Historical Analogies and Intractable Negotiation

Valerie Rosoux
UCLouvain (UCL), Place de l'Université 1, 1348 Louvain-la-Neuve, Belgium
Valerie.Rosoux@uclouvain.be

Abstract

This article questions the role of historical analogies in reaching – or not – effective and durable agreements. It compares two emblematic cases, the Israeli-Palestinian case and the Franco-Algerian case, and focuses on the tension that exists between the weight of the past and the need to move forward. The purpose of the article is not to reduce the hardest cases to their historical dimension. It is rather to show that the ways in which the memories of past events are interpreted, misinterpreted, or even manipulated create the context that shapes peace processes. The analysis is structured on the three main functions attributed to historical analogies: representing the unfamiliar, assigning social roles, and framing action. The examination of these functions helps us to better understand how negotiators and mediators can try to live *with* the memories rather than without them or against them.

Keywords

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> We cannot make sense out of our environment without assuming that, in
> some sense, the future will resemble the past. But a too narrow concep-
> tion of the past and a failure to appreciate the impact of changed circum-
> stances result in 'the tyranny of the past upon imagination.
>
>   JERVIS 1976: 217–218

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In describing the risk of a "tyranny of the past upon imagination," Jervis (1976:
217) suggested new "lenses" through which we can examine intractable ne-
gotiation. This article questions the role of historical analogies as a means of
attaining (or not) effective and durable agreements. It compares two emblem-
atic cases, the Israeli-Palestinian case and the Franco-Algerian case, and fo-
cuses on the tension that exists between the weight of the past and the need
to move forward.[1]

In the aftermath of mass atrocities, negotiators and mediators walk a tight-
rope and cannot simply ignore the past. Yet, is it possible to rely on the so-
called "lessons of the past" in order to move on (May 1973; Neustadt & May
1986; Salem 2018)? What are the scope and limits of precedents in deadlocked
situations? Does the use of historical analogies really impact peace process-
es? More importantly, is analogical reasoning a creative goal to be pursued
(Spector 1995) or a trap to be avoided? Does it help overcoming established
impasses, or does it provoke them? Individually and collectively, these quan-
daries point to an overarching question: to what extent can negotiators and
mediators learn from past experiences in order to mediate and negotiate the
"hardest cases?"

To address these questions, three main methodological options are generally
chosen. The first examines the strategic uses of the past and the instrumental
dimension of references to the past (Langenbacher & Shain 2010). The sec-
ond stresses the emotional weight of traumatic events (Rosenblum 2009). The
third underlines the cognitive dimension of historical analogies (Jervis 1976).
This study employs a synthetic approach in order to articulate and integrate
these three dimensions. This approach implies a particular research posture,

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requiring one to consider both the reality of the events which occurred, but also – and above all – the meaning and the emotions, if not the passions, which are attached to them (Hassner 2015). The objective is not to distinguish "good" and "bad" analogies, "relevant" and "superficial" ones, "sound" and "unsound" ones (Fischer 1970: 251). It is rather to stress the ambivalence of historical analogies which are neither positive nor negative *per se* – meaning that their value fundamentally depends on the objective that is pursued.

Accordingly, the question posed here is whether historical analogies impede conflict resolution or whether they can guide stalemated talks toward just and fair solutions. In dissecting the processes related to the weight and the uses of the past, the idea is not to claim that the appropriateness – or lack of appropriateness – of historical analogies is *the* determinant of provision and success in the hardest cases. Scrutinizing the dynamics related to the long-term memory of protracted conflicts does not imply any disregard for the structural factors that determine to a large extent the process. In all cases, the balance of power and the evolution of parties' interests are among the most compelling variables to be considered. Similarly, geopolitical, economic, social factors are so critical that they can simply not be neglected. Nonetheless, the assumption underlying this article is that the ways in which the past is interpreted, misinterpreted, or even manipulated contribute to and help create the context that shapes international negotiations. This assumption has direct consequences for negotiators and mediators. In circumstances that we could describe as "extreme" due to the nature and the level of violence that occurred, can they actually resist the "tyranny of the past?"

Approach

This study is divided into three parts. The first clarifies the key concepts addressed in this research. The others examine two emblematic case studies, the Israeli-Palestinian case and the Franco-Algerian case. Both of these cases lie at the core and at the frontier of the field simultaneously. On the one hand, they are central in that they constitute "textbook examples" illuminating the diversity of variables, mechanisms, and processes related to international negotiation. On the other hand, they lie at the frontier of the field because they exemplify intractability. In the Israel-Palestine case, the parties have failed to reach a permanent agreement, to the point that the conflict stubbornly seems to elude resolution, even when the best available techniques are applied. In the Franco-Algerian case, resolution was at first glance reached by the Evian Accords ending the independence war in 1962. However, since then, attempts to transform the relationships between the parties systematically failed. The
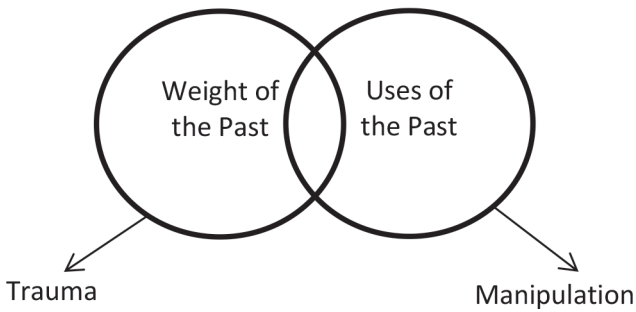
FIGURE 1   Weight and uses of the past

absence of any Friendship Treaty more 50 years after the end of the war suggests that closure is impossible.

Admittedly, many dissimilarities can be found between these two cases. The purpose of this article is neither to draw causal relations in the strictest sense of the term, nor to capture the complexity of each case study. It is rather to pay attention to the impact of the intergenerational transmission of post-violence memory. From this perspective, both cases are symptomatic of various modes of remembrance that are intertwined and mutually dependent. In Jerusalem or Ramallah, Paris or Algiers, no single official representative can escape the cognitive and emotional consequences of the past. Both case studies demonstrate that historical traumas serve as the "points of reference for current events" (Kelman 2007: 83). At the same time, leaders can use and manipulate the memories shared by the population in order to favor public support. It is precisely because these memories (associated with a sense of injustice, abandonment, humiliation, hatred or guilt – to name only few emotions) resonate with people's experience in a way and to a degree that they are available for manipulation. In other words, it is because the traces of the past are so significant that the political uses of the past remain powerful even long after the events occurred (see Fig. 1).

Two main types of data are combined here in order to dissect the relevant processes in each scenario. First, a systematic corpus of official speeches allows for a description of the evolution of the leaders and their postures toward the conflict and reconciliation since the end of the hostilities. Second, a comprehensive gathering of testimonies depicts the reactions of practitioners (negotiators and mediators) directly involved in the talks. An abundant number of interviews and narratives have been published in both cases. All of them must be taken seriously if we consider that intractable conflicts are not totally hopeless situations. This premise allows us to wonder under which conditions the "lessons of the past" can have other consequences beyond making hard cases

even harder – and specifically, if they can lead to a "way out" rather than an impasse.

