Politics, Governance, and the Law

Moral Remembrance and New Inequalities
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Keywords: hierarchies of victimhood, inequalities, world polity, human rights, moral remembrance

https://doi.org/10.1525/001c.11782

Global Perspectives
Vol. 1, Issue 1, 2020

The article traces the emergence of the novel phenomenon known as "moral remembrance" (MR). MR refers to the standardized set of norms, promoted through the human rights infrastructures of world polity, in which societies are supposed to deal with the legacies of mass human rights abuses. This vision has adopted, over the past forty years, the three main principles of "facing the past," "a duty to remember," and having a "victim-centered approach." Following the emergence of MR, I demonstrate what happens when the human rights–sponsored MR clashes with the nation-state–sponsored memorialization agenda and why decoupling from the "victim-centered approach" results, more often than not, in hierarchies of victimhood and, consequently, the production of new societal inequalities. I suggest here that the relationship between MR and the nationalist use of memorialization processes needs to be understood from the perspective of economic corruption, the politics of opportunism, and competing authorities.

INTRODUCTION

Barbara Misztal (2003,147) rightly points out that coming to terms with the past (one specific version of it) has emerged as the grand narrative of our times. Memorialization carries the burden of being a magic panacea. The UN report “Memorialization Processes” (UN General Assembly 2014, 6) states that "memorialization should be a means of combating injustice and promoting reconciliation" and that memorialization gears "not only towards the past (recalling events, recognizing and honoring victims and enabling stories to be related), but equally to the present (healing processes and the rebuilding of trust between communities) and the future (preventing further violence through education and awareness-raising)."

In this article, I trace the emergence of a new global phenomenon called "moral remembrance" (MR), which refers to the standardized ways, promoted through the human rights infrastructures of world polity, in which societies are supposed to deal with legacies of mass human rights abuses. MR is grounded on one of the core assumptions of human rights—that coming to terms with the past is crucial for the implementation of democracy and the principles of human rights. Memory construction has become a crucial category through which the human rights regime enforces moral responsibilities for past atrocities. MR refers to a gradual, accumulative development from ‘duty to remember,’ as an awareness-oriented approach to the contested past, to policy-oriented ‘proper’ memorialization standards, understood and promoted as an insurance policy against the repetition of massive human rights abuses (David 2017). This shift is grounded in the assumption that a ‘proper memorialization’ is essential in order to ‘heal’ societies with a difficult past and move beyond trauma and violence. MR is based on three grounded principles—“facing the past,” “duty to remember,” and a “victim-centered approach” —which have become deeply embedded in human rights memorialization practices and norms, and have proliferated and, over the years, have coerced states into adapting to prescribed memorialization standards.

This article proceeds in three parts. First, I position briefly the notion of MR within world polity theory, putting particular focus on the ways in which different actors and agents pushed for the adoption of the victim-centered agenda. I employ a longue durée historical sociological perspective to address the emergence of the structure and the content within the gradual process of standardization of memory that led to the emergence of MR. The emergence of the structure of human rights, defined as an ongoing historical process that grows through discourse,
knowledge, and institutions, through its bureaucratic apparatus, involves the continual growth of its organizational capability for coercion. Supported and promoted through the infrastructures that are in place, MR attempts to institutionalize and mandate content-normative standards that shaped both the ideological view and the memorialization tool kit to advance this content. In the second part, I show how the convergence of human rights MR with nationalist infrastructures sets the stage for the politics of opportunism. Whereas I have shown elsewhere, in greater detail, how numerous false assumptions become institutionalized once concrete historical contexts become transformed into abstract memorialization standards (David 2017), in the final part, I wish to briefly point out how and why the victim-centered principle of moral remembrance often ends up producing, on the ground, not only hierarchies of victimhood but also new societal inequalities, where the voices of those who cannot or are not willing to take part in the market economy of suffering are left unheard. I purposely chose not to present one case study and to avoid possible ‘blaming and shaming’ of any particular victim group, but I do point out certain patterns and mechanisms through which social inequalities are being shaped in the clashes between human rights and the nation-state-sponsored memorialization agenda.

MORAL REMEMBRANCE AND THE WORLD POLITY

Starting from Enlightenment philosophy and the French and American Revolutions, as a network of not yet well-grounded ideas, and developing via the Universal Declaration of Human Rights and the establishment of human rights institutions such as the United Nations (1945) and Amnesty International (1961), human rights started acquiring and accumulating organizational and ideological power in the world polity, leading to a discursive shift from the 1970s onward. The strength of human rights, understood as moral principles or norms that describe certain standards of human behavior, lies in their universalism and globalism, as they predispose universal human needs across the globe regardless of historical, political, national, or cultural context.

Since the late 1970s, the Stanford School, grounded in neo-institutionalism, has developed a distinctive macrophenomenological approach toward explaining how global world polity ideas become implemented through global actors. This is important because, unlike nationalism, for example, human rights ideology draws its power and legitimacy from the macro level of the world polity system. The institutionalization of the organizational and ideological powers of human rights led to recognizing the capability of the world polity as a global system that creates values and norms through the collective conferral of authority (Meyer 1987; Boli and Thomas 1999). World polity refers to the way in which actors such as nation-states and international organizations and institutions become conscious of, and give meaning to, living in the world as a single place. In other words, the power that human rights ideology receives as a moral system is a result of its position in the formal hierarchy within international arenas (Donnelly 2014). Human rights ideology operates as a single global social system (Berkovitch 1999) in the world polity, meaning that states adopt human rights (often as window dressing) to comply with the norms, ideas, and practices that exist at the world polity level. The intensification of universalistic conceptions of politics and morality in the post–World War II period coincides with the growth of a global human rights–oriented civil society sector (Boli and Thomas 1999; Sikkink and Smith 2002). Put briefly, the Stanford School argues that nation-states should be conceptualized as “actors,” culturally constructed by scripts that operate at the level of a world ‘polity’ and/or ‘culture’ (Krücken and Drori 2009). Nation-states are expected to follow models and scripts if they want to be perceived as legitimate actors in the world polity.

