
GLOBAL CRISIS IN MEMORY

The Emergence of the 'Dealing With the Past' Agenda: Sociological Thoughts on its Negative Impact on the Ground

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In this short piece, I trace the emergence of the 'dealing with the past' agenda which entered the public sphere from the 1970s, briefly describing how it has gradually disseminated worldwide. Consequently, the 'dealing with the past' approach, where remembering was intimately tied to a preventative vision of 'never again!', became deeply embedded in human rights-led memorialization processes around the world. However, though this approach gave voice to long-silenced historical injustices and mass human rights abuses from the past, the erroneous assumption that 'proper remembrance' can heal nations also produced numerous troubling 'side-effects': the application of Western(ized) medical diagnostic categories of mental illness; hierarchies of victimhood; and new social inequalities, which are briefly discussed in the second part of this article.

Introduction

Barbara Misztal (147) rightly points out that coming to terms with the past has emerged as the grand narrative of our times. A new worldwide phenomenon, called here *moral remembrance*, has become deeply rooted in human rights memorialization practices and norms. The circulation of justice and mnemonic models has become truly global, spanning not only Europe, Latin America, South Africa and the Middle East. Recently, in particular due to the work of the Dutch NGO Impunity Watch, those same memorialization models have also become an available repertoire of justice in a variety of African and Asian settings, such as Burundi, Burma, Cambodia, Indonesia, Nepal, Sri Lanka, Thailand and Timor-Leste. Moral remembrance refers to the standardized ways, promoted through the human rights infrastructures of the world polity – the global system that creates values and norms through the collective conferral of authority (Mayer) – in which societies are expected to deal with the legacies of mass human rights abuses.

The institutionalization proper of the human rights memorialization agenda – moral remembrance – started with the adoption by the United Nations, on 10 December 1948, of the Universal Declaration of Human Rights (UDHR). Although the UDHR has no legal force and was not tailored to address memory issues per se, its authority – as the single most important statement of ethics – is unrivalled when it comes to memorialization processes. Many legal experts estimate that it has acquired the status of international customary law,

in part because of its almost unprecedented translation, into approximately 360 languages. Together with two binding treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted in 1966, it forms the International Bill of Human Rights, encapsulating a tradition of three centuries of human rights thinking and more than two millennia of natural law (De Baets 20). The guiding principle of the UDHR was to force states to face, and be held accountable for, past human rights abuses. Within this setting of the global polity, in which human rights had been adopted as desired moral and cultural norms, states were increasingly expected to conform to the international human rights norms of facing their criminal past and becoming accountable for massive past human rights abuses (David, "Against Standardization of Memory"). However, although states often (pretend to) willingly adopt human rights memorialization norms, memorialization agendas are enforced through a range of different forms of international pressure,¹ and by circulating models of justice and memory 'standards' among international organizations and local communities from the bottom up. This gradual standardization of memory refers to a historical process through which a human rights understanding of memorialization processes became institutionalized at the global level, through transnational institutions, as well as in the engagement of local organizations: through these, it gained organizational and ideological power, and with that, widespread legitimacy. The process refers to a gradual, cumulative development: from a 'duty to remember' as an awareness-oriented approach to a contested past, to the policy-oriented 'proper memorialization' standards understood and promoted as an insurance policy against the repetition of massive human rights abuses (David, "Against Standardization of Memory"). This shift is grounded in the assumption that 'proper memorialization' is essential for 'healing' societies with a difficult past and moving beyond trauma and violence. Three principles became the pillars of moral remembrance: 1) 'dealing with the past', 2) 'duty to remember', and 3) 'justice for victims', all understood and promoted as an insurance policy designed to prevent the reoccurrence of violent conflicts.

Here I briefly discuss the emergence of one of the pillars promoted through these human rights memorialization processes – the moral imperative of 'dealing with the past' – and consider some side-effects of its institutionalization within memorialization discourses and practices on the ground. I suggest that, while through the application of Western(ized) medical diagnostic categories of mental illness, and the production of hierarchies of victimhood, this approach gave voice to long-silenced historical injustices often linked to mass human rights abuses from the past, it also forged new societal inequalities that remain under-researched – often obscured by the idealized wishful thinking deeply rooted in the normative framework of human rights.

Emergence of the 'dealing with the past' agenda within human rights discourses

The rationale for placing the notion of 'dealing with the past' at the heart of post-conflict and human rights abuse processes has tended to rest on three primary assumptions. The first, borrowed from individual psychology, is that working through the past is necessary for healing, forgiveness and reconciliation. The second, a political position, argues that accountability fosters democracy and promotes peace and human rights; while the third posits processes of dealing with the past as a moral duty, to remember the victims and acknowledge their trauma (Dragović-Soso). The ultimate goal is to 'heal the nation' and to 'reconcile' in order to move beyond the troubled past. These assumptions developed gradually as an important

¹ This was never constant in its intensity, sustainability and reliability.

