

## Introduction

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## Introduction

Harriet Jones, Kjell Östberg and Nico Randeraad

Historical practice today is characterised by such growing diversity that there are now many ways of being a professional historian. This volume focuses specifically on the rise of those who Carole Fink has recently referred to as the 'new historians', who choose to play the role of 'expert' in public debates about the past. As she puts it,

Although they mete out no sentences and impose no reparations, these expert historians now inhabit a complex world of memory and forgetfulness, politics and bureaucracies, verdicts and judgments far remote from their university training. Also, these scholars have renounced the privacy and protection of their classrooms and research institutes to become public figures serving a specific paymaster, subject to strict external deadlines, exposed to blistering press and official criticism and also subject to the laws of supply and demand.<sup>1</sup>

Scholarly history and public history are coming closer together, not only widening the scope of what the professional historian is called upon to do, but also fostering debate about the increasingly precarious balance between professional standards and degrees of moral, political or social engagement. Generally speaking, the historical community has been kindly disposed to a greater openness to the world. The public use of history, writes Nicola Gallerano, 'is not a practice to be rejected or demonized on principle.'<sup>2</sup> It is no longer tenable, according to Ludmilla Jordanova, to 'dismiss public history as "mere" popularisation, entertainment or propaganda'. She envisages a world where scholarly and public history enter into meaningful co-operation, primarily based on the recognition and development of the skills that historians traditionally possess.<sup>3</sup>

But is it possible to mobilise that expertise to the benefit of the common good without eroding the same expertise? What consequences do these developments have for the professional practices and attitudes of historians? We set out here to explore the various ways in which 'expert historians' have been confronted with questions of justice, guilt, responsibility, torn

memories and reconciliation, and the extent to which these challenges have affected their views on scholarly objectivity and social responsibility.

Since the beginning of the 1990s, Europe has witnessed a series of heated and politicised debates that question the 'truth' about painful episodes in the recent past. There are a number of possible explanations for this. Of course, the political consequences of the quite sudden collapse of Communism in 1989 have been far-reaching, quite simply because the Cold War had been the framework through which Europeans had made sense of politics in the years since 1945. Thus the breakdown of the old political order east of the Iron Curtain suddenly released long-suppressed controversies about ethnic conflict, political and intellectual culture, and past atrocities. The collapse of the Soviet threat west of the Iron Curtain was followed by an end to old certainties about the welfare state, the mixed economy and the desirability of a 'third way' between Communism and capitalism. Issues surrounding restitution for those who had been dispossessed by Soviet occupation encouraged and became connected to renewed pressure to see the crimes of the Holocaust finally resolved while there were still living witnesses to testify and to see justice done. The end of the European empires, which in many cases had taken place against a bloody backdrop of Cold War politics and intrigue, could finally be addressed. There were now new pressures, moreover, to expand the European project, integrating central and Eastern European neighbours into liberal democratic approaches to public life. The end of the familiar Cold War narratives sparked an intense and public interest in finding new narratives to replace them, and in arriving at a new understanding of the context of the extreme violence of the twentieth century. The end of the Cold War has thus led to the revival of public interest in history, and in particular to an intensity of pressure to set the record straight, so that 'justice can be done'.<sup>4</sup>

Specifically, once the Cold War had ended, it was inevitable that painful and contested memories of past events would have to be confronted and resolved, before new narratives could begin to emerge. Inquiries and fact-finding commissions have become a common device employed by governments to deal with the consequent pressure of public opinion. While the structure of these procedures has varied from country to country, many have placed contemporary historians in the ethically ambiguous role of professional interpreter of the past. As difficult as this may be, contemporary historians have been given the opportunity to climb down from the ivory tower and engage fully in public debate.