The institutionalization of human rights in global governance and its impact on the nation-state in general have been heavily documented and discussed. However, the convergence of human rights and memory and the emergence of the human rights memorialization agenda at the polity level have never been addressed and analyzed per se. The institutionalization proper of the human rights memorialization agenda started immediately with the adoption by the UN, on December 10, 1948, of the Universal Declaration of Human Rights (UDHR). Although the UDHR has no legal force and was not tailored to address memory issues as such, the single most important statement of ethics, its authority is unparalleled even for memorialization processes. However, at the beginning, the human rights understanding of memorialization processes was developed on the fringes of the core human rights agenda. World War II and the Holocaust led to a whole range of normative and institutional changes that primarily focused on preventing human suffering as a result of war and political persecution that took memory for granted. The importance of memory surfaced, only gradually, in the years that followed.

A distinct human rights memorialization agenda started to appear only with the institutionalizing of human rights activism in the late 1970s and early 1980s. Through networks of human rights activism,

1 However, its foundations were already laid down with the establishment of the League of Nations in 1920.
the memorialization agenda started to proliferate into a widely diffused human rights infrastructure that became increasingly embedded in a set of regional, international, and global linkages. The so-called 'third wave of democratization,' since the mid-1970s, has brought an explosion of previously suppressed collective memories and adjoining dilemmas of how to address past wrongdoings (Huntington 1991). Since the 1980s, the human rights vision of memorialization, as a process of remembering the wrongs of the past and honoring the victims, has grown, together with the prevalent idea that public and official recognition of crimes is 'essential for preventing further violence' (Hazan 2010: 5). One of the defining features of the international human rights movement has become this new concern for the suffering of specific others in distant lands—an agenda that, to some extent, displaces those earlier, very nation-specific struggles, even in the same places (Moyn 2010). Human frailty, understood both in terms of human vulnerability to suffering and through institutional precariousness, has framed 'human rights solidarity' as a historical state beyond citizenship solidarity” (B. S. Turner 1993, 498).

The emergence of a market society, through widening the scope of exchange, unintentionally also extended the public scope of compassion (Sznainer 1998, 119). Further, through the memories of human rights abuses and their institutionalization in international conventions, with cruelty being understood as the infliction of unwarranted suffering, compassion—a public response to this evil—transformed into an organized campaign to lessen the suffering of strangers (Sznainer 2015).

Though the processes by which individuals and groups remember or forget the past has been a concern for centuries, the rapid growth of memorialization across the globe during the 1980s and 1990s, and the obsession that led to a shift from commemorating victories to remembering massive past human rights abuses, might be explained by the fact that memorialization became a crucial representation of the identity politics struggle. In particular, since the 1980s and even more so the 1990s, when identity politics established the importance of witnesses after the Soviet empire collapsed in 1989 (Winter 2001), it became clear to all parties involved in the process of memory construction that memory is not a guaranteed right but a privilege. The increasing importance of memory also has to do both with developments in information technology and the inclusion of post-traumatic stress disorder (PTSD) in 1980 as a recognized medical diagnostic classification.

Once accepted as a syndrome, PTSD validated not only the right to pensions, to medical care, and to public sympathy but also the right to the commemoration of traumatic memories (A. Young 1995).

These processes coincided with the dilemmas experienced by 1980s human rights activists, lawyers and legal scholars, policymakers, journalists, donors, and comparative politics experts when it came to places such as Korea, Chile, South Africa, Brazil, the Philippines, Uruguay, Guatemala, Haiti, Poland, and Czechoslovakia, who were concerned with human rights and the dynamics of ‘transitions to democracy’ (Arthur 2009). A new sort of human rights activity was generated, coined ‘transitional justice,’ being ‘the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, provide justice and achieve reconciliation.’ It includes criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms. The paradigm of transitional justice, which involved not only juridical but also political and social mechanisms (with a strong focus on memorialization), was intensively promoted from the late 1980s on, and it has become the main ideological force behind the human rights memorialization agenda. Facilitating transitions from authoritarian regimes and post-conflict societies to stable democratic governance has come to involve some degree of recognition of the ‘other’: in the context of international legitimacy, cosmopolitan imperatives command a narrative that acknowledges past injustices (Levy and Sznainer 2010).

With the establishment of international tribunals to prosecute those responsible for crimes in the former Yugoslavia (International Criminal Tribunal for the former Yugoslavia - ICTY in 1993) and Rwanda (International Criminal Tribunal for Rwanda - ICTR 1994) and the International Criminal Court (ICC in 1998), transitional justice became deeply institutionalized and a powerful ideological tool intended as a guiding model at the world polity level. With its institutionalization, and as an established fixture on the global terrain of human rights, it became potent with organizational power and put pressure on states to comply with norms set by transitional justice institutions, which included memorialization processes framed in a particular way.

From the outset of the emergence of the human rights memorialization agenda, the main authors of human rights discourses, including the UN, Western states,
international NGOs, and senior Western academics, constructed a three-dimensional prism of victims, perpetrators, and bystanders (Matua 2001). An important milestone in creating this division came in 1985, when the UN General Assembly adopted the following definition of the victim: "[v]ictims' means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within member states, including those laws proscribing criminal abuse of power." Such a definition reflects the humanistic universalism of the victim as an embodiment of pure humanity.

