Introduction: historians and the yearning for historical justice

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INTRODUCTION

Historians and the yearning for historical justice

Klaus Neumann

The Swinburne Institute for Social Research, Swinburne University of Technology, Melbourne, Australia

The yearning for historical justice has become a defining feature of our age. The article discusses the extent and manifestations of this yearning for the redress of the wrongs of the past. It notes that, paradoxically, historians have not had a major influence on debates about historical justice. Referring to the seven other contributions to this themed issue of Rethinking History, the article suggests that historians have, however, made contributions in five crucial respects. They have provided critical analyses of processes of memorialising and historicising historic wrongs, highlighted silences and absences in representations of past injustices, drawn attention to pasts that have been largely forgotten, engaged with seemingly unbidden intrusions of the past into the present and identified and analysed the motives and desires of individual actors. Sketching promising future directions for relevant historical scholarship, the article proposes that historians problematise the idea that all historic wrongs need to be remembered comprehensively, and that historians reflect on the particular responsibilities and obligations of their discipline. Finally, this introduction suggests that practitioners of a critical history be cognisant of their emotional investment when writing about historic wrongs and historical justice.

As I am writing this, an international court has just upheld a 50-year prison sentence against Charles Taylor for war crimes, crimes against humanity and other violations of international humanitarian law (Sesay 2013; Simons and Cowell 2013; SCSL 2013). Taylor is a former president of Liberia (1997–2003). During his time in office, Liberia provided support to the Revolutionary United Front (RUF), an armed group fighting the government of neighbouring Sierra Leone. The RUF was responsible for the murder of tens of thousands of people, and the displacement of half of Sierra Leone’s population. Its terror only came to an end in 2001 as the result of a United Nations-backed military intervention.
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While Taylor, as president and, before then, as leader of the National Patriotic Front of Liberia (NPFL), was also responsible for serious human rights violations in Liberia, which between 1989 and 2003 experienced two brutal civil wars, he has so far only been tried for crimes that took place in Sierra Leone, and by an international court that drew both on international human rights law and Sierra Leonean domestic law and was set up jointly by the United Nations and the government of Sierra Leone. The injustices committed during Liberia’s civil war were, however, investigated by a truth and reconciliation commission, which was inaugurated in 2006, collected almost 20,000 statements and delivered its final report in 2009 (Wiebelhaus-Brahm 2013; Hayner 2011, 66–68; see also James-Allen, Weah, and Goodfriend 2010). The commission made extensive recommendations, including, among others, to prosecute perpetrators, institute alternative arrangements for truth telling, bar perpetrators from public office, pay reparations to victims and build memorials (Republic of Liberia 2009).

The prosecution of Charles Taylor is unexceptional. In recent years, there have been numerous successful attempts to hold former high-ranking government officials accountable for crimes against humanity, war crimes and other human rights violations. The beginnings of what Sikkink (2011) has coined the ‘justice cascade’, the growing tendency to prosecute representatives of murderous regimes in domestic and international courts and tribunals, can be traced back to the Nuremberg and Tokyo trials in the immediate aftermath of the Second World War. While prosecutions such as those of Charles Taylor, Serbia’s Slobodan Milošević, Argentina’s Jorge Rafaél Videla or Cambodia’s Ieng Sary aim for retributive justice, other means of redressing past wrongs, such as truth commissions, official apologies or the payment of compensation to victims, aim for reparative justice. Again, the Liberian truth and reconciliation commission is representative of a growing trend. Over the past 40 years, there have been truth commissions, or similar commissions of inquiry, in more than 30 countries to investigate extrajudicial killings, disappearances, arbitrary detention, torture, rape and other serious human rights violations, most of them perpetrated or condoned by representatives of the state (Hayner 2011).

The Liberian truth and reconciliation commission was also typical in that its commissioners explored a wide range of human rights violations: a plethora of crimes, perpetrated by a variety of actors over a long period of time. The commission investigated 23 different types of violations, including, among others, rape, arbitrary detention, forced displacement and torture (Republic of Liberia 2009, 262–263). While it attributed 39% of the crimes to the Charles Taylor-led NPFL, it identified some two dozen other organisations and groups that could be held responsible for violations, including the Liberian army and police, and various players in the Liberian civil wars (264). Although the commission was primarily formed to investigate and document incidents that occurred between 1979 and 2003 (the periods of the two civil wars, and the 10 years preceding them), it also tried to establish the ‘root causes of our current conflict’ (213), and in two
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chapters in its final report dealt with the pre-history of the violence that was the subject of its mandate (93–149).