The changing role of the historian has been discussed recently by Olivier Dumoulin in a broad perspective.<sup>5</sup> Starting in the second half of the nineteenth century, he follows various phases of the social role and self-understanding of the profession, paying particular attention to the 'invention

of the historian as expert' in the past two or three decades. Examining case studies mainly from France and the United States, where historians have frequently been called up as expert witnesses in courts of law, he wonders whether this new social role compromises the legitimacy of the discipline. Although Dumoulin points to a striking difference between France, where the expert historian is more likely to be involved in cases related to public interests, and the American and Canadian practice, where private interests are often being served, he concludes that the implications for the social responsibility of historians are equally large. Deciding *wie es eigentlich gewesen* acquires a new meaning and can have an incomparably more profound impact, when communicated in court rather than in a lecture hall or in print. According to Richard Evans, who has served as a defence witness for the US historian Deborah Lipstadt in the David Irving Holocaust denial libel trial in 2000, historians may encounter more difficulties than they had envisaged, when acting as expert witnesses.<sup>6</sup> Evans focuses on the position that Henri Rousso, the French contemporary historian, had defended when he refused to stand as expert witness in the trial against the French war criminal Maurice Papon. Basically, Rousso argued, 'the argumentation developed in a trial is not of the same nature as that produced by scholars'.<sup>7</sup> Although sympathising to some extent with Rousso's decision, Evans concludes that not all trials are the same, and that sometimes historians can gain from their work for the courts. While Rousso believes that our historical understanding of the Vichy regime has been obfuscated by events in the courtroom, Evans argues that the decision in *D. C. J. Irving v. Penguin Books Ltd. and Deborah Lipstadt* was an important victory for the profession. The court decided that Lipstadt was justified in describing Irving as a 'Hitler partisan' in her book.<sup>8</sup> The verdict was a victory for the importance of academic historical scholarship in the establishment of historical truth.<sup>9</sup>

Similar observations have been made for the roles of historians in American courtrooms. David Rothman, a medical historian who specialises in bioethics, for example, has written of his experiences as an expert witness. He distinguishes between 'serving the client' in court and 'serving Clio', but in his view the former can be done without undermining the latter.<sup>10</sup> John Neuenschwander, combining the functions of professor of history and municipal judge, sensibly argues that first of all we should not forget that even in a judicialised country such as the United States, historians constitute only a small minority of experts in court. He points out that they are especially useful in some circumstances, such as cases concerning native American rights, voting rights, deportation and denaturalisation, and the potential dangers of products such as tobacco, asbestos or pharmaceuticals – that is, in contrast to Dumoulin's opinion, cases that involve both public and private interests. In his 'view from the bench', Neuenschwander claims

that judges are aware of the subjectivity inherent in historical practice, but that they look for the same qualities in historians as in other experts: 'appropriate specialisation, thorough research, and conclusions that are well supported by the record'.<sup>11</sup> But real life can be more complicated than these reassurances would suggest, especially in a litigious culture such as the United States. In 2003, the possibility of legal action seeking restitution for African-American descendents of slaves, for example, prompted the first African-American President of Brown University, Ruth Simmons, to appoint a 'Steering Committee on Slavery and Justice' composed entirely of academic members of staff. Simmons was worried that Brown, which was founded partly on profits from the slave trade, was vulnerable to embarrassing legal action. And while in theory the purpose of the Committee is laudable – 'to organize academic events and activities that might help the nation and the Brown community think deeply, seriously, and rigorously about the questions raised by the national debate over slavery and reparations' – its underlying purpose of thwarting formal action has placed its members in an ethical position which is unenviable to say the least.<sup>12</sup>

To act as witness is thus just one of the roles of the expert historian. They have also served as salaried consultants, historical advisers, business historians or members of fact-finding and reconciliation commissions. This volume investigates such roles in a broad European context. In comparison with Dumoulin's study, we have considerably extended the number of countries under scrutiny, which also increases the variety of themes that are discussed. As well as the common experience of the Second World War and the Cold War, there are many problematic legacies in different parts of Europe which contemporary historians have been asked to pass judgment upon. Depending on the issue, of course, but also on the political or juridical culture of the country involved, the public memory of catastrophe can be manifested in markedly different ways, through public commemoration, lawsuits, reparations or official inquiries, for example. The historians in this volume cover the public response to events as diverse as the mass killing at Srebrenica, Bloody Sunday, the assassination of Lumumba, the surveillance activities of the Swedish Security Services, collaboration with totalitarian regimes and the Algerian War. It would be too ambitious to cover the experiences of all European states in one volume. We think, however, that our selection can contribute to more informed and more varied discussions in countries or about issues that are not discussed here. We decided not to dwell on controversies related to the Second World War or to the fall of Communism, which are amply discussed elsewhere.<sup>13</sup>

Common to all of these examples is the central and generally problematic role of the state, both in terms of its role during the events being examined and in terms of its attempts in the present to resolve popular controversy.

