TOGETHER IN TIME: HISTORICAL INJUSTICE, COLLECTIVE MEMORY,

AND THE BOUNDARIES OF MEMBERSHIP

by

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DISSERTATION ABSTRACT

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Membership

How, if at all, should we remember the histories of injustice and atrocity that
haunt most modern states? Since World War II, it has become commonplace to suggest
that properly responding to injustices requires societies to remember them, and to
remember the experiences of those they touched. But what specific value might memory
in this sense constitute in or contribute to the lives and societies of those coping with
troubled history?

This question raises two issues. The first is ontological: what does it mean to say
that a society should remember in the first place? Is it to say that the individuals who
make up society should each privately remember, or is to say that the society as a whole
should somehow create or maintain a collective memory that is not reducible to the sum
of individual cognitive processes? The second issue is normative: what exactly can
memory so conceived do to ameliorate the undesirable legacies that historical injustices
leaves on the world? How might remembering help us to move forward, or help us to
lessen the pains we can't leave behind?

This study takes on both of these issues. On the first, I suggest that when we
speak of societies remembering, we're speaking of irreducibly social processes, by which

individual memories are translated into publicly available traces of the past, which can then inform recollection by others, perhaps at some distance from the original event. On the second, I suggest that this sort of remembering can be valuable in the wake of injustice as a way of combating the legacies of persistent harm and exclusion that sometimes follow victims long after an injustice is over, and challenge their abilities to stand, participate, and identify as full members of the political community. Memory in this sense is crucial for re-negotiating the boundaries of membership, and for rebuilding a more inclusive public world.

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For Ingrid and Eric, the other Dr. Barklises.

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CHAPTER I

ATROCITY, MEMORY, AND UNDERSTANDING

1. Introduction: Historical Injustice and the Value of Remembering

It is a truism that a disconcerting number of our ancestors—sometimes our very recent ancestors, sometimes our very recent past selves—participated in acts we now find morally objectionable. Even acts that "shock the moral conscious of mankind" are relatively common.[1] "History," as Janna Thompson has it, "is a tale of unrequited injustice. Treaties have been broken, communities wiped out, cultures plundered or destroyed, innocent people betrayed, slaughtered, enslaved, robbed, and exploited…"[2] Nearly every modern state inherits a troubled history of theft, conquest, subjugation, exclusion, expulsion, and atrocity.

This study is motivated by the presumption that, given the ubiquity of historical injustice, political theory should not be content to describe the perfect justice that might someday obtain in a "realistic utopia,"[3] but should also tell us how to address our legacies of imperfect justice, of justice denied, and sometimes of sheer atrocity. Linda Radzik has recently argued that "our moral theories should not just tell us what is right and what is wrong but also how to deal with wrongdoing once it occurs."[4] Something similar is surely true of political morality. Following John Rawls, the justification political theorists

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[1] The phrase "shock the moral conscious of mankind" is from Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), p. 107.

[2] Janna Thompson, *Taking Responsibility for the Past: Reparation and Historical Injustice* (Cambridge, UK: Polity, 2002), p. vii.

[3] See John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), p. 128.

[4] Linda Radzik, *Making Amends: Atonement in Morality, Law, and Politics* (New York: Oxford University Press, 2009), p. 3.

often give for focusing on positive accounts of justice is that such accounts are necessary to identify deviations from justice—that is, injustices—in the first place. On this view, before we can know either that a certain state of affairs is problematic or how to make it better, we must have an ideal vision of a better society capable of guiding us.[5] I am unsure of whether this is true in every instance,[6] but even assuming that it is, identifying injustice and being able to picture a society without it are just the first steps in a considerably more complicated process. Several questions still remain: How, if at all, does the inheritance of historical injustice change the contemporary moral landscape? Does it change the values and projects that we—as individuals, or as a society—should pursue? And if it does, is the change permanent, or does it fade with time?

These questions are made more pressing by the increasing visibility of historical injustice in contemporary politics. Most prominently, since 1970, truth commissions tasked with uncovering hidden histories of atrocity have operated in almost forty countries. Although the South African Truth and Reconciliation Commission is the best known, similar institutions have been set up across Africa, Latin America, and, more sporadically, Europe, North America, and Asia.[7] At the same time, calls for reparations to victims of historical injustice have gained political and academic traction, resulting, for instance, in increased interest in reparations for slavery in the United States and

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[5] For the paradigmatic statement of this view, see John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), § 2, pp. 8-9.

[6] As Amartya Sen has recently argued, it may be that we can identify something as unjust, and know the general direction things should move to become more just, without knowing exactly what a perfectly just system would look like. See Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009).

[7] Geoff Dancy, Hunjoon Kim, and Eric Wiebelhaus-Brahm, "The Turn to Truth: Trends in Truth Commission Experimentation," *Journal of Human Rights* 9, no. 1 (2010), pp. 45-64.

elsewhere.[8] And further still, since World War II, officials in nearly every western

democracy have apologized for some past national wrongdoing.[9] Indeed, apology has

even occasioned new national holidays: in 1998, Australia officially began marking an

annual "National Sorry Day" to commemorate the "stolen generation" of aboriginal

children, who were forced from their homes and into white-run residential schools.[10] All

of this has led some commentators to suggest that we're living in an "age of apology."[11]

The trend is also apparent internationally, where post-colonial scholars and activists have

interrogated the intellectual and political history of western colonialism and imperialism,

seeking to remove the "blinders" that have too often obscured histories of oppression and

domination, and to understand the complicity of broadly "western" political traditions in

these histories[12]

In drawing attention to the histories of injustice we inherit, these movements urge

a different sort of moral and political theory, one oriented not just toward achieving ideal

futures, but also toward addressing the fact that our histories so often fail to live up to

present ideals. Responding to this fact requires that we think carefully about injustice and

the legacies it creates. While it may be possible to construct ideal pictures of perfectly

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[8] See, e.g., Lawrie Balfour, "Unreconstructed Democracy: W.E.B. Du Bois and the Case for Reparations," *American Political Science Review* 97, no. 1 (2003), pp. 33-44; and Thomas McCarthy, "Coming to Terms With Our Past, Part II: On the Morality and Politics of Reparations for Slavery," *Political Theory* 32, no. 6 (2004), pp. 750-752.

[9] Melissa Nobles, *The Politics of Official Apologies* (New York: Cambridge University Press, 2008), pp. 155-163.

[10] Eleanor Bright Fleming, "When Sorry Is Enough: The Possibility of a National Apology for Slavery," in *The Age of Apology: Facing Up to the Past*, ed. Mark Gibney, Rhoda Howard-Hassmann, Jean-Marc Coicaud, and Niklaus Steiner (Philadelphia: University of Pennsylvania Press, 2008), p. 102.

[11] Gibney et al (eds), *The Age of Apology*.

[12] There is, of course, a large literature on this topic. For the language of blinders, see Iris Young and Jacob Levy, "Introduction," in *Colonialism and Its Legacies*, ed. Jacob Levy (Lanham, MD: Lexington Books, 2011), pp. xiii-xiv.

just societies based exclusively on, say, the foundational moral status of individual persons,[13] understanding what should be done with the non-ideal realities we inherit requires closer attention to the messy variety of ways in which injustice can touch human lives, and to the equally messy variety of ameliorations these injustices might require.

This all suggests that we should pay close attention to the sorts of injustices that people actually suffer, and to the sorts of harms that these injustices inflict. It suggests, in short, that we should pay close attention to the world as it actually exists. But, simultaneously, to imagine how these harms might be ameliorated is to also imagine a world that, in Wendy Brown's phrase, "does not quite exist."[14] It is to imagine how we might move forward—to elucidate possibilities, routes forward that might not yet have been taken, or that might not be taken as frequently as they should. A political theory that is attentive to historical injustice must therefore be located "between past and future"[15]— between the pasts we cannot escape, and the better futures we might create.

1.1. Material and Symbolic Responses to Injustice

The task of finding a way forward is complicated by the wide—indeed, limitless—set of possible forms that amelioration can take. As a first step toward mapping the territory so that I may locate the possibilities I want to examine within it, I want to begin by distinguishing between *material* and *symbolic* responses to injustice.

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[13] I have in mind here Rawls, though the characterization could work for many other contemporary liberals. See John Rawls, "Kantian Constructivism in Moral Theory," *The Journal of Philosophy* 77, no. 9 (1980), pp. 515-572.

[14] Wendy Brown, "At the Edge," *Political Theory* 20, no. 4 (2002), pp. 573-574.

[15] For this phrase, see Hannah Arendt, *Between Past and Future*, Revised Edition (New York: Penguin, 2006).

The first involve providing tangible compensation for victims or their descendants—for example, financial payments to those whose ancestral lands were wrongly seized—with the ultimate goal of undoing injustice's material legacies, or at least providing partial compensation for ultimately indelible losses. The second involves what is sometimes called "symbolic reparation"—acknowledgment, commemoration, apology, or other discursive measures—meant to address injustice's less easily quantifiable legacies.[16]

A complete theory of how to overcome historical injustice would need to analyze both its material and symbolic dimensions, and would thus necessitate a wide-ranging discussion of distributive and compensatory justice, the nature of historical entitlement and responsibility, moral respect and recognition, and a host of related concepts. In this essay I want to pursue a considerably more modest partial theory, focused on the possibilities of non-material symbolic or discursive responses, and in particular on the possibility and promise of collective remembering in the wake of wrongdoing.

The focus on collective memory cannot be wholly exclusive, because remembrance and other symbolic responses cannot always be fully distinguished from more material measures. Indeed, the two are often inescapably intertwined. Compensatory redistribution entails a degree of symbolic recognition, as it would be incoherent to offer material reparation for something that was not wrong in the first place.[17] To offer compensation is thus always also to offer recognition. And, conversely,

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[16] See, e.g., Kris Brown, "Commemoration as Symbolic Reparation: New Narratives or Spaces of Conflict?" *Human Rights Quarterly* 14, no. 3 (2013), pp. 273-289.

[17] Strategic settlements between perpetrators and victims of historical injustice might sometimes result in material transfers to victims or their descendants without the expression of acknowledgment or regret on the part of the perpetrator, but this is best understood as doing reparative work without actually qualifying as reparation. On this point, see Roy Brooks, "The Age of Apology," in *When Sorry Isn't Enough: The Controversy Over Apologies and Reparations for Human Injustice*, ed. Roy Brooks (New York: New York University Press, 1999), p. 8.

symbolic gestures at least sometimes seem to entail an implicit promise to provide tangible compensation. Take, for instance, apology, which seems at first to be a paradigmatically symbolic form of recognition. Apologies are, at base, expressions of remorse. As I argue in Chapter VIII, this means that, if genuine, those apologizing for past wrongdoing must subsequently conduct themselves in a way consistent with persistent regret for that wrongdoing, including attempting to minimize its effects. This can have obvious material consequences. As Glen Pettigrove suggests, "if we have no intention of making reparation, doing penance, and acting justly in future, then the offer of an apology is infelicitous." Thus, "while an apology absent reparation may be an apology in form, it is not one in substance."[18] The symbolic expression of regret *entails* a willingness to provide material compensation.

This sort of border case suggests that the distinction between material and symbolic responses is not perfectly clean. However, for analytic purposes, I distinguish them here because, although they are often intertwined, they aim at different ends and face distinct difficulties. As I argue at length below, large-scale injustices sometimes pose challenges for remembrance and inflict a variety of symbolic harms not reducible to their more obvious material dimensions. To get a clear picture of injustice and its legacies, these symbolic legacies must be addressed on their own terms.

My focus on memory is not motivated by the presumption that material reparations are unimportant. Rather, I begin with remembering because memory is in some sense necessarily the beginning of—that is, it is necessarily prior to—any further response: before redress can be offered for an injustice, the injustice must be remembered

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[18] Glen Pettigrove, "Apology, Reparations, and the Question of Inherited Guilt," *Public Affairs Quarterly* 17, no. 4 (2003), p. 327.

as an injustice. Memory makes the past present, and thus makes it possible for the past to be addressed in the present. Memory therefore has a special place among past-regarding practices, because it is a precondition for any further past-regarding action.

Indeed, my fundamental normative claim in this essay is closely tied to this preeminence. I argue that remembrance is crucial for addressing historical injustice because memory is central to providing a sense of the world and its contents. What is remembered and what is forgotten partially determine how members of political communities understand the world they hold in common, providing a common sense of the social world itself—the historical legacies, ongoing processes, and contemporary conditions to which the community must respond—as well as of who belongs in that world—who might rightly take or receive the benefits and responsibilities of membership. In several interrelated ways, forms of collective memory are—or, in the wake of mass atrocity, become—crucial for political membership. How a political community remembers or forgets historical injustice can set the stage for more or less inclusive political futures.

1.2. The Central Argument

The essay is split into three parts. Part 1, which consists just of this chapter, takes on preliminary and methodological issues. I begin in the next section by clarifying the questions that animate this study. I suggest that the task of understanding political memory's promise has both conceptual and normative dimensions: it is conceptual in that it requires explicating the diverse set of practices that "remembering" can signify, and it is normative in that it involves elucidating the value that these practices might bring to

public life. The rest of the chapter is dedicated to sorting out the proper methodologies for addressing these questions. Drawing on the "ordinary language" philosophy most often associated with J.L. Austin and Gilbert Ryle, as well as an interpretive vision of social criticism inspired by Charles Taylor and Michael Walzer, I suggest that both questions can be profitably addressed by adopting a method that takes ordinary experience seriously, and thus seeks to derive both conceptual distinctions and normative insights from the ordinary experience and language of those participating in politics.

In Part 2, comprising three short chapters—II, III, and IV—I use this method to explore the nature of public memory, focusing on the practices that might enable genuinely shared or collective forms of remembrance. Chapter II distinguishes collective from individual memory. Drawing on several examples from throughout the twentieth century, I suggest that the process of collective remembering is more peculiar, and less intuitively familiar, than the tendency to speak of it in terms borrowed from its individual counterpart might suggest. In particular, I argue that collective remembering is a process of *social recollection* that (a) recalls particular, truth-functional assertions about past states of affairs, and (b) does so in an irreducibly social form.

The next two chapters focus on each of these points respectively. In Chapters III, I explicate the recollective structure of collective memory, developing a triadic model in which recollection consists of (1) an initial experience, (2) a mode of preserving traces of that experience in memory, and (3) the later active recollection of aspects of the initial experience, as mediated by memory's traces. Chapter IV uses this model to provide a more precise characterization of how recollection can be genuinely collective in a way not reducible to individual mental processes. I argue that memory can never be collective

from the outset, because experience is inherently individuated, but that individual experiences are nonetheless often *translated* into collective memory by being transformed into publically available traces of the past, which can then inform social recollection by others, perhaps at some distance from the original event.

In Part 3, consisting of Chapters V through IX, I move onto normative issues about collective memory's potential promise. Chapter V takes on two preliminary matters. First, it seeks to untangle a number of normative concepts—value, goodness, rights, and obligations—that often creep into discussions of memory without careful parsing or definition. I argue that evaluative judgments about memory's value or goodness are necessarily prior to prescriptive ones about memorial rights or obligations, and so normative discussions of collective memory should begin with questions of value. Second, the chapter distinguishes between two levels at which questions of value can be addressed. Discussions of memory's value are marred by a tendency among both scholars and practitioners to import judgments about memory's value *in personal or intimate life* into politics without proper translation. Against this tendency, I suggest that demonstrating memory's *political* value or promise requires the provision of special reasons, capable of speaking to members of the polity *as* members of the polity. The point is in some sense an extension of the distinction I draw in Part II between individual and collective memory: just as we cannot understand the nature of collective memory based on its individual counterpart, we cannot understand the value of collective memory based on memory's value in individual, private life.

The rest of the essay concerns memory's specifically public value, and in particular the public value of memory as a way of coming to grips with the lasting

legacies of historical injustice. Chapters VI and VII examine how historical injustices can have lasting legacies in the first place—how they can sometimes leave lasting marks on the public world that continue to shape the projects and values our polities should pursue. In Chapter VI, I take on the claim that the best way to deal with historical injustice is to simply leave it in the past. Theorists from Nietzsche to Fanon, as well as practitioners from ancient Athens to the present, have proposed forgetting as a way of escaping difficult or undesirable histories. However, I argue that, while political forgetting can impose public silence, it cannot erase all lasting vestiges of history, and so cannot, on its own, achieve a future unburdened by troubled pasts.

Chapter VII examines how vestiges of historical injustice can sometimes continue to affect the present's moral landscape. I suggest that the central issue is with *persistent harms*, which carry on even after an injustice is no longer being actively committed. After distinguishing between several varieties of persistent harm, I argue that memory is best at addressing persistent *subjective* harms: the spread of official lies that prevent citizens and others from accurately grasping, or meaningfully acting within, the world they share; group-based moral insults and injuries; and psychic damage that can that can be passed down between generations.

Finally, Chapters VIII and IX examine the possibilities and promise of public remembrance in the context of persistent subjective harm. In different ways, both chapters emphasize that, in the wake of historical injustice, public memory can be crucial in (re)negotiating the boundaries of political membership. Chapter VIII concerns what I call the *transitional* value of memory—that is, its promise as a way of transforming the public realm to diminish persistent harms. I argue that many persistent subjective harms

are particularly problematic because they challenge the ability of those they touch to effectively participate in politics: official lies can preclude affective political agency, while moral insults, injuries, and psychic harms can challenge the social and self-respect that are necessary for members to stand among others and make claims as political equals. By combatting legacies of official lies and contesting the force of prior moral insults, injuries, and psychic damages, public memory can potentially facilitate fuller participation in the political community, and in this way expand its boundaries.

Chapter IX examines memory's non-transitional value—that is, its promise in addressing those elements of past harms that remain indefinitely significant parts of public life, even after all transformative measures have been exhausted. While Chapter VIII focusses on the ability of citizens to participate in politics, here I focus on the ability of citizens to identify with the political community. The problem, in short, is that, when societies face unflattering histories of largescale injustice, there may be a temptation among some current members to narrate the nation's past in ways that exclude both the injustices in question and those touched by them, including contemporary descendants of victims. An openness to publically remembering difficult histories may therefore remain important as a means of combatting this temptation, even after we have otherwise done everything we can to undo injustice's undesirable legacies.

The essay concludes with a brief consideration of collective memory's place in our larger moral landscapes. Insofar as memory is a determinant of the boundaries of political membership, its political value is very basic. Yet it is rarely the *only* basic value at stake. The good that remembering can do is sometimes outweighed by more pressing goals. I thus do not mean my assertions about memory's value to directly entail particular

prescriptions for action, or to establish immutable rights or obligations to memory. Our moral landscapes are simply too complex, too full of potentially conflicting values and situations in which remembering becomes a liability, to admit a direct, deductive translation from evaluative assertions about memory's value to prescriptive assertions that we *must* remember. My point here is to elucidate what I take to be an important, and perhaps under-recognized, aspect of the moral landscape, but I do not pretend to have a comprehensive map. The value of remembering should, in many instances, be *a* consideration, but it surely should never be the *only* consideration.

As a whole, this essay is meant to help us think clearly about the value of collectively remembering difficult histories. The task has two parts. It is first a call to interpretation: it asks us to, to borrow Hannah Arendt's phrase, "think what we are doing"[19] when we collectively remember—that is, to examine the structure of the practice, and to clear up those places where we misunderstand what we are doing, as when we use the language of individual memory to talk about the collective. And second, the task is to think *why* we are doing what we are doing—the good collectively remembering contributes to or constitutes in the public realm. I suggest that this good primarily derives from collective memory's ability to combat the legacies of persistent harm and enduring threats to political membership that historical injustices can create. I take it that memory's value in this sense is very basic. Yet it is not the only basic value. And so thinking clearly about why we remember requires us to recognize that, in some cases, we have reasons *not to remember*, and thus to also recognize that in some cases memory's value must be foregone in favor of more basic goods.

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[19] Hannah Arendt, *The Human Condition*, Second Edition (Chicago: The University of Chicago Press, 1998), p. 5.

2. Two Questions

The value of memory is sometimes taken to be a starting point rather than a conclusion. Arguments frequently focus on a small subset of cases—slavery, the Holocaust, or other obvious instance of historical injustice and tragedy—and consist of warnings, either that popular conceptions of history are mistaken, or that the memory of those who suffered now risks fading from public consciousness entirely. Answers to more basic questions about what is involved in collective remembering, and about the value of this memory, are taken for granted: *of course* we know what it means to remember, and *of course* we should do it.[20]

The assumption that the nature and value of public memory is in some sense obvious often derives from a tendency to rely on analogies between individuals and collectives, and thus to assume that a collective's history naturally weighs on it with the same force that personal history weighs on an individual. Thus, for example, reflecting on the memory of South African Apartheid, Desmond Tutu borrows language from individual psychology and warns of the dangers of "national amnesia."[21] Similarly, Jürgen Habermas worries that what he takes to be misrepresentations of World War II by German historians endangers contemporary Germany's "ethical-political process of self-understanding,"[22] as though the state, like the individual, must come to grips with the fact

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[20] Jeff Spinner-Halev makes a similar claim about discussions of historical injustice in general. See Jeff Spinner-Halev, *Enduring Injustice* (New York: Cambridge University Press, 2012), pp. 4-5. I examine several examples of this type of argument below.

[21] Desmond Tutu, *No Future without Forgiveness* (New York: Image, 2000), p. 29.

[22] Jürgen Habermas, "On the Public Use of History," in *The Postnational Constellation: Political Essays*, tr. Max Pensky (Cambridge, MA: The MIT Press, 2001).

of having a singular identity over time.[23] The language used is sometimes reminiscently Freudian: if nations are like persons, then national tragedies must, like personal tragedies, be explicitly addressed lest they fester beneath the surface, present but unacknowledged. Thomas McCarthy takes this line when he refers to a tension between "repressing" and "working through" atrocities in German and American history.[24] For Tutu, Habermas, McCarthy, and others, the assumption seems to be that, as with the personal past, the collective past is somehow always-already there in memory, waiting to be dealt with. It is, as Habermas has it, a heritage that members "must inherit in one way or another."[25]

I think that much can be learned by looking at real world responses to injustice, and I do not want to suggest that conclusions about the need for acknowledgment are necessarily illegitimate. However, the presumption that history is in some sense already present, nascent in collective memory just waiting to be acknowledged, obscures several unanswered questions that become apparent when the problem is explored in more detail. I want to focus on two. First, insofar as we should remember historical injustice, what concrete practices are required? The analogy between individual and collective memory might make the answer seem obvious: because we all have intimate first-hand experience of personal memory, the notion of collective memory may also initially seem familiar. Yet there is widespread, if too often tacit, disagreement about what it means for a collective to remember. To take just one example, Habermas seems to view public

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[23] As I suggested below, even the claim about individual identity over time is contested. See, e.g., Derek Parfit, *Reasons and Persons* (New York: Oxford University Press, 1984), pt. 4.

[24] Thomas McCarthy, "Vergangenheitsbewältigung in the USA: On the Politics of the Memory of Slavery," *Political Theory* 30, no. 5 (2002), p. 626. Cf. Sigmund Freud, "Remembering, Repeating, and Working Through (Further Recommendations on the Technique of Psycho-Analysis II) (1914)," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Vol. 12, ed. James Strachey (New York: Vintage, 2001).

[25] Habermas, "On the Public Use of History," p. 31.

memory as the outcome of collective discourse about history, while others view it more as a matter of official commemoration and "state speech."[26] This sort of disagreement must be explicitly addressed—by either adjudicating between competing conceptions or showing how they fit together—lest theorists simply talk past each other.

The second unanswered question concerns memory's value. What normative work does remembering do that might account for the widespread demand for memory in the wake of atrocity? When memory is framed as a natural or inevitable aspect of public life, addressing or acknowledging it may seem simply necessary: we must address history just as we must address other ineradicable aspects of the world. To ignore our connection with the past would, on this account, be as pointless as ignoring the gravity that grounds us to the earth: barring an astronomical change, regardless of what we do, it will remain a fact about life. But we do not, and cannot, bring everything from the past with us into the future. Before we can decide what we should bring with us, we need a more explicit background theory of why, and in what sense, memory is, or in certain circumstances becomes, crucial for human life.

2.1. What is Collective Memory?

Answering the first question is necessary to get a sense of what calls for memory mean in the first place. When one calls for remembrance or says that it might be important to remember, what precisely are they promoting? Is remembrance a responsibility of individuals, or of the community as a whole? If it is of individuals, does this mean that collective remembering requires each citizen to learn and commit certain

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[26] For the latter view, see, for example, Jacob Levy, *The Multiculturalism of Fear* (New York: Oxford University Press, 2000), ch. 8.

historical facts to memory? And if it is of the community, difficult questions immediately arise about the possibility and character of collective memory. Most obviously, what would it mean for a collective to remember in the first place? Are there different forms of collective memory, analogous perhaps to different forms of individual memory?

Before we can have a clear sense of the value of public memory, we must have a clearer sense of public memory itself. Specificity here is doubly important because conceptions vary so widely. As political interest in memory has proliferated in the last few decades, so too have definitions, such that, as John Gillis puts it, "memory seems to be losing precise meaning in proportion to its growing rhetorical power."[27]

To illustrate the trouble, consider the following examples. Some suggest that the concept of public memory is inescapably metaphorical in the first place, displacing "memory" from its native domain in individual psychology to the less appropriate world of "social reality."[28] In contrast, the French sociologist Maurice Halbwachs, whose work in the early twentieth century remains central in contemporary discussions, takes *all* memory to be public insofar as it derives from a world of meaning and sensation that we share with others.[29] Historian John Bodnar takes a view broadly similar to Habermas, suggesting that the public influence must be more direct, and thus defining public memory as an irreducibly social phenomenon, "a body of beliefs and ideas about the past that… is fashioned ideally in a public sphere in which various parts of the social structure

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[27] John Gillis, "Memory and Identity: The History of a Relationship," in *Commemorations: The Politics of National Identity*, ed. John Gillis (Princeton, NJ: Princeton University Press, 1994), p. 3. Quoted in James Wertsch, *Voices of Collective Remembering* (New York: Cambridge University Press, 2002), p. 30.

[28] Peter Novick, *The Holocaust in American Life* (New York: Mariner Books, 2000), p. 267.

[29] Maurice Halbwachs, *The Collective Memory*, tr. Francis Ditter and Vita Ditter (New York: Harper and Row, 1980), pp. 23-24.

exchange views."[30] Others focus on public memory as more of a top-down phenomenon. Toward the end of *The Elementary Forms of Religious Life* (1912), Émile Durkheim emphasizes the role of regular commemorations and festivals in constructing a shared sense of the past.[31] More recently, Sanford Levinson has focused on the physical manifestations of public memory in monuments and memorials,[32] and Jacob Levy has emphasized the role of official recognition in constructing a shared view of a nation's past.[33]

Even from just these few provisional examples, it should be clear that there is disagreement about the possibility, pervasiveness, and proper form of public memory. One possible interpretation of all of this is that the seeming cacophony is a necessary consequence of the diversity of phenomena that the term "memory" encompasses. James Booth makes this sort of argument:

> [M]emory is many things. It is the glacier-like deposits of habit-memory, of habits of the heart and body… It is also the flickering flame born of something absent, the struggle to keep the passage of time and the power of forgetting from effacing entirely what was… Memory, we could say, is the fabric of a community's way of life. It can be all that in a presence as fleeting and as fragile as a trace, in the habits of the heart that we acquire as citizens, or in the monumental stone and

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[30] John Bodnar, *Remaking America: Public Memory, Commemoration, and Patriotism in the Twentieth Century* (Princeton: Princeton University Press, 1992), p. 15.

[31] Émile Durkheim, *The Elementary Forms of Religious Life*, tr. Carol Cosman (New York: Oxford University Press, 2001), bk 3, ch. 4.

[32] Sanford Levinson, *Written in Stone: Public Monuments in Changing Societies* (Durham, NC: Duke University Press, 1998).

[33] Levy, *The Multiculturalism of Fear*, chapt. 8.

inscriptions of the Lincoln Memorial, the Vietnam Veterans Memorial, or the

Menin Gate at Ypres.[34]

There's a sense in which the manifold modes of memory Booth describes must all

somehow count as memory, because, in ordinary language, the verb "to remember"

designates a large, diverse set of practices. In Wittgenstein's words, "many very different

things happen when we remember."[35]

But this diversity makes precision all the more necessary. In discussions of

memory, definitions are sometimes seemingly taken to be obvious, and conceptual issues

are therefore addressed only in "implicit assumptions rather than explicit formulation."[36]

This can lead to theorists simply talking past each other, following divergent unspoken

foundational conceptual commitments without explicitly engaging alternative

possibilities. If "memory" describes an irreducible variety of phenomena, then clearly

and directly taking on conceptual issues becomes all the more crucial, so that, at

minimum, a given treatment can be located within the broader field of what it means to

remember.

2.2. Why Remember?

The second question does not so much have to do with making sense of

propositions about memory as evaluating them. However it is defined, *why* should we

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[34] James Booth, *Communities of Memory: On Witness, Identity, and Justice* (Ithaca: Cornell University Press, 2006), p. xiii.

[35] Ludwig Wittgenstein, *Philosophical Grammar*, ed. Rush Rhees, tr. Anthony Kenny (Malden, MA: Blackwell, 1980), § 132.

[36] Wertsch, *Voices of Collective Remembering*, p. 30.

remember? What, if any, good does it constitute or contribute? I have already noted the tendency to conflate individual and collective memory. This sort of thinking leads some to suggest that public memory naturally plays as big of a role in the lives of communities as personal memory plays in the lives of individuals. Thus, for instance, Booth claims that "the thick memory of a life-in-common… deeply inform[s] the present so that its actions are never wholly separable from the past… [T]he past matters so much because it is ours, indeed, it is us."[37] The ideas seems to be that, because the present is built on top of the past, the present can never be cleanly separated from it; to forget will only ever be to obscure what remains ineradicably in a present that only makes sense as an extension of the past. But this relies on the presumption that communities, like individuals, have singular and easily delineable pasts.

A related assertion sometimes leads to the claim that, although remembrance might not be inevitable, its value is self-evident. In times of tragedy, public discourse often assumes language more commonly reserved for family or close intimates: "these neighborhoods are our neighborhoods, and these children are our children."[38] Framing victims as lost intimates invokes imperatives to remember analogous to those felt for dearly departed loved ones, imperatives that do not generally depend on what memory might help to achieve, but rather rest on the basic conviction that we should simply remember those we love—that to forget would be a betrayal of our connections.[39]

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[37] Booth, *Communities of Memory*, p. 67.

[38] The quotation is from U.S. President Barack Obama following the 2012 fatal shooting of twenty-six people in Newton, Connecticut. See "Statement by the President on the School Shooting in Newtown, CT," *The White House, Office of the Press Secretary*, December 14, 2012. http://www.whitehouse.gov/the-press-office/2012/12/14/statement-president-school-shooting-newtown-ct

[39] For the claim about intimate memory, see Jeffrey Blustein, *The Moral Demands of Memory* (New York: Cambridge University Press, 2008), pp. 35-36.

However, just as collectives are not individuals, communities are not families. Although the language of intimacy might be valuable in creating solidarity or fellow-feeling between survivors and the broader community, community does not entail the sort of automatic thick mutual obligations that go along with closer, personal attachments.[40]

This becomes obvious given even a cursory look at the topography of moral life as it is actually lived. Martha Nussbaum illustrates the point with the image of concentric circles: personal attachment probably entail more comprehensive ethical obligations than mutual citizenship, which might in turn entail a fuller set of obligations than common membership in humanity.[41] We naturally assume thicker sets of obligations to those close to us than to those further away. Indeed, some obligations may sometimes seem to follow automatically from the nature of intimate relationships.[42] But these relationships are rare. That remembrance seems to be a pressing, necessary reaction to loss in intimate, personal matters does not automatically mean it has an analogous standing in national politics.

Nonetheless, it is often assumed, more often tacitly than explicitly, that memory is an irreducibly basic or necessary political good, and that normative claims about the importance of memory are correspondingly something close to self-justifying. For example, Eduardo Gonzalez, a policy analyst with the International Center for Transitional Justice, suggests that there is an inherent "right to truth" about history, which

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[40] Avishai Margalit, *The Ethics of Memory* (Cambridge, MA: Harvard University Press, 2002), pp. 102-106.

[41] Martha Nussbaum, "Patriotism and Cosmopolitanism," in *For the Love of Country?*, ed. Joshua Cohen (Boston, MA: Beacon, 2006).

[42] This seems to be Bernard Williams's point when he suggests that asking for a moral justification for valuing the life of one's spouse over the life a stranger requires "one thought too many." The nature of the relationship entails the priority. See Bernard Williams, "Persons, Character, and Morality," in *Moral Luck* (New York: Cambridge University Press, 1981), p. 18.

entails a correlative duty for posterity not to forget the past.[43] Gonzalez's suggestion is often echoed in public discourse. For example, the historian Charles Maier notes that, in the wake of World War II, there has been a persistent, unquestioned presumption in some quarters that citizens in Germany have an absolute duty to "keep alive" the memory of those who were harmed by the war, even as those who were directly touched by it are gradually replaced by those who only know it through the memory of others.[44] To inherit citizenship, on this view, is also to inherit a set of close connections that carry forward an obligation to care for memory.[45]

There are important differences between claims that memory is inescapable and that it is inherently valuable, but both are susceptible to at least three common objections. First, as I have already emphasized, in everyday practice there are many ways of remembering, which represent or reproduce very different ways of relating to the past. To say that our innate connection to the past entails an innate need for memory, or that we simply have a duty to remember, tells us little about how we ought to relate to the past, because "memory" signifies an irreducibly plural set of practices. A normative theory of memory must tell us more than *that* we should remember; it must also tell us *how* we should remember.

Second, the past is inevitably preserved in memory asymmetrically. We do not, and cannot, remember absolutely everything that occurred in the past, because the past

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[43] Nathan Schneider, "The Right to Truth: An Interview with Eduardo Gonzalez," *The Immanent Frame: Secularism, Religion, and the Public Sphere* (New York: Social Science Research Council, 2010). http://blogs.ssrc.org/tif/2010/04/19/the-right-to-truth/

[44] Charles Maier, *The Unmasterable Past: History, Holocaust, and German National Identity* (Cambridge, MA: Harvard University Press, 1988), p. 11.

[45] See McCarthy, "Coming to Terms With Our Past, Part II," p. 757.

contains far more than could ever be remembered. Even autobiographical memory can only preserve a small fraction of what actually took place, and public or second-hand memories of sometimes distant places and things will inevitably be partial and selective from the outset, as they rely on the partial recollections of others. Rather than remembering the past in general, we can only ever select particular aspects of the past to remember. As Jeff Spinner-Halev puts it, "to remember the past is to choose to remember a particular past: *remembering means choosing.*"[46] Correspondingly, even though the present is essentially continuous with the past, our explicit recollection of that past can never be complete. Although forgotten aspects of the past may persist in more subtle ways, "we forget most of history,"[47] and the fact that something has helped shaped the present cannot be a sufficient condition for needing to carry memory of it into the future. And there can never be a general need to remember the past; there can only be more specific needs to remember more specific types of situations and events.

Third, even for those things that are explicitly remembered, the need or ability to remember may lessen as time passes. As Maier puts it, "responsibility for a burdened past can justifiably become less preoccupying as other experiences are added to the national legacy."[48] Again, this is borne out it ordinary moral experience. An injustice that rightly occupies a central place in public consciousness may, with the sufficient passage time and sufficient change in the society in question, be at most a distant, peripheral memory. The massacre at My Lai in 1968 might rightly occupy a central position in U.S. histories of the Vietnam War, but it would be absurd to suggest that, say, the similar massacre at

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[46] Spinner-Halev, *Enduring Injustice*, p. 26. Emphasis in original.

[47] Ibid, p. 27.

[48] Maier, *The Unmasterable Past*, p. 15.

Melos in 416 BCE should occupy a similar position in contemporary Greek public culture.[49] This gradual decline in memory is probably necessary, even if memory is limited to mass injustice, because history is so thick with atrocity that remembering it all would require dedicating our lives to little else.

We cannot remember everything that happened in the past, and we also cannot remember every injustice. There are simply too many. If we should remember something, we should also have reasons for remembering that provide us with guidance on how, and how much, remembrance is needed.

3. Method 1: The Conceptual Argument

Answering the two questions posed in the previous section requires a method, or methods, capable both of distinguishing between the diverse meanings of memory in everyday language and practice, and of ascertaining the normative reasons that might justify claims about its political value. In the final analysis, I want to suggest that both questions can be answered using a single method that seeks to capture the experiences of those participating in politics—that is, the way politics *seems* to those participating in it—and draws both analytic distinctions and normative evaluations from that experience. Ultimately, I want to suggest that the contours and value of memory are both best understood by examining the experience of remembrance and the role memory plays in our ordinary experience of being in the world more generally. However, for the sake of clarity, I take on the questions in turn: problems of definition in this section, and those of justification in the next.

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[49] For discussions of the two atrocities, see Walzer, *Just and Unjust Wars*, pp. 5-12 and 309-315

To begin with definition, the diversity of memory that necessitates conceptual precision also poses an immediate methodological difficulty for achieving that precision, at least at a general level: because understanding different types of memory may require different approaches, it is, at least initially, unclear how, if at all, we should go about trying to understand memory in general. As I have already emphasized, memory encompasses a wide range of human activities. The proper method for understanding, say, the mental processes involved in trying to remember the location of a misplaced key are presumably quite different than those necessary for understanding the social processes involved in the political commemoration of past leaders and foreign wars.

The obvious response here may be to suggest that perhaps memory *should not* be studied in general. Given the variety of phenomena "memory" describes, perhaps we should only focus on studying particular types of memory, and forego speculation about the nature of memory in general. The methodological difficulty is, on this account, the inevitable consequence of setting out on an impossibly broad task. Perhaps we must be content to explicitly specify the type of memory under consideration without engaging the question of what, if anything, memory is in general. But this won't work. Most obviously, there is a logical problem: memory and similar phenomena must be studied first at a general level because, before we can distinguish between different types, we need a comprehensive method for differentiating between types in the first place.

At this level of abstraction, the difficultly seems to me to be largely insoluble. However, the difficulty can be ameliorated somewhat by the recognition that, although we need an overarching method for studying memory, this method need not arrive at universally valid characterizations and distinctions. Rather, the method only needs to

work in the context of the inquiry in which it is used, relative to the purpose to which it is put. Thus, for instance, two would-be distinct varieties of memory might involve very different physical processes in the brains of those remembering, and should thus be distinguished in neurological studies. But if the would-be distinct varieties involved sufficiently similar outward expressions and experiences on the part of those remembering, then the distinction might not be necessary for sociologists or students of political behavior. It may be that there is no ultimate or universally valid way of understanding memory and its varieties, but this does not mean that it can be profitably characterized for particular purposes.

3.1. The Authority of Experience

In this essay, I'm primarily concerned with memory as a political phenomenon—that is, how it reflects and produces certain types of political experiences. I am interested in the roles that memory and correlative processes play in lived experience, how they *appear* to those participating in them. I therefore bracket questions about, for instance, the background neurological bases of individual memory, and focus instead on how these processes seem as they become consciously manifest or appear in public.

This focus is partially motivated by a presumption about the nature of memory itself. Memory, at least memory as it contributes to individual and collective life, is what John Searle calls "ontologically subjective," in that "its existence depends on it being felt by a subject."[50] This is not to say that it is somehow unreliable or just a matter of opinion, but rather that, like pain and other feelings, memory only arises in the experiences of

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[50] John Searle, *The Mystery of Consciousness* (New York: New York Review of Books, 1990), pp. 113-14.

subjects, and has no reality outside of those experiences.[51] It would be incoherent to speak of there being a public memory of which no one was aware. Memory only emerges and becomes political when it is felt, and the shape of its emergence is largely determined by how it is felt. At least in this context, the proper method for understanding memory therefore involves attempting to grasp how individuals experience memory.

This does not mean that all of the important aspects of memory will be immediately and transparently obvious to those remembering, or that we must incorrigibly take the accounts of those remembering to be final and authoritative or beyond criticism. Rather, to suggest that understanding memory requires understanding the experience of memory is to suggest that, when we criticize an account of memory, the criticism must itself derive from another aspect of experience, because there is nothing outside of experience capable of doing the same work.

Let me illustrate this point by showing how an experiential account of memory can address two common examples where subjective experience would initially seem to become unreliable. First, consider the difficulty posed by repressed memories of the sort that Freud and his followers argue derive from certain types of trauma. On the classic Freudian account, traumatic past experiences are sometimes buried, such that they cannot be actively recalled by survivors of trauma, even though the experiences remain present

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[51] As Searle suggests, when we say that something is "subjective," we often mean that it is *epistemologically subjective*—that is, that it is a matter of individual taste or opinion, and therefore in an important sense not real. However, he suggests that other things, from feelings to human institutions like money, rely on humans for their existence, and are therefore ontologically subjective, while being epistemologically objective. See John Searle, *The Construction of Social Reality* (New York: The Free Press, 1995), pp. 7-9.

in their lives, manifesting in other ways.[52] This dynamic has, as already suggested, sometimes been extended to collective memory and repression, and used to justify claims for political memory. In either its individual collective form, it might initially seem to pose an impassable obstacle for an exclusively experience-based theory, because repressed memories in this sense are those that cannot be immediately remembered, and that thus are closed to immediate experience. Yet, crucially, the identification of repressed memory does not rest on comparing a survivor's experience to something outside of experience. Rather, it involves identifying a tension *within* experience, between traces of the repressed past that persistent in an individual's life, "seething," as Edward Casey puts it, within the mind but "beneath the memorial threshold,"[53] and the individual's inability to actively recall the events to which those submerged traces refer.

The existence and character of repressed memories can only be understood by inquiring into the recollective experiences of those having them. These experiences might not be simple—the relevant set might contain overlapping and conflicting elements—but there is nothing outside of experience to adjudicate. The external fact that, say, someone has lived through some event is not sufficient to prove that, if they do not remember it, the memory has been repressed. It may instead be that the event was never committed to memory, or that it was simply forgotten. The only way to know is to look to the individual's experience.

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[52] Freud, "Repeating and Working-Through (Further Recommendations on the Technique of Psycho-Analysis II)," p. 151. For a more recent treatment, see Judith Herman, *Trauma and Recovery* (New York: Basic Books, 1992).

[53] Edward Casey, *Remembering: A Phenomenological Study*, Second Edition (Bloomington: Indiana University Press, 2000), p. xiv.

Second, consider the contrasting example of "false memory"—that is, would-be memories that seem, to the one remembering, to represent the past, but that are actually constructions made at a later date, and thus convincingly represent a past that did not occur. Although the concept remains controversial, concern with false memories increased dramatically in the early 1990s, as an anxiety occasioned by the increased use of "recovered memory therapy" to treat survivors of childhood physical, and especially sexual, abuse.[54] In contrast to the Freudian concern with repressed memories, where the worry is that memory may be too limited, here the concern is that memory may encompass *too much*. On this account, that something seems to be a genuine memory, that it seems "vivid and subjectively compelling," is no guarantee that it is an accurate representation of the past.[55]

Like repression, this initially seems to pose a problem for an exclusively experienced-based approach to memory: if subjective experience is incapable of appropriately separating false from true memory, in what sense can experience possibly be an authoritative guide to understanding memory in general? The answer is that, again like repressed memory, one cannot identify a false memory by somehow going outside of experience. Rather, a false memory can only be labeled as false when it is confronted with a contradictory true experience, because there is nothing outside of experience

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[54] The classic, somewhat polemical work here is Elizabeth Loftus and Katherine Ketcham, *The Myth of Repressed Memory: False Memories and Allegations of Sexual Abuse* (New York: St. Martin's, 1993). For a considerably more balanced account, see Janice Haaken, *Pillar of Salt: Gender, Memory, and the Perils of Looking Back* (New Brunswick: Rutgers University Press, 1998).

[55] Daniel Schacter, "Memory Distortion: History and Current Status," in *Memory Distortion: How Minds, Brains, and Societies Reconstruct the Past*, ed. Daniel Schacter (Cambridge, MA: Harvard University Press, 1995), p. 22.

capable of serving as an external, impersonal arbiter.[56] The possibility does not dethrone experience, but merely suggests that we must sometimes weigh experiences against each other.

The ontological subjectivity of memory as I am concerned with it here means that the experience of memory is epistemologically basic. The authority of experience does not derive from it being a generally accurate representation of something more elementary, but instead from the fact that experience *is* elementary in this instance. This does not mean that any particular experience is necessarily beyond reproach, because the relevant data sometimes consists of a set of conflicting memorial experiences, which can only give a satisfying account together, as some correct the distortions and shortcomings of, or give proper context for, others. But it does mean that, taken as a whole, experience is the final arbiter of accuracy.

3.2. Appearance

To say that understanding political memory requires understanding experience, and thus that memory as I am interested in it must be studied in a way that takes experience seriously, is still to leave several crucial methodological questions unanswered, because "experience" is a broad term, and philosophical attempts to capture experience have adopted a wide variety of methodological approaches, from reminiscently Cartesian studies of strictly internal individual subjective experience that is

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[56] For this point, see Andy Hamilton, "False Memory Syndrome and the Authority of Personal Memory-Claims: A Philosophical Perspective," *Philosophy, Psychiatry, & Psychology* 5, no. 4 (1998), pp. 290-292.

explicitly walled off from outside influence to examinations of the embedded, social experience of "being in the world."[57]

As before, the proper method is purpose-dependent. In contrast with strictly psychological understandings of individual memory, an experiential understanding of the sort of political memory of interest here must begin with the social dynamics of remembering. It must be open to the reciprocal processes by which would-be individual memories influence and are influenced by interactions with others, as well as how individual memories sometimes combine into mnemonic networks and sediment into public, collective accounts of history. This does not necessarily require a deviation from methodological individualism or the positing of an obscure metaphysical group mind or collective consciousness. But it does require being in principle open to the social elements of individual experience, and to how these elements sometimes coalesce into phenomena not reducible to the individual.

I thus attempt to go beyond concerns with the basic structures of individual experience to capture the specific qualities of public, political experience. As Arendt has argued at length, understanding the public world primarily means understanding the way that things *appear* in public. What is and what can be public crucially depends on what is commonly available in a shared "space of appearance."[58] Indeed, for Arendt, the whole realm of human affairs is constituted by appearance—both of a common world and of humans to each other. There is no Archimedean Point outside of appearance capable of

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[57] For a (very) brief overview of this history, see Charles Taylor, *Hegel and Modern Society* (New York: Cambridge University Press, 1979), pp. 161-162.

[58] Arendt, *The Human Condition*, p. 51.

adjudicating. The political *is* what we experience it to be.[59] My concern with political

memory is thus primarily a concern with the qualitative dimensions of memory—how it

seems to those experiencing it.

Arendt never provides a systematic methodological discussion of how precisely

we should go about achieving an experiential understanding of political reality. Indeed,

there is some reason to think that she would have taken the desire for a single unified

method of inquiry as misguided from the outset. She constantly emphasizes the

importance of understanding phenomena on their own terms, independently of

preexisting standards of evaluation.[60] Correspondingly, for Arendt "understanding… is a

complicated process which never produces unequivocal results."[61] Rather than relying on

preexisting rules, Arendt suggests that understanding requires a type of thinking that

"relentlessly dissolves and examines anew all accepted doctrines and rules."[62] It involves

thinking, in her famous phrase, "without a banister,"[63] and, presumably, without a preset

method.

3.3. Language and Self-Description

Yet all inquiry must begin somewhere, even if this beginning is a provisional

point, open to later revision and rethinking. And I begin here by seeking to understand

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[59] Ibid, pp. 273-289.

[60] Hannah Arendt, "Understanding and Politics (The Difficulties of Understanding)," in *Essays in Understanding, 1930-1954: Formation, Exile, and Totalitarianism*, ed. Jerome Kohn (New York: Schocken Books, 2005), pp. 311-313.

[61] Ibid, p. 307.

[62] Hannah Arendt, *The Life of the Mind*, Vol. 1, *Thinking* (New York: Harcourt, 1978), p. 176.

[63] Hannah Arendt, "On Hannah Arendt," in *Hannah Arendt: Recovery of the Public World* (New York: St. Martin's Press, 1979), p. 336.

memory, in both its individual and collective dimensions, as it is understood in everyday, ordinary language.

As Arendt recognized, ordinary language cannot be the final arbiter of understanding, because inherited conceptualizations can be mistaken, and new phenomena can arise that do not comfortably fit within preexisting categories.[64] However, there are at least two compelling reasons to begin with an examination of ordinary language, deriving respectively from the relationship between language and experience and between language and action.

First, as Arendt argues elsewhere, although there can be no assurance that the language of the past will adequately capture the present and future, the conceptualizations we inherit do in some sense give us a sense of the concepts and categories that have worked in the past.[65] There is no guarantee that the future will absolutely resemble the past. Arendt suggests that twentieth century totalitarianism create an absolute break with the past, and many of the large-scale injustices I examine here represent similar ruptures. But understanding what's worked in the past can provide a first, provisional cut for understanding the present and future.

This argument—that ordinary language is a storehouse of past experience, and can thus serve as an important guide to present understanding—is perhaps most strongly associated with twentieth-century ordinary language philosophy, and especially with the work of J.L. Austin. Ordinary language philosophy may at first seem to be an unlikely ally here, as Arendt elsewhere is sharply critical of the movement, criticizing it for

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[64] See, e.g., Arendt, "Understanding and Politics," pp. 311-313.

[65] Hannah Arendt, "Walter Benjamin: 1892-1940," in *Men in Dark Times* (New York: Harcourt Brace & Company, 1968), p. 204.

superficiality, and in particular for mistaking "common-sense" for "thinking."[66] Arendt is

not alone in this concern. Ernest Gellner famously echoes Arendt's point, arguing that

focusing on ordinary language causes theories to become incorrigible, unable to do

anything but reflect and reinforce preexisting understandings and possibly preexisting

mistakes. As he puts it, beginning with common understandings risks reducing one's

inquiry to "the protection of one's prejudices," leading inexorably to "conformist and

conservative conclusions."[67]

    But ordinary language philosophy, at least as present in Austin's work, makes a

claim about the role of language in understanding that is considerably more nuanced than

Arendt and Gellner's characterization might suggest. Austin does argue that, in general,

ordinary language is a reliable guide for understanding:

> [O]ur common stock of words embodies all the distinctions men have found
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> worth drawing, and the connexions they have found worth making, in the
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> lifetimes of many generations: these surely are likely to be more sound, since they
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> have stood up to the long test of the survival of the fittest, and more subtle, at

[66] Arendt's critique is aimed at "the Oxford school of philosophy," but does not explicitly target any author or work. See *The Life of the Mind,* Vol. 1, p. 52. It seems likely that her target is Gilbert Ryle, and in particular Ryle's *The Concept of Mind* (New York: Routledge, 2009), originally published in 1949, which is often considered to be a foundational work in ordinary language philosophy, and which Arendt elsewhere criticizes for what she takes to be his superficial analysis of the will. See Arendt, *The Life of the Mind*, Vol. 2, *Willing*, p. 4. Interestingly, Ryle retrospectively took *The Concept of Mind* to be "a sustained essay in phenomenology," and so may have actually had much in common with Arendt's attempts to capture experience. See Ryle, "Phenomenology versus 'The Concept of Mind'," in *Collected Papers*, Vol. 1, *Critical Essays* (New York: Routledge, 2009), p. 196.

[67] Ernest Gellner, *Words and Things: An Examination of, and Attack on, Linguistic Philosophy* (New York: Routledge, 2005), p. 345. For a helpful overview of Gellner's critique and its historical significance, see T.P. Uschanova, "Ernest Gellner's Critique of Wittgenstein and Ordinary Language Philosophy," in *Marx and Wittgenstein: Knowledge, Morality and Politics*, ed. Gavin Kitching and Nigel Pleasants (London: Routledge, 2002).

least in all ordinary and reasonably practical matters, than any that you or I are likely to think up in our arm-chairs of an afternoon—the most favoured alternative method.[68]

The basic claim here is that we should pay attention to language primarily because, in everyday matters, it works. It has proven useful in guiding generations of humans through the world, and so should not be too quickly dismissed in favor of a non-standard, specialized vocabulary. But this is not to say that Austin takes ordinary language to be infallible. There will always be situations that present new difficulties, dilemmas whose solutions have not yet sedimented into our common conceptual vocabularies. As he puts it, "fact is richer than diction."[69] While ordinary language may be the beginning, it is not the end. Although it can give us a first cut, and might sometimes reveal subtle distinctions that might be missed if we were to start from scratch, it does not have final authority.

For present purposes, this means that, while common understandings or distinctions between types of memory can always be overturned by recalcitrant experience, grasping common conceptualizations is an important first step. Thus the distinctions made in ordinary language between, for instance, remembering and imagining, or between memory, tradition, and habit, may not always hold up to scrutiny. But they do mark initial areas of interest for further investigation.

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[68] J.L. Austin, "A Plea for Excuses" in *Philosophical Papers*, Third Edition, ed. J.O. Urmson and G.J. Warnock (New York: Oxford University Press, 1979), p. 182.

[69] Ibid, p. 195.

The second reason to begin with ordinary language derives from the relationship between language and intentional action. Some varieties of remembering—say, the involuntary flood of recollections that sometimes come when one encounters an object from their past—are largely unintentional. They arise with little or no conscious intervention, and thus represent realities with which those experiencing them must consciously catch up, after the fact. But other, perhaps most, varieties involve intentional practices of remembering. In, say, the reminiscence of old friends about a shared past or the public commemoration of national history, remembrance does not just happen to us. It is something we deliberately do as part of a intentional, purposive activity.

Understanding these memorial activities, like understanding all intentional human actions, requires paying careful attention to language. In particular, it requires understanding how those performing the activity conceptualize what they are doing, because those conceptualizations are partially constitutive of the actions. Arendt puts the issue as follows:

> The action [an actor] begins is humanly disclosed by the word, and though his deed can be perceived in its brute physical appearance without verbal accompaniment, it becomes relevant only through spoken word in which he identifies himself as the actor, announcing what he does, has done, and intends to do.[70]

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[70] Arendt, *The Human Condition*, p. 179.

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When humans act, we do so with self-determined purpose and intentionality: we understand ourselves to be engaged in particular activities for particular reasons, and these understandings make the actions what they are.[71] When, for example, someone votes, the act is partially constituted by a shared understanding of what it means to vote and of the background political conditions that make voting significant. Absent such an understanding, the act would seem to be a meaningless succession of physical movements, a "brute physical appearance" with no intelligible content.[72] And, if an actor were to go through the series of physical movements typically associated with voting without understanding their action *as* voting, in an important sense, they would not be voting. This example may seem implausible, because the series of movements involved in voting is so complicated that it's unlikely anyone would do them all purely by accident. But consider Gilbert Ryle's otherwise identical example of distinguishing between a wink and an involuntary contraction of the eyelid. On his account, the two are obviously distinct, but they can only be distinguished by grasping how the actor in question conceptualizes their actions. As with voting, they are winking only if they think they are winking.[73]

Humans are, as Charles Taylor puts it, "self-interpreting animals," who constitute our own actions by taking on particular sets of meanings.[74] Or, as Clifford Geertz puts it,

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[71] Charles Taylor, "Introduction," in *Philosophical Papers*, Vol. 2, *Philosophy and the Human Sciences* (New York: Cambridge University Press, 1985), pp. 2-3.

[72] The example of voting is from Peter Winch, *The Idea of a Social Science and its Relation to Philosophy* (New York: Routledge, 1958), p. 51.

[73] Gilbert Ryle, "The Thinking of Thoughts: What is 'le Penseur' Doing?" in *Collected Papers*, Vol. 2, *Collected Essays, 1929-1968* (New York: Routledge, 2009), pp. 494-497.

[74] Charles Taylor, "Self-Interpreting Animals," in *Philosophical Papers*, Vol. 1, *Human Agency and Language* (New York: Cambridge University Press, 1985), p. 45.

humans are "suspended in webs of significance" that make action and identity intelligible.[75] Voting is voting and winking is winking only because we conceptualize them that way. Understanding an action thus requires understanding the self-descriptions of the actor.

3.4. Incorrigibility and Intentional Action

The assertion that the set of possible interpretations of a given action is limited to those that would be intelligible to the actor might immediately give rise to a now familiar anxiety about incorrigibility. Does taking the subjects of inquiry's self-interpretations to be authoritative preclude the possibility of a critical social science, and thus reduce social inquiry to quoting its subjects?[76] I do not think that it does, but, to leave room for critical inquiry, we must carefully circumscribe the areas in which self-description is authoritative. I've been arguing that the intelligibility of intentional action is at least partially determined by how the actor understands what they are doing. However, this does not mean that self-interpretations are necessarily authoritative guides to either the ultimate motivations that lie behind an action or the broader significance that an action takes on once performed. [77]

This point could be illustrated by a large number of examples from the history of social science, but for the moment I want to focus on one: Durkheim's well-known functional explanation of certain types of religious commemoration in *The Elementary*

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[75] Clifford Geertz, "Thick Description: Toward an Interpretive Theory of Culture," in *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973), pp. 5-7.

[76] For this anxiety (and ultimately a rejection of it), see Taylor, "Understanding and Ethnocentricity," in *Philosophical Papers,* Vol. 2, p. 127.

[77] Winch, *The Idea of a Social Science*, pp. 47-48.

Forms of Religious Life. Durkehim is an interesting example, both because his subject is so close to the one explored here, and because his work is a self-conscious attempt to extend the "objective," positivist method of natural science to cover human behavior,[78] and would thus seem especially *unlikely* to take subjective meanings seriously. However his analysis must remain rooted in the language and symbolic world of actors he examines, even as he disputes the motivations behind their actions.

Durkheim provides a functionalist explanation of religious practice, arguing that, regardless of what religious devotees believe themselves to be doing, religion should generally be understood as a way of achieving solidarity among members of a social group, and thus of holding society together. This analysis extends to a variety of religious practices, including ritualized commemoration of ancestors. He quotes the German missionary and anthropologist Carl Strehlow about how the Warramunga, a first nation in Northern Australia, understand their memorial activities: "When the natives are asked the decisive reason for these ceremonies, they reply unanimously: it is because the ancestors have instituted things."[79] But Durkheim suggests a more basic, functional motivation. By commemorating shared history, he argues that "the group periodically reanimates the feeling it has of itself and its unity… The glorious memories that are revived before their eyes, and with which they feel allied, give them a feeling of strength and confidence."[80] Whereas the Warramunga see the ceremony as a way of maintaining continuity with their

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[78] Émile Durkheim, *The Rules of Sociological Method and Selected Texts on Sociology and its Method*, tr. W.D. Halls, ed. Steven Lukes (New York: The Free Press, 1982), p. 33.

[79] Durkheim, *Elementary Forms of Religious Life*, p. 277. The quotation is from Carl Strehlow, *Die Aranda- und Loritja-Stämme in Zentral-Australien* (Frankfurt: Joseph Baer, 1907).

[80] Durkheim, *Elementary Forms of Religious Life*, pp. 279-280.

ancestors, Durkheim suggests it serves the more immediate purpose of maintaining *present* social unity.

Durkheim claims that the Warramunga are fundamentally mistaken about the real reasons behind their practices. But this does not, and cannot, mean completely disregarding their self-understandings. He begins with an internal, interpretive account of the ceremony, then uses that understanding to expound on what why the practice might be performed. Without the first interpretive step, Durkheim would be incapable of understanding the commemoration *as* commemoration, or indeed as anything at all. As with the earlier examples of voting and winking, absent a prior interpretive account, the activity could only be taken as a meaningless set of physical movements, belying no greater purpose whatsoever. The "objective" description Durkheim associates with physical science is flatly incapable of contending with the subjective web of significance that in part constitutes the activity.

Something similar is true of all intentional memorial activities, ranging from the large-scale, public commemorative practices that Durkheim is concerned about to more ordinary instances of, for example, leaving ourselves reminders to do things throughout the day. All involve a series of physical actions that are only intelligible in light of the subjective (or inter-subjective) meanings presumed by the actor. This means that, to understand the activities, we must first in some sense inhabit the symbolic world of those participating. Explanations *must* be incorrigible, at least in this sense, because the alternative is utter meaninglessness.

4. Method 2: The Normative Argument

In the previous section, I suggested three methodological points about studying memory: (1) that understanding memory requires understanding the experience of remembering; (2) that, to capture this experience, it is best to begin with the contours and distinctions of ordinary language; and that (3) language has a special authority in describing intentional actions, which are in part constituted by the self-conceptions of actors. In this section, I want to extend this argument to the normative status of memory. In particular, drawing on Michael Walzer's "contextual" approach to political theory, I want to suggest that the value of political memory derives from its role in the experience of politics, and that questions of value are therefore best addressed like questions of definition: by looking into ordinary language and self-understanding.

4.1. Walzer's Contextualism

Questions about the value of memory, like all questions of value, can be settled in several different ways. Walzer suggests perhaps the biggest methodological difference when he distinguishes between the "path of discovery," which seeks to find principles that somehow precede us in an objective world or the mind of God, and his preferred, more modest "path of interpretation," which seeks only to speak from "the particular moral life shared by the protagonists."[81] He makes the distinction as follows:

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[81] Michael Walzer, *Interpretation and Social Criticism* (Cambridge, MA: Harvard University Press, 1987), pp. 4-7, 22-23. Walzer also discusses the "path of invention," by which a theorist attempts to invent morally compelling principles, using Rawls's Kantian constructivism as his primary example. But, as he rightly notes, this path often seems to reduce to either discovery or interpretation. Indeed, as I argue below, Rawls's project is perhaps best viewed as interpretive.

One way to begin the philosophical enterprise—perhaps the original way—is to walk out of the cave, leave the city, climb the mountain, fashion for oneself (what can never be fashioned for ordinary men and women) an objective and universal standpoint. Then one describes the terrain of everyday life from far away, so that it loses its particular contours and takes on a general shape. But I mean to stand in the cave, in the city, on the ground. Another way of doing philosophy is to interpret to one's fellow citizens the world of meanings that we share.[82]

The first seeks to take "the view from nowhere,"[83] and to discern what is valuable from a perspective outside of human life, while the second seeks only to take the view from here, and to discern what is valuable from the perspective of everyday, ordinary human life.

I am unsure whether anything is valuable in the first sense. But proving this point would require an extended meta-ethical detour far beyond the scope of the present essay. For the moment, I want to make two more modest claims. First, although the history of moral philosophy is littered with attempts to illustrate how morality is "objective," it is unclear why this should be required in order for morality to be taken seriously.[84] As Taylor forcefully argues, the fact that the concepts, categories, and criteria of judgment that we normally apply to understand and evaluate things in the world are the result of human construction rather than natural occurrence does not change their indispensability

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[82] Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), p. xiv.

[83] This phrase is from Thomas Nagel, *The View from Nowhere* (New York: Oxford University Press, 1989).

[84] For a very brief history, see Christine Korsgaard, *The Sources of Normativity* (New York: Cambridge University Press, 1996), pp. 7-8.

to life.[85] Second, even if there is a world of objective—that is, person-independent—moral facts, it is unclear how this world could extend to the value of ontologically subjective entities like memory, which only exist insofar as they are experienced by persons. Just as the existence of memory depends on persons, presumably so too does its value. And so, to discern its value, we cannot look to a distant world of would-be objective facts, but must instead look at the role it plays in, and the value it contributes to, the actual lives of ordinary persons.

Walzer's avowal of the path of interpretation marks the first distinctive element of his contextual approach to political theory: it explicitly eschews any attempt at detached objectivity, and instead focuses on the world of ordinary meaning and experience. The approach is also unique in its recognition of the irreducible diversity of political values. That is, whereas some theories seek to derive principles of justice from a small set of moral presumptions—say, the value of happiness or preference satisfaction in utilitarianism, or the importance of fairness or autonomy in certain varieties of liberalism—Walzer seeks to understand a large set of values without subsuming them all under a single system.[86]

To illustrate, consider the contrast between Walzer and the more canonical work of John Rawls. The difference is immediately apparent: whereas Walzer is concerned with interpreting the meanings of various social goods based on how they are conceptualized in ordinary life, Rawls, at least the Rawls of *A Theory of Justice*, suggests that the requirements of justice are best discerned by leaving the world of ordinary

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[85] Charles Taylor, *Sources of the Self* (Cambridge, MA: Harvard University Press, 1989), pp. 56-60.

[86] The other obvious contemporary proponent of this view is Isaiah Berlin, but, because Berlin only rarely wrote on methodological issues, I focus on Walzer. For Berlin's view, see Isaiah Berlin, "In Pursuit of the Ideal" in *The Crooked Timber of Humanity*, ed. Henry Hardy (Princeton: Princeton University Press, 1998).

experience behind, and determining principles behind a "veil of ignorance," based on a very limited set of normative motivations and information, so that they not encumbered by everyday self-interest and bias.[87] Joseph Carens frames the difference between the two as between Rawls's "model of political theory as an engineer's blueprint" and Walzer's "model of political theory as an impressionist painting of our moral landscape." Whereas Rawls's project is based on constructing principles of justice from minimal foundational claims about the nature of justice, Walzer "says, in effect, 'See. Isn't it like this?'"[88]

Rawls's project is ultimately also interpretive. He suggests that the idea behind the veil of ignorance derives from "commonly shared presumptions" and that its purpose is "simply to make vivid to ourselves the restrictions it seems reasonable to impose on arguments for principles of justice."[89] Later in his career, the interpretivist foundations of Rawls's theory became even clearer. He suggests that the theory is worked out "in terms of certain fundamental ideas seen as implicit in the public culture of a democratic society."[90] The difference between him and Walzer is not, then, that Rawls seeks to discover new moral principles *de novo* while Walzer seeks only to find them already implicit in everyday life. Both begin from what the take to be principles extrapolated from ordinary life. Instead, the difference lies in the diversity of values they seek to interpret. In contrast to the Rawlsian emphasis on a small number of basic assumptions,

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[87] Rawls, *A Theory of Justice*, §§ 4 and 24.

[88] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness* (New York: Oxford University Press, 2000), pp. 22-23.

[89] Rawls, *A Theory of Justice*, § 4, p. 18.

[90] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), lect. 1, § 2, p. 13

Walzer "emphasizes the variety and variability of the social goods with which a theory of justice must be concerned."[91]

This has important implications for normative inquiry about memory. In focusing on fundamental values and the "basic structure of society," Rawls intentionally ignores much of the everyday complexity of moral and political life to concentrate providing a broad framework within which more particular issues can be addressed.[92] But Walzer's point, at least in part, is that the moral world we inhabit is populated with complexities and difficulties that simply cannot be answered by broad, abstract principles. The value of memory is one such complexity. Its role and value in political life can only be properly recognized when we look underneath broad principles of justice to messier, everyday political realities.[93]

4.2. Incorrigibility and the Problem of Scope

The suggestion that understanding political values is best achieved by exploring how values are conceptualized by, and incorporated into the lives of, ordinary members of the political community is, like the earlier suggestion about understanding social practices, likely to immediately elicit the charge of conservatism. Perhaps, the critic might argue, the path of interpretation and the privileging of common meanings it entails

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[91] Carens, *Culture, Citizenship, and Community*, p. 23.

[92] Rawls, *A Theory of Justice*, § 2.

[93] There is an important overlap between the recognition of complexity and the work of non-ideal theory— that is, theory that is not concerned with describing a perfectly just social system, but instead seeks to understand how we should handle the world as we find it, injustice and all. I discuss this overlap further in Chapter VI.

cements what should remain contingent formations, locking us into existing conceptions and practices and out of new, possibly more just future arrangements.

This objection requires a different set of responses than the anxieties about explanatory incorrigibility raised earlier. I want to focus on two. First, although the path of interpretation suggests that we must begin with our ordinary moral concepts and categories, this is not to say that we must unquestioningly accept the validity of existing practice. We can, and often do, fail to live up to our own moral standards or the criteria of judgment implicit in our own moral vocabularies. Indeed, many strong moral critiques, including Walzer's, take the form of saying, in effect, that we are not meeting our own goals—that our values do not support our practices.[94]

Think, for example, of the still unfinished work of extending traditional American values like equal opportunity to historically marginalized groups. To again adopt Carens's metaphor of interpretive social criticism as an "impressionist painting of our moral landscape," the goal is not simply to leave everything as it is. "To see landscape through a painting is not the same as to view it with the naked eye. The artist offers a reconstructive interpretation, drawing attention to colours, shadings, interconnections."[95] The point is just that, when we criticize the state of the world, the criteria of evaluation we use should derive from the ordinary understandings of those who inhabit the world.

Second, relying on a particular moral vocabulary does not mean fixing that vocabulary once and for all. Social meanings can, do, and perhaps must change with time. These changes often come about as the result of pressure from *within* the world of

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[94] Walzer, *Spheres of Justice*, p. 26.

[95] Carens, *Culture, Citizenship, and Community*, p. 23.

common meanings: ordinary language is always capable of challenging particular inherited significations, because, while language is maintained by everyday use, it can also fail to be maintained in every use.[96] The path of interpretation does not hold that these changes are impossible or undesirable. To be sure, one cannot escape or be liberated from the world of common meanings altogether. Despite what sometimes seems to be an attempt by some theorists to leave ordinary language behind altogether, we are stuck with the language we inherit. But this doesn't mean that we cannot change ordinary language. Instead, it means that changes, which are certainly possible and perhaps inevitable, will also necessarily be piecemeal. We cannot make a new world out of nothing. But we can make a different world out of the one we have.

This is true even of radical critique. For example, Judith Butler suggests that theoretical language should be difficult and distant from ordinary communication, because part of the job of theory is to challenge ordinary meaning: "there is a lot in ordinary language and in received grammar that constrains our thinking—indeed, about what a person is, what a subject is, what gender is, what sexuality is, what politics can be…"[97] On this account, what Butler's critics sometimes take to be unnecessarily murky or obscurantist writing actually represents a unification of form and content, wherein the prose must be distant from the everyday because it seeks to challenge the everyday.[98] But no one can escape ordinary language altogether. Even Butler must begin with ordinary

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[96] For this point, see Taylor, "Foucault on Freedom and Truth," in *Philosophical Papers*, Vol. 2, pp. 173-174.

[97] Quoted in Gary Olson and Lynn Worsham, "Changing the Subject: Judith Butler's Politics of Radical Resignification," *JAC* 2, no. 4 (2000), p. 732

[98] For perhaps the most widely-cited critique of Butler on this point, see Martha Nussbaum, "The Professor of Parody," in *Philosophical Interventions: Reviews 1986-2011* (New York: Oxford University Press, 2012).

language, because challenges to particular linguistic significations must be made in a background language that is, at least provisionally, taken for granted. It is only by using ordinary language that we can make changes to ordinary language.[99]

The path of interpretation is not inherently conservative, both because current moral standards do not always support current practice, and because we can use our existing moral vocabulary to challenge particular significations within it. However, the path of interpretation is open to another, more intractable criticism, deriving from what Walzer calls its "radically particularist" orientation.[100] Because interpretation is always based on a *specific* moral language and set of conceptualizations, "it will yield not an ideal map or a master plan but, rather, a map and a plan appropriate to the people for whom it is drawn, whose common life it reflects."[101] This poses two problems. The first, more general one is that, because politics rarely stops at the boundaries between moral communities, deriving principles of justice meant to govern a diverse polity from interpretations of the moral presumptions of a specific community within it risks confusing a part for the whole, and ultimately making some citizens live under principles utterly alien to their form of life. Walzer attempts to circumvent the problem by asserting that states are "probably the closest we can come to a world of common meanings,"[102] but this response seems hardly adequate in a multicultural and globalized world where deep moral difference and disagreements are simply facts of life.

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[99] Taylor, "Foucault on Freedom and Truth," pp. 173-174.

[100] Walzer, *Spheres of Justice*, p. xiv.

[101] Ibid, p. 26.

[102] Ibid, p. 28. Cf. Michael Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame, IN: University of Notre Dame Press, 2006).

This leads to the second problem, which is more directly connected to the present inquiry. If, as I suggested at the beginning of this chapter, claims about the importance of memory and other past-regarding practices spring from an international and diverse set of political actors, why begin with *local* understandings? Many claims—most prominently, about the importance of Truth and Reconciliation Commissions—seek to derive their legitimacy not from local meanings but from global discourses about human rights. If this is the case, why not base the analysis on the presumed universal values and interests that human rights discourse purports to promote?

Both problems can be addressed the same way. Questions about where and how far interpretive claims about political morality extend are essentially empirical: claims are valid where they represent generally shared presumptions, and invalid when they don't. In deeply divided societies, this might mean that the best that can be hoped for is an "overlapping consensus" on basic political principles between groups with otherwise divergent forms of life.[103] Or, perhaps even this is too much to expect, and politics in such societies must aim at a still more modest, prudential *modus vivendi* between otherwise completely separate factions.[104] However, the near universality of the sort of memory claims I am interested in suggests that, although there may be overarching disagreements between moral communities about more fundamental questions of justice,

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[103] Rawls, *Political Liberalism*, lect. 4.

[104] There is a large literature on the concept of a *modus vivendi*. Rawls suggests that we should seek more from politic, that principles of governance should be moral, and not derive from a "mere *modus vivendi*." See ibid, Lect. 4, § 3, p. 147. However, others have argued that, as Bernard Williams puts it, "the very phrase 'a mere *modus vivendi*' suggests a certain distance from the political; experience (including at the present time) suggests that those who enjoy such a thing are already lucky." See Bernard Williams, "Realism and Moralism in Political Theory," in *In the Beginning was the Deed: Realism and Moralism in Political Argument*, ed. Geoffrey Hawthorn (Princeton: Princeton University Press, 2005), p. 2, n. 2. For a similar view, see John Gray, *Two Faces of Liberalism* (New York: The New Press, 2000), ch. 4.

there is at least ostensive widespread agreement on the importance of political memory.[105]

Still, the radical particularism of interpretation as I use it here suggests that questions of scope cannot be answered in advance. In this sense, the claims I want to make are inescapably fragile. Indeed, something similar is true of the overarching approach I've been developing throughout this chapter: claims about "ordinary" experience or shared conceptualizations are always in principle open to the criticism that the experiences and concepts described are simply not widely shared. This seems to be an inevitable consequence of taking ordinary experience seriously. Unlike the model of political theory as a blueprint, here, as Carens suggests, inquiry takes the form of a question: "Isn't it like this?"[106] Perhaps, borrowing from Anthony Laden's recent work on the social nature of reasoning, we might think of interpretive arguments as invitations to see the world a certain way, or to recognize reasons in our current way of seeing the world for thinking or acting differently than we currently do.[107] Nothing can be assured in advance. In contrast to issuing a command, issuing an invitation entails the recognition that rejection is also possible.[108] Thus the accounts I give here may lack the satisfying simplicity or deductive certainty of blueprints. But the hope is that, in offering interpretations of ordinary life, they offer a picture we can recognize as our own.

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[105] This is of course not to say that otherwise distant moral or political communities should maintain *the same* memories. Rather, it is to say that there seems to be widespread agreement that it is important for communities to separately maintain certain *types* of memories—about, for example, tragedies in their recent pasts. The particular memories to which these general principles point will vary by context. Following the same broad principles, different states may need to remember different wars.

[106] Carens, *Culture, Citizenship, and Community*, p. 23.

[107] Anthony Laden, *Reasoning: A Social Picture* (New York: Oxford University Press, 2012), pp. 15-18.

[108] Ibid, p. 28.

CHAPTER II

FINDING MEMORY

5. *Conceptual Ambiguity*

In the last chapter, I argued that understanding the value of collective remembering in the wake of historical injustice has both conceptual and normative dimensions: conceptually, we need to understand what exactly it means for a community to remember; and normatively, we need to understand how, if at all, this type of remembrance can aid in ameliorating injustice's lasting legacies.

The significance of the normative dimension is obvious. Remembrance, at least the type of social remembrance I'm interested in here, is not an inevitable or automatic response to injustice. It is something we choose to do.[1] And, if we are going to choose to remember, we should have good reasons for doing so, particularly when remembrance complicates or threatens the pursuit of other political values.