Throughout the 1990s, victim-oriented memorialization started appearing in UN reports, at first as a side remark to the various forms of reparation for the victims of past human rights abuses. The former Special Rapporteur of a 1993 Sub-Commission, Theo van Boven, in his sixty-five-page report, under ‘General Principles’—concerning the right to restitution, compensation, and rehabilitation for victims of gross violations of human rights and fundamental freedoms—already included certain forms of memorialization, saying that ‘[s]atisfaction and guarantees of non-repetition shall be provided’ (to victims), among other means by ‘apology, including public acknowledgment of the facts and acceptance of responsibility’ and ‘commemorations and paying tribute to the victims.’ Louis Joinet, the former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in 1997 listed a set of principles for the protection and promotion of human rights through actions to combat impunity, focusing on the four pillars of transitional justice: the rights to know, to justice, and to reparation, and guarantees of nonrecurrence. He brings to the fore the notion of ‘[t]he duty to remember,’ placing it under ‘the victim’s right to know.’ He explains: ‘[i]ts corollary is a duty to remember on the part of the State: to be forearmed against the perversions of history that go under the names of revisionism or negationism. . . . These, then, are the main objectives of the right to know as a collective right.’ He bases this understanding on the notion that ‘[c]ollectively symbolic measures—annual homage to the victims or public recognition by the State of its responsibility, for example—besides helping to restore victims’ dignity, also help to discharge the duty of remembrance.’

By the late 1990s, the victim-centered agenda had become deeply embedded in transitional justice. To impact memorialization processes on the ground, different organizations and institutions—through the work of knowledge-based expert groups—gradually developed policy recommendations and briefings. Together with the principle of reparations, drafted by the Special Rapporteurs van Boven and Bassiouoni and adopted by the UN General Assembly in 2005, they discussed at length the principles of memorialization standards as pillars of the broader issue of reparations, arguing passionately that these principles may bring

6 Van Boven report, 57.
8 Joinet report, 253.
9 Joinet report, 258.
10 REDRESS was founded in 1992 by Keith Carmichael, a British torture survivor who sought justice for how he had been treated while a prisoner in Saudi Arabia from November 1981 until March 1984.
11 See https://redress.org/about/impact/.
about reconciliation in divided societies, and that they are to be considered as the best road map for memorialization processes. With two important reports, one on history textbooks, in 2013, and the second on memorialization in general, in 2014, presented at the UN General Assembly as part of dealing with the promotion and protection of human rights, victim-centered memorialization has become mainstream within the field of cultural rights. Attempts to incorporate memorialization processes as an integral part of the human rights agenda and to move from ‘duty to remember’ as a moral instance to the policy-oriented ‘proper way to remember’ (David 2017) were further designed and envisioned through the standardization of memory. The UN report on memorialization standards states that memorialization has become a core principle and is developed as a set of policies for combating injustice and promoting reconciliation (UN General Assembly 2014). Further, the UN adoption of ‘memorialization standards’ is explained: ‘Western memorial models commemorating the victims of Nazism, while not always the most adequate or appropriate, have become a template or at least a political and aesthetic inspiration for the representation of past tragedies or mass crimes’ (UN General Assembly 2014, 8).

By the time the United Nations published its standardization of memorialization processes, several other initiatives promoting the importance of memorialization policies had already taken place. The first, published in 2007, and based on an international conference on ‘Memorialization and Democracy: State Policy and Civic Action’ that was held in 2007 in Santiago, Chile, was largely propelled by the notion that, for the victims of violence, memorialization initiatives were the second most important form of state reparation after financial compensation (Riza, Rathgeber, and Rohne 2006). At the same time, a US Institute of Peace working group (2007) published a report with detailed recommendations as part of its ‘Stabilization and Reconstruction’ series: ‘The Urge to Remember: The Role of Memorials in Social Reconstruction and Transitional Justice.’ This report ascribes to memorialization a plethora of functions, such as truth telling or documenting specific human rights violations; creating a specific place to mourn victims; symbolic reparations to honor the victims of violence; being a symbol of a commitment to values of democracy and human rights; and the promotion of reconciliation by repairing damaged relations among groups. The same ideas proliferated in other parts of the world. In 2013 an additional memorialization policy report was published by Impunity Watch (IW), ‘Guiding Principles of Memorialisation’ (IW 2013); a year later, ‘Memory for Change: Memorialisation as a Tool for Transitional Justice’ (IW 2015) was published. The briefing reports claim that memorialization is ‘[c]ommonly understood in terms of commemoration, the non-recurrence of violence and symbolic forms of reparations’ (IW 2013, 3). Recently, the International Coalition of Sites of Conscience, with more than 275 members in more than 65 countries, launched a monthly webinar series on ‘Activating the Past.’ All of the memorialization briefings are meant to provide practical guidance and advocacy tools for places that have experienced periods of state repression or violent conflicts that were characterized by massive human rights abuses. Through a policy-oriented framework, standardization became a crucial feature in the emergence of MR.

Consequently, the adoption and the diffusion of both the structure and content of the human rights memorialization agenda has led to a phenomenon known as ‘isomorphism’ (McNeely 2012). Isomorphism points to the ongoing process of worldwide patterns of standardization, institutional homogenization, and norm imitation where ‘models and norms that are institutionalized at the world level acquire taken-for-granted status over time’ (Levy and Sznaider 2006, 661). Moral remembrance, as a form of memorialization isomorphism, refers to the standardized ways, promoted through human rights infrastructures at the world polity level, in which societies are supposed to deal with legacies of mass human rights abuses. Isomorphism here implies not sameness but rather a degree of similarity with the processes or structures embedded in MR. Such isomorphism comes from imitation or independent development under similar constraints, showing the ability of MR to replicate and perpetuate moral forms and norms across diverse cultural and societal settings. The human rights memorialization agenda, via discourses, practices, and infrastructures, started to duplicate and multiply progressively across different scales, further promoting the standardization of memorialization processes with a clear focus on ‘justice for victims.’ MR has become a crucial category through which the human rights regime enforces moral responsibilities for past...
atrocities. Over time, a tool kit that offers a variety of memorialization practices to support the MR agenda has been developed, including public expressions of emotions such as guilt, shame, and remorse; performative actions such as public apologies, reconciliation models, and the erection of monuments, memorial sites, and museums; legal, penal, or financial measures such as reparations, restitution, truth telling, international domestic and hybrid courts, and memory laws, as well as educational and artistic projects, dialogue groups, memory activism, reparation and historical justice claims, and various peace-building memorialization activities. The historical-political context through which MR emerged has gradually become misinterpreted as apolitical and “natural” and the only proper way to remember the past. Hence, one should be well aware that the naturalization of those principles does not make them ultimately right but instead helps to hinder and dehistoricize their wider meanings and applications. This, in fact, I suggest, exposes the cumulative and coercive bureaucratic nature of the human rights regime, which tries to homogenize and monopolize the way we are supposed to frame and remember our past.

