Justice and Public Memory in Post-War Reconciliation
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‘We can never undo such disruptions; they are, literally, facts of life.’ With these words Susan Dwyer has written in 1999, at the twilight of a century marked by cataclysmic wars and genocides, she sees reconciliation as a pragmatic response to such upheavals, How does a society truly heal, or is it even possible to heal after decades of division and conflict? The fall of Berlin Wall seemed to mark an end of hostilities, yet what it left behind is a fractured continent, and the traumas still echo till this decade. Looking at the other side of the globe, Asia is still grieving the unresolved wounds done by Imperial Japan. Reconciliation should be way more than just signing an agreement, for simply seeing well dressed politicians shaking hands after a war won’t help much to those who lost everything to atrocities. It requires justice that offers victims a sense of closure, and memory–handled with care–to ensure that the pain is neither forgotten nor repeated. However, justice alone cannot fix broken relations, and memory can reignite old conflicts. In this sense, it is utterly important to be aware how the elements of justice and memory can come together, properly, to create a successful reconciliation.

On justice

Post-conflict justice comes with the tension between retributive and restorative justice. Retributive, as seen in the Nuremberg Trials, emphasises punishment for perpetrators to establish accountability. Restorative, such as South Africa's Truth and Reconciliation Commission, focus on uncovering truths, acknowledging harm, and rebuilding trust among fractured communities (Dwyer, 1999; Auerbach, 2004).

The Nuremberg Trials were seen as a cornerstone of international justice and symbol of the global community’s effort. These trials were groundbreaking in establishing the legal concept of individual accountability, allowing us to acknowledge the faces behind the shield of the state. The groundwork it laid for international criminal law leading to the establishment of institutions such as the International Criminal Court (Auerbach, 2004). However, the focus on high-ranking officials often meant that lower-level perpetrators who carried out atrocities under orders faced a little accountability. This shows the systemic nature of crimes perpetrated by regimes like the Third Reich, where ordinary individuals became cogs in the machinery of mass violence. Transitional justice in post-communist Eastern Europe has faced significant obstacles, for the nature of communist regimes often involved widespread complicity which blurred the lines between perpetrators and victims. Countries like Romania and Hungary struggle with reconciling their pasts because of the entrenched positions of former regime officials who still retained political and economic power during the transition to democracy (Auerbach, 2004). This means that there is a need for a unified regional approach to

transitional justice, for how they often addressed post-communist crimes on a case-by-base which lead to fragmented and inconsistent outcomes. While there are remembrance and acknowledgement such as public apologies or memorials, they have taken precedence over substantive judicial proceedings, leaving unresolved grievances and perpetuating social divisions. The unresolved historical grievances still haunt East Asia, the issue of 'comfort women' exemplify the challenges of achieving justice. Japanese apologies have been perceived as insincere as they failed to fully acknowledge the extent of wartime atrocities, they were also sometimes followed by statements that downplay or deny historical events (Hong, 2016).

'The essence of totalitarian government, and perhaps the nature of every bureaucracy, is to make functionaries and mere cogs in the administrative machinery out of men, and thus to dehumanise them.' Hannah Arendt wrote this about her observation of Adolf Eichmann during his trial: an ordinary individual can commit horrific crimes simply by following orders and adhering to bureaucratic norms without questioning their actions' moral or human consequences. It is, in fact, disturbingly easy for us to contribute to injustice without realising it, which is why we must hold ourselves accountable, for how can we be sure we will not become another Eichmann? It is necessary to address not only the leaders of oppressive regimes but also the societal and bureaucratic structures that enable such actions to ensure meaningful justice and reconciliation.

