrators because they violated the moral principles of the community.

Victims are impersonal subjects, they have no face, no voice and no place. Even if they are still alive, they are numbed and muted, displaced and uprooted. They embody the dark fringe of human societies, where doubts about the seemingly clear boundaries arise, where subjects are suddenly turned into objects and objects are endowed with a voice—a realm of haunting ghosts, monsters and nightmares in between common subjectivity and plain objectivity, a realm ruled by demons and deprived of humanity. In the construction of victimhood, a culture encapsulates the latent suspicion that boundaries between inside and outside could also be constructed otherwise, that the exclusion of an outside can never be perfectly justified, that there is a latent subjectivity even in the excluded outside of objects, that the recognition of subjects as alike and the definition of objects as different rests on fragile foundations, that culture is based on the latency and even on the repression of claims of subjectivity.

But when the moral community unfolds the tension between moral and factual behavior and recognizes the damaged subjectivity of victims, it also emphasizes its own sovereign subjectivity. The construction of subjectivity and the construction of objectivity are mutually dependent classificatory operations, separated by a fragile boundary and always susceptible to ambivalence and sudden changes of places.

Finally, there is a deeply rooted elective affinity between the impersonal order of modern society and the construction of victims. If the basic principles that pattern law and public discourse, exchange of commodities and science

disregard personal background and privilege in favor of an objective, standardized and accountable treatment of an issue, then the public embodiment of power and charisma in the figure of the hero risks being considered immoral, scandalous, or unjust. Heightened agency and sovereign trespassing of rules is under strong suspicion of being evil if it cannot be encapsulated in special arenas like art. Therefore, what was regarded as a hero before is converted into a perpetrator.

In contrast, the figure of the victim who has no voice, no face, no place anymore is much more compatible with the impersonal and anonymous order of modern society. The victim is a case of a general category, an object devoid of a personal story, and as such the victim can be treated by the objectifying and impersonal institutions of modern society (Bauman 1989). In a compensatory move, however, modern society keeps a haunting awareness of the loss of personal subjectivity that is engendered by its impersonal institutions—therefore, perceiving others as victims is not only an attempt to remember their forgotten sovereign subjectivity but hints also at one's own personal subjectivity that is disregarded and excluded by impersonal modern institutions (Bauman 1989).

REMEMBERING VICTIMS

The tension between the center of collective identity and the voiceless and faceless victims at the fringe of society does not have to be based on spatial distance. It does not need camps. It can also be, and most frequently is, based on the passing of time.

Most human beings do not consider themselves to be victims in the moment when they are victimized. Slaves and servants in ancient societies saw their condition as a misfortune if they had been living free before, or as a fate that was very hard to change but had to be accepted, like age, gender and body height. Of course, if there were chances to escape serfdom and slavery without taking deadly risks, they chose liberty—they fled, rioted or killed their masters. But this reversal of their fate was not encouraged by a third party or justified by appealing to an impartial justice, a universal morality or public definition of the evil. Instead, they just took advantage of an unexpected chance to improve their situation, and they rarely would have hesitated to turn their former masters into slaves if possible.

In a similar way, the genocidal practices of the Egyptian pharaoh Ramses, the Assyrian king Assuranibal II, or the Mongolian rulers Ghengis Khan and Timur who occasionally killed the entire population of a city, including children, even if it surrendered unconditionally, were hardly seen as victimization. It was immense terror and horror, but no common moral ties connected the conqueror and the defeated people, no third party monitored the horror and condemned it as evil. Like carnage in the relation between predator and prey, the killing of others was beyond moral grounds. It was not an issue of justice and innocence, but of subject and object. The others were not human beings endowed with rights to be respected, they were treated as objects that can be damaged but cannot suffer.

Only later on, when those who have been treated as objects of carnage, repression and rape are recognized as subjects again, were the dead of the raids and conquests retrospectively defined as innocent victims. Remembering the victims bridges the temporal as well as the social distance; it crosses the twilight zone between inside and outside and turns what was previously treated merely as an object into a subject again. Remembering includes the dead in the moral community of humanity.[11] In remembering the victims of the past, we construct their postmortal life—hoping for a future when no subject will ever be treated as an object. The end of victimization would provide a warrant for the divine subjectivity of all humans and thus replace the hope for the resurrection of the dead—a modern version of apotheosis.

The time lag between the moment when human beings are killed, mutilated, tortured or enslaved by others, and the moment when these actions are considered as avoidable and evil by a third party establishes the distance and detachment that are inevitable for the adoption of an impartial, disengaged and public perspective. Furthermore, it supports the sharp axiological break between past and present that is at the core of the paradigm of progress: the past is evil and should not be repeated.[12]

If there is some cultural continuity between the occurrence of evil and its recognition, the time lag also can be considered as the time of latency that is constitutive for a cultural trauma (Felman and Laub 1991). Like in the case of an individual trauma, most victims are not aware of the traumatizing event in the moment when it occurs. And just as the individual mind is incapable of perceiving the threat to its life immediately or of grasping its full importance, cultures tend to normalize the present situation of its carriers and to ignore the possible breakdown of meaning and self-respect in moments of crisis. Only later on, after the time of latency, can the culture of a community perceive the victimization in the past, talk it out and work it through. This is exactly what happened in some great historical paradigm cases of victimization—the slavery of African Americans, the colonization of African and Oriental societies, the early modern genocide of Native Americans, the Great Irish Famine and the Holocaust of the European Jews. With a few exceptions that rise to fame and public recognition, the victims have no voice to be heard. The victims are dead. Unlike the relics of dead heroes who are venerated by the community of remembrance, the bones and remains of the dead victims are turned to ashes, dispersed in unknown soils, left to decay in the desert, or blown in the wind like the smoke of the gas chambers. In most cases, the perpetrators try to destroy the remains of the victims and the traces of their own deeds when leaving the place. No future generation should be reminded of the victims. They should remain dehumanized objects, without a face, a voice, a place.

Like the traumatized individual, who sometimes needs therapeutic assistance and special modes of recalling the trauma, social communities need special institutions for remembering the victims, rituals to mourn their suffering and to represent the forgotten subjectivity of the dead (Felman and Laub 1991). They

try to find the place where the victims have suffered, they search for their remains and rebury them solemnly, they construct memorials and, above all, collect and narrate their stories—the victims are remembered as subjects with a place, a face and a voice within the community (Neal 1998, pp. 201–215). Before we turn to different institutional arenas of representation, let us consider—on a general level—the relationship between the victims and the agents who remember and represent them.