SETTING THE STAGE FOR INEQUALITY:
MORAL REMEMBRANCE VS. THE NATION-STATE-SPONSORED MEMORIALIZATION AGENDA

The implementation of MR into different geopolitical contexts (often through peace agreements) has wide and diverse outcomes. I have discussed elsewhere (David 2017; 2020, Forthcoming) the wrongness of the presumption that “proper” memorialization is a crucial step in establishing moral responsibility for past atrocities and human rights values. This is not only because the development of human rights in postwar Europe was born from anticomunist, free-market, and social conservative stock rather than out of a commitment to universal values (Duranti 2017), but also because human rights adopted the false assumptions that Freudian-derived individual psychology, as a therapeutic remedy, has beneficial psychological consequences for the “healing” of post-totalitarian or post-conflict societies (David 2017). Here, I wish to address briefly how an MR-promoted victim-centered approach contributes to the emergence of social inequalities and creates new societal margins as a result of the clashes between the nationalist and human rights agendas.

It is important to stress that the evidence from around the globe shows that the normative pressures of the human rights memorialization agenda have made a difference for many worldwide: there is a better appreciation for the legal consequences of human rights abuses; there is a wider recognition of suffering parties, including reparations and institutional support; and public recognition for human rights abuses has materialized through memorial sites, museums, and commemorative activities. In many ways, the change brought about through the MR agenda and the work of international and local human rights NGOs and civil society groups is profound, affecting—on a global scale—conventional and normative aspects of the way we remember and construct our identities. Having said that, the impact of the human rights memorialization agenda is at the same time troubling, pointing to the wider intersection of power and societal structures that, contrary to what is desired, contribute to the further creation of inequalities and often result in the strengthening of nationalist sentiments.

To start with, the schematic conceptualization of past human rights abuses, based on the simplified and purified categories of victims, perpetrators, and bystanders, became an ideological cement conceptualized as a universal pattern and the only framework through which memorialization should take place when it comes to past human rights abuses. By the 1990s, a triad matrix of simplified categories of victim/perpetrator/bystander was already well embedded in discourses on guilt, accountability, and remembrance. Raul Hilberg (1992, ix), one of the greatest historians of World War II, framed the entire Holocaust through categories of victim, perpetrator, and bystander. In his words, “these three groups are distinct from each other and they did not dissolve in their lifetime.” He described perpetrators as participants that ascribed doing something impersonal to their position and duties. Victims, he argued, as a whole, remain an amorphous mass and are remembered mainly for what happened to them (as opposed to who they were). Bystanders were not willing to hurt victims, nor did they wish to be hurt by perpetrators. However, in one way or another, they were involved (Hilberg 1992). Yet this tendency to universalize victims as a special kind of people in fact depoliticizes victims by defining them as ahistorical, universal humanitarin subjects (Mutua 2001).

This dividing into categorical orders of victim, perpetrator, or bystander, as promoted by human rights advocates and enforced through human rights infrastructures, together with the triad matrix of “facing the past,” “duty to remember,” and a ‘justice for victims’ approach, inflicts a new power dynamic on the places affected by massive human rights abuses. On the one hand, the adoption of the human rights memorialization agenda brings new and underrepresented actors, such as the victim groups, to the forefront of politics, and they get to participate in their representation and in the fulfillment of their rights. On the other hand, the inclusion of new political actors results in a twofold outcome: first, those who are granted the opportunity to access the bureaucratic nation-state apparatus and resources need to give something in return; and secondly, this
allegedly "inclusive" politics produces even more polarized margins where those unable or unwilling to participate are left excluded, marginalized, and invisible, leaving many in poverty—left alone and undiscernible.

To unpack those claims, we need to understand the ways in which the human rights memorialization agenda impacts post-conflict (and often in-conflict) realities. The human rights-sponsored worldview is promoted through two main funding channels. One stream is meant to infuse money to states in order to establish strong governmental institutions; to promote reforms in the realm of law, health and educational systems, the security sector, and trade; and to strengthen the civil sector, all for the sake of state and peace building (Bouris 2010) through what is called a 'liberal peace' strategy. The new liberal peace was closely linked to the debate on conflict prevention and conflict resolution, arguing that democracies tend to safeguard peace and are inherently linked to political liberalism, which is the most common form applied to peace building as well as state building (Richmond 2007, 86). Liberal peace focuses on society and the building of institutions to which NGOs and civil society also contribute (Bouris 2010). A crucial part of this liberal peace agenda was understood not only through state-building capacities but also through the implementation of MR as a guarantee for preventing the recurrence of violence and for the enhancement of human rights values. However, the inflow of much-needed funds directly to the state apparatus often has a direct relationship with a variety of conditionality clauses that prize efforts to reform and to "properly" face massive past human rights abuses, getting, in return (among other things), incentives to trade, acceptance into different international organizations, or an additional influx of resources. With the ability of the political elite to report back on progress in state-and peace-building efforts, those funds become a stable source of state income, allegedly used as a propeller for democratic change. Hence, states are often incentivized to adopt human rights, and as part of that effort, to also face their troubled past.