On Public Memory

Collective memory is crucially important in shaping collective identity. Yet, it always swing between deliberate amnesia and strategic remembrance. Some atrocities resulted in memorials and tribunals, some other fade into obscurity, and victims can only grapple with unacknowledged suffering. From 1915 to 1923, there was a systematic extermination of Armenians by the Ottoman Empire, the Turkish government has formally denied the genocide, or using laws such as Article 301 of the Turkish Penal Code, which criminalizes "insulting Turkishness," have been used to prosecute individuals who publicly acknowledge the Armenian Genocide. In 1928, hundreds of striking workers employed by the United Fruit Company were killed by government troops, this massacre have been systemically minimised until Gabriel García Márquez's One Hundred Years of Solitude reclaimed this history and bring public's attention to this tragic past of Columbia. The Chinese will always remember the Nanjing Massacre and how the Japanese government tried to erase the history. As MacDonald (2005) notes, the revision of school textbooks is a key strategy, where the Ministry of Education in Japan has sanitised references to the massacre, minimising its scale and rebranding it as an "incident" rather than an atrocity. Or even calling it a lie. When nations or groups erase or distort memory, the prospects for authentic reconciliation diminish, as unresolved grievances and historical inaccuracies perpetuate cycles of conflict.

Germany’s acknowledgment of the Holocaust exemplifies how education and accountability can lead to long-term reconciliation.Germany’s educational policies and publi c commemorations have been critical in transforming post-conflict relationships, particularly with countries like Poland and France. In contrast, memory in post-Soviet states reflects a fragmented and contested landscape. The collapse of the Soviet Union led to the reemergence of suppressed national histories. For example, Soviet-era heroes who were celebrated for their roles in defeating Nazi Germany are vilified in some Baltic states for their involvement in the USSR’s oppressive regime. In Latvia, Lithuania, and Estonia, commemorations often emphasise resistance to Soviet occupation, portraying Soviet soldiers not as liberators but as occupiers and enforcers of Stalinist policies. Meanwhile, Russia continues to glorify its role in the "Great Patriotic War," framing itself as the savior of Europe from fascism while downplaying or denying Soviet atrocities.

This division of memory division is not just a reflection of differing perspectives but a manifestation of how memory is shaped, contested, and utilised as a tool to serve contemporary needs. It is important to note that, heroes to some are monsters to others. Winston Churchill's legacy exemplifies the division of memory. In Britain, he is celebrated as a wartime hero whose defiance against Nazi Germany symbolized national resilience. His speeches and leadership are integral to Britain's collective memory of World War II. However, in India, Churchill's policies during the Bengal Famine of 1943, which led to the deaths of millions, mark him as a figure of oppression and indifference (Langworth, 2021).

The South African Truth and Reconciliation Commission (TRC) illustrates how contested memories can also serve as a basis for healing. Unlike the above examples, the TRC sought to integrate multiple perspectives on apartheid into a shared narrative. However, the process was fraught with tensions. To some, the TRC revealed the brutality of apartheid-era leaders, exposing them as perpetrators of systemic violence. To others, particularly among the white minority, figures like P. W. Botha remain symbols of order and resistance against revolutionary chaos. These conflicting interpretations highlight the challenges of creating a collective memory that resonates across deeply divided societies (Dwyer, 1999). It is crucial to remember the past accurately and to consider what it was like from different perspectives. The integration of public memory with forward-looking reconciliation measures is vital to fostering societal healing and unity. This includes recognizing the complexities of history while actively working toward shared understanding and acknowledgment of past harms.

Conclusion

Reconciliation is a delicate process that requires more than symbolic gestures or fleeting acknowledgments. True reconciliation demands more than an agreement on facts or shared histories; it requires a commitment to fostering empathy, understanding, and acknowledgment of harm from all sides. Educational efforts, cultural shifts, and sustained public discourse are essential for transforming the legacies of conflict into opportunities for unity and growth. While the scars of the past may never fully fade, societies can strive to weave these elements into a fabric of shared humanity, ensuring that the lessons of history pave the way for a more just and peaceful future. Reconciliation is not about forgetting or trying to bury the pain of conflict, but about facing the truth, accepting it, and learning to live with it, so that we can move forward together.

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