But the significance of the conceptual dimension might, at least initially, seem less straightforward. Remembering is, on an individual level, a basic human capacity, and normally functioning adults are, as individuals, thus broadly familiar with what it means to remember, even if they are less clear on, say, the exact dynamics of memory retention or the neurological processes that underlie remembering. Given this familiarity, one might wonder whether a detailed conceptual discussion is really necessary. I want to suggest that one is, because collective memory is fundamentally distinct from, or at least

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[1] I develop this claim further in Chapter IV. As I emphasize there, to assert that memory in the limited sense I'm interested in here is a choice is not to assert that all varieties of memory involve choice, or to deny the possibility of unintentional remembering in other areas.

not reducible to, the everyday forms of individual memory that generally inform our intuitive understandings. When proponents say that *we* should remember, they are calling for a *community*—cultural, political, or perhaps humanity at large—to remember. In the next three chapters, I want to show how this sort of communal memory is less familiar, perhaps stranger, than the common, tacit analogy between individual and social recollection might suggest, and to articulate a broad outline of the genuinely social, collective memory that is invoked, however obliquely, when we talk about political memory.

The peculiarity of collective memory is evidenced by the wide variety of ways it has been conceptualized. As I noted in § 2.1, collective memory has been variously associated with an unwieldy assortment of social phenomena: collected individual memories of a shared past; shared frameworks for understanding the past; habits, customs, and traditions; commemorative rites; public discussion of history; monuments and memorials; "state speech" about the past; and too much else to list with any sense of finality. In articulating a broad outline of social memory, my hope is in part to make sense of this variety—to distinguish between collective memory and closely related concepts with which it is often confused, and to understand what, if anything, unifies the set of practices that should count as genuinely collective remembering.

The next three chapters are dedicated to these tasks. The bulk of this chapter is taken up with an examination of a few illustrative examples of collective memory from throughout the 20th and 21st centuries. The set of possible examples is so large and diverse that it is probably impossible to non-arbitrarily select a representative group. The discussion is thus less of a systematic search for generalizations than an attempt to get a

general feel for how political memory is commonly understood. I focus on how those involved in the creation and maintenance of collective memory understood their own actions, and how their creations have appeared and been taken up in public.

Following this examination, the chapter closes by drawing some preliminary conclusions about the shape of collective memory. I argue that, despite important differences, those who invoke political memory almost always share two, often tacit, conceptual assumptions. First, when we talk about political memory, it is the memory of something—that is, it involves the recollection of particular propositions about past events or states of affairs. Second, the recollection is socially structured. It is not simply the aggregate memory of citizens, but is rather somehow the memory of a community, capable of preserving recollections about the past over multiple generations.

These conceptual points may seem trivial. Indeed, my hope is that they so closely match common assumptions about political memory that they *should* seem trivial. Yet, I want to suggest that they entail non-trivial points about the shape of political memory as we commonly understand it. The next two chapters are dedicated to teasing out these points, treating the two conceptual assumptions in turn.

6. The Locations of Memory

Where should we begin looking for collective memory? Several prominent steams of thought assume that it is simply and unproblematically possessed by collectives—families, communities, polities, or societies—in the same way that personal memory is possessed by individuals. We sometimes talk of *the* collective memory, as though it's

something singular and cohesive, like the singular sum of an individual's memories.[2] Similarly, in recent scholarship, the term has been identified with "the societal timelines constructed by entire mnemonic communities,"[3] the ways "societies… reconstruct their pasts,"[4] or, most expansively, "the full sweep of historical consciousness, understanding, and expression that a culture has to offer."[5]

These conceptualizations presume what I want to call a "holism" about collective memory. They are holistic in two related senses. First, following the presumed analogy between individual and collective, they are formally holistic, in that they take collective memory to be shared by entire unified communities, rather than specific, potentially shifting, sets of individuals. This seems to follow directly from talking about collective memory in terms borrowed from the individual phenomenon, as it would make little sense to speculate about only part of an individual remembering something. Second, they are substantively holistic, in that they define collective memory as the aggregated total of a community's past-regarding knowledge—a singular vision of history. This second sense presumes the first, as it is only coherent to speak of a community's vision of the past if one presumes in advance the existence of a unified community of memory capable of having such a vision.

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[2] See, e.g., Maurice Halbwachs, *The Collective Memory*, tr. Francis Ditter andVita Ditter (New York: Harper and Row, 1980).

[3] Eviatar Zerubavel, *Time Maps: Collective Memory and the Social Shape of the Past* (Chicago: The University of Chicago Press, 2003), p. 28.

[4] Michael Kammen, *Mystic Chords of Memory: The Transformation of Tradition in American Culture* (New York: Vintage, 1991), p. 3.

[5] Gary Edgerton, "Introduction: Television as Historian: A Different Kind of History Altogether," in *Television Histories: Shaping Collective Memory in the Media Age*, ed. Gary Edgerton and Peter Rollins (Lexington: The University of Kentucky Press, 2001), p. 5.

The trouble with this sort of holism is that groups, whatever their size, are rarely as unified as the invocation of an agent-like community with a fully shared set of common memories seems to suppose. Entire communities, particularly the large political communities often invoked in discussions of collective memory, are not like agents in any straightforward sense, and are thus incapable of constructing or reconstructing single, encompassing visions of history. They do not share single sets of characteristics or believe single, bounded sets of propositions about the past. And even when members of a community do share a common awareness of a historical event, that awareness is, as Seyla Benhabib writes of communal traits in general, "contested and contestable," always subject to "creations, recreations, and negotiations."[6] Most Americans are probably aware that, say, the Vietnam War occurred, but there is little agreement on how we should understand the war, its causes and consequences, its significance, and, perhaps above all, its moral standing.

There may, of course, be *attempts* to construct single, shared visions of history, particularly in compulsory state education. As Ernest Gellner and others emphasize, states sometimes use education as a way "naturalize" the presumed nation state and its history, in the process attempting to destroy subnational cultures or counter-narratives.[7] Some suggest that this process is necessary for the proper functioning of the state.[8] But whatever its desirability, the process, particularly in even moderately open or democratic societies, is almost inevitably doomed to failure. States are not the only possible sources

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[6] Seyla Benhabib, *The Claims of Culture* (Princeton: Princeton University Press, 2002), pp. 5-8.

[7] Ernest Gellner, *Nations and Nationalism* (Ithaca: Cornell University Press, 1983), p. 49.

[8] For a polemical statement of this view, see Arthur Schlesinger, *The Disuniting of America: Reflections on a Multicultural Society* (New York: Norton, 1992), pp. 45-46.

of memory. There almost inevitably remain, as Foucault puts it, locations of "counter-memory,"[9] or, as José Medina has it in an analysis of Foucault, "a plurality of lived pasts and of knowledges about the past that resist unification and create friction."[10]

If collective memory is always heterogeneous and internally contested, then we should begin not by looking for *the* collective memory, but rather by looking for *collective memories*. I thus begin with specific examples of collective remembering—the construction of a particular monument or the performance of a particular commemorative ritual—and largely ignore questions of how, if at all, communities form general, shared ideas about the past or collective pictures of history. In denying holistic claims about collective memory, I do not mean to deny the significant role that communities can play in constructing our visions of the past. Instead, I mean to suggest that, while social accounts of history can be crucial to the ways we remember, these will never coalesce into homogenous pictures of the past. The idea of *a* collective memory is thus at best shorthand for the often discordant sum of particular collective memories, which never add up to the single or unified vision of a single or unified agent. To understand collective remembering, we must thus begin with the particular.

Where, then, should we look for the particular? Reminders of history are created and persist in nearly every arena of human activity: in monuments and memorials; in traditions and rituals of remembering; and in texts, archives, and other elements of a society's literary heritage. Following conceptualizations from Pierre Nora, Sue Campbell, Jeffrey Blustein, and others, I want to distinguish between *places of memory*—physical

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[9] Michel Foucault, *Language, Counter-Memory, Practice* (Ithaca: Cornell University Press, 1977).

[10] José Medina, "Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and *Guerrilla* Pluralism," *Foucault Studies* no. 12 (2011), p. 22. Emphasis omitted.

objectifications representing certain visions of the past—and *practices of memory*—commemorative activities that perform memory in public.[11] In addition, I want to suggest that *memory texts*, such as records and books, are different enough from the other forms to justify their own category. Although they are, like places of memory, objectifications of certain views of the past, they have a different sort of physicality, and thus relate to public space in ways fundamentally distinct from monuments and other more traditional memory places.

I would like to say more about each of these forms in turn, but before I do, a brief caveat may be appropriate. As I suggest in Chapter IV, the construction of collective memory is an inherently creative process in several related respects, one of which is that there is a large, potentially infinite, set of possible ways in which memories can be preserved, and architects of collective memory can thus choose not just *what* gets memorialized, but also *how* it is memorialized. There is always room in the process of creation for the development of new forms, which may not easily fit within existing conceptual schemes. The forms of memory I examine in this section are among the most prominent that have been adopted throughout the 20th and early 21st centuries, but they are not, and cannot be, a timeless or comprehensive list of possibilities. I therefore intend the following as an overview of how we remember now, not of how we have always remembered, or of how we might remember in some distant future.

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[11] Pierre Nora, "Between Memory and History: Les Lieux de Memoire," tr. Marc Roudebush, *Representations* no. 26 (1989), pp. 7-24; Sue Campbell, *Relational Remembering: Rethinking the Memory Wars* (Lanham, MD: Rowman and Littlefield, 2003), esp. chapts. 2-3; Jeffrey Blustein, *The Moral Demands of Memory* (New York: Cambridge University Press, 2008), pp. 184-188.

6.1. Place

The idea of "places of memory" comes from the French historian Pierre Nora, though Nora's conception is much broader than the one adopted here, consisting of physical locations, practices, texts, and nearly every other possible public repository of knowledge about the past.[12] Here I adopt a more constricted conception, where "place" is taken to mean a physical location, and places of memory are thus physical objectifications of memory—that is, memorials—created in public space.

The most basic form of memorial is a simple catalog of things from the past—often things that have been lost. These sometimes arise organically. In Britain during World War I, local "Rolls of Honour" listing the names of deceased soldiers were erected in streets and businesses. Many were eventually transformed into shrines, adorned with candles, flowers, and other tokens honoring the dead.[13] Or catalogs of the past may persist in official, semi-permanent installations. For example, in the United States, the Vietnam Veterans Memorial—located near the National Mall in Washington, DC—consists in part of two long rock walls inscribed with the names of dead or missing soldiers. The idea behind such catalogs is captured well by Jan Scruggs, who served in Vietnam as Corporal in the U.S. Army and was later instrumental in constructing the Memorial: "No one remembered the names of the people killed in the war. I wanted a memorial engraved with all the names. The nation would see the names and would remember the men and women who went to Vietnam, and who died there."[14]

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[12] Nora, "Between Memory and History: Les Lieux de Memoire."

[13] Gaynor Kavanagh, "Museum as Memorial: The Origins of the Imperial War Museum," *Journal of Contemporary History* 23, no. 1 (1988), p. 79.

[14] Quoted in W. James Booth, *Communities of Memory: On Witness, Identity, and Justice* (Ithaca: Cornell University Press, 2006), p. 102.

Places of memory may also transmit thick visions of the past, consisting not just of lists of dead, but of more elaborate representations of history. For instance, just as the Rolls of Honour were being erected in the streets of Britain, the British War Cabinet had begun to plan for the creation of the National War Museum, which eventually became the Imperial War Museum. Rather than exclusively honoring the dead, the hope, as King George V put it at the opening of the museum in 1920, was to create a "lasting memorial of common effort and sacrifice."[15] The collection was organized with the goal of representing, through documents, photographs, "trophies," and other relics, the daily experiences of those involved in the war effort, from members of the Army and Navy to munitions workers and other domestic actors.[16] A special, albeit comparatively very small, section was set aside for "Women's Work."[17] Martin Conway, who directed the effort, summarized the goal as follows:

> [The Museum], if wisely collected and arranged, will be unique, will make a direct appeal to the millions of individuals who have taken part in the war or in war-work of any kind ... when they visit the museum in years to come, they should be able by its aid to revive the memory of their work for the war, and, pointing to some exhibit, to say "This thing I did."[18]

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[15] Quoted in Edward Rothstein, "Revisiting the Nightmares of World War I," *New York Times* Aug. 16, 2014, p. C1.

[16] Kavanagh, "Museum as Memorial: The Origins of the Imperial War Museum," pp. 83-84.

[17] Ibid, p. 82.

[18] Quoted in ibid, p. 84.

The Museum assembled traces of the past to provide and preserve a concrete vision of what it was like to live through history. Such an assemblage was only possible given the proximity of the Museum's foundation to the war itself. Indeed, founders of the Museum worried that, as time passed, artifacts would become increasingly difficult to acquire. Correspondingly, there was a general anxiety that artifacts should be acquired quickly, before they were lost or scattered.[19]

Whereas the Imperial War Museum worked by collecting traces of the past in one place, elsewhere memory is preserved by transforming a place itself. In America, the most poignant example may be the recently opened September 11 Memorial Museum, built on the site of Ground Zero in New York. Like the Imperial War Museum, it is in part a collection of everyday artifacts—photographs, audio and video recordings, trinkets left behind by victims, equipment used by rescue teams, and, controversially, a mortuary containing "unidentified or unclaimed" remains.[20] Yet the Museum also transforms the site itself. The location of monuments is often symbolically significant. The Vietnam Memorial and many other monuments are located near the National Mall, the at least symbolic seat of U.S. federal power. But, in the case of the September 11 Museum, location takes on a different sort of importance. The entrance lies between two pools of water that mark the footprints of the original towers. Before even entering the Museum, visitors are thus confronted with a landscape that bears representative traces of the event. The Museum itself lies in the foundation of the towers, with parts of the former structures —a staircase, iron support beams, and indeed the bedrock itself—incorporated into the

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[19] Ibid, p. 82.

[20] Holland Cotter, "The 9/11 Story Told at Bedrock, Powerful as a Punch to the Gut," *The New York Times*, March 14, 2014, p. A1.

exhibition. Chief among these is the "slurry wall," part of the original foundation, which held even as the buildings collapsed, and thus prevented the seventy foot foundation from filling with groundwater. If the wall had failed, groundwater may have flooded the New York subway system, enormously amplifying the tragedy.[21] Daniel Libeskind, lead architect for the Museum, incorporated an exposed, sixty foot section of the slurry wall as a symbol of endurance: "Usually, when you see a foundation, you see it in Rome or Athens, foundations of the dead past, but this is a living foundation—which is supporting the site, which is still something that continues to inspire us with a memory, but also with the future."[22]

In contrast to the collections of artifacts that comprise museums as they are perhaps commonly understood, the artifacts presented in the September 11 Museum are not collected. They are largely left where they were. But they are nonetheless fundamentally transformed, we might say *embroidered*, by the changed context and surrounding adornment. Wreckage has been sorted, rearranged, and enclosed in a new structure. Once utilitarian columns and walls are now exhibited, almost as works of art. The transformation marks traces of the past *as* traces of the past, and in so doing also marks the events that created them as worth remembering.

I have so far been focusing on memorials that were created during or just after the events they commemorate, and that correspondingly serve primarily to preserve elements of the present into the future. But memorialization also sometimes marks the distant past.

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[21] David Dunlap, "On September 11, a Wall Limited the Devastation," *The New York Times* Sept. 12, 2013, p. A29.

[22] Quoted in Stephen Nessen, "Interview with World Trade Center Site Architect Daniel Libeskind," *WNYC*, Sept. 7, 2011. http://www.wnyc.org/story/156557-interview-master-architect-world-trade-center-site-daniel-libeskind/

To mark the hundredth anniversary of the outbreak of World War I in 2014, organizations around Britain, including the Imperial War Museum, sponsored new commemorations. In one of the most striking displays, red ceramic poppies were "planted" around the Tower of London, one for each British life lost in the war.[23] Like the Roles of Honour and the original Imperial War Museum, the installation involved the transformation of public space into a monument to the past. But, unlike the lists of names or the Museum, the installation did not present a set of facts or a specific vision of the war. Even though the number of poppies represented the number of dead, it would have been practically impossible to garner an exact figure from the installation. Rather, the installation presented a general, stylized picture of the war's enormity, but no specific details about it. At a century's remove, it would be impossible to, as Conway hoped of the Imperial War Museum, *remind* people of what it was like to experience the war. The installation memorialized a tragedy larger than many viewers will have ever experienced.

6.2. Practice

The creation of places of memory requires action—of citizens, activists, architects, artists, and others—but the action is instrumental. It creates memory—that is, it leads to it—but it does not constitute it. In other instances, such as speeches or commemorative rites, actors perform memory more directly, remembering in public, and in so doing bringing the past into the public present.

Consider the public actions that many Jewish organizations coordinated during World War II, meant to draw attention to what they took to be the under-recognized

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[23] Ari Shapiro, "A Sea of Ceramic Poppies Honors Britain's WWI Dead," *National Public Radio* Aug. 16, 2014. http://www.npr.org/2014/08/16/340649115/a-sea-of-ceramic-poppies-honors-britains-wwi-dead

Holocaust occurring across Europe. In December 1942, Jewish organizations in New York coordinated mass moments of silence to raise awareness about the endangered and commemorate the dead. The moments began with a ten minute work stoppage among five-thousand Jews across the city, and soon spread to the broadcast of silence on several local radio stations. In March 1943, organizations coordinated a defiant ceremony at Madison Square Garden to honor the dead, titled "We Will Never Die." And, in 1944, to mark the first anniversary of the Warsaw Ghetto Uprising, thirty-thousand Jews and allies congregated at New York City Hall, where speeches by then mayor Fiorello La Guardia and other local dignitaries honored those who participated in the uprising.[24]

Like the Roles of Honour and the Imperial War Museum, these memorials began before the war had ended. But they took a fundamentally different form. The primary aim of the New York demonstrations was not to transform public space into a stable objectification of memory. Rather, in mourning or marking anniversaries, the Jewish organizations *performed* memory. Whereas places of memory serve as relatively stable repository for traces of the past, in the demonstrations, remembering became a temporary event, with both a beginning and an end. The demonstrations were correspondingly less self-contained than the places of memory that populate the public world: while places preserve records of history, the demonstrations necessarily drew on records to temporarily signify a vision of the past in public. But if they were less self-contained, the demonstrations may have also confronted their audiences more directly. It is possible to walk by a list of names without looking, or to simply not go to a museum. But work stoppages and congregations of thousands are less easily ignored.

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[24] These examples are taken from James Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven: Yale University Press, 1993), pp. 287-288.

As time has passed, the character of public acts of memory has, perhaps

necessarily, changed. Every year, the United States Holocaust Memorial Museum near

the National Mall in Washington, DC marks the official "Days of Remembrance of the

Victims of the Holocaust," with a reading of names of those killed in the Holocaust.

Similar readings are held throughout the country.[25] The reading is necessarily partial and

symbolic. The Museum estimates that, on average, 625 names can be read in an hour.[26]

At this rate, given even the most conservative estimation of those killed—six million is a

common figure, but involves contested limiting assumptions[27]—it would take 9,600

hours, or 400 straight days, to read the names. The Museum provides a list of 5,000,

which are read by volunteers over a week. The performance is meant to convey the

enormity of loss, and this sense may be amplified by the recognition that a complete

performance would be impossible.

As with places, practices of memory can go beyond simple catalogs of what has

been lost. Perhaps the most basic such practice is the act of bearing witness—publicly

describing an unknown or unseen experience, speaking for the past. As has been

recognized since at least Hume,[28] we rely on the testimony of others to establish the truth

of most propositions that we believe. But, in the wake of large-scale tragedy, witnessing

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[25] See United States Holocaust Memorial Museum, "Names Reading Ceremony." http://www.ushmm.org/remember/days-of-remembrance/more-ways-to-remember/names-reading-ceremony

[26] Ibid.

[27] In particular, the six million figure counts only Jewish victims, and thus excludes Soviet Prisoners, Roma, Jehovah's Witnesses, homosexuals, the differently-abled, and other groups. For an overview of controversies in drawing the boundaries of the Holocaust, see Donald Niewyk and Francis Nicosia, *The Columbia Guide to the Holocaust* (New York: Columbia University Press, 2003), pp. 45-52.

[28] David Hume, *An Enquiry Concerning Human Understanding*, ed. Eric Steinberg (Indianapolis: Hackett Publishing Company, 1977), p. 74: "there is no species of reasoning more common, more useful, and even necessary to human life, than that which is derived from the testimony of men, and the reports of eyewitnesses and spectators."

takes on a special sort of significance. This is in part because these events are most likely to fall outside of citizens' ordinary experience, and thus are also most likely to require elucidation. Consequently, some suggest that the unprecedented mass violence of the 20th century has created a "historical crises of witnessing," as the events to which witnesses must attest fall entirely outside the normal realm of human affairs.[29] Much has, for instance, been written about the power and importance of witnessing as a way of coming to grips with the Holocaust,[30] and, since the end of World War II, thousands of documentaries have been produced about the event, many prominently featuring interviews with survivors.[31]

Among the most famous of these is Claude Lanzmann's nearly nine-and-a-half hour long documentary, *Shoah*, which eschews archival footage altogether, and focuses instead on taped interviews with survivors, both Jews and former Nazis, conducted over an eleven year period. In one segment, Lanzmann interviews Abraham Bomba, a survivor who, at the time of taping, worked as a barber in Tel Aviv. The two discuss Bomba's job cutting hair in Treblinka, a Nazi camp that operated from 1942 to 1943 in occupied Poland. While cutting hair in a Tel Aviv barber shop, Bomba recalls cutting the hair of women in Treblinka just before they were scheduled for execution, so that the hair could

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[29] Shoshana Felman, "The Return of the Voice: Calude Lanzmann's *Shoah*," in Shoshana Felman and Dori Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History* (New York: Routledge, 1992), p. 206.

[30] See, e.g., the essays collected in Nancy Goodman and Marilyn Meyers (eds), *The Power of Witnessing: Reflections, Reverberations, and Traces of the Holocaust: Trauma, Psychoanalysis, and the Living Mind* (New York: Routledge, 2012).

[31] For an overview, see Lynne Fallwell and Robert Weiner, "Holocaust Documentaries," in *The Routledge History of the Holocaust*, ed. Jonathan Friedman (New York: Routledge, 2011).

be later used by the Nazis as "a kind of raw material."[32] There is an element of theater

here, and with many of Lanzmann's interviews. But the testimony itself is utterly

unadorned. There are no accompanying historical photos or footage, no explanatory

narration, just survivors of history speaking in the present.

The Holocaust has also spawned another genre of more directly theatrical, and

more directly representational, films, based on recreation or reenactments. In the United

States, the most prominent might be Steven Spielberg's *Schindler's List*, which is, in

some sense, the exact opposite of Lanzmann's *Shoah*: whereas *Shoah* steadfastly refuses

any representation of the past beyond its presentation of testimony, *Schindler's List* is a

full-scale Hollywood (re)creation, which at least explicitly aspires to historical

accuracy.[33] Both have been criticized for their selectivity, only telling part of the story,

but, in purporting to reproduce history, *Schindler's List* raises a different set of problems

related to its would-be verisimilitude.

The film has led to a voluminous literature on the problem of historical

representations of the Holocaust, to which I can do no justice here. But, for present

purposes, it might suffice to say that, in attempting a wholesale reproduction of history

rather than the transmission of certain experiences of it, the film, and other theatrical

representations like it, takes on the impossible task of perfectly mirroring the world.

Some critics suggest that this sort of representation is particularly problematic with the

singular horrors of the Holocaust, which fall entirely outside of the representational

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[32] Richard Bernstein, "An Epic Film about the Greatest Evil of Modern Times," *The New York Times* Oct. 20, 1985, p. H1.

[33] For an interesting comparison of the two films, see Yosefa Loshitzky, "Holocaust Others: Spielberg's *Schindler's List* versus Lanzmann's *Shoah*," in *Spielberg's Holocaust: Critical Perspectives on Schindler's List*, ed. Yosefa Loshitzky (Bloomington: Indiana University Press, 1997).

repertoire adequate for more ordinary tasks.[34] This is surely true. Yet there also remains the more basic problem that the theatrical representation necessarily depends on interpretive decisions—the *mise-en-scène*, where to focus, which stories to tell—which belie the film's mimetic pretensions. Perhaps, then, the thicker theatrical representation should be taken as, like simpler forms of commemoration, a largely symbolic invocation of the importance of history. Like the annual recitation of names at the Holocaust Memorial, the theatrically reproduced past necessarily encompasses only a small sliver of the events it portrays.

6.3. Text

Places and performances of memory may be the most obvious forms of social commemoration, as both directly appear in the public realm. Although they do not have the same sort of appearance, the production or preservation of texts can be equally important as a form of public remembrance.

Consider, for instance, the truth commission reports that have, since World War II, often been part of the political response to mass atrocity, particularly in developing and post-colonial nations. As with the other examples, truth commissions often arise out of keen anxieties that history not be forgotten. In his 1996 testimony before the South African truth commission about a relative that had been murdered by Apartheid forces, Haroon Timol captures the now familiar sentiment: "at the end of the day I believe that South Africans in future generations should never, ever forget those that were killed in

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[34] Interestingly, one of Spielberg's harshest critics in this regard has been Lanzmann himself. See Claude Lanzmann, "Why Spielberg Has Distorted the Truth," *Guardian Weekly* April 3, 1994, p. 14.

the name of Apartheid."[35] But the danger here is somewhat different than in earlier

instances. With the Imperial War Museum, the worry was that, as the war became

remote, details would fade and eventually disappear from public consciousness. In

contrast, with at least some truth commissions, the job is not so much preservation as

excavation; not so much collecting truths as uncovering them. Whereas the British War

Cabinet could easily assume that ordinary citizens at the time were already intimately

familiar with the war, the work of truth commissions is often partially educational,

confronting legacies of widespread secrecy and misinformation. As Desmond Tutu notes

in his preface to the South African report, lying and deception "were at the heart of

apartheid… were indeed its very essence."[36] The work of the commission was thus in

part to, as Michael Ignatieff puts it in a passage quoted by the South African

Commission, "reduce the number of lies that can be circulated unchallenged in public

discourse."[37]

     The educational role of truth commissions means that the memory they create

must take a particular form. Whereas lists of names or symbolic representations may be

sufficient in other instances, here memory necessarily takes a more detailed, narrative

form, describing specific events or situations. In this sense, they echo memorial responses

to the Holocaust, many of which also seek to uncover previously unknown parts of

history. There is some controversy about methodology and the types of information that

commissions should seek, mostly involving familiar social scientific questions about

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[35] Quoted in the *Truth and Reconciliation Commission of South Africa Report*, Vol. 1, p. 116.
http://www.justice.gov.za/trc/report/index.htm.

[36] Ibid, Vol. 1, p. 8.

[37] Michael Ignatieff, "Articles of Faith," *Index on Censorship* 25, no. 5 (1996), p. 113. Quoted in *Truth and Reconciliation Commission of South Africa Report*, Vol. 1, p. 111.

thick description, context, and generalizability.[38] But, at base, commissions seek basic factual information, and produce largely self-contained accounts of history that do not depend on prior background understandings of the events in question. They are, in this sense, perhaps most analogous to history textbooks.

The textuality of commission reports means that their modes of public appearance differ from the places and practices of memory already discussed. Places of memory transform public space into standing commemorations, and practices involve performing memory in public. In contrast, the transmission of text is more individuated. Consider the reception of the first widely released truth commission report, from the Argentine National Commission on the Disappearance of Persons (*Comisión Nacional sobre la Desaparición de Personas*, or CONADEP), which was published in 1984 as *Nunca Más* (Never Again).[39] During its inquiry, CONADEP did much to publicize its research, including press briefings and a two hour television special,[40] and, when the report was released, it quickly became as best-seller in Argentina, and has been in continuous publication ever since.[41] It has subsequently been translated into English, and its title has become something of a slogan in discussions of the search for truth.[42]

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[38] For an overview of the debate, see Priscila Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (New York: Routledge, 2001), pp. 80-84.

[39] At the time, there had been two prior truth commissions, in Uganda in 1974 and Bolivia in 1982, but neither produced a final pubic report: the Ugandan report was never released, and the Bolivian commission disbanded before finishing its work. For a history, see Priscila Hayner, "Fifteen Truth Commissions—1974 to 1994: A Comparative Study," *Human Rights Quarterly* 16, no. 4 (1994), pp. 611-614.

[40] Ibid, p. 615.

[41] Kathryn Sikkink, "From Pariah State to Global Protagonist: Argentina and the Struggle for International Human Rights," *Latin American Politics and Society* 50, no. 1 (2008), p. 25.

[42] Hayner, "Fifteen Truth Commissions," pp. 614-615.

The publicity and sales figures are important because unlike, say, the monuments along the well-traveled National Mall in the United States, one is not likely to simply run into a text, and a text, by itself, cannot constitute memory. To do their intended memorial work, texts must circulate. Some reports, such as that of a 1974 commission in Uganda, are never released publicly,[43] while others are seemingly relegated to the realm of unread bureaucratic documents. It is only by being so widely read and discussed that *Nunca Más* has become a location of public memory about the Argentine military dictatorship. This illustrates a more general point about memory texts: to work, they must be sought out and read.

7. Collective Memory as Social Recollection

The most striking fact about this unwieldy collection of examples might be its diversity. Recall Wittgenstein's remark that "many very different things happen when we remember."[44] Perhaps "memory," even the narrower field of "collective memory," describes an irreducibly diverse set of phenomena that share, as Wittgenstein puts it elsewhere, a "family resemblance"—"a complicated network of similarities" rather than a single, unified set of essential characteristics.[45]

I have significant sympathy with Wittgenstein's view. Yet the preceding examples nonetheless seem to share two central characteristics: (1) they seek to preserve knowledge or awareness of specific historical events or states of affairs; and (2) this

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[43] Ibid, pp. 611-613.

[44] Ludwig Wittgenstein, *Philosophical Grammar*, ed. Rush Rhees, tr. Anthony Kenny (Malden, MA: Blackwell, 1980), § 132.

[45] Ludwig Wittgenstein, *Philosophical Investigations*, Second Edition, tr. G.E.M. Anscombe (Malden, MA: Blackwell, 1953), § 66.

preservation occurs in ways that are not reducible to—indeed, ways that may be independent of—the continuing remembrance of any particular individual. Let me treat these in turn.

In collecting artifacts, performing commemorative rituals, transforming public space, writing histories, and other ways not yet explored, collective memory as I am interested in it involves the signification of certain propositions about the past. As already suggested, this may seem like a trivial point. Yet, as I discuss in Chapter III, it entails several important, non-obvious further distinctions. The first derives from the importance of treating the past *as the past*. Although some began during or directly after the events they commemorate, the instances of public memory of interest here either recall a distant past, as in the centennial poppies surrounding the Tower of London, or seek to preserve information or awareness about something so that it will be accessible long after it has passed, as with the Imperial War Museum. Public memory is thus distinct from other forms of public communication—most obviously, journalistic concerns with current affairs—because it has markedly longer time horizons. These longer horizons have important implications for public memory's temporal structure. The second distinction derives from the propositional quality of the information being signified. The examples of collective memory I am interested in make more-or-less explicit claims about the past. They are thus distinct from other past-regarding claims about, for instance, the importance of maintaining traditions, institutions, or forms of life.

The second characteristic—that collective memory in my sense is fundamentally distinct from individual memory—may also seem trivial. The individual process of, say, memorizing the names of past leaders or the dates of historical events is obviously very

different from building a monument or museum. Yet collective memory is too often

discussed in terms more appropriate for individual memory. To return to one of many

possible examples, in a book on atrocity and public memory, Mark Osiel suggests that

"collective memory… consists of the stories a society tells about momentous events in its

history."[46] But societies simply aren't the types of things that tell stories. Only

individuals can tell stories. An account of collective memory must show how individual

actions of this sort combine to create something not reducible to individual memory. A

broad outline of this process may already be apparent from the examples just examined,

but I take up the task of providing a more explicit account in Chapter IV.

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[46] Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (New Brunswick, NJ: Transaction Publishers, 1997), pp. 18-19.

CHAPTER III

THE DYNAMICS OF RECOLLECTION

8. Past, Present, and Process

In the last chapter I suggested that collective memory involves the signification of certain propositions about the past. This has two important implications. First, it suggests an obvious but significant point about memory's temporal direction: memory is from or about the past.[1] Second, it suggests a similarly obvious, but also similarly significant, point about what of the past memory preserves: memory as I'm interested in it here presents truth-functional assertions about past states of affairs.

In this chapter, I want to draw on these implications to derive a basic model of memory as I am concerned with it, and to distinguish this sort of memory from nearby phenomena with which it might be confused. First, in the remainder of this section, I work out what memory's past-regarding character means about its structure. In contrast with public communications about current events, which convey information about the world as it currently exists, memory presents a world that no longer exists. Memory thus involves preservation. I argue that this suggests a triadic model, consisting of three sequential components: (1) the initial experience or learning of the thing(s) to be remembered; (2) the conservation of traces of those experiences in memory; and (3) the active recollection of the initial experience, as mediated by memory's linking traces. If this model is correct, then memory is necessarily procedural. This is an important point.

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[1] As Aristotle succinctly puts it, "the object of memory is the past." See Aristotle, "On Memory and Reminiscence," in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Random House, 1941), 449b25.

When we say that something ought to be remembered, it is often unclear exactly what we are calling for, because it is unclear whether we are calling for the preservation of traces such that remembrance is, in principle, possible, or instead for active recollection.

The next two sections concern memory's propositional content. In § 9 I argue that, unlike individual memories of personal experiences, which preserve phenomenological data about what something was like, collective memory's preservation is necessarily less direct and more abstract. While it is of course possible to make assertions about what something was like and to preserve those assertions in propositional memory, this is not the same as in the individual case, where one might directly recall a feeling. In this sense, the subject of collective memory is most similar to the detached propositions of historians.

Finally, in § 10, I argue that collective memory's propositional content distinguishes it from a related family of past-regarding phenomena, including habit and tradition, with which it might easily be confused. When we call for remembrance, we are calling for the remembrance of a specific event or state of affairs. In contrast, habits and traditions are iterated over time, and may not necessarily refer to a specific moment in the past. I argue that, in politics, the distinction maps on to a correlative distinction between institutions—which, I suggest, can be understood as social habits—and collective accounts of history. We are used to claims about the importance of institutional persistence. Most notably, they are foundational in what G.A. Cohen calls "small 'c' conservatism"—that is, conservatism based on claims about the importance of sustaining

the values embedded in certain existing social relationships.[2] But claims about the importance of memory are much rarer, and, I suggest, much more complicated.

8.1. The Past's Fuzzy Boundaries

Memory is about the past. The capacity arises within, and is perhaps necessitated by, the rectilinear human experience of time. In ordinary language, this is typically described with spatial metaphors. The present is constantly *moving* forward, into the future and away from the past. Following Augustine, Arendt famously describes this as the movement from the "not yet" of the future to the "no more" of the past.[3] Time is, on this account, taken to be a single track on which experience typically moves forward. It is, as Charles Sherover puts it, "some peculiar kind of line analogous to a geometric connection between two physical points."[4] Memory, to continue the metaphor, is the capability to bring something from the past with us as we move into the future, as if luggage—or, perhaps, baggage—on a train.

The geometric metaphor deeply informs the way we often talk about time and memory. But the experience of time and the experience of memory it entails are not so simple. There are, I want to suggest, subtleties in temporal and mnemonic experience that geometric metaphors do not readily capture—indeed, subtleties that geometric metaphors

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[2] See G.A. Cohen, "Rescuing Conservatism: A Defense of Existing Value (All Souls Version)," in *Finding Oneself in the Other* (Princeton: Princeton University Press, 2013), p. 173. As I discuss below, I have in mind here the conservatism of Edmund Burke, though the claim probably works equally well for contemporary conservatives like Michael Oakeshott and Alisdair MacIntyre.

[3] This formulation is repeated throughout her work. For its earliest invocation, see Hannah Arendt, *Love and Saint Augustine*, ed. Joanna Scott and Judith Stark (Chicago: The University of Chicago Press, 1996), p. 14.

[4] Charles Sherover, "Talk of Time," in *Are We in Time? And Other Essays on Time and Temporality*, ed. Gregory Johnson (Evanston, IL: Northwestern University Press, 2003), p. 24.

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actively obscure. And these have important implications for what it means that collective memory commemorates the past *as the past*.

The geometric metaphor portrays the passing from past to future as analogous to the movement from one point in space to another, with the individual occupying a determinate and strictly bounded in place in time analogous to the bounded place in space occupied by the body. But this cannot be exactly correct, because at least some elements of the past remain ineradicably in our experiences of the present. The lived present does not simply move forward. It also blurs backward. Augustine makes this point by asking how we are able to perceive duration.[5] To say that something has lasted a particular amount of time, we must be able to integrate temporal experience such that the thing being evaluated—Augustine uses the example of syllables in a prayer—is perceived all at once, even though it appeared as an unfolding event. To perceive duration is somehow to perceive the past and present simultaneously, and thus to inhabit a present not easily captured by the geometric metaphor.

Or consider Edmund Husserl's somewhat more recent example of an unfolding melody.[6] If it is to be heard as a melody rather than as a series of unrelated tones, it must be comprehended as a single event, even though it does not occupy a single "point" in time. The time over which it unfolds must be folded into a single perceptual present, because progression and rhythm can only be apparent if present perception extends to cover the melody as a whole. The present, at least the experiential present, is not an easily

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[5] Augustine, *Confessions*, tr. Henry Chadwick (New York: Oxford University Press, 1991), XI.27.35.

[6] Husserl continually returns to the example throughout his lectures on the phenomenology of time consciousness. See Edmund Husserl, *Collected Works*, Vol. 4, *On the Phenomenology of the Consciousness of Internal Time (1893-1917)*, ed. Rudolf Bernet, tr. John Brough (Boston: Kluwer Academic Publishers, 1991).

delineable point in time. Rather, it might be better described as a blur extending backward.

Duration and melody are admittedly some distance from the sort of large-scale political events of interest here. But what is true of comprehending them is also true of understanding many human actions. Consider, for instance, Alasdair MacIntyre's example of what's necessary in order to make sense of someone in the midst of writing. In answer to the question "What is he doing?" MacIntyre offers a set of possible answers: "'Writing a sentence'; 'Finishing his book'; 'Contributing to the debate on the theory of action'."[7] Each successive explanation makes the intermediate step of writing intelligible with respect to the agent's increasingly long range goals, but for present purposes what's significant is that every possible answer requires a temporal viewpoint that goes beyond the immediate, point-like present, encompassing both remembered past and anticipated future. Indeed, even the basic assertion that the agent is writing can only be made in light of an unfolding series of movements. Ultimately, MacIntyre argues that the action only becomes intelligible when described as part of an encompassing "enacted narrative" that encompasses the agent's past and future. This, MacIntyre suggests, is true of all intentional human actions.[8]

To the extent that this is true, understanding the present necessarily takes a narrative form that extends outward in time, making an immediately sensible action comprehensible in light of its relationship to earlier acts and the anticipated completion of future goals. As Charles Taylor observes, this sort of narrative intelligibility is not an

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[7] Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, Third Edition (Notre Dame, IN: University of Notre Dame Press, 2007), p. 207.

[8] Ibid, pp. 207-212.

"optional extra" in understanding—it is necessary for properly comprehending or engaging in meaningful action.[9] As a corollary, understanding intentional action requires the adoption of a temporally extended viewpoint analogous to the one necessary for comprehending a melody.

There are different ways of understanding this extension. Making something of a leap, Augustine takes it as evidence for the Platonist conclusion that all knowing is actually remembering.[10] More modestly, Husserl takes it to mean that present perceptions are always evaluated in light of retained memories. Similarly, in perhaps the most famous formation, William James argues that it suggest that perception is always of a "specious present," an interval that comprises the recent past and coming future.[11] There are important differences between Husserl and James, but they share a common rejection of the conception of the lived present as a singular point, and instead conceive of it as inexorably durational. James puts the point nicely, though he still uses the seemingly inescapable spacial metaphor:

> [T]he practically cognized present is no knife-edge, but a saddle-back, with a certain breadth of its own on which we sit perched, and from which we look in two directions into time. The unit of composition of our perception of time is a

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[9] Charles Taylor, *Sources of the Self: The Making of Modern Identity* Cambridge, MA: Harvard University Press, 1989), p. 47.

[10] Augustine, *Confessions*, XI.29.36.

[11] For an overview of Husserl and James, see David Hoy, *The Time of Our Lives: A Critical History of Temporality* (Cambridge, MA: The MIT Press, 2009), pp. 44-55.

duration, with a bow and a stern, as it were—a rearward- and forward-looking end.[12]

To adopt James's vocabulary, there remain important questions about the present's breadth. He suggests that the interval of sustained attention necessary for comprehending a melody or similar temporally unfolding event is relatively short. For him, it probably includes "the dozen seconds or less that have just elapsed."[13] This may seem conservative, and we may wish to extend it far beyond that—to the length of a song, or a movement, or an orchestra. MacIntyre's example demands a viewpoint that extends years. Indeed, both he and Taylor sometimes seem to assume that the specious present must ultimately extent to the length of an entire human life.

The disagreement here probably reflects the fact that the meaning of "the present," like the meanings of many words, is context dependent.[14] The duration it signifies varies with the circumstances in which it is used. As Sherover has it:

[The present] expands or contracts in scope as the attention and reference of meaning expands or contracts. Depending upon the speaker's intention, "the present" might mean "the twenty-first century," "the modern era," "the current

[12] William James, *The Principles of Psychology*, Vol. 1 (New York: Cosimo, 2007), p. 609.

[13] Ibid, p. 613.

[14] For this point, see Robert Stalnaker, "Pragmatic Presuppositions," in *Context and Content: Essays on Intentionality in Speech and Thought* (New York: Oxford University Press, 1999).

semester," "the short meeting I am attending," or "this precise instant" which a digital watch claims to report…[15]

And, with the duration signified by "the present," the perceptual present may also expand or contract. The world we engage when attempting to understand a long-run project necessarily expands outward further than the one we do when examining something more self-contained. In this sense, there are multiple possible specious presents, the breadths of which depend on where one's attention is focused.

Whatever its duration, the perceptual present necessary for properly comprehending duration, melody, or longer-run actions is at once unified and distended. If it were not unified, the event could not be comprehended as a single, unfolding thing. But, if the perception was not separable into component parts, progression within the event would be lost. The perception thus encompasses a sort of remembered present of a past that remains part of the current event.

Because the perceptual present is always partially remembered, it is also in some sense partially located in the past. Yet we do not typically speak of elements of the specious present as the past. We use the present-progressive or present-continuous tense. One does not say "I heard a melody and hear a melody," but rather "I am hearing a melody."[16]

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[15] Sherover, "Talk of Time," p. 24.

[16] Ibid.

8.2. Current Events and Collective Memory

What does all this mean for collective memory? If the perceptual present necessarily extends backward, then we should distinguish between the literal past that is integrated into the perceived present and the past that is experienced as past. This is important, because the distinction maps on to a correlative one between collective memory and other public past-regarding phenomena.

All of the information we can possibly have or share about the world and its contents is about the past. As Arendt has it, "every thought is an afterthought."[17] But this is only trivially true, because information about the past is often used for understanding the unfolding present. Consider, for instance, the term "current events." We use the term to describe the content of today's newspaper, even though its descriptions, as with all descriptions, are necessarily about the past. This is because the news necessarily has a certain proximity to the present. The appearance of a new issue of the newspaper marks the prior issue as past. Issues pass with time.[18]

In contrast, commemoration creates or preserves enduring testaments to history, which reach, if not toward permanence, then at least toward something beyond the present. While news, at least news *qua* news—that is, news as an account of the present—is by definition consumed by time, commemorations seek to stand against it. The Vietnam War Memorial may have begun as an attempt to alert Americans to the recent sacrifices of their fellow citizens—that is, to shape their understandings of the

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[17] Hannah Arendt, "'What Remains? The Language Remains': A Conversation with Gunter Gaus," in *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin, 2000), p. 19.

[18] I take this point from Benedict Anderson. As he puts it, "The date at the top of the newspaper, the single most important emblem on it, provides the essential connection [between its various articles]—the steady onward clocking of homogenous, empty time." See his *Imagined Communities*, Revised Edition (New York: Verso, 1991), p. 33.

present—but the stone pillars inscribed with names have, by design, outlasted the moment when the war was a current event, and in so doing been transformed into something else.

There is a rough analogy here with the distinction commonly made in studies of individual recollection between short- and long-term memories. Short-term memory encompasses brief, fleeting bits of information that are stored as part of an ongoing task—say, remembering a phone number until one has a chance to write it down. In these instances, the amount of information is strictly limited—psychological studies indicate that normal short-term memory can only retain around seven items—and "recency effects" mean that the accuracy of recalled information tends to decrease rapidly as time elapses.[19] In contrast, once information passes into long-term memory, it becomes relatively stable, and the information storage capacity becomes relatively large. Similarly, the number of events that can simultaneously hold public attention is relatively low, and things tend to slip from attention as they become increasingly remote, whereas the total store of public traces of the past is both relatively stable and relatively vast.

There is still some difficulty here, as the boundary that separates present from past and current events from history may be necessarily blurry. If collective memory is always about the past, there probably won't always be a clear line separating it from other past-regarding phenomena. Memory, like the present, might be a "dynamic term of reference." Perhaps, then, it must suffice to say that our sort of collective memory is always directed at the past *as the past*—that is, memory is always of experiences that occupy subjective pasts beyond the lived present. We can say, with Aristotle, that this memory "implies a

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[19] Jonathan Foster, *Memory: A Very Short Introduction* (New York: Oxford University Press, 2009), pp. 29-30.

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time elapsed."[20] But the passing of time must be defined by flexible, subjective experience.

8.3. *The Temporal Structure of Memory*

The stipulation that memory addresses the past as the past suggests that memory is characterized by temporal extension. It is, at base, a process that unfolds over time. In this section I want to explicate this process in more detail.

First, all memories must have beginnings. On an individual level, this can take several forms. It might involve an agent having direct experience of some event and their corresponding ability to later recall impressions of what it was like, or an agent leaning about the event second-hand and later being able to recall certain propositions about the past, even though they were not there to see it.[21] Or, collectively, it might involve the construction of a monument or the initiation of a ritual, which promises to preserve knowledge about the past for future generations.

But, whatever its shape, the beginning of a memory is just a beginning. The promise or admonishment to remember a current event can only ever refer to a future state of affairs, when the event has passed and could have been forgotten. To, say, build a museum in the immediate aftermath of tragedy, as in England after World War I or the U.S. after September 11, is not yet to remember. Construction may sure up the possibility. Or, as the British War Cabinet worried in World War I, it might be a necessary condition for that possibility. But it is not a sufficient condition, because

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[20] Aristotle, "On Memory and Reminiscence," 449b25.

[21] I examine the distinction between direct and indirect memory further in the next section.

remembering requires time. Memory's traces, left or built, must persist. And it is only after they persist for some time, after their present has passed, that they shift from contemporary mirrors to historical markers. We might imagine a framed newspaper page, kept and preserved to commemorate something it reports. The newspaper would only *become* a fragment of memory when it had persisted long after the paper had gone out of date, and the thing it reported had long passed from the contemporary scene.

Even persistence, though, is not sufficient. The preservation of traces of the past only becomes memory when those traces are taken up by agents to facilitate active recollection. Consider the common experience of knowing that you know something—a name, date, or location—but being temporarily incapable of recalling it. At such moments, we commonly say "I cannot remember," because persistent traces only become memories when made conscious. If they cannot be made conscious, we cannot remember.

Or, as a rough collective corollary, consider an abandoned monument or memorial. Even if constructed and maintained in the appropriate ways, if abandoned and thus removed from public view, it would cease to constitute public memory. This is presumably in part why many monuments—the Holocaust and Vietnam Memorials near the National Mall, the September 11 Museum in Manhattan's Financial District—are located in heavily trafficked areas, where they will likely be encountered by, and mediate the experiences of, passersby. Absent such encounters, they would remain inert, impotent objects—memories only in potential.

Let me put this all somewhat more formally. Memorial phenomena generally share a triadic structure, consisting of three sequential components: (1) the initial experience or learning of the thing(s) to be remembered; (2) the conservation of traces of

those things in memory; and (3) the active recollection of the initial experience, as mediated by linking traces.[22] Each element is necessary. If there were no original experience, then there could be no later recollection. If an experience were to leave no trace in memory, then a later would-be recollection of that experience would be relearning, not remembering.[23] And, if a memory trace could not be translated into active recollection, then the inability to remember would suggest an at least temporary lack of memory itself.

Understanding the structure of memory in this way is important in part for the analytic purchase and common framework it provides for understanding how distinct varieties of memory differ from each other. For example, as I argue in § 9.1, episodic memory, propositional memory, and habitual memory all differ primarily in the types of experiences they preserve and the shapes of the recollection they facilitate. Similarly, as I suggest in Chapter IV, differences between individual and collective memory derive largely from the way that traces of the past are preserved.

The framework is also important in that it allows us to make better sense of the ambiguities in what it means when we say that we should or will remember something. The terms "memory" and "remembering" are sometimes used to refer to specific aspects of the process of remembering. We might, for instance, say "I remember the names of all the U.S. presidents" and mean that we have learned their names and thus *could* reproduce them, even if, at the moment we say this, we are not actively engaged in such a reproduction. Indeed, to say that one remembers is often to say that one has the capacity

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[22] This formulation draws on Sven Bernecker, *Memory: A Philosophical Study* (New York: Oxford University Press, 2010), ch. 4.

[23] Ibid, p. 104.

to remember, not that one is currently actively remembering. As I explore more fully in Chapter V this terminological ambiguity is responsible for a good deal of the ambiguity of calls for political remembrance. When we say that a society should remember some historical event, it is unclear what actions within this process are being called for. It may be a call to preserve the passive capacity to recall, or for more active recollection.

9. The Shape of Propositional Memory

The triadic model I developed in the previous section suggests that remembering involves preserving something about the past. But what exactly does it preserve? In this section, I suggest that the sort of memory of interest here is generally *propositional*—that is, it primarily involves the preservation of factual assertions about past events or states of affairs. To commemorate in this sense is in part to make truth-functional claims about history.

This may initially seem to be too narrow of a definition. Surely, one might object, to commemorate is not *only* to make assertions. The strength of many commemorations does not derive from their factual accuracy, but rather from their emotional or affective content—the general senses of loss, grief, sadness, or pride they convey. Think again, for instance, of the British centennial poppies. Despite the embodiment of specific historical details in the installation's form, its primary force is emotional. It confronts the viewer with an uninterpreted, perhaps uninterpretable, vision of World War I's enormity, and the enormity of loss. To reduce this vision to a simple proposition about history seems to be to fundamentally misunderstand the commemoration's force.

This is an important point. I do not mean to claim that commemorations are necessarily reducible to propositions. Instead, I mean to suggest that, whatever their other content, commemorations necessarily *include* the preservation of certain propositions about history, and that it is this preservation that distinguishes commemoration from other forms of public communication. A commemoration's primary force may be emotional, conveying, say, a sense of colossal loss, but it is a sense of loss *about the prior factual assertion*. The emotional or affective content is not free-floating. Even with the poppies, which preserve only a broad, basic proposition, grasping the proposition is necessary for making sense of the monument's affective content.

9.1. Direct and Indirect Memory

The propositions embedded in collective memory work differently than those that individuals remember about their personal pasts. In their classic article on memory, C.B. Martin and Max Deutscher make the point by asking what it means for someone in the twentieth century to remember that Caesar invaded Britain nearly two-thousand years ago.[24] The memory of Caesar's conquest is a recollection that something happened, but it does not involve first-hand experience. It is an *indirect* memory of a proposition about history, conveyed over space and time by a string of artifacts, persons, and texts.[25] In contrast, *direct*, personal recollective memory, sometimes called "episodic" memory, involves "reliving" one's experience of the original event, and may thus be much richer than indirect memory, containing phenomenological "information about place, actions,

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[24] C.B. Martin and Max Deutscher, "Remembering," *Philosophical Review* 75, no. 1 (1966), p. 162.

[25] Ibid.

persons, objects, thoughts, and affect," which, upon recollection, can in some sense be experienced again.[26] Both direct and indirect forms of recollection entail remembering that something occurred, but they preserve and recall different types of experiences.

Direct memories can be translated into indirect memories, but something is always lost in the process. When, for example, truth commissions represent the experiences of victims, the direct stuff of experience must be translated into something more abstract and further from life. Tutu writes that the "defining sound" of the South African commission was sobbing. It was, he says, "a place where people could come to cry, to open their hearts, to expose the anguish that had remained locked up for so long…"[27] The crying occurred during, and was part of, the witnesses' representations of their experiences. It communicates a different type of affect than flat speech, one perhaps closer to the original experience. But there remains an unbridgeable gap between experience and representation, which only widens as the representation becomes increasingly remote from the original. To wail is one thing, to hear a wail another, and to read about it something different still.

Representations of public memory take different forms, which may do better or worse at communicating past experience. Both the Imperial War and September 11 Museums were created in part in the hope of recreating past experience, to, as Conway put it, "revive" memories of what it was like. But the hope was to revive the memories of those who had experienced the original. Something similar would not be possible for

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[26] William Brewer, "What is Recollective Memory?" in *Remembering Our Past*, ed. D.C. Rubin (New York: Cambridge University Press, 1996), p. 60.

[27] Desmond Tutu, *No Future Without Forgiveness* (New York: Image, 1999), p. 148.

those whose memory was strictly indirect. Whatever the medium, however close to the original, a representation cannot, on its own, recreate the original.

Susan Sontag eloquently makes the point in her analysis of war photography. Photographs, she suggests, seem to promise a fuller picture than could be provided by words alone. "Look, the photographs say, *this* is what it's like. This is what war *does*. And *that*, that is what it does, too. War tears, rends. War rips open, eviscerates. War scorches. War dismembers. War *ruins*."[28] But ultimately, photographs can only offer a disembodied flash, an infinitesimally thin slice of an experience that remains outside of our reach. "We," she writes, of those who have not experienced war, "don't get it. We truly can't imagine what it was like. We can't imagine how dreadful, how terrifying war is; and how normal it becomes. Can't understand, can't imagine."[29]

The problem is particularly acute with atrocity and tragedy, which, at least among relatively privileged audiences, fall outside of easily comprehended ordinary experience. Lanzmann suggests that the Holocaust is fundamentally unrepresentable, because it falls so completely outside the normal realm of human affairs.[30] We don't necessarily need to go this far, but we should admit that representations will never perfectly mirror the situation or what it was like to experience it.

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[28] Susan Sontag, *Regarding the Pain of Others* (New York: Farrar, Straus and Giroux, 2003), p. 8. Emphasis in original.

[29] Ibid, p. 126.

[30] Lanzmann, "Why Spielberg Distorted the Truth."

9.2 Memory vs. History?

Collective memories are fundamentally distinct from individual, episodic memories. Regardless of their modes of representation, they cannot recreate the types of episodic experiences that inform individual, autobiographical memory. Indeed, as the preservation of propositions about the past, collective memory as I've been using the term may seem more similar to academic history. However, it has become common, particularly among historians, to distinguish memory from history. We should spend some time on this issue, as it has important implications for what we consider to be collective memory, and how we understand the process of collective remembering.

There are at least two possible tensions between memory and history. The first, common in discussions of historiographical method, has to do with memory's potential unreliability as a source of true information. As Kerwin Klein notes, "When historians began professionalizing in the nineteenth century, they commonly identified memories as dubious sources for the verification of historical facts."[31] For example, writing in the 1940s, the British historian and philosopher R.G. Collingwood argued that history, as an exact science, should be autonomous from memory—capable of either affirming or denying potentially misremembered claims. On this view, memory only ascends to history when corroborated by material evidence.[32] This is, of course, not a consensus position. Writing a decade before Collingwood, the American historian Carl Becker, then head of the American Historical Association, argued that professional history should be

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[31] Kerwin Klein, *From History to Theory* (Berkeley: University of California Press, 2011), p. 116.

[32] R.G. Collingwood, *The Idea of History*, Revised Edition (New York: Oxford University Press, 1994), pt. 5, § 3.

understood as an extension of public history and popular memory.[33] Becker's point is echoed by the contemporary Marxist historian Eric Hobsbawm, who suggests that history and collective memory are mutually constitutive.[34] But, even among Becker and Hobsbawm, the need to analyze the relationship between memory and history in the first place illustrates a *status quo* assumption that the two are identical.

The historiographical issue is clearly important for how we understand the creation and negotiation of knowledge about the past, and therefore for how we understand the translation of episodic, individual memory into the propositions of collective memory. However, it does not bear directly on the present concern of how, once created, the propositions embedded in collective memory relate to history as a field of inquiry. The second tension does. I have been arguing that collective memories embody or entail propositions about history. But some suggest that the social and affective dimensions of collective memory fundamentally distinguish it from history, which is abstract and detached. The paradigmatic statement of this view comes from Nora, whose formulation is worth quoting at length:

> Memory and history, far from being synonyms, appear now to be in fundamental opposition. Memory is life, borne by living societies founded in its name. It remains in permanent evolution, open to the dialectic of remembering and forgetting, unconscious of its successive deformations, vulnerable to manipulation and appropriation, susceptible to being long dormant and periodically revived.

[33] Carl Becker, "Everyman His Own Historian," *American Historical Quarterly* 37, no. 2 (1932), pp. 221-236, esp. pp. 230-236.

[34] Eric Hobsbawm, *On History* (New York: New Press, 1997), chapt. 2.

History, on the other hand, is the reconstruction, always problematic and incomplete, of what is no longer. Memory is a perpetually actual phenomenon, a bond tying us to the eternal present; history is a representation of the past.[35]

Here Nora conceives of "real" memory as a "social and unviolated" phenomenon that seamlessly connects the past and present in an "undifferentiated" whole. It is, he argues, largely lost in the modern world, but still present in "primitive or archaic societies."[36] The modern study of history, on this view, is a poor substitute. The historian's concern with "analysis and criticism" is fundamentally opposed to the "affective and magical" elements in memory. Ultimately, "history is perpetually suspicious of memory, and its true mission is to suppress and destroy it."[37]

Nora's contrast hinges in part on an empirical assertion about the unity of past and present in pre-modern societies, which he identifies with *real* memory. Is he right? Fully evaluating the empirical proposition would require an enormous amount of research. But there is at least some room for suspicion. As Hobsbawm and his collaborators have illustrated, "'traditions' which appear or claim to be old are often quite recent in origin and sometimes invented," reflecting contemporary interests and balances of power rather than seamless continuities with the distant past.[38]

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[35] Pierre Nora, "Between Memory and History: Les Lieux de Memoire," tr. Marc Roudebush, *Representations* No. 26, p. 8.

[36] Ibid.

[37] Ibid, pp. 8-9.

[38] Eric Hobsbawm, "Introduction: Inventing Traditions," in *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger (New York: Cambridge University Press, 1983), p. 1. For illustrations, see the rest of the essays collected in the volume.

It is unclear why Nora thinks "primitive or archaic" societies automatically possess perfect historical continuity. They seem to occupy, for him, a position exactly opposed to the (similarly idealized) modern world, where all historical continuity is presumed to be broken, and all that remains are cold, detached propositions about the past. It's possible that he draws the contrast so starkly to illustrate memory and history as ideal types. But the trouble is that, because all actually existing societies presumably fall in-between the extremes he describes, all would-be instances of memory also presumably fall between his extreme depictions of memory and history, and the contrast he wants to draw breaks down.

There is, though, another way of drawing the contrast between memory and history that may be more promising. The propositions embedded in collective memories tend to be partial and perspectival. We remember what happened to us: the British experience of World War I or the American dead in Vietnam. Memorials do not often list the names of foreign soldiers. In contrast, history, particularly the type of "objective" history advocated by Collingwood and other proponents of scientific historiography, aspires to be a universally valid account of the past, unmoored to any particular place or time.

Does this contrast fair better? Whereas Nora's contrast seems to misrepresent pre-modern memory, the issue here is with the representation of scientific history. As Peter Burke notes,

It has become commonplace to point out that in different places and times, historians have considered different aspects of the past to be memorable… and

that they have presented the past in very different ways, concentrating on events or structures, on great men or ordinary people, according to their group's point of view."[39]

Memory may be perspectival, but so too is history. No history, even of a relatively small and self-contained event, could possibly represent everything that took place. To tell a history is to choose a particular history to tell, just as to remember is to pick out certain elements of the past as salient while leaving others out.

If all this is right, then the propositions embedded in collective memory are in some sense on all fours with those of history. If there is a difference, it involves in the importance of those propositions within the larger works to which they are attached. Some modes of collective memory are indistinguishable from traditional histories. Truth commission reports, for example, are often framed primarily as straightforward accounts of past events, and practitioners are beset by the same types of technical, methodological concerns that confront professional historians.[40] But in other, more symbolic modes of commemoration, detailed propositions about the past are more peripheral. Think again, for example, of the British centennial poppies. The installation embodied a very simple proposition about the war's enormity. But its primary force is not so much factual as affective. To see the poppies streaming from a bridge and across the moat is to be viscerally confronted by a feeling of vast loss. The facts are there. One cannot properly understand the installation without grasping them. But the facts are not central.

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[39] Peter Burke, *Varieties of Cultural History* (Ithaca: Cornell University Press, 1997), p. 45.

[40] Hayner, *Unspeakable Truths*, pp. 80-84.

9.3. The Question of Truth

If collective memory involves history-like propositions about the past, then, as
with history, it makes sense to ask whether collective memories are true. If they are not,
then, at least intuitively, their content may not so much be memory as something else—
collective imaginings or fictions. The question of truth is thus central in determining the
boundaries of memory. But determining the truth values of memory propositions—
indeed, even invoking the "truth" as a possible property of propositions—is difficult,
because it touches on thorny, controversial issues about the relationship between the
world and our representations of it. Although the modern suspicion of truth stretches back
at least as far as Nietzsche,[41] and probably much further, several currents in
contemporary philosophy—pragmatism, deconstruction, at least some work in the
philosophy of science—push against naïve conceptions of truth as an unproblematic or
universal category.[42] Bernard Williams summarizes the issue as a "pervasive suspicion
about truth itself: whether there is such a thing; if there is, whether it can be more than
relative or subjective or something of that kind; altogether, whether we should bother
about it, in carrying on our activities or in giving an account of them."[43]

Addressing the contemporary suspicion with truth in general would require taking
contentious positions far beyond the scope of this essay. Rather than trying to settle the
argument in general, I thus take a more limited approach, addressing the question only in

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[41] See, e.g., Friedrich Nietzsche, "On Truth and Lie in an Extra-Moral Sense," in *The Portable Nietzsche*,
ed. and tr. Walter Kaufman (New York: Penguin, 1954).

[42] I have in mind here Richard Rorty, whose work combines, or at least purports to combine, several of
these strains. See, for example, his *Contingency Irony and Solidarity* (New York: Cambridge University
Press, 1989), esp. pt. 1.

[43] Bernard Williams, *Truth and Truthfulness: An Essay in Genealogy* (Princeton: Princeton University
Press, 2002), p. 1.

terms of specific objections that might be made to the types of basic propositions that are associated with historical memory. This approach excludes many of the most potentially problematic assertions about, for example, the truth of explanatory scientific theories or normative evaluations.

The types of historical memory claims of interest here generally involve what Arendt calls the "brutally elementary data" of experience.[44] Arendt's paradigm case comes from World War I: "on the night of August 4, 1914, German troops crossed the frontier into Belgium."[45] There is room for debate about how we should understand this fact—both in terms of its role in World War I and twentieth century European history. But, Arendt asserts, the basic, unembroidered fact cannot be overturned by later history or shifts in opinion.

The issue here is considerably simpler than with, say, the truth of scientific theories that purport to explain regularities across multiple observations. But the truth of simple propositions based on single "elementary" observations is nonetheless not quite as self-evident as Arendt seems to assume. The most troubling objections arise from the assertion that the criteria of judgment used to evaluate propositions, even seemingly basic ones, tend to vary over time and across space. On this view, truth is always relative to a particular, non-universal set of evaluative criteria, and thus the category of general truth is meaningless or empty.

There are at least two possible variants of this objection. The first involves the recognition that historical accounts will always be partial. Recall Burke's suggestion that,

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[44] Hannah Arendt, "Truth in Politics," in *The Portable Hannah Arendt*, p. 554.

[45] Ibid.

in different periods, historians "have presented the past in very different ways." He takes this to entail a sort of "historical relativism."[46] Burke echoes a common anxiety about perspectival seeing. "Truth," as Williams has it, "is not audience-relative."[47] Or, in Nietzsche's paradigmatic formation, it seems to require an "eye turned in no particular direction."[48] If our propositions about history always derive from particular, partial perspectives, can they ever be true?

We should be careful here. There is an obvious but relatively unimportant sense in which this type of perspectival seeing entails relativism: insofar as representations of the past emphasize different elements at different times and in different places, the way historians represent the past will tend to vary relative to their historical contexts. At one time, historians might emphasize official power structures and the relations between great powers—whether or when German troops crossed the border into Belgium—while, at another, they might eschew discussion of large-scale political issues and instead emphasize the lives of ordinary citizens. This means that what's taken to be the proper content of history at one time may have a different emphasis than at another. But the two emphases may not necessarily be incompatible. The truth of a statement regarding German troops at the Belgian border does not necessarily entail the falsity of one about, say, subsistence agriculture in Flanders. No set of propositions can ever completely capture what happened in the past, and so differences in focus may simply represent different selections from a unified, internally coherent set of possible, true statements.

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[46] Burke, *Varieties of Cultural History*, pp. 45-46.

[47] Williams, *Truth and Truthfulness*, p. 165.

[48] Friedrich Nietzsche, "On the Genealogy of Morals," in *On the Genealogy of Morals and Ecce Homo*, ed. and tr. Walter Kaufman (New York: Vintage, 1967), III.12.

The fact that we always see from a particular, partial perspective does not, on its own, mean anything about the truth of propositions representing what we see.

The second variant of the objection about criteria of judgment entails a deeper form of relativism. Here the issue is not that different aspects of history are emphasized at different times, but instead that the way we understand past events—the whole vocabulary we use to capture and convey them—itself changes over time. As before, Nietzsche recognized the problem. In his formation, the broad concepts and categories that constitute language, and that are necessary in the formulation of propositions, work by "equating what is unequal," stretching to encompass multiple particulars that do not necessarily share any inherent similarity. The world of muddled appearances is the most real thing we have, and any broader claims to truth rely on "obligatory designations" that make the "unreal appear real."[49] It is not just that we can only ever see from a particular location; it is that how we describe what we see inevitably relies on a contingent vocabulary with no necessary connection to the world.

The point is made perhaps most clearly in recent philosophy of science. To formulate a truth-functional proposition, we need a prior conceptual vocabulary capable of making sense of what might otherwise be uninterpretable sense data.[50] In Benjamin Whorf's influential formation, "the categories and types that we isolate from the world of phenomena we do not find there because they stare every observer in the face; on the contrary, the world is presented in a kaleidoscopic flux of impressions which has to be

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[49] Nietzsche, "On Truth and Lie in an Extra-Moral Sense," pp. 44-46.

[50] On this point, see, e.g., Imre Lakatos, "Falsification and the Methodology of Scientific Research Programmes," in *Criticism and the Growth of Knowledge*, ed. Imre Lakatos and Alan Musgraves (New York: Cambridge University Press, 1970), pp. 97-98.

organized by our minds."[51] This organization cannot be directly subjected to truth-functional evaluation, as it is a necessary precursor to the formulation of truth-functional statements in the first place. And, as Thomas Kuhn observes, when basic ways of organizing experience change, observers in a sense occupy "different worlds," and "see different things when they look from the same point in the same direction."[52]

The appeal to "brutally elementary" data suggests a pre-theoretical statement from which the world can be directly experienced, and a corresponding pre-theoretical vocabulary in which these experiences can be conveyed. But conceptually meaningful experiences are necessarily laden from the outset with a theoretical vocabulary that is not necessarily universal. This problem is somewhat obscured in Arendt's example, because the categories on which her assertion relies—"German," "Belgian," "frontier," and "troops"—are still in widespread circulation. Her way of describing the situation is still largely ours. But consider another example from World War I, this time from Ian Hacking. Hacking observes that the way we talk about wartime trauma has fundamentally changed in the hundred years since the war began.[53] Early in the century, traumatic reactions were understood as "shell shock"—a short-term condition thought to derive from the force of bombardment.[54] Although reactions were sometimes extreme, it was assumed to be a temporary phenomenon, with few longer term effects. Consequently, when soldiers displayed symptoms away from the battlefield, it was attributed to

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[51] Benjamin Lee Whorf, "Science and Linguistics," in *Language, Thought, and Reality: Selected Writings of Benjamin Lee Whorf*, ed. John Carroll (Cambridge, MA: The MIT Press, 1956), p. 213.

[52] Thomas Kuhn, *The Structure of Scientific Revolutions*, Third Edition (Chicago: The University of Chicago Press, 1996), p.150.

[53] Ian Hacking, *Rewriting the Soul: Multiple Personality and the Science of Memory* (Princeton: Princeton University Press, 1988), pp. 240-243.

[54] Ibid, p. 212.

something else. When hundreds of British and Canadian soldiers suffered lasting trauma and eventually deserted their posts, many were court-marshalled and eventually executed. Hacking suggests that, although the concept was not available at the time, it is, in retrospect, obvious that many of the court-martialed soldiers were suffering from the long-term effects of post-traumatic stress disorder, and should have been given psychiatric help, not corporal punishment.[55] No one at the time could have understood the soldiers as suffering from post-traumatic stress, because the vocabulary for making such a judgment did not yet exist. But it seems clear now that this is precisely how we should understand them.

Changes in psychiatric vocabulary have inescapably altered the way the soldiers' actions are understood and remembered. This is an instance of what Hacking calls "retroactive redescription," where changing conceptual vocabularies result in new understandings of old things, perhaps destabilizing propositions that were once taken for granted. As Hacking has it, "it is almost as if retroactive redescription changes the past."[56] Does it also change, or obliterate, the possibility of lasting truth?

I want to suggest that the possibility of changing vocabulary and the redescription it entails does not preclude the reality of facts about the soldiers or the past more generally. Rather, it shows that the reality of facts seems to change over time. Given the vocabulary at the time, troops in World War I *were* shell-shocked. But, given contemporary understandings, they had post-traumatic stress disorder. The fact of shifting vocabulary only troubles the possibility of truth if we assume that true descriptions must

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[55] Ibid, p. 240.

[56] Ibid, p. 243.

be true at all times and at all places. But if we allow that the validity of descriptions is relative to the prior vocabularies they assume, truth ceases to be a problem. Kuhn makes something like this claim.[57] Hilary Putnam calls the view "internal realism," as statements can only ever be evaluated from *within* a specific vocabulary. "'Objects' do not exist independently of conceptual schemes." But, given a specific conceptual scheme, statements about presumed objects can be true or false.[58]

The internal realist response provides a way out of thoroughgoing skepticism about historical truth, but it does not completely dissolve the problem, because memory may persist beyond the life of a given conceptual scheme. What should we make of a proposition whose background vocabulary has become obsolete? Does it cease to be true when our concepts change? One possibility is that properly understanding propositions that originated in the past requires adopting, and at least temporarily accepting, their potentially anachronistic ways of organizing experience. To know what it meant for someone in World War I to diagnose a soldier with shell-shock, it may be that we have to enter into their conceptual world.

Or we might insist that, although understanding such propositions requires *beginning* with the conceptual schemes they presume, these understandings need not be final, because the "brutally elementary data" expressed by the assertion can be translated between conceptual schemes. There will assuredly be some changes at the borders of concepts—indeed, the crux of the issue is that post-traumatic stress disorder lasts longer than shell shock—but Hacking's argument rests on our ability to look back at a prior set

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[57] Thomas Kuhn, "Reflections on My Critics," in *Criticism and the Growth of Knowledge*, p. 266.

[58] Hilary Putnam, *Reason, Truth, and History* (New York: Cambridge University Press, 1981), p. 52. For an application of Putnam's theory to the question of historical truth, see Chris Lorenz, "Historical Knowledge and Historical Reality: A Plea for 'Internal Realism'," *History and Theory* 33, no. 3 (1994), pp. 297-327.

of designations and convert them into a more contemporary vocabulary. The translation may change our judgments about the actions in question, but it is at least plausible that the basic facts conveyed by new propositions be largely identical with the old ones. Even if we believe that they were based on faulty understandings of the facts, the court-marshals were not based on lies. Rather, we might say that they did not, from the contemporary perspective, properly interpret a basic set of agreed upon facts.

I will say more about these possibilities in Chapter VIII. But, for the moment, it may be sufficient to note that, however we respond to it, conceptual change does not necessarily destroy the possibility of truth-functional evaluation.

9.4. Normativity and Affect

The issues of perspective and vocabulary derive from problems with determining the truth values of constative propositions. There is, though, another, more basic problem that we should examine before moving on. Collective memories necessarily include propositional content about past events, but they often include much more. Is this other content also open to truth-functional evaluation? The question touches on deep interpretive and normative issues that will be examined more thoroughly in Part III. I make no attempt to settle them here, but rather mean only to flag a series of potential problems for later investigation.

Much, of course, depends on the type of content under consideration. Often implicit in historical monuments is a reverence for certain elements of the past. This was, for example, nearly the entire force of Britain's centennial poppies. And it is also implicit in the central placement of memorials within national civic spaces—say, the crowd of

monuments along the U.S. National Mall. This reverence can be translated into propositional form—e.g., "the losses of World War I remain important in contemporary Britain"—but, even leaving aside what may be lost in this translation, the proposition is normative, not historical. Depending on meta-ethical issues about moral realism, it may be that there are correct evaluations of these propositions, but the criteria of evaluation would be normative, not strictly grounded in past events or states of affairs. The issue thus is not of *historical* truth.

The issue is more complicated when the content in question is not directly normative, but instead attempts to communicate affect or emotion associated with the commemorated past. For example, although it incorporates photographs, artifacts, and other reminders of the event, the September 11 Museum is also designed to invoke certain feelings. The drama of descending to the damaged foundation, of the way words, pictures, and videos are arranged, and of the sounds of emergency responders and last phone calls all contribute to feelings of shock, horror, and tragedy.

Can this feeling be evaluated as we would a factual propositions? As I argue in Chapter VIII, this sort of affect communicates and, indeed, presupposes certain normative judgments about the content in question: about the importance of what had been lost, the tragedy that the loss represented, and about the wrongness of the acts that brought it on.[59] But the significance of affect is not reducible to these judgments. To borrow a formulation from Wittgenstein, we might ask what is left over when we subtract a

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[59] On this point, see Martha Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (New York: Cambridge University Press, 2001), esp. p. 22.

judgment from the emotions it informs.[60] It is a complicated question with a presumably complicated answer, but for the moment we can at least say that judgments and emotions, while interrelated and possibly mutually dependent, are not identical, and so the expression of emotions that presume certain judgments is not reducible to the expression of the judgments themselves.

It is unclear on what, if any, basis these emotions could be evaluated as either true or false. One possibility, to which, again, I will return in Part III, is that the proper criteria of evaluation is not truth but what Blustein, drawing on Williams, calls "aptness."[61] Williams makes the point in a discussion of Greek myth: "A myth… is, among many other things, a good story, one that can entertain, warn remind, strike home… [I]n the mode of myth, the question of whether a story should be told is just the question whether the story is appropriately directed to its audience, whether… it will suit them."[62] As Blustein suggests, this standard does not invoke historical accuracy.[63] The evaluations it informs may therefore change over time, as the significance of history is transformed by later events or changes in temperament. Yet the standard is not empty. It would, to return to the September 11 Museum, involve a sort of error for the museum to invoke serenity or triumph instead of tragedy. The emotions simply wouldn't suit the audience. But this, like the issue of normativity, does not involve questions of representational truth.

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[60] Cf. "What is left over if I subtract the fact that my arm goes up from the fact that I raise my arm?" Wittgenstein, *Philosophical Investigations*, § 621.

[61] Blustein, *The Moral Demands of Memory*, p. 190.

[62] Williams, *Truth and Truthfulness*, p. 165. Blustein quotes a similar passage. See his *The Moral Demands of Memory*, p. 190.

[63] Ibid.

10. What Memory is Not: Habit and Recollection

I have been trying to clarify the subject of collective memory by examining the

character of the propositions embedded in it. In this section, I would like to conclude the

chapter by switching tactics, and clarifying the subject further by contrasting it with other

past-regarding practices with which it is sometimes conflated. In particular, I want to

make a distinction between the by now familiar concept of recollective memory, which

preserves propositions about the past, and habits, customs, and other persistent practices,

which derive from or originate in the past, but do not make explicit claims about it.