For example, in the case of a protracted conflict, such as in Israel and Palestine, which has never been subject to transitional justice efforts, such as trials or any other state-sponsored measures to address past human rights abuses, with the signing of the Oslo Accords in 1993 the peace-building agenda was fiercely pushed forward, with millions of dollars invested in strengthening civil society. The amount of aid for peace-building activities from donors (such as the United States, the European Union, the World Bank, and the United Nations) ballooned: by 2010 forty-two donor countries and twenty UN and other multilateral agencies were involved in peace-building activities, and aid rose yearly from US$178.74 million in 1995 to US$2.52 billion by 2010 (M. Turner 2012).

In postwar Bosnia, the United States, through USAID's Democracy Network, and the European Union, through the Community Assistance for Reconstruction, Development and Stabilization and the European Initiative for Democracy and Human Rights, have disbursed dozens of millions of dollars to develop the civil sector and promote peace building (Micinski 2016; Fagan 2013). Similarly, since the genocide in Rwanda, development agencies have spent tens of millions of dollars on justice, governance, security, peace building, and reconciliation issues. As a result, Rwanda has emerged as one of the countries where the new post-conflict agenda is being most strongly implemented, despite extremely difficult conditions (Uvin 2001). Hence, sponsoring the liberal peace, as well as state- and peace-building activities in post-conflict settings, became a regular praxis, if not a norm.

On the other side of the human rights peace-building donor stream are local and international NGOs whose role from the outset of the conflict is indispensable. They are there first to provide much-needed psychological, logistical, and material support to the suffering parties. Having said that, human rights (I)NGOs are also the first to introduce clear-cut categories of who is to be regarded as a victim or a perpetrator. All of those trained professionals, as well as enthusiasts and activists, irrespective of the, at times, substantial differences between their approaches and methods, are on the same mission to direct the parties involved—even if they don’t deal with memorialization processes per se—on how to achieve a particular vision of the future by embracing certain ways in which they are supposed to frame, remember, and commemorate their troubled past. This desired vision of remembering atrocities in a very particular way, atrocities committed by different parties in wars or under totalitarian regimes, is based on the assumption that a “proper” framing of remembrance represents an effective means for promoting universalist human rights values in conflict and post-conflict settings (David 2017). In other words, there is an unquestionable presumption under which advocates for human rights operate: that a proper memorialization of a difficult past is essential for both establishing democracy and promoting human rights.

Human rights, however, within the nation-state, are always in a foreign territory. Whereas they are deeply and widely embedded at the world polity level, within nation-states human rights cannot compete with nationalist infrastructures. Niklas Luhmann, one of the greatest contributors to making theoretical grounds for the sociology of human rights, a vastly neglected area of sociological inquiry, argued that the emergence of human rights goes hand in hand with the development of modern society, with the intent to institutionalize specific mechanisms to increase the stability and protection of the individual (King and
Thornhill 2006), suggesting that constitutional and human rights are not a creation of the law but are prelegal as a social institution, as a self-protecting device of society (Verschraegen 2002). This rather thought-provoking idea does not explain efficiently the relationship between human rights and the nationalist project. In fact, it seems that nationalism serves better as a mechanism of functional differentiation to secure group (but not always individual) stability. Even in cases in which nationalism absorbed and adopted human rights as its impression management agenda—such as, for example, in the case of Denmark in the 1990s—the inclusion of human rights appears only as long as it serves the nationalist project (Malešević 2013). To be clear, enforcing human rights policies in a world dominated by the nation-state model of social organization always lands on particular historical settings. Human rights, with the center of their power being in the world polity, are always unavoidably filtered through the needs of a state. This means that, in practice, some states will welcome some rights but reject other rights, perceiving those as damaging to their own interests. Hence, the way in which human rights will be accepted, rejected (fully or partially), or modified inevitably depends on the already deeply developed and rooted relationship that exists with certain segments of the national past, as well as current political realities.

The tension that comes with adopting MR and its implementation by the state apparatus has to be understood through the ways in which different actors and agents of memory frame past atrocities: for the nation-state, past atrocities are framed as war activities (with inevitable casualties) that are necessary to protect the nation, whereas advocates for human rights understand past atrocities as massive human rights abuses. States claim a seemingly natural right to exercise their power to recognize, commemorate, incorporate, and mythologize certain war-related events in order to promote and protect their nation-state projects, while others are officially marginalized or forgotten. War-related practices are intended to further valorize and promote the nationally suitable narrative in such a way as to justify it historically (J. Young 1993). This is particularly true for nation-states that are facing serious obstacles in the process of making meaning out of suffering (Hutchinson 2009) as a result of the problematic and contested elements of their past, which may include accusations of atrocities committed, the violation of international laws of war, human rights violations, and the like. Advocates for human rights, on the other hand, by framing war-related activities from the perspective of human rights abuses, pressure states to adopt the threefold principles of MR—facing the past, duty to remember, and the victim-centered principle—pushing them to alter the ethnocentric promotion of their contested past.

The human rights memorialization agenda is, in that sense, particularly subject to potential clashes. The believed truth regarding the past, sponsored by the state, is often in sharp dissonance with the truth mandated in the name of human rights. The clash here is obvious, expected, and well documented. We are well aware of the “paradox of empty promises,” where governments often adopt human rights norms of behaviors as a matter of window dressing, radically decoupling policy from practice and, at times, exacerbating negative human rights practices (Hafner-Burton and Tsutsui 2005). With the human rights memorialization agenda, governments, if not conditioned otherwise, are likely to ignore it. Big powers, such as the United States, or even the European Union, will not adhere—to the same degree—to the standards they themselves set. Yet again, through their power positions in international bodies, they will push for other, weaker states to comply with the human rights memorialization agenda as a means of pacifying and even policing those states (David 2018).