The victims of the past might be mourned by others who feel compassion for their past sufferings, but who cannot claim a particular common collective identity with the victims beyond the general bond of humankind. Britons can thus remember the victims of the Khmer Rouge terror or of the Rwanda genocide, Americans can remember the victims of Stalinism in Russia, Spaniards can remember the victims of the Shoah, etc.

The temporal and social distance between the mourning community and the dead victims is unquestionable and strong, but it is bridged by the abstract and impersonal empathy of humanism. Here, the encompassing construction of a universal community of humankind embraces the remembering agent and the victims and includes both in the categorical construction of moral responsibility. This universal community is mainly constructed on the level of discourse itself—by citing the examples of victimization, repeating the story of the victims, warning of repetitions, etc. Only in rare cases will this act of universal inclusion lead to monuments representing the victims in images and sculptures, architecture and memorial sites. There is no special link between the mourning community and the remembered victims. The remembering does not mark a boundary within humanity and it does not justify particular claims presented by the mourning group to outsiders.

In a second case, the mourning community does indeed claim a particular collective identity with the victims of the past—as their offspring, as their compatriots, as their coethnics, or as their brothers and sisters in a common religious faith. In the most obvious case, the trauma of victimization is transferred to the next generation who—although not directly concerned—sometimes suffers from a secondary trauma resulting from the loss of parents or from their parents' psychic disorders (Kogan 1998).[13] But even if there are no close kinship ties anymore, the descendants might remember the suffering of their ancestors, renarrate their story and adopt the trauma of genocide and slavery, of occupation and repression as a part of their collective identity in distinction to other human beings. This thrust to identify with the victims of the past can be so strong that some individuals even claim to have suffered the fate of the victims in a forgotten and repressed period of their own life—although there is little evidence for this beyond a recovered memory that may well be an artifact of therapeutic discourse. Occasionally this claim may be put forward for strategic reasons—to demand compensation and privileges. But in many cases the identification with the victims' fate is a genuine one—the person is truly convinced that he or she is a victim who has repressed his or her memories. Here, the figure of the victim seems to replace the

figure of the hero as the paradigm of heightened subjectivity. In the most private dreams, the dark outlands of victimization take, in a perverted turn, the position of sovereign subjectivity that once was associated with the victorious hero.

In public life, this core position of the victim in collective identity leads frequently to monuments, museums and memorial sites that keep the memory of the dead victims alive, even if their faces are forgotten and their relics are dispersed. In particular, when the last survivors of the horror and their personal memories fade away, there must be material embodiments and special places that reinvest the dead victims with a face and a voice and thus keep the collective memory alive.[14] Sometimes the descendants of the victims suffer from a transgenerational trauma, a rupture in a genealogical sequence, an "archaic heritage" (Freud 1982, p. 546) that marks and masks their collective history (Bronfen et al. 1999, pp. 64ff.). Sometimes the descendants of the victims have even forgotten the fate of their ancestors and rediscover it because they are taught so by outsiders. The black child in an American school has no primordial knowledge about the slavery of his or her ancestors, the Jewish adolescent in New York has no personal memories of the Shoah, the native Australian does not remember the genocide committed on the Aborigines, the Armenian girl in Paris was born decades after some of her relatives were killed by Turkish soldiers in the death marches, etc. They all have to be taught about the historical trauma that is at the core of their group's identity; they have to adopt the heritage of the victims and to claim public recognition for this collective identity.

This taking over the archaic heritage of the victims can result in an obsessive imagination of the ancestors' trauma that is converted into a feeling of primordial purity and even moral superiority on the part of the descendents.

If their parents or other members of their primordial group tell children a story about their roots, nobody will question the parents' right to do so. If, however, the teaching of a victim's identity is not carried by the group itself, but performed by total outsiders, if the ancestors' fate becomes a phantom for the descendents that is not supported by family experiences, questions of imposition and seduction, of legitimate representation and paternalism may be raised.

Occasionally, the dead victims' suffering can be turned into a claim for reparation for the living generation, even if they did not suffer from the original trauma as individuals. This claim presupposes an undeniable bond of collective identity between the dead victims and their living heirs that has to be recognized by the general public, that is, by the impartial third party. Recognition of this claim by the general public is fostered if the heirs of the victims can convincingly argue that their present life chances are severely hampered because of their ancestors' fate and if the heirs of the perpetrators are still enjoying benefits that can be traced back to their ancestors' deeds. If, for example, the descendants of the black slaves in America would be clearly better off than the descendants of the white slaveowners, their claims for reparation would be largely pointless—although the bond of collective identity linking the present to the past might be strong in both groups. This bond of collective identity can be ritually reconstructed and transferred from

generation to generation—as a collective memory of a traumatic history. Here, too, the dead victims have to be remembered by representatives or advocates, whose mandate is unquestionable. We will return to the question of representation at the end of this chapter.

The difference between the past victims and those who remember them is, however, not the only way to construct a temporal distance between the center of a community and the fringe of repressed subjectivity. We cannot only mourn the victims of the past, but also warn of the victims of the future.[15] Present action has undeniable risks and can lead to future catastrophes, to devastating pollution and illnesses, to famines and violence, war and carnage. Our unborn descendants can—in principle—become possible victims of our own actions. They, too, have no voice or face, and they, too, need representation. And, of course, they are represented in the public discourse of modern society. Referring to the fate of our children is even becoming a strategic resource in the debate of civil society. But there is a fundamental difference between mourning the victims of the past and warning of the possible victims of the future: The death of past victims is certain, the suffering of the future is hypothetical. And certainty matters in the twilight zone between subjects and objects.

BEFORE GUILT AND INNOCENCE: VICTIMS AS SACRED OBJECTS

The modes of constructing the realm in between subjects and objects vary. I will outline different paradigms of coping with the twilight zone of restricted membership at the fringe of human societies.