Theoretical Background: Modes of Remembrance

The political use of the past is not a new phenomenon. In classical times, historical references were already one of the most favored arguments used in the Greek literature. The philosopher Demosthenes, a Greek statesman and orator of ancient Athens, did systematically refer to the past to provide solutions to the political problems of his time. Isocrates, who was one of the most influential Greek rhetoricians, used history to suggest new types of relationships between individuals. Aeschines, who was also one of the ten Attic orators as well, regularly denounced the threats to democracy in relying on the past. Since then, leaders, philosophers, diplomats, professional negotiators and mediators have often considered history a useful guide for their decisions – whether to justify their positions, to condemn, or to praise. This is not surprising since history is suited to multiple – if not contradictory – interpretations, thereby providing an infinite repertoire of clues about what to do and what not to do.

In the last 50 years, historical analogies received increased interest from scholars in political science, history, and psychology, who have considered both their instrumental *and* cognitive uses (Rosoux 2001; Brändström 2004). Historical analogies draw parallels between past and current events (comparing for example the 9/11 attack in New York to the 1941 attack on Pearl Harbor). They signify "an inference that if two or more events separated in time agree in one aspect, then they may also agree in another one" (Khong 1992: 6–7; Ghilani *et al.* 2017: 275). They provide, in other words, "shortcuts to rationality" (Jervis 1976: 220). Like metaphorical analogies, historical analogies help make the world intelligible and frame possible actions. However, historical analogies are distinct from metaphors that compare semantically distant domains (comparing, for instance, the 9/11 attack in New York to a move in a chess game) (Ghilani *et al.* 2017: 275; Spector 1995).

From a cognitive perspective, negotiators and mediators draw upon the past in order to cope with the uncertainty and ambiguity of novel situations. In doing so, they organize and often simplify unfamiliar information in a coherent manner (Gillespie *et al.* 1999). In this view, negotiators and mediators use history to try to learn from the past in order to discover which attitude in the present is appropriate. From a more political perspective, negotiators and mediators use the past opportunistically to rationalize choices they have already made on other grounds. Most scholars distinguish these

two approaches in a strict way. However, they can be non-mutually exclusive (*cf. infra*). Cognitive and political uses of the past are most of the time closely intertwined. Memory shapes negotiators and mediators – they are partly formed through its action – and they in turn influence the content of memory by their own representations. As the case studies will show, it is vital to account for both dynamics.

If we consider all the stages of a negotiation process, at least five sets of questions can be addressed regarding the role of historical analogies. In raising these questions, the objective is not to gauge the accuracy of the historical analogies. As suggested by the case studies, the most important point does not concern their scrutiny (Kornprobst 2007), but their functions and consequences on the negotiation process. The first set of questions regards *agency*. Who refers to the past? Do all parties involved in the negotiation process draw explicitly upon history? If yes, a symmetry can be observed between parties with respect to the past. Asymmetrical situations are conceivable when the past is perceived as useful for some and embarrassing for others. Beside the parties themselves, what is the specific attitude of mediators in this regard? Do they react in looking back and searching for precedents or do they consider each novel configuration as unprecedented? More significantly, in whose name do negotiators and mediators refer to the past? In using historical analogies to describe current events, do they express loyalty towards past, current and/or future generations?

A second type of question relates to *timing*. When do negotiators and mediators rely on the lessons of the past? Do they only refer to the past during the preparation phase (the diagnostic being often directly based on precedents), or do they keep looking back during the preliminary contacts and the information phase? Do they prefer to use historical analogies in the argumentation phase, the adjustment phase, or both? Continuity (when parties underline historical analogies throughout the whole process) and discontinuity (when they do not play the card of the past except at precise moments) are also conceivable variables.

A third type of questions focus on *the process* itself. How do negotiators and mediators build their "database" of available historical analogies? Do they proceed spontaneously or more intentionally? Some parties create archives even before sitting at the negotiation table. Others apprehend the "diagnostic phase" under the guidance of experienced advisers or even historians (Brändstörm *et al.* 2004). Moreover, why in any given case do some historical analogies come to the fore and others not? From a more psychological perspective, do leaders and negotiators share themselves the existential concerns anchored in past traumatic events? This question is key to understand dynamics, turning

points and potential entrapments. However, it raises the issue of conscious/ unconscious processes, which remains highly challenging for political scientists and social scientists.

A fourth type of question concentrates on *the past* itself. To which kinds of recollections of the past do negotiators and mediators refer? Do they evoke vivid memories (based on their personal experience), transmitted memories (from a generation to another one, in family circles for instance, knowing that transmitted memories are not systematically less powerful than vivid ones) and/or official memories (representations of the events that are presented as decisive in the life of a nation)? What are the familiar stories or the mythologized events that reduce uncertainty and provide coherent pictures (Klar 2014)? Do the chosen narratives that are highlighted at critical junctions accentuate "near precedents" (drawing parallels between relatively recent events) or "far precedents" (distant references that remain meaningful in the culture or the religion of the parties, like for instance references to the return of the Jewish exiles from Babylon, the fall of Jerusalem or the Crusades)?

A last series of questions underscore *the impact* of historical analogies. What are their concrete consequences in terms of outcomes? In short, what is the efficacy of historical analogies? Do they enable the parties to move on, or do they reinforce the deadlock? Do they "open" the minds of the negotiators or do they rather "close" them (Klapp 1978)?

The limits of this article do not allow us to embrace all the facets of the issue. The three last sets of questions were particularly central to carry out the analysis. The whole project is based on a twofold hypothesis: (1) the exploration of actual negotiations enables us to detect a range of possible attitudes to deal with an "extensive past" (Coleman 2000: 432); and these attitudes have direct consequences in terms of escalation and intractability. The two case studies that follow provide rich evidence of negotiators drawing on history. As illustrated in Table 1, the historical analogies used by them are related to a broad repertoire.

TABLE 1   Repertoire of references to the past

	Escalation	*De-escalation*
Common past	Conflictual	Harmonious
Past of my group	Unfair – Heroic	Ambivalent
Past of the Other	Ferocious	Ambivalent
Past of a third party	Precedent as a counter-model	Precedent as a model

Four main categories of evocations can be kept in mind: the parties' common past (be it conflictual or harmonious, related to wars, previous talks or even common victories – see infra); the past of its own group (presented as unfair, heroic or ambivalent, i.e. characterized by glorious *and* embarrassing events); the past of the Other (most often qualified as ferocious unless a rapprochement is needed); and the past of third parties (concerning mainly international precedents that are presented as either counter-models to be avoided in any circumstances, or on the contrary models to be applied).

Israel-Palestine: Incompatible Memories

The Israeli-Palestinian conflict emblematizes intractability. Rounds of violence succeed each other and attempts at mediation seem to be in vain, if not counterproductive. The repetition of failures over time provokes a lack of faith regarding the mere possibility of any agreement. An increasingly number of citizens on both sides of the West Bank Barrier consider that the two-state solution is "dead." Negotiation experts tried to capture the existential character of the conflict in qualifying it as "protracted," "identity-based," "gridlocked," "destructive," "deep-rooted," "complex," "enduring" or "malignant." All these terms point out that an Israeli-Palestinian peace deal in the foreseeable future is unachievable.

From this vantage point, the parties seem to be trapped in an escalatory dynamic based on a *millefeuille* of past grievances and historical traumas. Beyond the technical dimension of each specific issue (from borders and security to water and electricity, economic relations, property issues or movement of labor), three key issues have a particular historic and emotional significance on both sides: namely Jerusalem, the refugee issue, and the Israeli settlements. Incompatible historic claims steadily jeopardize the search for consensus about sovereignty over the holy sites (the Haram al-Sharif/Temple Mount). How can mediators consider a city, which is either presented as the "ancient and eternal" capital of the Jewish people (Rabin 1993) or "the capital of the State of Palestine" (see for instance the final communique, agreed by delegates from all 57 members from the Organization of Islamic Cooperation on 13 December 2017 and the declaration by the UN Secretary General Antonio Guterres in New York, on 28 November 2018).

