

EMERGING STUDIES IN DEMOCRATIZATION

# THE POLITICS OF MEMORY

Transitional Justice in  
Democratizing Societies

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# Politics Of Memory Transitional Justice In Democratizing Societies

**N. Calhoun**



## **Politics Of Memory Transitional Justice In Democratizing Societies:**

**The Politics of Memory** Alexandra Barahona De Brito, Carmen Gonzalez Enriquez, Paloma Aguilar, 2001-04-05 One of the most important political and ethical questions faced during a political transition from authoritarian or totalitarian to democratic rule is how to deal with legacies of repression. Indeed, some of the most fundamental questions regarding law, morality, and politics are raised at such times as societies look back to understand how they lost their moral and political compass, failing to contain violence and promote the values of tolerance and peace. The Politics of Memory sheds light on this important aspect of transitional politics, assessing how Portugal, Spain, the countries of Central and Eastern Europe, and Germany after reunification, Russia, the Southern Cone of Latin America, and Central America, as well as South Africa, have confronted legacies of repression. The book examines the presence or absence of three types of official efforts to come to terms with the past: truth commissions, trials, and amnesties and purges. In addition, it looks at unofficial initiatives emerging from within society, usually involving human rights organisations, HROs, churches, or political parties. Where relevant, it also examines the politics of memory whereby societies re-work the past in an effort to come to terms with it both during the transitions and long after official transitional policies have been implemented or forgotten. The book also assesses the significance of forms of reckoning with the past for a process of democratization or democratic deepening. It also focuses on the role of international actors in such processes as external players are becoming increasingly influential in shaping national policy where human rights are concerned.

The Politics of Memory: Transitional Justice in Democratizing Societies

Alexandra Barahona De Brito, Carmen Gonzalez Enriquez, Paloma Aguilar, 2001-04-05 One of the most important political and ethical questions faced during a political transition from authoritarian or totalitarian to democratic rule is how to deal with legacies of repression. Indeed, some of the most fundamental questions regarding law, morality, and politics are raised at such times as societies look back to understand how they lost their moral and political compass, failing to contain violence and promote the values of tolerance and peace. The Politics of Memory sheds light on this important aspect of transitional politics, assessing how Portugal, Spain, the countries of Central and Eastern Europe, and Germany after reunification, Russia, the Southern Cone of Latin America, and Central America, as well as South Africa, have confronted legacies of repression. The book examines the presence or absence of three types of official efforts to come to terms with the past: truth commissions, trials, and amnesties and purges. In addition, it looks at unofficial initiatives emerging from within society, usually involving human rights organisations, HROs, churches, or political parties. Where relevant, it also examines the politics of memory whereby societies re-work the past in an effort to come to terms with it both during the transitions and long after official transitional policies have been implemented or forgotten. The book also assesses the significance of forms of reckoning with the past for a process of democratization or democratic deepening. It also focuses on the role of international actors in such processes as external players are becoming increasingly influential in shaping national policy where human rights are concerned.

*Memory and Transitional Justice in Argentina and Uruguay* Francesca Lessa, 2013-04-11 This interdisciplinary study explores the interaction between memory and transitional justice in post dictatorship Argentina and Uruguay and develops a theoretical framework for bringing these two fields of study together through the concept of critical junctures Handbook on the Politics of Memory Maria Mäklsoo, 2023-01-20 Providing a novel multi disciplinary theorization of memory politics this insightful Handbook brings varied literatures into a focused dialogue on the ways in which the past is remembered and how these influence transnational interstate and global politics in the present **Transitional Justice and the Public Sphere** Chrisje Brants, Susanne Karstedt, 2017-11-02 Transparency is a fundamental principle of justice A cornerstone of the rule of law it allows for public engagement and for democratic control of the decisions and actions of both the judiciary and the justice authorities This book looks at the question of transparency within the framework of transitional justice Bringing together scholars from across the disciplinary spectrum the collection analyses the issue from socio legal cultural studies and practitioner perspectives Taking a three part approach it firstly discusses basic principles guiding justice globally before exploring courts and how they make justice visible Finally the collection reviews the interface between law transitional justice institutions and the public sphere *Localising Memory in Transitional Justice* Mina Rauschenbach, Julia Viebach, Stephan Parmentier, 2022-05-30 This collection adds to the critical transitional justice scholarship that calls for transitional justice from below and that makes visible the complex and oftentimes troubled entanglements between justice endeavours locality and memory making Broadening this perspective it explores informal memory practices across various contexts with a focus on their individual and collective dynamics and their intersections reaching also beyond a conceptualisation of memory as mere symbolic reparation and politics of memory It seeks to highlight the hidden unwritten and multifaceted in today s memory boom by focusing on the memorialisation practices of communities activists families and survivors Organising its analytical focal point around the localisation of memory it offers valuable and new insights on how and under what conditions localised memory practices may contribute to recognition and social transformation as well as how they may at best be inclusive or exclusive of dynamic and diverse memories Drawing on inter and multi disciplinary approaches this book brings an in depth and nuanced understanding of local memory practices and the dynamics attached to these in transitional justice contexts It will be of much interest to students and scholars of memory and genocide studies peace and conflict studies transitional justice sociology and anthropology *Dilemmas of Justice in Eastern Europe's Democratic Transitions* N. Calhoun, 2016-04-30 Calhoun innovatively examines how the ideology of liberal democracy influences one of the most contentious and potentially traumatic and divisive issues facing countries transitioning from authoritarian regimes to democracy how to confront the past violations of human rights Competing views of liberal democracy frame debates about how to confront the past and in particular how to deal with the truth of systematic human rights violations Democratic values may not determine the precise method of dealing with the past whether through truth