Let us consider, at first, the original meaning of the term "victim." It is usually traced back to the Sanskrit *vinakti* meaning "to set apart." Here, the special position of the victim between the inside and the outside of the community is already hinted at. In the Roman and in other ancient empires the *victima* were the human beings and animals who were destined to be sacrificed to the deity (Henninger 1987). In the sacrifice, the victima were not considered as subjects endowed with full membership rights and moral claims. They were precious objects offered to the deity in order to construct and confirm a strong bond between the community and the gods.[16] But they were also animals or humans whose bloodshed and death were essential for the sacrificial act. It is the very abstention from mundane use that sets the victima apart from mere objects. Because the victima ensured the bond to the sacred, they were considered as partaking in the sacred core of the community (Loisy 1920, p. 16; Spaemann 1995, p. 14). Even in its original meaning, the victima were double-faced creatures in between subjects and objects—ambivalence has been at the core of the construction of victims from the very beginning. The community itself is the victimizing agency; it consecrates the victima, and by doing so, it creates its own superior subjectivity as the one who decides about life and death—not for reasons of necessity and survival, but for partaking in the sacred.

We have mentioned Girard's (1986) deconstruction of ancient myths of sacrifice before. In the attempt to structure their desires and drives, human beings tend to imitate each other and to construct a basic homogeneity of the community. Yet the mimetic construction of similarity and homogeneity within the community engenders also the exclusion of others as fundamentally different. Excluding others does not inevitably require submitting them into violence. Archaic societies are—according to Girard—threatened by a universal tendency toward violence and violent revenge. Kinship is the only barrier against violence and bloody retaliation in simple societies. The threat of violence inside the community is overcome by directing it toward a scapegoat, an innocent victim. The scapegoating of innocent victims combines the inevitable exclusion of outsiders with the transformation of lingering violence between different clans inside the community.

This victim is usually found at the periphery of the society or among persons who do not fit easily into the classificatory grid of the society—in strangers who pass by, in vagabonds, in homosexuals, in unmarried older women, in handicapped or "insane" persons, etc. Because the presence of these persons challenges society's basic boundaries, removing them reinforces the basic mode of social integration. Killing them does not engender bloody revenge and retaliation. Ancient myth had no difficulties in ignoring or disguising the innocence of the victim. The victim is presented as evil, as pollution, as *scandalon*.

Sometimes the victima were also *victi*, defeated enemies who were shown in the triumph, the parade of the victorious war hero after his return from war and conquest. The honor of the triumph was based on the degradation of enemies who were once free, and even leaders of their people, but were now turned into slaves and doomed to be sacrificed to the Gods. Even in the more advanced discourse of the ancient empires, this conversion of status was not seen as morally questionable. The bond of collective identity did not transcend the boundaries of political units or common cultures. Enslaving the *barbaroi* was not a moral issue for philosophers like Aristotle.

It was not until the Stoic philosophy of late antiquity focused on the suffering in the world that knowing about the high rank of the defeated *victus* conveyed a tragic feeling about the volatility of fame and fate (Geyer 1983).

Yet, because the victima were seen as sacralized beings at the periphery of society, in between subjects and objects, they were not considered as guilty or innocent. Although unquestionably related to the distinction between the sacred and the evil, the evil was not yet tied to human agency. If the innocence of the victima was not yet recognized in the original sacrifice, there could also be no search for perpetrators who had caused the harm. Furthermore, lacking a focus on guilt and innocence, the original sacrifice did not separate the position of the perpetrator from the position of the general public. It was all about the self-constitution of community by constructing boundaries.

The Judeo-Christian heritage, in contrast, revealed the innocence of the victim, and the violence of the sacrifice is reversed by the intervention of God. Abel, as well as Jacob; Isaac, as well as Job; and, of course, Christ, are innocent and

their suffering shows the way to redemption by God; both Judaism and Christianity even raised a ban on the sacrifice of human victims or turned it into a paradox by the self-sacrifice of Christ who turned his death into the ultimate triumph (Ebertz 1987; Girard 1987; Amato 1990, pp. 44–48). A new symbolism for the ambivalence of triumph and trauma, of life and death, of heroes and victims, was set.

PERSONAL COMPASSION: THE VICTIM AS THE INFERIOR SUBJECT

The compassion for the beggar or the obligation to support the poor and defenseless is radically different from this situation of the human victima. The Christian *agape* or *misericordia,* the Buddhist *dana* or the Moslem obligation to give something to the poor assume a communal bond between full members and those who by coincidence, fate and the will of God are in a miserable situation. This bond transcends the boundaries of kinship and personal relationship and includes, in principle, all other members of the community of faithful.

It is, however, enacted and performed only in a local context. In contrast to the public construction of victims, charity is a local act. It occurs originally only in the local confrontation of rich and poor, of powerful and defenseless. Here, it reduces the tension when local proximity overcomes social distance, when those commonly located at a far distance suddenly step forward from their anonymity and appear as persons with a face and a voice. Compassion copes with the proximity of the distant; it bridges the gap for a moment just to open it up again in the next. Beggars can make use of this inconsistency of local proximity and social distance when, in public places, they approach closely the well-off who then have to give alms in order to get rid of this embarrassing proximity that seems, for a moment, to blur the inequality between social ranks.[17] Actually, however, the obligation to give does not at all blur the distinction between those who do the charitable act and those who receive it. It is always limited to an inexpensive transfer, and it never aims at overcoming the differences in status and lifting the poor up to the level of the rich. Instead, it reinforces the internal boundary between social ranks and reconstructs social distance even in a literal sense. The donors reconstruct and stress their sovereign subjectivity because they decide voluntarily to do the charitable act.[18] After receiving alms, the beggar has to withdraw and stay at a distance. The obligation to support the needy is complemented by their obligation to respect the distance and to take their place at the periphery of the good society, excluded from power and wealth. Rituals of charity to the victims—although they may be motivated by compassion—actually reaffirm the structural backbone of inequality (Derrida 1992).

At the same time, however, the poor can claim moral dignity if they accept their fate and position in this world—they can even aspire to reverse their fate after death and, because of their sufferings, to ascend to heaven, whereas the rich and powerful face the risk of being punished for their sins, their ambition and

their lack of humility. Here again, the relationship between the sovereign subject and the needy and miserable is a highly ambivalent one. Both can change places—if not in this life, then in the eternal life to come. Because of the risk of reversing the situation in the transcendental world, the religious virtuosi tend to accept voluntarily the misery and the poverty in this world—the obligation to renounce personal property and to live in personal poverty marks most monastic orders not only in the Christian tradition.