Likewise, the question of responsibility for the creation of the refugee issue, which is directly linked with a right of return, remains a major obstacle to ending the conflict. The existence of approximately four million Palestinian refugees listed on UNRWA rolls provokes an existential threat for Israel: the fear

to open the flood-gates leading eventually to an Arab majority inside Israel (Golan 2018: 49). On the other side, Palestinians emphasize a historical land alienation and expect the acknowledgment of Israel's responsibility. As for the settlements, they constitute one of the most difficult problems in terms of infrastructure, security and political stability. Once again, the interactions between the cognitive and emotional weight of the past on the one hand, and the political use of the past on the other, are at the core of the impasse. Beyond the legal dimension of the issue, the claim underlined by settlers that sovereignty over Eretz Israel is paramount is perceived as a pure provocation by Palestinians. A large number of them do not hesitate to exhibit the now sacred keys of their stolen homes.

These points remind us of the existence of a profound concern about survival on both sides. The mirror image between the Israeli narrative of returning to the ancestral homeland after centuries of exile and persecution culminating in the Holocaust, and the Palestinian experience of displacement, dispossession, dispersion and occupation cannot be ignored. In such highly charged circumstances, how can negotiators and mediators deal with the past? A first option is to take the biography of each actor into account, as U.S. President Carter did in paying attention to the personal trajectories of Egyptian President Sadat and Israeli Prime Minister Begin prior to the Camp David talks in 1978. Similarly, Prime Minister Rabin studied Sadat's biography in depth prior before starting the talks with the Egyptians in 1974 (Golan 2018: 44). Another option is to scrutinize the historical analogies emphasized throughout the process. In this regard, the next section focuses on the 2000 Camp David Talks between Israeli Prime Minister Barak and Palestinian leader Arafat, brokered by US President Clinton. The analysis is structured on the three main functions attributed to historical analogies: representing the unfamiliar, assigning social roles, and framing action (Ghilani et al. 1997).

Representing the Unfamiliar: Precedent as a Counter-model

As has already been suggested, the major role of historical analogies is to provide a familiar picture of the current situation. In the burning context of Israel-Palestine, most practitioners (be they negotiators or mediators) consider it inappropriate to deal explicitly with the past. On the contrary, in order to move ahead, they often explain that they prefer to deliberately put the past aside. Thus, the contrasting Israeli and Palestinian narratives concerning the creation of the state of Israel in 1948 both rely on the negation of the existence of the other to bolster the justice of their own cause. In the framework of the Oslo process, the parties initially repeated their past legacies and their demands for reparations and punishment as the basis of

their position. But as Abu Ala'a said after the initial exchanges of grievances between the two sides, "let us not compete on who was right and who was wrong in the past. Let us see what we can do in the future." In response, Uri Savir recalls telling him:

> I'm sure we can debate the past for years and never agree. Let's see if we can agree about the future. (..) We had arrived at our first under-standing. Never again would we argue about the past. This was an im-portant step, for it moved us beyond an endless wrangle over right and wrong. Discussing the future would mean reconciling two rights, not re-addressing ancient wrongs (quoted in Zartman 2005: 291).

Robert Malley, who participated in the Camp David negotiations, shares this future-oriented perspective. According to him, the objective of any political agreement is not to assess historical realities. "In the Middle East, each side develops a narrative of its own history. But negotiators cannot deal with repre-sentations that have been shaping the identities of the parties for decades." His conclusion is sharp: "Firstly, the political conditions for peace. Afterwards, the work of memory" (Malley 2001). Yet, even if negotiators and mediators choose not to argue about the past, they all rely on it to offer clues into the unknown and convey in a coherent way the turbulence, and sometimes even chaos, of emotions provoked by current events.

In this respect, the major precedents evoked throughout the Camp David talks are twofold.[2] The one of primary concern to this research relates to previ-ous negotiation processes, starting with the first talks of Camp David that led to the signature of a peace treaty between Egypt and Israel on September 17, 1978. Brokered by US President Jimmy Carter between Egyptian President Anwar el-Sadat and Israeli Prime Minister Menachem Begin, these Accords comprise two Framework Agreements. The first dealt with the Palestinian ter-ritories, evoking the possibility to establish an autonomy regime in the West-Bank and Gaza. However, this agreement was written without participation of the Palestinians and was rejected by the PLO. The second framework concen-trated on the rapprochement between Israel and Egypt, and especially on the resolution of the Sinai issue. On this subject, the Camp David talks are often depicted as a major step in the peace process. Yet, the various dissimilarities

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2   The second precedent is of less direct concern to this research, as it is external to the Middle East peace process. It does not concern the common past of the parties, but the past of third parties. Thus, Yasser Arafat mentioned the "South African solution" as an aspirational target that seemed far from being reachable (Enderlin 2002: 204).

between the contexts of Camp David I and Camp David II, and the distributive atmosphere of the 2000 Camp David Summit explain that none of the parties fully embraced Camp David I as a successful (and therefore useful) precedent to determine how similar issues should be resolved. Instead, the parties emphasized precedents that were understood to be complete failures.

From this perspective, the process that led to the signature of the Oslo Accords on September 13, 1993 has obviously been an influential counter-model throughout the 2000 talks. Despite the promises symbolized by the deal (Israel had accepted the PLO as the representative of the Palestinians, and the PLO had renounced terrorism and recognized Israel's right to exist), the Oslo negotiations became rapidly controversial in Israel. Less than two years after the signature of the Agreement, Rabin was assassinated by Yigal Amir, an Israeli who opposed the Oslo Accords on religious grounds. This murder was followed by a string of terrorist attacks by Hamas, which undermined support for the Labor Party in Israel's May 1996 elections.

To most protagonists, the unkept promises of Oslo were perceived as naïve and fundamentally detrimental to their security. During the Camp David talks in 2000, the disappointments and frustrations linked to this escalation was still tangible. Accordingly, appeasement has been clearly associated with weakness and failure. Thus, Palestinian leaders such as Osama Hamdan – who represented Hamas in Tehran from 1993 to 1998 and then became the Hamas' representative in Lebanon from 1998 to 2009 - described Oslo as a "shameful episode in history." His argument is sharp: Palestinian negotiators who participated in the talks have actually "betrayed their people and the Palestinian cause" (Hamdan 2011). In the same vein, the former Israeli Prime Minister Ehud Barak underlined two main mistakes to be avoided at all costs: (1) the concept of gradual steps that lay at the heart of the Oslo Agreement; (2) the high price payed by Rabin after alienating the Israeli right wing and failing to bring its members along during the Oslo process (Malley & Agha 2001). The determination not to repeat these mistakes is crucial to understand the dynamics of Camp David.

Assigning Social Roles: Victimhood Competition

In referring to historical analogies, negotiators and mediators do not only provide familiar scenarios in order to cope with novel challenges. They also transmit narratives describing interactions between various characters, from victims to heroes, perpetrators, bystanders or rescuers. In doing so, they implicitly invoke morality and often reinforce black and white visions of reality. The Israel-Palestine case is no exception in this regard. Most historical analogies used by the parties attempt to disqualify the other side. Thus, two years after the Camp David talks, Ehud Barak blamed the Palestinian team in explaining

that they were willing "to agree to a temporary truce à la *Hudnat Hudaybiyah* [a temporary truce that the Prophet Muhammad concluded with the leaders of Mecca during 628–629, which he subsequently unilaterally violated]" (quoted by Morris 2002).