10.1. The Basic Distinction

The distinction is common to several early accounts of memory, from Henri

Bergson to Bertrand Russell. For both, habit concerns things one learns to do by

conditioning, repetition, or practice—say, to borrow Martin and Deutscher's example,

how to swim—while recollection involves the ability to recall a perception or proposition

experiences or learned earlier.[64] Both habit and recollection preserve temporally

persistent traces of the past, but the traces have different contents and manifestations. In

Paul Ricouer's more recent formation, both presuppose "an experience acquired earlier,"

which is then preserved. However, with habit, past experience is "incorporated into the

living present, unmarked, unremarked as past"—it continues without reference to

origin—whereas recollection is inherently referential.[65] As Martin and Deutscher note,

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[64] Henri Bergson, *Matter and Memory*, tr. Nancy Margaret Paul and w. Scott Palmer (New York: Macmillan, 1911), pp. 86-105; Bertrand Russell, *The Analysis of Mind* (New York: Macmillan, 1921), p. 166. The example of swimming is taken from Martin and Deutscher, "Remembering," p. 161.

[65] Paul Ricoeur, *Memory, History, Forgetting*, tr. Kathleen Blamey and David Pellauer (Chicago: The University of Chicago Press, 2004), pp. 24-25.

"someone may remember how to swim and yet not remember those occasions on which he learned to swim."[66]

Habit and recollection are thus distinct in two related senses. First, the two preserve different aspects of experience. While habit primarily preserves practical, action-guiding knowledge, recollection preserves specific information about the past. Second, as illustrated by Ricoeur's suggestion that habit is "incorporated" into the present, the two differ in their modes of manifestation. While habits are fundamentally iterative—that is, to have a habit is to do something repeatedly, perhaps losing sight of the initial occurrence—recollection necessarily refers back to something particular and definite about the past.

The distinction is foundational for Bergson and Russell, but, in more recent analyses, it is sometimes either not recognized or outright rejected. Margalit, for example, conceptualizes traditions and legacies—by which he means persistent practices, attitudes, principles, and other habitual orientations and actions—as varieties of shared memory.[67] More explicitly, Ricoeur suggests that there is no fundamental difference between recollection and habit—that they merely "form two poles of a continuous range of mnemonic phenomenon"—because they share foundational orientations towards the past.[68]

Is the distinction still useful? To be sure, our experiences of habit and recollection are often intertwined. For instance, the practices of memory I examined in § 6.2 sometimes work by making recollection habitual: the repeated recitation of names on

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[66] Martin and Deutscher, "Remembering," p. 161.

[67] Margalit, *The Ethics of Memory*, p. 60.

[68] Ricoeur, *Memory History, Forgetting,* pp. 24-25.

Holocaust Memory Day preserves collective memories of past events. And, even with

places of memory, active recollection only becomes possible when the place is woven

into the common life and habits of the community to which it is addressed. If it weren't

for the widespread habit of visiting the National Mall, then the monuments that populate

it would become meaningless, inert artifacts.

In these instances, the desire to remember has led to the initiation of, or been

woven into, certain traditions or habits. On some accounts, the desire *not to* remember

may also become habitual. Consider Freud's suggestion that past trauma can lead one to

repeatedly act out in ways heavily conditioned by the original experience without

actively recalling—indeed, while actively *repressing*—recollection of the trauma. Here

habitual repetition constitutes the "transference of a forgotten past," a replacement for

conscious recollection, which may be too fraught or painful.[69] For Freud, repetition can

only be worked through by recalling the original incident or incidents to which it tacitly

refers.[70]

Do these entanglements invalidate the distinction? With practices and places of

memory, collective remembering requires the persistence of certain habits. Habit is a

necessary means to the end of recollection. But this does not make habit and recollection

identical, because habit only contributes to one aspect of the much larger process of

recollection. In addition, as Martin and Deutscher note, not all habits involve

propositional recollection at all. Things are even more clear-cut in the Freudian case,

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[69] Sigmund Freud, "Remembering, Repeating, and Working Through (Further Recommendations on the Technique of Psycho-Analysis II) (1914)," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Vol. 12, ed. James Strachey (New York: Vintage, 2001), p. 151.

[70] For a helpful overview of these themes, see Marcia Cavell, *Becoming a Subject: Reflections on Philosophy and Psychoanalysis* (New York: Oxford University Press, 2001), ch. 3.

where repeatedly acting out a traumatic memory is problematic precisely because it is done *in lieu* of recollection. In this instance, the right form of recollection purportedly *replaces* repetition and allows one to stop acting out.

Rather than invalidating the distinction, these entanglements suggest that different past-regarding practices often reflect and refract each other. This is an important point. But it is no reason to disregard the otherwise justifiable—and, as I'll show in a moment, analytically useful—distinction.

10.2. Habits, Institutions, and Conservatism

I want to suggest that the distinction between habit and recollection has important implications for how we understand claims that we ought to remember something about the past. However, before this is possible, we must briefly digress to further examine the dynamics of habitual repetition and the variety of contexts in which habits are enacted. By clarifying and expanding our understanding of habit, I hope also to clarify and expand our understanding of what recollection is not.

Habits are iterated behaviors. They are sometimes things we learn to do by practicing—swimming or playing a musical instrument—but may also include behaviors, like walking the same way to school every day, that do not require any special skill. Although I have so far been focusing exclusively on examples of individual habits, they can also be collective. Like individuals, groups often engage in repetitive, coordinated behaviors. Blustein points to the examples of "institutions, conventions, and laws," which embody and proliferate shared forms of action and organization.[71] To this list, we might

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[71] Blustein, *The Moral Demands of Memory*, p. 33.

add informal procedures, norms, perhaps even manners and language itself. For the sake of simplicity, I will refer to this whole set of iterated group practices as "institutions."[72] Institutions so understood are what make societies run in particular, predictable ways. Like individual habits, they involve repeated procedures, which may be preserved without reference to their creation. Indeed, again like habits, institutions are often dynamic, gradually shifting to meet new situations and circumstances while maintaining the essential continuity of a social or political world.[73] They form what James Booth calls the "fabric of a community's way of life."[74] And, crucially, they include much, perhaps most, of what normally concerns students of politics, including those attempting to construct theories of justice.[75]

To promote memory is not to promote habit, and to promote the preservation of facts about the past in collective memory is not to promote the preservation of past institutions. As I discuss more fully in Chapter VI, critics of memory sometimes confuse these issues, and assert that the desire to remember reflects an inability to escape the past, or, at the very least, a conservative attachment to history. But the distinction between habit and memory provides reason for suspicion. Conservatives, at least in the classical sense—Cohen's "small 'c'" conservatives—argue that, everything else equal, the

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[72] This follows the remarkably broad way that institutions have been defined in recent political science. See, for example, Peter Hall and Rosemary Taylor's assertion that institutions include "formal an informal procedures, routines, norms, and conventions." Hall and Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44, no. 5 (1996), p. 938.

[73] For the point about institutions, see Kathleen Thelen and Sven Steinmo, "Historical Institutionalism and Comparative Politics," in *Structuring Politics: Historical Institutionalism in Comparative Politics*, ed. Sven Steinmo, Kathleen Thelen, and Franklin Longstreth (New York: Cambridge University Press, 1992), pp. 15-17.

[74] Booth, *Communities of Memory*, p. xiii.

[75] For this claim, see Amartya Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009), pp. 5-6.

existence of an institution provides a reason for the sustenance of that institution.[76] When, for instance, Edmund Burke chastises the French revolutionaries for breaking with history, his critique is not that they have forgotten their own history, but rather that they have ceased to honor the traditions and institutions embedded in that history. He suggests that the French were in possession of an ancient constitution, a "noble and venerable castle," that had been dilapidated under the *Ancien Régime*, but which remained the best possible foundation for future political achievement. "All your sophisters cannot produce anything better… You might have repaired those walls; you might have built on those old foundations."[77] His assertion is that, rather than beginning *ex nihilo*, the revolutionaries should have worked to repair their historical way of life. In contrast, memory does not involve making one's home in the past. Instead, to continue with Burke's metaphor, it entails recalling the shape of one's past home, even, perhaps, as one abandons it.

The assertion that we should remember something about the past is not conservative in this sense. To say that we should remember *x* is not necessarily to affirm the value of *x*. Indeed, the historical events most often invoked by proponents of memory—wars, atrocities, tragedies—are precisely those things we may *not* want to happen again. To paraphrase a common misreading of George Santayana, we sometimes remember something in order not to repeat it.[78] It is possible to remember, and to believe

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[76] Roger Scruton, *The Meaning of Conservatism* (New York: Macmillan, 1981), pp. 38-45.

[77] Edmund Burke, *Reflections on the Revolution in France*, ed. L.G. Mitchel (New York: Oxford University Press, 1993), pp. 34-35.

[78] Santayana's meaning was not, as is often supposed, that we should remember how undesirable things happened in the past so as to prevent them from happening in the future. Rather, his meaning was that memory, as a general capacity, is necessary in order to notice the passing of time. "Progress, far from consisting in change, depends on retentiveness. When change is absolute there remains no being to improve and no direction is set for possible improvement: and when experience is not retained, as among savages, infancy is perpetual. Those who cannot remember the past are condemned to repeat it." See George Santayana, *The Life of Reason*, Vol. 1 (New York: Charles Scribner's Sons, 1920), p. 284.

that we ought to remember, pasts we do not judge to be desirable. Correspondingly, while memory preserves a connection with the past, this connection is not necessarily a straightforward affirmation.

CHAPTER IV

HOW IS COLLECTIVE MEMORY POSSIBLE?

11. Two Conceptions of Collective Memory

I have been discussing collective memory's recollective character: that it preserves certain propositions about the past. In this chapter, I would like to move on to an examination of collective memory's form, and in particular the question of how, if at all, it makes sense to say that recollection can be genuinely collective in the first place. Recollection, especially direct recollection, may initially seem to be a paradigmatically individuated phenomenon: I remember what happened to me; I cannot remember things that happened to someone else. And, one might suggest, something similar is true even of indirect recollection: I can only remember things that *I* have learned; no one can do my learning for me.

Given the triadic structure of memory suggested in § 8.3, the problem can be understood as primarily about when, in the process of recollection, memory can be, or become, collective. Do collective experiences, if there are such things, automatically lead to collective memories? Or might memories become collective later, as active individual recollections somehow merge into something bigger? I now turn to these questions.

I begin in the remainder of this section by distinguishing between two possible senses of collective memory. First, I explore one of the few common touchstones in contemporary discussions of collective memory: the French sociologist Maurice Halbwachs's early twentieth century analysis of what he took to be the collective nature of *all* memory. Halbwachs's central claim—that all memory is collective, because the

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world memory recalls only gains significance in light of concerns shared with others—presupposes a social picture of experience: memory in this sense is collective because it derives from experiences that are shaped by the lives we share with others. Borrowing a phrase from Avishai Margalit,[1] I suggest that memory in Halbwachs's sense may be *common* between the individuals who are separately remembering, but is not collective in any meaningful way. In contrast, the second sense of collective memory I examine—what I call, following recent work in the philosophy of mind, an *actively externalist* conception—understands memory to be collective insofar as the *procedure* by which a memory is actively recalled is itself collective. To again adopt Margalit's vocabulary, it is *shared* rather than merely *common*, involving what he calls a "mnemonic division of labor,"[2] and therefore counts as collective in a sense much deeper than the picture proposed by Halbwachs.

In § 12, I develop an actively externalist model of collective memory. I begin with a methodological caveat. Speculation about memories that exists outside of any particular individual or a "mnemonic division of labor" may call to mind obscure metaphysical entities. As James Wertsch notes, "people often begin speaking of how collective memory is just 'out there' somehow, and in the absence of a clear alternative, implicit notions about ephemeral mnemonic agents or essences begin to creep into the picture."[3] To avoid this sort of thing, I adopt a loose version of methodological individualism, wherein collective entities must be explainable in terms of individual actions, even if, once constituted, those entities act in ways not reducible to the actions of any particular

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[1] Avishai Margalit, *The Ethics of Memory* (Cambridge, MA: Harvard University Press, 2002), pp. 50-52.

[2] Ibid.

[3] James Wertsch, *Voices of Collective Remembering* (New York: Cambridge University Press, 2002), p. 25.

individual. Given this requirement, I argue that collective memory can be understood as a three step process, which parallels the more general process of recollection outlined in § 8. The idea, roughly, is that collective remembering involves the objectification of past experience into lasting traces of history, which then persist in public, informing, and sometimes challenging, individual memories.

The process of collective remembering as I understand it is a process of creation and mediation, as public traces of the past are made, then contend with individual memories, resulting in pictures of history not reducible to either. In § 13, I conclude with a discussion of the diversity of ways that this mediation can work. Traces of the past come in many forms, which facilitate recollection in different ways. I suggest that the variety of ways that collective memory has been conceptualized is in part a reflection of these differences. Monuments, official documents, public discourse, demonstrations, and other public traces of history all create different types of memory, even as they all work within the same triadic model. This variety, I take it, is an indelible consequence of the essentially creative nature of collective memory.

11.1. Halbwachs on Collective Memory

Although there are earlier social scientific discussion of collective memory—Emile Durkheim develops a theory of collective commemoration at the end of his *Elementary Forms of Religious Life* (1912)—the phrase "collective memory" is generally traced to the French sociologist Maurice Halbwachs, a student of Bergson's, whose *On Collective Memory* (1925) and collection of essays *The Collective Memory* (published

posthumously in 1950) remain central in contemporary discussions.[4] Halbwachs'

arguments deserve special attention, as they constitute a rare common touchstone in the

otherwise cacophonous study of collective memory.

Halbwachs argues that memory can be—indeed, necessarily is—collective in both

its creation and sustenance, because experience and perception are also necessarily

collective. On this account, we never see the world exclusively through our own eyes, but

instead see it in ways that are always-already shaped by the life we share with others.

Particular features of the world only become salient to us when our vision is directed

toward them by others, or by inherently social concerns.[5] Halbwachs illustrates the point

by recounting a walk through London: "An architect directs my attention to the character

and arrangement of city buildings. A historian tells me why a certain street, house, or

other spot is historically noteworthy. A painter alerts me to the colors in the parks…"

Even when these others are physically absent, they remain present in the sense that they

direct his gaze toward features of the world that are inescapably seen in light of things he

learned from them. "In reality, we are never alone. Other men need not be physically

present, since we always carry with us and in us a number of distinct persons."[6]

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[4] Jeffrey Olick, "'Collective Memory': A Memoir and Prospect," *Memory Studies* 1, no. 1 (2007), pp. 19-25.

[5] Although this is the vision of collective memory Halbwachs explicitly endorsed, his work contains other, more complicated implicit conceptions. For example, in "The Legendary Topographies of the Gospels in the Holy Land," he suggests that "the Gospels apparently were the result of a collective and indeed partly popular labor of elaboration." This suggests a vision of collective memory as the result of public collaboration on a shared picture of history. However, he does not pursue this possibility in his more direct reflections on collective memory. See Maurice Halbwachs, "The Legendary Topographies of the Gospels in the Holy Land," in *On Collective Memory*, ed. and tr. Lewis Coser (Chicago: The University of Chicago Press, 1992), p. 193. For an analysis of Halbwachs's multiple views, see Jeffrey Olick, "Collective Memory: the Two Cultures," *Sociological Theory* 17, no. 3 (1999), pp. 334-336.

[6] Maurice Halbwachs, *The Collective Memory*, tr. Francis Ditter and Vita Ditter (New York: Harper and Row, 1980), pp. 23-24.

Once created, Halbwachs holds that memories remain tied to the others who contributed to their creation, because to remember is to again take on the perspectives of others, to once more see what is now past world through their eyes. Memory retention thus requires the continued presence of a community of others able to reinforce the traces left when memory was first formed, whether this community is literally present—as when old acquaintances reconstruct a shared past through reminiscence—or present only in the mind of the one remembering.[7] For Halbwachs, *all* memory is therefore collective, because all memory occurs "at the intersection of several currents of collective thought."[8] From experience to the sustenance and recollection of traces of the past, memory is, and remains, essentially public.

The trouble with Halbwachs's account as an analysis of collective memory is that the distinction between the literal presence of others and the recollection of others in the mind of the one remembering seems more significant than Halbwachs acknowledges. It may be that all—or nearly all—experience occurs in the light of a world shared with others, just as most human capacities are only realized with the influence and help of others. But this only means that when an individual remembers, like when an individual acts, they do so in a way heavily conditioned by the social world to which they belong. Even if remembering always requires recalling this world, in Halbwachs' account it remains an individual phenomenon in the sense that memories exist exclusively in individuals. It is, in the final analysis, still the individual who remembers.

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[7] Ibid, pp. 31-33.

[8] Ibid, p. 45.

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Halbwachs's account was written primarily in response to what he took to be the overly-atomistic methodological individualism he saw in psychological studies of memory at the time.[9] And, in this context, he makes an important point: to understand personal memory, we need to understand the social circumstances from which it emerges. But Halbwach's account is insufficient as a general theory of collective memory, because his conception of collective memory is essentially metaphorical. It is, as one critique puts it, "a fabricated version of… personal memory adjusted to what the individual mind considers, rightly or not, as suitable in a social environment."[10] Although remembrance in his sense may have social *prerequisites*, it takes place exclusively within the individual. It is ultimately an individual phenomenon, and only looks collective because individual remembrance is sometimes shaped, intentionally or not, such that it accords with norms shared among their interlocutors. It is from this perspective that some critics of collective memory studies suggest that the enterprise is doomed to failure, because "collective memory studies have not yet sufficiently conceptualized collective memories as distinct from individual memory."[11] Collective memory cannot merely mean individual memory influenced by social norms; it must be collective in a more robust sense.

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[9] Jeffrey Olick and Joyce Robbins, "Social Memory Studies: From 'Collective Memory' to the Historical Sociology of Mnemonic Practices," *Annual Review of Sociology* 24 (1998), p. 109.

[10] Noa Gedi and Yigal Elam, "Collective Memory—What Is It?" *History and Memory* 8, no. 1 (1996), p. 47.

[11] Wulf Kansteiner, "Finding Meaning in Memory: A Methodological Critique of Collective Memory Studies," *History and Theory* 41, no. 2 (2002), p. 180.

11.2. Common and Shared Memories

To move closer to a genuinely collective conception of memory, we should, following Margalit, distinguish between two possible senses of in which memory might be collective.[12] First, he suggests that *common* memory can simply signify the aggregated individual memories of an event experienced by multiple persons. A group experiences an event together, which members understand in light of their shared social world, and thereafter hold common memories, both in the sense that the memories are of events experienced in common, and in that they are made comprehensible by reference to a commonly held world. This seems to be the sense in which Halbwachs takes all memory to be collective. And it is also the meaning behind at least certain invocations of public memory. When we say that a nation remembers some tragedy, we often simply mean that individual members of the nation separately recall their experiences of the tragedy. But common memories like this are only collective in an extraordinarily limited sense. As time proceeds and individuals drift apart from each other and the original scene of a memory they once held in common, their memories may also diverge. In fact, the divergence may begin the moment the event being remembered ends.

Margalit's second variety, *shared* memory, must somehow exist outside of any particular individual, in the public spaces between persons. It is not enough for an event to have been experienced in common or to have been interpreted with reference to a commonly held world. Rather, traces of genuinely shared—that is, genuinely collective— memory must persist in a shared archive of the past, which can then be the source of later

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[12] Margalit, *The Ethics of Memory*, pp. 50-52.

individual memory. "A 'collective memory'," as Iwona Irwin-Zarecka has it, "is best located not in the minds of individuals, but in the resources they share."[13]

Halbwachs suggests that all memory is collective because all individual experience is shaped by social context. But the irreducibly social sources of individual memory mean only that, when they recall, individuals necessarily recall a world that they share with others, in ways that are shaped by those others. Halbwachs ultimately shows that individual memory has social sources. This may be an important ontological objection to strict methodological individualism in the study of memory, but it does little to advance a genuinely shared, collective model of memory.

Because common experience does not directly entail collective memory, the creation of collective memory requires the translation of individual experience into a more stable record of the past, which can then serve as a shared preservative trace, enabling future recollection. These public memorials—the places, practices, and texts examined in § 6—transform the recollection of individual experiences into collectively available information that can inform the indirect recollection of those who were not present to witness the original event, or contribute to (and perhaps contend with) the direct, episodic memories of those who did. These traces preserve or narrate a collectively held past, enabling Margalit's "mnemonic division of labor" between the trace and those remembering.[14]

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[13] Iwona Irwin Zarecka, *Frames of Remembrance: The Dynamics of Collective Memory* (New Brunswick, NJ: Transaction, 1994), p. 4.

[14] Margalit, *Ethics of Memory*, p. 54.

11.3. The Extended Mind

The idea behind Margalit's conception of shared memory is that mnemonic systems sometimes encompass multiple agents and the resources they together create and maintain. Before moving to analysis of these systems, I should pause for a moment to highlight a background conceptual leap implicit in Margalit's idea that, if left unaddressed, might lead to future confusion. Speculation about a "mnemonic division of labor" may immediately remind one of Wertsch's concern about "ephemeral mnemonic agents or essences" covertly entering discussions of collective memory. This is not necessary. Yet it is necessary to extend the definition of "agent" beyond those perhaps commonly supposed.

As Michael Schudson notes, "Memory is generally understood as a property of individual minds. We make exceptions when discussing the information storage capacity of computers or the ability of fabrics to maintain their shape but, generally speaking, locating memory outside the individual mind is likely to seem suspect..."[15] There are, I want to suggest, good reasons for extending our conceptions of memory beyond the paradigmatic instance of individual, episodic recollection, but I should admit at the outset that this extension is likely to be controversial, is not self-evident, and requires defense.

The most prominent recent defense of this sort of extension is made by proponents of the "extended mind" hypothesis—that is, the idea that cognitive processes don't necessarily stop at the physical boundaries of the body, but instead sometimes

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[15] Michael Schudson, *Watergate in American Memory: How We Remember, Forget, and Reconstruct the Past* (New York: Basic Books, 1993), p. 51.

extend outward.[16] As Andy Clark and David Chalmers argue in their paradigmatic

statement of the view, the environment often plays an "active role… in driving cognitive

processes." They provide a wide variety of examples, ranging from "the use of pen and

paper to perform long multiplication" and "the use of physical re-arrangements of letter

tiles to prompt word recall in Scrabble" to "the general paraphernalia of language, books,

diagrams, and culture."[17] In each instance, thinking is not localized within a physical

brain. There is no way to give an account of the cognitive processes involved in, say,

someone doing long division with a pen and paper without integrating the external

resource into the explanation. The cognitive process is irreducibly distributed between

body and world. As with objectification of memory in monuments and other traces of the

past, here the brain does some work while "external media" does the rest. It is, in Clark

and Chalmers's phrase, "coupled" with the individual organism.[18]

The idea of mind-world coupling entails a controversial conceptual leap, to which

there are at least two possible objections. The first is that mental content is categorically

distinct from external media, because external media simply lacks some of the necessary

features of mental content. Thoughts have semantic content—they are immediately and

intrinsically meaningful to the thinker—while objects in the world only become

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[16] The classic work here is Andy Clark and David Chalmers, "The Extended Mind," *Analysis* 58, no. 1 (1998), pp.7-19. Since the publication of Clark and Chalmers's argument, work on extended cognition has proliferated widely, in disciplines from philosophy to psychology to the social sciences and humanities. For an overview of the ensuing discussion, see Richard Menary, "Introduction: The Extended Mind in Focus," in *The Extended Mind*, ed. Richard Menary (Cambridge, MA: The MIT Press, 2010).

[17] Clark and Chalmers, "The Extended Mind," pp. 7-8.

[18] Ibid, pp. 8-9.

meaningful when thoughtful agents interact with them.[19] On this view, although mental processes may *depend* on the world, they are qualitatively distinct from it.

This objection is difficult to answer with any sense of finality, but, for present purposes, it can be answered by invoking a methodological point first raised in § 3. Whatever its external, "objective" status, I'm interested in processes of recollection as they appear to those involved in them. While external resources and memory traces may not mean anything on their own terms, we never encounter them on their own terms. By the time we interact with them, they are always-already enmeshed in the "webs of significance" through which we make sense of the world; when we interact with them, they are always-already meaningful. Correspondingly, the presumed distance between self and world that informs this objection must rest on a presumed viewpoint outside the world of ordinary experience. From within the world of ordinary experience, the moment we interact with external resources and traces of the past, they are enmeshed into our lives, and our cognitive processes. Our minds and memories extend into the world because, experientially, they are never that distinct.

The second objection is more directly aimed at the extension of the extended mind hypothesis to cover the types of mnemonic phenomena of interest here. When someone uses a pen and paper to aid in long division, they are both the creator and the user of the external cognitive resource. But, when someone interacts with a monument or museum, they are interacting with resources that they did not create to "remember" past events that they did not directly experience. Is this process still remembering at all, or would it be better described as a variety of learning?

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[19] Frederick Adams and Kenneth Aizawa, "The Bounds of Cognition," *Philosophical Psychology* 14, no. 1 (2001), pp. 43-64.

To get clear on this objection, consider first an *unproblematic* instance of externally-aided remembering, taken from Wertsch:

> A colleague recently asked me to recommend a book on a particular topic. I knew the book I wanted to suggest, could even "see" it in my mind's eye in the sense that I could tell my colleague its color and approximate size. Furthermore, I could name the author. I was unable, however, to recall the book's title. I therefore… used my office computer to go to the bookseller Amazon.com, where I looked up the author of the book in question. Her list of books appeared on screen, and I was able to recognize the correct title and recommend to my colleague the book I had intended.[20]

As Wertsch suggests, in this instance, memory is irreducibly distributed. "[N]either I nor Amazon.com did the remembering in isolation. Instead, both of us were involved in a system of distributed memory and both were needed to get the job done."[21] But the mnemonic coupling in this example is uncommonly straightforward, as the external resource provides information he in some sense already knew. Amazon.com serves as a *reminder* of something he's already directly experienced. The information helps him remember, but it does not give him a memory out of nothing. It therefore does not take much of a leap to consider the whole process an example of remembering rather than learning.

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[20] Wertsch, *Voices of Collective Memory*, p. 11.

[21] Ibid.

But consider the more common situation, where the external resource presents wholly new information. Whereas Amazon.com served as an aid to Wertsch's already existing memory, in other instances—say, the detailed histories presented in truth commission reports—external resources present information that the would-be remembering agent has not previously learned or experienced. Should the cognitive processes to which they contribute still count as remembering, or should they instead be considered more common instances of learning?

This question is at the core of the broader problem of whether collective memory in its genuine sense can actually exist. The strongest case for considering would-be instances of learning to instead be remembering is that this conceptualization is deeply enmeshed in the way we talk about memory. We commonly speak of collective remembering, and, if this denotes anything, it denotes the collaborative remembering of extended mnemonic systems. To be sure, this remembering works differently than either episodic or even indirect individual remembering, but there is no reason to assume that all memory must work the same way.

Claims that socially structured memory is not real memory tend to rest on reminiscently Platonic singular, foundational definitions of memory that, from the perspective of ordinary language, can seem arbitrarily restrictive. Interestingly, Halbwachs makes this sort of move when he suggests that real memory requires an "organic experiential relation," and that, absent such a relation, information belongs to the "dead memory" of history.[22] Halbwachs's argument is worth examining in more detail, both because it embodies a common objection to the notion of collective memory,

[22] Quoted in Olick and Robbins, "Social Memory Studies," p. 110.

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and because answering it will help lay out some of the unique aspects of extended mnemonic systems.

The first thing to notice is that the objection is not just to the variety of collective memory I've been elaborating, but to all varieties of indirect memory. If memory requires direct experience, then indirect recollection—in Martin and Deutscher's example, someone in the twentieth century remembering that Caesar invaded Britain[23]—becomes incoherent. From this perspective, it might be knowledge, but it should not count as memory. Again, the best response is to appeal to ordinary use. We commonly use the term "memory" to describe this sort of knowledge. We admonish students to "remember history," and speak of "memorizing" the names of past presidents. Halbwachs's tactic is to separate out, from the vast variety of ways we use the word "memory," one true meaning, and to mark it as the one, true instance of the phenomenon. But he provides no conclusive reason for deviating from ordinary usage in this way. To be sure, direct, episodic memories and indirect, propositional memories work differently. But there is no reason to assume that indirect memory is somehow less real, and thus no reason to assume that remembering always requires the sort of organic connection Halbwachs stipulates.

The second thing to notice is Halbwachs's implicit ontological claim that the individual must be the one who remembers, and thus that the individual's connection with history is the decisive fact in determining whether a given piece of historical knowledge counts as real memory. Strangely, given the attention he pays elsewhere to the dangers of too strict an adherence to methodological individualism, here Halbwachs

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[23] C.B. Martin and Max Deutscher, "Remembering," *Philosophical Review* 75, no. 1 (1966), p. 162.

assumes that the individual is necessarily the only possible locus of remembering. The trouble with this view is that collective memory involves closely coupled systems that act *together* to create memory. Collective memory is not produced within the individual; it is produced in an extended system that encompasses both technological tools and individual action. No one element of the system is sufficient.

12. The Process of Collective Remembering

Collective memory is not, as some seem to at least implicitly assume, a direct extension of individual memory, but nor is it, as Wertsch worries, an obscure process requiring the invocation of obscure metaphysical entities. It is a straightforward process by which individual recollection is coupled with outside traces to form a mnemonic system not reducible to either.

Still, the invocation of genuinely shared memories and irreducibly collective actions may seem to entail a departure from the methodological individualism that animates many studies of individual memory, and indeed most mainstream social science. Thus Jeffrey Olick suggests that individual and collective memory occupy "radically distinct ontological orders and require different epistemological strategies."[24] The idea seems to be that to speak of collective remembering is necessarily to look beyond the realm of individual actors and actions to something else entirely. It is not far from here to the strange metaphysical entities Wertsch warns about.

In this section, I develop a more explicit account of collective remembering as an irreducibly interactive process that can nonetheless be understood as the result—but not

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[24] Olick, "Collective Memory: The Two Cultures," p. 336.

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simply the sum—of individual actions. Much of this is implicit in what I have already said, but, given the confusion surrounding collective memory, I want to provide as explicit of an account as possible. Roughly, the argument is that we should view collective memory as a process whereby individual memories are objictified into publicly available representations of the past, which can then inform and contend with individual memory, forming a vision of the past not reducible to the episodic memories of any specific individual. Although this process moves beyond the individual, it both begins and ends with individual action.

12.1. Methodological Individualism and Collective Action

In what follows I will be guided by a somewhat loose variety of methodological individualism, wherein groups and other collectives can only come into existence as the result of individual actions. Jon Elster captures the position well: "The elementary unit of social life is the human action. To explain social institutions and social change is to show how they arise as the results of the action and interaction of individuals."[25]

This is neither the only nor the most prominent way of understanding methodological individualism. I say it is a loose variety because the doctrine's most polemical defenders—for instance, Karl Popper and Friedrich Hayek—take it to mean that individuals are the only real social actors.[26] The basic idea is that, as Hayek puts it, "there is no other way toward an understanding of social phenomena but through our understanding of individual actions directed toward other people and guided by their

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[25] Jon Elster, *Nuts and Bolts for the Social Sciences* (New York: Cambridge University Press, 1989), p. 13.

[26] For an overview of the various doctrines that have been associated with methodological individualism, see Steven Lukes, "Methodological Individualism Reconsidered," in *The Philosophy of Social Explanation*, ed. Alan Ryan (New York: Oxford University Press, 1973), esp. pp. 122-124.

expected behavior."[27] If taken literally, this doctrine is obviously false. Individuals

constantly create things that are capable of doing independent causal work. Take Elster's

example of Ulysses, who had his crew bind him to the mast of his ship to avoid forcing

them to follow the song of the Sirens.[28] Although Ulysses and his crew created his

constrains, a complete explanation of the situation is impossible unless the constraints,

once created, are allowed to act on their own. They objectify Ulysses' prior commitment,

and thus force him to act in a way that would be inexplicable in their absence. A total

explanation must therefore invoke both individuals and the things that they together

create.

My vision of methodological individualism thus does not preclude the possibility

or reality of institutions, cultures, or other collective entities that arise out of collaborative

individual actions. Rather, it insists that these things be explained—or, at least,

explainable—in terms of the individual actions by which they are constituted. Like

Ulysses' constraints, the things that people create can exert independent causal force.

And, moreover, interactions between individuals and the things they create can result in

the emergence of groups and group actions with properties not directly reducible to

causally independent individual actions. This is true even of very simple actions, like two

individuals walking together down the street.[29] In order to distinguish a pair walking

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[27] Quoted in ibid, p. 121.

[28] Jon Elster, *Ulysses Unbound: Studies in Rationality, Precommitment, and Constrains* (New York: Cambridge University Press, 2000), pt. 1.

[29] For this example, see Michael Bratman, *Shared Agency: A Planning Theory of Acting Together* (New York: Oxford University Press, 2014), pp. 5-6.

together from a pair walking alongside each other by chance, we have to look beyond the individual to the way individual actions and intentions interlock or combine.[30]

In affirming a weak version of methodological individualism, I do not mean to preclude this sort of possibility, or to assume any substantive conclusions about the appropriate methodological orientation for studying social phenomenon beyond what Elster calls the "trivially true" presumption that social life must, in principle, be explainable in terms of the individual social actors that constitute it.[31] Steven Lukes summarizes this view as a series of "banal propositions" about the world:

> Society consists of people. Groups consist of people. Institutions consist of people plus rules and roles. Rules are followed (or alternatively not followed) by people and roles are filled by people. Also there are traditions, customs, ideologies, kinship systems, languages: these are ways people act, think, and talk.[32]

The propositions are banal, and would be almost not worth stating, except that they are so often seemingly ignored in discussions of collective memory, where obscure metaphysical entities too often creep into analyses.

I should also emphasize that the version of methodological individualism I affirm does not entail any normative commitment to ideals of individual self-sufficiency or

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[30] There are multiple ways of conceptualizing the interdependence of intentions here. Bratman suggests that individual plans must "interlock" in the appropriate way, while others, notably John Searle, suggest that this sort of collection entails the creation of a combined "we-intention." For the two views, see ibid, p. 103, and John Searle, *Making the Social World: The Structure of Human Civilization* (New York: Oxford University Press, 2010), p. 46. The disagreement is largely irrelevant here, as both entail analysis that looks beyond the individual.

[31] Elster, *Nuts and Bolts for the Social Sciences*, p. 13.

[32] Lukes, "Methodological Individualism Reconsidered," p. 121.

opposition to ideas about the natural sociality of humans. For some, perhaps most notably Popper, the methodological position is closely tied to a sort of moral individualism.[33] In contrast, I adopt the position strictly as an assertion about the materials from which societies are built, not about the final forms they should take or the moral standings of those forms.

Methodological individualism in this sense is weak but not trivial, as it does constrict the set of possible explanations for social phenomena. To borrow Elster's example, one cannot, as he accuses some Marxists of doing, make assertions about "the interests of capital," because capital is, like groups and other types of abstract entities, simply not the sort of thing capable of having its own interests.[34] But one can certainly assert that the possession of capital creates or requires certain types of interests and ultimately actions on the part of the individuals that possess it.[35] The important point is that methodological individualism as adopted here does not hold that individuals are the only things capable of existing causal power, but only that, for any fully explicit causal theory, all causes of social phenomena must arise from or pass through individual actors.

The hard problem about the collectivity of memory thus does not derive from any inherent suspicion of talk about collective entities, but rather involves questions about how collectives can remember in ways that are not reducible to the aggregation of individual actions. How do mnemonic networks arise out of individual actions?

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[33] This is presented mostly clearly in *The Poverty of Historicism*, originally published in 1957. See Karl Popper, *The Poverty of Historicism*, Second Edition (New York: Routledge, 2002).

[34] Jon Elster, "The Case for Methodological Individualism," *Theory and Society* 11, no. 4 (1982), p. 452.

[35] For this point, see G.A. Cohen, "Functional Explanation: Reply to Elster," *Political Studies* 28, no. 1 (1980), pp. 129-135.

12.2. Creation and the Boundaries of Creativity

In § 8.3, I laid out a triadic structure for memory, consisting of creation, persistence, and retrieval. With individual memory, the process is relatively self-contained: elements of experience are stored as persistent mental traces of the past, which facilitate later recollection. But in collective memory, the process is irreducibly relational: agents create public traces of the past, which persist in public and facilitate later recollection by others, sometimes at a distance from the original occurrence.

Neither process is wholly autonomous. As Halbwachs recognizes, the way we make sense of the world is deeply shaped—perhaps constituted—by concerns we share with others. Yet collective memory is public in a deeper sense, in that the mnemonic system itself is comprised of multiple persons and parts of the world they hold in common. In this and the next section, I want to say more about the two active components in these systems—creation and recollection—highlighting how the collectivity of the process imbues each with characteristics distinct from their counterparts in individual memory, and thus with characteristics perhaps non-intuitive for those whose implicit models of memory are based on the individual phenomenon.

Creation entails the externalization of mental content, such that memories are no longer internal cognitive phenomenon but instead become publicly available, persistent signs of the past. It is not necessarily a complicated process. Consider the Soviet psychologist Lev Vygotsky's famous account of sign-mediated memory:

> Even such comparatively simple operations as tying a knot or marking a stick as a reminder change the psychological structure of the memory process. They extend

the operation of memory beyond the biological dimensions of the human nervous system and permit it to incorporate artificial, or self-generated, stimuli, which we call *signs*.[36]

When we make the world remind us, we put our memory *into* the world.

Public memory always begins with this sort of creation: traditions of recollection are initiated and reinitiated; monuments are built; museums are founded and filled; places are transformed into a signs of memory. Whereas individual episodic memories are created out of, and arise organically from, individual experiences, the possible sources of collective memory are more varied. It might draw on the testimony of witnesses, the translation or recombination of already existing sources, or traditional inductive historical research. In any case, collective memory is made out of a different set of materials than individual memory.

Whatever their source, it is important that these acts of creation are done *intentionally*. We frequently get information about the past from the traces it has left behind, but these are often left inadvertently, as a side effect of events that took place. A burned out building marks a past fire, but may not have been intentionally left standing for that purpose. It is only when the historian infers further facts from this sort of artifact that it attests to some past occurrence.[37] In contrast, the signs of collective memory are made or collected for the purpose of remembering. This is obvious in the case of

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[36] Lev Vygotsky, *Mind in Society: The Development of Higher Psychological Processes*, ed. Michael Cole, Vera John-Steiner, Vylvia Scribner, and Ellen Souberman (Cambridge, MA: Harvard University Press, 1978), p. 39. Emphasis in original. The work that makes up *Mind in Society* was originally written between 1930 and 1934.

[37] Collingwood, *The Idea of History*, pt. 5 § 3, especially pp. 266-268.

monuments or museums, but it is equally true in subtler examples. Consider again the World Trade Center slurry wall, now encased in and embroidered by the September 11 Memorial Museum. Like the burned out building, it is an ordinary trace, but it is an ordinary trace that has been recontextualized to serve as something more—a sign of the past.

Thus "remembering," at least the type of remembering of interest here, "means choosing."[38] This is true in several interrelated senses. First, while individual memory may sometimes involve unconscious or unintentional mental processes, collective memory is always voluntary. On an individual level, what we remember, and how we remember it, is not always up to us. Names and dates may slip from our grasps, while other salient incidents—especially involving disruption or trauma—may be unforgettable, coming to consciousness involuntarily, in shapes and at times we do not desire.[39] In contrast, collective memories are always made *on purpose*. There may be incidents that members of a given society cannot forget, and this inescapability may suggest good reasons for commemorating those incidents in public. But commemoration is nonetheless a choice.

Remembering also means choosing in that public commemoration involves selecting, from broad fields of possibilities, specific elements of the past to be preserved. There are multiple ways of telling any story, multiple elements that could be preserved. Peter Berger makes the point about individual memory: "in any situation, with its near infinite number of things that could be noticed, we notice only those things that are

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[38] Jeff Spinner-Halev, *Enduring Injustice* (New York: Cambridge University Press, 2012), p. 26. Emphasis omitted.

[39] Dorthe Berntsen, *Involuntary Autobiographical Memories: An Introduction to the Unbidden Past* (New York: Cambridge University Press, 2009).

important for our immediate purposes."[40] With individual memory, at least some of the selection process operates below the threshold of consciousness: by the time something comes to our attention, it has already entered what psychologists call our "sensory store," and thus been separated out from its background and environment.[41] With collective memory, we choose in a deeper sense, *consciously* selecting from the "near infinite" variety of things that might be emphasized certain facts to bring into public, and others to pass over in silence.

The set of possibilities is "near infinite." It is not infinite, as there remain "brutally elementary," unalterable facts that are either so widely known, or so widely sown into the fabric of contemporary society, that no would-be commemoration could deny them and retain plausibility as an accurate representation of the past. In Schudson's example, "it would be impossible now to rewrite the history of the 20th century and claim that the 1930s were a time of great prosperity."[42] But there is still remarkable amount of leeway. Recall, for instance, Burke's assertion that historians from different periods have focused on different aspects of society, or Hacking's observations that the same actions can be described in multiple ways.

And finally, remembering means choosing in that, because commemorations can take a variety of forms, the choice to remember necessitates a further choice about the shape of memory. Rituals, performances, monuments, museums, and texts all (re)produce different ways of relating to the past. It is one thing to read a list of victims, another to

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[40] Peter Berger, *Invitation to Sociology: A Humanistic Approach* (New York: Anchor, 1963), p. 57.

[41] Foster, *Memory: A Very Short Introduction*, p. 28.

[42] Michael Schudson, "The Past in the Present versus the Present in the Past," *Communication* 11 (1989), pp. 106-107.

hear them spoken, another to be confronted with a symbolic representation of the event that took their lives, and another still to enter an immersive environment, like those created by the Imperial War and September 11 Museums, meant to mimic the original experience. Moreover, there is always room for the use or invention of new memorial technologies. Much, for instance, has recently been written about the mediating role of new media in the proliferation of memory.[43] The set of possibilities is limited only by the boundaries of communication itself.

It has become commonplace to emphasize that memory, both individual and collective, is fundamentally reconstructive: while it may be about the past, it is always the product of present activity.[44] "Collective memory," as Barry Schwartz suggests, "reflects reality by interpreting the past in terms of images appropriate and relevant to the present."[45] Insofar as this is true, it is because of the choices just outlined. The inescapability of reconstruction leads some theorists to a sort of relativism or skepticism about memory claims, most famously captured in Voltaire's frequently misinterpreted quip that "history is after all only a pack of tricks we play on the dead."[46] If our pictures of the past are always made in shapes at least partially determined by the present, then memory may, as some suggest, be more a reflection of contemporary power than

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[43] See, e.g., the essays collected in Oren Meyers, Motti Neiger, and Eyal Zandberg (eds), *On Media Memory: Collective Memory in a New Media Age* (New York: Palgrave Macmillan, 2011).

[44] For the language of reconstruction, see, for instance, Blustein, *The Moral Demands of Memory*, p. 139.

[45] Barry Schwartz, *Abraham Lincoln and the Forge of American Memory* (Chicago: The University of Chicago Press, 2000), p. 18.

[46] Quoted in Carl Becker, *The Heavenly City of the Eighteenth Century Philosophers* (New Haven: Yale University Press, 1932), p. 43. As Becker notes, the quote appears in a discussion of "dishonest" historians, and was thus not, as is commonly supposed, a general statement about the epistemological status of history or memory.

historical reality.[47] But the choice is not completely open. Memory is necessarily a reconstruction, but it is not pure fabrication.

12.3. Recollection and Fragility

We sometimes speak as though creation—building a monument, renaming a street, or opening a museum—constitutes remembering, as though the existence of such things directly entails the existence of social memory. But this is not the case. Creation populates the world with signs of the past, but a sign, left unseen, unnoticed, or unread is only a potential memory, a silent trace that can only speak when its message is retrieved by the mediated recollection of another individual.[48]

The insufficiency of memory traces—their dependence on later actors to find meaning or voice—means that collective memory is always fragile. Of course, *all* memory, individual or collective, is fragile. As individuals, we forget, or misremember. Individual memories can be modified or distorted with disconcerting ease.[49] But collective memory is fragile in unique ways. Most obviously, once inaugurated, traces of the past may persist but simply go unnoticed, or, at least, go unnoticed as markers of history. As I have already suggested, this possibility, and the desire among architects of memory to avoid it, presumably explains the common location of monuments in heavily visited areas. Even this, though, is not an absolute guard against forgetting, as, to do their

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[47] See, e.g., Michel Foucault, "Film in Popular Memory: An Interview with Michel Foucault," tr. Martin Jordan, *Radical Philosophy* 11 (1974), pp. 24-29.

[48] I take the idea of mediated memory from Wertsch, *Voices of Collective Remembering*, p. 11. However, I conceptualize the process differently than Wertsch, whose analysis is largely rooted in the "sociocultural" analysis he associated with Russian scholars such as Vygotsky and Mikhail Bakhtin.

[49] For this context in the problem, see Janice Haaken, *Pillar of Salt: Gender, Memory, and the Perils of Looking Back* (New Brunswick: Rutgers University Press, 1998).

work, the monuments must not only be integrated into the public life of a people, but must also produce in those people the correct mental states. To become part of a collective memory, a monument cannot be seen simply as decoration.

Less obviously, but perhaps more importantly, collective memory is fragile in that, because its content arises out of ongoing interactions between actors, its meaning is always under-determined. The meaning of a monument, or a list of names, or even a carefully curated collection of artifacts, can easily vary with context or audience. Consider, for instance, the fates of many Soviet-era statues, originally meant to celebrate communism's great leaders. While once triumphant, some have become profaned markers of a sort of "Soviet Kitsch." For example, in Budapest's Memento Park, statues are displayed in an industrial "no man's land" in the outskirts of the city, stripped of their original context, now standing in a space the Memorial Committee of Budapest describes as neutral, but which may invite more ironic detachment than reverence.[50]

The Memento Park is an extreme example, but memory traces, even when preserved in context, will almost inevitably elicit different reactions indifferent persons. It seems vanishingly unlikely that temporally distant individuals will ever understand them in the same way as their creators did. Facts about history rarely, if ever, stand on their own. Even Arendt's "brutally elementary" assertion that German soldiers crossed the border into Belgium in 1914 is now perhaps inescapably colored by the history of World War I, and of the century that has followed. W.V.O. Quine famously suggests that we never evaluate particular propositions about the world in isolation. Rather, "our statements about the external world face the tribunal of sense experience not individually,

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[50] Hedwig Turai, "Past Unmastered: Hot and Cold Memory in Hungary," *Third Text* 23, no. 1 (2009), pp. 97-100.

but as a corporate body."[51] Something similar is true of propositions about past.

Knowledge of the past does not consist of a set of fully autonomous propositions about history, each understood and standing or falling on its own. Instead, particular facts only gain meaning or significance when viewed in the context of other historical facts, and ultimately when they embedded within broader views of history. A particular instance of collective memory may inform such a few, but it can never fully constitute it.

This fragility suggests that collective memory is, to borrow a phrase from Arendt, "non-sovereign," outside the control of any particular agent.[52] To bring a trace of the past into public is to contribute to public memory, but the contribution is only one part of a larger process that also incorporates persistence in the shifting realm of public affairs and recollection by later persons, for whom the trace may mean something very different.

13. Varieties of Social Recollection

Throughout the last few chapters, I have been trying to emphasizing the distance between collective memory and the sort of individual episodic memory with which it is often tacitly conflated. Both are about the past, but they preserve different elements of the past, and take different forms. Individual episodic memories contain the thick data of experience—what something was like—whereas collective memory contains only comparatively thin factual propositions. Even when attempts are made to recreate past experience in collective memory, as in the immersive environment of the September 11

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[51] W.V.O. Quine, "Two Dogmas of Empiricism," in *From a Logical Point of View: Logico-Philosophical Essays*, Second Edition (New York: Harper and Row, 1963), p. 41.

[52] Hannah Arendt, *The Human Condition*, Second Edition (Chicago: The University of Chicago Press, 1998), pp. 236-238.

Museum, there is an unbridgeable gulf between it and the memories of those directly touched by the events.

In form, collective memory is even more obviously distinct from its individual counterpart. If it signifies anything beyond the simple aggregate of individual memories, collective memory describes an interactive process wherein memory arises, persists, and is retrieved *between* individuals, as part of a mnemonic system that, while constituted by individual actions, is irreducibly collective.

I would like to close this chapter by returning to a point I raised in the beginning of Chapter II, about the variety of ways that public or collective memory has been conceptualized. Some of this, I've been arguing, rests on conceptual confusions between, for instance, memory and habit or collective and shared memory. But, even once these confusions are cleared up, there still remains variety, which is reflected in the variety of disciplinary approaches taken to studying it, including psychology, sociology, political science, and philosophy. As Jeffrey Olick and Joyce Robbins argue, the study of collective memory tends to be a "nonparadigmatic, transdisciplinary, centerless enterprise."[53]

One response to the diversity of approaches and characterizations might be to insist that the theoretical anarchy of collective memory studies is a symptom of an immature field that has not yet produced general theories that can sufficiently account for the phenomena under consideration. From this perspective, while collective memory might manifests in a diverse set of practices, the job of collective memory studies should be to discover the basic structure that unifies this otherwise diverse set—to make sense of

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[53] Olick and Robbins, "Social Memory Studies," p. 106.

the chaos. The centerlessness of collective memory studies thus suggests that it simply has not advanced to the point of producing theories that can account for all the relevant facts. On this account, it may not be not so much "nonparadigmatic" as what Kuhn calls "pre-paradigmatic": a field that has not yet coalesced around central organizing principles.[54]

To be sure, inquiry focused on collective memory is relatively new. There is, as I mentioned in § 3.4, some discussion of commemoration in Durkheim's *Elementary Forms of Religious Life* (1912), and Halbwachs wrote extensively on the concept of collective memory throughout the first half of the twentieth century. But collective memory studies did not fully emerge as a concerted field of inquiry until the "memory boom" of the 1970s or 80s.[55] Perhaps the current state of the field is analogous to that of physics before Newton: a motley assortment of incommensurable theories, none of them strong enough to overtake the rest.[56]

The vision of inquiry that animates this claim—that inquiry should be the search for increasingly broad principles—is, I suspect, close to the default position in mainstream social science, where theories are often judged on their ability to capture a wide variety of cases.[57] But I want to make a different claim: that the diversity does not

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[54] For Kuhn's teleological notion of the development of science, see Kuhn, *The Structure of Scientific Revolutions*, ch. 2. Elsewhere, he seems to view an interpretive view of social science very similar to the one adopted here, but I am unsure how, if at all, this hangs together with the earlier assertion about the achievement of mature, normal science. See Kuhn, "The Natural and the Human Sciences," in *The Interpretive Turn: Philosophy, Science, Culture*, ed. David Hiley, James Bohman, and Richard Shusterman (Ithaca, NY: Cornell University Press, 1991).

[55] For a history of the concept, see Jeffrey Olick, "'Collective Memory': A Memoir and Prospect," *Memory Studies* 1, no. 1 (2007), pp. 19-25.

[56] For this example, see Kuhn, *The Structure of Scientific Revolutions*, p. 13.

[57] See, e.g., Gary King, Robert Keohane, and Sidney Verba, *Designing Social Inquiry* (Princeton, NJ: Princeton University Press, 1994), p. 35.

suggest a hopefully temporary anarchic stage on the way to a mature, unified science of social memory, but rather that the diversity reflects something inescapable about the way collective memory works; that there are an irreducible variety of approaches to social memory because there are an irreducible variety of types of social memory.

This point is perhaps best made by contrasting the study of collective memory with the study of strictly individual memory, where generalizability might be both possible and desirable. In its most basic form, individual memory depends on biological or neurological factors that are presumably consistent between individuals, such that we can coherently seek a physical science of memory that characterizes basic structures of recollection common in the brains of all normally functioning humans (and perhaps many animals).[58] Disagreement about the neurological structure of individual memory might therefore reflect the relative immaturity of the field, and, as Kuhn emphasizes, the corresponding failure of a single theory to yet make sense of all the relevant facts. Because there is a single subject of inquiry, there is also, at least potentially, a single theory capable of adequately describing it.

Collective memory works differently. As I have argued throughout this chapter, collective memory is essentially *creative*: it involves the construction and maintenance of shared, external traces of the past—what we might call "memorial technologies," where "technology" is understood in the broadest possible sense, as something that either allows us to complete prior tasks in new ways, or to complete new tasks altogether.[59] Collective memory is, in other words, always memory mediated by technological tools. And,

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[58] For an excellent history of this approach, see Eric Kandel, *In Search of Memory: The Emergence of a New Science of Mind* (New York: W.W. Norton and Company, 2007), esp. pts. 2-4.

[59] For this definition, see Rudi Volti, *Society and Technological Change*, Sixth Edition (New York: Worth, 2009), p. 4.

moreover, because the ways in which it is mediated change over time as memorial technologies shift and evolve, it is probably impossible to give a definitive, once-and-for-all account of social memory. There is, on this view, disagreement about the nature of collective memory because there is no single essence of collective memory. As memorial technology changes, the structure and dynamics of collective memory also changes. Fred Adams and Ken Aizawa capture the issue well in another context:

> There are no laws covering humans and their tool use over and above the laws of intracranial human cognition and the laws of the physical tools… Consider… the range of tools humans use as mnemonic aids. There are photo albums, Rolodexes, computer databases, strings around the finger, address books, sets of business cards, bulletin boards, date books, personal information managing software, palmtop computers, hand drawn maps, and lists of "things to do." What are the chances of there being interesting regularities that cover humans interacting with all these sorts of tools? Slim to none, we speculate. There just isn't going to be a science covering the motley collection of "memory" processes found in human tool use.[60]

The outline of collective memory I've provided in this chapter, as an irreducibly social process of creation and mediation, is not a full-fledged or fully-explicit theory of the sort one might rightly expect to eventually come from neurological studies of individual memory. In the latter, it is at least in principle possible to discover the exact

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[60] Adams and Aizawa, "The Bounds of Cognition," p. 61.

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mechanisms behind the creation, storage, and retrieval of individual, neurologically encoded memories. Like all forms of recollection, collective memory shares this triadic structure. But there is an irreducible and near infinite variety of ways that the parts of this structure can work together to constitute collective memory: collective memories can be created in a wide variety of ways, from simple public speech to the erection of public monuments to the use of technological tools; they can persist in a wide variety of ways, from historical texts about what past persons said or did that are passed down through generations to material manifestations in shared physical or technological space; and future persons can retrieve memory from these resources in a still further variety of ways, including reading texts, visiting monuments, watching television, or engaging with technological tools yet to be invented. In addition, the process can sometimes become recursive, as when pictures of historical monuments are reproduced in history textbooks. I do not go into detail about the precise dynamics of this process, not because the study has not yet advanced to that level, but because the process is inherently creative, and so a generalized theory capable of fully explaining every possible instance is *in principle* impossible.

CHAPTER V

MEMORY AND NORMATIVITY

14. Framing the Question

The discussion so far has focused largely on conceptual questions about the nature

and structure of collective memory. In the remainder of the essay, I move from these

conceptual questions about what the practice of collective remembering entails to

normative ones about why and when, if at all, we should engage in this sort of practice.

These are complicated issues. To avoid unnecessary confusion, I begin in this

chapter by untangling some of the normative concepts that have already crept, often

without careful definition, into the discussion. I began in Chapter I by framing the essay

in terms of memory's *promise*, by which I meant something like its potential value—the

good it can do in the wake of historical injustice. But in addition to *value* and *goodness*, I

have also referred to possible *rights* to memory and to memorial *obligations.* What are

the relationships between these terms? What distinct concerns do they express, and why

might it make sense to begin with questions of value and goodness instead of rights and

obligations?

To begin making sense of all this, I want to first draw a distinction between

evaluative concepts, like value and goodness, which express normative judgments but are

not necessarily directly action-guiding, and *prescriptive* concepts, like rights and

obligations, which are meant both to express normative judgments and to guide behavior

in specific ways.[1] Given the distinction, my central animating claim in this chapter is that,

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[1] For this way of framing the distinction, see R.M. Hare, *The Language of Morals* (New York: Oxford University Press, 1952), § 11.1.

despite the relative dominance of prescriptive over evaluative language in post-Rawlsian political theory—that is, the tendency to speak of rights and obligations rather than values and goods—evaluations are logically prior to prescriptions, and so, before we worry about possible rights or obligations to memory, we should seek to understand memory's value and goodness.

I begin in the remainder of this section by defending this point, and by making some preliminary observations about the structure of political values. In § 15, I examine two common mistakes about memory's political value, deriving from the tendency among both scholars and practitioners to tacitly import judgments about its value in individual life or between intimates into discussions about its value in politics without properly adjustment or translation. I argue that, just as it is impossible to intuit the shape of collective memory from common understandings of its individual counterpart, it is impossible to directly determine the political value of memory based on its value in more personal or familiar contexts. And finally, in § 16, I move to an explication of the higher level prescriptive notions of rights and obligations to memory, focusing on the difficulty of translating judgments about memory's value into determinate prescriptions for action.

14.1. Beginning with Value

It may seem strange to begin with questions of memory's value, as, since at least Rawls, and probably much earlier, the vast majority of mainstream Anglophone political theory, especially liberal theory, has been largely focused on questions of rights and

obligations, to the near total exclusion of questions of value or goodness.[2] The probable

motivation behind this exclusion can be stated in three interrelated propositions. First, the

primary questions of political theory and philosophy involve how we ought to live

together. Different theorists put this in different ways—for Rawls, it is a question of how

we are to set up "fair terms of social cooperation,"[3] while for others as varied as Isaiah

Berlin and Robert Nozick, it is about why anyone should ever obey anyone else[4]—but, in

all cases, the issue is essentially about how to manage our common life. Second, and as

an apparent corollary, interpersonal issues involving the rights that individuals can hold

against the state or community, or the obligations that these rights entail, assume first

importance.[5] And third, as questions of rights and obligations assume the forefront, issues

of value and goodness become commensurately less central.

The decentralization of value is sometimes explicit. For instance, the political

"realism" mostly recently associated with Bernard Williams holds that finding a

minimally tolerable way to peacefully live together is so difficult that it effectively

exhausts the possible work of political theory, leaving no room for inquiry into value or

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[2] I take this point from Joel Kupperman, "Value Judgments," *Philosophy and Phenomenological Research* 42, no. 4 (1982), pp. 506-507. Gerald Gaus makes a similar one. See Gaus, *Value and Justification: The Foundations of Liberal Theory* (New York: Cambridge University Press, 1990), pp. 2-3.

[3] For this phrase, see John Rawls, "Justice as Fairness: Political Not Metaphysical," *Philosophy and Public Affairs* 14, no. 3 (1985), p. 232.

[4] Isiah Berlin, "Does Political Theory Still Exist?" in *The Proper Study of Mankind: An Anthology of Essays*, ed. Henry Hard (New York: Farrar, Straus and Giroux, 1996), p. 64; Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp. 4-6.

[5] Thus, for example, Will Kymlicka suggests that political theory is essentially about interpersonal responsibility: "We have moral obligations towards each other, some of which are matters of public responsibility, enforced through public institutions… Political philosophy focusses on those obligations which justify the use of public institutions." See Kymlicka, *Contemporary Political Philosophy: An Introduction*, Second Edition (New York: Oxford University Press, 2002), p. 5.

goodness at all.[6] On this view, to bring in questions of value is to treat political theory as "something like applied morality," when in reality it should be addressed to more practical, or more pressing, tasks.[7] Other times the decentralization is more implicit. Rawls, for example, suggests that, given the widespread moral disagreement that typifies most contemporary political societies, political theory cannot be based in any particular, potentially sectarian, conception of the good.[8] He also holds that his own conception of fair cooperation is "of course, a moral conception,"[9] but it is a moral conception worked out with respect to a very specific domain of human life—"the domain of the political"—rather than human life entirely.[10] And the domain of the political is seemingly for him the domain of rights and obligations, not values and goods.

If value really is central, where do these accounts go wrong? Or, to ask the question more generally: where is the error in the set of propositions I suggested a moment ago? The first proposition, about the fundamental questions of political theory, seems obviously correct. If politics is about the government of a common world, then the normative study of politics should surely focus on the interactions that constitute this world. But the second proposition, about this involving the priority of rights and obligations above value and goodness, seems to move too quickly. Even when we

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[6] Bernard Williams, "Realism and Moralism in Political Theory," in *In the Beginning was the Deed*, ed. Geoffrey Hawthorn (Princeton: Princeton University Press, 2005). Cf. Jean Hampton, "Should Political Philosophy Be Done without Metaphysics?" *Ethics* 99, no. 4 (1989), pp. 791-814.

[7] Williams, "Realism and Moralism in Political Theory," p. 2.

[8] John Rawls, "The Priority of the Right and Ideas of the Good," *Philosophy and Public Affairs* 17, no. 4 (1988), pp. 251-276.

[9] Rawls, "Justice as Fairness: Political Not Metaphysical," p. 224.

[10] John Rawls, "The Domain of the Political and Overlapping Consensus," *New York University Law Review* 64, no. 2 (1989), pp. 233-255.

explicitly eschew questions of value, they often seem to persist, unacknowledged, in the background. Let me illustrate.

Realist theories constitute what should be a difficult case for my view. Williams suggests that, before delving into "political moralism" we must answer the "first political question" of how to secure "order, protection, safety, trust, and the conditions of cooperation."[11] Others have made similar suggestions: that, before worrying about morality, we should find a way of achieving peace,[12] or avoiding cruelty.[13] Yet, although these goals are framed as somehow being pre- or non-moral, they can just as easily be understood as very basic moral goods or values, which must be provided before other more substantive or controversial goods can be pursued. If, as I argue below, what is good or valuable is what makes our lives go better, then order, protection, safety, trust, cooperation, peace, and the avoidance of cruelty would seem to be paradigmatic instances of value. To be sure, thee values are rudimentary—it would be strange to claim that *all* one needs for a good life is, say, the avoidance of cruelty—but that does not obviously preclude them from being values.

From this perspective, there are deep propositions about the nature and structure of human values tacitly embedded in purportedly non-moral, "realist" theories of politics.[14] The idea behind political realism is, then, not so much that our politics must somehow be non-moral or unconcerned with human values, but rather that the attainment

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[11] Williams, "Realism and Moralism in Political Theory," p. 3.

[12] John Gray, *Two Faces of Liberalism* (New York: New Press, 2000).

[13] Judith Shklar, "Putting Cruelty First," in *Ordinary Vices* (Cambridge, MA: Harvard University Press, 1985). Cf. Jacob Levy, *The Multiculturalism of Fear* (New York: Oxford University Press, 2000).

[14] Alex Bavister-Gould, "Bernard Williams: Political Realism and the Limits of Legitimacy," *European Journal of Philosophy* 21, no. 4 (2013), pp. 593-610.

of some basic human values is so difficult that it effectively precludes political concern with less basic goods. The doctrine is therefore not so much non-moral as it is non-utopian—concerned with doing the best we can in a world that does not permit perfection.

The issue is simpler with Rawls.[15] Although he is primarily concerned with rights and obligations, he conceptualizes rights as rights *to* various "primary goods"—universal means, such as liberties, opportunities, power, income, wealth, and, interestingly, self-respect, that are supposed to allow citizens to live valuable lives regardless of the particular values they would like to pursue.[16] As with political realism, his analysis of value thus seeks to confine itself to what we might think of as second-order values—things that are *instrumentally* valuable because they allow us to pursue our own goods—but it does nonetheless make certain assumptions about the nature of human values. The decision to work out his theory with respect to this set of primary goods, and not some other, can ultimately only be justified if this set of values has a special place in human life. This sort of assumption is probably necessary for any rights- or obligation-based theory. Rights are only important insofar as they are rights to things that we value, and obligations are only worth observing if they protect things valuable enough to protect.

If all of this is right, and value inquiry really is inescapable, then the largely exclusive focus of contemporary political theory on basic "realist" goals or on rights and obligations obscures the underlying value assumptions necessary for these theories to be fully intelligible.[17] This is a general problem, but it is particularly acute for the present

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[15] For an account similar to the one I am about to give, see Kupperman, "Value Judgments," pp. 506-507.

[16] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), § 15, p 92.

[17] For this criticism, aimed mainly at the second sort of theory, see Gaus, *Value and Justification*, pp. 2-3.

inquiry. As I argued in § 4.1, whereas many contemporary theorists seek to work out political principles based on very limited sets of social goods, an experiential understanding of political morality must come to grips with the wide variety of social and political goods vital to life as it is actually lived.[18] It may be that this variety actually can be reduced to a few master goods, such as peace and security, but this is something that must be ascertained by examining how various social goods actually fit together in ordinary life. Correspondingly, at least initially, we cannot assume the existence or identity of basic "realist" goals that are prior to all other values, and rights cannot be worked out strictly with respect to a presumed, idealized set of primary good. Instead, we must begin with value inquiry capable of grappling with the messy bundle of goods enmeshed in ordinary life.

This is especially important with memory, which does not generally rank highly on scholars' lists of things necessary for achieving stable terms of political cooperation or living a good life.[19] Although policymakers involved in contemporary debates about memory sometimes do refer to it as a right,[20] its status as a desirable good cannot be taken for granted. While the value of opportunities, wealth, or peace may be so obvious as to require only cursory justification, establishing the value of memory requires an

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[18] I take this point primary from Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983). However, it is not uniquely Walzer's. It is also common, for instance, to "capabilities" theorists, who suggest that determining what counts as a social good requires understanding how these goods actually fit into the lives of those who interact with them. For an early statement of this view, particularly aimed at over-simplified lists of social goods, see Amartya Sen, "Equality of What?" in *The Tanner Lectures on Human Values*, Vol. 1, ed. Sterling McMurrin (New York: Cambridge University Press, 1980). For a general introduction, see Martha Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge, MA: Harvard University Press, 2011).

[19] Indeed, it is not listed in any of the works listed in the previous footnote.

[20] See, e.g., Nathan Schneider, "The Right to Truth: An Interview with Eduardo Gonzalez," *The Immanent Frame: Secularism, Religion, and the Public Sphere* (New York: Social Science Research Council, 2010). http://blogs.ssrc.org/tif/2010/04/19/the-right-to-truth/

argument. If, as I believe, it is a vital political good, this can only be established by basic inquiry that starts beneath common claims about higher level moral concepts.

14.2. Valuing and Valuableness

How, then, should we understand value, and how can we recognize it when we see it? In ordinary language, to say that something has value is often just to say that it is worthy of praise or acclaim. I have so far been using the term in something like this sense. To inquire into memory's value is, then, to inquire into the extent to which we should commend it, or the extent to which we should think of it positively.

Notice that I said the inquiry is about the extent to which we *should* value memory. The question is inescapably normative. Questions about the extent to which we *do* value memory, or about what we value more generally, are essentially empirical. One could answer them with a survey or behavioral analysis. But questions about what is *really* valuable are not about what we praise, but about what we *should* praise. Approaching value exclusively in terms of empirical descriptions of what people value risks committing us to a variety of emotivism, wherein we understand would-be normative statements simply as expressions of strictly personal attitudes.[21] "Memory is valuable" reduces to "I value memory," and there is nothing further to be said on the matter.

This sort of emotivism poses a challenge to all moral theory, but is especially problematic for the present inquiry. If we approach the value of memory phenomenologically—that is, if we are primarily concerned with accurately capturing

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[21] The classic statement (and defense) of this view is A.J. Ayer, *Language, Truth, and Logic* (New York: Dover, 1952), ch. 6.

how memory functions in the lives of those touched by it—and we understand value propositions about memory as expressions of irreducibly basic attitudes, then the inquiry can do nothing more than report on those attitudes, and thus becomes incorrigible, incapable of any critical distance.[22]

To escape this problem, we must distinguish between the simple expression of commendation associated with valuing something, and the more complicated set of judgments involved in suggesting that it's valuable in the sense of being *worthy* of commendation. Borrowing from Gaus, we can frame the distinction as between "valuing" as a verb, and "valuableness" as an adjective.[23] To value something in the first sense is to have a "complex of positive attitudes towards it."[24] But having this complex of positive attitudes does not directly commit one to holding that the thing is valuable, because we can sometimes have positive attitudes towards things that, on reflection, we take to be mistaken. To judge something to be *valuable* is thus not just to feel positively towards it—that is, to value it in the descriptive sense—but also to hold that it is somehow proper or correct to value it—that is, to hold it to be valuable in the normative sense.[25]

Judgments of value in the narrower normative sense do not just rest on basic attitudes, but must instead rest on the provision of justifications that establish the propriety of those attitudes.[26] Following T.M. Scanlon, I want to conceptualize these

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[22] Cf. § 4.2, above.

[23] Gaus, *Value and Justification*, pp. 2-3.

[24] Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, MA: Harvard University Press, 1995), p. 2.

[25] Ibid, pp. 2-3.

[26] The notion of justification is central in much contemporary liberalism. For an overview, see Gerald Gaus, *Justificatory Liberalism: An Essay of Epistemology and Political Theory* (New York: Oxford University

justifications in terms of normatively basic reasons that count in favor of valuing something in a particular way.[27] The question of what reasons we have for valuing memory will largely occupy the rest of the essay, but, in the meantime, for the purpose of illustration, consider a few perhaps more familiar examples. We might, to borrow Scanlon's example, value friendship based on the pleasure of "reciprocated affection,"[28] or similarly value community based on the feeling of belonging it provides.[29] Politically, one might value freedom because it allows us to follow our own, perhaps idiosyncratic, plans for life,[30] or value democratic participation because it allows the exercise of this capacity in what is sometimes taken to be natural human condition of sociality.[31]

The reasons behind certain judgments of value are sometimes so obvious, or so thoroughly embedded in our forms of life, that they are not often explicitly stated. But it is critical that such reasons exist and *can* be stated. This is in part because of the problem of incorrigibility I mentioned a moment ago. If judgments of value are always in principle contingent on the provision of prior reasons, then value inquiry does not have to stop with the examination of actually existing conclusions about value. Instead, by

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Press, 1996), p. 3. However, justification is not *just* a liberal value. Rather, it seems foundational to any theory in which normative principles are not taken to be self-evident.

[27] T.M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998), p. 95.

[28] Ibid, p. 88.

[29] This is among the central tenets of recent "communitarian" analyses of politics. For an expansive recent treatment, see Andrew Mason, *Community, Solidarity and Belonging: Levels of Community and Their Normative Significance* (New York: Cambridge University Press, 2000).

[30] This is, I take it, something close to the classic liberal justification for liberty, stretching (at least) from Mill to Rawls. See Mill, "On Liberty," in *On Liberty and Other Essays*, ed. John Gray (New York: Oxford University Press, 2008), ch. 3; and Rawls, *A Theory of Justice*, § 3, p. 14

[31] This is Aristotle's view and, more recently, Hannah Arendt's. See Aristotle, *The Politics*, tr. Ernest Baker (New York: Oxford University Press, 1998), 1253a; and Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1998), p. 27.

engaging the reasons marshalled to justify those conclusions, value inquiry can obtain the critical distance necessary to question them, or to identify value in previously unrecognized locations.

14.3. Reasons and Justification

I have been arguing that value judgments are not primitive or irreducibly basic, but are instead the outcomes of background processes of reasoning. In this section, I would like to say more about the contours of these processes, so as to provide parameters for the substantive discussion of memory's value to follow.

The basic process of giving reasons in favor of a conclusion is presumably intuitively familiar. It is one we undertake whenever we answer the question "why," or try to convince ourselves, or someone else, that something is true or that an action is the right thing to do. To advance our cause, we provide reasons that "count in favor" of whatever we're arguing for.[32]

Reasons are sometimes offered as *explanations*, and sometimes as *justifications*.[33] Explanatory reasons might, for example, be given response to the question "why *do* we remember Vietnam?" which seeks only something like a causal, empirical account of why the war looms large in American memory. Here, no justification is required, as it is perfectly plausible to explain the existence of something one does not think should, in the normative sense, exist. In contrast, the question "why *should* we remember Vietnam?"

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[32] Scanlon, *What We Owe to Each Other*, pp. 17-18.

[33] Kurt Baier, *The Moral Point of View* (Ithaca: Cornell University Press, 1958), ch. 6. Baier distinguishes between reasons in the explanatory, justificatory, and deliberative senses. However, deliberative reasons seem to me to be just potential justificatory reasons offered to an uncertain audience, and so I focus exclusively on the first two categories.

requires normative reasons that speak to the war's proper, rather than actual, place in American memory.

Of primary interest here are normative reasons that can justify conclusions about value. These sorts of reason are necessary because value is not a basic property that we can see in the same way that we can directly perceive physical properties.[34] Rather, value judgments are conclusions that we can only ascertain based on a process of reasoning about a thing's properties.[35] I might, for example, value a family photo album for the recollections of departed relatives it facilitates, or for the sense of life's continuity that it provides[36] The album does not have inherent or immediately perceptible value in the same way that it might have, say, an immediately perceptible color or smell. Instead, the value I "see" in it derives from the things about it that I can perceive—perhaps the color and smell, but more probably the people and places I recognize in its pictures—providing me with reasons to value it. [37]

Here one may wonder how, if value really isn't a basic property, we could ever correctly ascertain which actual properties ought to count as reasons in favor of valuing something. How can I possibly know that the fact that the photo album depicts my family history and heritage should count as a reason in favor of a positive evaluation? I suspect that the basic answer in this context is that something's value for me emerges from how it fits into my life, needs, projects, or purposes. The album is valuable for me because its

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[34] The most famous statement of the view that value *is* a basic is G.E. Moore, *Principia Ethica*, Revised Edition (New York: Cambridge University Press, 1993), ch. 1, § 10.

[35] Scanlon, *What We Owe to Each Other*, pp. 95-96

[36] I take the example of the photo album, though not my analysis of it, from W. James Booth, *Communities of Memory: On Witness, Identity, and Justice* (Ithaca, NY: Cornell University Press, 2006), p. 15.

[37] Scanlon, *What We Owe to Each Other*, p. 97.

otherwise inert images facilitate in me certain recollections, and certain feelings—a feeling of connection to the world, and to my own history—which, given facts about who I am, enrich my life in desirable ways.

In this sense, value is, to borrow a phrase from Christine Korsgaard, *relational*, in that it is tethered to specific entities.[38] Things can only be valuable because there are creatures for whom they can be valuable—whose needs they might meet, whose lives they might improve, or whose projects and purposes they might support.[39] The album is only valuable because I, and others like me, exist and are capable of valuing it. If I and all other possible possessors of value were to disappear, then there would be no one for whom things could be valuable, no one whose lives they could make better, and correspondingly there could be no value at all.

Ultimately, both Scanlon and Korsgaard suggest that things become valuable for us because they have properties or characteristics that make them "fitting," "appropriate," or "welcome" in our lives, given facts about who we are.[40] The fact that the album depicts my family counts as a reason in favor of me valuing it because, given facts about me, those depictions evoke certain memories that in turn elicit desirable feelings. This sort of account does not provide us with a unified theory of reasons or value, because, as Scanlon emphasizes, things can be welcome in our lives, and thus provide us with reasons for positive evaluation, in a wide variety of ways.[41] I might value the photo

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[38] Christine Korsgaard, "On the Relational Nature of the Good," in *Oxford Studies in Metaethics*, Vol. 8, ed. Russ Shafer-Landau (New York: Oxford University Press, 2013).

[39] Ibid, p. 13.

[40] Scanlon, *What We Owe to Each Other*, pp. 98-99; and Korsgaard, "On the Relational Nature of the Good," p. 4.

[41] Scanlon, *What We Owe to Each Other*, p. 98.

album for providing a sense of continuity, but simultaneously value, say, certain works of art or literature precisely because they are challenging—that is, they constitute a jarring discontinuity with my past experiences. Yet both are welcome, and thus both are valuable.

This all has two important implications. First, because reasons for value judgments always count relative to a specific audience, justifications of value can count on a wide variety of levels. Justifications of value are therefore not automatically justifications of *political* value. To return to the photo album, the reasons I have for valuing it count for me, based on particular facts about who I am: my relationships with the people and situations it depicts. But valuing the album in this way does not commit me to asserting its more general value for my entire political community. It would be a mistake, a sort of category error, to assert that just because I value the album it should be similarly valued by others, who may not have a similarly intimate relationship with its contents.

To say that something is valuable in a wider social or political sense requires that the reasons I give for valuing it be of a special type, which ought to hold not just for myself, but for others as well.[42] The photo album is valuable to me because it preserves *my* family heritage. Establishing the album's more general value would require different reasons. It might, for example, be that my family has been somehow historically significant to the political community, such that *my* family history is in some sense also *our* social history, and that the photo album is correspondingly more generally valuable

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[42] Ibid, p. 95.