NEW SOCIAL INEQUALITIES

Those ideological clashes between nation-state-sponsored memorialization projects and the human rights memorialization agenda set a stage for the construction of new (and unpredicted) social inequalities. When it comes to the human rights memorialization agenda, the formation of new inequalities is rarely mentioned and overwhelmingly underresearched. This is because the ethics of remembrance, as conceptualized and promoted by MR, is “victim oriented” and seemingly brings back justice and equality. However, for a number of reasons, categorization of a triad of victims, perpetrators, and bystanders—rooted in MR—in fact often leads to more inequalities.

To start with, this outcome occurs because, to apply certain memorialization standards, one must erase the complexities from the categories of victims, perpetrators, and bystanders and keep them purified and normative. This is well evident in both of the memorialization policy reports, which, under the “Justice for Victims” slogan, establish clear-cut distinctions on who is a victim and, through

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16 For example, there is an ongoing fierce debate between the ICC and some African countries that rightly asks why, to date, all of the cases dealt with by the ICC involve only Africans, especially in a world awash with impunity in Iraq, Afghanistan, Colombia, Palestine, Israel, and elsewhere, suggesting that Africans are being strategically targeted.
encounters with the suffering parties, guide them on how to understand, frame, and promote their victimhood in order to gain certain rights and benefits. A good example of such an endeavor is the activity of Impunity Watch (IW), a Nethelands-based, international not-for-profit organization that conducts research into the root causes of impunity and obstacles to its reduction. IW includes the voices of affected communities and produces research-based policy advice on processes intended to encourage truth, justice, reparations, and the nonrecurrence of violence. However, apart from research and memorialization policy papers, this INGO has also been actively engaged in organizing regional advocacy forums—such as Breaking the Silence: International Memory Initiatives Exchange Forum in Cambodia in 2012, the Asia Exchange Meeting Memory for Change in Thailand in 2014, and the Congolese Coalition for Transitional Justice and Impunity Watch in the Democratic Republic of Congo in 2017, to mention just a few—with a view to advising victim groups and local NGOs on how to enhance memorialization initiatives, in order to contribute to transitional justice processes and to ‘fight the culture of silence and impunity’ (IW 2015). This, once again, is testimony to the intensifying spread of MR where, through networks, institutions, and discourses, the MR tool kit becomes available, imitated, and glocalized worldwide. Such work is undoubtedly valuable and noble. However, once it clashes with the nation-state-sponsored memorialization agenda, it results in at least three undesirable outcomes that stay largely unreported: hierarchies of victimhood, new social inequalities, and the loss of the voices of those ‘unfit.’

First, we see that, on the one hand, the nation-state, with its political elite, tends to align and enhance victim groups through which it can claim the status of victim nation and hence reinforce national boundaries. On the other hand, though MR promotes the universal idea of victimhood, arguing that modern warfare makes everyone victims (Levy and Sznaider 2005), through the work of local and international human rights NGOs, the selection of victims is being made based on those who are perceived to be the most deserving, the most ‘innocent.’ Both nation-states and human rights–centered ideologies propel the struggle and competition over the labeling of victims. Those who consider themselves, or are considered by others to be, innocent victims dispute the ‘deservingness’ of other ‘bad’ or ‘impure victims’ (McEvoy and McConnachie 2012). This is the cornerstone upon which hierarchies of victimhood are constructed and sustained (Baumann 2010). For example, we see that in order to consolidate power in the aftermath of the violence, the political elites in both Rwanda and Bosnia mobilized ethnically defined social groups and elevated certain groups as those ‘most victimized’ (Berry 2017, 835). In Argentina, the state’s solution was to produce a hierarchy of victims ranked according to their ‘innocence’ and further correlated with their rights. The more innocent, the more rights; the less innocent, the fewer rights (Humphrey and Valverde 2007, 194). In Spain, a similar struggle for legitimacy has taken place, which involves legal recognition as a victim and the appropriation of the status of ‘ideal victim’ by denying it to other groups (Druillolle 2015). In Northern Ireland, concerns with hierarchies of victimhood and the legitimacy of victimhood have a very similar ‘inter-communal competitive dynamic’ (Mac Ginty and du Toit 2007, 14) where legitimate identification as the victim may be used to attract resources and international support to the in-group while strengthening in-group solidarity and moral superiority over the out-group (Novick 1999). Those politics of suffering are additionally promoted by legal frameworks that, as in the Serbian context (David 2015a), further establish rankings and hierarchies of victimhood where different victim groups are being allocated different benefits and reparations (Hearty 2016).

Widely recognized in the literature, the creation of hierarchies of victimhood, both by the nation-state and by advocates for human rights, and the use of the identification of ‘innocent’ or ‘real’ victims within conflicts and post-conflict societies perpetuates very powerful moral conceptions of victimhood (Moffett 2015). The legitimizing stamp of human rights in giving justice to innocent victims has reduced victims to a simplified logic: if I am a victim, I cannot be responsible for anything, and no one can argue with me because it would be showing a lack of respect for a victim (Franović 2008, 5). Hence, victimhood becomes a substitute for identity. Such a framing of the embedding of pure morality in the victim’s status, together with the promise of reparations or other symbolic or tangible benefits, opens up a platform for continuous struggles and competitions that sustain and fuel disagreement and facilitate new social divisions. Consequently, struggles over victimhood are never about human rights values; rather, they arise because becoming a member in the imagined community of a proper morality sets a platform for addressing one’s own past injustices and claiming victimhood status recognition.