Besides the power of the historical reference, Barak's reasoning is key to understand his perception of the conflict. Speaking about the Palestinians as a whole, he explains: "They will exploit the tolerance and democracy of Israel first to turn it into 'a state for all its citizens', as demanded by the extreme nationalist wing of Israel's Arabs and extremist left-wing Jewish Israelis. Then they will push for a binational state and then, demography and attrition will lead to a state with a Muslim majority and a Jewish minority. This would not necessarily involve kicking out all the Jews. But it would mean the destruction of Israel as a Jewish state" (Morris 2002).

References to historical analogies can also be more personal. During and after the Camp David talks, Yasser Arafat has been depicted as the "Palestinian Saladin." Right after the talks, in particular, Arafat received a triumphant welcome in Gaza for holding fast to Palestinian demands that Israel surrender sovereignty over all of East Jerusalem. Hoisted onto supporters' shoulders and hailed by thousands waving flags and banners, Arafat appeared as a hero. One of the banners was explicit enough: "We hail your heroic stand in not surrendering a single centimeter of Palestinian land, and in not giving up Jerusalem. You are a great leader of the Palestinian people" (quoted by Kifner 2000). The parallel with the figure of Saladin – who is seen as the redeemer of the Muslim holy sites in Palestine – was seemingly obvious to some Palestinians and indecent to most Israelis (Oz 2000). Far from a banal rhetorical argument, the reference to Saladin progressively became a mobilizing myth in Palestine, as is demonstrated by the commemoration of the battle of Hattin that marked the defeat and annihilation of the Crusader armies in 1187 and paved the way for the Muslim re-conquest of Jerusalem (Gerber 2008). Ehud Barak himself confirmed that: "Arafat sees himself as a reborn Saladin – the Kurdish Muslim general who defeated the Crusaders in the twelfth century – and Israel as just another, ephemeral Crusader state" (Gerber 2008). Ehud Barak immediately commented on what he considers to be a misperception since the "connection" of his people "to the Land of Israelis is not like the Crusaders" (Gerber 2008).

Unsurprisingly, all the historical analogies stressed by Ehud Barak in the aftermath of Camp David stressed the good will and good faith of Israelis. The reverse is also true on the Palestinian side. The roles assigned by the chosen narratives of the past are identical: the morally correct and virtuous side faces a dishonest and unreliable adversary. The asymmetrical dimension of the relationship does not prevent the existence of this mirror image dynamics

(Kelman 2007: 92–95). What is more interesting is that this assignation of roles is not only based on "negative" events (like the parallel drawn between a current position and the violation of an old temporary truce), but also on "positive events." Thus, when Ehud Barak charged Arafat with "lacking the character or will" to make a historic compromise, he emphasized the contrast that exists between the Palestinian leader and the former Egyptian President Anwar Sadat who had been able to make peace with Israel in 1977–1979.

The distinction between what the actors describe as "positive" and "negative" events does not mean that the events in question should be considered positive or negative as such. Rather, this analysis is based on the fundamental ambivalence of most past events. In this regard, the particular figure of Sadat is most often related to one of the most successful examples of rapprochement in the Middle East. In this sense, he represents an inspiring figure for leaders who want to be considered as peacemakers. Thus, Ehud Barak assigned specific roles in explaining that Yasser Arafat does not belong to Sadat's lineage – while he personally does. This reference complicates the usual "us" versus "them" category since the distinction is not made on the basis of the "group identities" (Israelis versus Arabs), but on the basis of the willingness to genuinely achieve peace (peacemakers versus spoilers).

Apart from historical events, parties can also refer to individual memories to categorize themselves and the others. After being criticized for having been "unfriendly" and "distant" toward Yasser Arafat, Ehud Barack categorically rejected this reproach by repeatedly emphasizing that he was the Israeli leader who met most with Arafat, stressing a concrete souvenir to make his point: Arafat "visited me in my home in Kochav Yair where my wife made food for him. [Arafat's aide] Abu Mazen and [my wife] Nava swapped memories about Safad, her mother was from Safad, and both their parents were traders. I also met Arafat in friends' homes, in Gaza, in Ramallah" (quoted by Morris 2002). After emphasizing this personal experience, Ehud Barak admitted that the time had been wasted on small talk, but that this aspect had nothing to do with the real reasons for the failure. As he asked, "[d]id Nixon meet Ho Chi Minh or Giap [before reaching the Vietnam peace deal]? Or did De Gaulle ever speak to [Algerian leader] Ben Bella?" These historical analogies underline the fundamental lack of ripeness in Camp David. According to Ehud Barak, more intimate relations with the Palestinian leader were not necessary since the talks demonstrated a complete lack of maturity.

A last point can be made regarding the use of historical analogies to assign social roles. Long-term opponents do not only position themselves according to the context and the desired objectives. More often, their behaviors are dependent on the reputation of the other side's representative, a reputation typically

based on a particular perception of his or her personal past. One single example suffices to illustrate the explosive character of this aspect of the actors' reputation. A couple of weeks after the Camp David Summit, on September 28, riots erupted following a visit of Ariel Sharon, then Likud Party leader, to *the* Haram al-Sharif/Temple Mount. The rapid escalation of these riots into a new wave of Israeli-Palestinian violence, known as the al-Aqsa Intifada, can hardly be understood without paying attention to both the sacred dimension of the Haram al-Sharif in the eyes of the Palestinians – who refused to accept that the spot ever contained any Jewish temple – and to the fact that the personal past of Ariel Sharon is directly associated with the massacre of Sabra and Shatila that took place in Beirut on September 16–18, 1982.

Framing Action: Distributive Lessons of the Past

Beside the need to tame the present and to assign specific roles to the protagonists, historical analogies also tend to impact the decision-making process (Khong 1992). In considering the consequences of a decision made in the past, most negotiators and mediators justify their own positions and prescribe a range of possible actions. In the case of Israel-Palestine, the main "lesson" drawn from the past seems to be identical on both sides, namely the need to resist any appeasement.

In this regard, Ehud Barak cited negotiations that took place in Beirut in 1982 with Yasser Arafat as a precedent explaining why he adopted the same tactic afterwards. To him, the only useful strategy was getting Arafat with his back to the wall: "Arafat does not make any decision if he is not under pressure" (quoted by Enderlin 2002: 275). Interestingly, the argument underlined by the "Intifada generation," the Fatah militants who were involved in the Intifada at the end of the 1980s, is relatively similar. To them, Israelis would only make concessions if they face violence (Enderlin 2002: 74). In both cases (Ehud Barak during the Camp David talks, and the Fatah militants who decreasingly trusted their negotiators), the actors justified their attitude by citing lessons of the past.

