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## Digging Up The Dead

By BILL KELLER

Among all the unfinished business in that capital of unfinished business named Iraq, an accounting for three decades of horrors may not be the most urgent. Unless you are one of those heart-sore Iraqis haunting the newly emptied prisons and torture chambers for evidence of your disappeared children, you are likely to agree that questions of guilt can wait until the electricity is restored and the crime is contained and the schools are working and somebody is governing.

But a reckoning is due, and how Iraq faces its recent past will ultimately count for as much as the design of a transitional government or the divvying up of the oil.

This sounds like a matter for historians, or maybe for poets, but it turns out to be an indispensable part of what goes these days by the term "nation building." If you bury your past, it keeps surfacing, like some corpse in a Stephen King novel, to ruin your peace of mind. On that point, we have the last century's testimony from Germany and Japan and South Africa and Cambodia and Argentina and Yugoslavia, and other places that either exorcised their devils or failed to.

My own point of reference when it comes to the subject of grand evil is Russia, which was also Saddam Hussein's. Saddam was, you recall, an avid pupil of Stalin. (What were the Baathists, after all, but Bolsheviks with an Arab accent?)

The other day I went to see Aleksandr Yakovlev, who has spent the last dozen years excavating abominations in the archives of the Soviet Union. Mr. Yakovlev is unique among the many diggers at this graveyard because he was for much of his life a loyal Communist, ultimately becoming the chief ideologist of the party and a member of its ruling Politburo. He was Mikhail Gorbachev's sidekick in the reforms that unplugged Communism from its life support.

But where Mr. Gorbachev clung to his illusions, Mr. Yakovlev has shredded his with a startling ferocity. So far, his digging has produced 33 volumes of declassified documents, a searing book translated recently into English as "A Century of Violence in Soviet Russia," and an angry conviction that the whole Soviet experience was a crime against humanity.

Mr. Yakovlev, who is nearing 80 and has the face of a benevolent frog, is something of a newfound hero to Western conservatives. He is admired on the Western right for documenting beyond any refutation that every monstrosity Stalin carried out -- from the imprisonment of children to the deliberate starving of peasants, from the extermination of clergy members to the monumental crime of the forced labor camps -- was inspired, if not invented, by Lenin. That is, the depravity was not an aberration -- it pervaded the whole Communist project.

Mr. Yakovlev's intensely moral view of world affairs, and his ready recourse to the vocabulary of good and evil, is much more in step with President Bush's Washington than with Vladimir

Putin's Kremlin. (President Putin recently sent a Kremlin courtesy note to a conference of the remnants of the Communist Party, which Mr. Yakovlev told me was like "sending a greeting to the commandant of Auschwitz.")

Perhaps Mr. Yakovlev's conservative admirers should arrange an audience at the White House for him because he has timely advice, and Mr. Bush is sorely in need of it.

Mr. Yakovlev believes in holding criminals to account, and he understands that obligation as something more profound than purging bad guys. In the case of the Soviet Union, he contends that the unwillingness to face history in its dreadful entirety has left his country as an invalid -- the people still hobbled by prehensile fear, the system still paternalistic, if not exactly repressive.

Mr. Yakovlev sees the legacy of Bolshevism in every Russian bureaucrat who still acts as if he is the law, and in every citizen who surrenders before arbitrary authority. The falsified glory of Soviet history makes heroes of the army and the intelligence services and helps them retain disproportionate influence. Russia has still not gotten much beyond the idea of Stalin as the lone villain, and even Stalin slightly outranks the unpopular Mr. Gorbachev in polls of the public's affection. As for Lenin, he is more loved than blamed.

Most of Russia's culprits are dead, but for Iraq, with its mass graves still fresh, Mr. Yakovlev prescribes a methodical settling of accounts, in two parts. Saddam's top 40 or 50 henchmen, he says, should be tried by an international (not U.S.) tribunal, to lift the weight of fear from Iraq.

The rest -- the little people who guarded the prisons and applied the electrodes and buried the bodies -- should be tried by Iraqis themselves, but only after they have rebuilt their court system. This rebuilding, and these trials, should be backed up by the faith of the United Nations. The domestic trials would be a way for Iraqis to establish the rule of law, to educate their children and, not least, to set an example for their neighbors in the region. And because Iraqis could not muster the strength to get rid of the old regime on their own, trying the guilty would let them reclaim a measure of national honor.

Mr. Yakovlev's proposal for Iraq has both a practical and a moral logic. Sadly, the Bush administration seems set on a different approach, one that bypasses international institutions entirely for something that looks more like victor's justice.

Bush officials envision a legal reckoning modeled loosely on the experience of Japan and Germany after World War II. In the first phase, those accused of war crimes against Americans would be tried by Americans. The first trials the world would see, therefore, would be military tribunals against men who authorized mistreatment of our P.O.W.'s or launched attacks under white flags of surrender.

Eventually, when they have found their political feet, the Iraqis themselves would hold trials to handle the regime's crimes against Iraqis, in a "collaboration," as one official put it, with American legal experts.

To its credit, the administration grasps the value of having Iraqis dispense their own justice. As a general rule, it is better if countries that have spent a season in hell arrange their own repentance. South Africa's homegrown Truth and Reconciliation Commission provided imperfect truth and incomplete reconciliation, but it relieved pressures for retribution and gave South Africans an important experience of self-judgment. How soon Iraq's tainted courts can shoulder such a responsibility, and whether the country can build a credible justice system under the tutelage of its occupiers, it is too early to tell. But what could be more wonderful than for the victims of a horror to answer it, not with vengeance, but with a display of civilization?

What the administration misses, in its breathtaking self-satisfaction, is the importance of conferring upon this whole process the legitimacy of the world, beyond our little troupe of compliant allies.

Since the administration's failed attempt to get U.N. backing for the Iraq war, it seems, the hawks' impatience with plodding multilateralism has been not only vindicated, but also infused with childish vengefulness. We won't let the U.N. weapons inspectors back into Iraq, no matter how useful it would be to have them as impartial witnesses to any discovery of Iraqi poisons. We will let the U.N. help bankroll postwar restoration, but with no strings attached. And the first war crimes trials of this century will be run without U.N. sanction.

Bush administration officials can cite voluminous legal precedents for the approach they prefer. The question, though, is not whether what they propose is legal, but whether it is right for us, or for Iraq.

In a different world, this might be a case for the new International Criminal Court, but the United States does not recognize its authority. (Neither does Iraq. In their scorn for international justice, Mr. Bush and Saddam Hussein were in full agreement.) But that is not the only way to confer international legitimacy on a country's attempt to cope with a repugnant past. Special tribunals created under the U.N. are now trying the monsters of Yugoslavia and Rwanda, trials in which Americans have been rightly proud to participate. In the afflicted states of Cambodia, Sierra Leone and East Timor, local courts have been set up with international help under U.N. auspices.

Mr. Yakovlev points out that this is not just about clearing away evildoers, or just about implanting democracy in Iraq. As we were in the last century, we are up against a toxic ideology with global aspirations -- not Communism in this case, but an ideology that feeds on Arab grievances and a malignant version of Islam. Combating it requires all the moral authority we can muster, not just the authority of our might. It shouldn't take an elderly ex-Communist to teach us that.

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