Prosecutions such as Charles Taylor’s and truth commissions reflect an intense yearning for historical justice, that is, for the redress of past wrongs. This yearning has become one of the defining features of the post-cold war era, from Argentina to Australia, from Canada to Cambodia and from Rwanda to Romania. The historic wrongs that are the subject of demands for redress extend beyond living memory; they include, for example, the Armenian genocide and transatlantic slavery. In Spain, scholars and activists are recovering the memory of the Moriscos, who were expelled from Spain in 1609, and have called for symbolic reparations (González García 2008). In 2001, Pope John Paul II justified his official apology for the sacking of Constantinople during the Fourth Crusade in 1204 by claiming that ‘some events of the distant past have left deep wounds in the minds and hearts of people to this day’ (John Paul II 2001). Even in cases in which the yearning for historical justice initially focuses on recent events, it is often felt necessary to go back further in time; the Liberian truth commission, for example, also delved into events in the nineteenth century. The demand for historical truth and justice has become seemingly boundless and, as Barkan (2005, 232) writes, ‘almost insatiable’.

The idea that past injustices must be investigated, documented and redressed has become so widely accepted that it is difficult not to think of those who do not genuinely engage with past wrongs – for example, various Japanese governments, which refused to recognise and apologise for the suffering of Korean ‘comfort women’ – as being recalcitrant. But only 50 years ago, it would have made perfect sense for all participants in a prolonged civil war similar to the conflict in Liberia to make peace by deciding to let bygones be bygones. In fact, as recently as 20 years ago, at least one recommendation by the Liberian truth commission would have met with incredulity: that Ellen Johnson Sirleaf be barred from holding public office for 30 years because she provided financial support to Charles Taylor in the early stages of Liberia’s first civil war (Republic of Liberia 2009, 361). Sirleaf has been Liberia’s democratically elected president since 2006. In 2011, she was awarded the Nobel Peace Prize for her contribution to ‘securing peace in Liberia’ (Den Norske Nobelkomite 2011); arguably, the establishment of a truth and reconciliation commission in her first year in office was a crucial part of this contribution.¹

Truth commissions and other transitional justice instruments are increasingly driven less by the urge to mete out punishments and more by the desire to do justice to the victims, and to tell the truth about human rights violations. ‘The truth’ often means: the victims’ truth.² When reporting on the 1961 Eichmann trial, Arendt insisted that ‘[t]he purpose of a trial is to render justice, and nothing else; even the noblest of ulterior purposes […] can only detract from the law’s main business’ (2006, 253). More than half a century later, it is taken for granted that national and international courts and tribunals ought to be aiming to do far more than ‘the law’s main business’. Although trials are ostensibly directed at
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holding perpetrators accountable, they have also become forums where those who had suffered injustices are given the opportunity to speak about them (see Karstedt 2010; Brants 2013). In such trials, the role of victims of historical injustices exceeds both that assigned to witnesses in an ordinary criminal trial, and that of informants who could furnish oral histories. In 2006, the Outreach Programme of the International Criminal Tribunal for the Former Yugoslavia (ICTY) described the Tribunal’s accomplishments in the following terms:

[Many victims play a crucial role in the proceedings at the Tribunal as witnesses. By displaying exceptional courage in testifying at the Tribunal, they contribute to the process of establishing the truth. In turn, the Tribunal’s proceedings provide these victims and witnesses the opportunity to be heard and to speak about their suffering. […] the ICTY guarantees that the suffering of victims across the former Yugoslavia is acknowledged and not ignored. (Outreach Programme of the ICTY 2006)]

While victims of human rights violations are not yet entitled to testify and to be heard, international law now recognises the right of victims to receive reparations and to learn the truth; in December 2005, the United Nations General Assembly adopted ‘Basic Principles and Guidelines’, which Mahmoud Cherif Bassiouni, one of its architects, has justifiably hailed as ‘a monumental milestone in the history of human rights as well as international criminal justice’ (2006, 278). They include the following:

Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim’s right to the following as provided for under international law:

(a) Equal and effective access to justice;
(b) Adequate, effective and prompt reparation for harm suffered;
(c) Access to relevant information concerning violations and reparation mechanisms. (United Nations 2006, principle 11)

The Basic Principles further state that ‘victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization […] and to learn the truth in regard to these violations’ (principle 24). According to Bassiouni (2006, 275),

Understanding and public disclosure of the truth is important to victims because the truth (1) alleviates the suffering of the surviving victims; (2) vindicates the memory or status of the direct victim of the violation; (3) encourages the State to confront its dark past; and (4) through it, seek reform.