Beyond these examples, the Munich analogy is largely predominant to justify the need to resist any appeasement (Rasmussen 2003; Ben-Ami 2006). Particularly illustrative of this notion, in a speech pronounced during the Munich Security Conference, Israeli Prime Minister Benjamin Netanyahu explained that even though "Iran is not Nazi Germany," some striking similarities were emphasized between the Munich Agreement and the Iran nuclear deal. "Let us pledge today," he concluded, "here in Munich not to repeat the mistakes of the past. Appeasement never works" (February 18, 2018). Referencing the failure to contain Hitler at Munich is often dismissed by historians who

denounce the superficial similarities between specific historical contexts. However, as it has already been suggested, the efficacy of analogies does not only depend on historiographical considerations, but also on their emotional resonance. Analogies can be imprecise and yet be very effective because they convey intense emotions (from despair to fear, shame, guilt, anger or resentment). The Holocaust analogy, for instance, activates powerful images that resonate in the public imagination. This mechanism can be used by negotiators in order to persuade their constituencies, some members of their own teams and third parties of a given message. Such analogies will particularly resonate in third parties' minds if the events that are evoked provoke emotions like shame and guilt.[3]

In this respect, the issue of Palestinian refugees illustrates the complexity of the links that exist between the cognitive, the emotional and the strategic uses of the past. During the Camp David talks, one member of the Palestinian team, Nabil Chaath, underlined the UNGA Resolution 194 (of 1949), defined as the legitimation of the Palestinian "right of return." Knowing that no Israeli government would ever permit a blanket return, he focused on compensation, and distinguished what he considered appropriate and inappropriate precedents. According to him, the compensation claims related to losses by Jews who had to flee from Arab countries after the creation of the state of Israel are not comparable to Palestinian claims, and therefore cannot counterweigh them in any way. The main argument is that the issue of compensation for the Jewish refugees from Arab countries could be brought up in a regional meeting, but that it has as such nothing to do with Palestinians, and could therefore not neutralize Palestinian claims.

By contrast, the most appropriate precedent – in the eyes of Nabil Chaath – to understand the question of responsibility for the creation of the refugee issue is the Shoah. In the same way as the Jews have suffered from awful crimes during the Second World War and have presented demands for proper compensation, even to Switzerland, the Palestinians are now entitled to apply for financial compensations for what they overcame in 1948 (Enderlin 2002: 200). This reasoning was instantly rejected by the Israeli negotiator,

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3   In the Rwandan-Belgian case (which is totally different in many ways), it is striking that the Rwandan authorities do not hesitate to refer to the genocide of the Tutsi in 1994 as an ultimate argument. Interviews made with Belgian diplomats and policymakers who were in charge before, during or right after the genocide confirm the existence of a strong feeling of collective guilt towards Rwanda. The emotional power of the historical analogy results from the multiplicity of violent layers that are related to Rwanda (from the colonial period, and in particular the formal identification of ethnic groups, to the withdrawal of all Belgian Blue Helmets in April 1994).

Elyakim Rubinstein, who highlighted "significant divergences about history." Considering that the Israelis have a humanitarian conception of the refugee issue, rather than a moral one, he noted: "From a historical perspective, we will never accept to be considered as being responsible for the creation of the refugee issue. What happened in 1948 is controversial and the peace process could not be the arena where one establishes the truth about the past" (Enderlin 2002: 201). The words used and repeated are important to understand the Israeli posture: "The compensation for refugees cannot be a punishment imposed on Israel. We do not have the means and we do not consider ourselves as responsible for that" (Enderlin 2002: 201). This position did not mean that Israel did not want to participate in an international compensation fund, but that the issue should simply not be addressed during the talks.[4] Rubinstein continued in saying that even though he could understand why Palestinians compare their claims to those of the European Jews, he considered that the issue was "fundamentally" and "totally different." Bill Clinton agreed and confirmed: "Of course, we cannot compare" (Enderlin 2002: 202).

As this example suggests, alternative narrations of the same event can support competing, and even contradictory, courses of action (Leira 2017). Furthermore, historical analogies can also be used in order to frame inaction, which is a particular form of action. To Ehud Barak, for instance, it was worth considering the lessons from the past, and in particular from previous historical mistakes, in order not to rush. To him, Israeli leaders were wrong in not anticipating the war in 1973: "One of the sources of our mistake in 1973 was to consider the current situation from the perspective of our past experience, namely our victories in 1948, 1956 and 1967. We were convinced, in 1973, that the Arabs would lose again" (quoted by Enderlin 2002: 221). Suggesting that Israelis were not vigilant enough in 1973, Barak concluded that it was not appropriate to negotiate at any price, in particular on issues as politically risky as Jerusalem or the right of return.

Interestingly enough, this reasoning was based not only on historical analogies, but also on metaphorical ones. Like historical analogies, metaphors are based on the ability to perceive and use relational similarity. In certain circumstances, they have potential for adjusting perspectives and supporting

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4   During the Taba talks in 2001, the parties evoked the need for a common narrative of the refugee issue. In a document prepared by the special envoy of the European Union to the Middle East, Ambassador Miguel Moratinos, and by Christian Jouret on the European perspective of the talks, they explained that the Israeli team presented a "project of common narrative about the tragedy of the Palestinian refugees." This project allowed the parties to make progress even though they could not reach any agreement (on the "Moratinos Non Paper," see Eldar 2002).

convergence between the parties (Spector 1995). However, the distributive nature of the Israeli-Palestinian case reminds us of the fundamental ambivalence of metaphors. Being neither positive nor negative as such, they depend on the ultimate outcome sought. A concrete example illustrates the potentially detrimental impact of using metaphors. During and right after the Camp David talks, Ehud Barak emphasized two main metaphors. The first refers to the Titanic. In several occasions, the Israeli Prime Minister evoked a potential collision with the "iceberg" (Enderlin 2002: 221–227, 268). As he explained, it was not time to think naively about quiet waters, but to realize that the iceberg was in sight, which meant that it was vital to prepare for a new explosion of violence and *ipso facto* the collapse of the whole peace process. This metaphor is directly linked with the 1973 analogy. Unlike in 1973 when the Israeli did not correctly understand the forerunners of the war, it was time to be aware of the real dangers.

A second metaphor underlines the duration of a potential rapprochement between Israelis and Palestinians. According to Ehud Barak, "eighty years" after 1948 seems to be necessary in order to reach a "historical compromise" with Palestinians. Speaking of a "salmon syndrome" among Palestinians, Barak reminds us that after the passage of three generations, most of those who experienced the catastrophe of 1948 at first hand will have died. That means that there will be "very few 'salmons' around who still want to return to their birthplaces to die" (quoted by Morris 2002). This time, the metaphor is related to the historical analogy of the Soviet Union, which collapsed roughly eighty years after the generation that had lived through the revolution had died. Accordingly, the disappearance of the generation of the *nakba* will in principle facilitate compromise.

This prediction, be it relevant or not, shows that the past has significantly impact on the attitudes of the parties during the negotiation process. It especially confirms that the lived *and* transmitted memories of negotiators matter. In this regard, it is worth noting that the impact of transmitted memories can be as high, if not higher, than the effects of lived memories. The personal trajectory of the Palestinian Ambassador to UNESCO Elias Sanbar is emblematic in this regard. While he was participating in the Palestinian delegation at the peace negotiations in Madrid (1991), and in Washington, DC (1992–1993), Sanbar could not contain the intense feelings that he often described in his poems and writings. Interestingly, the Palestinian historian was only 15 months old when all his family members had to leave their house in Haïfa in 1948. That means concretely that his essay *Les biens des absents* is not only based on his own perceptions, but also – and above all – on his relatives' representations. This example reminds us that in post-conflict settings, most negotiators do not only represent their nation, but also their loved ones, especially if they were

unfairly treated. In the hardest cases, this specific loyalty constitutes a key obstacle on the path towards peace.

Before turning to the second case study, it is important to add that the plurality of interpretations given to historical analogies is not only binary (Israeli versus Palestinian versions). As Samuel Berber (former National Security Advisor to the Clinton administration who participated in the Camp David talks) said:

> Camp David is a bit of a Rashomon event. There is the American Camp David, there is the Palestinian Camp David, and there is the Israeli Camp David, and they're all different. In the books that have been written and the rhetoric that has described them – in fact, there's even more than three perspectives because there's Dennis Ross's Camp David and there's Madeleine Albright's Camp David, there's Sandy Berger's Camp David, and there's Rob Malley's Camp David. It was an event that you could look at from many different perspectives (Berger 2005).