Although the position of the poor and needy in the rituals of charity combines lack of power and moral dignity, it does not constitute victimhood in its complete sense. Charity does not care about possible agencies who are held responsible for the miserable position of the victim. Although the innocence of the poor is acknowledged in the act of charity, here, too, the distinction between perpetrators and victims is still disregarded and still has to be disregarded. Because the misery of the poor is seen as a part of a great chain of beings, of a grand order of the world that is based on the contrast between high and low and founded in the will of God, any questioning of fate—as rose in the issue of theodicy (Weber 1925, p. 314)—has to be turned down before it can affect the divine source of order itself. Personal compassion with the inferior subject is thus the perfect response of stratified societies to the challenge of boundaries—the sacredness of the center as embodied in the nobility or its substitutes is never questioned, but the fragility and uncertainties of boundary construction is taken into account. The subjectivity of those at the margin of society is recognized, but it can never challenge the embodiment of the center itself. Both the nobleman and the beggar constitute themselves in their mutual act of recognition—to rephrase Hegel's famous distinction.

In modern societies that have replaced the divine chain of beings by the equality of citizens, the voice and face of misery triggers off strong pressures on public charity. The illusion of a fairly equal condition of all citizens breaks down if the suffering of cohumans comes to the fore of public attention. Public, as well as private compassion copes with this breakdown by considering it as an exceptional and individual case that can be repaired by the personal sympathetic encounter with the suffering individual. Therefore, every construction of public compassion requires the misery to be presented as an individual story, requires the misery to have a face and a voice. The anonymous suffering of the many has to be transformed and condensed into a face and fate, which, in contrast to mere numbers, can evoke empathic identification. Thus the public advocates of victims have to stage an icon of misery, even to invent a story of individual suffering, if they want to raise compassion and charity—the emotional shortcut in the discourse about victimhood.

IMPARTIAL JUSTICE: THE CONSTRUCTION OF PERPETRATORS

If, in distinction to charity, the attention turns to the human agents who have caused the misery, we can, in principle, distinguish between perpetrators and

victims. The actor who has intentionally and knowingly caused harm to members of the community is held responsible for this. If these actors have a face and a name, if they can be depicted and identified, then they can be presented as perpetrators, accused of wrongdoing, convicted and perhaps forced to restore the original situation, to repair the damage, to compensate for the harm, misery and evil inflicted on the victims.[19]

Originally, the assessment of damage and its reparation did not require and involve a third party. If, in simple stateless societies, a member of one family is killed or harmed by a member of another family, this can engender a bloody chain of revenge and retaliation and lead even to the breakdown of society; but it can also lead to negotiations between the two groups in order to find ways to repair the damage by paying material compensations (Gluckman 1972). Here, on the level of purely reciprocal relationships between groups, the question of guilt and punishment is not yet raised. It is just a matter of harm, damage and retaliation, of us and them, of friends and foes.[20]

The question of guilt and the concept of the criminal perpetrator do not come to the fore until the third impartial party is engaged and involved to mediate between groups in conflict. This third party assesses the damage and tries to find a solution on the basis of personal authority or by reference to a set of common norms to be respected by the conflicting groups. The agent who has caused harm is now seen not only as an inimical outsider but also as a member of an encompassing group defined by common norms (Braithwaite 1989). The conflict between groups and the rituals of revenge are replaced by the violation of the law and the ritual of constructing justice—the enemy is turned into a perpetrator. In this fundamental change from intergroup hostility to the punishment of crimes, the institutionalization of the third party is absolutely crucial. In the institutional arena of jurisdiction, the three parties—the victim, the perpetrator and the enforcement of justice—are clearly separated. All of them are present, but their communication is highly ritualized in an almost liturgical manner—thus ensuring the indispensable distance between the perspective of the impartial public and the victim or the perpetrator. Any suspicion of secret ties between the representation of the public and one of the opponents in court would question and disrupt the entire procedure. If the moral order is reconstructed mainly by rituals of jurisdiction, the third party has to disregard personal interests and involvement. Once established, the rule of the law turns the sacred center of society into an impersonal sphere.

This impersonality and objectivity of modern law does not go well with personal embodiments of the sacred: the rule of the law expels heroes from the sacred center of society. Heroes are extraordinary; they do not respect the common rules; they are sovereign and stand above the law.

Yet expelling the heroes from the center of society does not dispense with the question of agency as the moving force of society. Looking for agency, the perspective turns, therefore, from the center to the periphery, from the sacred to the demonic, from heroes to villains. The ritual of jurisdiction allows, not only the reconstruction of the moral order, but also the combination of an impersonal

conception of the sacred center with a personal conception of the periphery. It purges the center from Gods and heroes, but still believes in devils and demons at the periphery. The rule of the law does not provide positive sanctions; it does not reward those who respect the rules. Instead, it relies on negative sanctions—it expels the perpetrators to enclosures of violence within the boundaries of the community. The prison becomes the symbol of suspended citizenship and legitimate violence (Foucault 1981). This violence indicates not only the sovereignty of the law but also the marginal situation of the imprisoned. In most cases, the perpetrator is not immediately discovered or identified; he is amidst us, but we do not know his face and his whereabouts—he does not raise his voice and admit publicly to his deeds. In the search for the embodiment of evil, the moral community has to discover the perpetrator. Thus the perpetrator becomes a public construction of the moral community. Once discovered and convicted, the perpetrator has a face, but he has no voice and no place in the community anymore.

He or she is expelled from the community, moved beyond the margin of full citizenship—at least for a certain time. The expulsion of perpetrators will, however, restore the social order only if the number of perpetrators is relatively small. Sentencing the majority of the population to prison risks turning the perpetrators into defeated victims of an unjust order.

But even if this is not the case, the ritual of jurisdiction presupposes also the awareness that the fringe of the community is uncertain and that boundaries are unclear. Thrusting for an embodiment of the evil, a moral community can accuse innocent persons and the actual culprit can escape punishment. The ritual of jurisdiction centers the detached perspective of the impartial observer, but the reference to a common set of impersonal norms does, of course, not warrant unanimity with respect to their interpretation. The question of guilt and innocence is subject to debates and arguments because the accused party has, in principle at least, a voice in the judiciary discourse—accusations can be questioned and turned down, the claim of guilt and responsibility can be countered by the assertion and proof of innocence, etc. (Scott and Lyman 1990; Luhmann 1993). Such debates become salient if the alleged perpetrator is, indeed, present and his or her punishment is at stake. If the perpetrators are dead or far away, and thus not participating in the discourse about victimization, the public usually arrives quickly at a consensus about guilt and responsibility. Today, there will be hardly a serious voice in defense of the witch hunters of the fifteenth century, the slave traders of the eighteenth century or the Holocaust perpetrators of the twentieth century. The moral verdict is unanimous and clear, but their punishment is out of reach.