For example, in many of the cases considered here, the state has deliberately suppressed at least some factual details and documents for decades, a decision generally defended on the grounds that core state interests (national security or political stability, for example) are at stake. But there seems to be a 'tipping point' when popular pressure to examine and resolve such controversies reaches a scale which makes it in the best interests of the state to hold some sort of public process of examination. Needless to say, it remains in the interest of the state to satisfy public opinion that an impartial and fair examination has been held, while simultaneously avoiding unnecessary embarrassment or by putting at risk any genuine national security concerns, however they may be defined by the government in power at the time.

For several years the Bergier Commission, installed in 1996 and dissolved in 2001, dominated discussion about the historian's role in a society's recovery from a difficult past. A combination of lawsuits and public pressure<sup>14</sup> led to its formation, charged with investigating the origins and trajectories of assets, mostly Jewish, moved to Switzerland before, during and immediately after the war.<sup>15</sup> Bergier (formally 'the Independent Commission of Experts') set the example for a series of similar commissions which followed, in Austria,<sup>16</sup> Sweden,<sup>17</sup> France<sup>18</sup> and the United States.<sup>19</sup> In general, their recommendations have been accepted and it is true that they were able to shed light on facts that had remained hidden for too long. These commissions attracted considerable public interest and played an important role in the increasing attention given to the Holocaust and its continuing implications (an issue discussed later in this volume by Klas-Göran Karlsson). To this extent the expert historians associated with them usually came out looking well.<sup>20</sup> But they also gave rise to debates about the ways in which such painful episodes should be investigated; there is evidence, for example, that anti-Semitic and extreme nationalistic elements in Swiss society were stirred up as a result of the Bergier Commission.<sup>21</sup>

As a form of inquiry into public affairs, the commission has a long history. The British royal commissions go back to 1815, for example.<sup>22</sup> Many other states also have a tradition of using parliamentary or ministerial commissions to investigate national crises, scandals or controversies. But the expert historian has only gradually emerged in the sense that we are familiar with today. It is true that governments in the twentieth century sometimes commissioned specialists (diplomats, historians, archivists) to collect and publish documents relating to war and international relations; for example, we have the German and allied series on the origins of the First World War, projects which formed part of the national process of coming to terms with the huge losses of that generation.<sup>23</sup> A relatively new phenomenon are the so-called truth commissions, 'bodies established to research and report on human rights abuses over a certain period of time

in a particular country or in relation to a particular conflict, which often appoint historical advisers.<sup>24</sup> The idea of a commission of inquiry, therefore, has come to be generally accepted as a suitable administrative format for investigating complex and controversial issues. Of course, historical input in commissioned investigations is not self-evident; but the participation of historians has increased considerably in recent years. Out of these different experiences it is possible to distil a preliminary typology. For any commission, it is useful to consider:

- 1 its *legal basis* (for example, is it a tribunal or an inquiry; what are its terms of reference; to whom does it report) and *composition* (is it unilateral, bilateral or multilateral; is it composed of historians only, is it a mixture of experts; or are there one or two historical advisers). The commissions discussed in this volume show remarkable differences in these aspects, with interesting consequences discussed by the authors;
- 2 its *subject*, which can, for example, be recent (Srebrenica), distant (Italo-Slovene or German-Polish), or somewhere in-between (Algeria, Bloody Sunday, Lumumba); relatively provable and objective (events, decisions, acts of war) or speculative and subjective (divided memories, nationalist legacies, construction of new narrative);
- 3 its *purpose* and *public use* (fact-finding, reconciliation, restitution, juridical, moral, or satisfying public indignation).