commissions lustration or tribunals but the very process of debate inherent in democratic theory and practice has important implications for the perceived fairness of the result These implications are examined through a comparison of transitional justice in East Germany Poland and Russia The result is a provocative integration of democratic theory and comparative politics

**Building Trust and Democracy** Cynthia M. Horne, 2017-04-28 This volume explores the effects of transitional justice measures on trust building and democratization across twelve countries in Central and Eastern Europe and parts of the Former Soviet Union over the period 1989-2012 The author argues that transitional justice measures have a differentiated impact on political and social trust building supporting some aspects of political trust and undermining other aspects of social trust Moreover the structure scope timing and implementation of transitional justice measures condition outcomes More expansive and compulsory institutional change mechanisms register the largest effects with limited and voluntary change mechanisms having a diminished effect and more informal and largely symbolic measures having the most attenuated effect These differentiated and conditional effects are also evident with respect to transition goals like supporting democratic consolidation and reducing corruption since these goals respond differently to the mixtures of institutional and symbolic reforms found in transitional justice programs The author develops an original transitional justice typology in order to test hypotheses linking trust building and transitional justice across twelve cases in the post communist region The resulting new datasets allow for a quantitative examination of the relationship between different types of transitional justice programs and a range of possible state building and societal reconciliation goals including political trust building social trust building democratization the strengthening of civil society the promotion of government effectiveness and the reduction of corruption Comparative case studies of four transitional justice programs Hungary Romania Poland and Bulgaria draw on field work primary and historical documents and interview materials to explicate trust building dynamics with particular attention to regime complicity challenges historical memory issues and communist legacies Oxford Studies in Democratization is a series for scholars and students of comparative politics and related disciplines Volumes concentrate on the comparative study of the democratization process that accompanied the decline and termination of the cold war The geographical focus of the series is primarily Latin America the Caribbean Southern and Eastern Europe and relevant experiences in Africa and Asia The series editor is Laurence Whitehead Senior Research Fellow Nuffield College University of Oxford

*Lost in Transition: Constructing Memory in Contemporary Spain* H. Rosi Song, 2016-05-06 This book examines contemporary recollection of Spain's transition to democracy in the late 1970s and its connection to the country's current political financial and cultural crises through fiction film and television

*Post-transitional Justice* Cath Collins, 2015-10-29 Latin America is still dealing with the legacy of terror and torture from its authoritarian past In the years after the restoration of democratic governments in countries where violations of human rights were most rampant the efforts to hold former government officials accountable were mainly conducted at the level of the state through publicly appointed truth commissions and other such devices This