In spite of this apparently obvious condemnation, the position of the perpetrator too is a highly ambivalent one. The boundary between just and unjust, good and evil, good citizens and perpetrators, is fragile and shifting. Similar to the rich and the poor in the charitable act, the perpetrator and the good citizen can change places—this time, however, not mediated by the separation between the mundane life and the transcendental world. Instead, those who claim to be good citizens in their public life can imagine themselves to be violent and ruthless

criminals, rapists and bad boys in their most private moments, that is, in their dreams (H. Becker 1973). The boundary that separates both realms and prevents the excluded side of the ambivalence from being exposed is the divide between public and private life, between consciousness and unconsciousness, dream and everyday life. Like the police inspector tries to discover the hidden and unknown criminal, the therapist and the poet try to cross the thin line between the moral citizen and the hidden amoral individual in all of us. Even the figure of the perpetrator cannot escape the ambivalence that is at the core of any boundary construction.

The Discourse of Civil Society: The Construction of Victimhood

In spite of debates about proofs and refutations, accusations and defenses, confessions and denials, the discourse of justice is based on the assumption that individual human agents can be identified and held responsible for the suffering of others. Although recognizing the status of victims, the ritual of judiciary trials focuses clearly on the person of the perpetrator and tries to repair the imperfect society by punishing the guilty perpetrator—even if the victims are dead and the harm afflicted to them cannot be repaired anymore.

Sometimes, however, moral imperfection and evil cannot be traced back to a clearly identifiable perpetrator who can be held responsible for it (Shklar 1990). There is no doubt that human suffering, misery and evil exist even in complex and so-called advanced societies, but it is increasingly difficult to attribute responsibilities to a clearly demarcated individual or group. Instead, the misery is attributed to complex concatenations or side effects of human agency, involving a multitude of actors, acting under uncertainty and risk, shifting possible side effects to the periphery of their attention, some of them known, most of them unknown, none of them entirely innocent, but most of them responsible only to a limited degree. As our knowledge about the complex ramifications of action effects increases, as our awareness about contextual embeddedness of action is heightened, the verdict about guilt or innocence, crucial to the discourse of justice, amounts sometimes to an arbitrary decision and disregard of knowledge, to an abstraction from the complexity of entanglement, to a reduction of a field of grayish nuances to a clear cut line between black and white. Even if the misery of the victim can be clearly related to a perpetrator, these perpetrators can sometimes not be held accountable for their deeds because they may be unable to compensate for the immense harm they caused or because they may be dead or simply out of reach. Sometimes in the aftermath of a bloody civil war, the punishment of the perpetrators would risk severing the fragile bonds between the two parties and refueling the hatred and hostility between them. If the perpetrators include large parts of the population and cannot be limited to a small group—as in the case of the genocides of Rwanda or Cambodia—jurisdiction fails to restore the moral order of society. Here, muteness and the taboo of talking about personal involvement in atrocities ensure a fragile and endangered peace.[21]

This situation of complex entanglement and difficult accountability fosters a shifting of attention from the responsibility of perpetrators to the innocence of the victims. Even if the question of guilt is difficult to answer, we can arrive at a consensus about the innocence of the victims because no participant in the debate is targeted as the one who has to face the risk of punishment. If the victims are considered innocent, they are seen as devoid of control about their own fate, entangled in a web of outside powers and influences.

Furthermore, the shift from perpetrators to victims is supported by the impersonal order of modern societies. Heroes, as well as perpetrators, have faces and voices; they are personal embodiments of good and evil, the sacred and the demonic, triumph and trauma. The impersonal order of markets and bureaucracies, sciences and technologies, cannot dispense with agency, but these agencies are conceived as objects that can be compared, evaluated and measured. In a strange way, the systems of modern society show an elective affinity to the faceless deindividualized victim who is treated as an object, but could claim to be a subject again.

The institutional arena of this construction of victimhood is the public discourse of civil society. Here, the victims are remembered and represented by the citizens who by their very self-understanding have to take responsibility for those who have no voice in politics—for their children and servants, for passing visitors and guests, as well as for the victims of the past. The core of civil society is based on a discourse of representation and responsibility—every citizen participating in it has to take the perspective of others, assume their subjectivity and construct tentatively a general will based on a common moral order. Even in the pursuit of particular interests, participants in the public discourse have to couch these interests in terms of commonly acceptable arguments. This drift toward universalism fosters also the representation of excluded others. Because every civil society actually has to exclude some outsiders from having a voice, it also cannot dispense with representing their reasonable interests and assuming subjectivity beyond the narrow confines of citizenship rights and presence. It can merge the unavoidable particularity and restrictions of citizenship with the idea of a universal justification only if excluded subjectivity is represented by citizens. Therefore, recognizing the innocence of victims in the discourse of civil society has a similar function for the reconstruction of moral order as has the assertion of responsibility and guilt in the judiciary discourse.

If, instead of the guilt of the perpetrators, the focus is on the innocence of the victims, civil society strengthens its consensus and integration, not only because it is the public that decides about the imperfection of social reality and suggests its repair. It is also assumed that, not individual perpetrators, but the civil society and the state itself have to compensate for the sufferings of the victims. Suffering requires soothing, compensation and healing, and suffering that is caused by human agency asks for social repairs. If individual persons cannot be held responsible, because they are dead or unknown or because, like in most cases, the harm and suffering of the victims outweighs by far the perpetrators' means to

compensate for it, then the community has to take over the task of healing (Kaufmann 1992). Thus, the discourse about victims changes its core focus: It is no longer about individuals and their responsibilities, crime and punishment, but, instead, it is about public responsibility and public solidarity, about risks of life and collective support. The public not only defines the imperfection of the social order but takes responsibility also for its repair; it not only assesses the harm inflicted to the victims but also carries the burden of its healing; it not only commands solidarity among the citizens but also practices this solidarity itself.