counter-effort to the Second World War, but gained momentum during the 'third wave' of transitions to democracy. The 'third wave of democratization',² since the mid-1970s, has brought about an irruption of previously suppressed collective memories and adjoining dilemmas of how to address past wrongdoings (Huntington). Since the 1980s, the human rights vision of memorialization, as a process of remembering the wrongs of the past and honouring the victims, has flourished, alongside the prevailing idea that public and official recognition of crimes is 'essential for preventing further violence' (Hazan 5). One of the defining features of the international human rights movement has become this new concern for the suffering of specific others in distant lands – an agenda that, to some extent, displaces those earlier, very nation-specific struggles, even in the same places (Moyn). To this end, certain necessary historical and social conditions have had to be in place to bring about the rise of the moral state of compassion, defined by Sznajder ("The Sociology of Compassion: A Study in the Sociology of Morals") as an active moral demand to address the suffering of others. This ethical duty to act in order to lessen the suffering of others, across spatial and temporal dimensions, became possible only in the intersection between 'humanitarianism' and the emergence of liberal society, with its distinctive features of capitalism (the market) and democracy (civic equality and citizenship) (Sznajder, "The Sociology of Compassion" 118). On the one hand, through democratization and the diminution of these profoundly categorical and corporate social distinctions, compassion became more widespread. On the other hand, the emergence of a market society, unintentionally, through widening the scope of exchange, also extended the public scale of compassion (Sznajder, "The Sociology of Compassion" 119). Further, through memories of human rights abuses and their institutionalization in the guise of international conventions, cruelty became understood as the infliction of unwarranted suffering, and compassion as a public response to this evil – transformed into an organized campaign to reduce the suffering of strangers (Sznajder, "Compassion, Cruelty, and Human Rights").

The moral grounds for the idealistic assumptions underlying 'healing' and 'reconciliation', rooted in Christian religious thought, were that reconciliation, as a genuine alternative to war, is a long-term process and a movement forwards, towards making peace. In that sense, reconciliation refers to a process by which countries can create structures and procedures for establishing enduring peace with their adversaries (Ackermann 229). Reconciliation was to be achieved, as in the case of the later transitional justice mechanisms, through a variety of forms and practices such as education, memorials or written and verbal dialogues about the past (Gardner Feldman 335).

The most influential reconciliation project that has been affected by memorialization processes and practices is to be found in the post-Second World War Franco-German partnership. In the Franco-German instance, a clear moral imperative emerged for societal and political leaders to confront the past. In this partnership, religious leaders played a primary role in unfreezing relations, not only in the well-known Roman Catholic context, but also through equally influential, though less celebrated, Protestant voices and actions (Gardner Feldman). The Franco-German case is rightly depicted as an inspiring model and even sometimes as 'the biggest product of reconciliation in history' (Kurbjuweit). In 1964 alone, the Franco-German Youth Office contributed to the coming together of 180,000 youths from both countries at 6,500 gatherings, seminars and study trips – a process that gradually affected all levels of society. More than seven million young people have now been involved in student exchange programmes (Rosoux). In just a couple of decades, from being bitter adversaries, the Franco-German relationship was upgraded on multiple levels. The impact

² A wave of transitions from dictatorship to democracy in the late 1970s and early 1980s in southern Europe and Latin America, followed later by the democratization of communist regimes in Eastern Europe in the early 1990s.

of what is today known as the 'German model' of human rights understanding and promotion of memorialization processes has been enormous. Over the years, the so-called German model became known as the bedrock for post-conflict reconciliation efforts. This form of atonement became implemented, one way or another, in a variety of contexts across the globe, such as in Japan, Lebanon, Turkey, the Western Balkans, Latin American countries, Rwanda, Canada and elsewhere, producing very different outcomes on the ground (Gabowitsch). Even the Chinese would, at one point, suggest that Japan, in dealing with the Second World War, should adopt the German model (Werner Müller).

However, in many places, the adoption of the German model of 'dealing with the past' and accountability as a 'proper way of remembrance' has proliferated only since the mid-1990s. Korea, Chile, South Africa, Brazil, the Philippines, Uruguay, Guatemala, Haiti, the Soviet Union, Poland and Czechoslovakia, to mention only a few countries, have confronted the same sort of questions as they have attempted to move from dictatorial to democratic systems of governance, seeking to understand how to deal with the former torturers persisting in their midst (Arthur).

For several geopolitical regions, the 'Spanish model' of *consenso* (consensus) proved to be a blueprint for the ways in which mass human rights atrocities could be addressed. The Spanish model produced another concept of 'dealing with the past' that has been most often characterized as a deliberate, but largely tacit, agreement to 'forget' the past – a pact of oblivion, or Pacto del Olvido (Davis, "Is Spain Recovering its Memory? Breaking the Pacto del Olvido"). The idea of reconciliation was promoted through the notion of a peaceful handover of power in return for silence about the past.

For two decades, from the late 1970s until the mid-1990s, the Spanish model appealed to both Latin American and East European countries as it offered a road map for concrete political action. The Spanish concept of *consenso* was also part of the debate across Eastern Europe – from Poland and Hungary to the Soviet Union – over the nature of the transformation away from communism.³ Apart from anything else, it advocated 'pardoning without forgetting' the criminalities of the antecedent regime.

Spanish politicians, publicists and academics promoted their vision of collective amnesty and official oblivion all over Latin America, with the putative assumption that it would be the only appropriate approach to promoting peaceful democratization. However, while the Spanish model of dealing with the past informed the Chilean transition of 1988, neighbouring Argentina instead adopted the model of the truth commission (established in 1983), proposing thus a new vision of 'dealing with the past' based on 'truth without justice' (Kressel).

