

MEMORY LAWS: CRIMINALIZING HISTORICAL NARRATIVE (October 27-28)

Since the 1980s, interest in politically and legally shaping public memory regarding the Holocaust and other crimes perpetrated during the Second World War has been evident in a wide variety of arenas, from memorial museums to monuments, from war crimes trials to official commissions. The goal of these mechanisms has been to promote new, often sectarian, narratives of the historical record on an array of disputed topics, and to recall, redress and acknowledge past atrocities. This political engagement with the “duty to remember,” and the question of historical memory and identity politics, now extends well beyond the Holocaust, and has become a contentious subject in many countries. One manifestation of the trend has been the increasing demand for the right to truth, especially in transitional justice, which is purportedly a precondition to conflict resolution and policies of redress. At the same time, however, there is an increased recognition of the propensity for conflicting narratives about the past, particularly instrumentalized narratives about group identity and violent pasts, to escalate hostilities among nations, ethnicities and/or religions. These hostilities, anchored as they are in the collective memory and history of conflict, have become subject to extensive legislation, with the criminalization of statements about history and violent pasts becoming more commonplace. Nestled between freedom of expression and denialism, between hate speech and aggressive nationalism, narrating history is thus the target of increased political manipulation. As such, the legislation of historical narrative carries numerous theoretical and moral predicaments, and thus has important implications. In certain circumstances, memory laws safeguard truth, honor victims, and ensure that the memory of crimes is not erased; and yet on other occasions they buttress authoritarianism and undercut freedom of expression. This workshop will explore narratives that engage the memory of past violence in contemporary policies and the politics surrounding the legislation of historical memory. The workshop will take a comparative perspective and will engage cases of genocide, mass atrocity, colonialism and transitions to democracy. Given the central role that the Holocaust and other mass atrocities have played with regard to human rights concepts today, the memory laws that address these topics similarly raise important questions about the theory and practice of human rights, as well as about the role of history in conflict resolution. Finally, the workshop will pay particular attention to censorship and punitive measures that aim to constrain counter-narratives to established national identities and to freedom of expression.