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The Project of Collective Memory – An Uneasy Connection to Reconciliation?

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GUEST

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From downtown Buenos Aires through Havana and the shores of Hiroshima, in recent weeks and months US President Obama has flown around the world, engaging in a distinct kind of memory politics which I would like to explore here and defend. These are transitional politics, politics of remembrance. As President Obama put it in Hiroshima: “The memory of the morning of August 6, 1945” must never fade. The message was deployed to underscore nuclear prevention and, more fundamentally, every person’s humanity. As Obama put it: “the radical and necessary notion that we are part of a single human family – that is the story that we all must tell”

He spoke compellingly in Argentina as well, noting the US’ role in “the dirty war” in the country and the need to declassify military and intelligence records that document abuses.

This kind of remembering is an overt use of a site of collective memory in service of liberal politics. It looks in two directions at once, paying respect to the past while using that past to turn to the future. Ultimately, it employs the memory of repression and atrocities to distance the present from that awful past and promote a liberal message of progress.

In appreciating this kind of progressive project of memory it is crucial to understand the ends, not just the means. The identification of transitional justice with particular instruments or methods, often very prominent in the technocratic or bureaucratic view, obscures the relation of means to ends. Let us contrast this with the debate as it stands so far here. Both sides of this debate get caught in an arid or hermetic analysis of the measures (ie of individual versus collective memory, truth commissions versus trials, etc). This kind of formalism has plagued the field of transitional justice, foregrounding a technocratic view that the form will define the outcome, that the means are somehow ends in and of themselves.

Yet if there is one thing we've learned in the last decades it is that little turns on the form. While there are trials and truth commissions that have surely achieved some degree of rule of law or reconciliation, others have not effectively served these ends. The issue is not so much the form that concern with the past has taken but the goals of the project in which it is embedded. Hence the contrast between, for example, the Argentine Commission de la Verdad, whose focus was only on criminal accountability for state terror and whose report led straight to trials, versus South Africa's Truth and Reconciliation Commission, whose purposes as its title reflects, was reconciliation and hence was structured to promote this goal. With this aim in mind, the TRC had a dual focus on both state terror and ANC crimes and allowed statements and amnesty applications by all. Indeed this idea of one reconciled people established by the constitutional project was the basis for the TRC, and not the other way around.

That collective memory is not a self-legitimatizing end in itself is perhaps a necessary common ground for an adequate debate.

Beyond this, of course, we also can agree that rules of memory politics also would seem to contemplate that in individual cases of crime there exists rights to investigation and to knowledge. Yet on the other hand, while victims are entitled to these, it does not mean that in all cases they get to choose the form. There are instances where their own personal histories may well be backgrounded to a more pressing societal goal. On the other hand, these individual rights, their individual cases ought not be made subject to political manipulation, arbitrary or discriminatory action.

Therefore, at the end of the day, the only question (referencing Nietzsche and Foucault) is: what truth regime is associated with what political regime? Hence, we should not ask what form collective memory take, but what end it will serve.

Will the politics of remembrance be one of liberalization, directed at unity and recreating a civic community as it was in Chile or South Africa, or is historical memory being raised and re-raised to an altogether different end – as we have seen often in post 9/11 Europe or at times in post-communist Europe.

The question, therefore, is whether we can arrive at some principle by which to sort out the public purposes behind histories. Can we identify those that serve only to distract from democratic politics and unified civic community and those which actually may advance liberal community building goals?

Moreover, and by way of contrast or distinguishing, might there be other memory projects which can be critically assessed and distinguished because they simply cannot be justified in this regard? For we have been down this road before: Hitler's long memory regarding Versailles; Milosevic and Balkan massacres of the 14th century; the Hutus and their memory of colonial crimes, which would be revisited on their Tutsi minority.

Indeed our energies are best turned to a close analysis of these uses of preemptive racial propaganda as well if only to build a culture of better prevention of crimes against humanity and to expose their link over time to the fraudulent uses and abuses of historical memory.

An internationally recognized authority on international law, international human rights, transitional justice, and comparative constitutional law, Ruti Teitel is the Ernst C. Stiefel Professor of Comparative Law at New York Law School. She is the author of a number of books and scholarly works, including “Transitional Justice” (2000), “Humanity’s Law” (2012) and [“Globalizing Transitional Justice”](#) (2014). Teitel is founding co-chair of the American Society of International Law's Interest Group on Transitional Justice and Rule of Law, a life member of the Council on Foreign Relations, and a member of the ILA International Human Rights Law Committee.