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because it does not just preserve my history but, in a sense, all of ours. But this extension is in no way automatic.

Second, because things can fit into our lives—individual or collective—in a variety of ways, judgments of value cannot be reliably deduced from prior, singular background criteria of evaluation. It is not just that the world contains an irreducible variety of values, but that it contains an irreducible variety of reasons for judging things to be valuable, which cannot be captured in a single determinate measure.[43] Indeed, because human life can always be remade in new and unexpected shapes, new ways in which life can be enriched or given direction and purpose, and thus new values and new ways in which things can be valuable, are always possible.[44]

This provides further justification for the experiential approach taken throughout this essay. If value is always tethered to the experiences and worlds of creatures for whom things can be valuable, then understanding value means looking carefully into the shape of those experiences and worlds.

15. Memory in Personal Life and Intimate Associations

Justifying judgments about memory's value requires us to give reasons that show how it fits into the lives and projects of those for whom it is valuable, and justifying its political value requires the provision of special reasons, which hold for the political community as a whole. This formulation is admittedly simple, but it provides us with grounds to reject two commonly invoked, perhaps the two *most* commonly invoked,

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[43] I take this point from Charles Taylor, "Understanding and Ethnocentricity," in *Philosophical Papers*, Vol. 2, *Philosophy and the Human Sciences* (New York: Cambridge University Press, 1985).

[44] Joseph Raz, "The Practice of Value," in *The Practice of Value*, ed. R. Jay Wallace (New York: Oxford University Press, 2005).

rhetorical justifications for memory's political value. One begins with language that evokes the place and value of memory within individual life, then implicitly extrapolates from it the value of memory in the life of a nation, which is framed as something akin to an individual. The other uses the language of intimate relations—between friends or partners, or within families—to refer to relations between citizens, then draws on common intuitions about the value of memory in intimate relationships to justify similar conclusions about its value among citizens. Both justifications fail at the outset, because they frame or address their would-be audience—that is, members of the political community—in unrealistic or inappropriate ways, borrowed from analyses of memory in other, more familiar domains.

We should pause to unpack these claims in part because their presumptions—about the nature of the state, relations between citizens, and the constitutive role of memory in both—are widespread in both political and scholarly discussions of memory, and understanding where they go wrong helps to frame the boundaries of a positive account of memory's political value. But understanding the claims is also important for a more directly positive reason. Although neither account is sufficient to establish the *political* value of memory, both profitably elucidate widespread understandings of memory's value in other contexts. This is important because understanding memory's personal and intimate value is critical for understanding the constellation of harms done when states attempt to manipulate how difficult histories are remembered, and thus how individuals are able to remember their personal pasts, and how intimates are able to remember and commemorate their shared pasts. And this, in turn, is critical for understanding how political communities can and should respond to these types of

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manipulation—what, if any, compensation can be offered, and what lasting legacies might remain ineradicably embedded in political experience.

15.1. Memory and the Self

The first problem arises when commentators frame the political community as something akin to an individual agent, with a singular identity, history, and set of memories. For example, Jürgen Habermas analyzes the role of political memory in post-war Germany's "ethical-political process of *self*-understanding,"[45] while Desmond Tutu borrows language from individual psychology to frame South Africa's troubled relationship with history after Apartheid as a "national amnesia."[46] Others have taken up the language of Freudian psychoanalysis, speaking of "repressed" political memories that must be "worked through" if the state or nation is to return to normal mental health.[47]

These invocations are so rhetorically powerful because, in tacitly making analogies between the state and the self, they draw on common intuitions about the significance of memory in individual life, and extend those intuitions to the significance of memory in political life. Surely it is good to come to grips with one's personal past, to not deny or forget difficult incidents in one's personal history, or to work through past traumas that may otherwise exert negative influence on one's life and mental health. If the state is like the individual, then remembering the political past has, in each instance, a value correlative to the value it has in the individual case. But the analogy is misleading.

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[45] Jürgen Habermas, "On the Public Use of History," in *The Postnational Constellation: Political Essays*, tr. Max Pensky (Cambridge, MA: The MIT Press, 2001). Emphasis added.

[46] Desmond Tutu, *No Future without Forgiveness* (New York: Image, 2000), p. 29.

[47] Thomas McCarthy, "Vergangenheitsbewältigung in the USA: On the Politics of the Memory of Slavery," *Political Theory* 30, no. 5 (2002), p. 626.

To appreciate this, we should examine the individual case more closely, so as to explain both the intuition about memory's value in individual life, and why this intuition cannot be easily applied to collective or political life.

At base, the significance of memory for self-understanding and the importance of overcoming amnesia or repression for individual wellbeing both derive from memory's role in coping with human temporality. The basic idea is that individual memory is important in large measure because it is uniquely capable of facilitating a unified sense of self over time. There are, though, multiple ways of making this point. Let me examine a few.

One of the earliest widely-cited statements comes from Augustine. On his account, the human experience of time—that we are, as he has it, "pulled apart" by the inescapable passage of the present into the past—creates a world of "distension,"[48] where life is "fraught with disunity."[49] The search for a stable or solid life and identity over time thus requires that life be pushed back together. For Augustine, the obvious solution is to bring together the would-be many selves scattered across time by unifying them in memory, which preserves the bygone past and thus facilitates temporal unification.[50]

Augustine's account has been influential in twentieth century philosophy, especially in phenomenology.[51] However, the account's theological overtones—in

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[48] Augustine, *Confessions*, tr. Henry Chadwick (New York: Oxford University Press, 1991), Bk. XI Ch. 29 (Par. 39).

[49] Paula Fredriksen, "Augustine on God and Memory," in *Obliged by Memory: Literature, Religion, Ethics*, ed. Steven Katz and Alan Rosen (Syracuse, NY: Syracuse University Press, 2006), p. 136.

[50] Augustine, *Confessions*, Bk. XI Ch. 30 (Par. 40).

[51] See, e.g., Martin Heidegger, "Augustine and Neo-Platonism," in *The Phenomenology of Religious Life*, tr. Matthias Fritsch and Jennifer Anna Gosetti-Ferencei (Bloomington, IN: Indiana University Press, 2010) and Edmund Husserl, *The Phenomenology of Internal Time-Consciousness*, tr. James Churchill (Bloomington, IN: Indiana University Press, 1964), esp. p. 37.

particular, the idea of human life being "pulled apart," which suggests an original, non-temporal unity—have limited its appeal, and many contemporary philosophical discussions of memory and identity begin not with Augustine but with Locke, although their theories are, apart from a few framing assumptions, remarkably similar.[52] For Locke, as for Augustine, the consciousness of past experience is the only way we can conclusively establish personal identity over time.[53] To put the matter more analytically, I retain my identity from an earlier time (t_1) at a later time (t_2) if and only if I remember t_1 at t_2.[54] If I were to forget t_1, I would cease to be the same person that I was then.[55]

Locke's account makes memory a necessary condition for the persistence of personal identity.[56] And this, if true, would help to explain the intuitive value of memory in individual life: from this perspective, memory is existentially significant because, without it, the self—or, perhaps, the state—would simply cease to be. However, later critics have suggested that Locke's strict formation of the requirement has two implausible implications. First, it requires that, to remain the same person, I must, at

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[52] For the contemporary relevance of Locke, see John Perry, "The Problem of Personal Identity," in *Personal Identity*, ed. John Perry (Berkeley: University of California Press, 1975), p. 12.

[53] John Locke, *Essay Concerning Human Understanding*, ed. Peter Nidditch (New York: Oxford University Press, 1975), bk. II ch. 27 pars. 13-14.

[54] Cf. John Perry, "Personal Identity, Memory, and the Problem of Circularity," in *Personal Identity*, p. 135.

[55] Locke, *Essay Concerning Human Understanding*, bk. II ch. 27 par. 14.

[56] I leave aside the question of whether memory is a *sufficient* condition for the persistence of personal identity, except to say that this seems doubtful. For memory to be sufficient, we would have to know with certainty that memories could not be transferred between persons. Otherwise, I might remember t_1 at t_2 but nonetheless not be the person whose experience of t_1 is being remembered. But establishing this sort of non-transferability would necessarily draw on a *prior* theory of identity persistence, which could not itself draw on memory without becoming circular. Memory thus cannot be enough. See Sydney Shoemaker, "Personal Identity and Memory," in *Personal Identity*, p. 120.

every instant in my life, be able to remember everything that has ever happened to me.[57]

Second, and as a corollary, it suggests that forgetting can disunite the self in paradoxical ways. Consider Thomas Reid's famous example of the "brave officer":

> Suppose a brave officer to have been flogged when a boy at school for robbing an orchard, to have taken a standard [flag] from the enemy in his first campaign, and to have been made a general in advanced life; suppose, also, which must be admitted to be possible, that, when he took the standard, he was conscious of his having been flogged at school, and that, when he made a general, he was conscious of taking the standard, but had absolutely lost the consciousness of his flogging.[58]

For the sake of clarity, we can call the flogging t_1, the officer taking the standard t_2, and the officer becoming a general t_3. If we accept Locke's formulation, the officer is the same person at t_1 and t_2, because he remembered the flogging when he took the flag, and at t_2 and t_3, because he remembered taking the flag when he became a general. But, because he had forgotten the flogging when he became an officer, he is *not* the same person at t_1 at t_3. This is troubling because we intuitively think that identity over time is transitive: if the officer was the same person at t_1 and t_2, and was the same person at t_2 and t_3, then it seems obvious that he was the same person at t_1 and t_3.[59] But Locke's

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[57] Perry, "The Problem of Personal Identity," p. 15.

[58] Thomas Reid, "Of Mr. Locke's Account of Our Personal Identity," in *Personal Identity*, p. 114.

[59] René van Woudenberg, "Reid on Memory and the Identity of Persons," in *The Cambridge Companion to Thomas Reid*, ed. Terence Cuneo and René van Woudenberg (New York: Cambridge University Press, 2004), p. 215.

theory seems to deny this, and thus results in the impossible conclusion that the officer and the boy being flogged are simultaneously identical and non-identical.[60]

To overcome this problem, later theorists have loosened Locke's requirements in a way that allows for transitivity. H.P. Grice's formulation is probably the most influential. He begins by introducing the term "total temporal state," or t.t.s., which he takes to mean "all the experiences any one person is having at any given time."[61] This stands in for the older concepts of experience of consciousness. Given the new vocabulary, Grice suggests that "in a series of total temporary states belonging to one person, every t.t.s. which is a member of that series will contain as an element a memory of some experience which is an element in the temporally preceding member of the series."[62]

Grice's account avoids Locke's transitivity problem, and provides a similarly intuitive explanation of how memory unifies our lives. As time passes and new experiences accrue, old memories fade, and perhaps disappear, but there remains a continuous mnemonic line, stretching from the present to the waning past. And it is the existence of this line, rather than the ability to, at any moment, recall every point along it, that establishes the temporal continuity of life. Concerns about amnesia or repression are, then, concerns about artificial gaps in the mnemonic line that otherwise unifies that lives of individuals (and, if the analogy is to be believed, states).

But even this weakened Lockeanism may nonetheless still to require too much. Consider Williams' example of an amnesia strong enough to wipe out all traces of one's

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[60] Reid, "Of Mr. Locke's Account of Our Personal Identity," pp. 114-115.

[61] H.P. Grice, "Personal Identity," in *Personal Identity*, p. 86.

[62] Ibid.

personal past.[63] Although we may colloquially say "the amnesia made her a different person," the whole grammar of the statement suggests a certain persistence of self—that there remains a persistent "her" that has been affected by the amnesia—even if significant elements of that self have been lost.

One possible response to this and similar problems is that, although there may be some thin film of a self that survives this sort of amnesia, the amnesia destroys what matters to us about the self—that is, the part of the self that is capable of continued relationships, projects, and moral responsibility.[64] The human experience of being in the world is inescapably temporal: our ability to act and commit to ongoing projects follows from our ability to maintain a single sense of agency from the remembered past to the "projected" future; our connections with others are established in part by shared pasts; and assigning or taking responsibility requires coming to terms with a past that can only exist in memory.[65] Memory is thus a necessary condition for what Korsgaard calls *practical* identity[66]—the identity that reflects the specifically human capabilities that make us selves, rather than strictly physical objects in the natural world—regardless of its relationship to identity in a thinner or more formal sense.

Continuous individual memory of the sort that Grice describes is therefore a necessary condition for our ability to act as social or moral agents. The processes of

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[63] Bernard Williams, "The Self and the Future," in *Problems of the Self* (New York: Cambridge University Press, 1973). For an illuminating discussion of Williams' argument, see Derek Parfit, *Reasons and Persons* (New York: Oxford University Press, 1984), §§ 83-84.

[64] Charles Taylor, *Sources of the Self: The Making of Modern Identity* (Cambridge, MA: Harvard University Press, 1989), pp. 47-52.

[65] Ibid.

[66] Christine Korsgaard, *Self-Constitution: Agency, Identity, and Integrity* (New York: Oxford University Press, 2009).

individual self-understanding and coming to grips with forgotten history invoked by Habermas, Tutu, and others may therefore be necessary for the maintenance of characteristically human capabilities, even if they are not necessary for the persistence of identity in the more formal sense.

But what does all this mean for *political* memory? As I have already suggested, understanding the value of memory within individual life may be important for understanding the harm done when states or other actors preclude the normal functioning of individual memory. Yet the claim that Habermas, Tutu, and others tacitly make when using the language of personal identity to describe the state is more direct. For them, states should remember their pasts for the same reasons that individuals should remember theirs.

The trouble with this claim is that, whereas our notions of what matters about being a self are closely tied to practical forms of identity that require mnemonic continuity, it is an open question whether states matter to us in this way at all, and, if they do, whether what matters to us about them requires anything similar. First, the connection between memory and selfhood makes memory valuable to us only because we tend to think of being a self as a matter of supreme importance. Indeed, selfhood seems to be of primary importance as a necessary precursor to our enjoyment of anything else: *I* can only have a good life insofar as *I* exist to have it. In contrast, it is perfectly conceivable to think of a world that does not contain states but nonetheless contains many familiar values.[67]

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[67] This claim is, of course, central in anarchism, and in certain state of nature arguments. See Nozick, *Anarchy, State, and Utopia*, pp. 4-6.

Second, even if we do value states in a way analogous to how we value selves, it is unclear that statehood has the same mnemonic requirements. We tend to think of persons as unified agents over time. Many of the values that enrich human life require this sort of continuity. But states do not have the same sort of automatic or organic unity. Consider, for instance, of the intuitive objection many have to being bound by the decisions and debts of past citizens: Thomas Paine captured the sentiment well when he asserted that "every age and generation must be as free to act for itself, in all cases, as the ages and generations which preceded it," while Thomas Jefferson similarly suggested that "one generation is to another as one independent nation to another."[68] I do not mean to suggest that these objections are necessarily correct, but rather that they are conceivable in a way that similar objections to a person being bound by their own past actions are not.[69] Persons and nations are simply different sorts of things, which relate to their pasts in different ways. Judgments about the value of memory to one therefore cannot be applied to the other without significant modification.

15.2. Memory Among Intimates

The analogy between political and individual memory assumes an unrealistic degree of coherence between the natures of selves and states. Something similar is true, in a different way, with the similarly common analogy between the roles of memory in

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[68] Both quoted in Janna Thompson, *Intergenerational Justice: Rights and Responsibilities in an Intergenerational Polity* (New York: Routledge, 2009), p. 6.

[69] There is *some* controversy about the extent to which our personal pasts should matter to our personal futures. Galen Strawson suggests, for example, that, for people with "episodic" personalities, memory is not necessarily a constitutive element of the good life. See Strawson, "Against Narrativity," *Ratio* 17, no. 4 (2004), pp. 428-452. But he does not—and, given widely shared notions of responsibility, *cannot*—assert that people with episodic personalities should not be socially or politically bound by past actions or commitments.

intimate and political associations. Recall the tendency, first noted in § 2.2, of political actors and commentators to assume the language of intimate association in the aftermath of national tragedy. After a 2012 fatal shooting of twenty-six people in Newton, Connecticut, Barack Obama made the case in starkly explicit language: "these neighborhoods are our neighborhoods, and these children are our children."[70] More often, the analogy is implicit. We speak, for instance, of national mourning, applying the language of intimate grief to the deaths of sometimes distant fellow citizens, with whom we often have no personal connection. The language came to prominence in official and civic discourse in the United States in the "days of mourning" in the wake of September 11,[71] but has been common in Europe and the United States throughout the 20th Century since at least World War I.[72]

As with the language of personal memory, when political actors use the language of intimate grief, they borrow common intuitions about the value of memory in one domain of life and apply them to another. It is a powerful move because, in intimate relations—say, between friends, partners, or within families—memory plays a vital and relatively basic role. Memory in these relationships is so constitutively significant as to seem almost automatic: remembering the past one shares with an intimate, and especially remembering a "dearly departed" intimate that has passed, is simply something we do, which seems to follow automatically from the relationship itself; asking for reasons why

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[70] "Statement by the President on the School Shooting in Newtown, CT," *The White House, Office of the Press Secretary*, December 14, 2012. http://www.whitehouse.gov/the-press-office/2012/12/14/statement-president-school-shooting-newtown-ct

[71] For an excellent overview, see Christina Simko, *The Politics of Consolation: Memory and the Meaning of September 11* (New York: Oxford University Press, 2015), ch. 4.

[72] Jay Winter, *Sites of Memory, Sites of Mourning: The Great War in European Cultural History* (New York: Cambridge University Press, 1995).

we should remember in this case may seem almost distasteful.[73] If political memory is sometimes just an extension of this sort of intimate memory, then the charge to remember departed fellow citizens may seem similarly basic.

Again as before, understanding why this analogy breaks down requires understanding the value of memory in its proper, non-political context. Why, then, do we value the memory of departed intimates? The possible distaste we might feel when asked why we should remember a loved one is, I think, a reflection of the fact that the value of memory in this case is largely non-instrumental. We do not, or at least do not *just*, remember departed loved ones because we think it will help us to obtain some further good.[74] Applying consequentialist or teleological logic to this sort of case seems to miss the point. But not all values are teleological. Instead, the value of memory here seems largely *expressive*.[75] Intimate memories express continued honor, respect, or love, and the continued significance of the one being remembered to the life and world of the one remembering.[76] These continued feelings and their continued expression are inherent in—perhaps entailed by—our conceptions of what it means to be a good friend, child, parent, partner, or other close relation. To have an intimate relationship that can be easily forgotten is thus, in a strong sense, to have no relationship at all.

The value of memory in these cases is therefore enmeshed within the value of intimate relationships. If we value close connections, then we must value memory. It

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[73] Jeffrey Blustein, *The Moral Demands of Memory* (New York: Cambridge University Press, 2008), pp. 35-36.

[74] Ibid, p. 36.

[75] On the idea of expressive value, see Anderson, *Value in Ethics and Economics*, ch. 2.

[76] Avisha Margalit, *The Ethics of Memory* (Cambridge, MA: Harvard University Press, 2002), pp. 269-291.

enriches our lives and provides them with value because these relationships enrich our lives. Indeed, they are, for many, constitutive components of a life worth living.

But again we must ask: what does this mean for *political* memory? As before, the recognition of memory's vital value in intimate relationships *does* help us to understand some of the harm done when governments or others tamper with the ability to preserve memory with and of intimates. Because intimacy is expressed and sustained in shared memory, the attacks on memory that often accompany war and atrocity threaten our ability to sustain close connections with each other. This has important connotations for how we should respond to these sorts of attacks.[77] But the recognition of memory's value in intimate associations does not directly entail any positive conclusions about memory's political value, because co-citizens are not intimates. Even in relatively small political societies, the vast majority of citizens will necessarily remain strangers. As Benedict Anderson has it, "members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them."[78] And, even given the inclination, there are far too many citizens for the society to maintain even cursory memories of all present and former members.

Relationships between members therefore cannot be modeled on thick relationships between intimates or even acquaintances. Rather, apart from shared vertical relationships to the encompassing political unit, most co-citizens are, by necessity, something like strangers. The political value of collective memory must correspondingly be comprehensible within what Anthony Appiah calls, in another context, "a world of

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[77] See Chapter VIII.

[78] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Revised Edition (New York: Verso, 1991), p. 6.

strangers"[79]—a world of persons and groups who share common membership in, or at least the common settlement of, a particular political community, but whose lives may not intertwine beyond this.

16. From Evaluation to Prescription?

Before I move on to a substantive analysis of memory's value, I should pause one final time to finish explicating the other normative concepts that have already crept into the discussion, because, before we can properly frame our inquiry into memory's value or understand what is at stake in it, we must first understanding how judgments of value relate to other normative concepts. I have been discussing memory's *value* or *goodness*. These concepts are, at base, primarily evaluative: they make claims about what is desirable or appropriate in our lives and world. But how do these evaluations relate to possible prescriptive assertions that we *should* remember—that memory an obligation we must uphold, or a right we must respect?

There is an intuitively close connection between evaluation and prescription. Yet I want to suggest that there are at least three good reasons for keeping the sets of concepts separate. First, and most importantly, not all possible values can be realized in the same human life, social sphere, or political community.[80] And so we must sometimes choose between equally valid ends, relinquishing some in favor of others. For example, as I will suggest more fully in § 28, in some situations the collective memory of conflict, while

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[79] Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: W.W. Norton & Company, 2006).

[80] For the classic statement of this point, see Isaiah Berlin, "Two Concepts of Liberty," in *The Proper Study of Mankind: An Anthology of Essays*, ed. Henry Hardy and Roger Hauscheer (New York: Farrar, Straus, and Giroux, 1997), p. 239.

capable of adding much to public life, may nonetheless be precluded by more pressing

goals. The starkest version of this situation occurs in societies recovering from large-

scale violent unrest. As scholars often note, sometimes remembering political strife can

re-inflame tensions, pushing societies back into chaos.[81] In such cases, publically

remembering a troubled past may not, all things considered, be a desirable course of

action, because the value it could contribute to society is outweighed by the danger it

might represent. But memory's side of the scale is not empty. It retains value, but this

value must go unrealized. A theory that moved directly from evaluative assertions to

prescriptive ones would be incapable of coping with this sort of situation.

Second, even if something is desirable all things considered, this desirability

cannot always coherently entail correlative prescriptions for action. I might, for example,

hold the evaluative belief that, all things considered, it is good for the weather tomorrow

to be mild, but be powerless to perform any actions to make this state of affairs more

likely. My evaluative claim has no prescriptive force because it concerns something over

which neither I nor anyone have any control.[82]

A similar disjunction between evaluation and prescription occurs with respect to

some varieties of memory. If we think of memory as something involuntary—something

not fully under our control—then, whatever we think about memory's value or goodness,

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[81] As Philip Gourevitch said of commemorations of Rwanda's troubled past, "the difference between memory and grudge is not always clean." See Cécile Alduy, "Telling Stories About the Stories We Tell: An Interview with Philip Gourevitch" *Boston Review Online*, Sept. 19, 2012. http://www.bostonreview.net/books-ideas-arts-culture/telling-stories-about-stories-we-tell-cecile-alduy>

[82] The idea that prescriptions can only coherently apply to things we can control is generally attributed to Kant, though this is contested. See Robert Stern, "Does 'Ought' Imply 'Can'? And Did Kant Think it Does?" *Utilitas* 16, no. 1 (2004), pp. 42-61.

it does not make sense to think of it as the subject of rights or obligations.[83] The concern

does not, of course, apply to all types of memory. At an individual level, we commonly

hold people responsible for remembering important things—birthdays, for example, or

details of mutually significant moments—seemingly under the assumption that, given

sufficient effort, memory can be intentional, and thus can coherently be the subject of

prescription.[84] Moreover, as I suggested in § 11.2, collective remembering is a

fundamentally intentional activity. It is something we can choose to do or not do, and

thus something about which we can coherently make both evaluative and prescriptive

assertions. But other memories, particularly from the distant past, might fade or

disappear, even if we try to keep them. In this instance, we might still judge remembering

to be valuable, but the judgment could not entail any prescriptions.

Similarly, negative claims about memory's value—claims that, in some instances,

it is valuable *not to* remember—cannot always be translated into prescriptions for action.

As I argue in the next chapter, collective forgetting is, like collective remembering, an

intentional activity that can coherently be the subject of prescription. But this sort of

collective forgetting entails only the lack of memory *in the public realm*. At an individual

level, these claims are unlikely to generate coherent prescriptions, because, although it's

surely possible in some circumstances to make oneself remember, it's considerably less

clear whether similarly intentional acts of forgetting are possible.[85]

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[83] For this worry, and ultimately a rejection of it, see Margalit, *The Ethics of Memory*, p. 56, and Blustein, *The Moral Demands of Memory*, pp. 29-34.

[84] Blustein, *The Moral Demands of Memory*, pp. 29-34.

[85] Dorthe Berntsen, *Involuntary Autobiographical Memories: An Introduction to the Unbidden Past* (New York: Cambridge University Press, 2009).

Finally, third, there are multiple ways of conceptualizing what exactly it means that we ought to protect or promote the things that we value. The most important distinction is between what we are obligated to do and what is good to do but not obligatory.[86] If memory is desirable all things considered, this might mean that we *must* protect it, but it may also sometimes mean that it is good to protect it, even though we are not actually obligated to do so.

So we should distinguish between evaluation and prescription, because not all evaluations lead directly to prescriptions, and, even among those that do, not all lead to the same sorts of prescriptions. As I noted at the outset, my inquiry here is largely limited to evaluative assertions about memory's promise. The set of potentially countervailing variables, both empirical and normative, to any concrete prescriptive assertions is simply too great to move from evaluation to prescription with any sort of deductive certainty. My goal, then, is to illuminate potential value, even if this value must sometimes go unrealized.

Still, I would like to close this chapter by briefly examining the complications that would be involved if we were to make directly prescriptive assertions about collective memory, and in particular the difficulty of putting memorial prescriptions into the dominant vocabulary of "rights" and "obligations," with the aim of clarifying how we might coherently talk about memorial prescriptions in those instances where they are justified.

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[86] For another statement of this distinction, see David Heyd, *Superogation: Its Status in Ethical Theory* (New York: Cambridge University Press, 1982), ch. 6.

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16.1. Memory as a Right

To begin with rights, recall Eduardo Gonzalez's remark that there is a "right to truth" about history, and thus a right to memory.[87] What exactly does this mean? Part of the interpretive difficulty here stems from the variety of ways the term "right" is used in legal, political, and moral analysis. To say that someone has a right to something is generally to say that they have a "valid claim" for its protection.[88] To borrow Ronald Dworkin's influential formation, rights constitute limit sets—in his phrase, "trumps"—on what can be done (or denied) to their holders.[89] But the claims or limits that rights constitute take various forms. Perhaps the most important distinction is between *negative* and *positive* rights.[90] To illustrate the difference, consider two instances of A's rights-based claim against B. Negative rights involve claims of non-interference: if A has a negative right to engage in action X, then B has a correlative duty not to prevent A from doing or obtaining X. In contrast, positive rights involve claims of assistance: if A has a positive right to engage in action X, then B has a duty to facilitate A in doing or obtaining X.[91]

Gonzalez's assertion is unclear in part because he does not specify what type of right he takes memory to be. If it is negative, then it holds most forcefully against

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[87] Schneider, "The Right to Truth: An Interview with Eduardo Gonzalez."

[88] The phrase is from Mill, "Utilitarianism," in *On Liberty and Other Essays*, p. 189.

[89] Ronald Dworkin, "Rights as Trumps," in *Theories of Rights*, ed. Jeremy Waldron (New York: Oxford University Press, 1984).

[90] I borrow my formation of the distinction from Jan Narveson, *The Libertarian Idea* (Peterborough, ON: Broadview, 2001), pp. 57-58.

[91] These two formulations are admittedly ideal types, which in practice are often intertwined. Most obviously, if A's would-be negative right to X is held against society as a whole, it entails a positive right to protection from interference. On this point, see Stephen Holmes and Cass Sunstein, *The Cost of Rights: Why Liberty Depends on Taxes* (New York: Norton, 2000), ch. 1.

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regimes that actively attempt to preclude, destroy, or distort memory. This was, for example, the case with South African Apartheid. As Tutu notes in his preface to the South African Truth and Reconciliation Commission report, lying and deception "were at the heart of apartheid… were indeed its very essence."[92] Something similar can be true of many other authoritarian or totalitarian regimes. As Hannah Arendt suggests, there is a close connection between the totalitarian impulse for absolute power and the assault on truth. Truth, for Arendt, "carries with it an element of coercion," as it simply *is*, standing wholly independently of any objections to it. Truth thus competes with tyrants, preventing them from ever achieving complete monopolizations on force.[93] Insofar as this is the case, the negative right to memory, and the negative right to truth that it entails, could ground an important objection to the cover-ups and official lies that often accompany, and partially constitute, state wrongdoing.

Yet a negative right to memory cannot, on its own, account for the affirmative claim often made by proponents of memory that, rather than simply being something with which states or other actors shouldn't interfere, remembering is something to which the state, or society as a whole, should actively contribute. Instead, this must rest on a positive rights claim. But this immediately runs into another problem. While it is perfectly plausible to say that states should never attempt to manipulate how or whether their citizens remember history, it would be implausible for states to actively facilitate memory *in general*, as, to recall a point first mentioned in § 12.2, memory can never capture everything. It necessarily selects, from a near infinite set of possibilities,

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[92] *Truth and Reconciliation Commission of South Africa Report*, vol. 1, p. 8. http://www.justice.gov.za/trc/report/index.htm

[93] Hannah Arendt, "Truth in Politics," in *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin, 2000), p. 556.

particular facts about the past to preserve. Recall Spinner-Halev's assertion that "remembering means choosing."[94] A general positive right to memory would thus require the state or society to facilitate the impossible preservation of everything. If there is a positive right to memory, it must therefore only be a positive right to the memory of certain types of events.

There are two broad possibilities for narrowing the events to which there might be a positive right to memory. The first is that the right to memory applies only to certain types of experiences. Pablo De Greiff, for example, suggests that "we have an obligation to remember what our fellow citizens cannot be expected to forget."[95] The basic idea seems to be that certain types of traumatic events, particularly those involving state or collective wrongdoing, touch the lives of those who experience them so deeply that they necessitate communal involvement in contending with the repercussions.

The second possibility is that positive rights to memory are essentially compensatory—that is, that they arise when prior negative rights to non-interference have been violated. On this account, memory *becomes* a positive right that entails duties of assistance only when the normal course of memory production and persistence has been improperly interrupted. This justification is often cited by Truth Commissions as an explanation of their necessity. For example, the South African commission quotes Michael Ignatieff's assertion that the role of such commissions is, in part, "to reduce the number of lies that can be circulated unchallenged in public discourse."[96] As I argue at

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[94] Jeff Spinner-Halev, *Enduring Injustice* (New York: Cambridge University Press, 2012), p. 26. Emphasis omitted.

[95] Quoted in McCarthy, "Vergangenheitsbewältigung in der USA," p. 629.

[96] Michael Ignatieff, "Articles of Faith," *Index on Censorship* 25, no. 5 (1996), p. 113. Quoted in *Truth and Reconciliation Commission of South Africa Report*, vol. 1, p. 111.

length below, there is intuitive sense in this. Memory generally works by taking up and preserving commonly available elements of experience. When this process has been wrongly prevented or disturbed, compensation requires restoring a commonly available account of what occurred, such that those for whom knowledge and recollection were initially precluded are again allowed to, in a sense, remember what they had been forbidden from remembering.

16.2. *Memory as an Obligation*

With the notion of positive rights, the concept of obligation has already slipped into the discussion. But it is important to clarify precisely how obligation operates in the context of collective remembering, as it is less obvious—and, indeed, less determinate—than with obligations to provide other sorts of political goods.

The peculiar quality of possible obligations to remember derives from the peculiarity of collective memory itself. As I suggested in the last chapter, although collective remembering begins with individual action and ends with the mediation of individual experience, it is fundamentally about collective or group action: how we together shape the public spaces we share. The process cannot be reduced to, or understood as a straightforward extension of, individual memory. It is irreducibly social. Something similar is true of political obligations to remember. To say that *we* have an obligation to remember is to say that we, together, have an obligation to create a certain type of public space. The obligation cannot be disaggregated into atomistic individual obligations, because remembering here is something we must do together.

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This has two implications for how we should understand the obligation, if there is such a thing, to create or maintain public memory. First, such obligations fall firstly on groups, and only fall on individuals subsequently, as a consequence of group membership. The claim that, say, The United States ought to do a better job of remembering the injustices committed by settlers against Native Americans is a claim about the proper contents public space and culture. It does not prescribe specific actions for specific individuals. Memory must be made, and this entails creation, but the claim does not, on its own, determine precisely who ought to be involved in that creation.[97]

Second, there are multiple—perhaps infinite—ways in which the collective obligation to remember can be satisfied. The obligation thus cannot be directly translated into specific prescriptions for action. As I noted in §§ 11.2 and 11.3, public memory is both creative and fragile. Collective memories must be woven into a community's form of life, and we cannot determine in advance what modes of memory future persons will find most amenable to their forms of life, or how the memory traces we create will be taken up in the future. Correspondingly, the obligation to remember works differently than the more familiar obligations that often occupy students of politics. Obligations to protect certain rights or distribute resources in certain patterns have relatively simple fulfilment criteria. Assuming that one has access to relevant facts about the treatment of

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[97] There is a similarity here with obligations implied by what Korsgaard has recently called "imperfect rights." It is traditional to distinguish between perfect and imperfect duties, where the former designates determinate, absolute duties that are owed to specific persons, and the latter designates, to borrow Mill's formation, "those [duties] in which, though the act is obligatory, the particular occasions of performing it are left to our choice; as in the case of charity or beneficence, which we are indeed bound to practice, but not towards any definite person, nor at any prescribed time." As he suggests, on this conception, perfect duties imply correlative rights for those to whom duties are owed, whereas imperfect duties do not imply any specific correlative rights. See Mill, "Utilitarianism," pp. 184-185. In contrast, Korsgaard suggests that those in need have a right to assistance, but that this right is not held against a particular person. Instead, it is held against a community, society, or perhaps humanity as a whole. See Korsgaard, "The Claims of Animals and the Needs of Strangers: Two Cases of Imperfect Right," *The Journal of Practical Ethics*, Forthcoming.

citizens or the distribution of goods, it is straightforward to ascertain the degree of compliance. But it is not so easy to discern what it means to fulfil an obligation to remember.

Both implications complicate what it means to say that a group should remember. It is, to borrow Appiah's example, less like the unqualified commandment "Though shalt not kill" and more like the flexible one "Honor they father and thy mother."[98] As he suggests, whereas the absolute "moral stricture" embodied by the general commandment has obvious fulfilment criteria, the duty to one's parents is more multifaceted. "*Though shalt not kill* is a test you take pass-fail. *Honor thy father and thy mother* admits of gradations."[99] It admits of gradations not just because one can fulfil it in degrees—one can be a good, alright, or mediocre child—but also because there are multiple ways of fulfilling it well. There is really only one way of not killing someone, but there is a multitude of ways to honor your parents. A similar contrast can be drawn with political obligations. Although there would no doubt be enormous difficulties discovering it, it would at least in principle be possible to ascertain the one (and only one) way that a political community could, say, perfectly meet Rawls's equal liberty principle.[100] But there simply isn't a single, correct, all-or-nothing way of meeting an obligation to remember. Societies can be better or worse at remembering, and can meet the obligation well in multiple ways—indeed, in an infinite variety of ways.

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[98] Kwame Anthony Appiah, *The Ethics of Identity* (Princeton: Princeton University Press, 2005), pp. 234-235.

[99] Ibid. Emphasis in original.

[100] E.g., "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all." John Rawls, *A Theory of Justice*, p. 302.

CHAPTER VI

FORGETTING AND FUTURITY

17. A Consuming Fever of History?

Understanding the value of publically remembering historical injustice means understanding how this memory fits into the lives and projects of those—individuals, groups, and societies—touched by troubled pasts.[1] But how exactly do these pasts touch the present? How is it that events that occurred sometimes decades or centuries ago can continue to shape the present's moral landscape in ways that make memory potentially valuable when it otherwise would not have been? The next two chapters seek to answer these questions.

I begin in this chapter by examining the limits of historical erasure, and in particular of public forgetting, which has sometimes been invoked as a way of rending our relationships with troubled histories and thus breaking the connections that might otherwise carry the past's difficulties into the present. The basic argument made by proponents of forgetting is implicit in the spatial metaphors we use to talk about time, where the present is a point on a linear timeline between the past and future: to move forward, into the future, is necessarily to leave the past increasingly far behind. If we wish to progress, we must therefore distance ourselves from history, if not forgetting it, then at least facing away from it, forward to the future.

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[1] The title of this section is taken from Friedrich Nietzsche, "On the Uses and Disadvantages of History for Life," in *Untimely Meditations*, ed. Daniel Breazeale, tr. R.J. Hollingdale (New York: Cambridge University Press, 1997), pp. 60-62.

Thus in his 1874 essay "On the Uses and Disadvantages of History for Life,"

Nietzsche worries that too much or the wrong sort of remembrance might trap us in the

past, preventing creativity or progress. History, he claims, weighs "as a dark, invisible

burden" on the present. This weight was only increased by what he took to be a growing

obsession with the past—the "consuming fever of history" he associated with certain

strands of nineteenth century German historicism, which, he argued, was becoming "the

gravedigger of the present."[2] The sentiment is repeated in *On the Genealogy of Morals*

(1887), where he focusses not on the danger of memory but on the value of forgetting,

suggesting that forgetfulness provides "a little quietness, a little *tabula rasa* of the

consciousness, to make room for new things."[3]

Nietzsche's argument is echoed by more contemporary critics of memory.

Toward the end of his mid-20th century analysis of colonialism, racism, and domination

in *Black Skin, White Masks*, Frantz Fanon suggests that overcoming colonial domination

may ultimately require overcoming history, and the opposed identities—white and black,

colonizer and colonized—we inherit from it. "I am not a prisoner of history," he writes.

"I should not seek there for the meaning of my destiny…"[4] For Fanon, racism persists in

part in structures of thought that, as long as they are preserved and reinvigorated by

identification with the past, continuously re- instantiate problematic, hierarchical

identities. As Iris Young explains, for Fanon, "only a radical leap out of this pathological

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[2] Nietzsche, "On the Uses and Disadvantages of History for Life," pp. 60-62.

[3] Friedrich Nietzsche, "On the Genealogy of Morals," tr. Walter Kaufman and RJ Hollingdale, in *On the Genealogy of Morals and Ecce Homo*, ed. Walter Kaufman (New York: Vintage, 1989), II.1, pp. 57-58. On the general issue of memory in Nietzsche's thought, see John Richardson, "Nietzsche's Problem of the Past," in *Nietzsche on Time and History*, ed. Manuel Dries (New York: Walter De Gruyter, 2008).

[4] Frantz Fanon, *Black Skin, White Masks*, tr. Charles Lam Markmann (New York: Grove Press, 1967), p. 229.

structure into a future where everyone is only human will disalienate the person of color."[5] Wendy Brown makes a similar suggestion, arguing that too close of an identification with historical injustice might suspend social relations at a particular, problematic moment, preserving "wounded" attachments and locking some into the role of perpetual victims.[6]

The risk of too much memory ossifying existing political cleavages is also a concern for contemporary scholars of post-conflict reconciliation. Reflecting on the culture of German memorialization after World War II, Charles Maier suggests than an overriding focus on difficult aspects of history might result in a "surfeit of memory," which threatens to freeze contemporary life in the past, and thus blind to the present's promise.[7] Others worry that this freezing might also solidify past enmities. For example, against the idea that overcoming troubled histories requires memory, Philip Gourevitch, a journalist who has written extensively on the aftermath of the Rwandan genocide,[8] warns: "Memory is not such a cure-all. On the contrary, many of the great political crimes of recent history were committed in large part in the name of memory. The difference between memory and grudge is not always clean."[9] Perhaps, Gourevitch seems to suggest, the best response to difficult histories is sometimes simply to forget—to leave

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[5] Iris Young, *Responsibility for Justice* (New York: Oxford University Press, 2011), p. 171.

[6] Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), ch. 3.

[7] Charles Maier, "A Surfeit of Memory? Reflections on History, Melancholy, and Denial," *History and Memory* 5, no. 2 (1993), pp. 136-152.

[8] See Philip Gourevitch, *We Wish To Inform You That Tomorrow We Will Be Killed With Our Families: Stories from Rwanda* (New York: Farrar, Straus and Giroux, 1998).

[9] Cécile Alduy, "Telling Stories About the Stories We Tell: An Interview with Philip Gourevitch" *Boston Review Online*, Sept. 19, 2012. http://www.bostonreview.net/books-ideas-arts-culture/telling-stories-about-stories-we-tell-cecile-alduy

the past to its ocean, rather than to preserve our troubles as blocks of ice on memory's shore.

The challenge posed by these invocations of forgetting is not just to the value of memory; it is to the whole complex of past-regarding values of which memory is just a part. If moving forward means turning our backs on the past, then our attentions, resources, and projects should also be directed forward, into the future. In this sense, the invocation is apiece with the meliorism common in contemporary liberalism (though not only liberalism), which holds that, as John Gray puts it, "human affairs are subject to indefinite improvement into an open future."[10] If our primary job is to make the world a better place, why bring history's troubles with us? Why not leave the past in a forgotten "sea of troubles,"[11] and move forward on dry land, unencumbered? The world that we can make better or worse is the world that exists now and in the future. Why should the past matter at all? Brian Barry captures the sentiment well:

> Because of time's arrow, we cannot do anything to make people in the past better off than they actually were, and so it is absurd to say that our relations to them could be either just or unjust. "Ought" implies "can," and the only people whose fate we can affect are those living now and in the future.[12]

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[10] John Gray, *Liberalism*, Second Edition (Minneapolis: University of Minnesota Press, 1995), p. 12.

[11] For this phrase, see, of course, William Shakespeare, *Hamlet*, ed. G.R. Hibbard (New York: Oxford University Press, 1987), Act 3 Scene 1, p. 240.

[12] Brian Barry, "Sustainability and Intergenerational Justice," in *Fairness and Futurity*, ed. Andrew Dobson (New York: Oxford University Press, 1999), p. 107.

In this chapter I take on the Nietzschean invocation of forgetting and critique of memory, both to understand the legitimate values with which memory competes, and to reveal the hidden—and, in many cases, mistaken—presumptions implicit in appeals to the desirability of a future unbridled by the past. I begin in the next section by examining the possibility and purview of public forgetting. I suggest that *public* forgetting, rather than the individual acts of forgetting with which it is sometimes conflated, consists only of public silence about a forgotten past, and may therefore leave intact both private memories of that past and other connections to it—habits social structures, institutional patterns, and resource distributions[13]—that tie us to history, even as we publically deny it. Silence is therefore not the same thing as absence,[14] and the silence that public forgetting can create cannot by itself ensure a future unbridled by the past.

In § 19, I argue that the forgetting's promise of a Nietzschean *tabula rasa* is thus undercut by the silence's limited purview. Political forgetting can silence public invocations of the past, but it cannot wholly break the present's connection with history. Accordingly, forgetting cannot achieve a blank slate, but can only blind us in the present to the dynamics, character, and extent of the historical challenges we face. In this sense, far from ensuring an open future, forgetting sometimes impedes movement forward by obscuring the real work necessary to progress away from difficult pasts.

The last two sections work out what this means for the politics of reconciliation and for the more general tasks of normative political theory in a world inescapably tied to historical conflict and injustice. In § 20, I argue that forgetting's inability to rend our

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[13] For a similar list, see Young, *Responsibility for Justice*, ch. 7.

[14] Jay Winter, "Thinking about Silence," in *Shadows of War: A Social History of Silence in the Twentieth Century*, ed. Efrat Ben-Ze'ev, Ruth Ginio, and Jay Winter (New York: Cambridge University Press, 2010)

relationship with the past means that reconciliation, if it is to be understood as a process by which previously antagonistic parties come together and find homes in a common world, must be conceptualized not *just* as a coming together, but also as a process by which the enduring legacies that shape the common world are explicitly recognized and addressed. Otherwise, these legacies may fester under a surface of political silence, only to carry forward history's troubles in unrecognized, and perhaps unrecognizable, forms.

And finally, in § 21, I suggest that, given history's inescapability, if it is to speak to the present, political theory cannot be exclusively future-regarding—that is, concerned exclusively with describing the ideal characteristics of perfectly just societies wholly divorced from histories of injustice—but must instead be non-ideal in two related senses. First, it must address the transitional work of overcoming historical injustice. Against Rawls, I argue that this task is logically autonomous from the work of ideal theory. Second, it must conceptualize the end state in a way that accounts for the possibly permanent limits on political feasibility imposed by non-ideal aspects of history.

18. The Limits of Public Forgetting

Since World War II, the almost default assumption among scholars and practitioners responding to war, atrocity, and other national tragedies has become that, to recover, societies must uncover or remember difficult or unpleasant incidents in their collective pasts. Thus, for example, among states transitioning out of authoritarianism and toward democracy, there has been a widespread "turn to truth," with more than forty Truth Commissions operating in states across every inhabited continent.[15] As Priscilla

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[15] Geoff Dancy, Hunjoon Kim, and Eric Wiebelhaus-Brahm, "The Turn to Truth: Trends in Truth Commission Experimentation," *Journal of Human Rights* 9, no. 1 (2010), pp. 45-64. Additionally, calls for

Hayner notes, sometimes the work of addressing historical injustice is entirely conflated with the search for historical truth: "In a number of cases, [truth commissions] have become the most prominent government initiatives dealing with past crimes and the central point out of which other measures for accountability, reparations, and reform programs are developed."[16]

Yet the recent "memory boom"[17] obscures an alternative tradition, at least as old as the turn to memory, of attempting to overcome past wrongs not by uncovering their details, but by simply leaving them behind. Although I think this move is ultimately misguided, in this section I want to take this tradition seriously. The examination serves mostly to elucidate the limits of public forgetting—that is, what it cannot achieve—but even this is significant, as understanding the limits of forgetting will bring us a long way toward understanding the contours of the moral world that memory must inhabit.

18.1. Silence's Purview

Let me begin with a brief analysis of *individual* forgetting, on which invocations of public forgetting are often—and, for reasons that should become clear momentarily, mistakenly—modeled.

democratization continue to be accompanied by calls for inquiry into the past. See, e.g., Michael Hanna, "Why Accounting for the Past is Essential to the Arab Future," in *Transitional Justice and the Arab Spring*, ed. Kristen Fisher and Robert Steward (New York: Routledge, 2013)

[16] Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001), p. 24. Cf. Michal Ben-Josef-Hirsch, "Agents of Truth and Justice: Truth Commissions and the Transitional Justice Epistemic Community," in *Rethinking Ethical Foreign Policy: Pitfalls, Possibilities and Paradoxes*, ed. David Chandler and Volker Heins (New York: Routledge, 2007).

[17] For this phrase, see Jeffrey Olick , Vered Vinitzky-Seroussi, and Daniel Levy, "Introduction," in *The Collective Memory Reader*, ed. Jeffrey Olick , Vered Vinitzky-Seroussi, and Daniel Levy (New York: Oxford University Press, 2011).

Two aspects of the individual process are particularly important to emphasize. The first is the object of forgetting: we can only forget things that we once remembered, knew, or otherwise comprehended. It would be incoherent to hold, say, that I have forgotten what the weather was like the day before I was born, because I have never known what the weather was like on that day.

The second is forgetting's structure. Because forgetting presumes prior acquaintance with the thing being forgotten, it involves fading or erasure, not absence *simpliciter*. This can occur in one of two says: an initial comprehension can fail to be stored in memory, as when we see something but do not regard it as particularly important, and so it never from our temporary "sensory store" to something more durable;[18] or a stored memory cannot be accessed, as in the case of amnesia. In either case, forgetting entails a disappearance or loss—permanent or temporary—of what once appeared to the forgetter or was preserved in their memory.

What do these two aspects mean for public forgetting? The first suggests that we can only coherently speak of publically forgetting things that once appeared in public, either inherently public events—political proceedings, large-scale controversies, etc.—or otherwise private occurrences that were, or have since been, presented to the public. It would be perfectly coherent to speak, say, of publically forgetting the civil unrest in the wake of a contested election, because elections and civil unrest are inherently public things. But it would be incoherent to speak of publically forgetting what a private citizen had for breakfast on the morning of the election, unless this information becomes a matter of public concern, either at the time or a later date.

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[18] Jonathan Foster, *Memory: A Very Short Introduction* (New York: Oxford University Press, 2009), p. 28.

The second aspect suggests that, just as individual forgetting entails the disappearance of what once appeared to the individual, public forgetting involves the public disappearance of what once appeared in public. This disappearance must ultimately make public remembering impossible, either by allowing public appearances to fade into the past wholly unmarked, or by somehow making public marks of a formerly remembered past somehow inaccessible as testaments to history.

Crucially, the shift in domains from individual to public means that the process of public forgetting is distinct from its individual counterpart in at least two respects. First, the fading or disappearance inherent in public forgetting only affects remembering *in public*. One can imagine an individual case where forgetting permanently obliterates the possibility of recollection. For example, if I am the only person to see something, but do not commit the perception to memory, then the moment may be lost forever. In contrast, with public forgetting, the outcome of forgetting will never be so much obliteration as silence, which may nonetheless be accompanied by quiet, private recollections. Public forgetting could only obliterate all memories of a past in question if accompanied by widespread *private* forgetting. Otherwise, public silence may be accompanied by extensive private "counter-memories"[19] that prevent the publically forgotten past from fully disappearing.

Indeed, given that it only makes sense to speak of public forgetting with respect to things that once appeared in public, any possible candidate for public forgetting will likely be well-represented in the private memories of citizens or other observes. This is perhaps particularly true of the troubled histories that commentators most often suggest

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[19] For this phrase, see Michel Foucault, *Language, Counter-Memory, Practice* (Ithaca: Cornell University Press, 1977).

should be forgotten, because such histories are especially likely to have deeply affected the lives of citizens or others in ways they will not soon forget.

The second difference between individual and public forgetting involves the place of memory's testaments to history among other markers to the past. In the individual case, it is conceivable that some experiences will leave only the memory of certain perceptions, and correspondingly that forgetting these perceptions will effectively erase the experience from the individual's subjective past. But in the case of public forgetting, most things that appear in public, especially those things that are troublesome enough to elicit claims that we should forget, will leave marks on the public world—habits, structures, institutions, and much else—that, although not explicitly testifying to history, will nonetheless maintain our connections to it. Recall the example of a burned out building that marks a past fire even though it may not have been intentionally left for that purpose.[20] Given such persistent artefacts, the silence of public forgetting may not result in a public absence of the past, but may instead only erase public resources for understanding the sources and contours of those aspects of the past that continue to structure the public world.

18.2. The Athenian Amnesty of 403

These differences—between individual and collective forgetting, and between the absence that is sometimes created by individual forgetting and the unstable silence created by public forgetting—may be profitably illustrated with a historical example: the problem of private counter-memory in the Athenian amnesty of 403 BCE, following

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[20] R.G. Collingwood, *The Idea of History*, Revised Edition (New York: Oxford University Press, 1994), pt. 5 § 3, pp. 266-268.

Athens' loss of the Peloponnesian War and several years of domestic turmoil. The case is interesting in that it represents a partially successful attempt to enforce public forgetfulness about a troubled past, but also illustrates the limits of what such forgetting can accomplish in a world where persistent private memories compete with public silence.

The history here is more complicated than can be adequately captured in a cursory sketch. But some background is necessary before we can understand the amnesty and official forgetting that followed. Briefly, then, in March of 404 BCE, after twenty-seven years at war and nearly a year under siege, Athens surrendered to Sparta.[21] Although there is some disagreement among historical texts about what happened next,[22] it is generally agreed that, after the surrender, a group of thirty citizens were chosen to restore a proper constitution to Athens. However, rather than establishing a constitution or restoring democracy, the thirty, now acting as oligarchs and backed by Spartan forces, began a violent period of rule by fiat, during which the city's previously democratic institutions were explicitly abandoned, and "wicked"—that is to say, disloyal—elements were removed, in an increasingly violent reign of terror. Although the thirty did rely on a council of three-thousand supporters for legitimation, membership in the council was contingent on support for the oligarchs, and, at any rate, the council was so small as to effectively disenfranchise the vast majority of Athenians.

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[21] The account I give in the next several pages draws heavily on Andrew Wolpert, *Remembering Defeat: Civil War and Civic Memory in Ancient Athens* (Baltimore, MD: The Johns Hopkins University Press, 2001), ch. 1.

[22] As I illustrate below, this is principally between Xenophon's *Hellenica* and Aristotle's *Constitution of Athens*.

Eventually, moved by the thirty's increasingly egregious tactics, a large group of democratic exiles returned to the city, resulting in a brutal civil war. Although initially outnumbered by the thirty's assembly and their Spartan collaborators, the exiles quickly gained supporters, and the assembly of three-thousand deposed the thirty, replacing them with a new group of ten.

The ten, however, continued the thirty's assault on democracy, and for several months maintained oligarchic reign, based on continued support from the assembly of three-thousand. Eventually, Sparta intervened, and negotiated a peace between the oligarchs and democratic exiles, leading, in October 403, to the restoration of Athenian democracy. The restoration brought a modicum of stability to the city. However, despite the settlement, skirmishes between supporters of the oligarchy, now living in exile in Eleusis, and democrats living in Athens continued for two more years, until finally, in 401, democrats attacked Eleusis, killed many of the oligarchs, and brought the survivors back to Athens.[23]

The terms of reconciliation between the democrats and forcibly repatriated oligarchs, originally passed in 403 then reinforced with additional decrees after 401, set what is generally considered to be among the first amnesties in history.[24] This was done by seeking political amnesia, the English word for which shares a common Greek

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[23] Ibid, pp. 29-32.

[24] Nicole Loraux, *The Divided City: On Memory and Forgetting in Ancient Athens* (New York: Zone, 2002), pp. 15-16. The claim that this is the *first* amnesty is, of course, impossible to prove, and there is evidence that similar agreements has been made in Greece previously. See Edwin Carawan, *The Athenian Amnesty and Reconstructing the Law* (New York: Oxford University Press, 2013), p. 43. But the Amnesty does remain the first *widely cited* amnesty. Cf. Wolpert, *Remembering Defeat*, pp. 76-77.

etymology with amnesty in *amnēstia*, or forgetfulness.[25] The terms, as Aristotle quoted some years later in his *Constitution of Athens*, were as follows:

> Trials for homicide in accordance with the ancient laws shall only be held of persons who have killed with their own hand. (Other) past offenses shall not be remembered against any one, except against the Thirty and the board of Ten and the eleven prison commissioners and ten governors of Peiraieus; and not against these if they submit to render an account of their tenure of office.[26]

There are a few things worth noticing about this formation. First, the act of forgetting was partial. Homicide, regardless of the offender, was to be prosecuted in accordance with the "ancient"—that is, pre-war—laws of Athens. And the amnesty did not extend to those directly involved in the oligarchies, who were made to answer for their crimes.[27] The amnesty only applied to ordinary citizens.

Second, in a move startlingly similar to the one much later employed in the South African Truth and Reconciliation Commission, amnesty was offered even to those directly involved in the oligarchies, provided that they "render an account" of their actions.[28] The incentive given for wrongdoers to recount their crimes is somewhat curious, given the amnesty's otherwise overriding interest in forgetting. In the South

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[25] Wolpert, *Remembering Defeat*, p. 76.

[26] Aristotle, *On the Constitution of Athens*, tr. E. Poste, Second Edition (New York: Macmillan and Co., 1892), § 39.

[27] Interestingly, this exception is not mentioned in Xenophon's otherwise similar account. See Xenophon, *A History of My Times*, tr. George Cawkwell (New York: Penguin, 1979), bk. 2 § 4.

[28] For the South African case, see Hayner, *Unspeakable Truths*, p. 29.

African case, the strategy made sense, as the commission was explicitly charged with reconstructing the state's history.[29] In Athens, the tension between the promise of forgetfulness and the encouragement of memory suggests that the amnesty's aims were more complicated than the simple erasure of history.

The act's seemingly duplicitous relationship with memory leads to a third point about the amnesty's formation. Despite sweeping language that seems to prohibit remembering *in general*, the Greek phrase used—*mē mnēsikakein*—commonly signified only that a specific quarrel had been settled, and could therefore, in a legal sense, be left to history.[30] This helps to explain the simultaneous invocations of forgetting and remembering: the amnesty was not a general promise to forget, or for total amnesia, but only a promise of silence within a very particular legal realm.[31] The offer of amnesty in exchange for testimony was, then, an offer to exchange legal forgetting for the provision of public memory.

Fourth, and finally, the amnesty's formation illustrates the broader conceptual point about public forgetting that I have already been suggesting. No power, no matter how great, can wholly govern the internal lives of citizens. And so, just as public remembering means remembering in public, public forgetting in this sense can only mean silence in particular public or political realms. As Jay Winter observes, political silence about history does not indicate a complete lack of memory in other arenas.[32] Political

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[29] Ibid. I discuss South Africa further in Chapters VII and VIII.

[30] Carawan, *The Athenian Amnesty and Reconstructing the Law*, pp. 45-46.

[31] Ibid.

[32] Winter, "Thinking about Silence."

forgetting can, at most, establish forgetfulness *within the domain of the political*; it
cannot erase what Winter calls the "deposits [of memory] below the surface."[33]

And even within the domain of the political, public forgetting's silence may never
be fully stable. In post-amnesty Athens, the perhaps most notable example of private
memory emerging into the political realm from which it had been banished occurred in
the trial of Socrates, which, as several commentators have noted, was haunted by the
specter of past tyranny, and in particular by anxieties stemming from Socrates
purportedly close connection with the thirty oligarchs.[34] Plato has Socrates explicitly
address the charges in *The Apology*, where he testifies to having disobeyed the thirty
tyrants when they ordered him and several others to arrest Leon of Salamis so that he
might be executed.[35] The point never becomes central in the dialog—indeed, given the
amnesty, *it couldn't*—but its presence suggests an enduring, necessarily unspoken
disquiet that, given the persistence of memory's private deposits, its exclusion from
politics could at any moment be overturned.

19. Why the Future is Not Enough

The Athenian amnesty may have striven toward important goals. As many
contemporary political studies of post-conflict reconciliation have suggested, in the short

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[33] Ibid, p. 3.

[34] Wolpert, *Remembering Defeat*, pp. 63-65; I.F. Stone, *The Trial of Socrates* (New York: Anchor, 1989),
pt. 2.

[35] Plato, "The Apology," in *The Trial and Death of Socrates*, tr. G.M.A Grube (Indianapolis, IN: Hacket,
2000), 32c-d.

term, when battles and wounds are still fresh, forgetting—at least the political forgetting

of amnesty—may be necessary to allow previously opposed factions to go on together.[36]

Thus commentators at the time saw the Athenian amnesty in an almost uniformly

favorable light. Xenophon noted approvingly that "to this day both parties live together as

fellow-citizens."[37] Aristotle similarly suggested that the amnesty was necessary to "save

democracy," and argued that the Athenians "seem to have shown much virtue and

wisdom in the way they faced the disasters which had befallen them."[38] The positive

interpretation is also repeated several hundred years later by Cicero, who, in the uncertain

aftermath of Caesar's assassination, suggested that Romans should emulate the

Athenians, and forget their past troubles.[39] Cicero made the point in part allegorically,

with the story of Themistocles, an Athenian politician renowned for intelligence. Offered

advice from a "learned man" on how he might remember everything that had ever

happened, "Themistocles replied that he would be doing him a greater kindness if he

taught him to forget what he wanted than if he taught him to remember."[40]

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[36] This point is made most forcefully in the literature on truth commissions, which suggests that truth commissions and other forms of official inquiry into history are generally most effective when conducted at a certain historical remove from conflict. Much of this work is centered on Latin America, where a relatively large number of truth commissions have been established, and a relatively high number of truth commissions have failed. See, e.g., Alexandra Barahona de Brito, "Truth and Justice in the Consolidation of Democracy in Chile and Uruguay," *Parliamentary Affairs* 46, no. 4 (1993), pp. 579-593; Margaret Popkin and Naomi Roht-Arriaza, "Truth as Justice: Investigatory Commissions in Latin America," *Law and Social Inquiry* 20, no. 1 (1995), pp. 79-116; Kathryn Sikkink and Carrie Walling, "The Impact of Human Rights Trials in Latin America," *Journal of Peace Research* 44, no. 4 (2007), pp. 427-445; and Joanna Quinn, "Haiti's Failed Truth Commission: Lessons in Transitional Justice," *Journal of Human Rights* 8, no. 3 (2009), pp. 265-281.

[37] Xenophon, *A History of My Times*, bk. 2 § 4.

[38] Aristotle, *On the Constitution of Athens*, § 40.

[39] Carawan, *The Athenian Amnesty and Reconstructing the Law*, pp. 29-30.

[40] Quoted in W. James Booth, *Communities of Memory: On Witness, Identity, and Justice* (Ithaca, NY: Cornell University Press, 2006), p. 145.

But, in the long run, the values these commentators invoke—avoiding inflaming conflict and creating a future untarnished by past enmity—must be balanced against the value of addressing history's unfinished business, and pursuing justice for those whose claims may not be fully visible, or fully comprehensible, if we are faced exclusively toward the future. The future is not enough because we can never live *only* in the future.

The point is ultimately about the limits of historical erasure. The blank slates invoked by supporters of forgetting—Nietzsche's *tabula rasa*, Fanon's "radical leap from history"—imagine societies completely unmoored from the past. But the past cannot be so easily left behind. The incompleteness of *mē mnēsikakein*'s forgetting is probably necessary: neither the state nor any civil actor could conceivably so completely transform the temporal lives of citizens or the persistent structures of society as to render all of the past meaningless for the present. The legal amnesia captured in the etymology and practice of amnesty may sometimes be proper or necessary, and the political histories we construct are inevitably partial. But the present is also inevitably shaped by what came before.

W. James Booth suggests that "the past matters so much because it is ours, indeed, it just is us."[41] This is surely an overstatement: the past does not uniformly matter to us, and it certainly is not uniformly constitutive of who or what we are. Yet the recent past, and especially the traumatic past, often remain ineradicable parts of present experience. This is because overcoming memory is not as easy as imposing silence, and in any case memory is not the only thing we inherit from the history. Accordingly, amnesia's erasure of memory is not an erasure of history, or a cancelling out of history's

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[41] Ibid, p. 67.

influence on the present. Instead, it is a limit on the ways in which we can publically understand the present. Rather than allowing us to overcome history, this may instead leave us in a world we do not have the public resources to fully understand, facing problems that we do not have the resources to fully comprehend.

20. Reconciling with Each Other and the Past

I have been suggesting that difficult histories cannot always be profitably addressed by official forgetting, as this may simply push persistent problems under the surface. I would like now to work out what this all means for the politics of reconciliation between previously antagonistic individuals or groups. My claim, in short, is that, given public silence's limited purview and public forgetting's corresponding inability to rend our relationships with the past, reconciliation must mean more than the simple coming together of formerly hostile individuals or groups. It must instead mean the coming together of individuals or groups in a way that is attentive to the potentially persistent elements of past troubles that may still affect their relations and common life.

Although there were of course earlier uses, the idea of reconciliation entered mainstream political lexicons after World War II, and became a widespread public concern after the South African Truth and Reconciliation Commission in the mid-1990s.[42] Since coming to prominence, the concept has assumed a wide variety of meanings. Consider a few.

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[42] For a history of the concept, see Bashir Bashir and Will Kymlicka, "Introduction: Struggles for Inclusion and Reconciliation in Modern Democracies," in *The Politics of Reconciliation in Multicultural Societies*, ed. Bashir Bashir and Will Kymlicka (New York: Oxford University Press, 2010).

Etymologically, the word "reconciliation" derives from the Latin *conciliates*, and further back, from *conciliare*, meaning to combine or be united.[43] This minimal meaning is perhaps some distance from ordinary understandings, yet it is nonetheless retained in some contemporary treatments. For example, in a uniquely unchallenging characterization, James Gibson defines reconciliation as merely the ability to "put up with" one's prior enemies.[44] On this view, reconciliation does not entail any particular relationship to past wrongs, except insofar as the desire for vengeance cannot so deep as to preclude tolerance altogether. Interestingly, Hayner, in a book otherwise dedicated to the work of historical inquiry, provides a similarly minimal characterization of reconciliation as "building or rebuilding relationships today that are not haunted by the conflicts and hatreds of yesterday."[45]

These definitions are satisfyingly straightforward, but, at the same time, seem to permit much that is antithetical to the work of actually transcending past injustices. If the job of reconciliation is, as these definitions seem to suggest, simply to come together, then there is not necessarily any requirement that we attend to troubled histories at all. Indeed, the language of moving forward together is so vague as to permit almost any political program to count as reconciliation, so long as it represents a change from a divided *status quo*.[46] Most problematically, the thin conception might require conflicting parties to return to an unjust past relationship in the service of turning away from a

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[43] David Androff, "'To Not Hate': Reconciliation Among Victims of Violence and Participants of the Greensboro Truth and Reconciliation Commission," *Contemporary Justice Review* 13, no. 3 (2010), p. 273.

[44] James Gibson, *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* (New York: Russel Sage Foundation, 2004), p. 4.

[45] Hayner, *Unspeakable Truths*, p. 161. This passage seems to have been removed from the second edition of the book.

[46] Andrew Schaap, "Reconciliation as Ideology and Politics," *Constellations* 15, no. 2 (2008), pp. 249-264.

divided present. As Trudy Govier observes, this danger is actually contained in the word "reconciliation" itself: "The prefix ['re'] suggests coming together after a break in relationship—as does the 're' in words like *re*pair or *re*storation."[47] This is problematic because, "in many contexts the groups in question never had a decent relationship to begin with."[48] To return to a relationship of subjugation or domination may involve coming together, but it hardly seems to involve progress.

Gibson and Hayner present what we might think of us a *minimal* vision of reconciliation, which seeks peace or the restoration of relations but no further advance of mutual standing. My point, in part, is that reconciliation requires something more. But what exactly is this "something more"? At the opposite extreme from Gibson and Hayner's conceptions are *maximal* visions of reconciliation, which take reconciliation to entail full-blown, comprehensive political programs. Perhaps the most famous of these comes from Desmond Tutu, chair of the South African Truth and Reconciliation Commission, who suggests that reconciliation requires not just coming together, but wide-ranging, reminiscently theological acts of repentance and forgiveness.[49]

If not repentance and forgiveness, other comprehensive definitions suggest that reconciliation requires wide-ranging political reforms, often including the establishment of liberal democracy. For example, Joseph Maila suggests that"[reconciliation] implies

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[47] Trudy Govier, *Taking Wrongs Seriously: Acknowledgment, Reconciliation, and the Politics of Sustainable Peace* (Amherst, NY: Humanity Books, 2006), p. 11. Emphasis in original.

[48] Ibid.

[49] Desmond Tutu, *No Future without Forgiveness* (New York: Image, 2000). Andrew Rigby echoes Tutu's position, suggesting that achieving the unified future imagined by reconciliation requires absolving past wrongs: "At the core of any reconciliation process is the preparedness of a people to anticipate a shared future. For this to occur they are required not to forget but to forgive the past, and thus be in a position to move forward together." Andrew Rigby, *Justice and Reconciliation: After the Violence* (Boulder, CO: Lynne Rienner, 2001), p. 12

that rights are recognized but all the same, goes further, for its ultimate objective is to achieve an appeased society which recognizes free and equal individuals able to confront a history marred by violence, and, above all, overcome that history."[50] More programmatically, Brandon Hamber and Grainne Kelly argue that reconciliation involves five interrelated tasks: (1) "developing a shared vision of an interdependent and fair society"; (2) "acknowledging and dealing with the past"; (3) "building positive relationships"; (4) "significant cultural and attitudinal change"; and (5) "substantial social, economic, and political change."[51]

Although these definitions certainly avoid the problem of mandating the return to an unjust relationship, maximal conceptions run into their own problems, having to do with obscuring the actual work of addressing difficult histories and the persistent problems they create. The criticism I want to make here runs parallel to a perhaps more familiar critique of similarly expansive conceptions of democracy. As Adam Przeworksi observes in the case of democracy:

Perusing innumerable definitions, one discovers that democracy has become an altar on which everyone hangs his or her favorite *ex voto*. Almost all normatively desirable aspects of political, and sometimes even of social and economic, life are

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[50] Quoted in Elizabeth Claggett-Borne, "Definitions of Peace and Reconciliation," in *International Handbook of Peace and Reconciliation*, ed. Kathleen Malley-Morrison, Andrea Mercurio, and Gabriel Twose (New York: Springer, 2013), p. 14.

[51] Brandon Hamber and Grainne Kelly, "Beyond Coexistence: Towards a Working Definition of Reconciliation," in *Reconciliation(s): Transitional Justice in Postconflict Societies*, ed. Joanna Quinn (Quebec: McGill-Queen's University Press, 2009), pp. 291-292.

credited as intrinsic to democracy: representation, accountability, equality, participation, justice, dignity, security, freedom…, the list goes on.[52]

As Przeworksi notes, the often tacit presumption behind such definitions is that, if democracy (or reconciliation) is a goal worth pursuing, then it is even more worth pursuing in conjunction with a broader set of cognate goods.[53] But this relies on a bizarre conception of value, wherein the attainment of one desirable goal is only valuable insofar as it is accompanied by the attainment of others. This ultimately seems to reflect a sort of utopian desire to describe a world in which all good things fit together, and perhaps entail each other. Implicit in this approach is therefore an undervaluing of what may seem to be modest moral progress. In the case of democracy, the maximalist impulse probably stems from an underestimation of how difficult, and crucial, it is even just to realize the minimal democratic goal of peacefully transferring power between elected governments.[54] Similarly, in the case of reconciliation, the idea that the concept should entail repentance and forgiveness or liberal democracy seems to miss that often just being able to live together is a significant, sometimes seemingly unreachable, achievement.[55]

What we need, then, is a definition sufficiently broad so as to avoid Govier's problem of returning to an unjust *status quo ante*, but also not so broad as to commit us to the tendency Przeworski notes of conflating the achievement of one value with the

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[52] Adam Przeworski, "Minimalist Conception of Democracy: A Defense," in *Democracy's Value*, ed. Ian Shapiro and Casiano Hacker-Cordon (New York: Cambridge University Press, 1999), p. 24.

[53] Ibid.

[54] Ibid, pp. 44-45. Cf Ian Shapiro, *Democracy's Place* (Ithaca: Cornell University Press, 1996), ch. 3.

[55] This is a common point. For a statement of it with respect to reconciliation, see Rajeev Bhargava, "The Difficulty of Reconciliation," *Philosophy and Social Criticism* 38, nos. 4-5 (2012), pp. 369-377.

achievement of a comprehensive utopia. I want to suggest that this can be done by maintaining the minimalist conception of reconciliation as the coming together of formerly separate parties, but adding the proviso that this coming together must occur in a common political world in which all parties have standing, and can thus all be at home. This proviso in some sense follows from the minimal definition itself: for parties to come together, rather than for one party to be subsumed by the other, means for them to come together in a form not solely determined by the will of either. Reconciliation, even in its barest sense, thus necessitates the recovery—or creation—of a common world.

What exactly does this mean, and how is it tied to the task of coping with difficult histories? Interestingly, the conception of reconciliation I've just suggested predates the widespread use of the term in politics, going back at least as far as Hegel's analysis of *versöhnung* in his *Philosophy of Right* (1821).[56] For Hegel, reconciliation is essentially the opposite of alienation: to be reconciled to the world is to feel at home in it, and with the fellow creatures with whom we share it.[57] In this sense, reconciliation is something like affirmation. We are reconciled to the world when we affirm it as our own,[58] or, as Rawls puts it in analysis of Hegel, when "we accept and affirm our social world positively, [and] are not merely… resigned to it."[59] This is not to say that reconciliation entails unreserved approval: to be at home or actively participate in the world is not necessarily approve of everything the world contains. Instead, it is to hold that the

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[56] G.W.F. Hegel, *Philosophy of Right*, tr. T.M. Knox (New York: Oxford University Press, 1967), esp. pt. 3.

[57] Michael Hardimon, *Hegel's Social Philosophy: The Project of Reconciliation* (New York: Cambridge University Press, 1994), ch. 3.

[58] Ibid.

[59] John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001), p. 3.

world's problems, insofar as it has problems, are *our* problems, and, in that sense, our problems to fix.[60]

For Hegel, reconciliation is partially cognitive: we come to grips with the world in part by knowing it, and our places in it, accurately.[61] As he was quick to point out, this means knowing our *historical* situation.[62] Hegel's view of history is entangled in a set of deep metaphysical commitments it would not be profitable to follow here. But we can understand the assertion about knowing our historical place practically, as simply requiring that we understand the world we inherit, including the habits, ways of thinking, institutions, and structures that connect us to the past, and that perhaps also connect us to persistent forms of historical injustice that, without this knowledge, we might not properly recognize.

Any plausible conception of reconciliation must therefore involve not just the minimal commitment of prior enemies to live together in a common world, but also the mutual commitment to live with, and actively address, the persistent strains of history that structure the common world. This is not because history necessarily has some inherent value, but rather follows directly from the basic requirements of reconciliation as the recovery and affirmative inhabitation of a common world that may be inescapably structured by what came before. The attempt to leap from history, to pass over a troubled past in silence, is ultimately doomed to failure, because memory can persist in silence, and in any case the past does not need memory to remain present. Silence may therefore only change how we publically understand—or, more probably, misunderstand—the

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[60] Hardimon, *Hegel's Social Philosophy*, pp. 89-90.

[61] Charles Taylor, *Hegel and Modern Society* (New York: Cambridge University Press, 1979), pp. 14-15.

[62] Ibid, pp. 95-100.

challenges we face, not the challenges themselves. Public memory's value for reconciliation, and indeed its value in the wake of troubled histories in general, derives largely from this point: public memory is necessary because it is uniquely capable of allowing us to collectively come to terms with the continuous history that stretches from past to present, and structures our common world in ways we might otherwise be unable to recognize.

21. Beginning with Injustice

The Nietzschean invocation of forgetting presumes that, by unmooring the future from the past, we might escape history altogether, and obtain the absolute freedom to make the world *de novo*. But in practice, the attempt to forget difficult histories may instead distort the present and prevent us from addressing actually existing dilemmas. In this sense, forgetting can preclude progress by obscuring the real work necessary to achieve it.

In this last section, I would like to close the chapter by working out what this means for how we should understand memory's political value. My basic point is that we can only comprehend memory's political significance if we first look carefully at the legacies of injustice with which movements for political memory seek to grapple. This is an elementary and probably intuitive assertion, but accepting it requires accepting a broader and more controversial methodological point about the role that injustices should play in our analyses of political value and, ultimately, our positive accounts of justice.

After Rawls, it has become common to distinguish between ideal and non-ideal political theories, where the former work out visions of how perfectly just political

communities should be structured, and the latter work out more practical prescriptions for how to get closer to perfect justice, given the imperfect world we actually inhabit.[63] On Rawls' view, the former is strictly prior to the latter, as, before we can know how to achieve a *more* just society, we must first know what justice itself requires.[64]

This is not to say that, for Rawls, non-ideal theory can be wholly deduced from ideal theory. On his account, the work of non-ideal theory is determined by ideal theory in two senses: (1) ideal theory is necessary for identifying what counts as injustices; and (2) it is necessary for ranking the relative badness of existing injustices, such that we can determine which should be addressed first, and which can wait.[65] But non-ideal theory is also partially autonomous, because, as a practical matter, the path from injustice to justice may not be completely straight. This is true both in the sense that achieving perfect justice might require ordering adjustments in a way different than that indicated by their relative moral urgency, and in the sense that overcoming injustice might require a temporary excursion away from ideal principles.[66] Accordingly, Rawlsian non-ideal theory requires two sorts of judgments that are independent from those of ideal theory: independent empirical judgments about what adjustments are likely to be effective; and

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[63] For an excellent overview of Rawls' position, see Zofia Stemplowska and Adam Swift, "Ideal and Nonideal Theory," in *The Oxford Handbook of Political Philosophy*, ed. David Estlund (New York: Oxford University Press, 2012), pp. 375-377.

[64] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 9.

[65] Ibid, p. 246. As I will note momentarily, relative badness is not the *only* determinant of what to address first, but it is certainly *a* determinant.

