THE PERFORMANCE OF MEMORY AS TRANSITIONAL JUSTICE
SERIES ON TRANSITIONAL JUSTICE

The Series on Transitional Justice offers a platform for high-quality research within the rapidly growing field of transitional justice. The research is, of necessity inter-disciplinary in nature, drawing from disciplines such as law, political science, history, sociology, criminology, anthropology and psychology, as well as from various specialised fields of study such as human rights, victimology and peace studies. Furthermore, the research is international in outlook, drawing on the knowledge and experience of academics and other specialists in many different regions of the world.

The series is aimed at a variety of audiences who are either working or interested in fields such as crime and justice; human rights; humanitarian law and human security; conflict resolution and peace building. These audiences include academics, researchers, students, policy makers, practitioners, non-governmental organisations and the media.

All books published within the series are subject to a double-blind peer review by recognised authorities in the field.

The General Editors of the Series are:
– Prof. Stephan Parmentier (Catholic University of Leuven, Belgium)
– Prof. Jeremy Sarkin (University of South Africa)
– Prof. Elmar Weitekamp (University of Tübingen, Germany)

The general editors receive the support from an Editorial Committee and an Advisory Board, consisting of internationally renowned academics and practitioners.

Published titles within this Series:

For previous volume in the series, please visit http://tj.intersentia.com

SERIES ON TRANSITIONAL JUSTICE, Volume 19
THE PERFORMANCE OF MEMORY AS TRANSITIONAL JUSTICE

Edited by
S. Elizabeth Bird
Fraser M. Ottanelli

intersentia
Cambridge – Antwerp – Portland
CONTENTS

Introduction
S. Elizabeth Bird and Fraser M. Ottanelli .. 1

PART I. THE LIMITS AND POTENTIAL OF TRANSITIONAL JUSTICE MECHANISMS

Chapter 1. Troubles with Truth Commissions: Putting the Moral Aims of Truth Commissions to the Fore
Margaret Urban Walker .. 7

1. Truth Scepticism(s) .. 10
2. Different Kinds of Questions .. 15
3. Truth Takes Time .. 19
4. Conclusion .. 21

Chapter 2. Legalising Collective Remembrance after Mass Atrocities
Rachel López .. 23

1. Collective Memory Defined .. 24
1.1. The Healing Power of Collective Memory .. 26
1.2. Collective Memory after Mass Atrocities .. 27
2. Relationship between Justice and Collective Memory .. 29
2.1. Law and the Collective Conscience .. 29
2.2. The Role of Trials in Establishing Collective Memory .. 30
2.3. The Slow Death of Impunity .. 33
2.4. Can Judicial Proceedings be Harmful to Collective Memory? .. 35
3. The Inclusion of Collective Memory in Judicial Mechanisms .. 37
4. Conclusion .. 41

Chapter 3. The Politics of Reparations and Apologies: Historical and Symbolic Justice within the Rwandan Context
Stephanie Wolfe .. 43

1. Symbolic and Historical Redress .. 45
2. Formal Mechanisms .. 48
Contents

3. Informal Mechanisms .................................................. 52
4. Conclusion ................................................................. 56

PART II. THE WORK OF NARRATIVE IN RECALIBRATING NATIONAL MEMORY

Chapter 4. Stories Told and Untold: Reparation, Recognition and Reshaping National Memories in Australia
Danielle Celermajer ............................................................... 61
1. The Critical Role of Narrative Justice in the Settler Colonial Nation ........ 62
2. Contemporary Suffering and the Turn to Historical Justice .................. 65
3. Family Histories, National Histories: Telling Personal Stories ............ 68
4. Response as Recognition: Reparation as a Form of Narrative Justice .......... 76
5. Conclusion ..................................................................... 79

Chapter 5. Competing Narratives in Rwandan Reconciliation
Annelisa Lindsay ................................................................. 81
1. Narrative, Violence, and Reconciliation ........................................... 81
2. Narrative and the Rwandan Genocide ........................................... 83
   2.1. Pre-Colonial Period ..................................................... 83
   2.2. Colonial Period ......................................................... 84
   2.3. Independence ........................................................... 85
3. Narrative and Reconciliation in Rwanda ......................................... 87
   3.1. An Official Narrative .................................................. 87
   3.2. Culture and Education ................................................. 89
   3.3. Political Reform ....................................................... 90
   3.4. Reconciliation Mechanisms .......................................... 92
   3.5. Cooperation and Development ...................................... 93
4. A Lasting Peace? .................................................................. 94