Second, and closely connected to the production of hierarchies of victimhood, is the way different victim groups navigate and sustain their victimhood status. All victim groups oscillate between slow and controversial processes of limited justice and widespread denial by the other side of the conflict. In their constant pursuit of justice, victim groups are crucified between two opposing poles. On the one hand, their suffering is (fully or partially) recognized by human rights promoters both locally and globally. Human rights promoters target victim groups, offering them not only much-needed (financial or psychological) support that is denied by the state (for all sorts of reasons), but also a manual through which
the victims are to frame their sufferings and their memories and consequently their rights. This recognition plays a crucial role in their individual and communal recovery. On the other hand, victims are seemingly remembered by politicians only when their support is needed to defend national identity and homogeneity or to gain a political advantage (Bacirbasic 2011). However, in the long run, for all victim groups, state support, both financial and symbolic, is far more important than that of human rights actors as it institutionalizes their nationwide recognition. One example (out of many) where victim organizations tried to align with their government can be found in the ways in which Peruvian victim organizations became politicized in light of the government's promise to implement the individual economic reparations program (de Waardt 2015). This (rather seldom) politicization of victim groups occurs partially because the ‘protection’ of human rights NGOs always comes with an expiration date. Ten to fifteen years after a conflict, their support (including human and financial resources) is relocated to other ‘fresh’ conflicts. 17

The problem is that the inclusion of victims, their recognition in infrastructures of their own nation-states, is not guaranteed and comes with a great cost. The way to ‘earn’ recognition often leads to ‘activism of victimhood’ that ‘compels the survivors to constantly reassess their victim status’ (Barkan and Bacirbasic 2015, 100). The victims who carry the physical and mental scars, who remain in the moment of the atrocity even when decades have passed, are often trapped in the role of victims (Langer 1997). In practice, this means that, for both human rights groups and for political elites, the suffering party can gain status only through the position of being victims, a position that needs to be constantly reaffirmed.

It is precisely here, in the day-to-day politics of victimhood, that new social inequalities are being produced. The process of reaffirming victim status has two direct implications. First, the need for the ‘ideal-type victim’ means that victim groups inevitably (and often very consciously) engage in the homogenization of their group members. Victim organizations tend to effectively homogenize individuals with different capabilities, levels of agency and empowerment, and political involvement (Rudling 2019). The side effect of such a homogenization process is an attempt to sanction any complexities or messiness that might jeopardize their victim position in the power struggle between two opposing camps—that of the human rights and the nationalist-centered ideologies (Močnik 2019). In-depth analysis of Colombian and Panamanian victim organizations shows that the internal microdynamic of victim groups largely dictates the victims' collective action and perceived homogeneity, which are shaped in relation to their inner group negotiations and power struggles. Those inner struggles result in (although they often go under the radar) either adjustments to the mission statement of the group (aligning their agenda either to international donors or to the promises of their own political elite), or purges and voluntary member withdrawal, as well as the group's fragmentation (Rudling 2019).

Secondly, and even more importantly, the homogenizing and pressuring of the victim group into this framework of ‘ideal victim’ means that other victim groups become understood as rivals and opponents in the struggle for scarce resources. Victim groups are rarely interested in advancing goals that don’t benefit their own good, even though a myriad different post-conflict groups try to achieve apparently similar goals—namely, to have their truth acknowledged (Franović 2008, 42). Franović (2008, 45), when mapping victim organizations in Serbia, Croatia, and Bosnia-Herzegovina, convincingly demonstrates that there is a ‘mutual suspicion with which they [victim groups] regard each other,’ showing that victim groups from different sides of the conflict often act to prevent other groups from reaching their goals. In practice, this means that the adoption and promotion of moral remembrance brings justice for some victims but renders many other victim groups invisible. It sets a stage for a competition, not only for nominal recognition and particular rights but also to determine supremacy, who gets to be perceived as the ultimate victim, creating economic markets in which those who possess greater discursive and other resources can gain more benefits and easier access to other capital.

This sectorial politics is often accompanied by ethnic and/or religious homogenization. It further constructs hierarchies that immediately and inevitably translate into battles over recognition and resources. For example, in Bosnia, such hierarchies are present in every aspect of political life. Srebrenica victims and the survivors of the cleansing/genocide are regarded both locally and internationally as the prototype for victims—their execution fits into a well-formed pattern, based on the Holocaust experience, that reflects what the ‘ideal-type victim’ looks like. But even there, if we zoom in, we see that two hundred victims executed and buried prior to the well-known genocide in Srebrenica are excluded from the major commemorative ceremony. Though subsumed into the Srebrenica victims in order to show Bosniak suffering on a larger scale, in practice they are left out. Other Bosniak victims throughout Bosnia and Herzegovina are acknowledged locally—however,

17 This period is regarded as sufficient to train and habilitate local stakeholders to further implement human rights values and norms.
mostly only by their own local communities. Croatian victims are denied by Bosniaks in the place where those two parties were in direct conflict, such as in Mostar. In places where Croats and Bosniaks fought together, such as in Odzak, Serbian victims are commemorated solely by Serbs. This immediate binding of victimhood with ethnicity translates into a zero-sum game in which one’s victimhood is always understood at the expense of others.

However, even within the same ethnic community, deeply immersed in the sectarian politics of recognition, victim groups fight among themselves. Political elites that harvest and translate ethnically and/or religiously bound victimhood into nationalist sentiments rarely do it because of a deep consideration for the good of the members of their own group. On the contrary, the nationalist prism simply provides a venue for mixing and merging political and economic power. In other words, there are all kinds of trade-offs between the political elite and victim groups where, often, leaders of victim groups aim at ‘privatizing’ the associations they represent for their own political and economic gains (Franović 2008; David 2015b; Rudling 2019). The ‘trade’ is often conditioned on the promise (not spoken out loud) that victim organizations will bring a voting electorate in return for access to the state apparatus and its funds (David 2015b). Hence, victim groups often align their struggle with nationalist agendas, in order to maximize their chances of being recognized nationwide and getting access to state resources. Further, victim groups are ‘regularly exploited by political elites to further their political and economic interests and to support corrupt practices by labelling corruption charges as a hostile act’ (Barkan and Bacirbasic 2015, 105). Consequently, those organizations become well aware that, in order to survive, they need to gain support from their government by acting as guardians of their ethnic communities and expressing deep nationalist sentiments.