This volume starts with two contributions exploring the general context of the changing role of the historian. Peter Mandler addresses the fundamental problem of the historian's professional, political and moral responsibilities. He emphasises the multiple responsibilities or roles that historians may or may not claim, drawing many examples from the contributions in this volume. Mandler argues that there can be no higher responsibility for the historian than to remember the long historical context of contemporary debate and controversy. His argument is carried further by Klas-Göran Karlsson, who questions the ethical role of contemporary historians in constructing the parameters of acceptable political behaviour through the example of Sweden's 'Living History' initiative, through which the state attempts to educate young people about the lessons of the Holocaust. The chapter reflects upon the different uses of history on a more general level, varying from the need to reconstruct, to forget, to rediscover or to illustrate.

The contributions by Blom, Bew, Verbeeck and Molin consider at length recent public inquiries in which professional historians have been employed in a variety of capacities. With the exception of Verbeeck, the authors themselves participated in the highly sensitive investigations they analyse. As editors, we encouraged them to reflect critically upon their experiences.

They candidly discuss the organisation of the inquiries, the political and public pressure put upon them, and the limitations of researching contemporary history. Hans Blom, who led the Dutch official inquiry into the Srebrenica killings (1996–2002), looks back at this tragedy and overtly discusses the problems that the inquiry team faced: the assignment and conditions under which the inquiry would be conducted, the period of fact-finding and editing, and the presentation of the report, which had far-reaching political consequences for the then sitting government. Paul Bew served as historical adviser to the Saville Tribunal on the Bloody Sunday events in Northern Ireland. He reflects upon his role in the process and the new evidence that it has revealed. He analyses different views of the tragedy, and compares the Tribunal's tasks and responsibilities with those of the historian more generally. His sharply critical opinion of the Tribunal throws interesting light on its proceedings from the point of view of an insider. As a contemporary historian, Karl Molin sat on the official commission which investigated the activities of the Swedish Security Services from 1945 to the present day. He analyses the work of the commission in the light of its terms of reference and the more general historical context that led to its establishment. He concludes that the commission focused on questions related to the violation of personal integrity in a narrow sense, and was restrained in its consideration of the wider political and social implications of surveillance during the Cold War, an aspect of the report that drew criticism upon its publication.

The chapters which follow, by Cattaruzza and Sala, Pupo, Branche and Sabrow, examine the contribution of historians to the process of coming to terms with a recent totalitarian, colonial or otherwise problematic past. Although their primary concern is not fact-finding, the problems that historians dealing directly or indirectly with *Vergangenheitsbewältigung* (coming to terms with the past) face are similar to the first four cases: a large amount of contradictory evidence, divided and torn memories, closed archives and reluctant or conditional help from governments. In each example, these problems have left many unresolved questions from the point of view of the professional historian. Commissions of inquiry have not always been confined to a single country. In their chapter, Marina Cattaruzza and Sacha Zala analyse the workings of bilateral historical commissions since the First World War, for example, those funded by UNESCO after 1945 to re-write history textbooks as part of the wider process of denazification. Many Communist countries also established bilateral commissions in an attempt to suppress long-term, 'pre-revolutionary' antagonism. Raoul Pupo discusses the problems encountered by the bilateral commission that investigated Italo-Slovene relations from the end of the nineteenth until well into the twentieth century, including the First and Second World Wars and their aftermath. His

chapter reflects upon the troubled history of this relationship and discusses the impact of the commission's report, which was published in 2000.

The former imperial powers have been confronted in the past decade with uncomfortable questions resulting from the process of decolonisation after 1945. Cold War imperatives meant that metropolitan elites were particularly determined to hand power to compliant native political elites, not only to safeguard existing investments, but also to ensure that newly independent countries were free from Communist (or imagined Communist) influence.<sup>25</sup> For example, in 1999 the new evidence brought to light by a Belgian researcher led to a parliamentary inquiry into the government's involvement in the assassination of the Congo's first prime minister, Patrice Lumumba, in 1961. Georgi Verbeek analyses the context of this recent official Belgian investigation into the assassination. He follows the activities of the commission, and the role of historical experts in the inquiry. He evaluates the findings of the inquiry against the background of changing attitudes at the national and international level, and reflects critically upon the role of the historians in this process. Raphaëlle Branche describes the re-emergence of the Algerian War in French public debate in the early 1990s, and its continuing reverberation. She pays particular attention to the different views on torture practices carried out by French soldiers, and the difficulty of maintaining an impartial position in such circumstances. Notwithstanding the differences between the Belgian fact-finding on government acts and the French reconstruction of cruelties committed by the armed forces, Verbeek and Branche show the similarities in the difficulties in reconstructing the colonial past, given an historical context at once less than fifty years old, but yet far away both in time, place and culture.