Yet, between 1996 and 1998, an abundance of evidence on human rights abuses was gathered with the assistance of numerous human rights NGOs, both in Spain and abroad. Part of a much broader investigation into the human rights crimes of Latin America's southern cone dictatorships, it originated in July 1996, when charges of genocide and terrorism were filed in a Valencia court against Pinochet and a number of his associates (Davis, *The Pinochet Case* 6–7). In return, the Chilean government's diplomatic engagement to secure Pinochet's repatriation became a matter for worldwide debate. Hence, from around the mid-1990s when a number of books and newspaper articles were published in Spain, a notable resurgence of interest in this issue was evident (Davis, "Is Spain Recovering its Memory? Breaking the Pacto del Olvido"). The transnational mobilizations of Latin American activists and their cooperation

³ See more in Mark, J., Baby, S. and Kressel, D. "The Spanish Model and its Circulation in Latin America and Central Eastern Europe", conference proceeding, 1–2 February, 2019. <http://passes-present.eu/fr/criminalising-violet-pasts-multiple-roots-and-forgotten-pathways-1950s-2010s-43830>.

with European and North American partners led to the reopening of trials against former military leaders in Latin America, but also prompted the revival of pro-accountability discourses. Such discourses were reckoned to be a necessity for healing nations, not least with regard to Franco's crimes in Spain, and they in turn influenced memory processes in Eastern Europe (Baer and Sznajder). By the mid-1990s, this fascination with the Spanish transition was in decline. However, for almost twenty years, the Spanish model of *consenso* was a powerful transmittable experience which had been incorporated into political debates in many countries undergoing transition.⁴

The decline of the Spanish model was also due to the extensive transnational activist networks and victim groups that pushed for accountability rather than impunity. Instead, from the 1990s, two models of 'dealing with the past', both deeply rooted in the assumption that doing so properly is necessary for a transition to democracy and for better appreciation of human rights, prevailed: one stemming from the Franco-German model, and later utilized in South Africa – the reconciliation model; and one originating from Latin American experiences – the truth model. They circulated widely around the globe. Human rights activists and politicians from South Africa, Latin America and elsewhere closely studied what the Germans had done by way of trials, public commemorations, schoolbooks and their partnerships with the French.

The human rights memorialization agenda would only proliferate in the late 1980s and throughout the 1990s, and was shaped in particular by historians' debates in the 1980s in Germany and then further developed and adapted to fit the policy-oriented frameworks of transitional justice. The *Historikerstreit* ('historians' quarrel') was an intellectual and political controversy in the late 1980s in West Germany regarding the crimes of Nazi Germany,⁵ including the question as to whether they could properly be compared with those committed in the Soviet Union. German historians debated at length the notions of *Vergangenheitsbewältigung*: 'dealing with the past,' 'treating the past', 'working over the past' or 'overcoming the past'. In particular, the historians' debate questioned how and when the memory of violent events might be 'overcome' or 'mastered', and how accountability supposedly facilitates democratization processes and liberal peace. The debate, in the course of which the Spanish model was set aside, focused on a process of turning remembrance into public awareness and was held in media outlets in West Germany at the same time as discussions in Latin America explored how to deal with former right-wing regimes.

The centrality of the German model of a 'dealing with the past' approach was greatly enhanced by Adorno's influential 1959 article "What Does Coming to Terms with the Past Mean?", in which he argued that a culture of forgetting threatens democracy because real democracy requires a self-critical working through of the past. Similarly, Habermas contended that one must accept the presence of the past as a 'burden', so far as moral accountability is concerned. The historians' debate in Germany and human rights activism in Latin America, both of which, in many ways, shaped and promoted such notions, were inspired by the rise of Western individual psychology in general and specifically by Freud's psychoanalytical approach to retrieving repressed painful memories as part of a healing process (Misztal 140–3). The

⁴ Mark, J., Baby, S. and Kressel, D. "The Spanish Model and its Circulation in Latin America and Central Eastern Europe", conference proceeding, 1–2 February 2019. <http://passes-present.eu/fr/criminalising-violet-pasts-multiple-roots-and-forgotten-pathways-1950s-2010s-43830>.

⁵ The *Historikerstreit* spanned the years 1986–89, and pitted right-wing against left-wing intellectuals. The positions taken by the right-wing intellectuals were largely based on the totalitarianism approach which compares fascism with communist totalitarian states, while left-wing intellectuals argued that fascism was uniquely evil and could not be equated with the crimes of Soviet communism. The debate attracted much media attention in West Germany, with its participants frequently giving television interviews and writing op-ed pieces in newspapers.

highly influential 1967 book *The Inability to Mourn: Principles of Collective Behaviour*, written by Margarete and Alexander Mitscherlich, applied Freudian theory to explain post-war Germany's failure to come to terms with its wartime guilt. This became a key text during the student unrest of 1968, leading to demands that the wartime generation face up to the past. The Mitscherlichs, both psychoanalysts and co-founders of the Sigmund Freud Institute for psychoanalytic research in Frankfurt, posited that, unless Germans confronted their past and worked through the memories and implications of what had happened, they could not begin to 'move on'.

This approach was echoed and further cemented through a series of conferences that took place in the late 1980s and early 1990s: the 1988 Aspen Institute conference on 'State Crimes: Punishment or Pardon'; the 1992 conference in Salzburg, Austria on 'Justice in Times of Transition'; and the 1994 Institute for Democracy in South Africa conference on 'Dealing with the Past'. In these conferences, 'political actors, human rights activists, and observers from around the world were convened in order to compare experiences' and discuss transitions to democracy (Arthur 325). These conferences gave full legitimacy to the 'dealing with the past' approach, whereby remembering became intimately tied to a preventive vision of 'never again!' in which the suffering and sacrifices had not happened in vain (Olesen 337). During the 1990s and beyond 2000, coming to terms with the past has emerged as the ultimate imperative of recent times by providing a scheme for transitional societies to move forward into democracy.