[66] A. John Simmons, "Ideal and Nonideal Theory," *Philosophy and Public Affairs* 38, no. 1 (2010), pp. 13-17.

independent normative judgments about how to balance moral tradeoffs.[67] Yet the basic concerns of non-ideal theory are nonetheless contingent on ideal theory.

I want to suggest that non-ideal theory is autonomous from ideal theory in a deeper sense than Rawls indicates. For him, the goals that non-ideal theory must juggle are first worked out in ideal theory, and then imported into non-ideal theory with little translation. In contrast, I want to argue that responding to non-ideal circumstances requires the adoption of some goals that are completely different than those that would be appropriate in ideal circumstances. The moral autonomy of non-ideal theory is, then, not just a matter of ordering elements of a prior theory of justice, but of determining new elements altogether.

The divergence here derives from the deeper methodological difference discussed in § 14.1. Rawls' theory concerns the distribution of a very small set of "primary goods" that are assumed to be valuable to be everyone, regardless of their more substantive moral commitments. Implicit but largely unacknowledged in this approach is a deep theory of the nature and structure of human values.[68] Since the publication of Rawls' *Theory of Justice* in 1971, critics have challenged this implicit theory of value. Most notably, "communitarian" and multicultural critics have suggested that Rawls' list is overly individualistic, and thus is improperly inattentive to the value of community and cultural membership.[69] But we can go further, and question whether the vast variety of

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[67] Ibid, p. 19.

[68] Joel Kupperman, "Value Judgments," *Philosophy and Phenomenological Research* 42, no. 4 (1982), pp. 506-507; Gerald Gaus, *Value and Justification: The Foundations of Liberal Theory* (New York: Cambridge University Press, 1990), pp. 2-3.

[69] Both positions are summarized well in Will Kymlicka, *Liberalism, Community, and Culture* (New York: Oxford University Press, 1989), esp. chs. 4 and 8.

things that are valuable in human life, or the ways that we realize these values, can really be reduced to a short, determinant, universal list at all.[70]

If, as I suggested in § 14.3, value ultimately derives from things fitting into the lives of the people for whom they are valuable, then identifying the basic values with which a theory of justice should be concerned requires a sort of philosophical anthropology that looks to the shape of life as it is actually lived. And the shape of life in societies facing histories of injustice may be so radically different than we might imagine it to be in ideal societies that our judgments of value differ between the two.

There are two senses in which these judgments might differ, which I will address in more detail in Chapter VIII and IX. First, in non-ideal societies, there may be *instrumental* or *transitional* values that play a crucial role in removing the vestiges of injustice and establishing a more just state, but that are only instrumentally valuable, and will thus cease to be important as society moves toward a more just future. Rawls imagines something like this in his analysis of civil disobedience and "conscientious refusal" as means for challenging injustice.[71] But these examples are somewhat *ad hoc*, and are not integrated into the encompassing theory of justice. We should go further, and hold that even the central values with which a theory of justice should be concerned might change relative to the historical situations different societies face.

Here one may object that, insofar as values are transitional, they should not really count as values at all, and should instead be understood strictly as *means* for achieving the ends that we truly value. As a terminological point, this may be impossible to

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[70] In Michael Walzer's formation, "there is no single set of primary or basic goods conceivable across all moral and material worlds." See Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), p. 8.

[71] See Rawls, *A Theory of Justice*, §§ 55-59.

conclusively argue for either side, but there are good reasons for taking transitional values to be more than strictly instrumental. The claim of instrumentality only makes sense if the transitional phase is relatively short—a brief moment in the lives of most citizens. But it may be that some injustices so completely transform social and political realities that recovering from them, insofar as recovery is possible at all, will take decades or generations. This is, as I discuss in Chapter VIII, probably the case with many examples of atrocity and widespread violence. In these instances, transitional values may be crucial throughout entire human lives. Although the values may be transitional *sub specie aeternitatis*, they are not from the ordinary perspectives of citizens living with injustice.

As I suggest in Chapter VIII, much of memory's value is transitional in this sense. But it may be that some injustices transform the political landscape and the horizons of political possibility in a way that is permanent—or, at least, as close to permanent as is possible in the realm of human affairs. To preview the argument I make more fully in Chapter IX, as Gerald Gaus puts it, "one cannot undo wrongs in the way one can repay debts."[72] Injustices cannot always simply be cancelled out, and, accordingly, we cannot always conceptualize the work of addressing injustice as temporary. Second, then, in these instances the values particular to non-ideal theory are not transitional by any measure. Rather, they are values that arise within a world inescapably moored to difficult pasts, where future possibilities are, for the foreseeable future, inescapably constrained by what came before.

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[72] Gerald Gaus, "Does Compensation Restore Equality?" in *Nomos*, Vol. 33, *Compensatory Justice*, ed. John Chapman (New York: New York University Press, 1991)*,* p. 72.

CHAPTER VII

PAST INJUSTICE AND PERSISTENT HARM

22. The Universe of Cases

I have been suggesting that the Nietzschean invocation of forgetting in the face of difficult histories is ultimately flawed because, even if we try to ignore them, historical injustices can persist and continue to mold the moral world. In this chapter I would like to say more about how this persistence works, and in particular about the specific ways that past troubles can continue to touch the present such that memorial amelioration becomes potentially desirable.

The class of cases I am interested in here is unified by two criteria, which initially seem to push in opposite directions. First, they involve *historical* injustice—that is, injustice that is primarily located in the past. However, second, they also constitute or create lasting problems that persist into the present. I spend the first half of this chapter explicating these two criteria.

I begin in the next section by examining what it means for injustices to be historical. There's a trivial sense in which *all* injustices are partially historical, because, by the time they come to our attention, they must have already occurred, or already be in the process of occurring. But, to be analytically useful, "historical injustice" must designate a class of cases that are historical in a deeper sense than this. I argue that injustices tend to become historical in this deeper sense when transitions in the constitution or nature of social or political life make it so that the world we now inhabit is fundamentally distinct from the world in which the injustice originally occurred.

However, I also suggest that this condition is complicated by two factors. First, transitions tend to occur gradually, and so injustices rarely become historical all at once. Second, transitions can happen in an irreducible variety of ways, including changes in the demographic makeup of society or alterations to the basic institutions that govern political life. This means that, in addition to having blurry boundaries, "historical injustice" designates a diverse set of phenomena, unified by a family resemblance rather than a single set of necessary criteria.

In the following section, I take on the problem of continued relevance: if historical injustices are those that, by definition, occurred in past social or political worlds that no longer exist, in what sense can they have moral relevance for the present? I suggest that the issue is primarily about *persistent harms*. Persistent harm can occur in one of two ways. First, some harms, such as theft, persist because they institute lasting states of affairs that are *essentially extended* in time. Second, in other cases, although the only harm inherent in an injustice is concurrent with its active commission, the injustice has *automatic effects* that extend its harm forward in time. In both instances, unjust harm is genuinely persistent, because it is capable of enduring, even in the absence of further unjust action. I contrast these cases with instances of *iterated injustice*, where unjust harm is carried forward only because it is repeatedly inflicted over time. Because the harm of iterated injustice is only carried forward by new, contemporary acts, it falls outside the scope of historical injustice.

In § 25, I narrow the field of possible cases further, by distinguishing between *objective material harms* and *subjective psychological harms*, and suggesting that the work of memory is best addressed to the latter. Although memory may also play a role in

ameliorating persistent material harms—indeed, in many cases, remembering is a necessary precondition for knowing that a past injustice has occurred at all—this role tends to be strictly instrumental toward the achievement of material forms of compensation. With subjective harms, memory's role may be more direct.

The second half of the chapter concerns the status of historical victims and perpetrators. §§ 26 and 27 examine the conditions that make it possible for harm and responsibility to be passed down through time.[1] The simplest class of cases concern victims or perpetrators of historical injustice who are still alive. In these instances, there may be some difficulty about the extent to which experiences or deeds in the distant past affect or generate responsibilities in the present, but it is clear that, in at least some cases, harm or responsibility unproblematically extends throughout an entire life. I thus focus on the more difficult cases, where victims or perpetrators have passed away.

In § 26, I argue that there are several obvious ways in which persistent subjective harms can extend through multiple generations: they can create harms that are essentially identity-independent, and thus potentially pass on indiscriminately to members of future generations; they can have automatic effects, which carry forward past harms to particular future persons; and they can be perpetrated against intergenerational groups or associations that link past and present persons, such that harm to members in the past automatically transfers to members in the present. In addition to these paradigm cases of persistent harm, I also suggest that past persons and groups can sometimes be harmed *in the present* when their lifetime-transcending interests are continually and unjustly set

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[1] For both, I provisionally assume an unrealistically simple model of historical injustice, involving singular, stable, and easy to identify groups of perpetrators and victims. I address what happens when this assumption inevitably fails in § 28.

back. These cases are something of an anomaly, and are admittedly less pressing than more traditional instances of persistent injustice. But understanding them is nonetheless important for getting a complete picture of historical injustice and its legacies.

§ 27 addresses the conditions that make it possible to assign or take responsibility for historical injustices that occurred before anyone now living was born. The problem is that we typically think that someone is responsible for something by virtue of having caused or been complicit in its occurrence, but, with this sort of historical injustice, by definition no one directly involved survives. Following Farid Abdel-Nour, I argue that, in most cases, responsibility for historical injustice falls first on states or persistent political associations, and only subsequently on particular people, by virtue of their identification with the association. Things are more difficult when there is no persistent political association to carry forward responsibility. However, I suggest three alternative possibilities: cases where responsibility is inherited by virtue of continued identification with a cultural nation rather than institutional state; cases where responsibility is taken on by occupation of land hallowed by past injustice; and, as a last resort, cases where responsibility is assumed simply by virtue of shared humanity.

In the last section, I conclude by discussing the variety of cases where analysis is complicated by later developments in the relationship between past victims, perpetrators, and their descendants. I argue that it is always possible, and perhaps inevitable, that the roles of victim and perpetrator will over time shift, recombine, and become unstable. This, I suggest, means that the value of responding to the legacies of a single injustice will often be complicated by later events: when former victims become perpetrators, the rightful place of memory and other responses to the original injustice may change.

However, I also argue that, rather than altering the value of remembrance and other responses, these later events create situations where their value conflicts with other, sometimes more pressing, political goals. In these cases, the value of responding to an earlier injustice may sometimes be outweighed by more basic objectives. Yet, when this occurs, the value of responding is overshadowed, not undone. And it is only by first understanding the value of memory that we can correctly weigh it against the other values that must sometimes take precedence. These cases therefore present an important warning against moral myopia about the pursuit of memory, but do not fundamentally alter its value as a response to injustice, and therefore do not require a new category of analysis.

23. When Does Injustice Become Historical?

Historical injustices are by definitions those wrongs that were committed in the past. However, more needs to be said, because, as I suggested in §§ 8.1 and 8.2, we sometimes conceptualize the very recent past as effectively part of the present: today's newspaper only describes events that have already happened, but we nonetheless call them "*current* events" because they are sufficiently relevant or proximate to the world we now inhabit to seem part of it.

For "historical injustice" to be an analytically useful category, the events it contains must be past in a deeper sense: not part of the present-continuous world we describe when we speak of, say, *developing* situations or *ongoing* struggles, but part of a world that no longer exists. Correspondingly, I want to suggest that injustice becomes historical when a transition in the makeup or constitution of society makes it so that the contemporary social or political world is fundamentally distinct from the one in which

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the original injustice occurred. But determining exactly when such a transition has happened is complicated by at least two factors. First, transitions are often gradual, as populations or institutions slowly change over time. This means that the category of "historical injustice" has blurry boundaries, with "absolute borderline cases" for which the proper categorization is *in principle* indeterminate.[2] Second, transitions happen in an irreducible variety of ways—including demographic shifts, institutional reforms, and regime changes—that cannot be captured with a single, unified model. Accordingly, in addition to having necessarily vague boundaries, the category thus designates a diverse set of cases, sharing only a Wittgenstinian "family resemblance"—"a complicated network of similarities overlapping and crisscrossing"—rather than a single or unified essential core.[3] There are a variety of sufficient conditions for inclusion in the category, but probably no necessary conditions.

To illustrate these complications, consider the two most obvious criteria—one demographic, the other political—that can be used to determine whether a transition has occurred, and thus whether a given injustice should be considered historical. In both, borderline cases are inescapable, while the simple fact that there are two obviously legitimate criteria demonstrates that transitions do not always occur in the same way.

First, scholars commonly suggest that injustices become historical based on demographic transitions, as when all of the original perpetrators and victims have passed

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[2] For the notion of "absolute borderline cases," see Roy Sorensen, *Vagueness and Contradiction* (New York: Oxford University Press, 2001), ch. 1.

[3] Ludwig Wittgenstein, *Philosophical Investigations*, Second Edition, tr. G.E.M. Anscombe (Malden, MA: Blackwell, 1958), § 66.

away. This characterization is common to Duncan Ivison,[4] Nahshon Perez,[5] Jeff Spinner-Halev,[6] and others. And the condition certainly seems sufficient in the vast majority of cases: the passing of everyone directly touched by an injustice is an obvious sign that the world has moved on. Slavery in the United States is a historical injustice because all slaves, slaveholders, and others involved with the system have long since passed away. Something similar is true of the dispossession of Native American land.

Yet complete demographic turnover cannot be a necessary condition for an injustice being historical. This is in part because the requirement of *complete* turnover draws an artificially sharp boundary in what is really an ongoing process of demographic change, and thus unjustifiably excludes a number of borderline cases. Most large-scale injustices involve large sets of perpetrators and create large sets of victims, who will of course not all die at the same time. For example, many victims of the Holocaust were killed as part of the original event, others died in the aftermath directly following it, others have since passed away due to unrelated causes, and still others survive into the present. The same is true of the original perpetrators. For those whose only connection to the original event is through a deceased relative or intimate, the Holocaust is, in some sense, a strictly historical concern. Yet, for survivors, it presumably remains more contemporary. This means that, on this condition, events do not become historical all at once, but rather slowly slide into it past, as the extent of their direct impacts on those living in the present slowly fades.

[4] Duncan Ivison, "Historical Injustice," in *The Oxford Handbook of Political Theory*, ed. Jon Dryzek, Bonnie Honnig, Anne Philipps (New York: Oxford University Press, 2006), p. 509

[5] Nahshon Perez, *Freedom from Past Injustices: A Critical Evaluation of Claims for Intergenerational Reparations* (Edinburgh, SCT: Edinburgh University Press, 2012), p. 2

[6] Jeff Spinner-Halev, *Enduring Injustice* (New York: Cambridge University Press, 2012), p. 10.

Additionally, the demographic condition cannot be necessary because it excludes cases that are ordinarily understood to be historical, regardless of the survival of victims. For example, Spinner-Halev suggests that "Japanese Americans sent to internment camps in the United States during World War II who are alive today are not part of the conceptual framework of historical injustice."[7] But it is unclear on what basis this exclusion can be justified. Japanese internment and similar cases seem to qualify as historical injustices based on a second sufficient condition, deriving from political change rather than demographic: the transition away from unjust policies, institutions, or regimes in a way that fundamentally transforms the political world.[8] The political condition is logically independent of the demographic one: it covers cases, like internment, excluded by the demographic condition, and excludes others, such as instances when unjust institutions persist beyond the lifespan of any particular persons, that the demographic condition includes. Neither condition can be reduced to the other, or to a single, encompassing, more general standard.

Like the demographic condition, the political condition admits a number of irresolvable borderline cases, because it is frequently impossible to determine a precise point at which political transition has occurred. Political changes are often piecemeal, with some problematic elements shifting and others staying the same. Take again the internment of Japanese Americans.[9] The policy was largely ruled unconstitutional by the

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[7] Jeff Spinner-Halev, "From Historical to Enduring Injustice," *Political Theory* 35, no. 5 (2007), p. 592 n. 2. In the same note, Spinner-Halev also excludes Holocaust survivors.

[8] For this definition of historical injustice, see François du Bois, "Reparation and the Forms of Justice," in *Justice and Reconciliation in Post-Apartheid South Africa*, ed. François du Bois and Antje du Bois-Pedain (New York: Cambridge University Press, 2009), p. 116.

[9] For a good overview of this case, see Leslie Hatamiya, *Righting a Wrong: Japanese Americans and the Passage of the Civil Liberties Act of 1988* (Stanford, CA: Stanford University Press, 1993).

U.S. Supreme Court in late 1944, but internment camps and supporting institutions were not dismantled until early 1945. Since then, there has been a slow process of disavowal: in 1976, President Ford officially revoked the exclusion order, and, in 1988, the Civil Liberties Act officially apologized for internment and authorized the payment of reparations to victims. During this process—say, between the policy's abandonment in 1945 and the exclusion order's revocation in 1976—the injustice was historical, as the policy was no longer enforced, but also present, as the exclusion order had not yet been officially revoked. Given the set of institutional reversals since 1944, the injustice *now* seems firmly historical, but this has only become true after a period of ambiguity.

All of this suggests that there is no single or fully determinate condition for an injustice being historical. Sometime, injustices pass into history based on demographic transitions. Other times the transitions are political. And, in both instances, transitions tend to be piecemeal, admitting absolute borderline cases that are, in principle, indeterminate. We are thus left with a category of historical injustice that is both internally diverse and indeterminate, encompassing a variety of cases that are all distant from the present, but are distant in different ways, and to different extents.

24. The Persistence of Historical Harm

Historical injustices are by definition in the past, even if "in the past" has an irreducible variety of meanings. In what sense can they have continuing impact deep enough to generate legitimate public claims in the present? History, of course, touches the present in a myriad of ways. In personal or intimate life, one's own past experiences, or the past experiences of one's ancestors, may be of intrinsic interest. But justifying

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public concern, particularly public concern potentially sufficient to demand present action, requires more than this. It requires showing how injustice, and the harm it creates, persists into the present, despite the passage of time.[10]

How, then, can historical injustice constitute or create harms that persist into the present? The most obvious set of cases consists of injustices that constitute harms that are inherently prolonged. I call these *extended* harms. They typically work by initiating what Jeremy Waldron calls "standing arrangements"[11]—persistent states of affairs that are not undone by simply ceasing unjust patterns of action. Waldron's example is theft.[12] A is harmed when B unjustly takes A's possession, but the harm to A does not just occur during the interaction, when the injustice is being actively committed. Rather, it automatically continues unabated as long as the unjust distribution persists. The problem is therefore not overcome if B simply does not steal anything else from A. Because the original injustice created a stable, unjust state of affairs, overcoming the harm it constitutes requires positive redistributive action.[13]

But not all harms are inherently extended in time. Sometimes, the harm inherent in injustice is essentially momentary, ceasing as soon as the injustice is no longer being actively committed. I call these *concurrent* harms. They generally, though not necessarily, involve passing interactions during which people are treated wrongly. Because such interactions have definite ends, the harms they constitute are strictly

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[10] Cf. Spinner-Halev, "From Historical to Enduring Injustice," pp. 578-580.

[11] Jeremy Waldron, "Superseding Historic Injustice," *Ethics* 102, no. 1 (1992), pp. 14-15.

[12] Ibid.

[13] As Waldron suggests, A's claim to legitimate possession may fade over time, and so theft's injustice might not extend indefinitely. But it is nonetheless essentially extended in time. See ibid, pp. 15-16.

bounded in time. For example, if A is grievously disrespected by B in a way that is not part of an enduring pattern of mistreatment and that has no lasting consequences, then the harm to A should automatically fade with time. Correspondingly, concurrent harms are in some sense self-limiting. To stop them, one must simply stop the problematic behavior.

Concurrent harms are thus more likely than extended harms to become of strictly historical interest, making no legitimate claims on the present or future. Indeed, they *only* become relevant for contemporary politics when further facts make them relevant. This can happen in one of two ways. First, in some instances, unjust concurrent harms are continually re-instantiated—as when there is an ongoing pattern of A being disrespected by B. I call these *iterated* harms. Although such patterns carry forward unjust harms, they do so by repeatedly recreating them with new, contemporary injustices. The problem in such cases is therefore not so much that injustice occurred in the past, but instead that injustice is repeatedly occurring in the present. The specifically historical quality of the injustice is largely irrelevant. Second, however, concurrent harms can become more genuinely persistent when they set in motion sequences of events that inexorably lead to later harms. While these later harms are not inherent in the original injustice—they are the result of empirical causation rather than *a priori* entailment—when later harms are "automatic effects" of a prior injustice, they can nonetheless be seen as part of that injustice, and thus instances of historical injustice creating persistent harm.[14]

I spend the rest of this section explicating these possibilities. First, I clarify the distinction between extended and iterated harms, and suggest that understanding the distinction is crucial for understanding how to respond to historical, or historically-

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[14] George Sher, "Ancient Wrongs and Modern Rights," *Philosophy & Public Affairs* 10, no. 1 (1981), p. 13.

rooted, injustices. Second, I examine the notion of automatic effects, emphasizing the

difficulty in distinguishing between harms that are the automatic effects of prior

injustices, and those caused by intervening, more contemporary action.

24.1. Extended and Iterated Harm

With iterated harms, the issue is not historical injustice, but contemporary

injustice that is part of an ongoing historical pattern. Yet there is a tendency among both

scholars and practitioners to conflate the challenge posed by these patterns with the

challenge of historical injustice more generally. This conflation leads to confusion about

both the nature of the harms in question and the appropriate shape of redress or

compensation.

To illustrate, consider Boris Bittker's well-known argument in favor of

reparations for slavery in the United States.[15] Although the argument is framed as being

about the historical problem of slavery, it is actually about the continually iterated pattern

of racialized injustice initiated, but not constituted or directly caused, by the historical

fact of slavery. It is, in other words, more about contemporary than historical injustice.

Bittker begins by suggesting that justifications for reparations too often focus

narrowly on the unpaid labor of slaves themselves. This is problematic because, as he

notes, history is rife with examples of unpaid or exploited labor, and providing

compensation for all past economic injustices is neither possible nor desirable. Quoting

Robert Penn Warren, he asks: "Would the descendants of an Athenian helot of the fifth

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[15] Boris Bittker, *The Case for Black Reparations* (New York: Beacon, 2003). The foregoing analysis draws on Janna Thompson, "Historical Injustice and Reparation: Justifying Claims of Descendants," *Ethics* 112, no. 1 (2001), pp. 118-119.

century B.C., assuming that such a relationship could be established, have a claim today on the Greek government?"[16]

What separates the descendants of American slaves from those of Greek helots, Bittker suggests, is that slavery initiated a series of events culminating in the present mistreatment of contemporary African Americans.[17] To make the point, he asks us to imagine a counterfactual world in which the systematic mistreatment of African Americans ended completely with the Civil War and the passage of the 13th and 14th Amendments. In that case, the direct victims of slavery still may have had legitimate claims for compensation in, say, the late 1860s, but contemporary claims for compensation would be much less clear cut.[18] For Bittker, reparations are owed because the systematic mistreatment of African Americans *did not* end in the late 1860s: "In actuality, slavery was followed not by a century of equality but by a mere decade of faltering progress, repeatedly checked by violence."[19] Worse still, this faltering progress was almost completely arrested by the late 19th century, with the advent of official discrimination under Jim Crow. While Bittker argues that this system has of course been substantially weakened by subsequent legal challenges, "the legacy of Jim Crow is still with us."[20]

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[16] Bittker, *The Case for Black Reparations*, p. 9.

[17] Ibid, pp. 9-13.

[18] Ibid, p. 12.

[19] Ibid.

[20] Ibid, p. 19.

Bittker's argument is often repeated by supporters of reparations for slavery.[21] But notice how little work slavery itself is doing. African Americans are owed reparations not because of the injustices their ancestors suffered, but because they are victims of *contemporary* injustices. To be sure, these injustices repeat a pattern that stretches back centuries. But this sort of mistreatment would presumably require compensation even if it weren't so thoroughly historically entrenched.[22] As Janna Thompson puts it, if reparations are ultimately justified by extension of racialized injustice into the present, then "the injustice for which African Americans deserve reparation is the persistence of segregation policies into recent times."[23] In the final analysis, history, and the specifically historical fact of slavery, does little work. What matters is how things stand here and now.

This is not to say that Bittker's argument makes history completely irrelevant. Because the social and political structures that perpetuate African American exclusion and similar injustices are situated within repeating historical patterns, understanding their history can facilitate a better understanding of how we might most efficiently intervene to eliminate them and the injustices they create.[24] Yet history here is necessary for ascertaining a solution, not for identifying the problem, or for justifying our concern with it.

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[21] See, e.g., Robert Fullinwider, "The Case for Reparations," *Philosophy & Public Policy Quarterly* 20, nos. 2-3 (2000), pp. 1-8.

[22] Jeffrey Blustein, *The Moral Demands of Memory* (New York: Cambridge University Press, 2008), p. 159.

[23] Thompson, "Historical Injustice and Reparation: Justifying Claims of Descendants," pp. 118-119.

[24] Iris Young, *Responsibility for Justice* (New York: Oxford University Press, 2011), p. 182.

In contrast, consider the most straightforward (though certainly not the only) case for compensating contemporary Native American groups for the unjust seizure of their ancestors' land by Europeans.[25] Unlike Bittker's argument for reparations, this *is* an argument about historical injustice. It can be summarized in three steps. First, at the time of European conquest, most of the land that is now America was owned by native groups. Second, at least some of this land was transferred from Native Americans to Europeans unjustly, without, or in violation of, mutually agreed upon treaties. Third, unjustly taken land thus rightly belongs to native groups, and this right extends to present day Native Americans.

This argument is distinct from Bittker's case for reparations in that it does not rely on facts about the state of the world after the initial injustice to justify compensation. Instead, it relies on claims about the inherent temporal extension of the original injustice. There are, of course, potential difficulties with this extension, as it may be that ancestral property rights are not inherited by present generations as automatically as the argument seems to assume. It might, for instance, be that the intervening centuries of possession by Europeans and European descendants have generated conflicting claims to rightful ownership.[26] But this is a difficultly with determining the duration of extension—the extent to which, as Waldron puts it, such injustices "fade" with time[27]—not with the extended character of the injustice itself.

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[25] The following draws on Burke Hendrix, "Memory in Native American Land Claims," *Political Theory* 33, no. 6 (2005), esp. pp. 764-767.

[26] Waldron, "Superseding Historic Injustice," pp. 15-18.

[27] Ibid, p. 15.

24.2. Why the Distinction Matters

It is important to distinguish iterated from extended historical injustices in part just for conceptual clarity: to separate contemporary from historical concerns. But it also has important implications for determining appropriate ameliorative measures. Most vitally, the full extension of equal rights and formal equality to previously marginalized groups may well do much to overcome repeating patterns of wrongful treatment. But it can do little to overcome genuinely extended harms.

This is illustrated by the repeated failure of non-indigenous politicians in settler colonial states to appreciate the particular historical problems they face, and the necessity of historically-rooted solutions. For example, in 1969, then Prime Minister of Canada Pierre Trudeau rejected "special rights" of self-government for first nations on the basis that the proper basis for policy is the present, not the past: "We can't recognize aboriginal rights because no society can be built on historical 'might-have beens'."[28] Instead, Trudeau proposed strengthening the formal equality of rights for all Canadians, regardless of ancestry or historical descent.[29]

More recently, in 1997, Australian Prime Minister John Howard rejected widespread calls for the Australian government to apologize to indigenous communities for past wrongs, especially the government's systematic removal of aboriginal children—the "stolen generation"—from their homes and placement with white foster families or government-run orphanages between 1905 and 1969, saying that Australia's concern

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[28] Quoted in Melisa Nobles, *The Politics of Official Apologies* (New York: Cambridge University Press, 2006), p. 79.

[29] Ibid, pp. 78-79.

should be the present and future, not the past.[30] Interestingly, in the early 1970s Gough Whitlam, another Australian Prime Minister, had undertaken a large-scale program to return some Aboriginal lands to their historic inhabitants, suggesting that, until the issue was resolved, the shameful history "diminished" *all* Australians.[31] But Howard evidently either had a different view or considered the matter closed, and, instead of an apology, proposed a program of "practical reconciliation," reminiscent of Trudeau's invocation of formal equality, aimed at overcoming *present* inequalities of opportunity.[32]

Trudeau and Howard suggest that the injustice we should care about—the injustice we should focus on alleviating—is essentially in the present. This is perfectly coherent *if* the harm faced by indigenous groups is concurrent with contemporary injustice, and its endurance is just due to iteration. However, insofar as they face extended harms, the strengthening of formal equality does little.

In both cases, the troubles in question are persistent rather than momentary. Questions of indigenous self-government in Canada, as perhaps in all settler-colonial states, arise in the context of the historical denials of sovereignty and self-determination, dispossession, and domination of indigenous groups by European settlers.[33] To evaluate them a-historically, as claims made by present groups *qua* present groups, is to utterly miss the point. Similarly, with the Australian "stolen generation," according to the

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[30] Quoted in Andrew Schaap, *Political Reconciliation* (New York: Routledge, 2005), p. 119.

[31] Isabelle Auguste, "On the Significance of Saying 'Sorry': Apology and Reconciliation in Australia," in *Passionate Histories: Myth, Memory, and Indigenous Australia*, ed. Frances Peters-Little, Ann Curthoys, and John Docker (Canberra, ACT: Australian National University Press, 2010).

[32] Schaap, *Political Reconciliation*, pp. 119-120.

[33] Margaret Moore, "Internal Minorities and Indigenous Self-Determination," in *Minorities within Minorities: Equality, Rights, and Diversity*, ed. Avigail Eisenberg and Jeff Spinner-Halev (New York: Cambridge University Press, 2005).

Australian government's own report, the damage done by the government's removal children from their homes and communities has extended forward in time: "many forcibly removed children *and their children* have lost their cultures, their languages, their heritage and their lands, as well as their families and communities."[34] Howard's "practical" conception of reconciliation as the bolstering of formal equality can do little to help those who, by virtue of history, face unequal burdens.

In the face of extended harm, an exclusive focus on formal equality may actually further entrench historical harms. If politics are directed exclusively at the present, then many persistent historical injustices simply disappear from the picture. And this, in turn, obscures the legitimate claims of victims of extended harm, and complicates, or perhaps precludes altogether, the overcoming of persistent injustice.[35]

24.3. Persistence and "Automatic Effects"

Iterated injustice is not historical injustice because the harms it entails are always concurrent with an injustice being actively committed in the present. However, injustices that only directly entail concurrent harms *can* become historical when they initiate causal chains that inexorably lead to later, downstream harms, which persist even after the original injustice has long since passed.

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[34] Human Rights and Equal Opportunity Commission, *Bringing them Home: Community Guide* (Sydney, AU: Human Rights and Equal Opportunity Commission, 1997), § 7. http://www.austlii.edu.au/au/other/IndigLRes/stolen_summary/7.html Emphasis mine.

[35] This is a common claim in discussions of racialized injustice in the United States. See, e.g., Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America* (Lanham, MD: Rowman & Littlefield, 2006), esp. ch. 3. For a more general, and more strident, statement of the point, see Carole Pateman and Charles Mills, *Contract and Domination* (Malden, MA: Polity Press, 2007).

This is the case with the Australian "stolen generation." The policy of taking children from their homes and communities officially ended in 1965, and, today, there are no children that are directly displaced by the policy. The harm inherent in the policy— that is, the harm of forcing children to grow up in orphanages or foster homes rather than with their families—is no longer present. However, the original harm has directly led to a host of other enduring problems. In their report on the policy, the Australian Human Rights and Equal Opportunity Commission notes a number of persistent effects on the stolen children and their families: children face lasting psychic damage, including "feelings of worthlessness," depression, "lack of trust and intimacy," and behavioral issues ranging from violence to substance abuse; the families of children have experienced lasting feelings of vast loss, purposelessness, and distrust, which have sometimes led to substance abuse and other social problems; and families whose children were not taken nonetheless feared the policy, and thus "exiled themselves from communities and hid their Aboriginal identity."[36]

Harm persists even among those not directly touched by the policy. The Commission notes that forceful relocation has led to many in the "stolen generation" to have difficulty raising their own children, in part because the policy's lasting psychic toll can complicate the work of parenting, but also because, as a direct result of the policy, many distrust the government, and fear that their own children might be taken.[37] Additionally, the policy challenged the overall heritage and survival of aboriginal groups. This was partially by design: many Australian administrators believed that aboriginals

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[36] Human Rights and Equal Opportunity Commission, *Bringing them Home: Community Guide*, § 7.

[37] Ibid.

were a "doomed race," bound to be replaced by what they took to be more socially and technologically advanced Europeans,[38] and the removal of children was meant in part to assimilate them into white society—and, not incidentally, to hasten the demise of aboriginal society altogether.[39] As the Commission notes, the policy disrupted the continuity of whole ways of life. The effects of this are not limited to "stolen" children, but extend to their children as well, as many are left with little in the way of stable heritages or senses of belonging.[40]

This is clearly a case of persistent historical injustice, but it does present an analytic difficulty, stemming from the difficulty of determining where the "automatic effects" of a historical injustice end and new, contemporary injustices begin. Thompson plausibly suggests that we should take a later harm to be an automatic effect of an earlier injustice when and only when (1) the effect is an "inevitable, natural, or difficult to avoid result of the injustice," and (2) "there is no independent action or failure to act to which the effect should [instead] be attributed."[41] The first condition is necessary to establish the right sort of causal relationship between the original injustice and its would-be effect, while the second is necessary to establish that the later harm shouldn't instead be attributed to later wrongdoing.

In this light, Bittker's analysis of the legacy of slavery fails to establish contemporary racial inequality as an automatic effect of slavery because, although there

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[38] Russell McGregor, *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory, 1880-1939* (Victoria, AU: Melbourne University Press, 1997), chs. 1-2.

[39] Ellen Boucher, *Empire's Children: Child Emigration, Welfare, and the Decline of the British World, 1869-1967* (New York: Cambridge University Press, 2014), p. 94.

[40] Human Rights and Equal Opportunity Commission, *Bringing them Home: Community Guide*, § 7.

[41] Thompson, "Historical Reparation: Justifying the Claims of Descendants," p. 118.

is presumably a causal link between slavery and the economic lives of contemporary descendants of slaves, this link passes through a number of intervening injustices, particularly the emergence of Jim Crow and official segregation, where the chain could have been broken. Slavery got the process started, but is not sufficient to explain the contemporary economic disadvantage of African Americans.[42]

In contrast, in the Australian case, many of the hardships faced by stolen children, their families, and their communities are obviously the automatic results of the prior injustice. Given basic facts about human development and psychology, the lasting trauma the policy caused for children was essentially inevitable, and did not require any further wrongdoing on the part of the Australian government (or anyone else) to persist. Something similar is true of the enduring damage that the policy inflicted on the families and communities of children.

As Thompson and others recognize, these conditions mean that what we take to be the automatic effects of any particular injustice will tend to occur in close proximity to the original event.[43] The Australian policy directly harmed the children and their children, but the harm will presumably grow less direct as generations proceed. With the passage of time, the causal chains that connect present conditions to increasingly remote historical injustices will presumably lengthen, presenting multiple points where the legacies of such injustices could and should have been combatted. Accordingly, the number of automatic effects of any particular injustice will fade with time, and, as time passes, analyses of

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[42] Bittker, *The Case for Black Reparations*, p. 10.

[43] Thompson, "Historical Reparation: Justifying the Claims of Descendants," p. 118. Cf. Sher, "Ancient Wrongs and Modern Rights," pp. 10-13.

historically rooted injustices will need to take into account more recent causes of present harm.

In summary, we are left with four types of harm, which are described in *Table 1* (below). *Extended* harms create standing arrangements that, absent later interference, are inherently persistent. In contrast, on its own, *concurrent harm* does not persist, and thus can only become enduring when extended by outside factors. Sometimes, this occurs when concurrent harms are *iterated* such that new, present injustices bring them into the present. Although this does create a sort of temporal extension, the resulting injustice is not a persistent historical one, but rather a present injustice that is part of an ongoing historical pattern. In other instances, though, concurrent harms become genuinely persistent when they have *automatic effects* that push the injustice further in time.

Table 1: How Harms Persist

Type of Harm	Mode of Persistence	Example
Extended from original injustice	Automatic	Theft
Concurrent with original injustice	None	Isolated unjust interactions, such as improper treatment by authorities
Concurrent with an iterated injustice	None	Patterns of discrimination
Automatic effect of an injustice	Tied to the persistence of an automatic causal chain	Lasting psychological damage to the stolen generation, and its descendants

25. Objective and Subjective Harm

The central upshot of the last section is that historical injustices only persist in a way that makes them relevant for the present when either they directly cause extended harm, or they have automatic effect that extend their harm forward. But what sort of harm are we talking about?

Some persistent injustices, such as the theft of land, constitute *objective* harms. They alter the "physical living conditions"[44] of those affected in ways that can be observed from the outside. Other injustices, like the lasting trauma felt by the children, families, and communities of the Australian "stolen generation," constitute *subjective* harms. Although they may have physical or material consequences, their primary impact is psychological, and thus can only be ascertained by looking into the mental lives of those effected.

This distinction may at first invite confusion, as the adjectives "objective" and "subjective" have both epistemological and ontological meanings.[45] In their more common epistemological senses, the terms are "primarily predicates of judgments."[46] We say that a judgment is "objective" when its legitimacy or truth does not depend on any facts about the one making it, and that a judgment is "subjective" when it reflects the preferences, predilections, or prejudices of the one making it. This is the set of meanings assumed when, in ordinary conversation, we call a judgment "subjective" to indicate that it is just a matter of personal opinion, and therefore implicitly unreliable.

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[44] This phrase is from Spinner-Halev, "From Historical to Enduring Injustice," p. 578.

[45] For this distinction, see John Searle, *The Construction of Social Reality* (New York: The Free Press, 1995), pp. 7-9.

[46] Ibid, p. 8.

The distinction I want to draw here, though, is not about epistemology but ontology. In their ontological senses, "objective" and "subjective" refer to an entity's mode of existence. Ontologically objective entities exist independently of our perceptions of them. They are, in some sense, "out there." Correspondingly, objective harms can be observed from the outside. We can, for example, see inequalities in people's access to resources without having to know anything about their mental states. In contrast, ontologically subjective entities exist only insofar as they are experienced or felt by persons. Understanding them requires inquiring into the mental states of those they touch.

My primary interest here is with the role of memory in combatting persistent, ontologically subjective harms. This is not because I think memory is unimportant when it comes to objective harms. As I have already suggested, many extended objective harms, such as theft, are incomprehensible without it. Rather, I focus on subjective harm because memory's role in ameliorating objective harms tends to be instrumental: it can tell us about the nature of the historical claims, but in most cases the appropriate compensation for objective harms will ultimately be material, not memorial. With subjective harms, memory can potentially play a more direct role.

25.1. The Significance of Subjective Harm

Focusing on subjective harms may initially seem like an odd choice, as there is a tendency among some commentators to treat subjective harms like pain or humiliation as somehow less real than objective harms involving the distribution of material goods. The assumption seems to be that, because they have no primary physical manifestation,

subjective harms are, if not mere matter of opinion, then at least qualitatively distinct from, and less pressing than, their objective counterparts, which constitute *real* injustice.

For example, Spinner-Halev asserts that "there are instances when a group is not living under conditions of injustice but the historic injustice haunts the group... It gnaws at the group, unsettled, and is what I call an *enduring harm*."[47] The trouble with this characterization is that it is unclear why the subjective harm of being haunted by a historical injustice should not constitute both an enduring harm *and* an enduring injustice. If we think of injustices as instances of unfairness or underserved hardship, then the fact that some communities are faced with gnawing psychic harm as the result of prior victimization seems like an obvious example.

Why should a harm's mode of existence preclude it from constituting injustice? I suspect that part of the problem stems from a subtle conflation of the epistemological and ontological senses of subjectivity, such that ontologically subjective mental states are treated with the suspicion rightly reserved for epistemologically subjective judgments. Beyond this, though, there seems to be a deeper background assumption animating Spinner-Halev's characterization: that "conditions of injustice" are necessarily material, or ontologically objective, and thus that these harms are prior to, and more primary than, subjective harms. There are two ways of interpreting this assumption. First, it may be a point about the nature of injustice in general: that the sorts of injustices we ought to care about primarily involve objective harm. Second, it may be a point about historical injustice in particular: that although injustice might cause a variety of harms, only material harms are capable of persisting over time.

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[47] Spinner-Halev, "From Historical to Enduring Injustice," p. 579. Emphasis in original.

The first point is flatly untrue, because subjective harm is sometimes the primary manifestation of injustice. Consider Nancy Fraser's example of the historical marginalization of homosexuals in the United States. As Fraser suggests, this is not a primarily economic or material issue. Instead, it is based on "institutionalized patterns of cultural value [that] construct heterosexuality as natural and normative, homosexuality as perverse and despised."[48] These patterns of cultural value may, of course, have downstream consequences for the distribution of material goods, but the primary issue is social rather than material status, and thus subjective rather than objective harm.[49]

There is a vast literature on the subjective harms caused by the cultural marginalization and public humiliation of homosexuals, to which I can do little justice here.[50] But it may, for the moment, suffice to simply note the extent of the problem. One recent study finds that 94% of adult self-identified homosexuals report to being the victims of at least one instance orientation-related verbal abuse, threat, or harassment.[51] Moreover, fears over unsympathetic authorities kept many in the study from reporting the incidents to police or other official agencies.[52] This marginalization and stigmatization is

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[48] Nancy Fraser, "Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation," in Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (New York: Verso, 2003), pp. 18-19.

[49] Ibid.

[50] For an overview of the psychological literature, see Joanne DiPlacido, "Minority Stress Among Lesbians, Gay Men, and Bisexuals: A Consequence of Heterosexism, Homophobia, and Stigmatization," in *Psychological Perspectives on Lesbian and Gay Issues*, Vol. 4, ed. Gregory Herek (Thousand Oaks, CA: Sage, 1998), pp. 138-159.

[51] Gregory Herek, Jeanine Cogan, and Roy Gillis, "Victim Experiences in Hate Crimes Based on Sexual Orientation," *Journal of Social Issues*, 58, no. 2 (2002), pp. 319-339.

[52] Ibid.

sometimes internalized, causing, most poignantly, significantly higher rates of suicide among homosexuals than the general population.[53]

Judith Shklar summarizes this sort of harm well:

> It is not just a matter of hurting someone's feelings. It is deliberate and persistent humiliation, so that the victim can eventually trust neither himself nor anyone else. Sooner or later it may involve physical hurt, but that is not inherent in it. Painful as humiliation is, it does no bodily damage.[54]

Such treatment is unjust not because it affects the "physical living conditions" of its targets, but because it affects their mental lives, and how they figure into the intersubjective mental life of the community.

It may be that physical cruelty and harm represent greater injustices than do cultural marginalization and its associated and subjective harm, although I am unsure whether this is true in every case. Perhaps, as Avishai Margalit suggests, "psychological scars left by humiliation heal with greater difficulty than the physical scars of someone who has suffered only physical pain."[55] But, regardless of their relative badness, objective physical harms and subjective psychological harms can both constitute grievous injustices.

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[53] Stephen Russell and Kara Joyner, "Adolescent Sexual Orientation and Suicide Risk: Evidence from a National Study," *American Journal of Public Health* 91, no. 8 (2001), pp. 1276-1281.

[54] Judith Shklar, "Putting Cruelty First," in *Ordinary Vices* (Cambridge, MA: Harvard University Press, 1984), p. 37.

[55] Avishai Margalit, *The Decent Society* (Cambridge, MA: Harvard University Press, 1996), p. 87.

The second point, about persistence, is similarly misguided. Again like objective harm, the subjective moral insult entailed by this sort of cultural marginalization is sometimes inherently extended in time. This is most obviously the case when the insult is not merely verbal, but is located in texts or other temporally stable cultural resources, so that the harm of marginalization persists regardless of any further human action. Waldron makes the point in terms of hate speech:

> It is not the immediate flare-up or insult and offense that "hate speech" connotes—a shouted slogan or a racist epithet used in the heat of the moment… It is the fact that something expressed becomes established as a visible or tangible feature of the environment—part of what people can see and touch in real space (or in virtual space) as they look around them…[56]

These tangible features of the environment are material. But the harm they constitute is only comprehensible in terms of the mental lives of those they affect, and therefore remains ontologically subjective.

In the case of homosexuality in the United States, there is no shortage of tangible marks of marginalization, from discriminatory practices enshrined in law to comments by officials that are disseminated—as Waldron has it, "printed, published, pasted up, or posted on the Internet"—via temporally stable media.[57] This means that, even after the

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[56] Jeremy Waldron, *The Harm in Hate Speech* (Cambridge, MA: Harvard University Press, 2012), p. 45.

[57] Ibid, p. 37.

moment of enactment, speech, or composition, such subjective harms may persist, despite the lack of further harmful acts.

If subjective harm can both be the primary manifestation of injustice, and persist in ways similar to objective, material harms, what justification can there be for excluding it from consideration? There may of course be *explanations* for why it is often overlooked: given its mode of existence, objective harm is easier to see than subjective harm, and requires less interpretation; and subjective harms do not neatly fit within some traditional, exclusively distributional, models of justice.[58] But explanations are not justifications. And, absent some further reason for exclusion, a complete picture of historical injustice will necessarily include both objective and subjective harms.

25.2. Varieties of Subjective Harm

There are a wide variety of persistent subjective harms. Sometimes they are directly entailed by an original injustice, and therefore constitute inherently *extended* harms in the sense outlined in the previous section. Other times they arise indirectly, as *automatic effects* of prior objective harms.

To begin with the first set, perhaps the paradigm case of direct subjective harm is *moral insult*, as in the treatment of homosexuals and other sexual minorities in the United States. The chain of injustices here begins with intersubjective insult or stigmatization, which directly initiates, and is partially constitutive of, a persistent subjective harm.

In other instances, extended subjective harm directly arises as a component of a more multifaceted injustice. To borrow an example from Gerald Gaus, when A's goods

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[58] Iris Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), ch. 1.

are stolen by B, B not only alters A's material conditions of life, but also tries, and at least temporarily succeeds, in transforming A's rights, and thus A's standing in the community. In this way, B disturbs the moral equality between persons, and in so doing directly imposes a subjective *moral injury* on A.[59] In addition to the obvious objective harm, the act therefore entails subjective harm, which is not reducible to the material injury, and which may persist even after the material harm has been undone.[60]

The danger with arguments about moral injury is that, if taken to their logical conclusions, they threaten to turn *every* instance of material injustice, no matter how small or temporary, into a persistent subjective harm. However, this problem can be overcome by recognizing that these would-be subjective harms can be, and very often are, quickly undone by further facts about the world. Chief among these is the simple passage of time and the progression of human affairs. The significance of B's moral insult to A will presumably decrease as time passes and incidents of B respecting A's rights, and thus treating A as a moral equal, accrue. It is probably impossible to determine *a priori* just how much time and how many respectful interactions are necessary before we should expect subjective harm to fully fade. For the moment it may be sufficient to say that these harms do often fade, sometimes precipitously, and that they will therefore only become a persistent pressing political issue in a small subset of cases. But it is nonetheless important to consider the possibility of this sort of moral injury, as it is necessary for understanding the claims of victims in the perhaps small subset of cases

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[59] Gerald Gaus, "Does Compensation Restore Equality?" in *Nomos*, Vol. 33, *Compensatory Justice*, ed. John Chapman (New York: New York University Press, 1991), p. 72.

[60] Ibid.

where injury does continue unabated. Otherwise, we may be prone to writing these injuries off as mere instances of hurt feelings.

Although moral insult and injury are the most obvious cases, extended subjective harms can also arise in ways do not directly involve challenges to the social or political status of victims, but rather involve governments or other powerful actors improperly tampering with the mental lives of citizens in other ways. Consider, for example, the widespread campaigns of official lies and misinformation that often accompany authoritarianism and mass atrocity.[61] These lies often serve an instrumental role as cover for the commission of further injustices. But, if we assume that humans have a basic interest in knowing the truth about the world they live in, lies and campaigns of misinformation can also constitute their own harms, independently of the more direct injuries that they facilitate.[62] I call this sort of wrongdoing *informational injustice*.

The idea behind informational injustice is that access to certain ontologically subjective goods, such as true information about the state of the world, is crucial to human life, and that the denial of such goods can correspondingly constitute an unjust harm. As with moral insult, when these denials leave persistent marks on the world—such as written accounts that contain official lies, holes in the historical record, or absences of evidence in historical archives—they create harms that persist independently of active wrongdoing.

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[61] As Desmond Tutu notes in his preface to the South African Truth and Reconciliation Commission report, lying and deception "were at the heart of apartheid… were indeed its very essence." See *Truth and Reconciliation Commission of South Africa Report*, Vol. 1, p. 8. http://www.justice.gov.za/trc/report/index.htm

[62] I develop this claim further in Chapter VIII. See also Hannah Arendt, "Lying in Politics," in *Crises of the Republic* (New York: Mariner, 1972).

Moral insult, moral injury, and informational injustice are all instances of directly extended subjective harm. In other cases, subjective harms are *indirect*, arising as the automatic effects of prior objective, material harms. Recall, for example, the troubles associated with Australia's stolen generation. The initial injustice was, at base, the physical movement of Aboriginal children from their homes, but, given basic facts about human psychology, the movement inexorably led to a series of psychological traumas. This is an example of *indirect psychic harm.*

The Australian case is indirect, but the links between objective and subjective harms in it are also relatively obvious. Yet, even when material harms have no obvious, or no obviously direct, lasting subjectively harmful consequences, they may occasion legitimate claims of subjective harm. This is partially because of the direct moral injury implicit in material injustice that I noted a moment ago. But it is also because when, as is often the case, full compensation for a material harm is impractical or impossible, victims might rightly claim subjective harms associated with feelings of irreparable loss. I call these instances of *incomplete compensation.*

It is generally agreed that, ideally, ameliorating unjust objective harm requires compensatory resource redistribution, which seeks to provide victims with "the 'full and perfect equivalent' of what was lost, and so to restore completely the *status quo ante*."[63] But total repair is often difficult or conceptually impossible, particularly in cases where the injustice has deeply altered the course of history. In some cases, a counterfactual world in which the injustice did not occur would be so radically distinct from the one we

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[63] Robert Goodin, "Compensation and Redistribution," in *Nomos*, Vol. 33, *Compensatory Justice*, p. 145. Italics added. The internal quotation is from the American Supreme Court Justice David Brewer in *Monongahela Navigation Company v. United States* 148 U.S. 312 (1893).

now inhabit—containing, for instance, different people and different countries—that it would be completely unrecognizable, especially for those closest to the injustice. Something like this is true of wrongful exile, forced migration, war, colonialism, and a host of other large-scale wrongdoing. It is also, if less obviously, true of more local and small-scale injustice because, as Derek Parfit argues at length, even seemingly trivial decisions often alter the makeup of future populations.[64] When the world and its inhabitants have been deeply shaped by historical injustice, repairing that injustice cannot mean undoing all of its effects. Material compensation in such cases can only be imperfect and partial, in part because its rightful recipients will sometimes owe their existences to the acts for which they are being compensated.[65]

In addition, total repair may be impossible when the type and amount of compensation owed becomes, because of later facts about the course of history, impossible to pay. The most obvious example may be land: how, and in what form, could we even begin to compensate, say, Native Americans for the loss of traditional homelands? The problem is not just a practical one of raising sufficient funds or obtaining a bundle of material goods sufficient to fully compensate for centuries of dispossession. Instead, the problem is that there may be no real substitute for possessing one's traditional homeland, but, as Waldron notes, there may also now exist legitimate but conflicting claims from settlers who, through centuries of inhabitance, may also have developed some right to the land.[66] Correspondingly, it may be impossible to pay back

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[64] Derek Parfit, *Reasons and Persons* (New York: Oxford University Press, 1984), § 119.

[65] This is a version of Parfit's "non-identity problem": when a wrongful act changes the makeup of future populations, it is at least initially difficult to say who is harmed by the act, because the persons we might normally think of as victims would not have existed in the absence of the act. See ibid, ch. 16.

[66] Waldron, "Superseding Historic Injustice," pp. 15-18.

everything that is owed, and the only solution will be an imperfect one, where legitimate but incompatible claims must be balanced.

Sometimes the *status quo ante* is unreachable from where we are now, and thus sometimes material harms simply cannot be undone. One cannot, as Ernesto Verdeja has it in another context, "unchop a tree."[67] In these instances, the best possible solutions will still be insufficient, as there will remain an unbrideable gap between what was lost and what can be given back. Material injustices will therefore remain, even after we've done everything we can to compensate for them. And the irreparable loss of the world as it should be might easily become a lasting psychic harm.

All of this suggests that subjective persistent harms come in a motley assortment of forms, which are summarized in *Table 2* (below, p. 243). Given this diversity, one may wonder whether the class of cases of concern here should be narrowed further. I do not think that it should, for at least three reasons. First, in most cases, a persistent subjective injustice does not consist of simply one type of harm, but rather creates a diverse network of harms. Take, for instance, Australia's "stolen generation." In addition to the lasting psychic damage it caused, the policy was, and remains, harmful in several other respects: it was part of, and partially enabled by, still persistent broader currents of cultural marginalization and moral insult , which, in their most extreme form, framed Aboriginal Australians as a "doomed race";[68] the gross injustice of child removal and resettlement constitutes a lasting challenge to the civil standing and rights of Aboriginal communities, and thus a persistent moral injury; during and after its implementation, there were

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[67] Ernesto Verdeja, *Unchopping a Tree: Reconciliation in the Aftermath of Political Violence* (Philadelphia: Temple University Press, 2009).

[68] McGregor, *Imagined Destinies*, chs. 1-2.

widespread mischaracterizations and denials by government officials about the policy and what it involved, leading to lasting inaccuracies and omissions in the public understanding of what occurred;[69] and, perhaps most poignantly, because there is no way of fully compensating members of the generation for childhoods spent apart from their families and communities, or of compensating those families and communities for the broken bonds the policy created—time cannot be turned back—complete compensation is in principle impossible, and so those affected must live in a world unbridgeably distinct from the one that should obtain. This all means that addressing the persistent subjective harms that spring from the policy, and from many similar historical injustices, requires grappling with diverse sets of problems.

Table 2: Varieties of Persistent Subjective Harm

Type	Harm	Example
Direct / Extended from Prior Injustice	Moral Insult	The cultural marginalization of homosexuals in the United States
	Moral Injury	The transformation of rights entailed by theft
	Informational Injustice	Official lies, or the official spread of misinformation
Indirect / Automatic Effects of Prior Injustice	Indirect Psychic Harm	Lasting traumas of the Australian "stolen generation"
	Incomplete Restitution	The impossibility of fully compensating Native American land claims

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[69] Human Rights and Equal Opportunity Commission, *Bringing them Home: Community Guide*, §§ 10-11.

Second, as I suggest more fully in the next two chapters, despite their diverse forms, these harms all contribute to an overarching challenge to the civil and political standing of those affected. This is obvious with moral insult and injury, but it is no less the case with informational injustice, which challenges the ability of those affected to correctly grasp and therefore to meaningfully act within the shared political world, with indirect psychic harms, which can challenge victims' senses of security and agency, and with incomplete compensation, which creates a world in which victims must cope with being given less than they are owed by the political community. Correspondingly, understanding the overarching challenge to standing posed by persistent subjective harms requires attending to the diverse forms that subjective harm can take.

And finally, third, to further anticipate my argument in the next two chapters, despite their diversity, the challenges posed by these harms can all be partially addressed by public remembrance, which is uniquely capable of contesting historical legacies of insult and injury, correcting public misunderstandings created by campaigns of official misinformation, and, though perhaps not ameliorating, at least recognizing the unique challenges posed by historical chains of psychic harm and legitimate compensatory claims that cannot be fully met. The class of cases of interest here is therefore diverse in part because the ways in which memory becomes valuable in the face of historical injustice is itself diverse.

26. Harm to Whom?

The last several sections have concerned the character of historical injustice itself: what makes injustices historical, how they can create unjust harms that persist into the

present, and the forms that these harms can take. In the remainder of this chapter, I would like to move to a discussion of those affected by historical injustice—victims, those responsible, and those in between—with an emphasis on the ways that victimization and responsibility can be passed on, and sometimes transformed, over time.

The simplest set of cases concerns victims or perpetrators who are still alive. Because it is relatively uncontroversial that injury or guilt can be carried forward throughout the span of an individual life, these cases do not present any special analytic difficult.[70] There may be some cases where injury or guilt fades over time—fading guilt is, for example, presumably the rationale behind statutes of limitation that curtail liability after a given period[71]—but there is, I take it, widespread agreement that this is not always so.

Given the simplicity of these cases, in the next several sections I therefore focus on the more complicated set of cases, where demographic transitions have made it so that, if victimization or responsibility persist, they persist intergenerationally, in a world that now consisting entirely of people who were not directly involved in the original incident. I take on the issue of intergenerational victimization in this section, and intergenerational responsibility in the next.

Although not quite as analytically simple as cases where the original victims are still alive, there are at least three further sets of cases where the persistence of victimization is similarly straightforward. The first are instances where the harm in question extends in a way that is identity-independent, by, for example, potentially

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[70] Thompson, "Historical Reparations: Justifying the Claims of Descendants," pp. 114-115.

[71] Waldron, "Superseding Historic Injustice," p. 15.

affecting all future members of a given society, regardless of their connection to the original injustice. This is the case with informational injustice: if people have an interest in access to information about their world, some official lies or distortions can potentially harm present and future persons, even if those persons have nothing to do with the original propagation of misinformation.

The second set involves the ongoing automatic effects of historical injustice. Recall, for instance, the Australian Human Rights and Equal Opportunity Commission's assertion that the removal of Aboriginal children from their homes affected not just the children, their families, and their communities, but also the children's children, as the psychic damage causes by forced relocation played out across lives and generations. Insofar as the later harm is a direct and inescapable consequence of the prior injustice, those who experience it are clearly victims, despite their temporal distance from the original occurrence.

The third set of cases concerns injustices committed against enduring intergenerational associations. Consider, for instance, the persistent harm created by the dispossession of Native American land. All of the original victims of dispossession have long since passed away, and, through the subsequent centuries, further facts have presumably intervened, such that nothing that happens today is the automatic consequence of the original incident. But in this case, and others like it, victimization extends because the original injustice was not just perpetrated against individuals, but also against an association or set of associations—here, various Native American groups—that persist into the present day, beyond the lives of any individual members.[72]

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[72] Thompson, "Historical Reparations: Justifying the Claims of Descendants," p. 115.

Similarly, some subjective harms are primarily group-directed, as with racism and other forms of prejudice, where members of targeted groups are marginalized or disrespected *because* of their association with a particular race, ethnicity, or other group. If left unaddressed, these harms can become lasting components of what it means to be a group member, and will therefore continue to harm members, even after the original victims have passed.

The modes of transmission I've just mentioned—throughout an individual life, in a way that is identity-independent, through an automatic causal chain, and through an intergenerational association—constitute paradigm cases of persistent victimization. Some suggest that they are the *only* ways that harm can endure.[73] But limiting ourselves to these criteria seems overly restrictive in two senses. First, unless automatic effects persist, it excludes harms perpetrated against sets of people who do not obviously share membership in a single intergenerational community. We might, for example, imagine a grievous injustice committed more-or-less at random, against a set of people with no prior commonality, or one committed against a set of people who are only unified by the perpetrator's ideology. This is arguably the case with the Nazi forced euthanasia of 150,000 differently abled Germans between 1939 and 1941.[74] Unlike Jews, Roma, or other religiously, ethnically, or culturally unified victims of the Holocaust, the victims here may not have seen themselves as common members in a single intergenerational group. Indeed, the Nazi categorization for these victims—as persons with "hereditary diseases" ("*Erbkranke*")—is now largely anachronistic, as it was tied to now outdated

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[73] See, e.g., Spinner-Halev, *Enduring Injustice*, pp. 61-63.

[74] Donald Niewyk and Francis R. Nicosia, *The Columbia Guide to the Holocaust* (New York: Columbia University Press, 2000), p. 48.

ideas about eugenics.[75] But it would seem strange to say that, just by virtue of this lack of

a lasting group, the atrocities committed against differently abled Germans cannot

constitute persistent harms, while similar atrocities committed against unified groups can.

Second, the criteria seem to preclude the consideration of cases where the past

injustice was so colossal as to destroy the group itself. The ideal type of this sort of case

is complete genocide. This is, thankfully, largely only an ideal type: instances of

complete genocide are thankfully rare, perhaps nonexistent. The fate of the Aboriginal

inhabitants of Tasmania is often cited as an example, but even there the facts are

contested. The group's demise is sometimes traced to the death of Truganini, the last full-

blooded member, in 1876, but some contemporary descendants hold that full-bloodedness

is not a necessary condition of membership, and thus still identify as Aboriginal

Tasmanians.[76]

However, the possibility must be considered, particularly because, while it may be

inconceivable for all genetic traces of a people being destroyed, "cultural genocide"—the

destruction of all signs of identification with a group—seems disconcertingly feasible. In

the Tasmanian case, given the breakdown of supporting social and cultural infrastructure,

many traits traditionally associated with Aboriginal Tasmanian identity were lost. It is,

for example, generally supposed that the last fluent speaker of an Aboriginal Tasmanian

language died in the early 20th Century.[77] When this sort of destruction is at stake,

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[75] Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution* (Chapel Hill, NC: The University of North Carolina Press, 1995), p. 26.

[76] Lyndall Ryan, *The Aboriginal Tasmanians*, Second Edition (Crows West, AU: Allen & Unwin, 1996), pp. 1-3.

[77] For an excellent overview of the Tasmanian case, as well as the issue of language death in general, see Andrew Dalby, *The Loss of Linguistic Diversity and the Threat to Our Future* (New York: Columbia University Press, 2003), ch. 6.

perhaps *especially* when this sort of destruction is at stake, there intuitively seems to be an unjust persistent harm, but this is impossible if harm requires group persistence.

In the remainder of this section, I'd like to address both of these problems by suggesting that victimization can persist in a variety of ways not completely captured by the paradigm cases of persistent harm. First, I argue that, in the absence of identity-independent harms or automatic effects, to be passed on to later generations, insult and other subjective injustices do require the existence of intergenerational identity-conferring groups, but that a wider variety of groups and associations qualify than is often recognized, and so, as a practical matter, the criterion is relatively unconstraining. Second, I suggest that, even in the absence of such a group, harm sometimes persists because the legitimate lifetime-transcending claims *of the original victims* have not been adequately addressed.

26.1. Harm to Groups and Descendants

Many of the most prominent contemporary examples of intergenerationally persistent historical injustice—in the American context, the lasting effects of colonialism and dispossession among Native Americans, or the economic and cultural legacies of slavery—concern harms committed against intergenerational groups with relatively determinant boundaries and relatively stable identities over time. This makes the analysis of such injustices unusually straightforward. However, to develop a general theory with relevance outside one or two prominent cases, we need to answer two difficult questions. First, what are the minimal criteria for establishing the existence of an intergenerational group that can be harmed? Second, when such a group does not exist, are there

alternative modes of intergenerational linkage, such as inheritance, that can establish the existence of persistent harm? Let me take these in turn.

First, on the question of what constitutes an intergenerational group, if our concern is subjective harm, then an obvious place to begin is with the shared subjective sense among victims of group membership. Victims must see themselves as parts of a common intergenerational community, such that they feel past injuries to the group or its members as injuries to themselves.[78] I take it that this is a clear and inescapably necessary condition for group persistence.

But is it sufficient? Spinner-Halev argues that associations must not only confer a shared sense of identity upon their members, but must also be the *primary* sources of their identities.[79] This, he takes it, excludes a variety of groups that we might otherwise consider to be the victims of persistent historical injustice, including victims of gendered or class-based marginalization. For example, on Spinner-Halev's account, women *qua* women are not the victims of persistent historical injustice. He provides two reasons. First, while there are assuredly broad histories of gendered injustice in nearly all contemporary states, in most instances women are also members of encompassing identity-conferring groups that are more basic, and which therefore take precedence over gender. Because of this, he suggests that gender-based historical injustices are not as "strongly felt" as injustices based on other, more fundamental, forms of identification.[80] Second, in the specific case of women, he suggests that the principle injustice of concern is not so much historical as it is the incomplete extension of formal rights and equal

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[78] Spinner-Halev, *Enduring Injustice*, pp. 61-63.

[79] Ibid, p. 63.

[80] Ibid.

opportunity in the present. Correspondingly, contemporary material inequalities can be overcome without taking history into account.[81]

The first point relies on a psychological presumption about the nature of group identification: that humans tend to be singularly aligned with one, and only one, group, which takes priority over other elements of their identities. But this seems arbitrarily restrictive. As Kimberle Crenshaw and other theorists of "intersectionality" have long noted, the same person might easily identify as a woman, an African American, and as a host of other things, any of which might expose them to historical currents of unjust harm.[82] It is therefore perfectly plausible to hold that, say, the past moral insult of partial citizenship—indeed, partial legal personhood—that once went along with being a woman in the United States constitutes a lasting subjective harm toward American women in general, even though the category of "American woman" consists of persons who also identify as other things.

Spinner-Halev's second point fares little better. To be sure, present gender-based inequalities derive, to a large extent, from iterated patterns of unequal treatment, and simply stopping this iteration in the present can presumably go a long way toward ending persistent inequalities. But this can only stop iterated *material* injustice. The moral insult and injury of centuries of mistreatment and marginalization are presumably not so easily undone. And so, if we take subjective harm into account, the injustice in question is not strictly a matter of present inequality.

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[81] Ibid.

[82] See, e.g., Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991), pp. 1241-1299.

Spinner-Halev's condition that groups must be the primary sources of their members' identities is therefore overly restrictive. The existence of an intergenerational group with a shared sense of identity over time—even if this shared sense of identity is just one component of how members think of themselves—is thus both a necessary and sufficient condition. This permits the inclusion of a wide variety of persistent harms—based not just on membership in a unified culture, ethnic group, or nation, but also based on gender, sexual orientation, and smaller scale factors—that would otherwise disappear from view.

This inclusiveness provides guidance for how to understand cases like the forced euthanasia of differently abled Germans, where it is not wholly clear that an intergenerational group exists at all. In explaining and justifying the policy, Nazi officials categorized victims using the language of eugenics, referring to them as persons carrying "hereditary diseases" ("*Erbkranke*").[83] Later commentators have tended to use the language of "handicap."[84] But the policy also went into more detail, stipulating specific conditions—such as schizophrenia, manic depression, epilepsy, blindness, deafness, and others—as criteria for inclusion.[85] One plausible way of understanding the policy's lasting harm is as an enduring moral insult and injury to persons, particularly Germans, with those specific conditions, even though the overarching category *Erbkranke* is now anachronistic, and the specific conditions it was used to designate may play only a small role in the self-perceptions of current persons with them. Indeed, it may be that categorization in some cases is entirely ascriptive—deriving from outside perceptions,

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[83] Friedlander, *The Origins of Nazi Genocide*, p. 26.

[84] See ibid, and Niewyk and Nicosia, *The Columbia Guide to the Holocaust*, p. 48

[85] Friedlander, *The Origins of Nazi Genocide*, p. 26.

rather than internal avowals, of the groups to which a person belongs[86]—but, insofar as the identity category persists *in some way*, it is possible for the subjective harms associated with it to also persist.

Still, not all grave injustices are committed against groups, even if "groups" is understood in this broader sense. What, then, for the second problem: harms that do not concern an intergenerational group at all? If we still wish to see these harms as intergenerationally persistent, the obvious move may be to think of historical harm as something that can be *inherited* by descendants, even if they do not share an encompassing group with the original victims.[87] This strategy works insofar as the harms in question concern the types of goods that people can normally inherit. If, for example, one's parents were unjustly robbed of their home and property, one might rightly insist that the past harm deprived them of their rightful inheritance.[88] But not all things are heritable. In particular, subjective harms like moral insult sometimes only cut against their direct victims. It may of course me that this sort of subjective harm is passed on by virtue of shared identification, as when one claims that their family has been insulted. However, in the absence of such identification, these types of harms probably do not pass on, and are thus limited to those directly touched by the injustice or its automatic effects.

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[86] As John Gray suggests, it is probably the case that the vast majority of groups are to some extent ascriptive: we are born into cultures, nations, states, and other associations, no less than we are born into particular bodies with particular abilities. See John Gray, *Two Faces of Liberalism* (New York: New Press, 2000), p. 121.

[87] Interestingly, this is sometimes the strategy taken by defenders of reparations for slavery. See, e.g., Bernard Boxil, "The Morality of Reparations," *Social Theory and Practice* 2, no. 1 (1972), pp. 113-123.

[88] This is not to say that these types of goods are heritable *ad infinitum*. Although a member of the next generation might rightly press a claim for the wrongful theft of their parents' home, these types of claims become decreasingly plausible the more time elapses. See Waldron, "Superseding Historical Injustice," pp. 8-9.

26.2. Harm to the Past

In some cases, despite the initial existence of a group, injustices may be so severe as to effectively sever ties of identity and descent, such that there remain few, if any, members in the present capable of making claims on behalf of the past. Recall, for example, the specter of complete, or at least cultural, genocide in the Tasmanian and Australian Aboriginal cases. The difficulty with these cases is that they intuitively constitute lasting, persistent harms, but it is unclear against whom these harms are inflicted. If, as in the most extreme case, a group is utterly destroyed, then there initially seems to be no one left to be persistently harmed. Does this mean that harm ceases the moment genocide is completed?

If we limit our analysis to instances where harm is only inflicted during, or forward in time from, the commission of injustice, then the inevitable answer seems to be that it does. And this intuitively seems to be the only possibility, because it seems to be commonsense that injustice and harm cannot extend backward in time. Brian Barry captures the sentiment well when he writes that, "because of time's arrow, we cannot do anything to make people in the past better off than they actually were, so it is absurd to say that our relations to them could be either just or unjust."[89] But I want to claim that, although we assuredly cannot directly change what happened the past or make those who lived in the past *materially* better off, it does not necessarily follow that we are unable to do things in the present that significantly affect the lasting legacies and significances of past persons and groups. Actions in the present can considerably alter the meaning of past events and lives, and insofar as past individuals, groups, and generations have a

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[89] Brian Barry, "Sustainability and Intergenerational Justice," in *Fairness and Futurity*, ed. Andrew Dobson (New York: Oxford University Press, 1998), p. 107.

legitimate say in their standing in posterity, we in the present may treat them rightly or wrongly, help them or harm them. Some historical injustices are thus brought forward in time not by affecting new people in the present, but by virtue of how the interests of those originally harmed extend into the present.

The possibility of the present helping or harming the past is, I suspect, deeply counterintuitive, because we think of harm as something that happens *to* a person or group, and, if the person or group no longer exists, it therefore seems like a mistake to say that they can be harmed. More formally, harm is generally understood as a setback in wellbeing or interests, such that A is harmed by B if and only if B causes A to be worse off than A would have been in B's absence.[90] This definition requires that the *status quo* condition of A at an initial point (t_1) be compared with its condition after the act or event in question (at t_2). A has been harmed by B if and only if, all other things being equal, A's condition at t_2 is worse than it was at t_1.

Initially, the necessity of points t_1 and t_2 for the assessment of harm would seem to rule out the possibility of any present action harming the past: a present action (B) would have to harm A after A had ceased to exist, and as such there could be no time after the occurrence of B that the wellbeing of A could be measured. After—and, in fact, during—the supposedly harmful event, A would not exist and therefore would have no wellbeing at all, much less one that could be made worse by B.

Although this all seems intuitive, the conclusion is challenged by common understandings—or, at least, what I take to be very widespread understandings—of at least two instances of harm to individuals: wrongful death and the improper execution of

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[90] Joel Feinberg, *The Moral Limits of the Criminal Law*, Vol. 1, *Harm to Others* (New York: Oxford University Press, 1984), p. 33.

a will.[91] These are admittedly some distance from the type of large-scale historical injustice of interest here. However, understanding the structure of this sort of harm on a simplified individual scale will help to provide some insight into the larger, more complicated cases.

With both wrongful death and the improper execution of a will, the harmful action occurs at the moment when, or sometime after, the person we take to be harmed has ceased to exist—or, at least, ceased to exist in the sense relevant for earthly justice. First, unless it is desired, it is generally assumed that individuals are harmed by their own deaths. However, if (1) harm is a setback in interests, and (2) death marks the point at which one simply ceases to exist in the relevant sense, then is unclear how this can be.[92] In this instance, determining the dying individual's *status quo* condition of wellbeing is unproblematic, but after the supposedly harmful event there no longer exists an individual with the capacity to have the sort of condition we're worried about. Here one might be tempted to say that the real harm of a death is in how it adversely affects the deceased's social and political communities, and to be sure this adds to the tragedy. But it does not account for the entirety of harm done. Consider an example from Joel Feinberg:

> A woman in the prime of her life, with many ongoing projects and enterprises, but
> with no dependents or friends close enough to mourn her, is shot in the head by an

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[91] For a conflicting account to the one I'm about to give, see Galen Strawson, "Against Narrativity," *Ratio* 17, no. 4 (2004), pp. 428-452. Strawson argues that people with "episodic" personalities tend not to have the same sorts of temporally extended concerns that people with "narrative" personalities take to be natural, and so may not take themselves to be harmed by things like their own deaths or the posthumous improper execution of a will. In addition, the conception of interests I'm about to give may be culturally relative. As I note in Chapter IX, groups vary widely in their beliefs about the proper way to relate to the dead. However, I take it that the conception of interests I'm about to give is widely shared enough to demonstrate the *possibility* of this sort of harm, even if it is not universal.

[92] Ibid, p. 84.

unseen assailant, while she is asleep. Without ever being aware that she was in danger, much less that she had been fatally wounded, she dies instantly. Right up to the very instant she was shot she was unharmed, then at that very moment... [s]he was dead.[93]

Intuitively, the incident seems harmful despite the woman's lack of relations, but there is no intervening period between her unharmed existence and her lack of earthly existence, and so there seems to be no time at which she exists as harmed by her own death. Feinberg's solution is to insist that interests "survive" one's death:

Because the objects of a person's interests are usually wanted or aimed-at events that occur outside his immediate experience and at some future time, the area of a person's good or harm is necessarily wider than his subjective experience and longer than his biological life.[94]

From this perspective, while alive the murdered woman possessed a number of interests, some of which remain after she is gone. The thwarting of those interests constitutes harm irrespective of whether the woman remains alive to see it. Following Thompson, I call these "lifetime-transcending interests."[95]

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[93] Ibid, p. 80.

[94] Ibid, p. 86

[95] Janna Thompson, *Intergenerational Justice: Rights and Responsibilities in an Intergenerational Polity* (New York: Routledge, 2008), chs. 3-4.

But, even given the existence of lifetime-transcending interests, there is still the problem of when the harmed occurred. Feinberg suggests that the victim was actually in a harmed state even before her death. The event made it apparent that, from the time when she began pursuing her now thwarted interests, she was "playing a losing game."[96] On this view, she was not actually unharmed "right up to the very instant she was shot": insofar as she was investing in projects she would have liked to see finished, she had in fact been existing in a harmed condition for some time. In this instance the *status quo* condition (t_1) is the counterfactual state of affairs that would have obtained had she not been shot, where all other things being equal her projects were not doomed to failure and could perhaps have been completed. The harmed state (t_2) is the actual conditions under which the woman labored prior to her death, where every project she started was set to be "totally and irrevocably defeated."[97] Because the death (B) caused the woman (A) to be in a worse state at point t_2 than she was (or, in this case, would have been) at t_1, it constitutes harm.

This manner of conceptualizing posthumous harm also provides guidance for how to conceive of the harm done to an individual whose will is improperly executed. The deceased, A, has interests that extend beyond death. When the will is improperly executed (B), it becomes apparent that A's premortem interest in a proper distribution of her remaining assets had been doomed to failure. As with the case of the murdered woman, the improper execution of A's will makes apparent to us that A was in a harmed state beginning the moment she wrote the now violated will.

[96] Feinberg, *Harm to Others*, p. 91.

[97] Ibid, p. 93.

The account of posthumous harm also helps us to interpret otherwise difficult to understand claims that arise on a larger scale. After large-scale acts of violence, the families and communities of victims often emphasize the importance of remembering the deceased. One way of interpreting this is as a request for the political community to remember the dead *for the sake of the survivors* to show them that the community understands and honors their loss. And this assuredly goes part of the way to explaining the claim. But survivors often claim that remembering is necessary just for their own good, but as a way of honoring the deceased themselves. The idea seems to be that people have a lifetime-transcending interest in being remembered,[98] and correspondingly that, in remembering or forgetting, we can treat them better or worse, help them or harm them.