From this viewpoint, one could say that one never knows what yesterday will consist of. This multiplication of perspectives – not only between parties, but also within each of them – means that the work on memory that will be required in order to move forward can only be understood as a work on memories in the plural. The task is not impossible since the meaning given to the past is never fixed once and for all. Yet, the challenge is immense.

France-Algeria: Undermining Memories

The Israeli-Palestinian case allowed us to consider the role of historical analogies in the framework of conflict management. It is characterized by regular tensions and acts of violence that help sustain a constant feeling of threat; as such, security remains a priority for both sides. From this viewpoint, the Franco-Algerian context is totally different. It illustrates the role of historical analogies in the long run, when negotiators aim at building long-term positive relations between the parties. At first glance, relations between Paris and Algiers have pretty much been normalized. France is Algeria's largest trading partner. Hundreds of thousands of Algerians live in France. However, French and Algerian authorities never succeeded in signing a Friendship Treaty. Technically speaking, experts from both sides of the Mediterranean rapidly drew up a document, ready to be signed. Yet, domestic spoilers always interfered to the point that negotiators could not break the deadlock.

This case study focuses on the negotiation of a Friendship Treaty that started in 2003 and was abandoned in 2007. This breakdown occurred despite the parties reaching agreement on major issues related to economic and financial partnership, cultural and scientific cooperation, and even the delicate issue of visa. The only issue that locked the parties in a stalemate was the nature of the "memory work" to be carried out by France and Algeria. A couple of weeks before the expected signature of the Treaty, French MPs passed a law that highlighted certain "positive effects of colonization" (Law No. 2005–158, 23 February 2005). Initiated by a group of French settlers repatriated after Algerian independence, this unanticipated event was immediately perceived as a scandal in Algeria. The intensity of the reactions that followed on both sides reveal the strength of the resistance to any form of closure. Many testimonies indicate that the wounds described by various groups (*pieds-noirs*,[5] former *moudjahids*, former French combatants, *harkis*)[6] are not only open, but also festering. All of them seem to confirm the seemingly impossibility to normalize relationships. The ambiguity of the links that exist between Paris and Algiers corroborates what Former Algerian President Houari Boumediène explained in 1975: "The relationships between France and Algeria can be good or bad. Under no circumstances, can they be banal" (Balta 1975).

From a conflict transformation perspective (and not a conflict management perspective like in the Israeli-Palestinian case), the Franco-Algerian case emblematizes one of the hardest cases. Its major interest is that it allows us to observe a two stages process. The negotiation between Paris and Algiers initially led to a dramatic improvement of the relationships. During the initial stage of rapprochement, negotiators from both sides referred to precedents that were presented as successful and that were used as model to imitate. From this viewpoint, the contrast between both case studies is striking. In the Israeli-Palestinian case, historical precedents are mainly depicted as failures that justify a hardline posture. In the Franco-Algerian case (during the first stage at least), historical precedents are not presented as counter-models, but as inspiring references. In a second stage, though, the negotiation dynamics have been completely reversed. In turn, the rejection of any rapprochement led to a radical shift in the use of historical analogies. References to the past

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5   The term refers to French citizens who lived in Algeria before independence, from 1830 to 1962. It is also used to describe their descendants born in France.

6   The term initially designates Muslims who fought alongside the French against their fellow Algerians. It is in fact applied to a multitude of profiles from the "indigenous allies" of France to any Algerian who favored the French presence over the National Liberation Front – FLN.

stopped pointing out ways out, and confirmed the need for an uncompromising posture, which meant that dueling was back again.

Representing the Unfamiliar: Precedent as a Model

Between 1954 and 1962, the "events" of Algeria[7] featured such a degree of violence that they undeniably favored a tendency toward "premature cognitive closure" (Kelman 1976: 264) among French official representatives (both at the political and military levels). The time pressure involved in such circumstances explains why most actors did not engage in a complete search for information relevant to the situation. Accordingly, analogical reasoning constituted a "cognitive shortcut" that was particularly useful due to the fierceness of the war. Thus, military leaders emphasized the war in Indochina as a major precedent, focusing on similarities without paying attention to the specificities of the Algerian context.

The Algerian independence war started only a couple of months after the crushing defeat of France in Dien Bien Phu on May 7, 1954. Between 1946 and 1954, 60,000 French soldiers were killed in an ultimately successful war of national liberation against the French and Vietminh led by Ho Chi Minh. The humiliating nature of the defeat for the French left significant traces, with French authorities appraising events in Algeria through the prism of Indochina. For many French officers, the *fellagha* (Arabic word used to designate the Algerian guerrilla soldiers) were designated as "Viets," and the purpose was explicitly to avoid an "Algerian Dien Bien Phu" (Vidal-Naquet 1993: 387). In 1959, François Mitterrand – French Justice Minister during the Algerian War – explained that "what happened in Algeria remind[ed] cruelly the Indochinese process" (Mitterrand 1984: 87). One year later, French President Charles de Gaulle underlined the same analogy: "There will not be any Dien Bien Phu. The independence requested by Ferhat Abbas and his friends is a joke" (quoted by Stora 1997: 97).

The systematic character of this historical analogy did not only impact the decision-making process *during the war*. It indubitably influenced the negotiations that led to the Evian Accords in March 1962. *After decades* of diplomatic highs and downs, French and Algerian authorities frequently referred to the Franco-German relations as a model to move forward. In November 1983, Chadli Bendjedid undertook the first ever state visit by an Algerian President

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7   In June 1999, the French National Assembly recognized that the conflict that devastated Algeria between 1954 and 1962 was in fact a "war." For 37 years it was officially referred to as a "law and order maintenance operation" despite the fact that up to one million people were killed.

to France, and directly described Franco-German relations as a model of how to deal with a tragic past: "Why couldn't there be identical relations between France and Algeria?" (Bendjedid 1983). In 2001, Jacques Chirac wondered how to emulate Franco-German relations, to turn the page on a difficult past:

> The weight of the past finally fades with time. The weight of the past was much more difficult to erase between Germany and France (…). The dispute was age-old, considerable and added up to millions and millions of dead, during successive wars. Thus I am deeply convinced that the relation between France and Algeria is in the nature of things (…) and that it can develop (Chirac 2001).

Two years later, Jacques Chirac again insisted on the same belief: "What I wish is that we emphasize the elements that unify us, without forgetting those which could divide us naturally, but these belong to history – as we could do with Germany" (Chirac 2003a). So, it did not come as a surprise that the French President called for an "Elysée Treaty in the Franco-Algerian style" (Chirac 2004).

These attitudes (during the Algerian war and two generations later) show that the cognitive processes to fight the enemy during the war and to favor a rapprochement towards the former adversary (forty years later) are similar. In both circumstances, official representatives used historical analogies (Dien Bien Phu or the Elysée Treaty) to provide a readily available "script" to interpret reality. Historians have long insisted on the potential gap between the previous context (temporal, societal, political) and the current reality. Thus, in the framework of the Franco-German wars, the other was the *enemy* to fight. In the colonial context, the other – as depicted by the colonial authorities – was a backward *child* to be educated or a *barbarian* to be exploited. These representations are not incompatible. Nonetheless, they do not have the same long-term effects on the affected population. Moreover, the depth of Franco-German relationships cannot be reduced to hatred and detestation. An ambiguous fascination captivated both peoples as well. A paradoxical mixture of hatred and esteem was especially obvious among officers from both sides. In fact, respect and admiration for French culture was commonplace among the German elite, and vice versa. This uneasy symmetry, made up of a mixture of hatred and respect, would be decisive in creating the favorable conditions for a post-war rapprochement.