This period of accelerated democratizations and, frequently, accompanying political fragmentations, generated a new sort of human rights activity, termed 'transitional justice'. Here accountability principles were adopted in order to fight impunity and thereby tackle difficult legacies. The term 'transitional justice' as we understand and use it today emerged with reference to the transitions from authoritarian rule in Eastern Europe and Central America in the late 1980s and early 1990s (Ní Aoláin and Campbell). Transitional justice practices and related legal memories became a central political-institutional mechanism and cultural-normative arena through which the legal domain is not only about the institutionalization of universal claims on which nation-state sovereignty and the self-understanding of a political community rest, but also figures as a strategic site for their transformation (Held). With the establishment of international criminal tribunals to prosecute those responsible for crimes in the former Yugoslavia (ICTY in 1993) and Rwanda (ICTR 1994), and of the International Criminal Court (ICC in 1998), transitional justice became deeply institutionalized and a powerful ideological tool intended as a guiding model on the world polity stage.

The establishment of the 'transitional justice' paradigm further crystallized how the 'proper' remembrance of mass human rights violations should look, devoting much more attention to accountability than to impunity. The adoption of the 'dealing with the past' approach when assembling a toolkit for a human rights memorialization agenda had a huge (yet uneven) impact on memorialization processes around the globe. The embracing of the moral imperative to deal with the past engendered a range of new memory practices. Public expressions of emotions such as guilt, shame and remorse; performative actions such as public apologies, models of reconciliation, the erection of monuments and museums; and legal, penal or financial measures such as reparations, restitution, truth telling, international domestic and hybrid courts and memory laws, as well as educational and artistic projects, dialogue groups, memory activism, historical justice claims and peacebuilding memorialization activities, were all deeply shaped by the assumption promoted by human rights institutions that properly addressing past mass human rights abuses is necessary for preventing the occurrence of future violence.

Such an approach to past human rights abuses has also created a global movement for historical justice – acknowledging and redressing historical wrongs – as one of the most

significant moral and social developments of our times, and actively promoted as such in both scholarly and activist circles. Since the mid-1990s, social movements, such as indigenous movements in the Americas and Australia, have addressed forced disappearances and land theft (in relation to Palestine, Australia, Argentina and elsewhere). Together with various social movements, they have focused on past injustices and massive human rights abuses, forging and spreading transnational linkages in order to give voice to silenced past injustices around the globe. This 'growing importance of pursuing retroactive justice is also a result of the increased valorization of memory as the essential element of collective identity' (Misztal 63). Global injustice memories are thus intimately connected to an implicit or explicit global 'we', with moral responsibilities that extend beyond national boundaries and identities (Olesen 377). Based on the historical experience of both oppressed and oppressors, these new global movements for historical justice often form novel solidarities based on those dichotomies.⁶

Side-effects of the 'dealing with the past' agenda: some sociological reflections

This 'dealing with the past' approach creates a particular memory-frame through which historical content is shaped. It is precisely this memory-frame that serves as a setting in which the specific content of memory may be situated and, when situated in a certain way, is imposed through the normative schemes of moral remembrance. Hence, it is important to ask 'what is the memory-frame that moral remembrance imposes?' As the human rights memorialization agenda is shaped through the prism of universalism, standardization of memory requires a shift from concrete memories to abstract remembrance. However, this always occurs at the expense of complexities and moral ambiguities. Thus, the 'dealing with the past' approach, which has become deeply rooted in human rights memorialization practices and norms, whitewashes and misinterprets the historical and political context in which it emerged, as if this latter had been apolitical and natural and the only proper way to remember. It is precisely this seemingly 'natural' and 'logical' way of treating past human rights abuses that masks the particular context and politics under which this principle has been produced. Hence, one should be well aware that the naturalization of the 'dealing with the past' principle, promoted through a wide implementation of moral remembrance, helps to obstruct and de-historicize its wider meanings and applications.

If that is the case, the question is what does this naturalization of the 'dealing with the past' approach hinder or obstruct? What social forces become our blind spots when the 'dealing with the past' agenda has been promoted? As said before, the rationale for placing the notion of 'dealing with the past' at the heart of post-conflict and massive human rights abuse processes has been forged on the assumption that working through the past is necessary both for healing, forgiveness and reconciliation, and for preventing the occurrence of future violence. The first problem with the approach is the presumption that nations are like individuals and need to face the past in order to 'heal' or 'work through' their traumatic experiences. Hamber and Wilson have shown that nations are not like individuals in that they do not have collective psyches, that nation-building discourses on reconciliation often neglect individual needs, and that individual and collective processes of healing work on different timelines. They convincingly demonstrate that 'this act of "psychologizing the nation" mistakenly implies that the pursuit of national unity is a unitary and coherent process, and that individual and national processes of dealing with the past are largely concurrent and equivalent' (36). The image of a nation as an organic body that is hurt/ill and thus also may be healed is in fact often used as

⁶ However, the global solidarities of the oppressed are often grounded in narrow nationalist agendas.

a paradigm through which the vision of the homogenized national community is enforced. States, or more precisely their political elites, implement this meta-narrative as a basis for a national memory in society, and create, as part of their national identity, 'the state-sponsored memory of a national past' or 'national memory' (Young).

