

# Review of 'The Past Can't Heal Us: The Dangers of Mandating Memory in the Name of Human Rights' by Lea David<sup>1</sup>

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## Abstract

In *The Past Can't Heal Us*, Lea David challenges current assumptions surrounding the relationship between human rights and memorialisation. By conceptualising human rights as an ideology and using this notion as a methodological lens, David seeks to understand the emergence of moral remembrance and its impact on the ground. Contrary to widely held assumptions in the field of transitional justice, David argues that facing the past does not necessarily promote human rights values, but instead can stimulate nationalist responses and lead to the deepening of social division and inequality.

## Keywords

human rights, memorialisation, nationalism, ideology, transitional justice

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In a post-authoritarian or post-conflict context, the consensus states that society must revisit and face its troubled past. For example, the notion that there is something inherently valuable in drawing lessons from the past is canon for transitional justice scholars (Rotondi & Eisikovits 2016). This memorialisation agenda is directed at individuals and collectives, reasoning that seeking the roots of a conflict and making sense of 'what happened' in the past can promote human rights values and even enhance democratisation processes in the present.

However, how did the consensus around the necessity of dealing with the past emerge? Moreover, is this largely unquestioned assumption truly effective in promoting the human rights agenda? These are the questions that Lea David, Assistant Professor at University College Dublin, seeks to answer in her book *The Past Can't Heal Us*. Contrary to commonly held beliefs, David claims that the memorialisation agenda is ineffective in promoting human rights and can even backfire by stimulating nationalist responses that deepen social division and inequality.

Throughout *The Past Can't Heal Us*, David conceptualises human rights as an ideology 'perpetuated, promoted, sustained and diffused through coercive and cumulative organisational and doctrinal power' (2020: 39). Viewing human rights as an ideology allows David to unveil the real impact of the human rights agenda on the ground, as ideologies tend to 'homogenise and monopolise the vision of the world as it should be' (2020: 37). David acknowledges the power of human rights in producing significant advances worldwide 'from social equality issues to gender, political and cultural rights' and how they remain the 'best ideal to strive for' (2020: 10). Still, the author warns that the naïve understanding that human rights are beyond politics caused, for example, for scholars to be concerned with researching and promoting human rights simultaneously, leading to blurred borders between the analysis and advocacy of the topic. Understanding human rights as an ideology is essential, according to David, to see not only how human rights operate but to evaluate the shortcomings involved in realising the human rights agenda.

The way human rights operate as an ideology is reflected in the standardisation of memorialisation promoted through human rights practices and norms (2020: 53), analysed in the book. By problematising the concept of moral remembrance, the author questions the assumption that societies are 'supposed to deal with legacies of mass human rights abuses' (2020: 13) and criticises the reduction of memorialisation practices to a toolkit of actions to be performed uncritically in any given context. Moral remembrance is grounded in three principles identified by David as rooted in the memorialisation agenda (2020: 41): facing the past, the duty to remember, and justice for victims.

These principles are, according to David, currently elevated to 'an insurance policy meant to prevent the recurrence of violent conflicts' (2020: 44). Still, this status was not reached suddenly but through a process that unfolded gradually, following the rise of the human rights movement since the 1980s. This development converted moral remembrance from an 'awareness orientated approach' to the setting of 'policy-oriented proper memorialisation standards' (2020: 45). The spread of the memorialisation agenda, through the organisational and ideological power of human rights, created a situation in which 'coming to terms with the past' became a 'core assumption of human rights' (2020: 44,45).

Moral remembrance solidified the belief that memorialisation has a healing effect on societies and can also play a role in the implementation of democracy (2020: 44,45). The significance of these assumptions is reflected in the ways the memorialisation agenda was spread and implemented in the field. David identifies how this happened not only via legal measures but also through human rights activism. The field of transitional justice, for instance, draws a lot from the human rights framework and operates under the same logic.

In her book, David resorts to two case studies on Israel/Palestine and the Western Balkans, respectively, to exemplify the institutionalisation of moral remembrance. In both cases, the memorialisation agenda pushed via transitional justice, peacebuilding, and reconciliation efforts contributed to the emergence of moral remembrance and the framing of the national past as a 'crucial element of the conflict itself' (2020: 67).