The point is made most forcefully in discussions of the Holocaust, which aimed at the destruction not just of lives, but also of all traces of those lives—the destruction of the fact that those who have been killed ever existed at all. Hannah Arendt argues that, unlike murder, which leaves memories of the victim, marks on the common world that maintain a link even after they has passed, what's at stake here is the victim's disappearance altogether, their exclusion from the world to a realm "outside of life and death."[99] Similarly, Margalit refers to the "double murder" that occurs when one is killed and their memory is "blotted out."[100] Remembering, perhaps resurrecting the memory, of victims in this case cannot provide them with material comfort. But it can retroactively make it

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[98] For an excellent historical treatment of our continuing interests in posterity, see Carl Becker, *The Heavenly City of the Eighteenth Century Philosophers* (New Haven, CT: Yale University Press, 1932).

[99] Hannah Arendt, "Total Domination," in *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin, 2000), p. 125.

[100] Avishai Margalit, *The Ethics of Memory* (Cambridge, MA: Harvard University Press, 2002), pp. 21-23.

the case that their lives were not doomed to pass into oblivion, and, in this sense, it can combat some of the harm created by the original injustice.

This is all true on a larger scale when the concern is the destruction of entire peoples or ways of life. What's at stake in these cases is not an individual's continued place in their community, but the continued place of entire communities in the world. To forget all traces of a people is to allow their former presence in the world to fade into oblivion, and to retroactively make it the case that all of their contributions were doomed to failure. This is a critical problem because many of our projects assume the possibility of making a contribution to the life of, if not the world, then at least our own communities, which will persist even beyond our own individual deaths.[101] Part of the horror of genocide and similar crimes is that, in threatening to wipe out whole forms of life, they threaten to nullify the life's work of generations of people. Remembering can't undo all of the harm this causes, but it can combat the harm of total disappearance.

This sort of posthumous harms constitutes a special case of extended subjective harm. It extends forward in time not because it harms new persons, but because past persons are continually harmed in the present. And it is subjective because, although victims may no longer be alive to experience it, the lifetime-transcending interests at stake concern their status in the subjective—or, intersubjective—life of the community.

27. Who Inherits Responsibility?

As with victimization, the simplest set of cases for determining responsibility for injustice are those in which the individuals involved are still alive. Although there may be

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[101] Samuel Scheffler, *Death and the Afterlife* (New York: Oxford University Press, 2013), lec. 1.

limiting factors—such as remorse, repentance, or the simple passage of time[102]—it is clear that, *ceteris paribus*, individuals can generally be held accountable for their own past actions. But what for cases where the individuals directly responsible are no longer alive?

Again as before, an obvious solution to this problem is to shift the focus from individuals to intergenerationally persistent groups or associations. The paradigm cases of historical injustice often discussed in the United States—Native American displacement and slavery—are illustrations of this point. Insofar as the harms were caused by the U.S. government and the U.S. government persists into the present day, it seems relatively obvious that the contemporary U.S. government retains responsibility for both the original harm and whatever of it persists into the present day. There remain theoretical difficulties about the nature of institutional persistence and what to do when the government's debts inevitably fall on a population that had no hand in the original injustice, but it is at least clear where the quest for responsibility should begin.

However, in other instances, assigning present responsibility for past injustice is not so simple. Take the massive human rights violations committed by Nazi Germany during World War II. Given the series of institutional ruptures constituted by Allied and Soviet occupation, denazification, and eventual reunification, it would be difficult to argue that the state directly responsible for World War II still exists.[103] And yet, given the existence of persistent harms, it intuitively seems that someone should be responsible.

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[102] Linda Radzik, *Making Amends: Atonement in Morality, Law, and Politics* (New York: Oxford University Press, 2009), chs. 1-3.

[103] For an overview of denazification in both East and West Germany, see Frederick Taylor, *Exorcising Hitler: The Occupation and Denazification of Germany* (New York: Bloomsbury, 2011).

This section focuses on the intergenerational transmission of responsibility for historical injustice through enduring groups or associations. I discuss the basic problem of historical group or associational responsibility in 28.1, and the thornier problem of where to assign responsibility for persistent harms when the relevant association—typically the state—has ceased to exist in 28.2.

27.1. Individual Guilt and Collective Responsibility

The central task of a theory of historical group or collective responsibility is to show how members of an association can incur responsibility for harms that they did not directly cause, and which they could have done nothing to prevent. The difficulty is that we typically think of this sort of responsibility as something one incurs by virtue of causing, or at least being complicit in, an improper act.[104] How can we assign responsibility for past injustices without arbitrarily imposing unfair burdens on people who have no such relation to the original wrongs?

The question is made somewhat easier if we distinguish between *guilt* and *responsibility*. As Arendt argues, while the purpose of guilt is to single out particular people who are individually and directly blameworthy for a wrongful act, responsibility does not necessarily involve personal blame. "Guilt, unlike responsibility, always singles out; it is strictly personal."[105] In contrast with guilt, for Arendt, responsibility is something we share. She sometimes suggests that responsibility in this sense is something we share as an inescapable obligation entailed by our births into and

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[104] I take it that this is intuitively true, but for an argument, see Bernard Williams, *Shame and Necessity* (Berkeley, CA: University of California Press, 1993), p. 55.

[105] Hannah Arendt, "Collective Responsibility," in *Amor Mundi: Explorations in the Faith and Thought of Hannah Arendt*, ed. James Bernauer (Boston, MA: Martinus Nijhoff, 1987), p. 43.

memberships in particular political communities, even if this membership is non-voluntary.[106] As she puts it in *Eichmann in Jerusalem*, "by virtue of being born into a historical continuum, [each new generation] is burdened by the sins of the fathers as it is blessed by the deeds of the ancestors."[107]

Although the distinction between guilt and responsibility here may somewhat lessen the sting of arbitrarily being assigned responsibility for something over which one had no control, it nonetheless seems unfair to impose extra burdens on a population just because of the conditions of their birth.[108] One way around this problem is to suggest that historical responsibility falls first on the state, as a persistent corporate entity, and only subsequently on citizens by virtue not of some inborn debt, but just because of their status as citizens. Robert Fullwinder makes this sort of claim when he argues that the only present entity that can be held accountable for American slavery is the U.S. government, and that the ameliorative responsibilities of citizens occur only secondarily, as consequences of the duty of citizens to "underwrite" the debts of their government.[109] But this just pushes the problem back a step: as a moral rather than legal matter, it is at best unclear that citizens have a duty to underwrite the debts of their government when the debts were incurred before any current citizens were born.[110]

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[106] Ibid, p. 45.

[107] Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking, 1963), pp. 297-298.

[108] For a similar claim about Arendt, see Young, *Responsibility for Justice*, p. 79.

[109] Fullwinder, "The Case for Reparations," pp. 3-4.

[110] Recall, for instance, Jefferson's remark that "one generation is to another as one independent nation to another." Quoted in Thompson, *Intergenerational Justice*, p. 6.

Another strategy for overcoming the arbitrary burden objection is to assert that responsibilities for historical injustice are incurred insofar as we in the present enjoy advantages that we would not have enjoyed in the absence of historical injustice.[111] But this strategy relies on the shaky empirical presumption that the past injustice in question made anyone better off. It may be that, in some instances, past injustices were, even from the point of view of the narrowly defined material self-interest of the perpetrators, mistakes.[112] And even though, in some instances, historical injustices have presumably led to enduring unfair material advantages for perpetrators and their descendants, this is clearly not the case in every instance that a theory of historical responsibility should cover.

A more promising strategy is suggested by Farid Abdel-Nour, who argues that the primary link between a present citizen and past co-nationals is a feeling of identification or pride in national membership. As he puts it:

> An individual's pride in the achievements of her nation connects her imaginatively to the actions of those who brought them about. In this way (and only in this way) can she be meaningfully implicated in the cause of distant outcomes by virtue of her national identity alone.[113]

The case here closely parallels the argument about group harm I made in § 26.1. Through identification with the collective, the individual makes its business their own. This can

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[111] For discussion of this claim, see Fullwinder, "The Case for Reparations," p. 5.

[112] Ibid.

[113] Farid Abdel-Nour, "National Responsibility," *Political Theory* 31, no. 6 (2003), p. 695.

expose the individual to past group-directed harms, but it can also make them culpable for past group wrongs.

As Abdel-Nour recognizes, this mode of identification does not establish a historical bond between past and present citizens as strong as the one individuals have with their past selves, and correspondingly it does not justify holding present citizens responsible for the deeds of past citizens in the same way that we commonly hold individuals responsible for what they have done in the past. It would, for instance, make little sense to *punish* a present citizen for something they were not personally involved with.[114] Yet the strength of common identification is sufficient to establish other sorts of responsibility. Most importantly for present purposes, it seems sufficient to establish a responsibility to attend to the lasting discursive legacies of subjective harms. In identifying with the state as an intergenerational association, one takes pride in its triumphs, but must also take on shame and regret for its failures. This means, at minimum, attempting to combat the pain and other subjective harms the country has inflicted.

27.2. Shifting Collectives and Persistent Responsibilities

But what for cases where the political unit in question has ceased to exist? For example: who, if anyone, can be held responsible for the lasting damage caused by the Nazi German atrocities during World War II, given that the Nazi state has not existed for more than seventy years?

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[114] Ibid, pp. 703-713.

There seem to me to be three possibilities. One is to maintain Abdel-Nour's emphasis on identification with a past group, but to change the focus from identification with a political association to identification with a cultural association. In the German case, although the Nazi state no longer exists, there still exist people who identify as German, and a titular state that, while institutionally distinct from the prior regime, nonetheless largely shares its (pre-war) borders. It is presumably this persistence of German identity despite political discontinuities that explains the enduring feeling of guilt commentators sometimes note in German social and political life.[115]

The second possibility, suggested by Spinner-Halev, is to shift from questions of persistent identification to questions of the persistent occupation of shared spaces. Spinner-Halev's argument is that sometimes responsibility is tied to place, such that persons or groups inherit responsibilities for injustices that occurred on the land they inhabit, even if they did not govern or inhabit the land when the original injustice occurred. For example, he suggests that although, like other concentration camps, Auschwitz is now no longer under Nazi German control—it is on Polish soil—the place itself confers a historical obligation on whoever controls it. His analysis is worth quoting at length:

> Auschwitz is under Polish sovereignty, but the Polish government ought not feel
> free to do what it wills with Auschwitz. It instead has an obligation, to the
> victims' descendants at the least, to maintain Auschwitz as a memorial and

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[115] Charles Maier, *The Unmasterable Past: History, Holocaust, and German National Identity* (Cambridge, MA: Harvard University Press, 1988). Cf. Lars Rensmann, "Collective Guilt, National Identity, and Political Process in Contemporary Germany," in *Collective Guilt: International Perspectives*, ed. Nyla Branscombe and Bertjan Doosje (New York: Cambridge University Press, 2004).

museum, even though Germans ran Auschwitz. Many people would rightly be appalled if the Polish government sold Auschwitz to someone who razed the place, and then built an amusement park on it. They would be appalled because the Polish government would be violating that space and the memories it holds; it would be in particular a violation of Jewish memory.[116]

The idea is that, in a moral sense, sometimes sites of great tragedy belong to those who suffered there, regardless of who now has legal authority over them, and so those who occupy certain sites of suffering incur responsibilities to victims or their descendants just by virtue of their occupation of the land. This seems obviously true in the cases of Auschwitz and other concentration camps. However, it is presumably not true in every instance: one can imagine cases where the tragedy is simply not great enough, or is too historically distant, to generate extra-territorial claims to moral authority. I do not know where these lines can be drawn, and suspect that there is no way of validly drawing them *a priori*. But Spinner-Halev here does point to an important class of cases, even if we can't determine its exact boundaries.

Finally, the third possibility is that, when all else fails, responsibility for addressing historical injustice might become universal. As Arendt suggested in the aftermath of World War II, when particular state protections fail, ultimately, the only recourse is humanity itself.[117] It was something like this recognition that motivated the

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[116] Spinner-Halev, "From Historical to Enduring Injustice," p. 590.

[117] Hannah Arendt, "The Perplexities of the Rights of Man," in *The Portable Hannah Arendt*, p. 39.

original *Universal Declaration of Human Rights* in 1948, and a similar recognition still motives much of the contemporary discourse on human rights.[118]

As a practical matter, the trouble with this possibility is that, on a global level, it is difficult to protect even the most basic human rights—rights against torture, abuse, murder, and other gross physical violations.[119] While we might wish for more, it seems unlikely that the work of protecting human rights will in the foreseeable future be so secure as to allow it to advance from the basic physical protections to the perhaps less pressing business of addressing historical injustice.[120]

Still, there are promising examples on a sub-global level. For instance, in its 1979 report to then president Jimmy Carter, the President's Commission on the Holocaust suggested that the event constituted such a terrible breach in ordinary life and morality that coping with its history was an essentially universal task.[121] And it was this sentiment that motivated the Commission's suggestion that the U.S. construct a memorial museum to the victims of the Holocaust, both domestic and foreign. This eventually became the U.S. Holocaust Memorial Museum in Washington, DC.[122] The construction of a museum is a relatively modest burden to take on, but it does illustrate the possibility that, in the most extreme cases, responsibility may accrue just by virtue of common humanity.

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[118] Johannes Morsink, *Inherent Human Rights: Philosophical Roots of the Universal Declaration* (Philadelphia, PA: University of Pennsylvania Press, 2009).

[119] Michael Ignatieff poignantly makes this point in the reply to critics in his *Human Rights as Politics and as Idolatry* (Princeton, NJ: Princeton University Press, 2001), pp. 161-174.

[120] Though, for an opposing view, see Joshua Cohen, "Minimalism about Human Rights: The Most We Can Hope For?" *The Journal of Political Philosophy* 12, no. 2 (2004), pp. 190-213.

[121] President's Commission on the Holocaust, *Report to the President*, Reprint Ed. (Washington, D.C.: United States Holocaust Memorial Museum, 2005), pp. ii-iv.

[122] This is not to say that the sentiment was the *only* motivation. For an account of the various political pressures leading up to the founding of the museum, see Edward Linethal, *Preserving Memory: The Struggle to Create America's Holocaust Museum* (New York: Columbia University Press, 2001), esp. ch. 1.

28. *Victims, Perpetrators, and the Vicissitudes of History*

For the sake of simplicity, I have so far been assuming an improbably simple model of historical injustice, in which perpetrators and victims stand in a relatively constant relationship to each other, with each category stably signifying a determinant and unified set of people, groups, or institutions. I have been assuming, in other words, that perpetrators stay perpetrators and victims stay victims.

Although this assumption has been helpful and perhaps necessary for analytic purposes, it is also wildly unrealistic. History is rife with examples of when, in Mahmood Mamdani's phrase, "victims become killers."[123] Indeed, it is also rife with examples of victims, at the time of their victimization, *already* being killers. In this last section, I would like to briefly address the difficulties caused by instability in the categories of "perpetrator" and "victim," and in particular the difficulties that arise when memory itself becomes embroiled in cycles of resentment, violence, and retribution. My central claim is that this possibility does not alter the value that memory has, or could have, in helping victims-cum-perpetrators overcome still-persistent harms, but that it does show how this value can sometimes conflict with other, potentially more basic, legitimate political ends. There is, I suggest, probably no way that these conflicts can be settled *a priori*. Particular conflicts will thus probably have to be settled on an *ad hoc* basis.

One set of cases involves instances where addressing persistent harms to one group generates a legitimate grievance on the part of another. The best illustration of this problem in the United States is probably the tangled trouble of Civil War

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[123] Mahmood Mamdani, *When Victims Become Killers* (Princeton, NJ: Princeton University Press, 2001).

commemoration among descendants of the Confederate army.[124] The issue, roughly, is as follows. Descendants claim that the deaths of more than 350,000 Confederate soldiers in the Civil War constitute an enduring national tragedy, which should be commemorated.[125] However, others—principally African Americans and northern whites, though also liberal southerners—argue that such commemorations constitute grievous moral insults to the descendants of those who were enslaved under the Confederacy.[126] Both claims seem to me to be legitimate. The deaths of hundreds of thousands of citizens less than two centuries ago surely still matters. Yet, at the same time, the Confederacy was guilty of and complicit in the grave history of U.S. slavery, and descendants of slaves just as surely are right to say that honoring it demeans them.

In other instances, the trouble with remembering is more direct, as when justified moral anger in the face of past wrongdoing is transformed into a desire for violence vengeance. As Nancy Rosenblum notes, "every injustice arouses anger, or should."[127] But, she quickly adds, that moral anger can quickly become "unruly." When things go wrong:

> Victims want more than to hold the perpetrators responsible; they want to cause them and their supporters suffering in turn. An unruly longing for revenge is

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[124] For an excellent overview of the problem, see Sanford Levinson, *Written in Stone: Public Monuments in Changing Societies* (Durham, NC: Duke University Press, 1998).

[125] Ibid, p. 57.

[126] Ibid, pp. 33-34.

[127] Nancy Rosenblum, "Introduction: Memory, Law, and Repair," in Martha Minow, *Breaking the Cycles of Hatred: Memory, Law, and Repair* (Princeton, NJ: Princeton University Press, 2002), p. 1.

validated by the vindictiveness of the crime. Certain crimes usher in that destructive dynamic: a cycle of hatred.[128]

There is no shortage of possible illustrations, but the Rwandan genocide of 1994 is among the most recent, and the most horrifying.[129] Since at least colonization by Germany in the late Nineteenth Century, Rwandan society was largely divided between two groups—majority Hutu and minority Tutsi—who are variously defined as distinct classes, ethnic groups, or races.[130] From colonization until the Rwandan Revolution in 1959, the Tutsi ruled the Hutu in a way that Philip Gourevitch describes as "essentially feudal": "Tutsis were aristocrats; Hutus were vassals."[131] However, the revolution largely reversed the hierarchy, and many Tutsi fled, seeking shelter in neighboring countries.[132] The Hutu retained power until 1990, when a civil war broke out between the Hutu-led government of Juvénal Habyarimana and the Rwandan Patriotic Front, a group of Tutsi refugees. Habyarimana was assassinated in early April 1994, and the war then almost immediately shifted to genocide, as hardline Hutu forces began killing both Tutsi and

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[128] Ibid.

[129] The following draws heavily on Mamdani, *When Victims Become Killers*, chs. 1-5.

[130] Mamdani suggests that the division was essentially along class lines, but that it was racialized by colonial rulers. See ibid, ch. 3. Philip Gourevitch provides a similar account, and suggests that the seeming solidity of the distinction is due to the issuing of identity cards by colonial powers rather than any obvious physical difference. See Gourevitch, *"We Wish to Inform You That Tomorrow We Will Be Killed with Our Families": Stories from Rwanda* (New York: Farrar, Straus, and Giroux, 1998), ch. 4.

[131] Ibid, p. 49.

[132] Mamdani, *When Victims Become Killers*, ch. 4.

moderate Hutu.[133] The genocide lasted for 100 days, and killed, as Mamdani has it, "between ten and fifty thousand Hutu, and between 500,000 and a million Tutsi.[134]

The important point for present purposes is the role of history and the memory of injustice in all of this. Throughout the post-revolutionary years and Civil War, Hutu forces justified their treatment of the Tutsi with references to centuries of Tutsi domination, and the genocidal violence was similarly justified by a "Hutu Power" movement that sought redress for historical domination.[135] As Gourevitch puts it, the recollection of past injustice seems to have become a form of violent resentment: "The difference between memory and grudge is not always clean."[136]

It might be tempting to think of Rwanda as an aberrant case, or perhaps as a case belonging to a distinct class, where memory becomes somehow dangerous. But, as Rosenblum suggests, memories of conflict and injustice are nearly *always* dangerous. Insofar as former victims and perpetrators inhabit the same social world, the possibility of memory shifting into resentment and grudge probably cannot be escaped.

So where does this leave us? Does the possibility of moral insult or further conflict eclipse the value of memory? One way of answering this question is to ask if the positive value of memory in the lives of former victims is somehow canceled out in instances when their remembering may also lead to further conflict or other social ills. It would seem strange to say that it is. Rather, the case seems to be that, while remembering

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[133] Ibid, ch. 7.

[134] Ibid, p. 5.

[135] Ibid, ch. 7.

[136] Cécile Alduy, "Telling Stories About the Stories We Tell: An Interview with Philip Gourevitch" *Boston Review Online*, Sept. 19, 2012. http://www.bostonreview.net/books-ideas-arts-culture/telling-stories-about-stories-we-tell-cecile-alduy

in these instances may still do some positive ameliorative work in combatting the persistent harms of past injustices, it also may have the negative consequence of leading to further injustice in the future. It is not an instance of one value *canceling out* another, but rather of two values *competing*. It may be that, in some cases, the possibility of moral insult or the danger of further violence rightly outweighs the good of memory, but in those cases, there is a real good being lost.

This possibility reflects what I take to be a basic point about the realization of political values. In Isaiah Berlin's often-quoted formation: "The world that we encounter in ordinary experience is one in which we are faced with choices between ends equally ultimate, and claims equally absolute, the realization of some of which must inevitably involve the sacrifice of others."[137] Although remembering may be dangerous, and although this danger may sometimes be sufficient to suggest that on balance we shouldn't promote memory, this does not eliminate the good that memory could do. In these cases, memory's value is outweighed, but its side of the balance is not empty.

In addition, it seems unlikely that we could come up with a universally valid set of priority rules for balancing memory against peace or other potentially conflicting values. The set of possible variables, both empirical and normative, is simply too great to allow a general theory. Instead, it must suffice to say that *ad hoc* calculations will presumably be necessary in a great many cases. The contribution of the present inquiry is not, then, to provide a universally valid metric for when we should remember and when we should not. Instead, it is to elucidate the value that memory can have in combatting

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[137] Isaiah Berlin, "Two Concepts of Liberty," in *The Proper Study of Mankind: An Anthology of Essays*, ed. Henry Hardy and Roger Hauscheer (New York: Farrar, Straus, and Giroux, 1997), p. 239. Or, in John Rawls' somewhat pithier phrase, "there is no social world without loss." See Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 197 n. 32.

legacies of injustice, even if this value should, in some cases, be foregone for the

realization of more basic goals.

CHAPTER VIII

MEMORY AS A TRANSITIONAL GOOD

29. Persistent Harm, Membership, and Memory

In Chapter VII, I suggested that persistent subjective harms come in a motley assortment of forms: the moral insult of cultural marginalization; the moral injury entailed by widespread mistreatment; the spread and proliferation of official lies and misinformation; psychic damage that is passed on through generations; and the psychological toll of living in a world or political community shaped by injustices that cannot be wholly undone. In this and the next chapter, I want to make two claims about these harms: first, that, despite their diversity, they are unified in all posing challenges to the political membership or belonging of those affected; and, second, that these challenges can be partially ameliorated by certain forms of public remembrance.

In some cases, memory's role is transitional: it is valuable insofar as it can correct undesirable legacies of persistent harm and the challenges to political membership that these legacies create, but it ceases to be valuable—or ceases to be valuable *in the same way*—once this correction is done. Memory in this sense is an instrumental good. Its value derives from its ability to bring about later states of affairs, which, if fully realized, eliminate any further need for it. However, in other cases, memory's role is more permanent: not all of the impacts of past injustice can be fully undone, the memory of difficult histories is sometimes valuable as an enduring aspect of a country's public culture, combatting the indelibly persistent aspects of historical injustice that can

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perpetually challenge the equal political standing of affected citizens and groups. I discuss memory's transitional value in this chapter, and its enduring value in the next.

An account of transitional value must do two things. First, it must be specific about what is wrong with the current, purportedly undesirable, state of affairs, such that movement to a more just system is desirable. Second, it must show how the would-be transitional value can facilitate this movement. I take up the first task in the next three sections of this chapter, and the second in the remaining five.

My basic claim in the first part of this chapter is that the sorts of persistent subjective harms of interest here are often especially problematic because they threaten lasting exclusion from full membership in the political community. I begin in § 30 with a brief examination of the concept of political membership, arguing that the requirements of membership largely depend on the sort of political community being described. Focusing on contemporary, broadly democratic societies, I suggest that membership has three central components: legal recognition, participation, and identification. The first of these is, at least theoretically, largely unproblematic, because, given the political will, granting legal recognition to previously excluded groups is simply a matter of changing laws. However, the latter two can be, and often are, complicated by the persistent harms associated with historical injustice. I suggest that challenges to participation should be understood as transitional problems to be overcome, while challenges to identification may require more permanent adjustments. Thus I spend the rest of this chapter on participation, and most of the next on identification.

§§ 31 and 32 examine two interrelated ways in which persistent harms can interfere with the ability of would-be members to participate, based on *presence* and

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standing respectively. First, drawing on Hannah Arendt's analysis of lying in politics, in § 31 I argue that the historical omissions and inaccuracies that are often created by informational injustices can cripple the ability of citizens to act and appear—that is, to be present—as co-equals within a common public world. Second, in § 32, I suggest that discursive legacies of marginalization and mistreatment, such as moral insult and injury, can challenge the equal dignity and, ultimately, political standing of those affected.

In the remainder of the chapter, I argue that much of memory's transitional value derives from its ability to restore the possibility of full participation—and, in particular, to restore the public presence and standing that are necessary conditions for participation—that is threatened by legacies of injustice. I examine the relationship between memory, presence, and standing in several contexts: the work of truth commissions; the act of testimony; the practice of mourning; and the issuing of official apologies.

30. What Membership Requires

Membership is in some sense the most basic political good. The right of belong to a political community is necessarily prior to any particular political entitlement that might be gained within that community.[1] Thus, although exclusion may ultimately be a sort of domination,[2] it is a type of domination wholly distinct from the more everyday

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[1] Hannah Arendt famously frames this sort of belonging as "the right to have rights," though I think it encompasses more than this. See Arendt, "The Perplexities of the Rights of Man," in *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin, 2003), pp. 37-38.

[2] Danielle Allen, "Invisible Citizens: Political Exclusion and Domination in Arendt and Ellison," in *Nomos*, Vol. 46, *Political Exclusion and Democracy*, ed. Melissa Williams and Stephen Macedo (New York: New York University Press, 2005).

experience of domination *within* domestic politics. The right to membership is unlike, and more primary than, any more specific right that can follow from it.[3]

Membership is so basic that it's often treated as more of a presumption than an aspiration. For instance, Rawls begins his reflections on the ideal structure of society by conceptualizing the ideal democracy as a "complete and closed social system," such that "entry into it is only by birth and exit from it is only by death."[4] The implication seems to be that, before we can even begin thinking about other aspects of justice within a community, questions of membership must be settled. Indeed, even when Rawls considers the international system, his unit of analysis moves from already-established citizens to already-unified "peoples," already in possession of governments.[5]

If membership is a prerequisite for any further political engagement, what does membership itself require, and how might these requirements be challenged by persistent harms? The answer depends in part on the sort of political society being described. In what follows, I assume a state in which all citizens are at least in principle capable of making claims on the government or otherwise participating in the business of governing. In other words, I assume a broadly democratic society, though only in the minimal sense that citizens must be able to participate in the construction of a common political world. I assume this vision because I take it that, while there is of course disagreement on particulars, there is a broad contemporary consensus on the desirability of democracy as a general ideal.

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[3] Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (New York: Cambridge University Press, 2004), pp. 56-61.

[4] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 41.

[5] John Rawls, *The Law of Peoples, with "The Idea of Public Reason Revisited"* (Cambridge, MA: Harvard University Press, 1999), p. 23.

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What, then, does full membership in a reminiscently democratic political community require? Membership in this sense is generally assumed to have three components: a juridical recognition of legal personhood and standing; a political capacity to participate in collective deliberation and decision-making; and, perhaps, a cultural identification with the polis.[6]

The juridical component is the most obviously necessary: as illustrated by the status of "resident aliens"—American migrant workers, German *Gastarbeiter*, and others—simply living within a state's territory is insufficient to guarantee membership.[7] The absence of legal recognition can effectively extend borders into the political community, marking some would-be members as physically present but politically absent.[8]

But this requirement is also the most easily met. Although there may be practical difficulties with attaining the political will to extend formal rights to previously excluded groups, given the political will, the extension is analytically relatively straightforward.[9] The denial of formal equality in this sense is always a matter of *present* mistreatment, which, even if iterated over time, can always be undone by the (analytically) simple

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[6] Jean Cohen, "Changing Paradigms of Citizenship and Exclusiveness in the Demos," *International Sociology* 14, no. 3 (1999), p. 248.

[7] Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), pp. 52-61.

[8] Linda Bosniak, "Citizenship, Noncitizenship and the Status of the Foreign Domestic," in *Women and Immigration Law: New Variations on Classical Feminist Themes*, ed. Sarah van Walsum and Thomas Spijkerboer (New York: Routledge, 2007).

[9] Recall, for instance, Australian Prime Minister John Howard's 1997 proposal for "practical reconciliation" with Aboriginal communities, consisting entirely of the extension of formal, legal rights. The proposal was easy—indeed, *too* easy—because it only required the government to accord rights to its members that it should have been according all long. For more on this case, see Andrew Schaap, *Political Reconciliaiton* (New York: Routledge, 2005), pp. 119-120.

extension of rights. There is little room here for historical or persistent injustice to have an impact.

The participatory component is not a basic requirement of membership *simpliciter*, because one can imagine states where citizenship consist entirely of "passive entitlements" to various rights and privileges without the expectation (or, perhaps, possibility) of more active forms of participation.[10] But it is a necessary component of any plausible conception of democracy. And in marked contrast with formal legal recognition, extending the capacity to participate in politics may require considerably more than the provision of formal rights. As I argue in the next two sections, the overarching political challenge posed by many persistent harms is that they complicate the ability of victims to participate fully in the business of governing in ways that cannot be undone by the simple extension of legal status. Still, these challenges are best seen as impediments or obstacles to be removed, and therefore present transitional problems, which can, at least in principle, be overcome.

I spend most of this chapter examining these transitional challenges. However, to anticipate the argument in Chapter IX, I would like to close this section with a brief discussion of the identity component, which can pose a more permanent difficulty. Like participation, identification is not obviously a requirement of membership *simpliciter*. One could imagine a state consisting of a random assortment of persons, who share nothing more than a common vertical relationship with an encompassing political unit. In addition, in contrast with formal equality and the capacity for participation, it is unclear whether the attainment of uniform identification with the state is always desirable: there

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[10] For the language of "passive entitlement," see Will Kymlicka and Wayne Norman, "Return of the Citizen: A Survey of Recent Work on Citizenship Theory," *Ethics* 104, no. 2 (1994), pp. 354-355.

is a growing recognition that the presumption of thick identification with one's country presumes a level of cultural homogeneity simply lacking in most contemporary, multicultural states, and that this presumption may therefore serve to exclude minority communities and associations.[11]

Yet even if we abandon the dream that the boundaries of states might somehow perfectly coincide with the boundaries of identity-conferring communities, identification may still remain important in at least two less direct ways. First is what William Lund calls "the viability problem":[12] it may be that, in order to function, states must adopt some culturally-specific traits—for example, states must choose a language, or a finite set of languages, in which to conduct their business;[13] and, moreover, may be that the proper functioning of states depends on citizens in some way identifying with each other, even if this identification is not all-encompassing.[14] And second, regardless of whether identification is really necessary, it may be that some cultural characteristics are, as an empirical rather than analytic matter, ineliminable to states as they currently exist.[15]

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[11] See, e.g., Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness* (New York: Oxford University Press, 2000), chs. 7-9 and Bhiku Parekh, *Rethinking Multiculturalism: Cultural Diversity in Political Theory*, Second Edition (New York: Palgrave, 2006), ch. 6.

[12] William Lund, "Egalitarian Liberalism and Social Pathology: A Defense of Public Neutrality," *Social Theory & Practice* 23, no. 3 (1997), p. 457.

[13] As Will Kymlicka puts it in a discussion religion, language of the limits of cultural disestablishment, "It is quite possible for a state not to have an established church. But the state cannot help but give at least partial establishment to a culture when it decides which language is to be used in public schooling, or in the provision of state services. The state can (and should) replace religious oaths in courts with secular oaths, but it cannot replace the use of English in courts with no language." See Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (New York: Oxford University Press, 1995), p. 111. Cf. Carens, *Culture, Citizenship, and Community*, pp. 53-54.

[14] This is a common point in the "communitarian" challenge to liberal neutrality. See Charles Taylor, "Cross Purposes: The Liberal-Communitarian Debate," in *Philosophical Arguments* (Cambridge, MA: Harvard University Press, 1995), pp. 187-188.

[15] In the next chapter, I argue that this is the case with history: although there is no necessary connection between political organization and history—one could imagine a political association based strictly on the

Addressing challenges to identification is somewhat more complicated than addressing challenges to participation, because, while challenges to participation are obstacles to be overcome, challenges to identification may be more permanent. When, for example, Aboriginal Australians report to not identifying with the Australian state because the state was directly responsible for injustices that still haunt Aboriginal communities,[16] it would be at best insensitive to suggest that the problem is something that simply needs to be overcome—something that Aboriginal Australians must simply get over. Rather, addressing the problem may require permanent changes to the public image of what it means to be an Australian.

31. Participation, Presence, and Political Lies

The ability to participate in politics is established in part through the legal recognition of one's right to participate. Thus the "quest for inclusion" in American politics has proceeded in part by a series of challenges to laws that restrict who can vote.[17] But in this and the next section, I want to suggest that legal recognition is a necessary but not sufficient condition for guaranteeing the ability of citizens to participate, because political invisibility can constitute *de facto* exclusion, regardless of formal, legal status. Following Arendt, I suggest that, in addition to legal recognition,

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granting of a-historical rights and responsibilities to citizens—most actually existing states presume foundational visions of their own histories, with which citizens are assumed, or supposed, to identify.

[16] Human Rights and Equal Opportunity Commission, *Bringing them Home: Community Guide* (Sydney, AU: Human Rights and Equal Opportunity Commission, 1997), § 7.
http://www.austlii.edu.au/au/other/IndigLRes/stolen_summary/7.html

[17] Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA: Harvard University Press, 1991), ch. 1.

participation requires the existence of, and presence of would-be participants within, a common "space of appearances" in which politics can take place.[18]

I take it that, at a general level, the idea that participation requires a shared space in which participants can appear to each other and engage in the common business of governing is relatively obvious. However, what's less obvious is what exactly this requirement entails, and thus how it can undermined. I want to suggest that, at base, the requirement imposes two conditions. The first is *presence*: a shared space must be present for participants, and participants themselves must be present within this space. The second is *standing*: it is not enough for members to be merely present; they must also have the recognized capability to stand as equals and make claims on their fellow members.

Persistent harms can undermine both of these conditions. First, largescale campaigns of political information—what I've called "informational injustice"— can radically destabilize the possibility of presence, both by undermining the factual solidity that provides participants with a common sense of and ability to act within the world, and by distorting the appearance of participants to each other. Second, moral injury, insult, and other forms of marginalization can challenge the standing of victims by undermining the social and self-respect that are necessary prerequisites for equal standing in a world shared with others. I discuss the first challenge in the remainder of this section, and the second in the next.

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[18] Hannah Arendt, *The Human Condition*, Second Edition (Chicago: The University of Chicago Press, 1998), p. 199.

31.1. The Presence of a Common Space

The presence condition has two components—the presence of common space, and the presence of would-be members within this space—both of which can be undermined by large-scale campaigns of misinformation. Let me begin with the first. The need for a common space is in part a literal need for a common space in which humans can come together.[19] Arendt thus sometimes describes the space of appearance as akin to a table, at which participants can meet.[20] But it is also a need for a common cognitive space in which the world can be co-present to participants; a space that can establish and sustain a shared sense of the world capable of allowing participants to live, judge, and act together—establishing and sustaining, as Arendt has it, "the common sense with which we orient ourselves in a world common to ourselves and others."[21] Even if we lived side by side, without this common sense of the world—that this occurred, that this is yet to be done—we would not live together.

Informational injustice challenges this common cognitive space in the following way. Factual, empirical knowledge about the world is fragile in a way that other sorts of knowledge are not: whereas the truths of, say, mathematics can be established by *a priori* demonstration, truths about what has happened in the past cannot.[22] Facts about what has happened are not self-evident, and do not necessarily have reasons for being so.[23]

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[19] Patchen Markell, "Arendt's Work: On the Architecture of *The Human Condition*," *College Literature* 38, no. 1 (2011), pp. 15-44.

[20] Arendt, *The Human Condition*, pp. 51-53.

[21] Hannah Arendt, "On Humanity in Dark Times: Thoughts about Lessing," in *Men in Dark Times* (New York: Harcourt, Brace, and World, 1968), p. 13.

[22] Hannah Arendt, "Truth and Politics," in *The Portable Hannah Arendt*, p. 547.

[23] Ibid, pp. 557-558.

Accordingly, often what happened can only be ascertained by the evidence of experience—either direct, or through the testimony of witnesses.[24]

This means that campaigns of misinformation about the past are potentially more difficult to combat than other sorts of harmful assertions.[25] Mistaken official assertions about purely normative questions, or about other things that can be established by argument or demonstration, can always be overturned by good arguments made to an audience capable of understanding them.[26] But good arguments cannot always overturn incorrect assertions about history.

What *can* overturn incorrect assertions about history are further facts that conflict with the visions they present. Past lies can always be disturbed by future truth—emerging memories and new evidence can always smear a careful fabrication. Maintaining a past lie's appearance of validity may therefore require denying contemporary recalcitrant facts. Or, to put it more simply: preserving a lie may require more lies. The world presented in lies will correspondingly lack the stability and solidity of the world presented in truth. Lies can destroy the truth, and thus our common cognitive sense of the world, but they cannot replace it.[27]

As Arendt recognized, under such conditions, with the contours of the common world continually and unpredictably shifting, we may eventually just lose our bearing

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[24] This is a common point. For an early statement of it, see David Hume, *An Enquiry Concerning Human Understanding*, ed. Eric Steinberg (Indianapolis: Hackett Publishing Company, 1977), p. 74

[25] Arendt, "Truth and Politics," p. 567.

[26] I take it that this is part of the horror of Orwell's Oceania, wherein the government can convince people of the analytic assertion that 2+2=5, even though the assertion could be refuted by simple demonstration: people have lost the ability to reason, as well as to see for themselves. See Craig Carr, *Orwell, Politics, and Power* (New York: Continuum, 2010), p. 119.

[27] Arendt, "Truth and Politics," pp. 568-570.

altogether.[28] And without stable bearings on the common world, we lose the ability to ascertain our real conditions of life, and how we might act to change them. We lose, as Arendt has it, "the starting point from which to change, to begin something new."[29]

This danger is inherent in the practice of lying in general.[30] But we should be particularly concerned with official acts of misinformation, for at least three reasons. The first is that, while all propositional communication includes a presumption of truthfulness among participants,[31] the presumption may be stronger with respect to governments. This is particularly true in democratic societies, where the state is sometimes seen—or, perhaps, idealized—as a representation of citizens' wills. For an ostensibly democratic state to lie to its citizens is something akin to an act of self-deception.

The second reason derives from government's special epistemic position relative to citizens. Facts about deeds are always clearer, or more readily available, to the doer than they are to observers. In the case of wrongdoing, perpetrators naturally know more about infractions than do victims.[32] This means that governments, and government agencies, are often in a much better position to know the truth about official actions and policies than citizens. Indeed, they may often be the only ones in a position to know what has occurred, and so lies about official matters are often final in a way that lies about more readily observable phenomena are not.

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[28] Ibid, p. 570.

[29] Ibid, p. 569.

[30] Thus Seana Shiffrin suggests that the badness of lying *in general* derives from its destabilization of our ability to share and communicate the truth. See Shiffrin, *Speech Matters: On Lying, Morality, and the Law* (Princeton, NJ: Princeton University Press, 2014), ch. 1.

[31] Ibid.

[32] Nick Smith, *I Was Wrong: the Meaning of Apologies* (New York: Cambridge University Press, 2008), pp. 28-33.

Finally, the third reason derives from government's special coercive capabilities, and their corresponding ability to censor or otherwise impose silence on those who would present conflicting pictures of reality. Take, for instance, the regime of silence imposed by the South African Apartheid on its critics:

> Under Apartheid, the state… repressed information at every stage at which it was produced. With powers to detain without trial, for instance, the former regime forbade the press from mentioning the names of prisoners. The government also tightly controlled the right to speak publicly, to organize collectively, to move freely around the country, and to gain access to official information. The state enforced such censorship through a full arsenal of means, including detention, house arrest, banning individuals, and the proliferation of legislation aimed at controlling public information. Censorship laws were at once extreme and vague, which consequently promoted self-censorship because journalists felt they were walking blindly through a minefield.[33]

In ordinary circumstances, claims are open to contestation: incorrect information can be confronted with correct information. False speech can be undone by "more speech."[34] But, given the government's capacity to create "enforced silence,"[35] even if contradictory

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[33] Catherine Cole, *Performing South Africa's Truth Commission: Stages of Transition* (Bloomington, IN: Indiana University Press, 2010), p. 6.

[34] Here I draw on Louis Brandeis's remark that the remedy to falsehood is "more speech, not enforced silence." Quoted in Cass Sunstein, *Democracy and the Problem of Free Speech* (New York: Free Press, 1995), p. 27.

[35] Ibid.

information is available to some, official misinformation may become a permanent distortion in, and impediment to meaningful action within, the world we normally hold in common.

31.2. The Presence of Persons in Common Space

I have been suggesting that official lies can threaten the existence of a common "space of appearances," and in so doing also threaten the possibility of political participation. This poses an identity-independent challenge to the participation of *all* citizens. But official lies can also pose more directed challenges to the ability of *particular* citizens to participate by challenging their ability to appear, and thus make claims, in public.

The paradigm case of this latter phenomenon is the "enforced disappearance" of citizens commonly associated with Argentina's Dirty War and similar campaigns of state terror.[36] In international law, enforced disappearance is generally defined as follows:

> [T]he arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or

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[36] Although the practice is most often associated with Argentina, it stretches back at least as far as World War II. See Maria Fernanda Perez Solla, *Enforced Disappearances in International Human Rights* (Jefferson, NC: McFarland & Company, 2006).

whereabouts of the disappeared person, which places such a person outside the protection of the law.[37]

Given the epistemic asymmetry between governments and citizens, official refusals to disclose the fates of disappeared persons means that, from the perspective of the ordinary world citizens share, they simply vanish. As the mother of a man who disappeared in southern Thailand recounted, "It was like suddenly my son no longer existed."[38] Or, in the words of Jorge Rafael Videla, a senior commander in Argentine army during the Dirty War, "the [disappeared] are neither dead… nor alive… they simply are not."[39]

Part of the harm of enforced disappearances is to the communities that are left behind.[40] The complete removal of persons from the public realm complicates the possibility of grief, mourning, or indeed any concerted response from the families or communities of the disappeared. The presumption is often that the disappeared have been murdered, but, absent evidence, families and intimates often refuse to believe, and thus shudder between hope and despair.[41] It is difficult to contend with facts one does not

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[37] This definition is from the United Nations' 2006 "International Convention for the Protection of All Persons from Enforced Disappearance," quoted in Polly Dewhirst and Amrita Kapur, *The Disappeared and Invisible: Revealing the Enduring Impact of Enforced Disappearance on Women* (New York: International Center for Transitional Justice, 2015), p. 1.

[38] Human Rights Watch, *"It was Like My Son No Longer Existed": Enforced Disappearances in Southern Thailand* (New York: Human Rights Watch, 2007).

[39] Quoted in Brigitte Sion, *Memorials in Berlin and Buenos Aires: Balancing Memory, Architecture, and Tourism* (New York: Lexington, 2015), p. 12. Videla's statement here is remarkably similar to Arendt's earlier assertion that the murdered victims of totalitarianism stand "outside of life and death." See Arendt, "Total Domination," in *The Portable Hannah Arendt*, p. 125.

[40] For the notion of communities as victims, see Dewhirst and Kapur, *The Disappeared and Invisible*, p. vii.

[41] Manfred Nowak, "Foreword," in Solla, *Enforced Disappearances in International Human Rights*, pp. 1-2.

know.[42] The plea that those close to victims often make in these circumstances—to give some idea of what happened to a loved one, to, as the mother of a disappeared child in South Africa asked of the Commission, "bring back even just a bone of my child so that I can bury him"[43]—derives from this recognition.

However, for present purposes, the important point is what happens to the political presence *of the disappeared themselves*. As illustrated by Videla's remark, at its most extreme, disappearance is a form of pure negation. To disappear in this sense is not just to be placed "outside the protection of law," but to be placed outside the whole realm of human affairs from which one might make claims on the law, or on the political community more generally. One does not necessarily need to have legally recognized rights to ask for, or demand, legally recognized rights; one must only be able to speak in public. But the disappeared are excluded from the public realm entirely, and are thus unable to seek the protections they have been denied—or, indeed, to seek anything in public at all.

And when, as often, the disappeared are murdered, their disappearance extends beyond death, precluding the sort of posthumous political presence that typically proceeds beyond the span of a human life. Lives normally leave traces on the common world, even after they have ended—marks and memories that maintain the deceased's connection to the world, even though they have passed.[44] As I suggested in § 26.2, because much of what we do is directed at the world that will extend beyond us, the

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[42] Hannah Arendt makes this point with respect to totalitarianism in World War II. See Arendt, "Total Domination," pp. 132-133.

[43] *Truth and Reconciliation Commission of South Africa Report*, Vol. 1, p. 8. http://www.justice.gov.za/trc/report/index.htm

[44] Arendt, "Total Domination," p. 125.

goodness of a life depends in part on these posthumous marks: how one's projects and interests fare after death. As a form of pure negation, disappearance, at least at its most extreme, destroys all traces of lives, and so also destroys the ability of victims to leave the sort lifetime-transcending marks on the world that can provide life with lasting meaning.

32. Marginalization as a Challenge to Standing

Whereas informational injustices primarily pose challenges to political *presence*, moral insult, injury, and other forms of marginalization pose a different sort of challenge to membership, which does not concern presence, but rather concern the *standing* of present individuals within the political community. My basic claim has two parts: first, that standing depends on the possession of interrelated forms of social and self-respect; and second, that both of these sorts of respect can be challenged by political marginalization.

The first part is relatively simple. Political standing is an ontologically intersubjective phenomenon. To have it, one must be recognized by others as a political equal, and must in turn recognize oneself as an equal to others.[45] I conceptualize the recognition by others as the granting of *social respect*. This is not the sort of evaluative respect we give to those who have achieved excellence—as, for example, when we speak of "respected painters" or "respected musicians"—but is rather the sort of baseline respect that we commonly take to be owed to others just by virtue of their being our

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[45] The notion of "recognition" has been much discussed in recent moral and political philosophy. Here I use it in the relatively simple triadic sense in which x is recognized by y as a z if and only if y thinks x is a z. This is the same, ordinary sense of recognition that is employed in the statement "Robin (y) recognizes that building (x) as a library (z)."

social and political equals, and thus bearers of the protections and privileges generally offered to fellow participants in social and political life.[46] Similarly, I conceptualize self-recognition as the granting of self-respect. Like its social counterpart, this is not the sort of evaluative respect one employs when thinking, say, "I did a good job today," but is rather the baseline of self-respect necessary to allow one to stand and acts as a full member of the political community. Joel Feinberg frames this as having "capacity to assert claims," and thus being able to "stand up" and "look others in the eyes."[47] Phillip Pettit suggests a similar "eyeball test," whereby one must be able to "look others in the eye without reason for fear or deference."[48]

The second part of the claim involves the fragility of social and self-respect. Both can be, and often are, withheld or lost. Moral injury and insult can create lasting forms of marginalization and exclusion that challenge the ability of victims to stand as democratic equals, even if they remain literally present in the polis. And this sort of marginalization can also deeply disfigure the self-perceptions of victims, challenging their ability to stand as equal participants in public life. Let me discuss these challenges in turn.

32.1. Challenges to Social Respect

The most obvious challenge to social respect derives from moral injuries—the transformations of rights inherent in unjust treatment. As Gerald Gaus suggests, mistreatment involves the temporary *de facto* transformation of a victims' rights such

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[46] For this distinction, see Stephen Darwall, "Two Kinds of Respect," *Ethics* 88, no. 1 (1977), p. 38.

[47] Joel Feinberg, "The Nature and Value of Rights," in *Rights, Justice, and the Bounds of Liberty* (Princeton, NJ: Princeton University Press, 1980), p. 151.

[48] Philip Pettit, *The Robust Demands of the Good: Ethics with Attachment, Virtue, and Respect* (New York: Oxford University Press, 2015), p. 96.

that, during the incident, they are treated as something less than a legal equal,[49] and are therefore ostensively denied the social respect that is generally, or at least ideally, accorded to all persons or citizens just by virtue of their common personhood or citizenship. As I suggested in § 25.2, moral injuries are often quickly overcome, as instances of positive interaction and respectful treatment between formally antagonistic parties accrue, and disrespectful interactions are thus displaced by respectful ones. But when severe or repeatedly inflicted, such injuries can constitute lasting challenges to the intersubjective standing of victims in political space.

Moral injuries can become *lasting* challenges to social respect because violations of victims' rights have a certain communicative force. To treat someone as something less than an equal, with something less than the normal protections and privileges of citizenship, is to make a claim about their status in the community: that they *are*, in fact, something less than equal. As I've just suggested, this message is often swiftly overcome by other communicative acts. When there is just a single violation, its message may quickly be marked as an aberration, and thus leave no lasting damage to the status of victims. But when a violation remains unaddressed, or violations are iterated over time, the disrespect they communicate may become a more permanent challenge to the status of victims.

Moral insults—statements of contempt or derision aimed at group members based on (purportedly) shared traits—pose a similar challenge: by demeaning or dehumanizing members of targeted communities, some moral insults frame members of these communities as fundamentally less than citizens, or even less than humans, and therefore

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[49] Gerald Gaus, "Does Compensation Restore Equality?" in *Nomos*, Vol. 33, *Compensatory Justice*, ed. John Chapman (New York: New York University Press, 1991), p. 72.

not worthy of the social respect generally accorded to fellow citizens.[50] To take a deliberately extreme example, in 1844, Secretary of State John C. Calhoun suggested that American slavery was justified—indeed, made necessary—by the primitive status of slaves: "The African is incapable of self-care and sinks into lunacy under the burden of freedom. It is a mercy to give him the guardianship and protection from mental death."[51] Or recall the Australian "doomed race theory," which attempted to justify taking Aboriginal children from their homes and communities by suggesting that "savage" Aboriginal communities would inevitably be overtaken by allegedly more advanced Europeans.[52]

As with moral injuries, the disrespect inherent in moral insults sometimes becomes a lasting challenge to group standing. This is in part because, like injuries, insults can often become part of the persistent social identities of the groups in question. Thus, for example, despite a myriad of social and political transformations in the intervening years, Calhoun's assertion about the primitiveness of African Americans is often reflected in contemporary portrayals.[53] But these challenges also persist because

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[50] Jeremy Waldron, *The Harm in Hate Speech* (Cambridge, MA: Harvard University Press, 2012), pp. 56-59. I should admit at the outset that, while moral injuries are an obvious concern for politics, worrying about moral insults affecting how citizens see each other may immediately raise concerns about violating widely accepted freedoms of speech and thought. See, e.g., John Stuart Mill, "On Liberty," in *On Liberty and Other Essays*, ed. John Gray (New York: Oxford University Press, 2008), ch. 2. I respond to this problem in detail in § 36, but, for the moment, it may suffice to say that there is a difference between attempting to shape portrayals and perceptions *de novo* and trying to undo the harm caused by prior insulting portrayals in which the state may have been complicit. And, as I suggest below, the latter work is considerably easier to justify than the former.

[51] Quoted in Audrey Thomas and Samuel Silen, *Racism and Psychiatry* (New York: Citadel, 2000), p. 17.

[52] Russell McGregor, *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory, 1880-1939* (Victoria, AU: Melbourne University Press, 1997), chs. 1-2.

[53] For the prevalence of these visions in contemporary American thought, see, e.g., S. Plous and Tyrone Williams, "Racial Stereotypes from the Days of American Slavery: A Continuing Legacy," *Journal of Applied Social Psychology* 25, no. 8 (1995), pp. 795-817.

moral insults do not just occur in the form of fleeting utterances. They are also often

reflected in shared, tangible cultural resources—such as flags, mascots, and

monuments—that partially constitute the environment in which social and political life

takes place.[54] In these instances, what we might think of as *tangible moral insults*

challenge the dignity of targeted group members by creating a world that quite literally

reflects degrading images back at them. For members to stand in such a world is to stand

among specters of marginalization, which compete with members' real appearance and

thus challenge their ability to participate equally in the business of common life.

32.2. Challenges to Self-Respect

Let me now move to somewhat more complicated questions of *self-respect*. As

Margalit notes, part of the trouble with social disrespect derives from its capacity to

humiliate marginalized persons and groups, and thus to injure their self-respect.[55] But

understanding how these injuries can occur poses a conceptual difficulty: self-respect is

generally taken to be a matter of self-appraisal—how one thinks of, or evaluates, oneself

and one's worth[56]—and it is initially unclear why the external challenge of *social*

disrespect should affect one's *self*-assessment.

There are different ways of understanding the self-appraisal involved in self-

respect. On some accounts, it is grounded simply on the *self-recognition* of one's moral

or legal personhood. Thus Feinberg suggests that, at base, self-respect just consists of

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[54] Waldron, *The Harm in Hate Speech*, p. 45; Richard Delgado and Jean Stefancic, *Understanding Words that Wound* (Boulder, CO: Westview, 2004), ch. 8.

[55] Avishai Margalit, *The Decent Society* (Cambridge, MA: Harvard University Press, 1996), p. 9.

[56] Robin Dilon, "Introduction," in *Dignity, Character, and Self-Respect*, ed. Robin Dilon (New York: Routledge, 1995), p. 6.

seeing oneself as "the holder of rights."[57] On other accounts, self-respect is based not merely on the recognition of one's inherent worth as a person, but on the *self-evaluation* of one's specific projects and qualities.[58] Thus Rawls suggests that self-respect has two central components:

> First of all… it includes a person's sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one's ability, so far as it is within one's power, to fulfill one's intentions.[59]

Both of these visions can tell us much about why self-respect is so important in everyday life. Feinberg tells us that the recognition of oneself as a bearer of rights is a necessary prerequisite for being able to claim one's rights in public,[60] while Rawls suggests that "without [evaluative] self-respect nothing may seem worth doing, and if some things have value for us, we [may] lack the will to pursue them."[61] But neither conception can explain how self-respect is sometimes challenged by things outside the self: if self-respect is just a matter of how one thinks of oneself, or relates to one's own goals and abilities, then there is simply no room for the outside world to intervene.

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[57] Feinberg, "The Nature and Value of Rights," p. 151.

[58] I take the distinction between recognition and evaluative respect from Darwall, "Two Kinds of Respect," pp. 36-39.

[59] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), § 67, p. 440.

[60] Feinberg, "The Nature and Value of Rights," p. 151.

[61] Rawls, *Political Liberalism*, p. 318.

Daniel Statman refers to this as the "autarky problem": if self-respect is primarily concerned with one's own appraisal of one's own status or worth, then the behavior and appraisal of others would seem to be wholly immaterial.[62] This is a problem because we know, as a matter of fact, that marginalization *can* negatively affect how individual see themselves,[63] but the paradigmatic accounts I've just mentioned provide no resources for understanding how or why this occurs.

There are at least two possible strategies for addressing this problem. The first is to recognize that self-respect is often a mirror of social-respect because certain types of social disrespect can directly affect the criteria by which people make judgments about their statuses, projects, and abilities. The most famous example of this sort of thing is probably Kenneth and Mamie Clark's late-1930s "doll experiments," in which African American children from segregated schools in Washington, D.C. and integrated schools in New York City were presented with otherwise identical white and black dolls, and asked to choose between them. All the children in the study showed a clear preference for white dolls, though the preference was particularly strong among children from segregated schools in Washington. When asked to explain their choices, children reported that the black dolls seemed "bad," or not nice to play with, suggesting that the social disrespect inherent in American racial politics in the time, and especially in the practice

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[62] Daniel Statman, "Humiliation, Dignity, and Self-Respect," *Philosophical Psychology* 13, no. 4 (2000), p. 528.

[63] See, e.g., Michele Moody-Adams, "Race, Class, and the Social Construction of Self-Respect," in *Dignity, Character, and Self-Respect.*

of segregation, had been internalized by the children, shaping their criteria of self-evaluation and thus diminishing how they thought of themselves.[64]

The second strategy, suggested by Robin Dilon, is predicated on modifying the strong cognitivist presumptions implicit in most mainstream accounts of self-respect. For Feinberg, Rawls, and others, self-respect is a sort of belief-sensitive attitude: one has self-respect insofar as one believes in one's status as a bearer of rights, or in the legitimacy of one's projects and ability to achieve those projects. On this account, self-respect is essentially reducible to a series of judgments about oneself. Yet, as Dilon notes, self-respect is not just a matter of judgments, but also of emotions, which are sometimes belief- and judgment-independent.[65] This means that, if marginalization and other external factors can affect one's emotional life, they can potentially also affect one's self-respect, even if they do not change one's conscious self-evaluations.

Implicit in this account is the idea that self-understanding is multifaceted, comprising not just the sort of propositional beliefs that underlie Feinberg and Rawls' accounts, but also "unarticulated presuppositions implicit in certain ways of being in the world."[66] Dilon argues that these presuppositions form a sort of "experiential understanding," which involves "experiencing something directly and feeling the truth of what is experienced," even if that truth cannot be translated into truth-functional

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[64] Ibid, p. 271; Cf. Kendrick Brown, "The Power of Perception: Skin Tone Bias and Psychological Well-Being for Black Americans," in *Racial Identity in Context: The Legacy of Kenneth B. Clark*, ed. Gina Philogène (Washington, DC: American Psychological Association, 2004).

[65] Robin Dilon, "Self-Respect: Moral, Emotional, Political," *Ethics* 107, no. 2 (1997), p. 234.

[66] Ibid, p. 240.

propositions, or if, once translated, these propositions would conflict with one's avowed beliefs.[67]

Such experiential understandings can form the basis of what Dilon calls "basal self-respect"—a "fundamental orientation toward the self" which precedes more explicit forms of self-evaluation.[68] Her formation is worth quoting at length:

Basal self-respect concerns our primordial interpretation of self and self-worth, the invisible lens through which everything connected with the self is viewed and presumed to be disclosed, that is, experienced as real and true. The experiential understanding it constitutes develops first and sets the warp into which the threads of our experience are woven to create the layered understandings of self and self-worth in which we are always swaddled.[69]

Understanding self-respect in this way provides a ready answer to the autarky problem: external factors can affect self-respect because self-respect isn't just a matter of atomistic self-recognition or evaluation, but is also a complex of sometimes-unconscious self-regarding attitudes and emotions, which may be considerably more vulnerable to outside influence than propositional beliefs. Humiliation sometimes works below the surface of intentional cognition, and therefore works independently of our beliefs. This explains why we can be humiliated by treatment we judge to be wrong, or by the actions of people with whom we feel no special connection. Statman makes the point well:

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[67] Ibid, p. 239.

[68] Ibid, p. 241.

[69] Ibid.

Despite the Stoics, the Epicureans and a long philosophical tradition, our self-respect—and our well-being in general—is fragile and vulnerable to many types of contingencies… People with whom we might strongly disassociate ourselves have the power to injure ourselves, at times to the point that we regard our lives as not worth living. To the cold philosophical mind this may not make sense, but it is a sad and unfortunate fact of life. Very few people, if any, are immune to humiliation, especially when it is severe or systematic… With all respect to the philosophical reflections and personal merits of people like Epictetus, Marcus Aurelius and Diogenes, I suspect that even they would fail to remain indifferent to the systematic humiliation in a place like Auschwitz.[70]

One need not go all the way to Auschwitz to witness challenges to self-respect proceeding in this way. Recall, for instance, the feelings of worthlessness and wordlessness among Aboriginal Australians that the Australian Human Rights and Equal Opportunity Commission described as following from the separation of children from their homes and similar acts of dehumanization.[71] As the Commission noted, these policies led to feelings of insignificance and disassociation among victims, their families, and their communities.[72] But this is not necessarily because the policies directly altered victims' cognitive assessments of their own worth. Rather, it may be because the

[70] Statman, "Humiliation, Dignity, and Self-Respect," p. 535.

[71] Human Rights and Equal Opportunity Commission, *Bringing them Home: Community Guide*, § 7.

[72] Ibid.

mistreatment altered victims' pre-cognitive frameworks for seeing the world and their

places in it, imposing a form of exclusion that is, in some sense, beyond words.

33. The Value to Truth

I have been suggesting that persistent harms can challenge the ability of their

victims to participate in public and political life, and therefore to be full members in their

political communities, in two interrelated ways: first, informational injustices can

destabilize the existence of, and presence of would-be participants within, a common

"space of appearances" in which politics can take place; and second, moral injury, insult,

and other forms of marginalization can weaken the social and self-respect necessary for

participants to stand and participate as equals in a world shared with others.

In the remainder of the chapter, I want to suggest that these challenges can be

addressed by several forms of public remembrance. I begin in this section with a

discussion of the transitional value of public memory in its simplest sense: as a public,

factual recounting of past events. My central claim is that the value of memory in this

sense generally derives from its ability to publically combat prior informational

injustices, and thus to begin to regain the common world that they might otherwise

threaten. The point is partially captured by Michael Ignatief's often-quoted remark that

the work of truth commissions is largely "to reduce the number of lies that can be

circulated unchallenged in public discourse."[73] But the work is not simply to reduce the

number of lies: it's also to undo the deleterious consequences that the fact of widespread

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[73] Michael Ignatieff, "Articles of Faith," *Index on Censorship* 25, no. 5 (1996), p. 113. Quoted in *Truth and Reconciliation Commission of South Africa Report*, Vol. 1, p. 111.

lying has for public life, and in particular the challenge that lying poses for the dual presences of a public realm and of participants within that realm.

I take it that this is a relatively simple point. Yet it has at least two important implications for how we should understand the value of this sort of factual remembering that are not always sufficiently recognized in the literature. The first implication is that the work of (re)establishing truth is only necessary insofar as it serves to correct prior misapprehensions caused by campaigns of misinformation. Some commentators argue that the work of truth commissions reflects a general "right to truth." For example, Eduardo Gonzalez suggests that access to truth is an "autonomous right, alongside other basic democratic values, such as the transparency of the state, legal protections for the individual, and freedom of information."[74] However, as I suggested in § 16.1, this cannot be a straightforward positive right, because we by necessity "forget most of history."[75] Correspondingly, the right to memory, if there is such a thing, must be a negative right to non-interference, rather than a positive right entailing general duties of memorial facilitation. This means that the work of ascertaining and preserving truth about the past in this context should be understood as a primarily compensatory response to prior improper intrusion, meant only to correct prior violations.

The second implication is somewhat more complicated, and will occupy the remainder of this section. The point, in short, is that, in the context of informational injustice, the creation and preservation of a stable factual record of history is valuable in its own right as a way of combatting prior problems, and correspondingly that truth

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[74] Nathan Schneider, "The Right to Truth: An Interview with Eduardo Gonzalez," *The Immanent Frame: Secularism, Religion, and the Public Sphere* (New York: Social Science Research Council, 2010). http://blogs.ssrc.org/tif/2010/04/19/the-right-to-truth/

[75] Jeff Spinner-Halev, *Enduring Injustice* (New York: Cambridge University Press, 2012), p. 27.

commissions and other bodies tasked with creating such records do not need to do anything else to make valuable contributions to the work of transition.

The point is important to make largely because, in practice, truth commissions are often assigned a wide range of diverse and potentially conflicting responsibilities, some very distant from their titular missions. As Priscilla Hayner puts it:

> Official truth bodies have often been given a wide-ranging mission. In a number of cases, they have become the most prominent government initiatives dealing with past crimes and the central point out of which other measures for accountability, reparations, and reform programs are developed.[76]

This has led to confusion over how we should understand their work. Scholars have suggested that truth commissions should be evaluated based on their abilities to reconcile competing transitional interests,[77] to contribute to democracy and human rights,[78] or to enable future civil rights reforms.[79]

As a matter of institutional design, it may sometimes be prudent or necessary to have a single institution pursue multiple transitional goods. But, as a matter of value, this

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[76] Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001), p. 24. Cf. Michal Ben-Josef-Hirsch, "Agents of Truth and Justice: Truth Commissions and the Transitional Justice Epistemic Community," in *Rethinking Ethical Foreign Policy: Pitfalls, Possibilities and Paradoxes*, ed. David Chandler and Volker Heins (New York: Routledge, 2007).

[77] Mike Kaye, "The Role of Truth Commissions in the Search for Justice, Reconciliation, and Democratization: The Salvadorian and Honduran Cases," *Journal of Latin American Studies* 29, no. 3 (1997), pp. 693-716.

[78] Eric Brahm, "Uncovering the Truth: Examining Truth Commission Success and Impact," *International Studies Perspectives* 8, no. 1 (2007), pp. 16-35.

[79] Mark Ensalaco, "Truth Commissions for Chile and El Salvador: A Report and Assessment," *Human Rights Quarterly* 16, no. 4 (1994), pp. 656-675.

does not change the autonomy of those goods: truth is one thing, reconciliation another, and the (re)establishment of rights something different still. It may be that the pursuit of truth and correction of informational injustice will positively affect reconciliation or human rights, but this is not necessarily the case. Indeed, there is some empirical evidence to suggest that the revelation of truth can actually exacerbate civil conflicts.[80] But this just means that the value of truth must be *balanced* against other, potentially competing or incompatible, values. It does not fundamentally change how we should understand this value: a good truth commission might be bad for reconciliation.

The tendency for truth commissions to be tasked with a wide variety of transitional goals has led to unnecessary controversy: observers, both in academia and in civil society, have taken the perhaps necessary compromises that commissions must make to balance the pursuit of truth with their other goals to indicate inherent problems with the pursuit of truth itself. Much of the contemporary debate has to do with South Africa's Commission, which, from the outset, was not just oriented toward truth, but toward overcoming difficult aspects of history more generally. As the Commission's chair Desmond Tutu put it, in addition to being "charged to unearth the truth about our dark past," the Commission was also charged "to lay the ghosts of that past to rest so that they will not return to haunt us."[81]

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[80] The literature here is extensive, but see, e.g., Alexandra Barahona de Brito, "Truth and Justice in the Consolidation of Democracy in Chile and Uruguay," *Parliamentary Affairs* 46, no. 4 (1993), pp. 579-593; Margaret Popkin and Naomi Roht-Arriaza, "Truth as Justice: Investigatory Commissions in Latin America," *Law and Social Inquiry* 20, no. 1 (1995), pp. 79-116; Kathryn Sikkink and Carrie booth, "The Impact of Human Rights Trials in Latin America," *Journal of Peace Research* 44, no. 4 (2007), pp. 427-445; and Joanna Quinn, "Haiti's Failed Truth Commission: Lessons in Transitional Justice," *Journal of Human Rights* 8, no. 3 (2009), pp. 265-281.

[81] Quoted in Martin Meredith, *Coming to Terms: South Africa's Search for Truth* (New York: Public Affairs, 1999), p. 3.

Tutu framed the Commission's work as encouraging an overall program of reconciliation, falling somewhere between what he described as the "victor's justice" implicit in full-scale war crimes tribunals such as those set up by the allied states in Nuremberg after World War II, and the encouragement of "national amnesia" meant merely to leave the past behind.[82] The aspiration was to confront the past, but not to dwell on it; to see what happened, but not to let that vision cloud the country's view of future possibilities. Thus the Commission attempted to find a careful balance between accountability and absolution.

This meant that the Truth Commission pursued a diverse, and somewhat divergent, set of goals: finding the truth about wrongdoing; holding perpetrators accountable; making recommendations for the payment of reparations to victims; offering official amnesty; and, insofar as it is possible for an official body to offer it, forgiveness to select perpetrators.[83] The diversity of these goals probably reflects the fact that, in the wake of atrocity, society is faced with a large set of tasks that are not reducible to a single goal, and that may not necessarily all be compatible. The South African Commission was faced with an enormous, and possibly impossible, task, and I do not mean here to chastise the work it did. Rather, I mean only to criticize how its goals were publically communicated. The Commission subsumed its various goals under the single banner of "reconciliation," presented as an all-or-nothing proposition. This conflation obscured the very different values at stake, and led to a situation where the rejection of one goal seemed to entail the rejection of all.

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[82] Desmond Tutu, *No Future Without Forgiveness* (New York: Image, 2000), ch. 2.

[83] Hayner, *Unspeakable Truths*, p. 42; Meredith, *Coming to Terms*, pp. 20-21.

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Take the granting of amnesty, perhaps the Commission's most controversial power. As noted in the Commission's 1995 charter, amnesty may sometimes be a necessary means in the pursuit of truth. [84] On this view, amnesty is akin to search and seizure, subpoena, witness protection, and other juridical tools often used by courts in the pursuit of truth.[85] These tools are not valuable in their own rights—indeed, they are rightly viewed as unfortunate concessions—but they are sometimes necessary to achieve a larger goal.

In practice, the Commission often seemed to understand amnesty in this way. To qualify for it, perpetrators were made to fully confess their crimes and, in the case of gross violations of civil or human rights, to publically answer to commissioners, lawyers for victims or their families, and sometimes victims themselves.[86] The animating idea was that, in many cases, perpetrators were the only ones left to tell the stories of what happened, and so it was a choice between offering amnesty as an incentive for testimony and retaining a useless right to prosecute infractions while being utterly unsure of what infractions had occurred and who had been involved. In the words of Ismail Mahomed, then deputy president of the South African Constitutional Court: "The alternative to the grant of immunity from criminal prosecution of offenders is to keep intact the abstract

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[84] Hayner, *Unspeakable Truths*, p. 41.

[85] Ibid.

[86] Ibid, p. 43. Amnesty was also limited to perpetrators who could show that their crimes were politically motivated. This excluded, for instance, crimes committed for personal gain or because of personal vendettas. However, controversially, the Commission did not require applicants for amnesty to formally apologize for transgressions. See ibid.

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right to such a prosecution for particular persons without the evidence to sustain the prosecution successfully."[87]

If this were the only justification for amnesty given, it may have been accepted as a necessary, though perhaps unfortunate, instrument in the pursuit of truth. But it was not the only, or even the most prominent, justification given. The most prominent justification actually predates the commission by two years, having been laid out at the urging of military and government forces in the "post-amble" of South Africa's 1993 interim constitution. Here, amnesty is authorized in the name of national reconciliation:

> The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for *ubuntu*[88] but not for victimisation. In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past.[89]

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[87] Quoted in Mark Freeman, *Necessary Evils: Amnesties and the Search for Justice* (New York: Cambridge University Press, 2009), p. 231.

[88] "Ubuntu" roughly translates to "humanity to others." For discussion, see Tutu, *No Future without Forgiveness*, pp. 31-32.

[89] *Constitution of the Republic of South Africa Act 200 of 1993*. http://www.gov.za/documents/constitution/constitution-republic-south-africa-act-200-1993#GENERAL AND TRANSITIONAL PROVISIONS. For analysis, see Hayner, *Unspeakable Truths*, p. 41.

The Constitution frames amnesty as a way of putting conflict, vengeance, and retaliation in the past. Interestingly, this is the justification most often favored by Tutu.[90] Yet, at least as stated in the constitution, this vision of amnesty has little to do with truth. Indeed, this provision was not linked to the search for truth until 1995, when it appeared in the Commission's charter.[91]

To complicate things still further, the Commission's report itself contains a third justification, deriving largely from prudential considerations:

> There is no doubt that members of the security establishment would have scuppered the negotiated settlement had they thought they were going to run the gauntlet of trials for their involvement in past violations. It is certain that we would not, in such circumstances, have experienced a reasonably peaceful transition from repression to democracy.[92]

Here amnesty is again not allied with truth, but neither is it exactly allied with reconciliation. Instead, it is seen as a political expedient, meant to mollify powerful political players who might otherwise destabilize the transitional process.

We are, then, left with three public justifications for amnesty: as an instrumental good in the pursuit of truth; as an essential ingredient in reconciliation; and as a prudential means of avoiding further conflict. There is no reason to believe that all of these cannot be legitimate: practices can of course be simultaneously valuable in multiple

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[90] Tutu, *No Future without Forgiveness*, ch. 2.

[91] Hayner, *Unspeakable Truths*, p. 41.

[92] *Truth and Reconciliation Commission of South Africa Report*, Vol. 1, p. 5.

ways. Yet only the first is internal to the pursuit of truth itself, and the Commission's

failure to clearly demarcate which justification animated its practice unnecessarily

embroiled it in a whole network of knotty controversies.

Given the excess of justifications, observers of the commission were largely free

to come to their own conclusions. Some suggested that the commission used amnesty in a

way consistent with the interim constitution: less a mere means toward in the pursuit of

truth, and more as a way of smoothing over history entirely. This, as many rightly noted,

pushed in the opposite direction than the pursuit of truth.[93] Others echoed the

Commission's own avowed sentiment, and suggested that amnesty was a prudential tactic

meant to avoid angering powerful groups and thus destabilizing the transitional

government.[94] At worse, this view suggested that the Commission was kowtowing to the

same powers that created the legacies of injustice it was meant to combat.[95]

And even if we do see amnesty strictly as an instrument used in pursuit of truth,

the Commission's failure to clearly demarcate the different goals being pursued has led to

confusion about the values at stake in transitional justice. It has led some, both victims of

Apartheid and outside observers, to suggest that the pursuits of truth and accountability

are sometimes *inherently* opposed. Among victims, families sued the Commission to

challenge the constitutionality of its power to grant amnesty, but were rebuffed by the

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[93] Hayner, *Unspeakable Truths*, p. 42.

[94] This impression was bolstered by the commission's tendency to under-utilize other investigatory powers given to it. Most importantly, it only rarely used the powers of search and seizure, and did not use them against powerful players such as the South African Defense Force, African National Congress, and several prominent public officials, presumably because of fear of political repercussions. See ibid.

[95] Ibid.

South African Constitutional Court.[96] Among scholars, a debate ensued about the competition of "truth vs. justice."[97]

To be sure, compromises may sometimes be necessary: the good of truth must be weighed against other transitional goals, and obtaining information may sometimes require foregoing other desirable political goals. But this is all obscured if we follow Tutu in understanding the work of transition as realizing a set of interlocking and mutually supportive values. Truth is neither peace nor reconciliation nor accountability. If we understand this, and construe the value of truth narrowly—as a compensatory response to prior official lies or misinformation—then we are able to see more clearly how the pursuit of truth sometimes competes with rival goods. We may also then be able to better weigh the relative merits of these goods when, inevitably, real values conflict, and we cannot have everything.

34. Witnessing as Mutual Recognition

As the South African case illustrates, the establishment of truth is almost always dependent on the testimony of witnesses who have experienced it. Indeed, as Hume suggests, we rely on testimony for *most of* our knowledge about the world: we experience little, but know much, because others communicate their experiences to us, and pass on the still more remote experiences of those sometimes very distant from ourselves.[98]

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[96] Ibid, p. 44; Meredith, *Coming to Terms*, p. 315.

[97] Robert Rotberg and Dennis Thompson (eds), *Truth v. Justice: The Morality of Truth Commissions* (Princeton, NJ: Princeton University Press, 2000).

[98] Hume, *An Enquiry Concerning Human Understanding*, p. 74. Kant makes a similar point. See Immanuel Kant, *Lectures on Ethics*, ed. J. B. Schneewind, ed. and tr. Peter Heath (New York: Cambridge University Press, 1997), 27:448 (p. 203).

In this section, I want to focus on the moral implications of this dependence on others, and in particular on how the practice of witnessing assumes, and engenders, a certain moral relationship between witness and audience. Because testimony must re-present a past that is now absent, its validity can always in principle be questioned.[99] Correspondingly, for testimony to be successful, there must already be a degree of trust between witness and audience. As Jeffrey Blustein argues, the witness must assume a "moral position" with respect to their audience, "[holding] oneself out as a reliable witness",[100] while belief requires an "act of faith" on the part of the audience, who must welcome the witness as one qualified to speak for the past.[101]

The promise to tell the truth, and the act of faith involved in accepting that promise, is a tacit presumption inherent in many communicative contexts.[102] Ultimately, believing most of what we believe about the world—which is, by necessity, based on taking sometimes unknown others at their word—requires a great deal of trust. But this trust is also often wholly unproblematic. We presume truthfulness. In many circumstances, we *must* presume truthfulness.[103] Indeed, in normal circumstances, we worry about lies precisely because they are aberrations—as Kant notes, if they were not,

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[99] Arendt, "Truth in Politics," p. 557.