Chapter 6. Where Is My Grandfather? Impunity and Memory in Spain
Olga Martin-Ortega and Rosa Ana Alija-Fernández .............................. 97
2. The Transition: Amnesty and the Pact of Silence ............................ 101
3. Opening the Graves, Opening the Memory .................................... 103
4. Institutional Responses: the Historical Memory Law ...................... 105
5. Searching for the Dead through the Courts .................................. 108
6. Official Memory, Historical Memory and Collective Identity ............ 109
7. Conclusion ..................................................................... 113
Chapter 7. The Role of Direct-Experience People in Promoting Transitional Justice: The Israeli Case

Rafi Nets-Zehngut ................................................................. 115

1. Literature Review .......................................................... 116
2. The 1948 Palestinian Exodus and its Memory in Israel .............. 118
3. Methodology ................................................................. 120
4. Israeli 1948 War Veterans Addressing the Exodus .................... 121
   4.1. Memoirs ................................................................. 121
   4.2. Newspaper Articles ................................................... 122
   4.3. Interviews by Scholars ............................................... 123
5. The Impacts of the Critical Activity of the Veterans .................... 123
   5.1. Directly Reducing the Extent of Taboo regarding the Critical Narrative .................................................. 123
   5.2. Providing Evidence for the Expulsions ............................ 124
6. Discussion ..................................................................... 126
   6.1. Transitional Justice and Ongoing Conflicts ........................ 126
   6.2. Causes of the Veterans’ Behaviour ................................. 127
6.3. Informal Activity that is not Motivated by Justice/Peace Considerations .................................................. 128
   6.4. Comparing Formal Peace-Motivated Activity to Informal Non-Peace-Motivated Activity ..................................... 129
   6.5. Relations between Formal Peace-Motivated Activity and Informal Non-Peace-Motivated Activity ................................ 130
   6.6. Other Non-Peace-Motivated Transitional Justice Activities .... 131
7. Conclusion .................................................................... 131

PART III. MEMORY WORK AS TRANSITIONAL JUSTICE

Chapter 8. The Asaba Memorial Project: Negotiating a Community Collaboration

S. Elizabeth Bird and Fraser M. Ottanelli .................................. 135

1. Introduction ................................................................. 135
2. The Asaba Memorial Project .............................................. 137
   2.1. The Legacy of the War ............................................... 138
   2.2. The Complexity of Memory ....................................... 142
   2.3. Forms of Memory Work ............................................ 146
   2.4. The Collaborative Process ........................................ 147
3. Conclusion: Practical Memorialisation ................................ 149
## Contents

**Chapter 9. Testimonies of Violence in Post-Conflict Guatemala: Circulation and the Transnational Politics of Misrecognition**

Brigittine M. French .......................................................... 153

1. Social Identities: Locating Difference and Violence in Narrativity ...... 155
2. Temporal Reification of Political Violence .................................. 158
3. The Politics of Erasure and Misrecognition .................................. 161
4. Conclusion: Communicability, Violence, and Impunity in Latin America .......................................................... 163

**Chapter 10. Conceptualising Alternative Forms of Justice: The Politics of Memorialisation in Rwanda**

Jessica Auchter ................................................................. 167

1. Memorials and Memorialisations ............................................ 171
   1.1 Contested Memorial: Murambi ........................................... 173
2. Representing the Unrepresentable: Rethinking Justice .................. 176
3. Conclusions ........................................................................... 179

**Chapter 11. Memories of Violence: Literature and Transitional Justice in Argentina**

Oscar Hemer .............................................................. 181

1. Conceptual Repertoire ....................................................... 182
2. Museum of Memory .......................................................... 184
3. Memory Boom .................................................................. 188
4. The National Body ............................................................ 190
5. The Grand Illusion ............................................................. 192
6. The Distance .................................................................... 193
7. By Way of Conclusion ......................................................... 194

**Chapter 12. Majdanek: The Work of Memory**

Hunt Hawkins .............................................................. 197

About the Authors ......................................................... 199