The proliferation of initiatives designed to attain historical justice by confronting ‘dark pasts’ ought to be seen in the context of a broader shift in focus, at least in the global north: collectively, we now look backwards and inwards, more so than forwards. Fifty years ago, the future loomed large. It held great promises – of material advancement and technological progress – but it also encompassed the threat of a war that would extinguish humankind. The past was seen as something to be left behind – it did not appear to generate substantive dividends, and whatever evil could be associated with it was, or at least could be, seemingly
safely contained. In 1963, a nuclear war was a distinct possibility, but it seemed by no means inevitable. In 2013, doom awaits us not as the result of a rash decision made by individuals in Washington or Moscow, but as the outcome of practices embraced in the past, over many decades and by many actors, particularly in Europe and North America, and also as the consequence of a prevailing global inertia that hampers attempts to abandon and undo the consequences of these practices. Yet in 2013 it is the past, at least as much as the future, that looms menacingly large. And much as people in 1963 were ambivalent about the future, 50 years later they are ambivalent about the past: it is the object of a nostalgic yearning for long-lost good times, but at least as often it is also seen as a liability. In 1963, the past seemed to have been over and done with, notwithstanding the fact that for some the memories of the horrors they experienced were fresh; in 2013, ‘dark pasts’ keep encroaching upon our present, regardless of whether or not we experienced them ourselves — and intriguingly also regardless of how often we try to ‘lock up the past’ with the help of an array of transitional justice instruments (Hazan 2010, 157).

Would that not be reason enough for us to try averting our eyes? After all, is that not exactly what many of us are doing with respect to the future — as if the melting of the glaciers could be halted if only we stopped fretting about it? It seems paradoxical: the more the past appears to intrude into the present, the more we want to know about it — as if the present had no legitimacy unless we kept attending to the past. The more we know, however, the more we want to be reminded of what we know. It seems ever more important to hold on to what we take to be the truth, to make that knowledge appear safe. Much more so than in 1963, in 2013 the past appears to be ephemeral and elusive.

Given this preoccupation with the past in general, and with producing knowledge about the perpetration of heinous crimes, in particular, professional historians ought to be in high demand. One could expect them to take centre stage as mediators of and guides for our engagement with ‘dark pasts’ because of their skills in uncovering the past, interpreting it, analysing it and rendering it as history. Admittedly, historians do play a part in this effort to know, but they occupy centre stage only on rare occasions. More often than not, they find themselves in auxiliary roles: as consultants or expert witnesses. The discourse about the past is shaped by politicians and poets, artists and advocates, journalists and judges — not because they possess specific talents or qualifications, but because seemingly these are not required. Anybody is entitled to retell and interpret the past. No Ph.D. in history is needed to contribute to debates about, say, heritage — or about historic wrongs, for that matter. In fact, such debates are not about history: at stake is not so much how to historicise the past, but how to remember it and to seemingly keep it alive. The traditional authority of scholarship — of texts that have been penned by qualified experts and whose claims are supported by copious notes — is greatly diminished; the general public is unlikely to privilege them over Wikipedia entries or television documentaries. The latter’s truth claims are often credible not so much because they employ historians as talking heads, but because they draw on the accounts of
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witnesses who recount personal experiences. Historians’ traditional claim that they are able to better understand the past because they can contemplate it from a safe distance is upstaged by the allure of experience, which collapses the distance from the past (cf. Chakrabarty 2007, 81). The expert witness who reports on her research about an event in the past is no match for the eyewitness who was involved in that event. Presumed authenticity now trumps professional authority.

The role of critical history

Historians and others with specialist knowledge about the past, such as archaeologists or historical anthropologists, have failed to shape recent public debates about historical justice, but they have played a crucial role in providing detailed knowledge about past wrongs, and thus have contributed to satisfying the urge to know about past human rights violations. Truth commissions have relied on their expertise. They have provided briefings to governments pondering whether or not to issue an official apology. Historians have identified the exact extent to which institutions and businesses have perpetrated wrongs or benefited from them. They have given evidence to parliamentary inquiries and have testified in court rooms; in fact, international criminal trials would now be unthinkable without some contextualisation provided by historians (see Wilson 2011, 20–23).

Historians have also helped to defuse historic tensions, by serving on historical commissions designed to expose partisan myths and to identify narratives that all parties in a conflict can agree on (see Karn 2005). They have lent their authority as arbiters of competing versions of the past to bodies that try to effect a reconciliation between perpetrators (and their descendants) and victims and survivors (and their descendants) (see Barkan 2005, 2009). Apart from being involved in the process of securing historical justice, historians – and scholars from other relevant disciplines, such as anthropology, cultural studies, sociology or archaeology – have also critically accompanied the process. The other seven papers assembled here are representative of this latter contribution, which has manifested itself in numerous critiques of public memory-making, in particular (see the contributions by Read and Wyndham, Apel, and Coullie). Historians and practitioners of related disciplines have engaged with the process of historical justice also in other fruitful ways: by highlighting absences and silences (as does Starzmann in this issue); by drawing attention to pasts that have been condemned to oblivion (see Margalit’s contribution); by engaging with the phenomenon of the ‘ghostly’ reappearance of ‘dark pasts’ (as in Schindel’s article) and by trying to understand the specificity of a yearning for justice (see Dawson’s paper in this issue).