However, this overtly psychological approach, which became the foundation for the 'dealing with the past' approach, makes no clear distinction between the ways in which individuals reckon with their traumatic memories and the ways in which collectives engage with their painful past. Individual and collective reckonings with the past are far from identical. In fact, the very concept of social memory presupposes that individual memory and collective memory are not the same (Assmann). Through a series of empirical investigations into social suffering around the globe, Jeffrey Alexander outlined a model of trauma work that links the interests of carrier groups, competing narrative identifications of victim and perpetrator, utopian and dystopian proposals for trauma resolution, the performative power of constructed events and the distribution of organizational resources. He shows that every collective trauma is a social construct and not an inherited attribute of an event. For that matter, a traumatic element of the past is often hijacked by a state elite and (re)constructed to serve that elite's own needs. Some examples that prove Alexander's point include: the meticulous analysis by Robert Hayden ("Mass Killings and Images of Genocide in Bosnia in 1941–45 and 1992–95") of the ways in which Holocaust imagery was used to promote genocide claims in Bosnia during the wars of the 1990s; Jackie Feldman's accounts of Israeli Jewish students' trips to Poland and the precise framing of their sentiments regarding the Holocaust; or Joanna Bourke's (473) comparative study on remembering different wars across the globe, which revealed that certain wars, such as the Korean War, were simply 'ignored'.

Furthermore, such an approach to the past defines only one set of events of the national past as being critical – nothing else can be mentioned and everything else must, ironically, be suppressed. In his article "Schindler's Fate: Genocide, Ethnic Cleansing and Population Transfers", Robert Hayden echoes Milan Kundera when defining this reductionism, suggesting that shrinking the past to a single set of events 'reduces (and teaches others to reduce) the life of a hated society to the simple listing of its crimes'. In practice, this means that for Bosniaks, for example, their identity is perceived through Srebrenica, and they see Serbs through that frozen segment of the past. Serbs, on the other hand, reduce their identity to Jasenovac, perceiving all Croats as *Ustashe* and ultimately ignoring other segments of the past (David, "Against Standardization of Memory"). Croats see themselves through the justified war of independence, ignoring atrocities committed on their behalf. Thus, so narrow a framing of the particular past that has to be dealt with does, in fact, strengthen the bonds between the individual and their imagined ethnic community. I do not suggest that 'we' as collectives would be better off if 'we' forgot past human rights violations, as David Rieff to some extent claims in his recent book *In Praise of Forgetting*. However, framing this question in terms of 'we' as ethnically or nationally bound collectives simply serves to reinforce categorical divisions based on selective categorical orders that human rights wanted to extinguish in the first place. What gain additional weight are precisely the socially shared histories of one particular group, which consequently reinforce the significance of the nation (or ethnic group). The process through which their ethnicity becomes a substitute for their identity is largely overlooked and generally underestimated, partially because, at least nominally, human rights-based moral remembrance aspires to offer a different, category-free understanding of collectivity, arguably pushing for solidarities that are not based on historically constructed categories of ethnicity and nationhood.

The 'dealing with the past' approach also makes false assumptions that Freudian-derived individual psychology is based on universal human needs, and thus obscures ideological

roots deeply embedded in specific historically evolving ideas about reconciliation, healing and justice in Western(ized) cultures, at the same time persistently ignoring cultural, religious and societal differences. The human rights memorialization agenda that frames personal and collective experience through the lens of a 'duty to remember', 'facing the past' and a 'victim-centred agenda' assumes a particular moral order in which there is little dispute as to what is morally right and what is wrong. This assumption effectively enforces the idea that human rights norms must trump cultural norms and heritage, where many local actors – the liberal-left, various victim groups but also the right wing (Bob; Perugini and Gordon) – tend to appropriate this human rights culture and use it to their own ends.

This flawed approach, based on psychoanalysis and the indubitably resonant notion of an 'ill nation contaminated with its contested past', became the bedrock of the 'dealing with the past' agenda in the 1990s. It not only erroneously assumed that individuals and collectives act similarly upon their traumatic past, but also applied medical diagnostic categories of mental illness, which ignore cultural differences and universalize culturally specific meaning systems to frame how one interprets and constructs the suffering self (Lambek and Anze). These complex meaning systems are shaped by psychological explanatory models and therapeutic discourses of treatment and recovery (Herman). Thus, once those Western, Freudian-derived psychological explanatory models are applied to a nation as a whole, 'dealing with the past' becomes encoded as a therapeutic remedy that has beneficial psychological consequences for 'healing the nation'.

The falsity of psychologizing the processes of human rights memorialization has been well documented by anthropologists. When discussing processes of dealing with contested pasts, explanations rooted in cultural differences are generally avoided. Kidron, in her research on Holocaust survivors, has deconstructed the erroneous foundations of the view that silence may be equated with 'repression'. Silence, she argues, 'as a negatively marked absence, is all the more problematic [to psychologists and psychoanalysts] because it deviates from the Eurocentric psychosocial norm of voice. The absence of voice is understood as signalling psychopathologized processes of avoidance and repression, socially suspect processes of personal secrecy, or collective processes of political subjugation' (Kidron 6). Similarly, Hayner questions whether a 'right to the truth' should be turned into an unbending obligation. Based on a Mozambiquan case study, she suggests that 'for a number of reasons, victims sometimes show no interest in focusing on their past suffering.' While silence is often regarded as a denial of past human rights abuses, and in stark opposition to a proper 'dealing with the past' (176), Eastmond and Mannergren-Selimovic (524) have shown that silence is in fact a form of communication, as multifaceted as speech and conveying a broad range of contextually situated social meanings. They demonstrate that, in the case of Bosnia, given the circumstances of highly polarized and hostile ethnic communities, silence communicates caution, respect and recognition; thus, it can be seen as a pragmatic and successful strategy for coexistence. Obradović-Wochnik (328) conceptualized silence in post-conflict Serbia not as denial of the past, but rather in terms of 'sites of silent knowledge' that include 'shared knowledge, secret practices and inability to discuss violence' that differ drastically from the intentionally top-down 'strategic silencing that is aimed at disabling any open public debate on the past' (David, "Between Human Rights"). In other words, the human rights-sponsored 'dealing with the past' agenda not only reduces pasts to one singular remembrance framework while psychologizing memorialization discourses and practices with therapeutic constructs of 'healing', 'health' and 'illness', but it also disables other cultural resources in order to provide a meaning-making process of the past.