Using these same cases, David then focuses on what happens when moral remembrance 'gets to "ordinary" people', intending to check whether it has succeeded or not in 'producing human rights values' (2020: 123). In her analysis, the author focuses on face-to-face encounters. Those encounters, filled with emotional energy, were used with positive results by France and Germany in a post-World War II context and later became 'a blueprint for ethnic (or religious) reconciliation across the globe' (2020: 145).

However, David is deeply critical of those meetings as they encapsulate the memorialisation agenda and ultimately produce a 'process of ritualisation and sacralisation of the past' (2020: 159). Contrary to their initial objectives, these meetings tend to, in the long run, strengthen ethnic identities and even serve nationalist projects (2020: 172). Eventually, the solidarity built between the participants ends up 'either crumbling apart or being hijacked by the state' (2020: 160) because of the contrast between the artificial environment of the meetings and the real environment of local communities where participants face 'deeply embedded structures of nationalism' (2020: 169). An important point on David's critique of moral remembrance is how memorialisation standards tend to oversimplify the categories of victim, perpetrator and bystander, keeping them 'purified and normative' (2020: 177), and giving rise to a position of victimhood that is often used to 'recruit nationalist sentiment' (2020: 178).

The author chooses to focus on case studies involving complex ethnic/religious conflicts where identity is an extremely relevant matter. It is unclear if her claims concerning the downsides of the victim-centred approach to memorialisation would stand when applied to different contexts, such as post-dictatorship countries in Latin America, where transitional justice and its mechanisms were first studied (Arthur 2011) and where the division between victims and perpetrators is perhaps more clear-cut.

Considering how large the scope of the author's argument is, the selection of case studies is especially critical in this book. Lea David claims that the memorialisation agenda is 'generally ineffective at best or counterproductive at worst' (2020: 2) by translating into an oppressive force. However, the focus on the Western Balkans and Israel/Palestine seems too narrow for such claims. While David successfully denounces memorialisation as a 'magic panacea' (2020: 41), the argument that memorialisation 'never actually succeeds in producing human rights values' (2020: 123) risks both being too ambitious and falling into a similar overgeneralisation that David identifies with moral remembrance itself.

It would be particularly interesting to see David engage with Jack Volpe Rotondi and Nir Eisikovits' (2016) work on the same topic. Though less critical of memorialisation, Rotondi and Eisikovits acknowledge that there is a 'memory assumption' (2016) in human rights, as dealing with the past is seen as something inherently positive to any process of transition. While both Volpe Rotondi and Eisikovits' and David's works tend to view the high value that the human rights field attributes to 'dealing with the past' sceptically, Rotondi and Eisikovits list contexts where the option to forget would be justified, even though temporary and strategic. The cases where Rotondi and Eisikovits claim that this memory assumption can be problematic include conflicts with a 'complicated division of guilt between the parties' and political situations where 'insistence on commemoration and thorough accountability risks reigniting the conflict' (2016: 16). These categories would entail the contexts selected by Lea David that exemplify the flaws of moral remembrance without dismissing the memorialisation agenda completely.

David recognises that memorialisation occurs through a myriad of mechanisms but centres the criticism of moral remembrance on face-to-face encounters. This is not problematic in itself, but when David opts for such strong criticism of the memorialisation agenda, the choice to focus on this particular mechanism may not be sufficient to sustain her thesis to its full extent. There is a risk in underestimating more well-known legal and quasi-legal mechanisms like human rights trials and truth commissions that have great importance to the creation of collective memory – and the advance of human rights – as well, even if not explicitly created for that purpose.

As David rightly observes, works from authors who conceptualise human rights as an ideology tend to be considered provocative. However, it would be too easy to conclude that *The Past Can't Heal Us* is only a provocative book. Instead, it seems relevant to highlight David's contribution to this fascinating – and growing – perspective to the field of transitional justice and memorialisation. Despite this, David's thesis runs the risk of overgeneralisation, thereby ignoring any positive effects of human rights memorialisation. Still, the very pertinent points brought by the author can also be read as a compelling argument against ready-made solutions to conflict and post-conflict settings. Indeed, these settings demand tailor-made and inclusive solutions, which are essential not only for their effectiveness but because of their power in advancing the human rights agenda.

## References

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