Critiquing memory

Scholars in the humanities and social sciences have provided critical accounts of the historicisation and memorialisation of past injustices. They have identified the beneficiaries of particular renderings of historic wrongs, and analysed the
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politics of history and politics of memory that have shaped historical redress. They have shown how particular memories emerge in the course of contests over the interpretation of the past, and have insisted on the distinction between official memory and ‘vernacular memory’ (Gluck 2007). The process of publicly working through historic wrongs has become a prominent subject of historical research – one that is often no less attractive to scholars than a study of the wrong itself. Much of the scholarship on historical redress has been informed by attempts to understand the phenomenon of *Vergangenheitsbewältigung*, German attempts to come to terms with and pay symbolic and material reparations for the historic wrongs perpetrated in the name of Nazi Germany. The German case alone has been the subject of dozens of book-length analyses. Elsewhere, too, historians have critically analysed the process by which ‘dark pasts’ have been unearthed, debated or addressed; it could be argued that the scholarship on issues of historical justice in countries such as Argentina, France or South Africa is sufficiently substantive to constitute discrete fields of research.\(^5\)

In the tradition of James Young’s pioneering scholarship (for example, Young 1989), Marivic Wyndham and Peter Read provide a critical ‘biography’ of a memorial: they chronicle the disputes over the use of Londres 38, a building in the centre of Santiago de Chile, where opponents of the Pinochet regime were tortured and detained. They are critical of the appropriation of the site by the Chilean state, and the concomitant sidelining of victims’ organisations. While they write about the commemoration of historic wrongs in Chile as outsiders, Linde Apel is personally and professionally involved in the issues she explores in her paper. She writes about the *Stolpersteine* memorials, plaques embedded in the footpath that commemorate individual victims of Nazi Germany. She is suspicious of the motivations of those sponsoring a *Stolperstein* or using them to make public claims about the supposed righteousness of post-Holocaust generations. Implicitly, both Wyndham and Read, and Apel argue for alternative ways of commemorating the victims of the Chilean dictatorship, and the Nazi regime, respectively.

A critique of history and/or memory can focus our attention on silences and absences. The processes of remembering and forgetting are related: memories are never comprehensive, and remembering one aspect of the past often comes at the expense of others (Vivian 2010, 8–12). In her contribution to this issue, Judith Coullie rises to the defence of a much-criticised memoir by the South African writer Jacob Dlamini, who fondly remembers aspects of life under apartheid. She argues that the focus on the historic wrong that apartheid undoubtedly was not only hides integral aspects of the past from view, but also diverts attention from the darker sides of post-apartheid, democratic South Africa. In other words, Coullie suggests that a focus on injustices in the past obscures injustices in the present.

*Highlighting silences and absences*

In many cases, the vast majority of sources about a past injustice were generated by those responsible for it. Often, the voices of victims only survive in
the accounts of their tormentors. In fact, the more horrific an injustice was, the greater is the chance that the kind of truth the draftees of the 2005 Basic Principles had in mind needs to be winnowed from the testimonies of perpetrators – who tend to be interested in obfuscation rather than revelation. In the absence of survivors, the telling of truth becomes doubly problematic: because those speaking on behalf of victims lack the authorisation of surviving witnesses and because they need to conjure voices that make themselves heard. Rather than bemoaning the one-sidedness of their sources, scholars have successfully accepted the challenge of according agency to people whose voices were silenced. In this issue, Maria Theresia Starzmann reflects on the results of an archaeological excavation at the site of a forced labour camp in Berlin, and engages supposedly mute objects, conjuring both the presence of those who had used them, and their absence.

Rescuing from oblivion

In 2005, two historians, Caroline Elkins and David Anderson, published books about injustices that had been largely forgotten: the human rights violations perpetrated by the British colonial administration during the Mau Mau emergency in Kenya. Elkins’ Imperial Reckoning, in particular, soon prompted calls by Kenyan government ministers for an apology from the British government (Human Rights House 2005; BBC News 2005). In 2013, British Secretary of State William Hague not only issued a statement of regret in the House of Commons; he also announced that his government had agreed to make an out-of-court payment totalling £19.9 million to 5228 Kenyans who had suffered as a result of British policies during the emergency, and to contribute funding for a memorial to be built in Nairobi to the victims of abuse during the colonial era (House of Commons (United Kingdom) 2013, 1692–1693). Much like Elkins and Anderson, historians have played a crucial role in bringing past injustices to the attention of a wider public. Often, this attention has spawned campaigns by victims or their descendants for recognition and compensation. In other instances, historians have responded to campaigns by survivors and documented human rights violations, thereby providing survivors or the relatives of victims with the hard evidence required to launch successful claims for compensation or memorialisation. In both cases, the initiative to explore injustices in the past has come from historians.