It would be too simple to explain this shift toward public responsibility by the distribution of costs among a multitude of citizens who, as individual persons, can disregard the resulting setback because it is so small. Instead, the turn toward public responsibility for the victims may rather result from a feeling of collective guilt on the part of those who did not intervene to prevent the suffering or ignored it when it occurred. In a global public sphere, everybody can be seen as a bystander. The turn toward public responsibility may, however, also reflect a latent identification with victims, as well as with perpetrators—it is only by chance that some escaped the fate of victims, it is only by coincidence and not by moral merit that most did not end up in a situation where they might have become perpetrators.

Thus the public construction of victims not only transcends the single actor model (as it underlies rational choice explanations), which holds individuals accountable and responsible for their own actions, and assumes a second actor who, because of his power, harms the situation of the victim. In addition to the power relationship between perpetrator and victim that underlies the judiciary discourse, the public construction of victimhood is based on a strong collective identity of humankind united by moral principles, the power to define its violations and the obligation to repair it by solidarity. The rise of this collective identity of humankind engenders this turn from retaliatory justice to public responses to suffering. Decoupling the solidarity with the victims from the individual responsibility for their sufferings becomes a crucial feature of this strong conception of the public sphere and marks its difference to the judiciary discourse.

CLAIMS AND RECOGNITIONS IN A STRONG PUBLIC SPHERE

A strong public sphere that not only carries and embodies moral principles but also replaces the punishment of perpetrators with the solidarity with the victims cannot, however, entirely prevent debates and conflicts. It is the very generosity and solidarity of the strong public sphere that can invite exploitation and attract misuse. In the strong public sphere, the surviving victim is entitled to receive financial assistance, legal privileges and social empathy. Claims to be the victims of unforeseeable risks or traumatizing events are, therefore, put forward in the name of many groups. To present the claim as one of a group adds superindividual weight to it and removes any suspicion of individual responsibility. Ac-

cording to the model of victimhood outlined above, however, the victims themselves have no voices and no faces. They are dead, muted in their misery, numbed in their trauma. Certainly, after some time, the voices of the very few survivors who are able to talk about their trauma move a wide audience, their testimonies and memories are globally read and broadcasted. Survivors like Primo Levi or Elie Wiesel are regarded as embodiments of authenticity, as paradigms of the restitutions of damaged subjectivity. The moral authority and the fame of the surviving victim can even inspire dubious testimonies like the memories of Bruno Doesseker who pretended to have escaped the camp of Majdanek as a child, but who, in fact, was neither Jewish, nor a surviving victim. His autobiography was celebrated as one of the most touching and authentic reports of Holocaust survivors, translated into thirteen languages (Wilkomirski 1995; Mächler 2000). Here, the public audience's readiness to believe and its longing for authenticity had constructed the victim. The authority of the surviving victim is so overwhelming that under normal circumstances nobody dares to challenge it. Even if the memories of Wilkomirski, alias Doesseker, are not an intended fake, but an artifact of therapeutically induced imagination, they provide a vivid illustration of the secular shift from juvenile dreams imagining the self as a hero, via dreams that envision the subject as a bad boy, as a transgressor of norms, to imagining the victim as the icon of damaged subjectivity. Equally important are the changes in public resonance. Like the figures of the hero and the perpetrator, the figure of the victim, too, is not a natural result of an individual's actions but is constructed by the public audience, i.e., the citizens who take generalized responsibility. In early modern Europe, it was noble descent that conveyed privileges and superior status. Many presented faked documents in order to prove their pretended nobility. The issues and claims raised required legal regulation; special princely courts investigated them and licensed titles and entitlements. Later, the figure of the marriage impostor and swindler who pretended to be wealthy and of respected origin fascinated and frightened bourgeois society. Today, the focus of superior identity has shifted from the center to the periphery—it is the claim of being a victim that has to be publicly debated and approved in order to prevent fraud and abuse.

The public representation and recognition of the victims is not only carried by the general moral responsibility of every citizen. It can also be put forward by individuals who claim a special mandate as their advocates, their representatives, or their heirs. This special claim of representation opens up a new field of selection and exclusion. Because some victims are impressively represented by professionals, others inevitably remain in the shadow. There has always been, there is and there always will be, suffering without representation and recognition, misery that fails to receive public attention; there will always be the silence of unnoticed "victims" (Lyotard 1988).

Those victims who are represented in the public discourse are not invariably and unanimously granted public support.[22] Various advocates can advance claims and compete for representing the group that has suffered most and deserves support first. Does the history of black slavery justify stronger claims than the extermination

wars against Native Americans, does the suffering of the Jewish community in the Shoah outweigh the victimization of Poland and Russia by Nazi Germany, does the colonial repression of African people justify more compensation than the suffering of women through male chauvinism? Of course suffering is as incomparable as identity is, but scarce resources are at stake. On the level of welfare budgets, the incomparable has to be compared and assessed; compensations have to be paid if claims have been accepted in court and in the public sphere. Thus the strong public sphere can be turned into an arena for public fights for recognition. Like other presentations of collective identity, the claim to be a victim also has to be recognized by others—it is a public construction, a collective classification that has to be consented to and recognized by outsiders as well as insiders. Identity can never dispense with this precarious balance between inside and outside, between self-presentation and social recognition (Trilling 1972). This social recognition can, of course, be granted or refused.

Some claims are recognized, others are not. Most representatives of the victims can present their stories as cases of innocent suffering, risk and misfortune; they can appeal to solidarity and refer to common moral principles. But it is not the obvious difference in moral gravity or the sheer amount of suffering that makes some claims successful and causes others to be dropped. Defining innocence and guilt, demarcating the boundaries of the social order and declaring its imperfections, labeling actions as deviant and situations as miserable are not self-evident deductive operations; they result instead from debates and conflicts, routines and traditions, professional interests and political power. Indeed, there are no natural victims. It is not only the situation of the victims that is produced by human action, but also their recognition as being miserable and in need of solidarity.

Obviously, the conditions for this recognition vary. At first there are the long-term changes of the moral order, of sensitivities and empathy. What we today unanimously regard as brutal violence against children and women was, a century ago, seen as appropriate education and an adequate display of manly authority. But, although public fights for recognition frequently refer to traumas of the past, it is not history itself that decides success or failure. Certainly, the passing of time does matter—nobody would today consider the claim of the descendents of South American victims of the Spanish colonial rule, or support Indonesian claims with respect to Dutch colonialism. But why should American slavery substantiate claims for restitution, whereas the Arabic slave trade in the eighteenth century hardly engenders similar claims?[23] Some historical traumas are forgotten, others are very much alive, appealed to and reconstructed in public fights.