The Franco-Algerian context is totally different. First, colonialization can hardly be characterized as a period of reciprocal admiration. Scorn and humiliation were felt on a day-to-day basis. Secondly, the nature of the war was

very different. Far from being a war between similar combatants on both sides (as in the case of Verdun during WWI for instance), the fighting between the French army and the *fellagha* cannot be qualified as symmetrical. Thirdly, the war ended in a particular way. In Algeria, the hostilities ceased after a negotiated agreement, and not after a crushing defeat by one of the parties. From that perspective, the notion of winners/losers is obviously less relevant than in other circumstances. However, all the dissimilarities did not prevent the actors to used familiar scenarios in order to face the entirely new dimension of both the Franco-Algerian war and afterwards the Franco-Algerian rapprochement.

Assigning Social Role: From Victims and Perpetrators to Friends

As in the Israeli-Palestinian case, the Franco-Algerian case reminds us that historical analogies are used not only to assist in processing difficult information, but also to assign social roles. The process of rapprochement, and the subsequent adjustment in terms of historical analogies, allowed the actors – both at the macro level (Presidents, Foreign Affairs Ministers and Ambassadors) and within the negotiation teams – to refer to new categories. Beyond the binary visions that were exhibited on both sides (colonial domination versus "one million martyrs;" colonial civilization versus Algerian terrorists), references to the past were progressively not exclusively related to the Independence war. Thus, in 1999, Algerian President Abdelaziz Bouteflika wrote a letter to French President Jacques Chirac to celebrate France's national day on July 14. In this letter, he called for "exemplary relationships" between both countries, insisting on the commonalities between the French Revolution in 1789 and the Algerian Revolution in 1954. As he explains, the French Revolutionaries were genuinely the inspiring figures of the founding fathers of the Algerian national movement. His message is clear: new bridges between July 14, 1789 and November 1, 1954, were supposed to help both countries to turn the page of the Independence war.

A couple of months later, both presidents decided not to keep turning over the "Algerian Revolution," but to highlight a common historical episode, namely the battle of Verdun during the First World War. The symbolic value of this battle (where nearly 800,000 soldiers were killed or wounded in an inconclusive fight over a few square miles of territory between February and December 1916) was usually used in the Franco-German context. Yet, this time, the historical event is considered from the Franco-Algerian perspective to symbolize the "community of destiny" of the two nations (Chirac 2003b). As Jacques Chirac said, the "French did not forget" that 26,000 Algerians who fought and were killed for the freedom of France during WWI. Far from the battlefields that divided French and Algerian soldiers, far from the effects and "after effects" of

torture on both sides of the Mediterranean, Verdun allowed depicting a "common fight" and a "shared martyrdom." Consequently, the French did not appear as former colonial rulers, but as brothers in arms.

The series of setbacks faced by negotiators after the controversial law of 2005 modified once again the dynamics. Rather than downplaying the "wounds of history" in order to pay tribute to the common heritage of both nations, Abelaziz Bouteflika – pushed by the powerful victims' association "8 May 1945 Foundation" – drew a parallel between the French occupation of Algeria and the Nazi occupation of France. The condemnation of the genocide committed by France in Algeria provoked a backlash in France, especially among *pieds-noirs, harkis* and former soldiers who refused to be designated as perpetrators.

It is especially notable here that the *pieds-noirs* often describe themselves as "historical victims of social exclusion." Testimonies are abundant in this regard: "We are actually the losers, we have been manhandled, misled, humiliated, tortured, imprisoned, broken, rejected, caricaturized;" "We are a dead people. Without geography, there is nothing left" (Baussant 2002: 424, 433). The feeling is identical in the mind of numerous *harkis* and descendants of *harkis*. Following the French withdrawal, up to 150,000 *harkis* were slaughtered in Algeria.[8] More than 40,000 *harkis* were able to escape to France after the war, but they were badly treated once they arrived. Most of them described a double betrayal (not only by Algeria but also by France), and considered themselves as second-class French citizens. The descendants of the *harkis* nowadays insist on the long-term impact of this double rejection: financial distress, a high unemployment rate, and frequency of suicides in their families. As for the former French combatants, they depict themselves as victims as well. Unlike former combatants of WWI and WWII, they often lament that their fight did not make any sense, 25% of them considering that their stay in Algeria was actually useless (Jauffret 2000: 329). In brief, the accentuation of stigmatizing historical events did not only jeopardize the negotiation process between French and Algerians. They also had a polarizing impact within the French society itself.

On the Algerian side, the stigmatization of France cannot be understood solely from an international perspective. Domestic stakes are actually decisive in tracing the evolution of historical analogies used by the parties. The increasing emphasis on the unfairness and cruelty of French colonization can hardly be explained without keeping in mind the instability that characterized Algeria during the bloody civil war that devastated the country in the 1990s. This "dirty war" began in 1992 after the military staged a coup d'état to prevent the Islamic Salvation Front (FIS) from winning the country's first democratic

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8   The figures still vary according to the sources.

elections, and left more than 150,000 Algerians dead and approximately 15,000 forcibly disappeared.[9] In September 2005, in the middle of the diplomatic crisis between Paris and Algiers regarding the legacy of the Independence war, Abdelaziz Bouteflika launched a referendum on the "Charter for Peace and National Reconciliation" in order to bring closure to the civil war by offering an amnesty for most of the violence committed during the black decade. In these delicate circumstances, the condemnation of the French "neo-colonial attitude" became a tool employed to manage and contain internal crises.

Framing Action: Integrative Lesson of the Past – in Vain

The last function of historical analogies is to predict possible outcomes of certain decisions. In the Franco-Algerian case, both sides referred to individual memories to provide prescriptions. Contrary to the Israeli-Palestinian case where most individual memories reinforced the divide between the two sides, references to personal trajectories made by French and Algerian actors are fundamentally ambivalent: some were used to alleviate the past, while others eventually provoked impasse.

Both Chirac and Bouteflika were combatants in the Algerian war. Chirac was 24 years old when he was sent to Algeria: "From this experience," he explains, "no one came back really unscathed" (Chirac 1996). For him, the effect of time was decisive: "Thirty years, forty years," "it is a time when, for those who have known the stupor of hardship, efforts to survive and attempts to forget, comes the hour of serenity and appeasement" (*ibid.*). On the other side, Bouteflika was one of the closest collaborators of Houari Boumediène.[10] As a former *moudjahid*, he largely based his legitimacy on his fight against the former colonial power. Before the vote of the French Law of 2005, his attitude seemed to be guided by a genuine eagerness to be the "Algerian Charles de Gaulle." Contextual changes provoked the return to the well-known anticolonial posture.

As has already been suggested, the most emblematic illustration of the way historical analogies provide clear policy guidelines on how (not) to act is the underlying reference to the Elysée Treaty. The analogy goes far beyond the rhetorical dimension. Pragmatically speaking, the parallel established between the Elysée Treaty and the expected Franco-Algerian Friendship Treaty has been systematic and relatively efficient. At the end of December 2004, most

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9   These figures were mentioned by the Algerian authorities. So far, there is no consensus among experts regarding the total death toll.