The Nakba, the expulsion of Palestinians from the territory of the newly formed state of Israel in 1948, is not an injustice that needs to be rediscovered and thereby rescued from oblivion. Neither is the fact that in 1948 – and in later years – many Palestinian homes were bulldozed to make room for Jewish settlements or simply to prevent the return of their former residents. Gilad Margalit, whose paper discusses aspects of the Nakba in Haifa, is thus not breaking new ground in the way Elkins and Anderson were when writing about the Mau Mau emergency, but he is as proactive in his engagement with past wrongs as they were. For him,
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historical justice means recognising Haifa’s Arab past in general, and, in particular, the founding of modern Haifa in 1761 by Daher el-Omar, the Arab ruler of the Galilee. He argues that such recognition, including the celebration of modern Haifa’s 250th birthday in 2011, has been avoided by the city’s local government because a narrative that included the city’s founding father would also have had to mention the demolition of Haifa’s historic centre by the Israeli army in 1948.

Engaging with the ghosts of the past
In Florian Cossen’s film *The Day I Was Not Born* (originally released as *Das Lied in mir*; Cossen 2010), the swimmer Maria Falkenmeyer has a stop-over in Buenos Aires. Although she does not speak any Spanish, a Spanish lullaby she hears while waiting for her connecting flight literally throws her off course and makes her abandon her travel plans and check into a local hotel. She then learns that as a baby she was taken from her parents, who were disappeared under the military dictatorship, adopted by a German couple and taken to Germany. Maria’s journey of discovery in Buenos Aires is prompted by a strong emotional response to something she cannot grasp cognitively. The provenance of the memories that torment Fausta, the main character in Claudia Llosa’s film *The Milk of Sorrow* (originally released as *La teta asustada*; Llosa 2009), similarly defies rational explanation. Her mother had been raped during the violence that gripped Peru between 1980 and 2000, and transmitted her suffering to Fausta with her breast milk, as if the traumatic experience of rape were an infectious disease. In both films, a ‘dark past’ makes an unbidden appearance. Maria and Fausta have no choice but to accept its presence.

Inspired by Avery Gordon’s, Jacques Derrida’s and, albeit to a much lesser extent, Nicholas Abraham and Maria Torok’s work on haunting (Gordon 2008; Derrida 2006; Abraham and Torok 1986), scholars have tried to come to terms with the fact that in the aftermath of historic wrongs, ‘the time is out of joint’, to use the words of Shakespeare’s Hamlet, and the dead reappear as ghosts. They have done so both in the sense that people experience the presence of something or somebody that, strictly speaking, cannot be there, and in the sense that writers and film makers have summoned ghosts to draw out a past that could not be spoken about. The latter has been a prominent phenomenon in Spain, where the dictatorship ended ‘naturally’, when the dictator died of old age, and the transition to democracy was premised on the agreement to a so-called *pacto de olvido* (pact of forgetting). While this pact remained intact for about 25 years, the past of the Spanish civil war and of the subsequent Francoist repression nevertheless made itself felt (see Labanyi 2000).

The spectral presences that feature in Estela Schindel’s contribution to this issue are not conjured by novelists and film makers, but appear unbidden to security guards, construction workers and janitors who work at sites of trauma in
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Argentina. As in the cases explored by Jo Labanyi in Spain, however, these ghosts are the symptom of silences about the dictatorship. While in Spain — until about 2000 — the persecution of Franco’s opponents and the summary execution of Republicans during the civil war were not to be publicly talked about, in Argentina the talking about the disappearances orchestrated by the military junta is often formulaic and beholden to the ideology and celebratory rhetoric of the political left of the 1970s, thus leaving a remainder that cannot be spoken. In both countries, ghosts ‘are reminders of a need for justice’ (Wilke 2010, 77), to cite Christiane Wilke’s observation on yet another country, Germany, with a ‘dark past’ that is prone to make unhidden appearances.

**Focusing on specific actors**

Much of the scholarship on memories of historic wrongs is heavily indebted to Maurice Halbwachs’ writings about the social dimensions of processes of remembering. While the experience of suffering is regularly individualised, the yearning for historical justice tends to be ascribed to collectives. The instruments addressing this yearning may not offer remedies that are meaningful for all, or even most, individual victims; for example, the Special Court for Sierra Leone, which tried Charles Taylor, does not necessarily respond to the needs and expectations of ordinary Sierra Leoneans — not because they do not yearn for justice, but because they are faced with enduring injustices that did not come to an end simply because Charles Taylor was tried in The Hague (Mieth 2013; see also Shaw 2010).