stage of transitional justice has been carefully and exhaustively studied But as this first wave of efforts died down with many still left unsatisfied that justice had been rendered a new approach began to take over In Post transitional Justice Cath Collins examines the distinctive nature of this approach which combines evolving legal strategies by private actors with changes in domestic judicial systems Collins presents both a theoretical framework and a finely detailed investigation of how this has played out in two countries Chile and El Salvador Drawing on more than three hundred interviews Collins analyzes the reasons why the process achieved relative success in Chile but did not in El Salvador *International Criminal Law, Transnational Criminal Organizations and Transitional Justice* Héctor Olásolo, 2018-08-07 Parties negotiating the end of authoritarian regimes or armed conflicts are almost inevitably left in a situation of legal uncertainty Despite their overlapping scope of application the differences between the approaches of International Criminal Law ICL and Transitional Justice TJ are so profound that unless dogmatism is left aside and a process of dialogue is entered into it will not be possible to harmonize the current legal regime of international crimes with the need to articulate transitional processes that are capable of effectively overcoming authoritarian regimes and armed conflicts The serious material limitations shown by national international and hybrid ICL enforcement mechanisms should be acknowledged and the goals pursued by ICL should be redefined accordingly A minimum level of consensus on the scope of application goals and elements of TJ should also be reached Situations of systematic or large scale violence against the civilian population by transnational criminal organizations increase the challenge Transitional Justice in Poland Frances Millard, 2021-01-14 In this study of the mechanisms of transitional justice in Poland Frances Millard asks How does society come to terms with its past How should it punish the perpetrators of oppression and acknowledge its victims In the former communist countries of Central and Eastern Europe the task of answering these questions came down to the need to eliminate the communist parties hold over the state the economy and society in order to move towards democracy Millard argues that the key step in achieving this was uncovering the truth about the previous regime s past prosecuting the perpetrators of past crimes and providing compensation and restitution for its victims Through the specific case of Poland Millard provides a comprehensive assessment of the mechanisms and institutions used to achieve this such as lustration law enforcement through a Constitutional Tribunal and institutions dedicated to dealing with the past such as the Institute of National Remembrance Crucially these processes have assumed new significance in recent years after the Law and Justice Party came to power in 2015 using transitional justice as a tool of political control which has enabled the restructuring of Polish democracy

Amnesty, Human Rights and Political Transitions Louise Mallinder, 2008-09-10 Amnesty laws are political tools used since ancient times by states wishing to quell dissent introduce reforms or achieve peaceful relationships with their enemies In recent years they have become contentious due to a perception that they violate international law particularly the rights of victims and contribute to further violence This view is disputed by political negotiators who often argue that amnesty is a

necessary price to pay in order to achieve a stable peaceful and equitable system of government This book aims to investigate whether an amnesty necessarily entails a violation of a state's international obligations or whether an amnesty accompanied by alternative justice mechanisms can in fact contribute positively to both peace and justice This study began by constructing an extensive Amnesty Law Database that contains information on 506 amnesty processes in 130 countries introduced since the Second World War The database and chapter structure were designed to correspond with the key aspects of an amnesty why it was introduced who benefited from its protection which crimes it covered and whether it was conditional In assessing conditional amnesties related transitional justice processes such as selective prosecutions truth commissions community based justice mechanisms lustration and reparations programmes were considered Subsequently the jurisprudence relating to amnesty from national courts international tribunals and courts in third states was addressed The information gathered revealed considerable disparity in state practice relating to amnesties with some aiming to provide victims with a remedy and others seeking to create complete impunity for perpetrators To date few legal trends relating to amnesty laws are emerging although it appears that amnesties offering blanket unconditional immunity for state agents have declined Overall amnesties have increased in popularity since the 1990s and consequently rather than trying to dissuade states from using this tool of transitional justice this book argues that international actors should instead work to limit the more negative forms of amnesty by encouraging states to make them conditional and to introduce complementary programmes to repair the harm and prevent a repetition of the crimes David Dyzenhaus This is one of the best accounts in the truth and reconciliation literature I've read and certainly the best piece of work on amnesty I've seen Diane Orentlicher Ms Mallinder's ambitious project provides the kind of empirical treatment that those of us who have worked on the issue of amnesties in international law have long awaited I have no doubt that her book will be a much valued and widely cited resource