Martin Sabrow's contribution discusses the consequences of regime change on the way that the historical profession is organised and how historical inquiry is conducted. Historians in the East were profoundly affected by the 1989 *Wende* in Germany. Sabrow discusses the consequences of the fall of the German Democratic Republic in 1989–90 for the discipline of history in the German academic world. He analyses different 'strategies' of dealing with a difficult past, and reflects upon the role that Western historians were forced to play in making judgements about the methodologies and credibility of their Eastern colleagues.

It should not be forgotten that official inquiries are initiated as the result of public controversy. This places enormous public and political pressure on historians to draw conclusions where there might not be sufficient evidence to do so, or to temper their conclusions to suit the climate of opinion. Although the inquiries themselves are not necessarily expected to pass judgement in any political, moral or juridical sense, historians should be aware that there can be political, moral and juridical consequences, for

example, when ministerial responsibility is at stake or when criminal acts are discovered.

Moreover, since Ranke, the historical profession has sought to distance itself from the role of serving the state or nation by constructing or reinforcing nationalist narratives. This might be a function that is easier to identify in totalitarian regimes, but with hindsight, it has often been the case that historians have played – consciously or subconsciously – an active part in constructing national myths. The risk for the expert historian is that this function is elevated at the expense of historiographical independence and integrity, even in the service of an objective which can be identified as contributing to the public good (for example, Holocaust education).

The case studies included in this book strikingly illustrate the different ways in which societies come to terms with memories which are painful or divisive. Not only is this bound up with different political and juridical cultures, but it can also be influenced by recent events, such as regime change. Thus judicial processes, in France or the United Kingdom for example, would be unfamiliar in Sweden or Holland, where consensus has been reached on the basis of investigations led by historical experts. The fall of the German Democratic Republic was bound to have profound consequences on the way postwar German history would be written. Interestingly, when the authors of these chapters met in Sweden in 2002 to share their experiences, each to some extent was envious of the position of the other. In other words, there is no trouble-free model for the resolution of such problems, which will always involve controversy and compromise. 'We know', François Bédarida wrote, 'that contemporary history ["l'histoire du temps présent"]', more than any other, is unfinished by nature: a history in continuous movement reflecting the sweeping changes that unfold in front of our very eyes, and hence an object of unending renewal'.<sup>26</sup>

#### Notes

- 1 C. Fink, 'A new historian?', *Contemporary European History*, 14 (2005), 147.
- 2 N. Gallerano, 'History and the public use of history', in F. Bédarida (ed.), *The Social Responsibility of the Historian* (Providence/Oxford, 1994), p. 87.
- 3 L. Jordanova, *History in Practice* (London, 2000), p. 171.
- 4 Some commentators have connected this revival of interest in the facts of history and in demands for restitution as connected to the triumph of liberal democracy, as posed by Francis Fukuyama, to the extent that it reflects the rise of a new international morality; others are dismissive of such optimism. See F. Fukuyama, *The End of History and the Last Man* (New York, 1992); and R. F. Wetzell, 'Commissioning history in the United States, Germany, and Austria: historical commissions, victims, and World War II restitution', *German Historical Institute Bulletin*, 2003 (Spring), 171.