[100] Jeffrey Bluestein, *The Moral Demands of Memory* (New York: Cambridge University Press, 2008), p. 307.

[101] Jacques Derrida, "Poetics and Politics of Witnessing," in *Sovereignties in Question: The Poetics of Paul Celan*, ed. Thomas Dutoit and Outi Pasanen (New York: Fordham University Press, 2005), p. 75.

[102] Shiffrin, *Speech Matters*, ch. 1.

[103] As Bernard Williams suggests, many social and cooperative possibilities require this presumption. See Williams, *Truth and Truthfulness: An Essay in Genealogy* (Princeton, NJ: Princeton University Press, 2002), esp. ch. 3.

then the whole practice of lying itself would be undermined, because a successful lie relies on the audience's tacit presumption of truthfulness among speakers.[104]

The extension of trust between witness and audience in the context of transitional justice is only remarkable because so often the societies in question face lasting legacies of broken civic trust and fragmentation, such that what is in normal circumstances an utterly everyday occurrence becomes extraordinary. As I suggested in § 32, persistent harm can destroy the social respect and mutual recognition that normally undergirds our abilities to participate as equals in a common public world. But witnessing requires that this respect and recognition be reestablished, such that witnesses be able to speak to, about, and ultimately participate in the (re)construction of a world shared with others.

Much of the recent literature on testimony focusses on witnesses from marginalized groups describing oppression.[105] In these instances, the moral relationship presupposed and reinforced by the act of testimony might easily be seen as an improvement over *status quo ante* conditions: because the ones witnessing, and thus being welcomed as witnesses, are former and perhaps continuing victims of exclusion, the act itself seems to indicate positive movement forward.

However, as evidenced by the South African Commission, just as often, the pursuit of truth often requires testimony from those complicit in injustice. The epistemological asymmetry I referred to in § 31.1 means that perpetrators will often be in a much better position than victims to give a full account of what happened. To again quote Judge Mahomed of South Africa, among victims, their families, and their

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[104] Kant, *Lectures on Ethics*, 27:448 (p. 203).

[105] See, e.g., Kelly Oliver, *Witnessing: Beyond Recognition* (Minneapolis, MN: Minnesota University Press, 2001) and John Beverley, *Testimonio: On the Politics of Truth* (Minneapolis, MN: Minnesota University Press, 2004).

communities, "all that often effectively remains is the truth of wounded memories of loved ones sharing instinctive suspicions, deep and traumatizing to the survivors but otherwise incapable of translating themselves into objective and corroborative evidence."[106] In these cases, obtaining a full account requires accepting perpetrators as witnesses, and thus extending to them the same sort of recognition that is, perhaps more happily, extended to victims who act as witnesses.

To be sure, this is not to say that the two must be treated identically. In South Africa, testimony was taken in two very different contexts. The Human Rights Violations Committee (HRVC) held "victim-centered" hearings, which, as I noted in the previous section, focused on allowing victims to relay their experiences and tell their stories with a minimum of interference, "unfettered by the protocols and epistemologies of a court of law."[107] In contrast, the Amnesty Committee focused on gathering the testimony of perpetrators in a more juridical setting, where they were confronted by cross examinations from judges, victims, and their advocates.[108]

The idea behind this difference in treatment is presumably that victims are owed a different sort of recognition or respect than perpetrators, which goes beyond the background trust necessary for effective testimony to a sort of epistemological deference. And, at the same time, the juridical scrutiny shown to perpetrators expresses a necessary corrective to their prior positions of privilege: their stories are not beyond reproach, but

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[106] Quoted in Freeman, *Necessary Evils*, p. 231.

[107] Cole, *Performing South Africa's Truth Commission*, pp. 4-5.

[108] Ibid; Hayner, *Unspeakable Truths*, p. 43.

are rather on all fours with those of other citizens, including citizens who had been marginalized or excluded under Apartheid.[109]

Yet, in both cases, successful testimony requires a minimal level of trust and recognition of witnesses, regardless of their prior deeds. And, in that sense, perpetrators as well as victims must be welcomed as ones qualified to participate in the (re)construction of a common world. In societies grappling with histories of marginalization and exclusion, the equal recognition this entails may do much to combat lasting inequalities in standing: to recognize victims as no longer less than citizens, and to recognize perpetrators as no longer more than citizens.

I should confess that I am not sure how the acts of recognition and welcome between previously antagonistic parties that are necessary for effective witnessing can be made more likely. Arendt suggests in another context that being welcomed is something "we can neither earn nor deserve."[110] And this is, at least initially, true: the act of faith that welcomes witnesses as ones qualified to speak for the past are at least partially prior to the actual work of witnessing, wherein witnesses might reveal themselves to be consistent or reliable. But the difficulty is partially ameliorated by the fact that witnessing is often an ongoing process. As witnesses reveal their reliability over time, giving pictures of the past that accord with other widely known facts, the act of faith that was

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[109] Cole, *Performing South Africa's Truth Commission*, pp. 4-6.

[110] Hannah Arendt, "Emerson-Thoreau Medal Lecture," American Academy of Arts and Sciences, April 9, 1969. Box 73, *The Hannah Arendt Papers*, Manuscript Division, Library of Congress, Washington, D.C. http:// memory.loc.gov/ammem/arendthtml/arendthome.html

initially a leap into the unknown may become an utterly ordinary extension of the background trust that necessarily permeates many human relationships.[111]

35. Mourning as Re-Presentation

Although the moral work of witnessing necessarily goes beyond the recovery of historical memory, the issue largely arises as a problem internal to the pursuit of truth. In the next two sections, I move to more complex practices of memory, where the revelation of truth is just one component of more multifaceted political acts, which directly challenge not just legacies of informational injustice, but also legacies of political marginalization.

I begin in this section with the practice of political mourning. I define the practice simply, as the public expression of sadness over the death another person or group of persons. Sometimes this may be an intimate—a family member or friend—but sometimes it may be strangers—fellow citizens or humans whose deaths somehow arouse grief.[112] In addition, I focus on mourning as a response to a particular sort of death: deaths of individuals from marginalized groups in ways intertwined with, though not necessarily caused by, their marginalization. This excludes the official periods of mourning that are sometimes declared after the deaths of heads of state, or the popular periods of mourning that sometimes follow the deaths of public celebrities.

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[111] This seems to be Hume's explanation of why social trust is sometimes so easily extended: we typically assume a link between testimony and the world it signifies "because we are accustomed to find a conformity between them." See *An Enquiry Concerning Human Understanding*, p. 75.

[112] Mourning is sometimes given a more technical definition. For example, in the psychoanalytic tradition, it is generally understood as a sort of transformation or integration of loss. See Judith Butler, *Precarious Life: The Powers of Mourning* (New York: Verso, 2004), pp. 20-21. However, I assume only a minimal definition here based on the outside appearance of mourning, because, for political purposes, this matters more than mourners' internal states.

A few examples may help to fix ideas. Sometimes political mourning arises within other transitional practices. For instance, in his memoir, Tutu describes the sudden cry of a woman testifying about the disappearance of her husband as "the defining sound of the TRC." The Commission was, and had to be, "a place where people could come to cry, to open their hearts, to expose the anguish that had remained locked up for so long, unacknowledged, ignored, and denied."[113]

In other instances, mourning is more performative. Take *Los Desaparecidos*, a traveling exhibition of art depicting the disappeared of Argentina's Dirty War and other Twentieth Century Latin American political upheavals. In one sculpture, Nicolás Guagnini depicts his father, a journalist who disappeared from Buenos Aires in 1977. The work is "a cluster of upright posts on which his father's portrait is painted in fragments so that the face comes into focus, then dissolves, as the viewer circles the piece."[114] In another piece, Marcelo Brodsky, also from Argentina, presents a 1967 portrait of his 8th grade class, with 13 of the 32 children circled, "to indicate friends who as adults would go into political exile or disappear."[115]

Or consider an example closer to home. The 1998 brutal murder of Matthew Shepard near Laramie, Wyoming, widely taken to be motivated by Shepard's homosexuality, occasioned an outburst of public mourning, both local and national,

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[113] Tutu, *No Future without Forgiveness*, p. 148.

[114] Holland Cotter, "Unresolved Chords Echo for 'the Disappeared'," *The New York Times* April 7, 2007, p. B7.

[115] Ibid.

immediate and lasting.[116] Just after the murder, multiple vigils were held across Laramie, some heavily produced and targeted at the national media, others more local expressions of sorrow and anger.[117] Although there were important divergences among the mourners, many speakers attempted to "rehumanize" Shepard by offering details of his life and personality.[118] Since the murder, public mourning has continued, including multiple television reenactments,[119] and a book by Shepard's mother, detailing the family's own experience of loss.[120]

I want to suggest that this sort of political mourning has three significant components. First, it makes truth functional claims about the past: it gives an account of what is now absent, which expresses the reality of mourned lives, and in this sense expands the boundaries of the common world. This work is particularly important in South Africa, Argentina, and other societies facing the persistent harms of informational injustice. In these instances, re-presenting the past requires what James Booth calls a "struggle against absence,"[121] wherein the disappeared, expunged, or invisible are returned to the political community through acts of remembrance and commemoration. In these cases, memory can only work by signifying absence, representing victims as those

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[116] For an overview, see Jennifer Petersen, *Murder, the Media, and the Politics of Public Feelings: Remembering Matthew Shepard and James Byrd Jr.* (Bloomingdon, IN: Indiana University Press, 2011), esp. ch. 1.

[117] Beth Offreda, *Losing Matt Shepard: Life and Politics in the Aftermath of Anti-Gay Murder* (New York: Columbia University Press, 2000), pp. 14-15.

[118] Ibid.

[119] Petersen, *Murder, the Media, and the Politics of Public Feelings*, ch. 1.

[120] Judy Shepard, *The Meaning of Matthew: My Son's Murder in Laramie, and a World Transformed* (New York: Penguin, 2009).

[121] James Booth, "'From this Far Place': On Justice and Absence," *American Political Science Review* 105, no. 4 (2011), p. 750.

who were here but are no longer.[122] Yet the signification of absent victims is not an impotent expression of melancholy, but instead challenges the original force of the wrong, which attempted to erase them from the world altogether, by allowing their memories to again stand *within* the public realm, the everyday world of life and death.

Second, political mourning expresses certain moral emotions—sadness, sorrow, grief, perhaps anger—which in turn express several interrelated judgments of value: about the importance of what had been lost, the tragedy that the loss represented, and about the wrongness of the acts that brought it on.[123] Expressions of anguish in these contexts are not, as some have argued, simply expressions of personal catharsis.[124] Rather, they struggle against absence in a way different than, but complimentary to, the factual struggles waged by mourning's truth-functional claims about the past. The struggle here is not so much about presence as it is about standing: about the importance of mourned lives to the political community. Judith Butler frames this as a problem of grievability:

Some lives are grievable, and others are not; the differential allocation of grievability that decides what kind of subject is and must be grieved, and which kind of subject must not, operates to produce and maintain certain exclusionary

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[122] Ibid, pp. 750-764.

[123] I take this view of moral emotion from Martha Nussbaum. For her analysis of sadness, see Martha Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (New York: Cambridge University Press, 2001), ch. 1.

[124] Sandra Young, "Narrative and Healing in the Hearings of the South African Truth and Reconciliation Commission," *Biography* 27, no. 1 (2004), pp. 153-157.

conceptions of who is normatively human: what counts as a livable life and a grievable death.[125]

For a life to be ungrievable in Butler's sense is for it to be present but to not have the standing to make it worthy of attention—to be present but invisible. We often speak of groups or individuals being invisible when they are subjected to a certain sort of marginalization. In the American context, such claims have been made about women,[126] homosexuals,[127] the differently abled,[128] Native Americans,[129] African Americans,[130] and intersectional identities that fall between groups.[131] As Anna Elisabetta Galeotti has argued at length, the basic idea is that the "normal" images of the citizen we inherit place persons and groups outside the norm at in a position in some sense outside the polis.[132] If there is a tacit presumption that citizens will look a certain way, act a certain way, or

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[125] Butler, *Precarious Life*, pp. xiv-xv.

[126] Anna Elisabetta Galeotti, *Toleration as Recognition* (New York: Cambridge University Press, 2002), p. 43.

[127] Ibid, pp. 172-173.

[128] Nancy Hirschmann, "Invisible Disability: Seeing, Being, Power," in *Civil Disabilities: Citizenship, Membership, and Belonging*, ed. Nancy Hirschmann and Beth Linker (Philadelphia, PA: University of Pennsylvania Press, 2015).

[129] Howard Bahr, "An End to Invisibility," in *Native Americans Today: Sociological Perspectives*, ed. Howard Bahr, Bruce Chadwick, and Robert Day (New York: Harper and Row, 1972).

[130] Ralph Ellison, *Invisible Man* (New York: Vintage, 1995).

[131] Angela Mae Kupenda, Letitia Simmons Johnson, and Ramona Seabron-Williams, "Political Invisibility of Black Women: Still Suspect but No Suspect Class," *Washburn Law Journal* 50, no. 1 (2001), pp. 109-132.

[132] Galeotti, *Toleration as Recognition*, p. 101.

believe certain things, then claims from and about citizens that do not fit this image may simply disappear from view.[133]

Making marginalization visible in this sense was an explicit goal of many mourning Matthew Shepard, who wished to expose what they took to be an under-recognized persistent problem in American public life.[134] As a resident of Laramie reported to *The Laramie Project* at the time, "we have to be sad we live in a town, a state, a country where [tragedy] like this happens… we need to own this crime, I feel. Everyone needs to own it. We are like this."[135] Mourning marginalized lives can help to combat the exclusionary gaze that marks lives and deaths as invisible by publically presenting moral claims about the importance of those who have been overlooked. The problem in such cases does not derive from cultures of secrecy, such as those that surrounded Apartheid and the Argentine Dirty War, which make the public disclosure of death dangerous or impossible. Instead, the issue is that, even given the disclosure of death, there may be no room for public grief, because the lives in question may not be given the social respect and standing necessary for becoming public concerns. In making grief public, mourning insists on establishing this respect and standing.

Finally, the third component of mourning I want to emphasize is that, in addition to expressing past-regarding judgments about the badness of certain acts, the moral emotions implicit in public mourning also make certain claims about the future. To mourn is to mark the significance of the life that's been lost and to mark the loss *as* a

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[133] Anna Elisabetta Galeotti, "Identity, Difference, Toleration," in *The Oxford Handbook of Political Theory*, ed. John Dryzek, Bonnie Honig, and Anne Phillips (New York: Oxford University Press, 2006), p. 574

[134] Petersen, *Murder, the Media, and the Politics of Public Feelings*, ch. 1.

[135] Quoted in ibid, p. 23.

loss, but it is also to mark any future losses as similarly tragic, and similarly unacceptable. To mourn an unjust death is thus both to indict the past and make a statement for the future, expressing the judgment that *this was wrong, and should not happen again*.

Heather Pool powerfully makes this point with respect to the response to Emmett Till's murder in 1955.[136] Till was a 14 year old African American man from Chicago, who, while visiting family in Mississippi, purportedly disrespected a white shopkeeper, and was shortly thereafter murdered by the shopkeeper's husband and brother-in-law in retribution. All-white Mississippi juries twice failed to indict Till's killers. However, Till's mother had his body shipped to Chicago, where it was displayed for two days in an open, glass-covered casket. Tens of thousands came to mourn.[137] On Pool's account, this public act of mourning catalyzed northern white awareness of the condition of African Americans in the south, and helped to motivate the passage of the 1957 Civil Rights Act, the first significant piece of U.S. civil rights legislation since the high tide of Reconstruction in 1875.[138]

To put it formally, the action-guiding, perlocutionary force of this sort of mourning derives from the translation of evaluations inherent in mourning—that the thing being mourned is to be regretted—into prescriptions for future action. The evaluations suggest a certain way of seeing the world: that the departed were worthy of our attention, worthy of standing as equals, worthy of being missed. And this way of

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[136] Heather Pool, "Mourning Emmet Till," *Law, Culture, and the Humanities* 11, no. 4 (2015), pp. 414-444.

[137] Ibid, pp. 414-415.

[138] Ibid.

seeing the world in turn suggests that we should recognize the similar standing of like

individuals and groups in the present and future.

36. Apology as Acknowledgment and Promise

Political mourning is a response to injustice generally undertaken by the

descendants or communities of past victims, or by those who inherit victimization. In this

section, I move to a discussion of ameliorative responses by those responsible, and in

particular to political apologies.

Since World War II, the practice of political apology has risen to considerable

prominence, to the extent that some suggest we are living in an "age of apology."[139]

There may be good reason for this: apologies are sometimes understood as the

paradigmatic acts by which we express regret for prior wrongdoing and attempt to

(re)build relations unburdened by difficult pasts;[140] given the legacies of severe injustice

facing many—indeed, most—contemporary states, the turn to apology would, on this

view, only seems only appropriate.

But how, if at all, can apologizing do the enormous ameliorative work often

assigned to it? To begin answering, we must first get clear on what we mean by

"apology." In ordinary language, the term designates at least two distinct practices. In the

first, which I mention only to exclude from consideration, the phrase "I'm sorry" is

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[139] Mark Gibney, Rhoda Howard-Hassmann, Jean-Marc Coicaud, and Niklaus Steiner (eds), *The Age of Apology: Facing Up to the Past* (Philadelphia: University of Pennsylvania Press, 2008)

[140] Thus Aaron Lazare suggests that "one of the most profound human interactions is the offering and accepting of apologies. Apologies have the power to heal humiliations and grudges, remove the desire for vengeance, and generate forgiveness on the part of the offended parties… The result of the apology process, ideally, is the reconciliation and restoration of broken relationships." See Lazare, *On Apology* (New York: Oxford University Press, 2004), p. 1.

uttered primarily as an expression of sympathy for occurrences or situations in which the speaker may have played no part. One might, for example, say "I'm sorry for your loss" to a grieving friend, even when one had nothing to do with the death in question.[141] I call this a *sympathetic apology*.

The second practice—which is the primary concern here, and which I will simply call *apology*—involves the expression of contrition or regret for something for which the speaker is at least partially responsible. Consider a basic account of this sort of apology in its simplest sense—an interaction between two separate, and easily delineable, parties. In Aaron Lazare's formation: "'Apology' refers to an encounter between two parties in which one party, the offender, acknowledges responsibility for an offense or grievance and expresses regret or remorse to a second party, the aggrieved."[142]

The rest of this section is dedicated to drawing out and justifying several implications of this basic definition, with a special emphasis on two points: first, the special difficulties involved with translating intuitions about the paradigm case of apology—where an individual apologizes to another individual for interpersonal wrongs—to cases where apologies are given by states or other collectives; and second, how collective apologies so conceived can constitute, or entail, the amelioration of persistent subjective harms associated with historical injustice, particularly moral insult, injury, and other forms of marginalization.

I suggest that the basic account of apology given above immediately suggests several, temporally successive, conditions for a valid apology:

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[141] Nick Smith, *I Was Wrong: The Meaning of Apologies* (New York: Cambridge University Press, 2008), pp. 33-38 and 173-175.

[142] Lazare, *On Apology*, p. 23. As Lazare notes, this is a *minimal* account, and others might rightly insist on more demanding criteria. Indeed, I suggest several further validity conditions below.

(1) An initial act of wrongdoing, for which the apologizer is responsible;

(2) A feeling of regret on the part of the apologizer for this wrongdoing; and

(3) The act of apology to the aggrieved, which must, at minimum, include (a) an account of the wrongdoing, including the apologizer's role in it, and (b) an expression of regret for this wrongdoing.

In addition, I argue that, although it is not directly entailed by the basic account, the backward-looking expression of regret inherent in apology suggests a further, forward-looking commitment, which must be continually honored by the apologizer if the apology is not to be immediately undermined. Thus, a final condition:

(4) A commitment from the apologizer to present and future action in accordance with their regret for past wrongdoing, aimed at undoing the act's harmful consequences and preventing the recurrence of similar acts.

Let me discuss each of these in turn.

36.1. Wrongdoing and Responsibility

Apologies begin with the question of responsibility. In the paradigmatic interpersonal instance, one apologizes for something one has done. Apology in this sense entails a sort of avowal: it involves "acknowledgment and painful embracement of our

deeds."[143] The temporal extension of agency involved in this avowal—the stretching of the "I" to encompass both the present speaker and past doer—is largely unproblematic in the individual case, where we are used to thinking of identity as something that naturally lasts throughout an entire life.[144]

Things are a little more complicated with collective responsibility for historical injustices, as, in many cases, none of the individuals directly responsible are still alive to apologize. However, as I noted in § 27, collectives as we ordinarily understand them can persist in a number of ways capable of generating persistent responsibility for historical acts, even after everyone directly involved in those acts has died. This is most obviously the case with persistent institutions such as governments, corporations, or churches. Thus, for example, in the United States, the federal government can, in the present, coherently apologize for the displacement of Native Americans or the practice of slavery, because, as an institution, it has persisted from the wrongful incidents to the present. Something similar is true of corporations and churches. For example, in 2005, the bank JP Morgan Chase publically apologized "to the African-American community, particularly those who are the descendants of slaves, and to the rest of the American public" for its subsidiaries accepting slaves as loan collateral 200 years prior.[145] Similarly, in a spate of apologies in the mid-1990s, Pope John Paul II apologized for a host of past wrongdoing

[143] Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford, CA: Stanford University Press, 1991), p. 19.

[144] There is of course some disagreement about the persistence of identity. Most famously, Derek Parfit has argued at length that we should abolish the concept of "identity" altogether, and focus instead on psychological connectedness. See Parfit, *Reasons and Persons* (New York: Oxford University Press, 1984), pt. 3, chs. 12-13. However, I take it that, despite philosophical objections, the belief that identity persists throughout an entire life is so widespread, and so thoroughly enmeshed with common intuitions about attribution and responsibility, that it can be unproblematically assumed here.

[145] Melissa Nobles, *The Politics of Official Apologies* (New York: Cambridge University Press, 2008), pp. 165-166.

on the part of the Catholic Church, including violence associated with the counter-reformation in the 16th and 17th Centuries.[146]

While institutional persistence means that collectives can coherently apologize for very distant historical events, the identity condition does mean that, when the entity causally responsible for a wrongful act no longer exists, the act can no longer coherently elicit an apology. We may still say "I'm sorry" in the non-traditional sense of a sympathetic apology, and we assuredly can, and perhaps should, engage in ameliorative action motivated by the desire to undo unjust harms, regardless of our roles in them. But we cannot, either as collectives or as individuals, coherently apologize.

36.2. Collective Regret

In those instances where institutional persistence means that an apology can be coherent, collective apology still poses another set of problems, deriving from the question of regret. In the individual case, to apologize is in part to report on one's own emotional or affective states, to provide a "genuine display of regret and sorrow."[147] But this creates three problems for collective apologies: first, it is unclear whether collectives have the requisite sorts of emotional states that would allow them to "feel" regret, sorrow, or, indeed, anything at all; second, presuming the ability to experience something like collective regret, when, as often, the wrongful acts in question have profoundly shaped the responsible collective, it is unclear whether the collective can coherently experience them without undermining its own existence; and third, collectives must sometimes

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[146] Ibid, p. 164.

[147] Tavuchis, *Mea Culpa*, p. 19.

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choose between evils, in which case an apology to those negatively affected intuitively seems appropriate, even though the collective might not be able to regret the past decision in the paradigmatic sense of taking it to have been, all things considered, the wrong thing to do. Let me take these in turn.

On the question of experiencing regret as an emotion, we should admit at the outset that, because collectives are not individuals, they simply cannot experience anything like the emotional or affective states experienced by individual actors. Members of a collective can feel regret or sorrow, but the collective itself cannot. Accordingly, collective apologies cannot have the same sort of emotional prerequisites as their individual counterparts. However, collectives *can* make the sorts of past-regarding judgments that typically inform individual regret, even if they cannot *feel* the regret to which these judgments naturally give rise in individuals. They can judge past acts to be *regrettable*, even if they cannot actually *regret* them in the individual emotional sense.

Precisely how a collective can come to such a judgment will depend on its own, internal decision-making processes. Thus, for example, John Paul II was able to apologize for, or perhaps *as*, the Catholic Church, because the organization's decision-making procedures gave him the authority to speak on its behalf. In contrast, heads of state are not always given similar authority, and state apologies may therefore require action from legislatures or other institutions.[148] But most collectives do provide *some* method of coming to collective judgments, even if this method varies from case to case.

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[148] Thus Melissa Nobles distinguishes between apologies from heads of state, and apologies from states. See Nobles, *The Politics of Official Apologies*, p. 4.

What, then, is involved in judgments of regrettability? There are two main possibilities.[149] The first involves *non-categorical* regret of one's prior act, where one recognizes some of an act's implications or effects as non-desirable, but nonetheless holds that, all things considered, the act was the right thing to do. Consider a simplified utilitarian example, in which x must choose between two courses of action: course A will provide person y with 1 unit of pleasure and person z with 0, while course B will provide y with 0 and z with 2. On the utilitarian account, B is clearly the preferable choice. However, x may nonetheless feel sorry that y received nothing, even while holding that it was correct to pursue B.[150] Here regret expresses a wish that the world were different, but the difference in question involves the situation which led to a choice being necessary, not the choice itself.[151] In contrast, *categorical* regret involves the judgment not just that an act had undesirable implications or effects, but that the act was the wrong thing to do, all things considered, and therefore constituted what Nick Smith calls a "moral failure."[152]

As Smith notes, if we think of authentic apologies as requiring that the apologizer admit to *wrongdoing*—rather than costly, but justifiable, action—then apologies clearly require categorical regret.[153] Indeed, non-categorical regret often leads to what seem to be insincere apologies, where, instead of admitting wrongdoing, the apologizer actually attempts to justify the behavior in question by showing that its harmful consequences

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[149] Smith, *I Was Wrong*, pp. 67-74.

[150] Thomas Hurka, "Monism, Pluralism, and Rational Regret," *Ethics* 106, no. 3 (1996), pp. 555-575.

[151] Smith, *I Was Wrong*, p. 67.

[152] Ibid, p. 68.

[153] Ibid, pp. 67-74.

were less severe than those that would have otherwise occurred. To recall the simplified

scenario above, we might imagine x providing this sort of quasi-apology to y for pursuing

B, expressing (non-categorical) regret for y experiencing no pleasure, but nonetheless

holding that B was the best decision, as it increased the total amount of pleasure in the

world. In this case, I take it that y would rightly consider x's statement to be something

less than an apology. Even if we give x the benefit of the doubt, the would-be apology

seems to be more a sympathetic apology than a genuine act of contrition.

To coherently apologize, collectives must therefore judge the past acts in question

to be categorically regrettable, holding that the acts were, all things considered, simply

wrong: that the world would be better if different courses of action had been pursued. But

this leads to another problem, what Janna Thompson calls the "apology paradox."[154] The

trouble is as follows. If apologies presume judgments about categorical regrettability,

then they entail the assertion that a counterfactual world, in which no wrongdoing

occurred, would be preferable to the world as it now exists. Yet, as I suggested in § 25.2,

a world untouched by injustice would be unrecognizably distinct from the world as it

actually exists, containing different persons, peoples, and countries.[155] This means that to

apologize for many large-scale historical injustices may be, in effect, to suggest that the

current makeup of the world is, as a whole, undesirable.

Thompson suggests that this is paradoxical because we generally take our own

existences to be a good thing: "Most of us are glad to be alive… [W]e prefer the world's

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[154] Janna Thompson, "The Apology Paradox," *The Philosophical Quarterly* 50, no. 201 (2000), pp. 470-475.

[155] Cf. Parfit, *Reasons and Persons*, § 119.

being such that we exist."[156] R. Jay Wallace makes a similar point about what he calls the "bourgeois predicament": the privileges that we, as members of affluent societies, enjoy, and on which many of us base our life plans, depend on a large set of injustices, both historical and contemporary. Accordingly, if we wish to affirm our own existences and projects, we are put in the uncomfortable position of also affirming injustices we might otherwise take to be intolerable.[157] In addition, and perhaps more worryingly, Thompson's logic also seems to suggest that, if we are committed to judgments about categorical regrettability, we are also committed to the judgment that the world would be better if it did not contain the very people we are apologizing to. For example, in the United States, Native American displacement, slavery, and other large-scale injustices have assuredly shaped the makeup of white populations, but they have perhaps more profoundly shaped the generations descended from the original victims. Does apologizing entail the assertion that these lives are regrettable?

Thompson's solution to the problem involves a somewhat radical reconceptualization of what we are doing when we apologize. On her account, we should understand apologies not as expressing regret *for* some prior wrongdoing, but rather as expressing regret *concerning* the wrongdoing—in particular, regret that our (desirable) existences came about in the (undesirable) way that they did.[158] There are two ways of taking this proposal: as a description of actually existing practices of apology, or as a

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[156] Thompson, "The Apology Paradox," p. 471.

[157] R. Jay Wallace, *The View from Here: On Affirmation, Attachment, and the Limits of Regret* (New York: Oxford University Press, 2013), p. 7.

[158] Thompson, "The Apology Paradox," p. 475.

prescription about how these practices should be.[159] As Neil Levy suggests, both interpretations lead to problems. As a description of practice, it is clearly false, as Thompson's revision is explicitly framed *as a revision*—that is, as a deviation from our current understandings. And as a prescription, the revision seems out of proportion. As Levy has it: "we ought to be reluctant to propose such a large reform to our linguistic practice unless we are very certain that it is necessary."[160]

Levy's more plausible solution is to pay close attention to what he calls the "temporal indexing" of apology. On Levy's account, apologies assume the temporal position *of the original wrongdoing*; they say that the act in question was the wrong thing to do *at the time when it was done*.[161] This means that the regret (or regrettability) they express exclusively concerns those things that could or should have been foreseen at the time the act was committed. Two examples might help to clarify. First, consider an otherwise benevolent act that, due to unforeseen circumstances, has deleterious consequences. Although the actor in this case may apologize, the apology would be necessarily non-standard, as, at the time of the action, the actor was doing nothing wrong. There was no moral failure. The utterance "I'm sorry" in this instance could express a sympathetic apology, or a sort of existential sorrow to live in a world where unexpected tragedies occur, but it could not be a standard expression of regret for wrongdoing, because, at the time of the action, there was no wrongdoing. Or, second, consider an

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[159] Neil Levy, "The Apology Paradox and the Non-Identity Problem," *The Philosophical Quarterly* 52, no. 208 (2002), p. 359.

[160] Ibid.

[161] Ibid, pp. 365-366. I say that apologies assume the *temporal* position of the wrongdoing, but they do not assume the moral or cultural position of those involved in the original wrong: it is perfectly coherent to apologize for a past act that we now consider to be wrong even if those directly involved in the original event lived in another moral world, and thus did not readily have the resources to condemn it.

otherwise unjust action that, due to unforeseen circumstances, fails to do much harm. In this case, an apology from the perpetrator would still seem appropriate, even if the lack of contemporary harm would make such an apology less morally pressing. But the appropriateness of apology in this case is only coherent if we judge the act not from the perspective of what it did, but from the perspective of what the perpetrator could or should have believed about it doing.

For collective apologies, this means that it is perfectly coherent to judge past acts to be categorically regrettable, even if the acts in question also unintentionally set in motion courses of events that lead to our existence and the existence of the world as we know it. When we judge our past actions to be regrettable, we judge ourselves to have acted wrongly in the past, because, given the world as it was at the time, our actions were moral errors, even if those errors have since had unintended consequences that we now find desirable.

The final difficulty stems from the occasional necessity of very hard choices in politics, and the corresponding commission of deeds that occasion very strong, but not exactly categorical, regret. The best example may be what is sometimes called the problem of "emergency ethics."[162] The issue is as follows. In some extreme situations—what Michael Walzer, following Winston Churchill, calls "supreme emergencies"[163]—protecting a community from absolute disaster or destruction requires violating normally recognized rules of morality, and thus treating some unjustly to avoid a larger tragedy. In

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[162] The paradigmatic contemporary treatments of this problem are from Michael Walzer. See Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), ch. 16 and, more recently Walzer, "Emergency Ethics," in *Arguing About War* (New Haven, CT: Yale University Press, 2004).

[163] Walzer, *Just and Unjust Wars*, ch. 16.

these and similar situations, apologizing to those thereby treated unjustly seems

obviously appropriate, but the judgments of categorical regrettability normally required

for effective apologies may not be as easily justified as they are in other cases. I think

there are good reasons for waving the strict requirement of categorical regrettability in

these cases, but explaining why requires a brief digression on why the cases occur in the

first place, and how we should understand the conflicts we're presented with when they

do.

For Walzer, in supreme emergencies, the deontic moralities that are normally

sufficient for public life—what he calls "the rights normality"—bump up against the

teleological "utilitarianism of extremity."[164] His paradigm case is the British targeting of

German civilians during the "darkest days" of World War II.[165] On Walzer's account, the

specter of Nazi victory presented a situation in which "our deepest values [were]

radically at risk": a Nazi victory would have destroyed the possibility of moral life in

Britain altogether, and so, to protect the possibility of moral life, the British were justified

in violating commandments that were normally pressing within it.[166] The British response

violated well-established legal and moral norms, as it explicitly targeted innocent

civilians, with the goal of, as Churchill put it in 1942, "[creating] conditions intolerable to

the mass of the German population."[167] But, for Walzer, the violation was nonetheless

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[164] Walzer, "Emergency Ethics," p. 35.

[165] Ibid, p. 33.

[166] Ibid, p. 40.

[167] Winston Churchill, *The Hinge of Fate* (New York: Bantam Books, 1962), p. 770. Quoted in Walzer, *Arguing About War*, p. 199 n. 3.

excusable, as the alternative seemed to be absolute annihilation. His somewhat

paradoxical position is worth quoting at length:

> [T]he [British] intention was wrongful, the bombing criminal; its victims were
> innocent men, women, and children… But if there was no other way of
> preventing a Nazi triumph, then the immorality—no less immoral, for what else
> can the deliberate killing of the innocent be?—was also, simultaneously, morally
> defensible.[168]

Although there may always be a temptation among political leaders to feign

supreme emergency, legitimate instances are vanishingly, and thankfully, rare. In

addition, when they do occur, supreme emergencies nearly always occur as part of

international incidents—particularly international wars—which fall largely outside the

scope of this essay.[169] But one can nonetheless imagine domestic analogues. For

example, although it is generally agreed that, in addition to being morally repugnant, the

U.S. internment of Japanese Americans in World War II was also simply unnecessary:

the Japanese-American population did not pose a meaningful threat, or meaningfully add

to the international threat posed by Japan.[170] But what if they did? What if internment,

while still morally repugnant, really were necessary to protect U.S. society *as a whole*

from destruction?

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[168] Walzer, "Emergency Ethics," pp. 34-35.

[169] For example, Walzer's discussions in both *Just and Unjust Wars* and "Emergency Ethics" are exclusively about international politics.

[170] Leslie Hatamiya, *Righting a Wrong: Japanese Americans and the Passage of the Civil Liberties Act of 1988* (Stanford, CA: Stanford University Press, 1993).

Walzer argues that, in supreme emergencies, deontic rules are "overridden" but not "suspended," and so emergency action "leaves guilt behind, as a recognition of the enormity of what we have done and a commitment not to make our actions into an easy precedent for the future."[171] On this view, even though Churchill's decision—and our counterfactual U.S. decision about internment—may have been morally defensible, it nonetheless constitutes a moral failure.

This claim is obviously, and explicitly, paradoxical.[172] Some take this to mean that it is also obviously mistaken. For example, Kai Nielsen suggests that, in extraordinary circumstances, political actors "may do things that in normal circumstances would be horribly wrong," but that, by virtue of the situation's extremity, "are not, *everything considered*, wrong."[173] Correspondingly, guilt may be a *psychological* fact, but not a *moral* one: "to *feel* guilty is not necessarily to *be* guilty."[174]

Yet I want to suggest that Walzer has a point. The moral strictures that are sufficient to guide us within our ordinary lives may not be the same as those that are appropriate for when ordinary life is itself at risk. The jump he describes from ordinary deontology to extraordinary teleology may be justified by the jump from ordinary to extraordinary circumstances. But there is an important point about time indexing that Walzer's suggestion that the British and other similarly situated political actors are *simultaneously* justified and guilty misses. *At the time of the incident*, where the moral

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[171] Ibid.

[172] Ibid, p. 33.

[173] Kai Nielsen, "There is no Dilemma of Dirty Hands," in *Cruelty and Deception: The Controversy over Dirty Hands in Politics*, ed. David P. Shugarman and Paul Rynard (Peterborough, ON: Broadview, 2000), p. 141. Emphasis in original

[174] Ibid, p. 140. Emphasis in original.

context was one of supreme emergency, the actions were defensible. However, *after the emergency passes*, their behavior seems, from the perspective of the ordinary morality that commonly guides us through the world, obviously deplorable. It is this shift in evaluative context, rather than any inherent paradox in the moral universe, that creates the conflicting judgments. To occupy the ordinary moral world that the extraordinary actions were meant to protect, we must reject those actions as immoral.

What does this all mean for categorical regret and apology? Because the sort of regret relevant for apology assumes the temporal perspective of the original wrong, would-be wrongful acts undertaken at times of supreme emergency cannot be regretted in the normal way. However, the acts are also not unproblematically justified, because they are obviously out of sync with what our ordinary morality requires. Given the extraordinary circumstances, for the purposes of compensation or reparation, in such cases it seems appropriate to treat the acts as though they were categorically regrettable, and to apologize, and make amends, accordingly.

36.3. Acknowledgment and the Expression of Regret

I have been focusing on the experience of regret and the judgment of regrettability. I would now like to move to a discussion of how this regret is expressed. Here, there is little problem translating intuitions about individual apologies to collectives: like individuals, states and other collectives often speak, either through representatives—presidents, prime ministers, or other heads of state—or through official

decision making bodies, such as legislatures.[175] But there is nonetheless a complication, deriving from the perhaps unexpected complexity of expressing regret.

The basic issue is that, given the epistemological asymmetry between perpetrators and victims, to know what the apologizer is apologizing for, it is often necessary for the apologizer to provide a factual account of the event in question, filling in gaps that may have been obscure—intentionally or otherwise—from the outside.[176] This is an issue for both interpersonal and collective apologies. Smith provides a helpful interpersonal example:

> On some occasions, [providing a factual account] may simply be a matter of the offender admitting what the offended already knows or believes: I clearly saw you destroy my property, and I want you to admit doing so either to me or to a third party. At other times, we may enjoy less certainty about events. Suppose my wife and I return from a vacation to find the cherished rocking chair from my great-great grandmother destroyed. If my neighbor informs me that my eighteen-year-old son had an unauthorized party in our house while the rest of us were away, I will want to hear more from my son… Did he plan the party? Did the party consist of him and his two best friends, or was the house full of people he barely knew? How was the chair broken, and who broke it?[177]

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[175] Nobles, *The Politics of Official Apologies*, p. 155.

[176] I take it that the importance of this work derives from its instrumental necessity for the full expression of regret. Others take it to be more central. For example, Tavuchis suggests that the "principle function" of collective apologies is "putting things on public record. See Tavuchis, *Mea Culpa*, p. 117. Given ordinary understandings of apology, this is a considerable overstatement.

[177] Smith, *I Was Wrong*, pp. 28-29.

The son's information is important here because, without it, the parents cannot understand the act of wrongdoing. They can see the harm—the destroyed chair—but they cannot see the events that brought it about, and therefore need further information before they can understand what an expression of regret for the act actually expresses.

Or consider a similar, though more vital, example of collective apologizing from from Argentina. When, in 2004, then Argentine President Nestor Kirchner apologized for the country's "Dirty War" and its associated disappearance, he also announced the conversion of The Naval Mechanical School—a colonial era building in Buenos Aires that had been one of several secret torture centers—into a "Museum of Memory" commemorating the disappeared, and serving as an enduring public record of what occurred.[178] The latter act was an extension of the former: even though Argentina's 1984 Truth Commission produced a widely read report about the disappearances,[179] given the climate of secrecy and uncertainty surrounding the period, it was appropriate for the apology to restate the particular acts at issue so as to make clear the character and extent of the official judgment that the past was regrettable.

Once the facts of a transgression are made clear, the expression of regret is a comparatively simple affair. The only major complication involves choosing the media through which regret is expressed. In the interpersonal case, the choices are relatively limited: one may say "I'm sorry," or write it in a letter, but this largely exhausts the options. However, with collectives, the set of possibilities is much larger, involving both

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[178] "Crimes Past, Crimes Present," *The Economist* 371, no. 8378 (2004), p. 5.
http://www.economist.com/node/2704449

[179] Kathryn Sikkink, "From Pariah State to Global Protagonist: Argentina and the Struggle for International Human Rights," *Latin American Politics and Society* 50, no. 1 (2008), p. 25.

the choice of *who* speaks for the collective, and the *medium* that this speech (or speech-analog) should take.

The vast majority of state apologies since World War II have been delivered by heads of state,[180] presumably with the rationale that, as individuals, heads of state are more able than legislatures or other institutions to convincingly express the sort of regret that we associate with apology in its paradigmatic, interpersonal sense.[181] Most of these apologies were initially verbal—uttered in speeches or other official occasions—though, like most official statements, the initial utterance was immediately translated into text and other stable media.[182]

Given the almost limitless creative forms in which collective expressions can be captured and preserved,[183] I do not want to arbitrarily limit or rank possible modes of expression. However, I do want to suggest that apologies are best able to do lasting ameliorative work when they are, like other forms of collective memory, embodied in visible shared cultural resources. This may sometimes involve the transformation of place, as with Kirchner's Museum of Memory. Or it may involve memorial practices, such as the Australian "National Sorry Day," which commemorates the stolen

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[180] Out of 52 government apologies given throughout the twentieth century, Nobles finds that 44 were delivered by heads of state. See Nobles, *The Politics of Official Apologies*, p. 155.

[181] Richard Joyce suggests that "all we want" of an apologizer is "an adequately convincing affectation" of regret. See Joyce, "Apologizing," *Public Affairs Quarterly* 13, no. 2 (1999), p. 167. This seems to me to go too far: we do not just want the apologizer to feign regret; at the very least, we want them to make the judgment that the action in question was regrettable. But, in the context of collective apology, where the apologizer cannot really feel anything, at least not in the way that individuals feel regret, the affectation of regret in the expression of apology may be a good thing.

[182] Nobles, *The Politics of Official Apologies*, pp. 155-163.

[183] See § 13, above.

generation.[184] Or it may simply involve the textual reproduction of verbal utterances, as in transcripts of speeches.

When so embodied, the expression of regret can be a powerful public rebuke to legacies of past injustice, particularly the sorts of persistent subjective harms of interest here. In these cases, the discursive act of apology stands on all fours with the original wrong, contesting its original communicative force. To say sorry in these cases is in part to say that the harmful things one said or otherwise communicated before were mistaken, and thus to attempt both to nullify the persistent aspects of an original harm and to provide the recognition and social-respect that the original denied. It is from this perspective that apologies are sometimes thought of as acts of "symbolic reparation."[185]

36.4. The Commitment to Reparation and Reform

Even if apologies were simply one-time expressions of categorical regret or regrettability, they would remain important rebukes to certain subjective harms. But if understood as one-time acts, apologies are also susceptible to the suspicion that they may sometimes be discursive cover for the lack of more substantive compensatory measures, or premature attempts to put difficult incidents in the past without proper reparation.[186] If

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[184] Eleanor Bright Fleming, "When Sorry Is Enough: The Possibility of a National Apology for Slavery," in *The Age of Apology*, p. 102.

[185] See, e.g., Kris Brown, "Commemoration as Symbolic Reparation: New Narratives or Spaces of Conflict?" *Human Rights Review* 14, no. 3 (2013), pp. 273-289.

[186] For these concerns, see Jeff Corntassel and Cindy Holder, "Who's Sorry Now? Government Apologies, Truth Commissions, and Indigenous Self-Determination in Australia, Canada, Guatemala, and Peru," *Human Rights Quarterly* 9, no. 4 (2008), pp. 465-489.

taken in isolation, the utterance "I'm sorry" may seem to be "just cheap words."[187] Sometimes, a more costly form of contrition seems called for.

Yet I want to suggest that, if they are not to be immediately undermined, apologies require a further, future commitment to more robust forms of reparation and reform, such that the would-be cheap words "I'm sorry" do not exhaust the work of apologizing. Consider a simple interpersonal example, wherein a perpetrator steals something from a victim, ostensibly comes to regret the act, says "I'm sorry," but then refuses to return the stolen item.[188] In this case, I take it that, at the moment the perpetrator refused to return the item, we would rightly judge the utterance of "I'm sorry" to have lost legitimacy. If the perpetrator really did feel lasting categorical regret, then they would presumably be motivated to undo what they could of the wrongdoing, and return to the *status quo ante*. The failure to act in accordance with this motivation suggests a lack of requisite regret, and therefore the infelicity of the would-be apology.

The case is somewhat more complicated with collective apologies, because collectives are not the sorts of things that can experience the emotional content of regret, and thus this emotional content will not have the same sort of motivational force we expect it to have with individuals. But collective judgments about categorical regrettability have a logical force analogous to the motivational one we presume in the individual case. For a collective to apologize but undertake no ameliorative action is therefore not to reveal a lack of the requisite emotional state, but is instead to act

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[187] Lazare, *On Apology*, p. 128.

[188] This is an abstracted version of an anecdote from Lazare, *On Apology*, p. 128.

inconsistently, out of accordance with the judgments implied by apology. To act in such a way is to undermine the force of the original apology.

Apologies are therefore action-implying. To adopt vocabulary from J.L. Austin, they have two distinct types of content. First, they make *constative*, truth-functional claims about the past ("such and such occurred") and the present ("I categorically regret such and such, or judge it to be categorically regrettable"). But second, they are also *performative speech acts*, and thus have *illocutionary* force, which, like promises, commit the speaker to further action ("because of my regret, or judgments about regrettability, I take on a commitment to engage in ameliorative action").[189]

When the latter illocutionary content is not present—as, in the example above, when the speaker refuses to return the stolen goods—the apology becomes what Austin calls *unhappy*.[190] Because the illocution does not contain propositional content, it is not exactly made false, but is instead broken, in the same sense as a promise is automatically broken when one disobeys its commands.[191]

These past-, present-, and future-regarding validity conditions for legitimate, lasting apologies mean that, while apologies must clear up the past and express present judgments about it, they also require commitments to the construction of a certain sort of

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[189] On the notions of constative and illocutionary content, see J.L. Austin, *How to Do Things with Words*, Second Edition, ed. J.O. Urmson and Marina Sbisa (Cambridge, MA: Harvard University Press, 1962), lecs. 1-7.

[190] Ibid, pp. 14-15.

[191] Interestingly, Tavuchis suggests that, because the commitment to amelioration is "implicit in the state of 'being sorry'," it is "inessential" is an independent component of apology. See Tavuchis, *Mea Culpa*, p. 36. This is oddly counterintuitive: if a commitment to amelioration is implied by apology, then amelioration is, by definition, essential.

future.[192] Apologies are thus beginnings, promises to do something new. But what exactly do they begin or promise? What exactly is implied by the commitment to amelioration? There seem to me to be two facets: a commitment to repairing the original harm to the greatest extent possible, and a commitment not to engage in similar action in the future.[193] To be sure, neither facet is completely straightforward, but this does not undermine their significance. It just means that, in interpreting their requirements, we must allow some flexibility.

The commitment to reparation is complicated by at least three factors. First, it is often impossible to discern the exact scope of the harms directly entailed or caused by historical injustices, particularly those in the distant past. In the simplified interpersonal example, if a perpetrator has stolen a victim's car, it seems obvious that reparation involves giving it back. But things are rarely this clear with larger-scale events. Consider, for example, the U.S. House of Representatives' 2008 official apology for slavery and official racism in the United States,[194] which includes the following statement about the lasting effects:

> African-Americans continue to suffer from the consequences of slavery and Jim Crow—long after both systems were formally abolished—through enormous damage and loss, both tangible and intangible, including the loss of human dignity

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[192] Glen Pettigrove, "Apology, Reparations, and the Question of Inherited Guilt," *Public Affairs Quarterly* 17, no. 4 (2003), pp. 319-348; Smith, *I Was Wrong*, p. 229.

[193] Lazare, *On Apology*, pp. 127-133; Smith, *I Was Wrong*, pp. 80-90.

[194] For the history of the Resolution, see Darryl Fears, "House Issues an Apology for Slavery," *Washington Post*, July 30, 2008. http://www.washingtonpost.com/wp-dyn/content/article/2008/07/29/AR2008072902279.html

and liberty, the frustration of careers and professional lives, and the long-term loss of income and opportunity.[195]

The apology suggests two main legacies: persistently unjust resource distributions, which reflect histories of unjust takings from and decreased opportunities for African Americans; and challenges to the dignity and standing. But should *all* inequalities in material wellbeing and social status be attributed to slavery? As Boris Bittker suggests, contemporary racial inequality in the United States is not the direct consequence of a single event, but of an entire history of racial domination, marginalization, and segregation.[196] Discerning which aspects of this legacy an apology for slavery commits us to correcting will necessarily involve drawing potentially arbitrary, and assuredly controversial, boundaries in what is really a continuum of harm.[197]

Second, in some cases, victims' otherwise legitimate claims may be challenged by intervening developments. Recall, for instance, the problem of compensating for the dispossession of Native American lands, first discussed in § 25.2. In the intervening centuries, some of the land unjustly taken from Native Americans has been continuously inhabited by others, who, through centuries of inhabitation, may have generated conflicting land claims.[198] Although an apology for dispossession would entail a commitment to undoing the harms it created, this commitment would quickly have to

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[195] U.S. House of Representatives, 100th Congress, 1st Session, *H.R. 194: Apologizing for the Enslavement and Racial Segregation of African Americans* (Washington, DC: U.S. Government Printing Office, 2008).

[196] Boris Bittker, *The Case for Black Reparations* (New York: Beacon, 2003), pp. 8-29.

[197] Of course, it is probably desirable to combat *all* of this legacy; but this commitment does not follow from an apology for one aspect of it.

[198] Jeremy Waldron, "Superseding Historic Injustice," *Ethics* 102, no. 1 (1992), pp. 15-18.

contend with these claims, and any settlement would necessarily be incomplete, leaving some legitimate claims unmet.

Finally, third, it is not always immediately clear what form reparations should take, particularly with subjective or psychological harms, where tangible reparations are not always adequate or appropriate. This is true in both personal and political life. In the personal realm, as Smith notes, "if I send my friend some money as restitution without further comment after inexcusably breaking our dinner appointment, I risk further offending her by implying that I can reduce her time and our relationship to an economic transaction."[199] Lazare provides a similar political example, of a victim of the internment of Japanese Americans during World War II, who, in compensation for four years of internment, was payed $20,000.[200] The victim objected: "the American government stole 4 years of my childhood and has now put a price of $5,000 for each stolen year… It would have been better to receive no financial settlement."[201] The complaint can be read as about the amount paid: $5,000 seems hardly sufficient to cover a full year of missed life. But it can also be read as about the insufficiency of any amount of money: childhood is not fungible—it cannot be exchanged for other goods—and so any attempt at compensation will necessarily miss the mark.

In some cases, financial compensation—no matter the amount—seems insulting, because, to put a price on certain types of harm is to diminish them. A year of human life is not fungible with other goods because we tend to think of human life as incomparably valuable. Kant famously frames it as an issue of dignity: "everything has either a *price* or

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[199] Smith, *I Was Wrong*, p. 84.

[200] Lazare, *On Apology*, pp. 131-132.

[201] Quoted in ibid, p. 131.

dignity. What has a price can be replaced by something else as its *equivalent*; what on the other hand is raised above all price and therefore admits of no equivalent has a dignity."[202]

Despite all these difficulties, authentic, lasting apologies require openness to reparation, even if the exact shape of reparation will be, in most cases, both imperfect and unclear. Although there is room for disagreement about the proper form reparation, if one is and remains genuinely sorry, there is no room for disagreement about the propriety of some sort of reparation. This means that many official utterances of apology are quickly undermined by future failures to act. For example, the question of reparation is conspicuously absent from the 2008 House of Representatives resolution ostensibly apologizing for slavery, and a similar 2009 Senate resolution explicitly states that it is not meant to authorize or justify reparations.[203] But, if it were a genuine apology, this is precisely what it would justify—indeed, what it would necessitate. To utter an apology while simultaneously denying any possibility of reparation is like making promise while denying any obligation to keep it.

In contrast with reparations, the commitment not to engage in similar action in the future is analytically simple. One merely must not commit that sort of wrong again. What complicates the commitment are the time horizons involved. The commitment to reform suggests a permanent change. For individuals, this means that, to be fully and lastingly sincere, an apology, particularly an apology for a grievous act, must reverberate

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[202] Immanuel Kant, *Groundwork of the Metaphysics of Morals*, tr. and ed. Mary Gregor (New York: Cambridge University Press, 1998), 4:434 (p. 42). Emphasis original. I owe the citation to Smith, *I Was Wrong*, p. 84, though he uses a different translation.

[203] Bernie Becker, "Senate Approves Slavery Apology, with Reparations Disclaimer," *The New York Times*, June 18, 2009. http://thecaucus.blogs.nytimes.com/2009/06/18/senate-approves-slavery-apology-with-reparations-disclaimer/

throughout the apologizer's entire life. We can thus only judge the full validity of apology after the apologizer has died.[204] For collectives, the requirement is still more demanding: while, like human lives, all collectives have beginnings and most will presumably have ends, they endure far beyond the scope of an individual life. The promise of reformation thus reaches toward permanence—or, at least, it reaches toward permanence insofar as the collective itself is permanent.

Ultimately, the illocutionary force of apology is in part a commitment to transformation—a commitment to become a different sort of person, or a different sort of state, one that will no longer engage in the types of acts that occasioned the apology. It is a commitment to improve, to be more just in the future. The validation of apologies, particularly state apologies, may therefore lay in the future attainment of justice, not just for the aggrieved, but for distant potential future persons.[205]

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[204] Smith, *I Was Wrong*, p. 81.

[205] It may strike some as odd that, in discussing apology, I have not mentioned what is sometimes considered to be apology's companion practice: forgiveness. I would therefore like to pause for a moment to explain what I take to be the common understanding of the relationships between apologies and forgiveness, and why, given this understanding, I think the former more pressing to discuss than the latter. Apology is sometimes seen as part of larger process, which begins with wrongdoing, is transformed through apology, and ends with the wrongdoer being forgiven by the victim, enabling full reconciliation and the movement into a world unburned by the past. Thus, for example, Tavuchis suggests that "a proper and successful apology is the middle term in a moral syllogism that commences with a *call* [recognition of wrongdoing] and ends with *forgiveness*." See Tavuchis, *Mea Culpa*, p. 20. Emphasis in original. This process is also captured in our ordinary linguistic practices, where apologies are sometimes delivered as requests for reconciliation: "please forgive me." See ibid, p. 6. Forgiveness in this sense is conceived of seen as a sort of letting go—of the desire for revenge, of resentment, or of visions of the apologizer shaped by their wrongdoing. The *locus classicus* of this view comes from the eighteenth century English theologian Joseph Butler. See Butler, *The Complete Works of Joseph Butler*, ed. W.E. Gladstone (Oxford, UK: Claredon Press, 1897), Vol. 2, Sermons 8-9. For a more contemporary statement, see Charles Griswold, *Forgiveness: A Philosophical Exploration* (New York: Cambridge University Press, 2008), p. 39. The connection between forgiveness so conceived and apology is obvious. By apologizing, apologizers distance themselves from their original wrongs, saying that they are no longer the sorts of people or institutions that do those sorts of things. Forgiveness is, in some sense, just the recognition of this distance. See Joseph Beatty, "Forgiveness," *American Philosophical Quarterly* 7, no. 3 (1970), p. 251. But there is also a basic asymmetry between apology and forgiveness. The need—perhaps duty—to apologize is entailed by an original wrong. But there is never a straightforward duty to forgive: to forgive is a supererogatory act of generosity—the absolution of perpetrators for harms that, in principle, cannot be undone. See Marguerite La Caze, "The Asymmetry Between Apology and Forgiveness," *Contemporary*

37. When is Transition Over?

I would like to conclude with a brief discussion of transitional justice's temporality, and in particular with a caveat about just how long the work of transition may take. All of the memorial practices examined in this chapter are about change: bringing previous denied facts, and previous denied lives, to light; recognizing others as co-builders of a common world; challenging histories of marginalization; and admitting to wrongdoing and committing to its amelioration. Yet, although the notion of transitional value that has animated these claims presumes temporariness, we must be careful not to prematurely declare the work of transition over, as, like the official acts of forgetting examined in Chapter VI, this may simply push persistent injustices below the surface of public perception.

Of the practices examined in this chapter, only the combatting of informational injustices has an obviously delineable endpoint. The work of truth commissions or other institutions tasked with setting the historical record straight is determinately finished once all instances of official misinformation have been overturned. In most cases, this is an enormous task, and, as a practical matter, it may be difficult to finish, or even to know what it would look like to finish, as misinformation can mean not just that some secrets are unknown, but also that the extent of what is unknown is itself be unknown. Yet the task is, at least in principle, is finite and self-contained. Thus truth commissions are

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Political Theory 5, no. 1 (2006), pp. 447-468. Thus Derrida suggests that to forgive is to do the impossible. See Jacques Derrida, *On Cosmopolitanism and Forgiveness* (New York: Routledge, 2001), p. 32. I do not think we should go this far. But we should at least hold that to demand forgiveness, to suggest that one is somehow entitled to it by virtue of having apologized, or to suggest that moving forward demands forgiveness is to again treat the victim unjustly. Forgiveness may come, but they should not be rushed. Thus, while apology is often a basic requirement of transitioning away from difficult pasts, forgiveness is not. It is an act of grace to which perpetrators, even apologetic ones, are not entitled, and on which the creation of more just societies cannot depend.

generally understood as essentially temporary bodies, lasting, on Hayner's account, between six months and two years.[206]

In contrast, it is probably impossible to provide a generally valid set of easily applicable standards for determining when the work of overcoming persistent challenges to standing is finished. At what point can we say that the social disrespect inherent in moral insult and injury has faded far enough to longer be of concern? Where is the line between persistent challenges to standing, which are rightly a concern for a theory of transitional justice, and the everyday disrespect that citizens of democratic societies must simply put up with? And when can we say with certainty that social challenges to self-respect have faded to the point where any remaining problems just constitute the background insecurity and uncertainty endemic to social and political life?

I do not think that these questions can be answered once-and-for-all. Just as compensation can come in many forms, and determining the proper sort of compensation for a particular injustice will often depend on contextual factors that cannot be captured by a general theory, injustice and the harm it creates can slip into the past in a variety of ways. Rather than providing a general set of criteria for determining when transition has occurred, I therefore want to close with a brief account of what's at stake in these judgments, and in particular with a suggestion that there is reason to caution against prematurely declaring the work of transition to be over.

To illustrate, consider an obvious example of premature foreclosure in the United States: the attempt to build a post-racial, "color-blind" society, even as the legacies of

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[206] Hayner, *Unspeakable Truths*, p. 14.

historical racial injustice persist, and continue to do harm.[207] The issue, roughly, is that, in ideal circumstances, avoiding racial prejudice requires racial impartiality—that is, treating people with equal consideration, regardless of their racial or ethnic backgrounds.[208] Thus impartiality is a central component of many ideal theories of justice, both utilitarian and broadly contractual.[209] But impartiality only works this way in ideal circumstances. When historical racial inequalities have yet to be fully corrected, impartiality can actually impede justice by precluding compensatory measures that, by necessity, treat members of groups that are experiencing persistent harm differently than members of groups that are not.

Some have taken this to be a problem with impartiality *in general*, suggesting that attempts at impartial political theory are in principle incapable of contending with legacies of injustice.[210] However, the problem is not with impartiality, it is with the misapplication of it. Given the world as it actually exists, plagued by persistent injustices, impartiality and other ideal goods should be understood as essentially aspiration. Their potential value is embodied in political orders that can only obtain once persistent injustices and harms have been overcome. Before this occurs, they may be less worthwhile—and, indeed, may actually threaten the work of achieving justice.

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[207] The following analysis draws on Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America* (Lanham, MD: Rowman & Littlefield, 2006), esp. ch. 3.

[208] In Bernard Gert's influential formation, "A [an actor] is impartial in respect R with regard to group G if and only if A's actions in respect R are not influenced at all by which member(s) of G benefit or are harmed by these actions." See Gert, "Moral Impartiality," in *Midwest Studies in Philosophy*, Vol. 20, *Moral Concepts*, ed. Peter French, Theodore Uehling, and Howard Wettstein (Notre Dame, Ind; University of Notre Dame Press, 1995), p. 104. Thus governments or other official actors (A) are impartial with respect to race (G) when their decisions (R) are not informed by which race(s) are benefited by them.

[209] For an overview, see Brian Barry, *Justice as Impartiality* (New York: Oxford University Press, 1995).

[210] Carole Pateman and Charles Mills, *Contract and Domination* (Malden, MA: Polity Press, 2007).

Judgments about when transition is over and justice has been achieved should therefore be made with extreme care. It would be far worse to make a premature declaration, and in so doing preclude any movement forward, then to live a little longer with the moral complexity of transition.

CHAPTER IX

MEMORY IN A REALISTIC UTOPIA

38. Unsettled Accounts

Much of memory's value is transitional in the sense I suggested in the last chapter: as a means of overcoming the lasting legacies of historical injustice and facilitating full participation of previously marginalized citizens in the political community.[1] Yet the language of "overcoming," and associated notions of "reparation" or "compensation," can obscure the very simple fact that past injustices cannot actually be undone. Barring some science fiction fantasy, we cannot move backward in time to correct past wrongs.[2] Thus, even after every possible form of reparation has been exhausted, the relationship between perpetrator and victim is therefore not actually returned to a *status quo ante*. As Nick Smith has it, "the relationship moves forward forever in the shadow of the injury rather than backward to a time before the trespass occurred."[3]

To be sure, the significance of injustice's shadow may decrease over time, as insults or injuries become increasingly remote, and positive interactions accrue. But in

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[1] The title of this section draws on Leigh Payne, *Unsettling Accounts: Neither Truth nor Reconciliation in Confessions of State Violence* (Durham, NC: Duke University Press, 2008).

[2] And even if time travel were possible, it is unclear whether this could solve the problem. As I suggested in § 25.2, many desirable things about the contemporary world—including, most importantly in the present context, the existences of most currently living people—causally depend on the existence of past injustice. A world with no history of injustice would be unbridgeably distinct from the one we now inhabit. This means that an attempt to go back in time to prevent injustice would quickly run into the familiar trouble that time travelers cannot logically change the past in ways that would prevent them from being born. See David Lewis, "The Paradoxes of Time Travel," *American Philosophical Quarterly* 13, no. 2 (1976), p. 149

[3] Nick Smith, *I Was Wrong: The Meaning of Apologies* (New York: Cambridge University Press, 2008), p. 83.

this chapter I want to suggest that, given history's inescapability, an openness to remembering difficult pasts can remain an important aspect of public life, even after we have done everything we can to combat legacies of injustice. The transitional uses of memory I outlined in the last chapter point us toward what Rawls calls a "realistic utopia," where those socials ills that can be overcome are overcome.[4] Yet even in such a utopia, the shadows of past injustice remain, and being open to the continuing demands of those shadows may therefore remain an important aspect of achieving justice for previously injured groups.

I should say at the outset that, although my argument in this chapter focusses on an openness to public remembering as something permanently owed to those touched by historical injustice, this is not the only plausible argument that can be made for why the memory of injustice may indefinitely remain an important part of a country's political culture. Indeed, the perhaps most common claim for why we should remember difficult histories has little to do with duties to the past, but instead derives from memory's pedagogical significance for the future. The idea is captured well in the often-quoted assertion that "those who cannot remember the past are condemned to repeat it."[5] On this account, remembering difficult histories provides a warning about human fallibility and the possibility of grievous moral error, facilitating moral improvement by steering us toward more just futures.

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[4] John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), p. 128.

[5] As I noted in Chapter II, this quotation is generally traced to George Santayana, but Santayana's meaning was somewhat different than is generally supposed. This is obvious when the quotation is read in its full context: "Progress, far from consisting in change, depends on retentiveness. When change is absolute there remains no being to improve and no direction is set for possible improvement: and when experience is not retained, as among savages, infancy is perpetual. Those who cannot remember the past are condemned to repeat it." See George Santayana, *The Life of Reason*, Vol. 1 (New York: Charles Scribner's Sons, 1920), p. 284.

This is an important argument, but notice how little work the past actually does in it. If the only goal is moral education of this sort, then past injustices become interchangeable examples, which must be remembered only insofar as their didactic purposes have not already been served by other examples or stories. The claim this argument ultimately supports is therefore that we should remember *some* injustices, but not necessarily that we should be open to remembering *every* injustice. In contrast, in this chapter I make the categorical claim that we should be open to remembering every member in an entire class of wrongs, not just a few representative examples within that class.

The argument I want to make stems from the point I suggested in § 30 about collective memory's role in projecting particular visions of national identity, and so partially constituting shared pictures of what it means to be a member of the political community. The argument takes place in two steps, which are the subjects of the next two sections respectively. First, in § 39, I make the descriptive claim that states as they currently exist are generally organized around certain foundational conceptions of their own histories, which both confer particular senses of what it means to be a member, and suggest particular visions of the country's public morality. Although this may not be a necessary or permanent feature of states or other possible forms of political organization—one can imagine political communities unified only by contemporary loyalties to current procedures and policies[6]—in most actually existing present-day political communities, public visions of shared history seem largely inescapable.

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[6] For this possibility, see Albert Dzur, "Nationalism, Liberalism, and Democracy," *Political Research Quarterly* 55, no. 1 (2002), pp. 191-211.

Second, in § 40, I make the normative claim that, if we are going to tell stories about our states, we should be open to recognizing the stories and roles of those groups that have been treated unjustly, particularly when this treatment intersects with commonly celebrated aspects of national history. The central idea is that, insofar as public accounts of history promote certain conceptions of national identity, histories that exclude the experiences of once or still marginalized groups can re-entrench exclusion by creating overly narrow visions of what it means to be a member. Our stories should therefore remain open to recounting these experiences, even when they paint national history in unflattering light.

Extending our stories to include the experiences of previously marginalized groups means giving those groups an active voice in the national narrative. But what exactly does this mean? §§ 41 and 42 take on this question. As I've already suggested, scholars sometimes talk about this sort of extension in terms borrowed from individual memory—as an overcoming of repression,[7] or the pursuit of self-understanding.[8] On this view, the work of extension is to come to a shared story about the nation's past that integrates previously excluded experiences into a single, unified narrative.

In the individual case, the search for unified self-understanding makes a certain amount of sense. Although there are of course dissenters,[9] many scholars argue that living a good life entails being able to capture that life in a single narrative, unified by a

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[7] Thomas McCarthy, "Vergangenheitsbewältigung in the USA: On the Politics of the Memory of Slavery," *Political Theory* 30, no. 5 (2002), p. 626.

[8] Jürgen Habermas, "On the Public Use of History," in *The Postnational Constellation: Political Essays*, tr. Max Pensky (Cambridge, MA: The MIT Press, 2001).

[9] See, e.g., Galen Strawson, "Against Narrativity," *Ratio* 17, no. 4 (2004), pp. 428-452.

single set of constitutive commitments, goals, or projects.[10] However, I suggest that, in the collective case, the extension of public narratives, and the corresponding extension of public voice to include previously marginalized groups, is fundamentally about opening up new sites of contestation, in which historical narratives may not, and often should not, assume fixed or unified forms.

I illustrate this point in § 41 by examining three sites of memorial contestation that were opened up as a result of movements toward racial inclusion in the second half of the 20th century: a Civil War era monument to the Confederate cause in New Orleans; the reenactment of racial tensions in Colonial Williamsburg; and the representation of African American historical experiences in high school textbooks. In each case, the extension of public memory's purview created new conflicts, both practical and moral: practical conflicts about how best to rebuild memorial landscapes already shaped by injustice; and moral conflicts about how to settle persistent tensions between the values of tradition, dignity, truth, and much else that were left unsettled, even as broad agreement emerged on the desirability of inclusion. In § 42, I draw some brief conclusions about these conflicts, and in particular about what their apparent intractability means about the enduring shape of collective memory as societies more forward from troubles pasts.

Finally, the chapter concludes with a brief examination of the politics of narrative inclusion when the relevant group has either been so radically transformed by the experience of injustice that members can no longer speak for the past, or been destroyed

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[10] See, e.g., Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, Third Edition (Notre Dame, IN: University of Notre Dame Press, 2007), ch. 15; Charles Taylor, *Sources of the Self: The Making of Modern Identity* Cambridge, MA: Harvard University Press, 1989), ch. 2.

altogether, as in the (thankfully vanishingly rare) instance of full cultural genocide. In these cases, it is impossible to empower the now-absent community to speak to its own historical experiences, and so representations must attempt to speak for the absent. I argue that this is best done by attempting to make vivid the visions of life and value that animated the community's historical experiences and achievements, while being continuously attentive to how these visions would have led the community to represent its own history.

39. The Stories of States

Let me begin with the descriptive claim about the role of history in national identity, which can be broken into three parts. The first concerns the character of states as forms of political organization: states are enduring associations that, in most cases, persist beyond the span of an individual life or generation. They thus have intergenerational histories, which extend outside the purview of any particular past or present members. As Janna Thompson puts it, "citizens are born into a preexisting society that, in most cases, will continue to exist, perhaps for many generations, after they are dead."[11]

The second part concerns how these intergenerational histories play into the civic, social, and moral lives of citizens. We often tell historical stories about our political communities—their moments of foundation, their triumphs and challenges, and their evolutions over time—which promote both a particular sense of what it means to be a member, and a particular sense of the country's moral and political commitments. In David Miller's formation, these stories "provide reassurance that the national community

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[11] Janna Thompson, *Intergenerational Justice: Rights and Responsibilities in an Intergenerational Polity* (New York: Routledge, 2008), p. 1.

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of which one now forms part is solidly based in history, that it embodies a real continuity between generations," while simultaneously "holding up before us the virtues of our ancestors and encouraging us to live up to them."[12]

The third part concerns the relationship between these stories and history as it actually occurred. Given the necessary partiality of memory that I noted in § 12.2—that remembering involves selecting particular aspects of the past to be preserved while leaving much else behind—stories *cannot* be complete accounts of history. But even beyond this basic limitation, the stories of states are often shaped by more intentional acts of public forgetting. Thus the Nineteenth Century French historian Ernest Renan famously held that "to forget and—I will venture to say—to get one's history wrong, are essential factors in the making of a nation."[13] The histories of many modern states encompass much that is accidental, unjust, or otherwise unlikely to inspire identification or allegiance, and so the histories we tell are often very selective—more the result of invention or imagination than straightforward representation.[14] To again quote Miller:

> States have been created by force, and over time their subject peoples have come
> to think of themselves as compatriots. But no one wants to think of himself as

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[12] David Miller, *On Nationality* (New York: Oxford University Press, 1995), p. 36.

[13] Ernest Renan, "What is a Nation?" in *Modern Political Doctrines*, ed. Alfred Zimmern (London: Oxford University Press, 1939), p. 190. Quoted in Miller, *On Nationality*, p. 34.

[14] On the notion of invented histories and traditions, see Eric Hobsbawm, "Introduction: Inventing Traditions," in *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger (New York: Cambridge University Press, 1983). On the notion of imagination, see Benedict Anderson, *Imagined Communities*, Second Edition (New York: Verso, 1991), p. 6

roped together to a set of people merely because the territorial ambitions of some

dynastic lord in the thirteenth century ran thus far and no further.[15]

The stories of states thus "typically contain a considerable element of myth."[16]

What may be framed as a simple, timeless account of what occurred long ago is often

told for very particular, present political purposes.[17] As J.H. Plumb has it, "the past has

always been the handmaid of [present] authority."[18] These accounts are unlikely to

completely hold up to "dispassionate research,"[19] which will tend to complicate the

simplistic lessons we often seek to draw from history. But pristine accuracy is in some

sense not the point. We often invoke mythic histories with the goal not of transparently

representing the past, but of providing stories "apt" for our purposes.[20]

This is not to say that history as represented in collective memory will always

serve our *present* purposes, or the purposes of anyone currently living. Because public

memory involves persistent representations of the past that sometimes outlast their

authors, we sometimes inherit memorial landscapes that represent past interests that are

largely disavowed by current citizens. But *when they were constructed*, such landscapes

generally reflected the purposes of their architects, even if those architects and their

purposes have long since passed.

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[15] Miller, *On Nationality*, p. 34.

[16] Ibid, p. 35.

[17] Ernest Gellner, *Nations and Nationalism* (Ithaca, NY: Cornell University Press, 1983), pp. 56-57.

[18] J.H. Plumb, *The Death of the Past* (New York: Penguin, 1973), p. 33.

[19] Miller, *On Nationality*, p. 35.

[20] On the notion of aptness as a criteria of evaluation for myth, see Bernard Williams, *Truth and Truthfulness: An Essay in Genealogy* (Princeton: Princeton University Press, 2002), p. 165.

Consider, for example, the variety of ways that the historical image of Columbus has been mobilized in U.S. politics:[21] he has been celebrated as an embodiment of the U.S. spirit of exploration;[22] his political affiliation, as a citizen of Genoa, was used by late 19th and early 20th Century Italian immigrants as evidence of the legitimate place of Italians in American public life;[23] his religious patronage from the Spanish throne has been used to bolster the image of America as a foundationally Christian nation;[24] and, most recently, he has been seen as an embodiment of European colonial domination of Native Americans, and thus as a marker of the still unpaid debt that settlers owe to the country's native inhabitants.[25]

[21] Columbus is also of course remembered outside of the United States. For example, in Spain and Italy he is generally venerated, while in much of Latin America he has long been treated with ambivalence. For an overview of his international reputation, see Michel-Rolph Trouillot, "Good Day Columbus: Silences, Power, and Public History (1492-1892)," *Public Culture* 3, no. 1 (1990), pp. 1-24. The following analysis of Columbus's domestic reputation draws on Timoth Kubal, *Cultural Movements and Collective Memory: Christopher Columbus and the Rewriting of the National Origin Myth* (New York: Palgrave, 2008).

[22] This image is, for example, evident in Richard Nixon's 1969 Columbus Day Proclamation, which tied Columbus's exploration of America to the United States' exploration of space: "Respect for the achievement of Christopher Columbus is especially appropriate this year when we have witnessed an epic journey of discovery, the journey to the moon. Both the voyages of Columbus and those of our modern astronauts are expressions of man's great ambition to confront the unknown, and to master the challenges of distance and space." See Richard Nixon, "Proclamation 3929 - Columbus Day, 1969," September 11, 1969. http://www.presidency.ucsb.edu/ws/?pid=105942

[23] Interestingly, this was among the first public images of Columbus in the United States. He had only been sporadically celebrated in the United States until 1892, when Italian immigrants sponsored celebrations of the 400th anniversary of his voyage across the eastern United States. See Trouillot, "Good Day Columbus," p. 11.

[24] This approach is evidenced most prominently in the politics leading to the 1934 declaration of Columbus Day as a Federal Holiday, which was occasioned by an energetic campaign from the Catholic fraternal organization the Knights of Columbus, who emphasized that Columbus' voyage had been undertaken in part for the sake of evangelizing to non-Christians. See Kubal, *Cultural Movements and Collective Memory*, ch. 3.

[25] This image is, for example, evidenced by recent efforts by indigenous groups to rechristen Columbus Day as Indigenous Peoples Day. The idea was first floated in 1992, when the city of Berkeley elected not to participate in 500th Anniversary celebrations of Columbus's voyage, and instead commemorated the cultural traditions of the indigenous American groups that were here before he arrived. Since then, several other cities have followed suit. For an overview, see ibid, ch. 7.

All of these characterizations contain an element of truth. Columbus was at once an explorer of what was to him and at least most Europeans wholly unknown, a citizen of a city-state that would become part of Italy, funded by a Spanish crown that took his mission to be fundamentally religious, and a harbinger of centuries of colonial domination. Like most myths, the story of Columbus is multifaceted, capable of being mobilized in favor of competing and sometimes incommensurable visions of what it means to be an American.[26] In such visions, representing the whole, unalloyed historical truth is not really the point. Rather, the point is to use the past as a way of making claims about the present and future: what sort of country we are, and the sorts of moral commitments we inherit or should take on.