*Truth, Denial and Transition* Cheryl Lawther, 2018-10-08 Truth Denial and Transition Northern Ireland and the Contested Past makes a unique and timely contribution to the transitional justice field In contrast to the focus on truth and those societies where truth recovery has been central to dealing with the aftermath of human rights violations comparatively little scholarly attention has been paid to those jurisdictions whose transition from violent conflict has been marked by the absence or rejection of a formal truth process This book draws upon the case study of Northern Ireland where despite a lengthy debate the question of establishing a formal truth recovery process remains hotly contested The strongest and most vocal opposition has been from unionist political elites loyalist ex combatants and members of the security forces Based on empirical research their opposition is unpicked and interrogated at length throughout this book Critically exploring notions of national imagination and blamelessness the politics of victimhood and the tension between traditions of sacrifice and the fear of betrayal this book is the first substantive effort to concentrate on the opponents of truth recovery rather than its advocates This book will interest those studying truth processes and transitional justice in the fields of Law Politics and

Criminology     Amnesty in the Age of Human Rights Accountability Francesca Lessa, Leigh A. Payne, 2012-05-28 This edited volume brings together well established and emerging scholars of transitional justice to discuss the persistence of amnesty in the age of human rights accountability The volume attempts to reframe debates moving beyond the limited approaches of truth versus justice or stability versus accountability in which many of these issues have been cast in the existing scholarship The theoretical and empirical contributions in this book offer new ways of understanding and tackling the enduring persistence of amnesty in the age of accountability In addition to cross national studies the volume encompasses eleven country cases of amnesty for past human rights violations Argentina Brazil Cambodia El Salvador Guatemala Indonesia Rwanda South Africa Spain Uganda and Uruguay The volume goes beyond merely describing these case studies but also considers what we learn from them in terms of overcoming impunity and promoting accountability to contribute to improvements in human rights and democracy

Retribution and Reparation in the Transition to Democracy Jon Elster, 2006-05-08 The contributions in this volume offer a comprehensive analysis of transitional justice from 1945 to the present They focus on retribution against the leaders and agents of the autocratic regime preceding the democratic transition and on reparation to its victims Part I contains general theoretical discussions of retribution and reparation The essays in Part II survey transitional justice in the wake of World War II covering Austria Belgium Denmark France Germany Hungary the Netherlands and Norway In Part III the contributors discuss more recent transitions in Argentina Chile Eastern Europe the former German Democratic Republic and South Africa including a chapter on the reparation of injustice in some of these transitions The editor provides a general introduction brief introductions to each part and a conclusion that looks beyond regime transitions to broader issues of rectifying historical injustice

*Spain and Portugal in the European Union* Paul Christopher Manuel, Sebastian Royo, 2004-06 Focusing upon the 15 years during which Spain and Portugal have been members of the European Union this collection of essays addresses issues related to the anniversary which took place in 2001

Transitional Justice and Rule of Law Reconstruction Padraig McAuliffe, 2013-06-26 This short and accessible book is the first to focus exclusively on the inter relation between transitional justice and rule of law reconstruction in post conflict and post authoritarian states In so doing it provides a provocative reassessment of the various tangled relationships between the two fields exploring the blind spots contradictions and opportunities for mutually beneficial synergies in practice and scholarship between them Though it is commonly assumed that transitional justice for past human rights abuses is inherently conducive to restoring the rule of law differences in how both fields conceptualise the rule of law the scope of transition and obligations to citizens have resulted in divergent approaches to transitional criminal trial international criminal law restorative justice and traditional justice mechanisms Adopting a critical comparative approach that assesses the experiences of post authoritarian and post conflict polities in Latin America Asia Europe and Africa undergoing transitional justice and justice sector reform simultaneously it argues that the potential benefits of transitional justice are exaggerated and urges



policy makers to rebalance the compromises inherent in transitional justice mechanisms against the foundational demands of rule of law reconstruction This book will be of interest to scholars in the fields of transitional justice rule of law legal pluralism and peace building concerned by the failure of transitional justice to leave a positive legacy to the justice system of the states where it operates This is a bold and nuanced scrutiny of the international system s approach to transitional justice and the much vaunted rule of law project Dr McAuliffe should be congratulated for this well researched book which should be a must read for not only scholars and researchers in transitional justice and peace and conflict studies but also policy makers in the international system Dr Hakeem O Yusuf Senior Lecturer University of Strathclyde and author of *Transitional Justice Judicial Accountability and the Rule of Law* *Amnesties, Pardons and Transitional Justice* Roldan Jimeno, 2017-09-07