An additional point should be made. The 'dealing with the past' approach, in fact, often produces new societal inequalities. As shown in the Bosnian case, victim groups who are supposed to be the main beneficiaries of the 'dealing with the past' agenda are, in the

realpolitik of day-to-day life after the conflict, rarely interested in advancing goals that are not to their own benefit, even though myriad post-conflict groups try to achieve apparently similar goals – namely, to have their truth acknowledged (through various means). This is because the 'dealing with the past' agenda triggers competitions over victimhood, 'about who is the greater victim' (Franović 42) as a means of gaining much-needed public recognition. Moreover, victim groups from different sides of the conflict often act to prevent their counterparts from reaching their goals. In practice, this means that the adoption and promotion of moral remembrance obtains justice for some but renders many other victim groups invisible. It sets a stage for a competition, not only for nominal recognition and particular rights but also to determine supremacy, that is, who gets to be perceived as an ultimate victim, thereby creating competing hierarchies of suffering (David, "Holocaust and Genocide"). For example, in Bosnia such hierarchies are present in every aspect of political life. Srebrenica victims and the survivors of the cleansing/genocide are regarded both locally and internationally as the prototype for victims – their execution fits into a well-formed pattern based on the Holocaust experience, reflecting what the 'ideal-type victim' looks like. Elevating Srebrenica victims to a national symbol of Bosniak suffering has made other Bosniak victims across Bosnia seem less worthy, and thus, so to speak, second-class victims. This immediate binding of victimhood with ethnicity translates into a zero-sum game in which one's victimhood is always understood at the expense of others.

It would be an understatement to say that human rights have changed the world we live in. In many ways this change is profound, affecting, on a global scale, the conventional and normative aspects of the way we perceive, remember, make distinctions, notice and ignore things, assign meaning and construct our identities. This said, the impact of the human rights-sponsored 'dealing with the past' agenda is at the same time troubling, pointing as it does to the wider intersections of power and societal structures that, contrary to what is desired, contribute to the further production of inequality, often creating new societal margins on account of identity politics. The competing forms of victimhood, the establishment of hierarchies of victimhood and the competition over scarce resources largely contribute to the further creation of inequalities. By marginalizing and silencing the weakest, all this pushes victim groups to compete for both symbolic recognition and much-needed societal benefits. The problem is that their inclusion and recognition in infrastructures of their own nation-states is not guaranteed and also comes at great cost. The way to 'earn' recognition frequently leads through the 'activism of victimhood' that 'compels the survivors to constantly reassess their victim status' (Barkan and Bećirbašić 100). Those who carry physical and mental scars and remain – even when decades have passed – in the moment of the atrocity, are often trapped in the role of victims (Langer). In practice, this means that, for both human rights groups and for political elites, the suffering party can gain status only through the position of being victims, which needs to be constantly reaffirmed. It is precisely here, in the day-to-day politics of victimhood, that new social inequalities are being produced. The need for the 'ideal-type victim' means that victim groups inevitably (and often very consciously) engage in the homogenization of their group members, a process that is often accompanied by ethnic and/or religious homogenization. Therefore, they repeatedly sanction any complexities or messiness, as it might jeopardize their victim position in the power struggle between two opposing camps – that of human rights and that of nationalist-centred ideologies. Finally, and more importantly, the homogenization and pressuring of the victim group into this framework of ideal victim means not only that suffering parties stay trapped in their victimhood status, but also that other victim groups come to be viewed as rivals and opponents in the struggle for scarce resources. Such positioning, between human rights and the

nation-state-sponsored memorialization agenda, constructs hierarchies that immediately and inevitably translate into battles over recognition. Even within the same ethnic community, deeply immersed in the factional politics of recognition (such as in Republika Srpska, the Federation of Bosnia and Herzegovina, Serbia, Croatia, Kosovo or Palestine), victim groups will fight among themselves over scarce and limited resources. Consequently, in an ethnically divided setting, victim groups often align their struggle with nationalist agendas, in order to survive and maximize their chances of being recognized nationwide. This struggle results in a broad variety of trade-offs between the political elite and victim groups, where leaders of these groups frequently aim at 'privatizing' the associations they represent for their own narrow political and economic advantage. They gain support from their government by acting as guardians of their ethnic communities and expressing deep nationalist sentiments. In other words, the need to obtain access to the state bureaucratic apparatus forms new social inequalities. This differential access to state power, closely connected to corruption and trade-offs of different kinds (such as bringing in a voting electorate in return for privileges, business opportunities or even money laundering), should indeed be seen as a foundation for the emergence of a new social class, which often results in the bolstering of nationalist sentiments. Hence, through the competing authority of human rights on the one hand and nationalist-centred ideologies on the other, and by dint of the coupling of economic needs with nationalist sentiments, the moral remembrance agenda simultaneously produces new inequalities and societal margins that remain hidden behind its great success.