But notice too that not all of these claims reflect interests that persist into the present, even though they have all contributed to the creation of a persistent myth that does extend. Most obviously, expansions in popular conceptions of American identity mean that demonstrating how Italian Americans can be *real* Americans is no longer nearly as pressing as it was in the early 20th century. But the impact of this interest and the historical claims it motivated *do* persist, even as the interest does not, or does not in the same shape.[27]

The three points I've just made—about the temporal character of states, the role of historical stories in national identity, and the incompleteness and strategic shaping of these stories—are meant to be strictly descriptive. There seems to me to be room for reasonable disagreement about the desirability of the facts, and in particular about

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[26] Ibid, p. 2.

[27] I say "not in the same shape" because the story of Columbus may still of course inspire pride in Italian Americans, but the stakes of this pride are considerably lower than they were a hundred years ago.

whether historical narratives really should play such a large role in our visions of national identity. Some suggest that, given the distortions and possibilities for exclusion involved, it may be best to give up on public visions of history entirely, and focus instead on fostering loyalty to present political institutions.[28] In contrast, others suggest that shared visions of history are uniquely capable of providing shared senses of membership and belonging. For instance, in their classic study of individualism and community in American life, Robert Bellah and his colleagues suggest that, to be anything but empty, directionless abstractions, communities—religious, social, or political—must be "communities of memory" that are partially constituted by shared pasts. A "real community," they suggest, must continually tell and retell a "constitutive narrative" capable of uniting otherwise distinct individuals and groups.[29] Similarly, Arthur Schlesinger, Jr. suggests that "the invocation of history is indispensable to nations and groups in the process of making themselves… How else can a people establish the legitimacy of its personality, the continuity of its tradition, the correctness of its course?"[30]

Whether shared visions of history really are indispensable to common life is an empirical question, the answer to which could only be ascertained after careful study of the bases of human attachment and judgment, as well as deep sociological issues about the nature and constitution of groups. Rather than making this sort of argument, I want to

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[28] Dzur, "Nationalism, Liberalism, and Democracy."

[29] Robert Bellah, Richard Madsen, William Sullivan, Ann Swidler, and Steven Tipton, *Habits of the Heart: Individualism and Commitment in American Life*, Updated with a New Introduction (Berkeley: University of California Press, 1996), p. 153.

[30] Arthur Schlesinger, Jr., *The Disuniting of America: Reflections on a Multicultural Society*, Revised and Enlarged Edition (New York: Norton, 1991), p. 54.

make the considerably more modest claim that the three descriptive points I've just mentioned are true now, and will seemingly continue to be true for the foreseeable future. The stories of states are so thoroughly entrenched in our civic culture and politics that, even if they are ultimately undesirable, they are probably an inescapable feature of any currently conceivable form of public life. One can, perhaps, imagine America without Columbus. But one cannot imagine America without any history at all. Historical stories are woven into nearly every aspect American life: monuments to the past that transform public spaces into standing testaments to certain visions of history; origin stories imbued in the American flag and other symbols; secular holidays celebrating the country's triumphs and trials; and civic education in public schools. Some go so far as to suggest that these visions constitute a sort of public "civil religion."[31] I am unsure whether we should go this far, but it does seem certain that to rid the country of these visions would be to remake it in an entirely new form.

Something similar probably goes for all states. Just as, on the Lockean account, individual identity is unified over time by memory,[32] present members of states may often come to see themselves as members of an intergenerational political community stretching to the distant past by seeing themselves as part of the country's historical story, encompassing the remembered, mythic past and, perhaps, the anticipated future.

Such visions may not ultimately be a necessary feature of states, or, come to that, states may not ultimately be a necessary feature of every conceivable form of political life. But both states, and their current modes of historical constitution, seem to me to be

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[31] Catherine Albanese, *Sons of the Fathers: The Civil Religion of the American Revolution* (Pittsburg, PA: Temple University Press, 1977).

[32] John Locke, *Essay Concerning Human Understanding*, ed. Peter Nidditch (New York: Oxford University Press, 1975), bk. II ch. 27 pars. 13-14. For discussion, see § 14.1, above.

largely inescapable facts about political life as we know it. And it is this inescapability, rather than any deeper presumptions about the necessary nature of communal or political life, that makes history a permanent concern.

All political theories must take some facts as flexible and some facts as fixed.[33] To make prescriptive assertions that do not just endorse the world as it currently exists, we must assume that at least some things can change. But, simultaneously, to have any realistic prescriptive force, even "ideal" political theories must assume that some facts cannot be changed, even if we find them undesirable.[34] A *realistic* utopia will therefore not be perfect, but will be the best we can do, given the facts that we cannot change. I take it that the existence of states as currently constituted is one such fact. It is probably impossible to derive any deep, a-historical moral truths from the existence of states, or the role of history in creating a shared sense of identity among citizens, because both statehood and citizenship are themselves contingent forms of social and moral organization, which have not always existed, and may not exist indefinitely.[35] As Peter

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[33] Jacob Levy, *The Multiculturalism of Fear* (New York: Oxford University Press, 2000), pp. 3-4.

[34] Thus, for example, despite his otherwise egalitarian leanings, Rawls assumes that, when setting up incentive structures in an ideal society, we still need to appeal to human selfishness, because selfishness is, for him, seemingly an inescapable part of human psychology. For this point, see G.A. Cohen, "Incentives, Inequality, and Community," in *The Tanner Lectures on Human Values* Vol. 13, ed. Greethe Peterson (Salt Lake City, UT: University of Utah Press, 1992).Cohen criticizes Rawls for missing that all normative principles are ultimately fact-independent, such that facts should only become important for normative arguments when made so by prior, fact-independent principles. See Cohen, "Facts and Principles," *Philosophy and Public Affairs* 31, no. 3 (2003), pp. 211-245. Thus, for example, in the assertion "*x* should give *y* to *z* because *x* stole *y* from *z*," the fact of *x* having stolen *y* from *z* only plays a role in the normative argument because it's made relevant by a prior fact-independent norm that (say) we should always give back what we steal. However, *contra* Cohen, in some instances facts become relevant for prescriptive normative arguments simply because they are inescapable. For instance, no theory of distributive justice can work by simply assuming away the empirical fact that relatively scarce goods cannot be magically made abundant. The justification for including this fact in the normative argument is not itself normative, but is empirical. For this example, see Levy, *The Multiculturalism of Fear*, p. 10.

[35] Jacob Levy, "National and Statist Responsibility," *Critical Review of International Social and Political Philosophy* 11, no. 4 (2008), pp. 485-499.

Spiro puts it, "citizenship is a historically contingent institution, a modern phenomenon that is not inherent to social existence. Humankind existed for millennia without states and without citizenship."[36] But states and citizenship do exist now, will continue to do so for the foreseeable future, and thus should figure into our normative theorizing, even if that theorizing otherwise departs from the world's current configuration.

40. Pride and Exclusion

The normative question, then, is not whether we should tell historical stories about our states, but *how* we should tell these stories. And, more specifically, in the present context: how, if at all, should the inescapable fact of historical injustice impact the shapes of our stories?

Even in the absence of historical injustice, basic democratic norms of fairness and inclusion probably suggest that we should seek to represent diverse historical experiences in our national narratives. Minority communities that have been treated with "benign neglect,"[37] but not actively wronged by governments or majority communities, may nonetheless have legitimate claims to having their experiences and voices reflected in the stories of states. But I want to focus on the more specific issue of groups that have experienced large-scale historical injustice.

Schematically, my argument consists of three sequential claims. (1) Historical victimization creates a special susceptibility to misrepresentation in or exclusion from common historical narratives, because in many cases telling a positive story about the

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[36] Peter Spiro, *Beyond Citizenship: American Identity after Globalization* (New York: Oxford University Press, 2008), p. 7.

[37] This phrase is from Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (New York: Oxford University Press, 1995), p. 5.

state in which citizens can feel pride—a story that emphasizes enduring moral purposes and civic virtues—*requires* that dominant or majority communities discount or ignore the experiences of those who have been treated unjustly. Remembering a nation's history with unalloyed pride requires forgetting the unambiguous injustices that dot the histories of most modern states. (2) Such forgetful histories often project visions of what it means to be a member in which victims of injustice are not just absent, but are rather made invisible, and are thus precluded from appearing as legitimate stakeholders in the political community. And finally, (3) given this susceptibility and the stakes of historical exclusion, we should be particularly attentive to including the voices of historically victimized communities in our historical narratives.

This is all most obvious in cases where dominant historical narratives actively celebrate incidents that created or led to injustice, and in so doing directly deny the standing and experiences of victimized groups. I call these instances of *active denial*. In the United States, perhaps the most commonly cited case of this sort is the practice I've already mentioned of celebrating Columbus, colonization, and westward migration while simultaneously disregarding the Native American displacements that these events entailed. The problem is apparent from the outset, in the way that Columbus is framed as the discoverer of the Americas.[38] As has been often noted, the framing of the first—or, one of the first—European voyages to the Americas as the "discovery" of the Americas presumes an obviously Eurocentric epistemic position, from which things are discovered and thus brought into the common world only insofar as they are made known to

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[38] Trouillot, "Good Day Columbus," pp. 3-4; Kubal, *Cultural Movements and Collective Memory*, ch. 7.

Europeans.[39] The history of the Americas and thus of the United States is correspondingly presumed to be history as it occurred to Europeans. In Bill Bigelow's formation:

> The Columbus myth teaches children which voices to listen for as they go out in the world—and whose to ignore. Pick up a children's book on Columbus: See Chris; see Chris talk; see Chris grow up, have ideas, have feelings. In these volumes, the native peoples of the Caribbean, the "discovered," don't think or feel. And thus children begin a scholastic journey that encourages them to disregard the perspectives, the very humanity, of people of color.[40]

The celebration of Columbus as an unequivocally positive and foundational American figure directly denies the reality of native experience and its significance for American history. This problem echoes throughout many of the stories we tell about country's birth and expansion, from the foundation of Jamestown on Powhatan land in 1607 to the waves of westward migration in the mid-18th Century.[41] It echoes in the language we use—the idea of "manifest destiny," which, in Dee Brown's phrase, "lifted

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[39] Trouillot, "Good Day Columbus," p. 4.

[40] Bill Bigelow, "Why Rethink Columbus?" in *Rethinking Columbus: Teaching About the 500th Anniversary of Columbus's Arrival in America*, ed. Bill Bigelow and Bob Peterson (Milwaukee, WI: Rethinking Schools, 1991), p. 3.

[41] For a historical overview, see Paula Marks, *In a Barren Land: American Indian Dispossession and Survival* (New York: William Morrow, 1998), ch. 1.

land hunter to a lofty place"[42]—and the presumption that lands whites were conquering were wild and uninhabited.[43]

These denials represent profound challenges to the place of Native Americans in contemporary American public life. They frame the nation and its history as something that belongs exclusively to whites, and correspondingly treat Native American experiences as wholly immaterial to the story of the nation. Indeed, in some cases—as with the idea of Columbus's "discovery" or the idea of the American west as uninhabited wilderness—they seem to deny the existence of Native Americans entirely.

The first order of business in these cases seems as though it should simply be to stop remembering history in ways that deny the injustices it contains or the experiences of those who suffered them: if we are to remember Columbus at all, it should be in a way that does not deny those who already inhabited the Americas when he came;[44] and, if we are to remember the widespread westward white migration in the 19th Century, it should be in a way that recognizes those who already occupied the land.

These are largely negative claims about what our histories *should not* do: the stories we tell should not actively deny the experiences of those touched by injustice. But

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[42] Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West* (New York: Owl, 1970), p. 8.

[43] As Mark Spence has forcefully argued, the idea of "wilderness" still carries with it something of this presumption: "Americans look at an Ansel Adams photograph of Yosemite and they see more than a national symbol. They see an image of *a priori* wilderness, an empty, uninhabited, primordial landscape that has been preserved as God first intended it to be... What Adams's photographs obscure, and what tourists, government officials and environmentalists fail to remember, is that the uninhabited wilderness had to be created. Likewise, the assumption that preserved wilderness areas represent primordial America conveniently forgets that Native Americans had a profound effect on this 'wilderness' before its preservation and reaffirms the myth that North America was once a 'virgin' continent waiting to be peopled. At base, the wilderness preserved in national parks, monuments, and forests is a wilderness dispossessed - dispossessed of the people who shaped and were shaped by their interaction with it over the course of centuries." See Spence, "Dispossessing the Wilderness: Yosemite Indians and the National Park Ideal, 1864-1930," *Pacific Historical Review* 65, no. 1 (1996), p. 58.

[44] For a prominent statement to this effect, see Bigelow and Peterson (eds), *Rethinking Columbus*.

there are multiple ways of satisfying this requirement, one of which is to simply stop

telling stories about injustice entirely. Recall Renan's suggestion that the making of a

nation often depends on forgetting. If the problem were only active denial, it could be

overcome by this sort of forgetting. Rather than shifting to more inclusive modes of

representation, we might then instead pass over these incidents in silence, neither

celebrating nor condemning them, but simply leaving them behind.

I take it that distant injustices are sometimes forgotten in this way, and that this

sort of public forgetting is not always to be regretted. However, there is also reason to be

suspicious, deriving from the fact that the stories we tell about states often reflect the

interests of particular, powerful groups, and the exclusion of events from them therefore

does not necessarily reflect an organic communal process of moving on, but may instead

reflect what I want to call a *passive denial* by the powerful of the experiences of

marginalized groups. In such cases, although the shape of exclusion might be different

than with active denial, the experiences of victims of injustice are still specifically

omitted from the stories of states, and the pictures of membership that these stories draw

are correspondingly still too narrow.

Passive denial presents itself mostly in absences—of victims, of tragedy, and of

tarnishes in our otherwise triumphant stories. But establishing that an absence is the result

of *denial*, rather than of a mutual process of moving forward, requires showing that the

representation of history in question is not an organic outcome of the multiple groups that

make up society commonly contributing to shared memorial landscape. There is no way

to establish passive denial by looking only at the landscape itself. And so guarding

against it requires being attentive to the *process* by which collective memories are made and re-made.

41. Voice and Contestation

Both forms of denial can be profitably addressed by expanding who can speak for the state's history. Narratives that actively deny the experiences of previously marginalized groups can only go on unchallenged when public memory is the exclusive province of dominant groups. Expanding the public's voice will thus tend to complicate and fragment these narratives. Similarly, passive denials can only persist when the groups whose experiences are being denied are also kept from appearing in public and undoing the absence denial imposes.

When we talk about these sorts of memorial expansions in the individual case, we often adopt reminiscently Freudian language: denial imposes a sort of melancholic repression, the working through of which involves integrating the denied aspects of one's past into a coherent, unified story.[45] It is easy to slip into this sort of individual psychological language when we speak of collective memory.[46] Indeed, in speaking of national *stories*, *narratives*, or *images* of the past, I have also perhaps been implying a sort of memorial unity that is really only possible in the individual case.

Collective memory is not a unified thing. Indeed, as I argued in § 6, there *is no* single collective memory: there are only *collective memories*, a motley assortment of

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[45] For the original Freudian language, see Sigmund Freud, "Repeating and Working-Through (Further Recommendations on the Technique of Psycho-Analysis II)," tr. Joan Riviere, in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Vol. 12, *The Case of Schreber, Papers on Technique, and Other Works*, ed. James Strachey and Anna Freud (London: Vintage, 2001).

[46] See, e.g., Habermas, "On the Public Use of History," and McCarthy, "Vergangenheitsbewältigung in the USA."

public traces of the past that constantly shift to reflect continuous collisions of conflicting views on what is important to remember and why. The expansion of voice to include previously marginalized groups just adds to this cacophony. Far from unifying collective memory, it opens up new sites of contestation, troubling and sometimes fragmenting already polyvocal pictures and stories about the state's past.

To illustrate exactly what this means in practice, in this section I examine several sites of collective memorial contestation, emphasizing for each how the integration of once excluded voices resulted in more, not less, memorial diversity and contestation. I argue that in many cases this diversity reflects the diversity of legitimate goals that can be pursued through collective memory: pride in heritage or tradition, stability, truth, dignity, and too much else to capture with any sense of finality. The discord that inclusion introduces or makes visible in the stories of states thus often reflects the collision and ongoing negotiation between legitimate values, none of which obviously deserves ultimate priority. Constant contestation is therefore probably the best we can hope for. To seek something more unified—a single story made up only of compatible parts—would be to impose a false sense of order, and thus to preclude citizens from adjusting and re-balancing the goals that collective memory should serve, as their needs and desires shift over time.

All of the examples in this section derive from a single historical phenomenon: the extension, in the second half of the 20th Century, of popular images of American history to include the historical experiences of African Americans. But they demonstrate this extension in several different contexts, mirroring the locations of collective memory I introduced in Chapter II: the negotiation of shared places of memory in a New Orleans

Civil War monument; the expansion of memorial practices in Colonial Williamsburg's historical reenactments; and new compromises about textual history in negotiations about high school textbooks in the latter 20th century. The examples share a broad common structure: as collective visions of history are expanded, old narratives are disrupted and new conflicts emerge. But exactly what these new conflicts are, and the competing values they reflect, varies by context, as different sites of memory engender different ways of relating to the past, on which different sorts of values are at stake.

41.1. Place and Memorial Reconstruction

Negotiations about how places of memory should reflect the stories of states are complicated by the fact that the places in question are rarely blank slates. More often, we write new memories alongside or on top of old: we build new statues in a National Mall already full of old monuments; we build new museums next to old ones or, as with the September 11 Museum, on ground already thick with memorial significance; and we embroider new visions of history on old emblems of the past. In constructing new images, present citizens therefore do not just confront other present citizens, but also confront inherited images and what these images have come to mean.

Consider the more than century long controversy surrounding Louisiana's Liberty Monument, a Civil War era statue in New Orleans originally built to commemorate the overthrow of Reconstruction forces and the return to local, white rule in the city and state.[47] Directly after the Civil War, Louisiana was governed by an elected coalition of

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[47] The following draws on Sanford Levinson, *Written in Stone: Public Monuments in Changing Societies* (Durham, NC: Duke university Press, 1988), pp. 45-52 and Dell Upton, *What Can and Can't Be Said: Race, Uplift, and Monument Building in the Contemporary South* (New Haven, CT: Yale University Press, 2015), pp. 50-54.

white Republicans and newly enfranchised African Americans centered in New Orleans.[48] However, on September 14, 1874, the state government was challenged by 3,500 members of the Democratically-aligned Crescent City White League, who aimed, as the League's official platform put it at the time, to bolster "our hereditary civilization and Christianity menaced by a stupid Africanization… [and] to reestablish a white man's government in the city and state."[49] In the resulting skirmish, 33 people died, including 11 municipal police and 16 League members, and nearly a hundred were injured.[50] The League was temporarily victorious over the Republican coalition, but was defeated five days later, when Federal troops intervened and returned the elected government to power.[51] A Federally-backed coalition then ruled for three more years, until the retreat of Reconstruction and the Compromise of 1877 returned rule of the city back to Democratic whites, who maintained power for decades thereafter.[52]

The first act of memorialization occurred in 1882, when the New Orleans City Council re-christened the 1874 battlefield "Liberty Place," and authorized the erection of a monument there to commemorate the White League members "who fell in defense of liberty and home rule in that heroic struggle."[53] The monument, a protruding granite pillar on a base inscribed with the names of the 16 League members who died (but none

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[48] Levinson, *Written in Stone*, p. 45.

[49] Quoted in Upton, *What Can and Can't Be Said*, p. 50.

[50] Ibid, pp. 50-51; Levinson, *Written in Stone*, p. 45.

[51] Upton, *What Can and Can't Be Said*, p. 51.

[52] Ibid; Levinson, *Written in Stone*, pp. 45-47.

[53] Quoted in ibid, p. 47.

of the city police), was finished nine years later, and placed in the center of Canal

Street—then, as now, a prominent thoroughfare.[54]

From the outset, the Liberty Monument was a site of specifically white memory.

But this was further reinforced by a second act of memory in 1932, when the state added

new explanatory plaques to the monument's base. One explained that, after the skirmish,

"United States troops took over the state government and reinstalled the usurpers," but

added that "the national election in November 1876 recognized white supremacy and

gave us our state."[55]

Throughout the mid-20th Century, the monument was a rallying point for white

supremacist groups resistant to the gathering Civil Rights Movement, some of whom

explicitly compared their struggles against African American inclusion to those of the

White League in 1874.[56] Yet, as the Civil Rights Movement progressed, the monument's

explicit racism was increasingly criticized by local politicians, who attempted to re-

contextualize or write over its original message. In 1974, on the skirmish's hundredth

anniversary, then Mayor of New Orleans Moon Landrieu approved the nearby installation

of new explanatory plaques, which aimed to combat the message of the plaques added in

1932. The new plaques told viewers that "the sentiments expressed [by the 1932 plaques]

are contrary to the philosophy and beliefs of present-day New Orleans," but did not

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[54] Ibid.

[55] Quoted in ibid, p. 48.

[56] For example, F. Edward Herbert, who represented Louisiana in the U.S. House of Representatives from 1941 to 1977, proclaimed in 1949 that "it is one of history's tragedies that we are gathered here at a time when the ideals for which the men of 1874 fought are being viciously attacked again on all fronts." Quoted in Upton, *What Can and Can't Be Said*, p. 53.

further elaborate on this new, present-day philosophy[57] Then, in 1981, the 1974 plaques were made somewhat unnecessary, as Ernest Morial, New Orleans' first African American mayor, authorized the city to place smooth marble slabs over the 1932 plaques, leaving only the original 1891 inscriptions.[58]

The 1932, 1974, and 1981 alterations had all sought to clarify or change the monument's meaning while keeping the original statue in place. However, the monument was removed entirely in 1989, when Sidney Barthelemy, the city's second African American mayor, had it put in storage while road work was completed on Canal Street.[59] After the work was finished in 1991, the city delayed replacing the monument in its original location, in a move many observers suspected was motivated by the desire to be rid of it entirely.[60] Eventually, though, an "interesting alliance," in Sanford Levinson's phrase, "of traditionalists, historical preservationalists, and white supremacists" successfully challenged the city: because Federal funds had been used in the monument's removal, Federal guidelines required that it be replaced in a nearby, historically appropriate, location.[61] A compromise between the coalition and city was reached in 1993, when the monument was moved to a rarely-visited location just off Canal Street.[62]

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[57] Quoted in Levison, *Written in Stone*, p. 48.

[58] Ibid, p. 49.

[59] Frances Marcus, "New Orleans Journal: A Monument That Can't Find a Home," *The New York Times* November 29, 1992. http://www.nytimes.com/1992/11/29/us/new-orleans-journal-a-monument-that-can-t-find-a-home.html

[60] Ibid.

[61] Levinson, *Written in Stone*, p. 50; Marcus, "New Orleans Journal: A Monument That Can't Find a Home."

[62] James Gil, "'White Supremacy' Liberty Monument in New Orleans has Troubled Past," *The Advocate*, December 16, 2015. http://theadvocate.com/news/opinion/14306166-63/james-gill-liberty-monument-has-troubled-past

As part of the relocation, the city made yet another alteration, adding a new inscription in place of the blank marble panels that had placed in 1981 over the 1932 plaques.[63] The inscription re-dedicated the monument "in honor of those Americans on both sides of the conflict who died in the battle of liberty place," and added the names of the eleven city police who had also been killed in the skirmish.[64] The new inscription also added, rather ambiguously, a statement that the conflict "should teach us lessons for the future."[65]

Conflict over the monument continues today. Most recently, following the summer 2015 murder of nine African American churchgoers by an alleged white supremacist gunman in South Carolina, cities and states across the south reevaluated the public display of Confederate iconography, leading, most famously, to the removal of Confederate Flags outside the Alabama State Capital.[66] In New Orleans, city officials used the incident as a rationale for seeing the removal of several Confederate statues, including the Liberty Monument.[67] However, the move was quickly challenged in court, and a Federal appeals court has ordered the city to keep the monuments in place until the legal disputes are settled. Additionally, the Louisiana legislature is currently considering

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[63] Ibid.

[64] Levinson, *Written in Stone*, pp. 50-51.

[65] Ibid.

[66] Alan Blinder, "Momentum to Remove Confederate Symbols Slows or Stops," *The New York Times*, March 13, 2016, p. A10.

[67] Ibid.

a bill, largely aimed at New Orleans, which would prevent cities from removing monuments without state approval.[68]

What should we make of all this? The city's calls for removal reflect a longstanding position among liberal residents that, as one put it during the relocation controversy of the early 90s, the monument represents "an ugly myth and an uglier attitude."[69] This view is reinforced by some of the monument's defenders. For example, throughout the 80s and 90s, among the loudest voices calling for the monument's preservation was infamous white supremacist David Duke, who had held racist rallies there, including several for the KKK.[70]

Yet Duke is not the only prominent supporter of keeping the monument in place. Keith Woods, an African American and then editor of *The Times-Picayune*, argued in the early 90s that the monument should be kept in public view "to preserve the truth." He went on, "Black parents will always have to explain prejudice, with or without monuments. We can go on hiding each new shameful monument to failed race relations. But one day we'll run out of warehouse space. And then what?"[71]

There are also practical problems with removal. As one speaker at a recent hearing in New Orleans put it, "[there are] scores of statues and street names and school names that insult our intelligence, that insult our integrity and insult our sense of history

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[68] Julie O'Donoghue, "Confederate Monument Protection Effort Stalls in Louisiana Legislature—For Now," *The Times-Picayune*, April 14, 2016.
http://www.nola.com/politics/index.ssf/2016/04/confederate_monument_bill_pass.html

[69] Quoted in Marcus, "New Orleans Journal: A Monument That Can't Find a Home."

[70] Gil, "'White Supremacy' Liberty Monument in New Orleans has Troubled Past."

[71] Quoted in Marcus, "New Orleans Journal: A Monument That Can't Find a Home."

and purpose."[72] Indeed, troubled history touches nearly every aspect of New Orleans' material culture, including, as another speaker at the hearing noted, the fleur-de-lis, which appears in the city's logo, but which was once used to brand slaves.[73] Removing every symbol of the city's racist past would require rebuilding the city in an entirely new shape.

The dispute does not admit easy answers. The city of New Orleans and those who support removal seek to rend the city's relationship with its troubled past, and to no longer venerate those partially responsible. This is clearly laudable. Yet, as Woods suggests, to remove the statue would be to remove one of the city's most prominent markers of an important, though painful, period in the city's, and ultimately the country's, history. From this perspective, removal may be tantamount to a sort of denial of the past—of the history to which New Orleans, and America, is still tied.

One of the background questions animating the disagreement is whether the modifications made to the monument since its creation are sufficient to change its meaning. Since the 1974 alterations, the monument's explicit meaning has been shifting away from what was originally intended, and toward something purportedly more inclusive. Is such a shift ultimately possible? And if is, have the alterations to the Liberty Monument been sufficient to make one happen? If not, what else can be done?

These questions are all the more pressing because, as speakers at the recent hearings have pointed out, markers of the city's racist past are so thoroughly embedded into the city that removing all of them would be simply impossible. How can we reshape the public world so that all may feel at home in it, given that so many public places

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[72] Quoted in Robert McClendon, "Landmark Removal Proposal Opens Confederate Can of Worms at Council Meeting," *The Times-Picayune*, July 9, 2015.
http://www.nola.com/politics/index.ssf/2015/07/landmark_removal_proposal_open.html

[73] Ibid.

contain traces, whether intentionally left or otherwise, of past exclusion? The answer will depend on a number of practical and moral considerations complicated enough to preclude easy, or once and for all, answers.

41.2. (Re)enacting History

Some of the complications with the Liberty Monument derive from its materiality and corresponding linkage to place: it is something that New Orleans residents have been literally inheriting for more than a century. Practices of memory, to which I now turn, escape some of these issues, but face a unique set of others.

There's no shortage of commemorative rituals in the American memorial landscape, including, most prominently, celebrations of July 4th and other national holidays. But I want to focus on a very specific practice: the theatrical reenactment of American history, and in particular the continuous reenactment of colonial life in the "living history" museum at Colonial Williamsburg, Virginia.[74] The reenactments at Williamsburg present an interesting case, because they have been performed continuously since the 1930s, and their history thus demonstrates—as it passes through the Civil Rights Movement and beyond—the new opportunities, and new dilemmas, created by movements toward inclusion.

Williamsburg was the capital of Virginia throughout much of the 18th Century. However, in 1780 the capital was moved to Richmond, and Williamsburg became something of a backwater. Throughout the 19th Century, the city's tides ebbed and flowed, as it generally declined from its colonial status but did not disappear altogether,

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[74] "Living history" is a commonly used phrase, but for one example, see Scott Magelssen, *Living History Museums: Undoing History through Performance* (Landham, MD: Scarecrow, 2007).

and in fact experienced some moderate growth and new building after the Civil War.[75] Its

contemporary revitalization began in the 1920s, when a local reverend, W.A.R. Goodwin,

convinced John D. Rockefeller, Jr. to fund a largescale restoration project. The two

shared similar motivations. For Goodwin, restoration was important as a way of

providing a unified, and unifying, sense of America's past and purpose, so as to protect

the country against what he took to be the encroaching threats of socialism and

anarchism.[76] Similarly, Rockefeller believed that, by providing an idyllic vision of the

past, he might help to combat what he took to be the undesirable excesses of the

present—including, interestingly, the industrialization that his father's oil business had

done much to promote.[77]

Colonial Williamsburg opened to the public in the early 1930s. From the outset, it

employed historically dressed "interpreters" to guide visitors through the exhibits. In the

beginning, interpreters were all female and, by Goodwin's request, all of southern

heritage. In the 1940s, the museum hired its first African Americans, who were dressed

as slaves, but were not allowed to actively participate in reenactment, and were generally

kept peripheral to the museum's main presentations.[78] The museum's main focus

remained as Goodwin and Rockefeller had intended: a largely idyllic vision of colonial

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[75] Anders Greenspan, *Creating Colonial Williamsburg: The Restoration of Virginia's Eighteenth-Century Capital*, Second Edition (Chapel Hill, NC: The University of North Carolina Press, 2009), pp. 1-15.

[76] Ibid,, p. 8.

[77] Ibid, p. 10.

[78] Rachel Manteuffel, "Colonial In: The Complicated History of Colonial Williamsburg," *The Washington Post Magazine*, June 9, 2011. https://www.washingtonpost.com/lifestyle/magazine/colonial-in-the-complicated-history-of-colonial-williamsburg/2011/05/20/AGRtfqNH_story.html

life, with "white men in breeches making speeches while white women in aprons church butter."[79]

However, spurred on by the gathering Civil Rights movement, throughout the 1950s and 60s visitors increasingly complained about the museum's whitewashed interpretation of history, and especially the absence of slavery.[80] One visitor noted in the late 1960s that "the contributions of the black population have been largely omitted," while another African American visitor in 1971 noted feeling disconnected from the history presented: "as before there is a great feeling of alienation because of the almost total absence of the story of the significant part black people played in weaving the historical fabric presented to those of us who visit here."[81]

The museum's response was slow and unsteady. In 1979, African American interpreters were given an active role in reenactment, and slavery became part—albeit a peripheral part—of the museum's programs.[82] Ten years later, replicas of slave quarters were built near the museum.[83] And finally, in 1994, the museum staged its first major engagement with the practice of slavery, holding a mock slave auction as part of a three day "Publick Times" celebration.[84]

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[79] Dan Eggen, "In Williamsburg, the Painful Reality of Slavery," *The Washington Post*, July 7, 1999, p. A1.

[80] Greenspan, *Creating Colonial Williamsburg*, p. 7.

[81] Both quoted in ibid, p. 138.

[82] J. Freedom du Lac, "Slavery is a Tough Role, Hard Sell at Colonial Williamsburg," *The Washington Post*, March 8, 2013. https://www.washingtonpost.com/local/slavery-is-a-tough-role-hard-sell-at-colonial-williamsburg/2013/03/08/d78fa88a-8664-11e2-a80b-3edc779b676f_story.html

[83] Michael Janofsky, "Mock Auction of Slaved: Education or Outrage?" *The New York Times* October 8, 1994. http://www.nytimes.com/1994/10/08/us/mock-auction-of-slaves-education-or-outrage.html

[84] Ibid.

The auction was immediately controversial. Some criticized the attempt to portray

slavery as "tacked on and half-hearted," while others wondered if slavery should be

presented at all.[85] For example, Salim Khalfani of the Virginia NAACP held that slave

auctions and associated practices were so painful that many of his constituents "don't

want to see it rehashed." Just before the auction, an African American maintenance

worker in the museum told a *New York Times* correspondent something similar: "It

bothers people. People think it's very insensitive to dig it all up again."[86]

Museum officials defended the reenactment, suggesting that it, and similar

representations, were necessary to the museum's mission. Christy Coleman, an African

American, and director of the museum's African American department, explained the

point as follows:

> This is just the natural progression of what we've been doing… I recognize that
>
> this is a very, very sensitive and emotional issue. But it is also very real history,
>
> and it distresses me, personally and professionally, that there are those who would
>
> have us hide this or keep it under the rug… Until we begin to understand the
>
> horrors that took place, the survival techniques enslaved Africans used, people
>
> will never come to understand what's happening in our society today.[87]

In the years since the auction, the museum has made increasing attempts to

integrate slavery into its reenactments. Most prominently, in 1999 it launched Enslaving

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[85] Eggen, "In Williamsburg, the Painful Reality of Slavery," p. A1.

[86] Both quoted in Janofsky, "Mock Auction of Slaved: Education or Outrage?"

[87] Quoted in ibid.

Virginia, a major initiative to increase slavery's visibility.[88] The new initiative has largely

mollified members of the Virginia NAACP, a representative for which approvingly noted

just after its launch that, while the auction was explicitly an aside to the museum's main

program, Enslaving Virginia presents slavery as enmeshed in nearly every aspect of

Colonial life.[89]

Still though, controversy remains. There are several persistent critiques. Some

echo the NAACP's 1994 complaint that slavery's not be something that should be

rehashed. Others argue that, regardless of any general points, slavery should not be

rehashed *in the form of historical reenactments*, which introduce several problems.

Critics have noted at least four. First, reenactments must balance education with

entertainment, and it is unclear whether or to what extent slavery should be entertaining

at all.[90] Second, there is the problem of verisimilitude. Some argue that, whatever the

proper balance between education and entertainment, actors in a tourist museum simply

cannot accurately capture what it was like to be slave, and that the attempt to do so risks

insulting those touched by the practice.[91] Third, though, there is also a potential problem

of there being *too much* verisimilitude. For example, some African American audiences

have criticized historically accurate but morally uncomfortable portrayals of slaves as

sometimes scared and subservient, or of free African Americans who sometimes owned

their own slaves.[92] And finally, fourth, critics have noted discomfort with certain types of

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[88] Du Lac, "Slavery is a Tough Role, Hard Sell at Colonial Williamsburg."

[89] Eggen, "In Williamsburg, the Painful Reality of Slavery."

[90] Ibid.

[91] Lisa Woolfork, *Embodying American Slavery in Contemporary Culture* (Champaign, IL: University of Illinois Press, 2009), p. 114.

[92] Eggen, "In Williamsburg, the Painful Reality of Slavery."

audience participation: some visitors chastise slave impersonators that they should fight

for their freedom, while other visitors treat those playing slaves *as* slaves. In a

particularly uncomfortable incident, one actor recounts being asked by a child if he was a

slave, and, when he said yes, the child demanding to be brought a soda.[93]

For their part, museum officials have generally maintained Coleman's line about

the importance of presenting difficult histories. For example, an African American slave

reenactor recently suggested to a reporter that, whatever its difficulties, reenactments

serve an important educational purpose: "Some people haven't thought about what

happened to our people. We're making them think about what it really may have been

like in the 18th century."[94] Similarly, James Horn, the museum's Vice President for

Research and Historical Interpretation, frames the portrayal of slavery as an "obligation"

entailed by the need to be complete and truthful.[95]

These views are at least sometimes shared by visitors. Just after the launch of

Enslaving Virginia, an African American mother explained bringing her children to the

museum for the first time: "I used to think, 'Why go to Williamsburg? There's nothing

there about us' … Now there is, even if it's not something I'm happy about or comfortable

with. These kids need to know about this side of history."[96]

As with the Liberty Monument, the slavery reenactments touch on thorny moral

dilemmas that do not permit easy answers. The NAACP's 1994 statement about rehashing

painful histories surely makes an important point: there is something uncomfortable

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[93] Du Lac, "Slavery is a Tough Role, Hard Sell at Colonial Williamsburg."

[94] Quoted in Eggen, "In Williamsburg, the Painful Reality of Slavery."

[95] Quoted in ibid.

[96] Quoted in ibid.

about forcing people to relive their ancestors' traumas. And the reenactment's particular mode of representation presents additional problems. One may rightly wonder if it is appropriate to aim for both education with an issue as fraught as slavery, or whether it is possible to properly represent the issue at all in what is essentially a theme park.

The initial reaction to the museum's reenacted slave auction suggests that perhaps it is best to leave these representations to more appropriate media. But this would quickly create another set of problems, which were already recognized by some of the museum's critics in the 1950s and 60s. If the museum is going to present a vision of Colonial life, leaving out the African American experience seems to be both unjustifiably exclusive and grievously inaccurate.

And even leaving these issues aside and assuming that reenactment is desirable in some form, it is not immediately clear which parts of slavery it is desirable to reenact. As past critics pointed out, some truths about the practice—that some free African Americans owned slaves, or that slaves were sometimes conditioned to be servile to their owners—may be insulting to contemporary African Americans. Is the harm of this insult outweighed by the good of truth?

As before, I do not think that these dilemmas admit final, or universally valid, solutions. The pain of being confronted with the unalloyed tragedy of slavery—its degradation and dehumanization—is surely real pain. But the values of truth and accuracy are also real. And it may be uncomfortable to represent the lives of slaves in a location as light and possibly frivolous as Williamsburg, but this discomfort must be weighed against the damage done by excluding the practice. These tensions are not easily

resolved. To move forward, the museum must presume provisional balances, but I am unsure whether anything more stable is either possible or desirable.

41.3. Text and the Compulsory Past

Both the Liberty Monument and the reenactments at Williamsburg are fundamentally tied to place: public representations of the past are presented in specific, bounded locations. In contrast, as I suggested in § 6.3, textual memory tends to be distributed. Books circulate: multiple copies can be printed, and those copies can be passed between multiple people, and passed down through multiple generations. This means that texts can have a different sort of impact than places or performances. But to have this impact, they must be read. This creates another set of dilemmas and opportunities for the expansion of public memory.

I would like to close this discussion by examining the extension of voice in high school history textbooks, which present a unique case, in that, because they are for many students compulsory reading, the versions of history they present may be exposed to levels of scrutiny and contestation higher than with other sorts of books. In addition, the form itself requires a higher degree of cohesion than with other forms of public memory. The memorial landscapes presented by the statues and monuments that dot public spaces are, and perhaps must be, partial and fragmentary. But we expect textbooks to be coherent, and this expectation partially shapes the way their content is negotiated.

For most of their history, American textbooks have tended to define American identity in racialized terms. When they first began to be published in the 1820s, to be an American was to be of British, western European, or Scandinavian descent. To be from

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southern Europe, and certainly to be from Africa or Asia, was to be excluded from the outset. [97] These visions slowly expanded throughout the 19th and 20th centuries to include, for example, Irish and Italian immigrants, but did not expand so far as to include African Americans. As Joseph Moreau puts it, "concern for the sensitivities of textbook committees in the South," as well as the biases of textbook writers, conspired to keep African Americans largely out of popular accounts well into the 20th century.[98]

Among the first major public challenges to African American exclusion was an incident in Detroit in autumn 1962, in response to a widely used textbook, *Our United States: A Bulwark of Freedom*. The book presented African Americans exclusively in the context of slavery, where they were taken to be, as the local NAACP branch's review of the book put it at the time, "dependent, servile creature[s]" that were "incapable of functioning as responsible person[s]."[99] In a widely publicized show of civil disobedience that was reported across Detroit and eventually in *The New York Times*, Richard Henry, a prominent member of the African American led Group on Advanced Leadership (GOAL), pulled his son Frederick out of school rather than have him exposed to the book.[100] In response to the incident and ensuing controversy, the Detroit Board of Education eventually commissioned a new supplement, *Struggles for Freedom and Rights: The Negro in American History*, to be added to the curriculum until an entirely

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[97] Joseph Moreau, *Schoolbook Nation: Conflicts over American History Textbooks from the Civil War to the Present* (Ann Arbor, MI: The University of Michigan Press, 2003), p. 138.

[98] Ibid, p. 164.

[99] Quoted in ibid, pp. 271-272.

[100] Ibid, p. 272.

new textbook could be commissioned.[101] GOAL and the NAACP were generally pleased, with the latter calling the supplement "a conscientious effort to set the record straight."[102]

Although the Detroit protest and similar acts across northern cities pushed many publishers to include African American experiences in their textbook offerings, this did not result in nationwide reform. Textbook publishers were keen to meet both northern demands for integrated materials and southern demands for textbooks that remained the way they had been, and so effectively split the national market in two, offering different products to north and south. Sometimes this took the form of following Detroit's early example and offering optional supplements to existing textbooks, to be used—or, in the case of many southern states, *not* used—along existing offerings.[103] In other cases, publishers did substantially revise their textbooks, but offered new editions alongside old "star" or "mint-julep" editions meant for the southern market.[104]

The practice of splitting the national market temporarily solved the problem for textbook manufacturers. However, as demand for integrated materials spread—or, more probably, as previously silenced demands became audible—throughout the country, the practice slowly waned. Yet other tensions remained about how to present African American history. Some textbooks highlighted only their positive contributions—what one historian at the time called "sugar-coated success stories"—and thus largely ignored experiences of racialized injustice and marginalization.[105] Others textbooks noted the

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[101] Ibid, p. 280.

[102] Quoted in ibid, p. 281.

[103] Ibid, p. 309.

[104] Ibid, p. 307.

[105] Ibid, pp. 311-312.

experiences of slavery and Jim Crow, but used them to craft triumphant stories about the purportedly successful struggle for African American political equality.[106]

In both the contribution and triumph narratives, starkly absent were depictions of the injustices African Americans had suffered on the way to making their contributions or struggled against on the way to their triumphs. For example, very few textbooks reproduced otherwise widespread images of civil rights protestors being attacked by police dogs or fired upon by water canyons. And still fewer reproduced images of lynching, or the scars that whippings left on the backs of slaves.[107]

It would be easy to write this tendency off as yet more white obfuscation of America's troubled racial history, but the exclusively sunny narratives of contribution and triumph were not just promoted by whites. They were also promoted by African American educators and parents, who expressed concerns about their students and children seeing African Americans only as victims, or about them having to confront some of the more horrific incidents of racialized atrocity in American history. For example, in a survey of African American parents in Detroit, participants showed high levels of approval for images of Martin Luther King and Frederick Douglas, but overwhelmingly disapproved of images showing farm laborers and the urban poor.[108] Nathan Hare, a prominent African American sociologist and psychologist, and the founder of the Black Studies department at San Francisco State, wrote in 1969 that African American history must be "useable" and inspirational, "above all… a story of

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[106] Ibid, p. 314.

[107] Ibid, p. 318.

[108] Ibid, p. 319.

struggle and aspiration." On this view, learning about unmitigated tragedy has little value.[109]

The question of how to represent injustices committed against African Americans in textbooks in some ways mirrors the tension I mentioned earlier about how to accuracy of historical reenactments at Williamsburg. Surely truth is important, and the truth is that history contains unalloyed tragedies: groups being humiliated and dehumanized. But this truth must be weighed against the impact it may have on the self-respect and dignity of those descended from original victims. I am not sure how this weighing should proceed, except, to repeat a by now familiar refrain, that I suspect it will vary from case to case, and perhaps from time to time.

42. Ends, Equally Ultimate

The examples I've just been discussing are all in some sense about moving from what Nietzsche called "monumental" visions of history—where the past is presented only as an object of unfettered veneration—to more modest visions, where the past is presented in all its messy moral complexity.[110] This is surely for the better. As I suggested in § 40, often the sort of pride that's pushed by monumental visions can only be bought at the untenable price of exclusion.

But what's less obvious is what exactly do with history, in all its messy complexity, once we have decided to face it head on. As hegemonic monuments are

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[109] Ibid, p. 320.

[110] The title of this section is taken from Isaiah Berlin, "Two Concepts of Liberty," in *The Proper Study of Mankind: An Anthology of Essays*, ed. Henry Hard (New York: Farrar, Straus and Giroux, 1998), p. 239. For Nietzsche's view, see Friedrich Nietzsche, "On the Uses and Disadvantages of History for Life," in *Untimely Meditations*, ed. Daniel Breazeale, tr. R.J. Hollingdale (New York: Cambridge University Press, 1997), pp. 67-72.

removed from the centers of our cities, and simplified narratives are fractured by the histories they ignored, what should take their place? What should societies that seek just inclusion do with the histories of exclusion that they cannot undo?

In the examples I've just been discussing, sites of memory stand at the intersections of multiple, competing values. The Liberty Monument once venerated an ugly history, but has since been re-embroidered to tell a difficult story about the city and country's troubled past. Is this enough to justify its continued presence in the public realm? The monument's continued use as a rallying point for those who would return us to our former injustices suggests that perhaps it is not. Yet to remove it would also be to remove a marker of the important histories that we cannot remove.

Similarly, there is something deeply uncomfortable about the reenactment of slavery at Williamsburg. The old image of history, with white men and women the only ones in the frame, is clearly indefensible, but the alternative—representing the unspeakable horrors of slavery in a theme park atmosphere—is also not without trouble. Part of the issue stems from the museum's particular mode of representation. But part of it also stems from a more foundational conflict between the value of truth and the difficulty of being confronted with true but painful histories.

This latter conflict is displayed again in the textbook example, with the added pressure that, by virtue of the compulsory educational context in which textbooks are read, getting history right assumes an extra degree of importance. But it's not clear that getting history exactly right is an option. Those parents and educators who desire "useable" stories desire for their children and students to be inspired by history, to be

driven by it to do great things. This is of course laudable. But so is truth, even if that truth includes crippling horrors.

  None of these problems have easy solutions. In each case, there are valid reasons pushing in opposite directions, justifying incompatible and competing claims. The best solution may therefore be to avoid general pronouncements, and seek instead contextual solutions to particular problems; to avoid foreclosing future possibilities, and seek instead temporary, malleable settlements. What Isaiah Berlin said of political life in general is certainly true here, of the politics of collective remembering: "the world that we encounter in ordinary experience is one in which we are faced with choices between ends equally ultimate, and claims equally absolute, the realization of some of which must inevitably involve the sacrifice of others."[111] And so the only plausible solutions will leave a constant need, as he puts it, "to compensate, to reconcile, to balance."[112]

The best consolation to all this may be that we do not have to choose once and for all. Collective memories are continually made, unmade, and remade in new forms. And through this process of constant creation and destruction, negotiation and settlement, new sites of contestation will inevitably arise, and, perhaps just as inevitably, give rise to new compromises—new ways of balancing memory's impossible demands.

And so the extension of voice cannot be a one-time thing. It cannot be just a temporary opportunity to participate in the construction of a new, permanent, authoritative vision of history. Instead, it must be a permanent change in the way our landscapes of memory are made and remade. It must be a permanent invitation to

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[111] Berlin, "Two Concepts of Liberty," p. 239.

[112] Ibid, p. 240.

continually construct a common memorial world together, even though—indeed,
because—our visions will not always align.

43. Coda: When there is No One Left to Speak

The idea that formerly marginalized communities should be given a voice in the story of the state presumes the existence of a continuous community capable of speaking for the past, and of determining—or, at least, contesting—how their ancestors should be represented in public visions of history. But what for cases when there is no one left to speak on behalf of a community? As I noted in § 26, cases of absolute annihilation are thankfully rare, perhaps non-existent, and so, with luck, there may always be someone to speak. Still, I would like to close this chapter by considering the possibility, both because it cannot be altogether ruled out, and because understanding how we should proceed in such cases can give us insight into non-ideal cases where, for whatever reason, it may be impossible for the other to speak.

43.1. Signifying the Absent

The normative argument for why we should include the historical experiences and contributions of absent victims in the stories of our states runs differently than the account I gave in §§ 39 and 40 in two important respects. The first difference involves what is at stake with inclusion. Here the issue is not facilitating the inclusion of present groups or individuals, but enabling the continuing presence of past persons in the political community. This is important because, as I suggested in § 26.2, how we in the present treat now absent individuals and group can have an important impact on their wellbeing,

even though they cannot be around to experience it. Humans often have "lifetime-transcending" interests, the posthumous status of which can retroactively make it so that their lives went better or worse.[113]

This is true in at least two senses. It is first true in the relatively commonplace sense that many people worry about how their reputations will fare after they are gone.[114] This point has been recognized at least since Aristotle, who extended posthumous interests not just to cover the deceased's reputation, but to cover their family's reputation as well:

> [S]omeone who is dead seems in a way to be affected by both good and bad, as much as someone who is alive but not perceiving what is happening to him; so for example the dead seem to be affected when their children are honored or disgraced, and generally by whether their descendants do well or encounter misfortune.[115]

But second, lifetime-transcending interests also extend in the perhaps loftier sense that many human projects are largely aimed at distant futures, occupied by distant future generations. Consider a few examples.[116] First, many "goal-oriented" endeavors, such as

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[113] Thompson, *Intergenerational Justice*, chs. 3-4.

[114] Joel Feinberg, "Harm and Self-Interest," in *Law, Morality, and society: Essays in Honor of H.L.A. Hart*, ed. P.M.S. Hacker and Joseph Raz (New York: Oxford University Press, 1977), pp. 305-306. For discussion of reputation as an enduring interest, see Ernest Partridge, "Posthumous Interest and Posthumous Respect," *Ethics* 91, no. 2 (1981), pp. 243-264.

[115] Aristotle, *Nicomachean Ethics*, tr. Christopher Rowe, ed. Christopher Rowe and Sara Broadie (New York: Oxford University Press, 2002), I.10, 1100a19-24 (pp. 105-106).

[116] The following draws on Samuel Scheffler, *Death and the Afterlife* (New York: Oxford University Press, 2013), p. 42.

research into treating disease or other ills, are primarily directed toward improving the lives of people whose time in the world may not overlap with our own. The success or failure of these projects will therefore depend on what comes of them after we are gone. A life spent on, say, cancer research would be retroactively made markedly worse if all the research were lost or ignored after the researcher died, in part because their intended contribution to human wellbeing would thereby be made impossible.[117] Similarly, second, some projects are not exactly oriented toward specific goals, but nonetheless seek to be taken up in the future. Think, for instance, of a writer whose life's work is utterly destroyed moments after their death. This would presumably be harmful even if their books did not aim to promote any specific future goals, as part of the impetus to writing is often to add *something* lasting to the world that might persist beyond one's own life. And finally, third, in yet other cases, our projects aim at preservation: of nature, tradition, culture, or a particular community or nation. In these instances, the later destruction of what we had aimed to protect would retroactively make it that our work was ultimately doomed to failure.[118]

When posthumous interests are at stake, remembrance—of an individual, of their projects, or of the things they tried to preserve—can go a long way toward making their life better, either directly, as remembrance can sometimes be a straightforwardly positive contribution to reputation, or indirectly, in that, in publically remembering the other, we might also (re)present to the world the content of their projects, which might otherwise have been left in the past.

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[117] For the example of cancer research, see ibid, pp. 24-27.

[118] Ibid, p. 42.

As I also suggested in § 26.2, these issues are particularly acute when the survival of entire communities is involved. The horizons that give human action meaning and significance are often not the world as a whole, but the particular communities into which humans act—the particular webs of relations through which our actions and projects gain social meaning and potentially echo after we are gone.[119] The destruction of these webs therefore threatens the significance of *all* prior actions and projects pursued within them, and therefore ultimately endangers many of the most basic lifetime-transcending interests of those who once resided within them. Here remembering and representing absent forms of life is particularly important, because it may be necessary for properly understanding those who resided in them, and the values, goals, and projects that animated their lives.

The second difference between the normative argument for why we should include the absent and the earlier argument I made for including the historical experiences of once-marginalized groups involves why the responsibility of inclusion falls on the political community. In the earlier argument, recounting the historical experiences of dominant or majority communities creates a responsibility to be open to representing the differing experiences of others. This may be equally true with respect to the experiences of now absent groups. But the responsibility to include the absent other is bolstered by further compensatory considerations: when the community as a whole inherits responsibility for absence—as in the case of citizens inheriting corporate responsibility for past genocides committed by their government—it may also inherit

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[119] For the language of communities as "webs" of human relations, see Seyla Benhabib, *The Reluctant Modernism of Hannah Arendt*, New Edition (Lanham, MD: Rowman and Littlefield Publishers, 2003), p. 112.

compensatory responsibilities to alleviate the lasting harms caused by that absence, including the problems of disappearance just discussed.

In these cases, we cannot bring back the dead, and so cannot return to a *status quo ante*. But we can remember them, their projects, and the forms of life in light of which these things were significant. And, in this way, we can combat some of the persistent harms for which we may inherit responsibility.

43.2. Desirability Characterizations and the Shape of (Re)appearance

Memorialization can move some way toward ameliorating the threat of disappearance by making present past individuals, and making vivid the forms of life that gave their lives and projects meaning and significance. But, because in such cases there is no one left to speak on behalf of the community, determining the proper shape of this memorialization involves added complexities.

To determine which aspects of a former form of life are sufficiently significant to warrant commemoration, we must first grasp the presumptions about value—what Charles Taylor calls the "desirability characterizations"—that animated the lives and projects of absent members.[120] Unless we understand these characterizations, we can only see significance based on criteria we already accept, and so memorialization may actually amount to a chauvinistic commendation of the other for being like us.[121] It is only by partially seeing history through the other's eyes—engaging in what Taylor, following

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[120] Charles Taylor, "Understanding and Ethnocentricity," in *Philosophy and the Human Sciences: Philosophical Papers, Volume II* (New York: Cambridge University Press, 1985), p. 119.

[121] Ibid, pp. 116-133.

Gadamer, calls a "fusion of horizons"—that we can properly pick out the significances embedded in the other's form of life.[122]

As illustrated by the examples in § 41, there is often internal disagreement within communities on what of history ought to be remembered. Communities are not individuals, and so we should not expect them to have single, coherent sets of beliefs about significance. To understand a community's desirability characterizations will therefore often be to understand a constellation of sometimes conflicting values, which may entail correspondingly conflicting judgments about what is important to remember. This is not fatal to the project of properly remembering now past forms of life in public, but it does mean that remembering them will sometimes mean balancing the inconsistent demands of their competing values.

In cases where memorialization must (re)present the cultures and traditions of individuals and groups that are now absent, desirability characterizations must also serve the further purpose of adjudicating the proper mode of public appearance for a past *people*. This is not always as obvious as it may seem. To illustrate the potential complications and corresponding need for sensitivity, consider two contrasting examples of what respectful representation requires. Both involve communities that persist into the present, and so are importantly different from cases of absolute absence. But, as I've already suggested, absolute absence is an ideal case that is rarely, if ever, realized in the real world. To understand the troubles it creates, we must therefore utilize nearby, but non-identical, examples.

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[122] Charles Taylor, "The Politics of Recognition," in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton, NJ: Princeton University Press, 1994), p. 67. Cf. Hans-Georg Gadamer, *Truth and Method*, tr. Joel Weinscheimer and Donald Marshall (New York: Bloomsburgy, 2013), p. 317.

First, then, consider the annual "Days of Remembrance of the Victims of the Holocaust," sponsored by the United States Holocaust Memorial Museum, which includes a reading of victims' names, and promotes similar readings across the country.[123] The recitation of names—either in speech or text—is a common form of recollection. But here it takes on special significance because, as Avishai Margalit suggests, preserving the names of the dead is particularly important in the Jewish tradition that was among the Holocaust's primary targets: "There is no doctrine of the immortality of the soul in the Hebrew Bible, but there is, I believe, a distinct idea of the survival of the name as the predominant vehicle for carrying the memory of the dead."[124] Accordingly, Margalit notes several instances in the Bible where the destruction of a name is framed as analogous to death, where threats are made to "'destroy' the name (Deut. 7:24), 'cut off' the name (Josh. 7:7), let the name 'rot' (Prov. 10:7), or 'perish' (Psalms 41:15)."[125]

The tradition of naming Jewish victims of the Holocaust therefore gains a double significance, both as a secular recitation of those who have been lost, and as a particularly Jewish form of commemoration. The act memorializes victims by name, while at the same time emphasizing the significance of the Jewish cultural practices in which many of them partook.

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[123] See United States Holocaust Memorial Museum, "Names Reading Ceremony." http://www.ushmm.org/remember/days-of-remembrance/more-ways-to-remember/names-reading-ceremony

[124] Avishai Margalit, *The Ethics of Memory* (Cambridge, MA: Harvard University Press, 2002), p. 21.

[125] Ibid, p. 23. And, indeed, Israel's official memorial to victims of the Holocaust is named Yad Vashem, in reference to a verse in Isaiah 56:5, which promises men who cannot reproduce, and whose names cannot thus be passed on through family lines, that their names will nonetheless not be forgotten: "Even unto them [those who cannot reproduce] will I give in mine house and within my walls *a place and a name* [yad vashem] better than of sons and daughters: I will give them an everlasting name, that shall not be cut off." Quoted in ibid, p. 22.

But this mode of commemoration would not be appropriate in every instance. Consider second, then, a very different way of relating to the dead. Among many communities of Aboriginal Australians and Torres Strait Islanders, practices of mourning require a sort of public "erasure" of the deceased, and significations of the dead—in name, in pictures, or in other media—are largely forbidden. There is of course variance between and within communities, but Jennifer Biddle's description of memorial practices among the Warlpiri, a group of Aboriginal Australians who live in the Northern Territory, may give some idea:

> One of the more serious offenses… is the speaking aloud of a recently deceased person's name. Warlpiri fervently avoid the presence of the recently deceased. Mortuary ceremonies and bereavement practices are organized by and around certain ritualized avoidances or "erasures." For instance, camp is moved from where the deceased has lived; places frequented by the deceased are avoided; clothing, shoes, blankets, mattresses, furnishings belonging to the deceased are burned; cars of the recently deceased are dumped; photographs, tapes, and videos showing the deceased are destroyed, covered or stored; ceremonial songs / dances associated with the person and / or their birthplace are not performed… All these avoidances ensure that a certain erasure of the deceased's presence takes place.[126]

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[126] Jennifer Biddle, "Writing Without Ink: Methodology, Literacy and Cultural Difference," in *Culture & Text: Discourse and Methodology in Social Research and Cultural Studies*, ed. Alison Lee and Cate Poynton (New York: Rowman & Littlefield, 2000), pp. 177-178. Quoted in Michael Jacklin, "Collaboration and Closure: Negotiating Indigenous Mourning Protocols in Australian Life Writing," *Antipodes* 19, no. 2 (2005), pp. 184-185.

Australian national media has not always respected these practices. The Australian Broadcasting Company has a wide-ranging protocol to ensure cultural sensitivity when reporting on indigenous issues, and it has become commonplace to put warnings before media that represent, or might represent, deceased Aboriginal Australians.[127] But not all outlets have been equally careful. For example, in a widely criticized 2005 article, *The Australian* newspaper published both the name and picture of a recently deceased Aboriginal man from the Northern Territory who had become famous for suing the national government on behalf of the "stolen generation."[128] The report was largely positive, framing the man as a "dignified and courageous leader,"[129] but was nonetheless unapologetic about representing him in a way that many in his community found disgraceful, claiming that the report had caused no real harm, and that in any case that the newspaper's central mission was to inform its readers, not to respect cultural preferences.[130]

The incident and others like it suggests that recollections, even complimentary ones, can nonetheless become profoundly offensive if not sensitive to the diverse ways that different groups relate to the dead. But, at least in the Australian case, it does not necessarily suggest the impropriety of recollection *as a whole*. Rather, it suggests that recollections must be structured in a particular, culturally sensitive way. For example, the American anthropologist Eric Michaels suggests that the Warlpiri's practices of erasure

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[127] See Australian Broadcasting Company, "Cultural Protocols for Indigenous Reporting in the Media," August 2008. http://pzja.gov.au/wp-content/uploads/2011/06/TSSAC-27-August-2008-Meeting-46_5.1A-abc-cultural-protocol.pdf

[128] Jacklin, "Collaboration and Closure," p. 185.

[129] Media Watch, "The Australian Kwementyay," *Media Watch* April 18, 2005. http://www.abc.net.au/mediawatch/transcripts/s1347813.htm

[130] Jacklin, "Collaboration and Closure," p. 185.

serve in part to direct "a great deal of attention" to the departed individual's absence.[131]

The unsignifiable holes in a community's life themselves signify what cannot be directly remembered in public, and ensure that public life is in part structured around this unsignifiable memory.

More broadly, erasure practices do not necessarily preclude the possibility of culturally sensitive public recollection, for at least two reasons. First, among some groups, erasure is a *temporary* measure, extending weeks or years, but not indefinitely. Among such groups, it is a form of mourning that does not make permanent significatory demands.[132] Second, even if permanent, erasure does not preclude the possibility of impersonal modes of remembering. There is, for example, a verdant tradition among Aboriginal Australians of telling their own stories about distant events, practices, and forms of life.[133] Such stories provide indigenous visions of history, and represent indigenous historical experiences, while obeying the demands of erasure.

Whatever their modes of appearance, images of absent individuals and groups will necessarily be frozen in time, and thus relegated to an increasingly distant past. Moving forward in time is a capacity accorded only to the living. Yet, by bringing images of the absent with us forward, we can at least ensure that the past does not become utter oblivion—that the interests and projects of past persons and groups extend into the future, even if the intergenerational cultures and communities in which they participated cannot.

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[131] Eric Michaels, *Unbecoming*, ed. Paul Foss (Durham, NC: Duke University Press, 1997), p. 32. Quoted in Jacklin, "Collaboration and Closure," p. 185.

[132] Jacklin, "Collaboration and Closure," pp. 189-190.

[133] Michael Organ, "Australian Aboriginal Dreaming Stories: A Chronological Bibliography of Published Works," *Aboriginal History* 18, nos. 1-2 (1994), pp. 123-144.

CHAPTER X

CONCLUSIONS

44. Two Questions Revisited

I began this essay by asking about public memory's promise in the wake of historical injustice—what value it might constitute in or contribute to the lives of those touched by the troubled histories faced by most modern states. And this, in turn, suggested two further questions. First, what exactly does it mean for a public to remember? When we speak of collective memory, are we really just speaking of the aggregated memories of the individuals that make up the collective, or might the term designate something more? Second, what can collective memory do to ameliorate the undesirable legacies that historical injustices leaves on the world? How might remembering help us to move forward, or help us to lessen the pains we can't leave behind?

In this last chapter, I would like to briefly conclude by rehearsing the answers I've suggested to these questions, and by looking forward to the still further complexities that these answers leave unaddressed. I begin in the rest of this section by providing an overview of the essay's main arguments: the conceptual argument about the nature of collective memory in § 44.1, and the normative argument about collective memory's value in § 44.2. Then, in § 45, I examine the place of this value among other, potentially conflicting, political goals. As I said at the essay's outset, I do not pretend to have a comprehensive map of the moral world, and so this examination is, by necessity, speculative and imperfect. But it may nonetheless help us to begin thinking about where

to place the value elucidated in this essay relative to the other, sometimes competing, values that occupy our moral landscapes.

44.1. What is Collective Memory?

Collective remembering is a process of *social recollection*, by which particular facts about the past are stored and later recalled. Its recollective character suggests a triadic model, wherein an initial experience or apprehension (x) is translated into temporally stable traces of the past (y) that can then inform later recollection (z). This basic model has two important implications. First, it means that memory is necessarily *procedural*—that is, it is something that happens over time. When we say "we should remember x," we must therefore also designate the part of the process to which the prescription is meant to apply. It might mean "we should preserve a stable trace of x so that it can be recalled at a later time," or it might mean "we should actively recall x right now." Second, the model helps to distinguish remembering with nearby past-regarding practices with which it is sometimes confused. Most importantly, it illustrates how memory is distinct from habit, including the collective habits embodied in social and political institutions: memory preserves facts about a definite past occurrence, whereas habits involve the iterated repetition of certain acts in ways that may not reference the act's original instantiation. Whereas arguments that we should preserve existing habits tend to be conservative in the classical sense that the existence of a practice is taken to count in favor of its persistence, arguments that we should remember are not necessarily conservative. Indeed, we often invoke memory to rend our habitual relationships with the past, remembering some incident as a guard *against* repeating it.

Collective memory's social character also has significant implications. For collective memory to be meaningfully different from its individual counterpart, it must be *inherently* social. It cannot simply designate the aggregated individual memories of an event that individuals experienced together—say, the sum of American citizens' individual memories of September 11—but must instead designate memory that is irreducibly social. Collective memory must therefore reside in the shared world that citizens hold in common. To put this in the triadic model: individual apprehensions (x) must be translated into *publically available* traces of the past (y) which can then inform the recollection of others (z), perhaps at some distance from the original event.

Collective memory so conceived has several special characteristics that distinguish it from its individual counterpart. I focus on two. First, it involves a level of creativity that would be impossible in the individual case. It is common to argue that *all* memory is fundamentally reconstructive: we tend to understand the remembered past in light of our lived present. But collective memory is creative in a deeper sense than this. Whereas individual memories sometimes arise unintentionally—we sometimes remember difficult incidents in our personal pasts even though we wish we could forget them— collective memory is always intentionally created. We choose the past we want to preserve in public. In addition, because collective memory traces can persist in a wide variety of media—monuments and museums, performances, texts, technological tools, and much else—the construction of collective memory permits a degree of formal creativity absent in the individual case.

Second, collective memory is uniquely fragile. While *all* memory is delicate—in the paradigmatic individual case, we commonly forget, or misremember—collective

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memory is delicate in a special sense. For public traces of the past to do their intended memorial work, they must be taken up by future persons: museums or memorials must be visited, texts must be read, and performances must be watched. And in taking up these traces, future persons might interpret them in ways some distance from their original intent. Because they pass between persons, memorials to purportedly glorious pasts can, among new generaitons, become objects of ironic kitsch or scorn.

44.2. Why Remember?

Just as the process of collective remembering is irreducibly distinct from its individual counterpart, the value that collective remembering might have for social and political life cannot be directly derived from the value memory has in more familiar personal or intimate contexts. Because we tend to think of human lives as inherently unified over time, remembering our personal pasts is often taken to be a constitutive part of our practical identities as social and moral agents. From this perspective, remembering one's personal past is of literally existential significance. But political communities do not necessarily have the same sorts of temporally unified identities we assume in the individual case, and so remembering the political past is not automatically valuable for a political community in the same way that remembering the personal past is almost automatically valuable for the individual. Similarly, we often take remembering our friends, families, and other intimates to be a basic ethical imperative, entailed by the nature of our relationships to them: we remember them because they are important to our lives, and remain so even after they are gone. But countries are not families, and citizens

are not necessarily intimates. Correspondingly, if we should remember our fellow citizens, it is not because the imperative is simply inherent in our relationships with them.

Our relationship with the political past is thus less immediate, and less automatic, than in personal or intimate life. But the political past is also not infinitely malleable. It cannot be wholly erased or molded into whatever we would like it to be. The political past is capable of making memorial demands on us because it leaves remainders that persist into the present. Even if we attempt to rend our relationships with troubled histories by publically forgetting them—that is, by enforcing public silence about them— they may nonetheless persist in the private memories of those they touched, and in the structures that can carry them forward, even in the absence of explicit recollection.

Past injustices become especially pressing public matters when they create *harms* that endure even after the original incident is over. Public memory is particularly well-suited for addressing persistent *subjective* harms: the moral insult of cultural stigmatization and marginalization; the moral injury of widespread mistreatment; official lies and misinformation that disfigures the public realm; psychic damage that can be passed down through generations; and the psychological toll of living in a world inescapably structured by past injustices.

Although persistent subjective harms come in a wide variety of forms, they are unified in all challenging the full political membership of those they touch. This can work in two different ways. First, some challenge the ability of those they touch to participate as equals in public life, and in particular to be present and have standing within a shared public realm. Second, other harms constitute challenges to the ability of citizens to

identify with the state, and the public histories that states and their citizens often promulgate.

In meeting the first challenge, collective memory can play a *transitional* role, aiding in the construction of a new political world in which those touched by past troubles can stand as equals. The most obvious contribution of collective memory in this sense is in combatting the impacts of official lies and misinformation: by publically presenting truths that had been denied, collective memory can help to undo distortions and disfigurements of the shared political world that might otherwise preclude citizens from meaningfully appearing and acting within it. But memory can also combat the more directed challenges that persistent harms sometimes pose to participation, in particular the challenges to equal standing that moral insult and injury sometimes create. By pushing against an injustice's original force—the stigmatization and moral insult of cultural marginalization, and the disrespect inherent in moral injury—memory can help to bring about a society no longer marred by the persistent inequalities in standing injustice sometimes initiates.

The second challenge does not so much present a transitional problem to be overcome as a perpetual difficulty, the amelioration of which may require correspondingly permanent changes to a country's public culture. The issue, in short, is that, when states face troubled histories of injustice and atrocity, the desire to construct public visions of history in which citizens can feel pride may lead some political actors to draw pictures of the past that exclude the experiences of historically victimized groups, and so also prevent contemporary descendants of those groups from seeing themselves reflected in public images of national identity. Addressing this challenge requires being

continuously attentive to who is given the ability to speak for or as the state, and affirmatively giving voice to those individuals and groups who, by virtue of history, are made persistently vulnerable to exclusion.

45. Memory in Moral Context

I suggested at the outset that my intent in this essay was only to draw a partial map of the moral landscape—to elucidate the value of memory, and thus to shine a light on an under-recognized landmark, but not to make any claims about the terrain as a whole. Yet I'd like to close by briefly panning out, and attempting to draw a picture— necessarily blurry, imperfect, and partial—of where memory may fit with other pressing political goals.

Putting practices of memory in their proper moral context requires addressing two questions. First, where does collective remembering rank among other, sometimes conflicting, political goals? What must be achieved before it makes sense to worry about remembering, and what can be safely left until afterward? Second, what should we do when memorial claims conflict? How should we balance the memorial demands of one group against the incompatible demands of another, and how should we deal with the conflicting demands that often arise *within* communities?

Let me begin with the first question. I have been arguing that memory is politically valuable because it contributes to the possibilities of political membership, particularly the ability of members who might otherwise be pushed out by persistent harms to participate in and identify with the political community. I take it that membership in this sense is a very basic goal. But there are assuredly other, occasionally

competing, political goals that are more basic, and sometimes more pressing. Chief among these are the goals involved in answering what Williams calls the "first political question": how to secure "order, protection, safety, trust, and the conditions of cooperation."[1] As I suggested in § 14.1, despite Williams' framing of these goals as so basic as to be somehow pre-moral, we should understand them as moral values, albeit values that are largely prior to anything else that may be achieved in politics. In societies fraught by war, destabilization, insecurity, or the breakdown of basic civil ties, memory—especially memory that might exacerbate or reignite conflict—may be a luxury none can afford.

Recall the Rwandan case, first discussed in § 28, where Hutus continuously justified their subjugation and eventual genocidal violence against the Tutsis by referencing the history of Tutsi domination.[2] The Hutu had a point: from the late-19th to mid-20th century, Rwandan society had been utterly dominated by the Tutsis, who largely excluded the Hutu politically and subjugated them economically.[3] To be sure, some of this harm must have been undone by the decades of Hutu rule that followed 1959 Rwandan Revolution, but not all of it. In the language I have adopted in this essay, the Hutu presumably had legitimate claims about having been exposed to moral insult, injury, and a host of other persistent harms. Yet the public value memory contributed as a possible amelioration for these harms was obviously, and vastly, outweighed by the

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[1] Bernard Williams, "Realism and Moralism in Political Theory," in *In the Beginning was the Deed*, ed. Geoffrey Hawthorn (Princeton: Princeton University Press, 2005), p. 3.

[2] Mahmood Mamdani, *When Victims Become Killers* (Princeton, NJ: Princeton University Press, 2001), ch. 7.

[3] Philip Gourevitch, *"We Wish to Inform You That Tomorrow We Will Be Killed with Our Families": Stories from Rwanda* (New York: Farrar, Straus, and Giroux, 1998), p. 49.

violence and conflict that memory wrought. In this case, it assuredly would have been better to, at least temporarily, forego public remembering for the sake of public peace.

Similar examples are distressingly common. Recall Gourevitch's suggestion that "the difference between memory and grudge is not always clean."[4] As Rosenblum notes, in remembering injustice, there is always the possibility—or threat—of initiating a cycle of violence and hatred.[5] The exact dynamics that make such a cycle more or less likely, and the exact threshold of likelihood at which remembering ceases to be advisable, probably depend on local, contextual factors to the extent that it would be very difficult to derive a perfectly predictive general theory. As a rough guide, it may be sufficient to recognize that the construction of public memorials to the past tend to elicit less conflict when undertaken at some distance—even just a few years—from the end of the conflict in question.[6]

Collective memory can also of course conflict with less foundational political goods. It is, for example, an open question of just how many public resources ought to be dedicated to the construction of public memory, even if everyone agrees, in a general way, that some things ought to be publically remembered. I take it that these are matters of legitimate contestation, which are best decided by the normal procedures of politics.

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[4] Cécile Alduy, "Telling Stories About the Stories We Tell: An Interview with Philip Gourevitch" *Boston Review Online*, Sept. 19, 2012. http://www.bostonreview.net/books-ideas-arts-culture/telling-stories-about-stories-we-tell-cecile-alduy

[5] Nancy Rosenblum, "Introduction: Memory, Law, and Repair," in Martha Minow, *Breaking the Cycles of Hatred: Memory, Law, and Repair* (Princeton, NJ: Princeton University Press, 2002), p. 1.

[6] See, e.g., Alexandra Barahona de Brito, "Truth and Justice in the Consolidation of Democracy in Chile and Uruguay," *Parliamentary Affairs* 46, no. 4 (1993), pp. 579-593; Margaret Popkin and Naomi Roht-Arriaza, "Truth as Justice: Investigatory Commissions in Latin America," *Law and Social Inquiry* 20, no. 1 (1995), pp. 79-116; Kathryn Sikkink and Carrie booth, "The Impact of Human Rights Trials in Latin America," *Journal of Peace Research* 44, no. 4 (2007), pp. 427-445; and Joanna Quinn, "Haiti's Failed Truth Commission: Lessons in Transitional Justice," *Journal of Human Rights* 8, no. 3 (2009), pp. 265-281.

The second question, about how to balance conflicting memorial claims, raises

similarly thorny—if often less dire—difficulties. To begin, recall another case from § 28:

the conflicting claims of some white southerners and former slaves over how to

remember the American Civil War. More than 350,000 Confederate soldiers died in the

Civil War, while countless others were wounded. Some contemporary descendants argue

that respecting their southern heritage requires honoring those Confederate soldiers who

were sacrificed, while others argue that such commemorations constitute a profound

moral insult to slaves and their descendants.[7]

While this case presents a conflict *between* historically distinct communities,

other conflicts about the proper shape of memory emerge *within* communities. Recall, for

instance, the repeated disagreements within African American communities I mentioned

in Chapter IX over the extent to which histories of the African American experience

should recount the tragic details of slavery. There is something to be said for histories

being "useable" or inspirational, but there is also something to be said for wholeness and

truth.

If disagreements of this sort are thorny, the difficulties they present are also

somewhat ameliorated by the fact that memorial decisions do not have to be—and, in

fact, probably *cannot* be—once and for all. Collective memory is inherently persistent,

but as it persists, it can be re-contextualized, embroidered, or otherwise reframed in ways

that alter its meaning. Recall Hungary's Memento Park or the multiple, overlapping

plaques added to the New Orleans Liberty Monument over the last century. And

collective memory can also of course be removed: statues can be taken down,

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[7] Sanford Levinson, *Written in Stone: Public Monuments in Changing Societies* (Durham, NC: Duke University Press, 1998), pp. 33-34 and 57.

performances changed, and history books rewritten. Decisions about what and how to remember are therefore not permanent, even though the construction of collective memory is essentially directed toward the future. The future may inherit our memories, but it does not have to accept them. There will always be space in the memorial landscapes we make and share with past and future persons for re-negotiation and change, as we move together in time.

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