In a consolidated democracy amnesties and pardons do not sit well with equality and a separation of powers however these measures have proved useful in extreme circumstances such as transitions from dictatorships to democracies as has occurred in Greece Portugal and Spain Focusing on Spain this book analyses the country s transition from the antecedents from 1936 up to the present within a comparative European context The amnesties granted in Greece Portugal and Spain saw the release of political prisoners but in Spain amnesty was also granted to those responsible for the grave violations of human rights which had been committed for 40 years The first two decades of the democracy saw copious normative measures that sought to equate the rights of all those who had benefitted from the amnesty and who had suffered or had been damaged by the civil war But beyond the material benefits that accompanied it this amnesty led to a sort of wilful amnesia which forbade questioning the legacy of Francoism In this respect Spain offers a useful lesson insofar as support for a blanket amnesty rather than the use of other solutions within a transitional justice framework such as purges mechanisms to bring the dictatorship to trial for crimes against humanity or truth commissions can be traced to a relative weakness of democracy and a society characterised by the fear of a return to political violence This lesson moreover is framed here against the background of the evolution of amnesties throughout the twentieth century and in the context of international law Crucially then this analysis of what is now a global reference point for comparative studies of amnesties provides new insights into the complex relationship between democracy and the varying mechanisms of transitional justice **Political**

**Transition** Paul Gready, 2003-04-20 In the twentieth century many countries around the globe experienced rapid and often traumatic political transformations From East Germany and Northern Ireland to Argentina Chile and Zimbabwe political transition has been momentous and has had a deep impact on the individual culture of each society This collection explores these periods of political transition and the impact that they have had through an analysis of memory identity space place and voice Concentrating in particular on post colonial and post oppressive regimes in Europe Southern Africa and Latin America the contributors assess how individuals come to terms with rapid political change and the enduring legacies of the past in the present They examine how political transformations affect people s memories and identities reworking spaces

places and voices and how both official and unofficial mechanisms set up to cope with these changes impact on these issues  
Juxtaposing different country and regional experiences and different historical eras this is a comprehensive guide to the vast range of issues involved in political transition

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## **Table of Contents Politics Of Memory Transitional Justice In Democratizing Societies**

1. Understanding the eBook Politics Of Memory Transitional Justice In Democratizing Societies
  - The Rise of Digital Reading Politics Of Memory Transitional Justice In Democratizing Societies
  - Advantages of eBooks Over Traditional Books
2. Identifying Politics Of Memory Transitional Justice In Democratizing Societies
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Politics Of Memory Transitional Justice In Democratizing Societies
  - User-Friendly Interface

4. Exploring eBook Recommendations from Politics Of Memory Transitional Justice In Democratizing Societies
  - Personalized Recommendations
  - Politics Of Memory Transitional Justice In Democratizing Societies User Reviews and Ratings
  - Politics Of Memory Transitional Justice In Democratizing Societies and Bestseller Lists
5. Accessing Politics Of Memory Transitional Justice In Democratizing Societies Free and Paid eBooks
  - Politics Of Memory Transitional Justice In Democratizing Societies Public Domain eBooks
  - Politics Of Memory Transitional Justice In Democratizing Societies eBook Subscription Services
  - Politics Of Memory Transitional Justice In Democratizing Societies Budget-Friendly Options
6. Navigating Politics Of Memory Transitional Justice In Democratizing Societies eBook Formats
  - ePub, PDF, MOBI, and More
  - Politics Of Memory Transitional Justice In Democratizing Societies Compatibility with Devices
  - Politics Of Memory Transitional Justice In Democratizing Societies Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Politics Of Memory Transitional Justice In Democratizing Societies
  - Highlighting and Note-Taking Politics Of Memory Transitional Justice In Democratizing Societies
  - Interactive Elements Politics Of Memory Transitional Justice In Democratizing Societies
8. Staying Engaged with Politics Of Memory Transitional Justice In Democratizing Societies
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Politics Of Memory Transitional Justice In Democratizing Societies
9. Balancing eBooks and Physical Books Politics Of Memory Transitional Justice In Democratizing Societies
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Politics Of Memory Transitional Justice In Democratizing Societies
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Politics Of Memory Transitional Justice In Democratizing Societies
  - Setting Reading Goals Politics Of Memory Transitional Justice In Democratizing Societies
  - Carving Out Dedicated Reading Time

12. Sourcing Reliable Information of Politics Of Memory Transitional Justice In Democratizing Societies
  - Fact-Checking eBook Content of Politics Of Memory Transitional Justice In Democratizing Societies
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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