Conclusion

Two main points have been addressed in this article. The first concerns the emergence of the 'dealing with the past' agenda within a particular socio-historical context and its adoption in processes of moral remembrance, understood as the human rights-promoted memorialization approach to a 'proper way of remembrance'. Secondly, I have suggested why the institutionalization of the 'dealing with the past' approach yields some particular effects on affected communities. Those 'side-effects' are often reflected in psychologizing discourses of memorialization and a blurring of the boundaries between the national and the individual which, contrary to what is desired, further strengthen categories of nation and ethnicity. This also leads to competition over victimhood that ends up producing differing access to resources, yielding new social inequalities. Finally, the main aim of this short piece has been to provoke a conversation on the often hidden effects 'dealing with the past' has on the ground, suggesting that these deserve more attention and systematic research.

References

- Ackermann, A. "Reconciliation as a Peace-Building Process in Post-War Europe: The Franco-German Case." *Peace and Change*, vol. 19, no. 3, 1994, pp. 229–50. DOI: <https://doi.org/10.1111/j.1468-0130.1994.tb00609.x>
- Alexander, J. "Toward a Theory of Cultural Trauma". *Cultural Trauma and Collective Identity*, edited by Alexander, J. et al. University of California Press, 2004. DOI: <https://doi.org/10.1525/california/9780520235946.001.0001>
- Arthur, P. "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice." *Human Rights Quarterly*, vol. 31, 2009, pp. 321–67. DOI: <https://doi.org/10.1353/hrq.0.0069>
- Assmann, A. "Memory, Individual and Collective." *The Oxford Handbook of Contextual Political Analysis*, edited by Robert Goodin and Charles Tilly. Oxford University Press, 2008, pp. 210–24.

- Barkan, E. and B. Bećirbašić. "The Politics of Memory, Victimization and Activism in Post-conflict Bosnia and Herzegovina." *Historical Justice and Memory*, edited by Klaus Neumann and Janna Thompson. The University of Wisconsin Press, 2015, pp. 95–113.
- Baer, A. and N. Sznajder. *Memory and Forgetting in the Post-Holocaust Era: The Ethics of Never Again*. Routledge, 2017. DOI: <https://doi.org/10.4324/9781315616193>
- Bob, C. *The Global Right Wing and the Clash of World Politics*. Cambridge University Press, 2012. DOI: <https://doi.org/10.1017/CBO9781139031042>
- Bourke, J. "Remembering." *War Journal of Contemporary History*, vol. 39, 2004, pp. 473–85. DOI: <https://doi.org/10.1177/0022009404046750>
- David, L. "Against Standardization of Memory." *Human Rights Quarterly*, vol. 38, no. 2, 2017, pp. 296–318. DOI: <https://doi.org/10.1353/hrq.2017.0019>
- David, L. "Between Human Rights and Nationalism: Silencing as a Mechanism of Memory in the Post-Yugoslav Wars' Serbia." *Journal of Regional Security*, vol. 10, no. 1, 2013, pp. 37–52. DOI: <https://doi.org/10.11643/issn.2217-995X151SPD51>
- David, L. "The Holocaust and Genocide Memorialization Policies in the Western Balkans and Israel and Palestine." *Peacebuilding*, vol. 5, no. 1, 2017, pp. 51–66. DOI: <https://doi.org/10.1080/21647259.2016.1265045>
- Davis, M. "Is Spain Recovering its Memory? Breaking the Pacto del Olvido." *Human Rights Quarterly*, vol. 27, no. 3, 2005, pp. 858–80. DOI: <https://doi.org/10.1353/hrq.2005.0034>
- Davis, M. *The Pinochet Case*. Institute of Latin American Studies Research Papers, 2000.
- De Baets, A. "The Impact of The Universal Declaration of Human Rights on The Study of History." *History and Theory*, vol. 48, 2009, pp. 20–43. DOI: <https://doi.org/10.1111/j.1468-2303.2009.00483.x>
- Dragović-Soso, J. "Conflict, Memory, Accountability: What Does Coming to Terms with The Past Mean?" *Conflict and Memory: Bridging Past and Future In [South East] Europe*, edited by Wolfgang Petritsch and Vedran Džihic. Nomos, 2010, pp. 29–46. DOI: <https://doi.org/10.5771/9783845225555-29>
- Eastmond, M. and J. Mannergren-Selimovic. "Silence as Possibility in Post-War Everyday Life." *International Journal of Transitional Justice*, vol. 6, 2012, pp. 502–24. DOI: <https://doi.org/10.1093/ijtj/ijts026>
- Feldman, J. *Above the Death-Pits, Beneath the Flag: Youth Voyages to Poland and the Performance of Israeli National Identity*. Berghahn Press, 2010.
- Franović, I. "Dealing with the Past in the Context of Ethnonationalism – The Case of Bosnia Herzegovina, Croatia and Serbia." *Berghof Occasional Paper*, vol. 29, 2008, pp. 1–59.
- Gabowitsch, M. (ed.). *Replicating Atonement Foreign Models in the Commemoration of Atrocities*. Palgrave Macmillan, 2017, pp. 1–25.
- Gardner Feldman, L. "The Principle and Practice of 'Reconciliation' in German Foreign Policy: Relations with France, Israel, Poland and the Czech Republic." *International Affairs*, vol. 75, no. 2, 1999, pp. 333–56. DOI: <https://doi.org/10.1111/1468-2346.00075>
- Habermas, J. *A Berlin Republic: Writing on Germany*. Translated by S. Rendell. University of Nebraska Press, 1997.
- Hamber, B. and Richard A. Wilson. "Symbolic Closure through Memory, Reparation and Revenge in Post-conflict Societies." *Journal of Human Rights*, vol. 1, no. 1, 2002, pp. 35–53. DOI: <https://doi.org/10.1080/14754830110111553>
- Hayden, M. R. "Mass Killings and Images of Genocide in Bosnia in 1941–45 and 1992–95." *The Historiography of Genocide*, edited by D. Stone. Palgrave Macmillan, 2008, pp. 487–516. DOI: https://doi.org/10.1057/9780230297784_20