Sometimes the same collectives – for example, nations or ethnically defined groups – that were invoked to justify the perpetration of wrongs feature as actors in accounts of the subsequent response to such wrongs. Critical historical scholarship has exposed abstract accounts of group identities, memories and sentiments as fiction by focusing on the drivers of specific thought processes and emotions. In this issue, Dawson (2007) follows up on his previous research into the Irish peace process by exploring the stance of the members of West Tyrone Voice, an organisation representing the victims of sectarian violence. Dawson draws on object relations theory to identify and analyse their specific desire for justice. His work strongly suggests that we ought to identify actors and their particular predispositions, motivations, affects and choices when exploring the response to violence: not only is it unhelpful to attribute acts of violence to ill-defined collectives or institutions (such as ‘the Hutu’ or ‘the Chilean military’), it is equally unproductive to talk about ‘national’ or ‘ethnic’ memories of such acts.

**For future reference**

I suggest that historians could productively respond to the yearning for historical justice by focusing on two further issues which have not yet received the attention they deserve. Following on from their critiques of individual acts of memorialisation, they could revisit a discussion triggered by two controversial public lectures delivered by Arno Mayer and Charles Maier, respectively, in
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1992. Both wondered aloud whether there was a surfeit of memory in relation to historic wrongs in general, and the Holocaust in particular (see Neumann, 2014). At the time, their interventions caused a stir, and an article by Bartov (1993) accusing them of being the bedfellows of Holocaust deniers was rushed into print before Mayer’s (1993) and Maier’s (1993) own papers had been published.

Contrary to what could be assumed if one read only Bartov’s critique, Mayer and Maier drew attention to important epistemological quandaries. They asked whether all historical knowledge is intrinsically valuable. They tried to understand how the shift in focus that I described earlier — away from the future and onto the past — affected their work as historians. They did not dispute claims of Jewish suffering. Maier did not deny that the injustices highlighted by minority groups in the USA occurred; he merely objected to the level of attention paid to them, claiming that the focus on past suffering has been accompanied by a ‘retreat from transformative politics’ (1993, 150). Both Maier and Mayer suggest that memories privilege the suffering of some and disregard the suffering of others — in other words, that a surfeit of memory regarding some aspects of the past is responsible for a silencing of others.

The public’s often slightly hysterical response to any suggestion that forgetting could be productive and remembering debilitating has made it difficult to extend the line of argument developed by Maier and Mayer. This is despite the fact that the scholarship on public remembering has provided ample evidence for the contention that processes of remembering and forgetting are dynamically intertwined, and notwithstanding convincing arguments for a reappraisal of a public forgetting (see Huysсен 2005; Vivian 2010; Rieff 2011). In his contribution to this issue, Gilad Margalit argues that school textbooks portray Haifa’s development from a sleepy fishing village to a vibrant city as the work of Zionist settlers. That narrative omits mentioning the fact that modern Haifa was founded in 1761 by Daher el-Omar. A history that focused on his role as a founder, however, could as easily silence the fact that modern Haifa supplanted an older town, Haifa El-Atika, which was a few kilometres from the site of the new city, and which Daher el-Omar ordered to be demolished. In Germany, to give another example, the focus on the suffering of the victims of Nazi Germany overshadows, if not thwarts, attempts to remember perpetrators, accomplices, beneficiaries and bystanders. The Stolpersteine memorials, which are the subject of Linde Apel’s critical reflection in this issue, are often sponsored by non-Jewish Germans who have no personal connection to the victims of Nazi Germany whose lives they wish to commemorate. Those who strive to remember somebody who once lived in their street before she was deported to Auschwitz comfortably forget how their own parents or grandparents may have been compromised — and that their and their friends’ household effects may include the odd item that had once belonged to a deportee and could be cheaply acquired when the opportunity presented itself. Arguably, the focus on the fate of individual victims diverts attention from the way many Germans who had no connection to the murderers in the SS or in the Einsatzgruppen were nevertheless implicated in the Holocaust.8
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The second issue that in my view warrants further attention is related to the first. In recent years, moral and political philosophers have put forward powerful arguments in favour of remembering historic wrongs and satisfying the urge to know about past injustices (see, in particular, Margalit 2002; Thompson 2002; Booth 2006; Blustein 2008; Walker 2010). Historians have tended to shy away from tackling these or similar issues, which would require an engagement with the ethics of writing history. Do historians have a particular obligation to write the histories of genocides? Do they have a responsibility towards the victims of human rights violations? Are they beholden to survivors and the descendants of victims to provide ‘information on the causes leading to their victimization’ and to assist them in ‘learn[ing] the truth in regard to these violations’, to cite once more the words of the 2005 Basic Principles?* 