What decides the social construction of victims is their successful representation in the public sphere. In its most elementary form, representation is achieved by visible presence in public places. But visible presence also has its special risks for the indispensable distance between the third party and the victims. First of all, the distinction between the minority of miserable victims and the majority of regular passersby must be clearly marked. Mutilated soldiers in rags can eventu-

ally claim to be victims, jobless ex-managers in impeccable suits cannot. But even if the misery and suffering is undeniable and distinctive, the individual beggar asking for alms will not be treated as a victim in the strict sense. He himself is advancing the claim for support, he has a face and a voice, he addresses individual persons, he is in close proximity—the reaction will be compassion and individual charity or civil inattention. Victims cannot advance their claim directly, individually and personally. Instead, as outlined above, the social construction of victimhood presupposes distance and a certain noncommunication between the public center and the victims.[24]

For similar reasons, victims cannot be represented by formal organization with voluntary membership. The classical model of organizational representation and lobbying works for workers, farmers, Catholics, storekeepers, gun collectors, etc., but it runs counter to the basic structure of victimhood: by their very definition, victims are seen as powerless and unable to fight for their own rights. When unions become powerful collective actors, workers cannot claim the position of victims anymore. Victims are subjects devoid of faces and voices; they cannot be imagined as powerful actors pitted in conflicts with other collective actors on the same footing. Because of their damaged subjectivity, their muteness and anonymity, they need mediating third parties who articulate their suffering and advocate their claims—they need civic or professional representation. Even the few who have survived the horror and raise their voice to present their memories rarely do so without assistance from publishing houses and broadcasting agencies, therapists and humanitarian associations. Like other forms of authenticity, the authenticity of the victims' testimony is also mediated and constructed—even if the survivors are intellectuals who are able to speak on their own. The preciousness of the victim's authentic voice results from its very rarity.

Victims need advocates and representatives. If laic people advocate the cause of victims in a strong public sphere, they are mostly moved by compassion and conviction, they identify strongly with the cause of the victims—hence their impartiality might sometimes be questioned by outsiders. In contrast, professional specialists like lawyers, social workers, medical doctors, and even journalists, can claim to be impartial experts and thus to represent the public interest, but they can also claim to represent the justified interests of the victims and bringing them to the fore of public attention. They act as mediators between the victims and the public sphere. But in this mediation they also construct the distance that is constitutive for victimhood. Without this distance to the center, the victim would be considered either as a challenge to immediate personal compassion or as an actor struggling for resources.

Professional advocacy not only constructs the indispensable distance between the public center and the victims, but also affects the struggle for recognition: efficiency is increased, conflicts become less passionate, compromises more likely.

The professional representation may end up in a new field of politics, where the claims of victims are recognized or rejected; legal institutions define the rights

and entitlements of victims, norms of political correctness demarcate the range of prudence in public expression and the occasions for publicly recognized offenses. This public regulation of recognition and offense certainly restricts the original freedom of speech and also occasionally engenders ridiculous exaggeration, but this holds true also for other patterns of civilization, for the control of eating behavior by dietary norms, for the control of driving by traffic regulations, etc.

Of course, the advocacy of professional experts is not without risks. Experts not only offer their services to an eagerly demanding clientele of suffering victims, they can also convince a possible clientele of their victimization and thus create the demand that their professional services are ready to satisfy. In this respect, the professional advocacy for victims does not differ from other professional services, however.[25] Medical doctors define health and disease, provide the cure and control the efficiency of their services by themselves; lawyers convince possible clients to sue some other party and then represent their clients in court; professional politicians try to mobilize the voters; etc. In principle, professional groups aim at a monopoly of defining the need, providing the therapy and supervising its success by themselves. Society and victims cannot completely avoid the risk of being misused by these quasi monopolies—even when therapists and advocates are tempered by the obligation to serve the common good (H. Becker 1973; Giesen 1983). Obviously, suffering and misery at the fringe of society can fail to get public attention, because the professionals have strategic reasons not to represent it—because strategic interests of their old clientele are at risk, because of costs, or simply because of ignorance.

But the opposite might also be true. People who have no connection to each other and live their lives in quite diverse ways might be declared victims and represented by professional advocates without a mandate. A market for the representation of victims can emerge; identity entrepreneurs compete in the public sphere; misery is staged in the media; and finally those who considered themselves to be happy citizens before come to see themselves as humiliated victims. The descendants of Tasmanian aborigines, who previously tried to hide their origin and lived well-integrated among their cocitizens, now proudly claim their once despised descent, regard themselves as the heirs of victims and demand compensation. Thus professional representation not only may leave authentic suffering unnoticed but also may construct victims where there is no suffering (Rutschky 1992).

More than other professional services, the professional representation of victims has to defend itself against the charge of paternalism.[26] In contrast to a therapeutic discourse that leaves the task of defining problems and needs to the patient, the professional representatives of the victims can rarely refer to an explicit mandate—the victims are dead, muted and overwhelmed by their suffering. The fact that the suffering has muted the victims can, however, be turned into a strong justification of the victims' cause: Every member of the community will agree on the severity of the trauma and its need to be represented. The death and the suffering of the victims serve as a foundation for a general impersonal man-

date, which doesn't need further justification. It is not strategic reasoning of a particular group, but the moral foundation of community itself that requires representation and advocacy. This universal mandate can be strengthened by an explicit mandate of the victims' heirs and relatives who—even if they should not be victims themselves—could claim a strong primordial identity with the victims and turn their mourning about the loss into a public cause. The professional advocates can, furthermore, reinforce this mandate by pointing to the fact that they themselves, although certainly not suffering and miserable, belong also to the group to which the victims belonged. Thus the trauma of the victims is transferred and dispersed to those who share a primordial collective identity with them.