10   Houari Boumediène was an Algerian revolutionary and military leader who became president of Algeria in July 1965, following a coup d'état, until his death in December 1978.

technical aspects of the project were already settled. Several observers fore-saw the signature of the Treaty in 2005. In passing the controversial Law of February 2005, the French MPs precipitated the failure and changed drastically the focus. Rather than underlining the Elysée Treaty, the public debates (far beyond the negotiation table) concerned the analogy between French and Nazi crimes. The role of Algerian military circles and victims' associations was crucial in calling upon France not only to acknowledge the inhumane acts committed from 1830 to 1962 (the colonial period) but also to ask for forgiveness, along the lines of the official acknowledgment made by Jacques Chirac in 1995 regarding French responsibility in the deportation of Jews during WWII. This new historical precedent ascribed to France the role of criminal once again.

In July 2005, the two chambers of the Algerian Parliament condemned the French law. The French Minister of Foreign Affairs, Philippe Douste-Blazy, attempted to break the deadlock in the negotiations by demanding the establishment of a commission of historians. In September, Bouteflika himself considered French repentance to be a condition for signing the Friendship Treaty. The crystalizing element concerned the specific category of *harkis.* During the negotiation process, Chirac suggested that the *harkis* be mentioned at the moment of the signature of the Treaty, while Algiers did not want to hear anything about these "traitors." To justify their position, Algerian leaders invoked the analogy between the *harkis* and the Vichy collaborators in WWII. In September 2005, for instance, several Algerian ministers announced that the time was not yet right for the *harkis* to return to Algeria to visit. To them, it is exactly as if one were to ask a French resistance fighter to shake the hand of a collaborator. In equating the *harkis* with the collaborators, and the French presence with that of the Nazis, the Algerian side pushed the French team beyond their security point.

The French President abrogated the disputed article in the law, but he could not accept the principle of a Treaty Preamble based on formal repentance by France. The concession that he was ready to make was a distinct declaration (separate from the Treaty) to highlight the "torments that history had imposed on both countries" (quoted by Pervillé 2014). They had reached a total impasse. There was clearly no zone of potential agreements (ZOPA) between the parties. Heavily constrained by the wishes of their populations, both presidents were stuck in their respective positions somewhere between the requirement for full repentance on the one hand, and the recognition of the hardships imposed by history on the other.

The last act of the negotiation process was characterized by a drastic step backwards when Nicolas Sarkozy was elected. Refusing categorically to express guilt, he did not agree to consider memory issues as conditions for negotiating

further agreements. In a press conference with Bouteflika, he claimed that young generations on both sides are "forward looking and not backward looking," and symbolically stopped the whole process of negotiating a Treaty: "I never thought that the Friendship Treaty was a solution." "When we have friends, we don't need to write it down, we need to live it. (…) So, let us not divide the future by resurrecting the past" (Sarkozy 2007).

Conclusions: Processing Problematic Pasts

This article suggests a particular point of entry into the hardest cases. It attempts to better understand how recollections of the past can reinforce the perpetuation of conflict, by showing that the "filtering power" of historical analogies can be so strong that they simply undermine negotiations oriented towards conflict resolution (Israel-Palestinian case) or conflict transformation (Franco-Algerian case). The case analyses pursue a modest ambition in terms of generalization; still, each demonstrate that, contrary to laboratory negotiating experiments where parties have no prior relationship and do not expect to have relationship in the future, negotiators involved in peace processes face an overwhelming history. In the hardest cases, the existence of mass atrocities, and the duration of the conflict force the parties to process highly problematic pasts (Rosoux & Anstey 2017). This is consistent with the purpose of the article, which is not to reduce the hardest cases to their historical dimension – but rather to show the ways in which the memories of past events are interpreted to create the context that shapes peace processes.

In paying attention to both official representations of the past *and* individual memories, the goal of this research is to complement the main approaches to international negotiation, not to substitute for them. Underlining the cognitive and emotional dimension of the processes does not mean that these processes are irrational. Yet, both cases show that the perception and the interpretation of events constitute a real constraint on the rational pursuit of parties' interests. At this stage, the main question is not to conceal inappropriate, misleading and often destructive historical analogies (May 1973). It is rather to determine under which conditions practitioners resist the pressure related to historical grievances. The persisting attraction power of superficial historical analogies demonstrates that their impact has little to do with the actual (dis)similarities between the current situation and the previous one. In this regard, they are very close to metaphors. For instance, the metaphor "lawyers-are-sharks" implies that the two entities share essential characteristics (i.e. to be cold, bloodthirsty) that go beyond their obvious differences (the metaphor does not imply that lawyers have fins or live in water). Trying to point out the

clear dissimilarities between the two realities would be useless since the power of the metaphor does not depend on them.[11]

Spontaneous historical analogies based on dichotomized distinctions between categories (victims and perpetrators, evil and good) and archetypical figures (heroic resistance, innocent martyrdom) resist any criticisms since their significance goes beyond the obvious. It has been argued that the passage from historical analogies to metaphorical analogies can create a more neutral "discourse space" and support convergence between the parties (Cameron 2011: 191). Yet, framing metaphors that have potential for adjusting perspectives are conceivable if – and only if – all the parties can use them. The hardest cases being by definition distributive and highly emotional, the impact of the metaphors chosen by each side is likely to polarize the parties, rather than reconcile them. Having said that, it is worth keeping in mind that symbolic metaphors can be "a starting point for exploring different options" (Spector 1995: 88). In this sense, they seem to be much more fruitful than most historical analogies that are fixed once and for all. As Spector demonstrated, analogical reasoning can be used to enhance flexibility and offer new opportunities for problem solution (1995: 88). However, the two case studies here remind us that in deadlocked situations, historical analogies do not constitute a "digression of the problem," but rather a justification of the problem. As such, they mainly induce intransigence and resist any "fresh options" for innovative solution.

Consequently, going forward it might be useful not to primarily focus on a change of narratives (the way we talk about the issues), but to explore the possibility of changing postures (the loyalty we have in mind while we negotiate). To resist the pressure triggered by historical grievances, negotiators and mediators could usefully question their ultimate loyalty. In whose name do they refer to the past? To whom should they keep their promises: to past, current and/ or future generations? These allegiances are not systematically contradictory. However, consideration of children and even grandchildren can bring a dose of flexibility and creativity that is much needed, especially in the hardest cases. This attitude does not imply a denial of the past crimes, but a decisive adjustment: rather than anchoring the negotiation process on a duty *towards* the dead, it could be wise to consider it as a duty *concerning* the dead (Gosseries 2004: 111). In brief, the ultimate purpose is to both honor past generations and protect the interests of those to come.

Various testimonies illustrate this posture. Thus, the Palestinian negotiator Saëb Erekat explained that he was "twelve years old when the Israeli occupation started in 1967. I had simply no other opportunity than throwing stones and going to jail. Today, I am the father of four sons and I would like them

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11   I would like to thank Djouaria Ghilani for this enlightening example.

to have a different life" (quoted by Enderlin 2001: 283). A couple of years earlier, Israeli Prime Minister Rabin commented upon the signing of the Israeli-Palestinian Declaration of Principles without denying that it was "certainly not easy for the families of the victims of the wars, violence, terror, whose pain will never heal," but in also considering the need to put an end to the hostilities "so that our children, our children's children, will no longer experience the painful cost of war" (Rabin 1993). The premise that alternative futures exist opens new perspectives. The reality of the Israeli-Palestinian case does not allow us to be overly optimistic in this regard. Yet, far from any euphoric stance, it might be wise to try to live *with* the memories, rather than without them or against them.

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