- Hayden, M. R. "Schindler's Fate: Genocide, Ethnic Cleansing and Population Transfers." *Slavic Review*, vol. 55, no. 4, 1995, pp. 727–48. DOI: <https://doi.org/10.2307/2501233>
- Hayner, B. P. "International Guidelines for the Creation and Operation of Truth Commissions: A Preliminary Proposal." *Law and Contemporary Problems*, vol. 59, no. 44, 1997, pp. 173–80. DOI: <https://doi.org/10.2307/1192197>
- Hazan, P. *Judging War, Judging History, Behind Peace and Reconciliation*. Stanford University Press, 2010.
- Held, D. "Law of States, Law of Peoples: Three Models of Sovereignty." *Legal Theory*, vol. 8, 2002, pp. 1–44. DOI: <https://doi.org/10.1017/S1352325202081016>
- Herman, J. L. *Trauma and Recovery*. Basic, 1992.
- Huntington, S. *The Third Wave*. University of Oklahoma Press, 1991.
- Kidron, C. "Toward an Ethnography of Silence: The Lived Presence of the Past in the Everyday Life of Holocaust Trauma Survivors and Their Descendants in Israel." *Current Anthropology*, vol. 50, no. 1, 2009, pp. 5–27. DOI: <https://doi.org/10.1086/595623>
- Kressel, D. "Getting off the Tiger: The Spanish Transition to Democracy in Latin America's Southern Cone." *Global Society*, vol. 33, no. 3, 2019. DOI: <https://doi.org/10.1080/13600826.2019.1598945>
- Kurbjuweit, D. "Let Down by the US: Why Germany Needs Europe." *Der Spiegel*, 14 December 2010.
- Lambek, M. and P. Antze. "Introduction: Forecasting Memory." *Tense Past: Cultural Essays in Trauma and Memory*, edited by P. Antze and M. Lambek. Routledge, 1996, pp. xi–xxxviii.
- Langer, L. "The Alarmed Vision: Social Suffering and Holocaust Atrocity." *Social Suffering*, edited by Arthur Kleinman, Veeba Das and Margaret Lock. University of California Press, 1997, pp. 47–65.
- Mark, J., Baby, S. and Kressel, D. "The Spanish Model and its Circulation in Latin America and Central Eastern Europe". *Conference proceeding*, 1–2 February 2019. <http://passes-present.eu/fr/criminalising-violet-pasts-multiple-roots-and-forgotten-pathways-1950s-2010s-43830>.
- Misztal, B. "Collective Memory in a Global Age: Learning How and What to Remember." *Current Sociology*, vol. 58, no. 1, 2010, pp. 24–44. DOI: <https://doi.org/10.1177/0011392109348544>
- Moyn, S. *The Last Utopia: Human Rights in History*. Harvard University Press, 2010.
- Ní Aoláin, F. and C. Campbell. "The Paradox of Transition in Conflicted Democracies." *Human Rights Quarterly*, vol. 27, no. 1, 2005, pp. 172–213. DOI: <https://doi.org/10.1353/hrq.2005.0001>
- Obradović-Wochnik, J. "The 'Silent Dilemma' of Transitional Justice: Silencing and Coming to Terms with the Past in Serbia." *The International Journal of Transitional Justice*, vol. 7, 2013, pp. 328–47. DOI: <https://doi.org/10.1093/ijtj/ijt011>
- Olesen, T. "Global Injustice Memories: The 1994 Rwanda Genocide." *International Political Sociology*, vol. 6, 2012, pp. 373–89. DOI: <https://doi.org/10.1111/ips.12003>
- Perugini, N. and N. Gordon. *The Human Rights to Dominate*. Oxford University Press, 2015. DOI: <https://doi.org/10.1093/acprof:oso/9780199365012.001.0001>
- Rieff, D. *In Praise of Forgetting: Historical Memory and its Ironies*. Yale University Press, 2016.
- Rosoux, V. "Negotiating Friendship: Franco-German and Franco-Algerian Cases." *Pin – Points*, vol. 43, 2016, pp. 13–19.
- Sznaider, N. "Compassion, Cruelty, and Human Rights." *World Suffering and Quality of Life*, edited by Ronald E. Anderson. Springer, 2015. DOI: https://doi.org/10.1007/978-94-017-9670-5_4

- Sznaider, N. "The Sociology of Compassion: A Study in the Sociology of Morals." *Journal for Cultural Research*, vol. 2, no. 1, 1998, pp. 117–39. DOI: <https://doi.org/10.1080/14797589809359290>
- Werner Müller, J. "Germany's Two Processes Of 'Coming to Terms with The Past' – Failures, after All?" *Remembrance, History, and Justice Coming to Terms with Traumatic Pasts in Democratic Societies*, edited by Vladimir Tismaneanu and Iacob C. Bogdan. Central European University Press, 2015.
- Young, J. *The Texture of Memory: Holocaust Memory and Meaning*. Yale University Press, 1993.

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