Because the victims have no voice, the professional advocate has to construct his or her mandate in a counterfactual way. The victims would have trusted him or her because he or she has the same primordial identity which suffered from victimization and which is now to be represented: Thus women are represented by women, African Americans by African Americans, Latin Americans by Latin Americans. Trust is the basic bond that connects the muted victims to the professional representatives—as expertise is the key that opens the doors to the public arena for the professional advocates. Both are indispensable in the process of mediation and representation that constructs the constitutive distance between the voiceless and faceless victims on the one hand and the public center of society on the other. If the advocates can claim a primordial connection to the community of victims, they are better protected against the suspicion of seducing or imposing of victims, they are better protected against the suspicion of seducing or imposing identity from outside—similar to the case of the parents telling their offspring a story about their roots. In both cases, the primordial collective identity between parents and children or between the surviving victims and their professional advocates—provides the basis of trust and justifies the advocacy. Certainly, this primordial collective identity is also socially constructed and needs continuous reaffirmation. But it is constructed in a way that allows for little objections: by his or her "nature," the other has the same competence as a subject partaking in a community of remembrance.[27]

CONCLUDING REMARKS

The social construction of victims has, indeed, a core function for the distinction between center and periphery, between inside and outside, between subjects and objects. Victims—whether dead or surviving—demarcate the fringe of human societies, the frontier where the neat cultural classification gets stuck into semantic swamps and moral twilight, where the fragility and imperfection of social order becomes obvious. This perspective on the fringe presupposes a strong public sphere as the center of society and institutional arenas where the outlands of damaged subjectivity can be ritually embraced and coped with. Although religious sacrifices and charity are institutions that define and deal with victims, they do so in a truncated way. The sacrifice treats victims as sacrificial objects that are turned

from life to death in order to reinforce the precarious ties to the sacred. The rituals of charity cope with the misery of the living and present cohumans, but address it within the frame of direct encounters between individual persons. Here, the victims have a face and a voice, but their suffering is not recognized as a problem of the social order. In contrast, the arenas of jurisdiction and the public discourse of civil society focus on perpetrators and victims and regard both of them as embodiments of an imperfect social order. Jurisdiction, as well as the discourse of civil society, give way to a strong public perspective and connect this to the punishment of perpetrators and the construction of guilt—as far as jurisdiction is concerned—and to the representation of voiceless and faceless victims and their innocence—as far as the strong public sphere is concerned. Because they are at the fringe of the social community, victims need advocates to represent them whether they are dead or survivors. Although not without risks—like other forms of representation, too—these modes of advocacy by insiders and outsiders, by professional services and laic movements, are as indispensable for the construction of victims as are memorials, museums and monuments for the construction of collective memory. In the public debate about victimhood, society not only tries to construct and to reconstruct its boundaries, but it also accounts for the imperfection of social order and tries to repair it by cultural redefinition and social recognition. The public discourse about victimhood responds to the haunting awareness that there is a land in between inside and outside of the boundaries, a ghostly land of demons and victims, a land where Ockham's Razor fails.

NOTES

1. When J. F. Lyotard (1983) published *Le Différend,* he was heavily attacked for taking such a seemingly relativistic perspective. However, from a sociological point of view, this seems to be inevitable. For the cultural and public character of social problems in general, see, for instance, Gusfield (1981).

2. E.g., Japan's reluctance to acknowledge war guilt vis-à-vis China during Jiang Zemin's state visit to Japan in 1998.

3. Especially within the more strictly codified context of law, comparative rational studies have pointed this out again and again. For an illuminating comparative analysis of the political—culture-specific—power of apologies in this context, see Tavuchis (1991).

4. The unconditional support that African people often owe to even distant relatives contrasts strikingly with the Occidental modern tendency to shift medical care and support for the elderly to centralized public institutions. On the public level, modern Western societies allow for the inclusion of outsiders and people at the fringe of the community, but they also tend to minimize the range of personal obligations to solidarity.

5. For the cultural interpretation of food habits, see Eder (1988, pp. 103–219).

6. For a closer examination of these debates, see Giesen (1998a, pp. 53–55). The almost classical account of the cultural clash in the conquest of the Americas is Todorov (1992).

7. On the self as a locus of linguistic causality, see the important book of E. Becker (1972) on the birth and death of meaning.

8. The term "objectification" means here that human beings are treated as objects in the literal sense. Lukàcs (1968) and the critical theory of the Frankfurt School (Horkheimer/Adorno 1997) use

this term (*Verdinglichung*) in a different way, referring to the transformation of social relations and not to persons as such.

9. See, for instance, Turner's (1967) analysis of liminality.

10. See Girard (1986), Lipp (1990) and Burkert (1983).

11. More generally, see Connerton (1989, pp. 41–45).

12. See also Eder (1991), Giesen (1999a, p. 60), Koselleck (1980) and M. Miller (1986).

13. A similar phenomenon has been observed in the *second generation* of the collectivity of the perpetrators (Eckstaedt 1989).

14. On memorial sites, see Nipperdey (1976), Nora (1992) and Speitkamp (1996); for a special focus on war memorials, see Koselleck (1977), Koselleck and Jeismann (1994) and Koselleck (1997).

15. For Alfred Schütz's analytical distinction between predecessors, contemporaries, consociates, and successors, see Natanson (1962, pp. XXXIII-XXXIV).

16. On the varying schemes according to the functions of the sacrifice, see Mauss and Hubert (1968).

17. For an unusual perspective on this phenomenon, see Saint-Exupéry (1956).

18. On the moral implications of charity, presents and gifts, see Mauss (1967).

19. An interesting study on this point is presented by Scully and Marolla (1990).

20. For a more general view on law and reciprocity in savage societies, see Malinowski (1985).

21. For case studies on this matter, see Henke (1991) and Avishai and Smith (1997).

22. On victim language, official victims and interest groups, see Amato (1990).

23. Recently a group of Herero chiefs has presented an official quest asking half a billion German marks in compensation for the genocide of the Hereros during the German colonial rule a century ago. The German president, when visiting Namibia, expressed his concern but declined the claim.

24. The public arenas of the government, the court and the discourse of civil society are superlocal institutions—they do not notice local events without mediating mechanisms; instead, the claim to be recognized as victims has to be presented to them in ways they can respond to.

25. Polemical, but still worth reading, is Illich (1977). For a less polemical account—taking Illich's accusations seriously—see Collins (1979) and Abbott (1988).

26. Debates in cultural anthropology about the ethnographic representation of "victims of colonialism" are an example of this; see for instance Clifford and Marcus (1986).

27. For primordial codings of collective identity, see Giesen (1998a, pp. 25–29).