Possibly because he had earlier been accused of anti-Semitism, in his controversial lecture Arno Mayer was anxious to clarify his professional commitment, and in doing so invoked his biographical background as a European Jew. He claimed to ‘follow Marc Bloch’s injunction to maintain a continuing dialogue with the dead’ (Mayer 1993, 5), and suggested that his work was informed by the desire to be faithful to the victims. Earlier, in The Unmasterable Past, his account of the German Historikerstreit about the historicisation of the Holocaust, Maier (1988, 97–98) had responded to the suggestion that historians, rather than agonising over ‘nonhistorical questions’, ‘need only tell it as it was’: ‘The problem is that “as it was” implies a moral stance; historians just cannot avoid having judgments implicated in the marrow of existential and causal statements’. He objected to Holocaust revisionism because it ‘denies respect’ (Maier 1993, 146). With these statements, Maier and Mayer went further than most historians in the academy, then and now, would be willing to go, perhaps owing to a fear that a moral stance could be seen to interfere with a commitment to their discipline’s famed rigour. There are few scholars who would freely admit, as the Australian historian Dening did, that they have opted to focus their efforts on writing the history of those ‘on whom the forces of the world press most hardly’ (2004, 12), and that they are guided by the moral impetus ‘to give a voice to the dead’ (Dening cited in Dymond 2001, 2).

Before the late nineteenth-century birth of history as a discipline, historians were less likely to have such scruples. In 1781, Gibbon remarked in the third volume of his Decline and Fall of the Roman Empire that violent historical actors are ‘less detestable than the cool unfeeling historian’ (2013 [1781], 267n.84). In 1872, Jules Michelet suggested in the second volume of his Histoire du XIXe siècle that the historian was duty-bound to concern himself with all those miserables personae who had no friends to care for their memory:

I have given many of the too-forgotten dead the assistance which I myself shall require. I have exhumed them for a second life. Some were not born at a moment suitable to them. Others were born on the eve of new and striking circumstances which have come to erase them, so to speak, stifling their memory [...] History greets and renews these dispossessed glories; it gives life to these dead men,
resuscitates them. Its justice [...] offers reparation to some who appeared so briefly only to vanish. (cited in Barthes 1987, 101–102)

 Michelet’s sentiment – which finds a perhaps unexpected echo in Benjamin’s ‘Theses on the Philosophy of History’ (1968) – could remind us that history began as a moral discipline and that historians, however detached they pretend to be, can hardly avoid making moral claims. A foregrounding of that understanding would allow historians to play a greater role in debates about the past, rather than be seen as ‘technical’ experts who provide the material that allows others (tribunals, truth commissions or governments) to proclaim truths. Such a division of labour also gives the misleading impression that at the end of the day, we can all agree on one truth and one history, devoid of uncertainty. In other words, rather than waving their freshly laundered white gloves, proclaiming their innocence (Southgate 2006, 53) and at the same time accepting their impotence, historians may as well get their hands dirty and take a moral stance.10

‘Disciplined historians’ (see Dening 1988, 23) are prone to reject the idea once put forward by Michelet that they could resuscitate the dead or offer reparation to them. Meanwhile, many of them bemoan the privileging of memory over history in contemporary societies (for example, Nora 2002, 2011). The appeal and power of memory are fed by the realisation that the past can be brought to life and that thereby justice can be done. In their role as critics of memory, historians ought to lay bare the hubris of memorial projects. But they may also want to be less sceptical about the efficacy of their own work. The past, at least to the extent that it intrudes in the present, is not beyond their reach.

Historians are neither prosecutors nor judges, but they cannot pretend that what Michelet calls ‘history’s justice’ has nothing to do with them. They are involved in the production of truth (albeit not ‘objective’ or ‘scientific’ truth), and if such production takes place in the context of attempts to redress historic wrongs, then there is no clear-cut distinction between history’s truth and history’s justice.

The seven papers that follow strongly suggest that the pursuit of the question, How do historians respond to past injustice?, ought to be more than an exercise in the philosophy of history and take into account the historian’s personal – if not to say emotional – entanglement. Most of the authors put forward their arguments with palpable passion, and are informed by a sense of compassion towards the victims of the past, be they forced labourers in Nazi Germany, left-wing activists in Pinochet’s Chile or Arab residents of Haifa who were driven from their homes in 1948. Graham Dawson’s text is marked by an empathetic engagement with the people he interviewed in the borderlands of Northern Ireland, which goes well beyond the empathy of historicists. Marivic Wyndham and Peter Read write a partisan biography of Londres 38, the former torture and detention centre; they side with the survivors and are critical of moves by the government to dictate the agenda of the memorial museum. Linde Apel is affronted by some of the memorial practices she describes in her paper. Maria Theresia Starzmann’s reflections on her professional practice cannot be divorced from her emotional
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response: towards the men and women whose living quarters she unearthed, and towards the companies that profited from forced labour. Estela Schindel listens attentively to stories about ghosts because she finds the official rhetoric about the dictatorship in Argentina unsatisfactory; she is longing for other voices and other registers. Gilad Margalit, finally, begins his paper by embracing his dual position as a professional historian and as a Jewish resident of Haifa who is hoping that his granddaughter will live to see a different history emerge.