This is how MR opens the stage for the politics of opportunism, where those who are better off socially and culturally have better chances not only to gain recognition but to improve their societal status (David, 2020, Forthcoming). It is not only about the necessity to properly market their victimhood, as Clifford Bob (2005) has wonderfully demonstrated, but about the need to be willing to engage in transactions of a different kind in order to deliver on their success. In other words, new social inequalities are formed on the basis of a differential in access to state power, where the access to state bureaucracy should indeed be seen as a foundation for the emergence of a new social class. Hence, the relationship between the human rights memorialization agenda, the nationalist usage of memorialization processes, and new social inequalities needs to be understood through the prism of economic corruption and competing authorities, where victim groups are pushed to compete with each other and adjust their agendas to those willing to provide them with access to scarce resources. And, though nationalist sentiments are often a disguise for corruption, or at least for economic privileges for certain groups within the political structures of the state, a display of those sentiments helps to promote narrow nationalist goals instead of human rights values.

Apart from this blatant merger of nationalism and corruption, and the competition over authority, the human rights memorialization agenda contributes further to the stratification of social groups. It is precisely the idea, gradually adopted into the human rights memorialization agenda, that suffering can be, and should be, measured and translated into material means that propels and ignites sectorial politics even further. Once the suffering becomes cataloged and monetized, the battle for recognition becomes displaced from the normative, value-driven realm of human rights to the sectorial politics of the groups of victims and survivors who compete for scarce resources. The competition crystallizes the hierarchal orders between the victim groups, which, in practice, results in strengthening the strong and marginalizing the weak. Hence, the victim groups are pushed both by human rights organizations that pressure governments and by political elites that try to maximize their political gain into a sort of gladiatorial arena to fight each other in order to increase the likelihood of getting any sort of recognition. Inevitably, those who cannot afford the cost of this struggle are left out and pushed further to the margins of society, where they become invisible and transparent.

Thirdly, in human rights discourse, victims and perpetrators are usually referred to as two completely separate and homogenous sets of people, while in reality not all victims are the same, nor are all perpetrators the same, and some victims are also perpetrators (Borer 2005; McEvoy and McConnellie 2012). What is being lost are culturally embedded differences regarding the perception and expression of suffering, pain, illness, memory, and forgetting, which may often result in silence that is, in the transitional justice discourse, explicitly understood as detrimental to post-conflict collective and individual healing. Silence is perceived as a negatively marked absence and thus is problematic because it deviates from the Eurocentric psychosocial norm of voice (Kidron 2009, 6). However, we have scattered evidence that shows, in the case of Bosnia, that silence can, in fact, be a form of communication, as multifaceted as speech and conveying a broad range of contextually situated social meanings such as respect, recognition, and coexistence (Eastmond and Selimovic 2012). Similarly, as in the case of Cambodia (Kidron 2009) or
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Hayner 1996), the suffering party may choose, for all sorts of reasons, not to dwell on their past and to remain silent.

Finally, MR creates a polarized context in which it is difficult for people in the victim category to be approached as distinct historical actors. Paradoxically, though the human rights memorialization agenda seemingly encourages victims to speak, this categorical framework forces them to adapt their stories to fit the matrix, which actually means the filtering and decontextualization of certain memory contents in order to maintain the pureness of classification systems (David 2015b). Consequently, the vast differences and idiosyncrasies present in any victim community are forgotten, and it is generally assumed that all who were affected by the same kind of violations comprise a homogenous group that has identical needs, motives, and aspirations (Malkki 1996). This universalist, purified, and ahistorical logic thus ignores the specific histories, political and economic conditions, and contexts of individual victims. In other words, instead of providing a platform for a multivocal experience of suffering, human rights–driven MR in fact disables those voices, leaving many who are “unfit to participate” invisible, unrecognized, and marginalized.

CONCLUSION

It is my argument that the ideological expansion of human rights produced similar isomorphic forms of memorialization around the globe. MR has emerged gradually, acquiring its might during the last four decades, through the rise of the organizational and ideological power of human rights. The victim-centered approach of MR advances the notion of ‘proper remembrance,’ claiming that it allegedly enables the adoption of human rights, thus paving the way to a democracy and preventing the recurrence of violence. However, through the competing authorities of the human rights and nationalist-centered ideologies, and by coupling economic needs with nationalist sentiments, the MR agenda produces hierarchies of victimhood and consequently new inequalities and societal margins that remain hidden behind its great success. The production of new societal margins is evident (to varying degrees) in all post-conflict or post-totalitarian contexts where MR has proliferated, yet it has been vastly ignored, often being understood as “a small price to pay” for the sake of bigger justice. Both the ideological clashes and overlapping between the nation-state-sponsored memorialization agenda and human rights–sponsored moral remembrance create fertile ground not for the promotion of human rights values but for the politics of opportunism, where certain victim groups become privileged at the expense of those who are not willing, or not able, to take part in the trade. Those new inequalities, coupled with national sentiments and corruption, need to be addressed and understood, as they inevitably shape societal realities on the ground.

Finally, the purpose of this article is primarily to propel a debate, not only to better understand the reemergence of societal stratification and inequality but to start thinking of plausible alternatives, to get to a place where new venues and solutions may ultimately set victims free of their past. It seems that MR, for all its good intentions and wishful thinking, does not lead to that place.

FUNDING

This project has received funding from the European Union’s Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No 745922.

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