- 5 O. Dumoulin, *Le rôle social de l'historien* (Paris, 2003).
- 6 R. J. Evans, 'History, memory, and the law: the historian as expert witness', *History and Theory*, 41 (2002), 326–45.
- 7 Quoted in *Ibid.*, p. 338. See also H. Rousso, 'Justiz, Geschichte und Erinnerung in Frankreich', in N. Frei, D. van Laak and M. Stolleis, *Geschichte vor Gericht* (Munich, 2000), pp. 141–63.
- 8 D. Lipstadt, *Denying the Holocaust: the Growing Assault on Truth and Memory* (London, 1994).
- 9 D. Lipstadt, *History on Trial. My Day in Court with David Irving* (New York, 2005).
- 10 D. J. Rothman, 'Serving Clio and client: the historian as expert witness', *Bulletin of the History of Medicine*, 77 (2003), 24–44.
- 11 J. A. Neuenschwander, 'Historians as expert witnesses: the view from the bench', [www.oah.org/pubs/nl/2002aug/neuenschwander.html](http://www.oah.org/pubs/nl/2002aug/neuenschwander.html) (retrieved 3 February 2005). See also B. W. Martin, 'Working with lawyers: A historian's perspective', [www.oah.org/pubs/nl/2002may/Martin.html](http://www.oah.org/pubs/nl/2002may/Martin.html) (retrieved 3 February 2005).
- 12 [www.brown.edu/Research/Slavery\\_Justice/index.html](http://www.brown.edu/Research/Slavery_Justice/index.html) (retrieved 28 September 2005).
- 13 Fink, 'A new historian'; Frei, Van Laak and Stolleis, *Geschichte vor Gericht*; J. Torpey, "Making whole what has been smashed:" reflections on reparations', *The Journal of Modern History*, 73 (2001), 333–58.
- 14 Wetzell, 'Commissioning history'.
- 15 H. James, 'Die Bergier-Kommission als Wahrheits-Kommission', in Frei, Van Laak and Stolleis, *Geschichte vor Gericht*, pp. 130–40; *Switzerland: National Socialism and the Second World War, Final Report of the Independent Commission of Experts* (Zürich, 2002).
- 16 *Schlussbericht der Historikerkommission der Republik Österreich. Vermögensentzug während der NS-Zeit sowie Rückstellungen und Entschädigungen seit 1945 in Österreich. Zusammenfassungen und Einschätzungen* (Vienna, 2003).
- 17 Commission on Jewish Assets in Sweden at the Time of the Second World War, *Sweden and Jewish Assets: Final Report* (Stockholm, 1999).
- 18 La documentation Française, *Rapport Général. Mission d'étude sur la spoliation des Juifs de France*, présidée par Jean Mattéoli (Paris, 2000). Another ten reports were published at the same time.
- 19 *US Presidential Commission on Holocaust Assets in the United States*; report available on [www.pcha.gov/](http://www.pcha.gov/) (retrieved 30 September 2005).
- 20 See articles by R. Ludi and J.-M. Dreyfus on Switzerland and France in *Historians as political trouble-shooters: Officially Commissioned Surveys of Holocaust Legacies in France and Switzerland*. Center for European Studies Working Papers Series no. 80, [www.ces.fas.harvard.edu/publications/LudiDreyfus.pdf](http://www.ces.fas.harvard.edu/publications/LudiDreyfus.pdf) (retrieved 30 September 2005).
- 21 *Ibid.*
- 22 H. M. Clokie and J. William Robinson, *Royal Commissions of Inquiry: the Significance of Investigations in British Politics* (Oxford, 1937); P. Weller, *Royal Commissions and the Making of Public Policy* (Melbourne, 1994).
- 23 *Große Politik der europäischen Kabinette 1871–1914* (Berlin, 1922–27); *British*

- Documents on the Origins of the War* (London, 1927–38); and *Documents diplomatiques français 1871–1914* (Paris, 1929–59).
- 24 See [www.usip.org/library/truth.html](http://www.usip.org/library/truth.html) (retrieved 3 February 2005).
  - 25 See, for example, M. L. Dockrill (ed.), *Europe within the Global System, 1938–1960: Great Britain, France, Italy and Germany, from Great Powers to Regional Powers* (Bochum, 1995).
  - 26 F. Bédarida, 'Temps présent et présence de l'histoire', in F. Bédarida, *Histoire, critique et responsabilité* (Bruxelles, 2003), p. 58.