Historians cannot ‘make whole what has been smashed’ (Benjamin 1968, 257). Yet, how many of us studying murderous regimes, genocides or colonial atrocities secretly wish we could? And how many others despair because they know that they cannot? Elsewhere I observed that historians writing about historic wrongs and the search for historical justice are ‘almost willing [their] protagonists […] to right the wrong’ (Neumann 2012, 128). It seems to me that the initial problem here is not so much the arousal of emotions such as anger or compassion, but an unwillingness to admit to the possibility of such arousal.

In recent years, historians have increasingly explored the role of emotions in shaping the past (Matt 2011). They have tried to elicit affective responses from their readers by conveying their own empathetic engagement with historical actors (see Phillips 2008). They have reflected on the affective appeal of their practice (Robinson 2010). The questions of how particular affective dispositions are aroused by particular subject matters and how historians could harness such dispositions have received less attention. Could it be that while historians no longer deny the role of emotions — and, for that matter, of moral judgements — they still harbour suspicions about them?

To varying degrees, the seven papers in this themed issue suggest that the historian’s ‘dialogue with the dead’, to which Arno Mayer refers, may become charged in particular ways if the dead were the victims of an injustice. In a recent article on the East Asia Collaborative Workshop, whose members research the history of Korean labour conscripts in Japan, Morris-Suzuki (2013, 100) writes: ‘Of course, from a standard academic point of view it is irrational to speak to the dead. The dead cannot hear us’. However, she also acknowledges that the Workshop members’ ability to address — and, to some extent, redress — historic wrongs is due not least to their ‘willingness to speak to the dead’, and in doing so to let themselves be touched by the dead. That begs two questions: Are historians writing about issues of historical justice prone to disregard ‘standard academic points’? And could it be that their subject matter warrants such disregard?

At the end of her book, The Era of the Witness, Wieviorka (2006, 144) asks: ‘How can the historian incite reflection, thought, and rigor when feelings and emotions invade the public sphere?’ Perhaps the answer is: if she is not pretending that her work has been successfully quarantined from emotions and moral concerns. As somebody trained in critically analysing sources, including the testimonies of survivors, and as somebody who ought to be able to reflect on her emotional response to human rights violations in the past, she could provide the kind of truth sought by Sierra Leoneans, Liberians and others grappling with the presence of ‘dark pasts’.
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Notes

1. Sirleaf has been open about her initial support for Taylor. Following the release of the truth and reconciliation commission’s report, she said, referring to the period of conflict in Liberia:

   Sometimes, the circumstances were opaque, the distinctions between evil and good were not so clear – this is the nature of conflict and war. Like thousands of other Liberians at home and abroad who did, I have always admitted my early support for Charles Taylor to challenge the brutality of a dictatorship. It was equally clear that when the true nature of Mr. Taylor’s intentions became known, there was no more impassioned critic or strong opponent to him in a democratic process. (Sirleaf 2009)

2. This rarely means: ‘all victims’ truth’. Truth commissions and tribunals may privilege some victims over others, be it on account of their gender, their ethnicity or their ability to be articulate.

3. However, the International Criminal Court has come close to recognising such a right in its Rome Statute by allowing victims ‘to participate in trials even if they are not called as witnesses’ (Groome 2011, 189; see also Pena and Carayon 2013).

4. In the global south, trials and truth commissions may not necessarily be a symptom of an obsession with the past (see, for example, Bevernage 2011, 76–80); it should be noted, however, that at least some transitional justice mechanisms in the global south have been instigated at the behest of actors in the global north.

5. To get a sense of the dynamics of the scholarship on historical justice, see, for example, the journals History & Memory and International Journal of Transitional Justice, and the website of the international research network Dialogues on Historical Justice and Memory, which lists more than 700 researchers, many of them historians, who have published at least one substantial article on issues of historical justice and memory http://historicaldialogues.org/affiliates/database-of-researchers/.

6. In many other instances, the initiative has come from institutions or groups that have commissioned historians, often in an attempt to define an appropriate response to past wrongs.
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7. The film’s plot was inspired by a testimony retold by Kimberly Theidon (2013, 43–44), an anthropologist who has done extensive research in Quechua-speaking communities who bore the brunt of the violence in Peru’s 20-year internal conflict.
8. Recently, there have been some tentative moves to question Germany’s Erinnerungskultur, its official and public memories of the Holocaust (for very different perspectives, see Meier 2010; Jureit and Schneider 2010; Giesecke and Welzer 2012; for a critique of the latter two, see Assmann 2013).
9. The main exception to the claim that historians have avoided such issues is De Baets’ (2009) work. For engagements with broader, but related questions, see Wennberg (1998) and Gorman (2004); incidentally, both authors are philosophers rather than practising historians.
10. For a more conventional approach to the ‘moral turn’, see Cotkin (2008), which I read as a rather unconvincing attempt to take a moral stance without dirtying one’s gloves.

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