

# Challenging Ideas



# Challenging Ideas:

## *Theory and Empirical Research in the Social Sciences and Humanities*

Edited by

Maren Lytje, Torben K. Nielsen  
and Martin Ottovay Jørgensen

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## INTRODUCTION

MAREN LYTJE, MARTIN OTTOVAY  
JØRGENSEN AND JOHAN HEINSEN

Today it is almost inconceivable that researchers in the sciences and humanities should work without theory. Not theory in the sense of theoretical philosophy, but in the sense of a looking glass through which the academic can engage with empirical material and relate this to the world in which he or she lives. Sometimes the looking glass has a critical edge, in which case theory retains an air of ‘critical theory’ that keeps questioning the basic assumptions of what we do, say, think, write and study.

As a prism that we have here and now and with which we might question our basic assumptions about the world, critical theory seems to establish a relation between past and present. An obvious example of this might be found within the discipline of history. In 1942, one of the founding fathers of the influential French *Annales School*, Marc Bloch, was apologetic about his discipline and spoke against the crude positivism of the last generation of historians. The knowledge of past human life, Bloch stated, passed through present human life, and the historian was obliged to keep updated and remain curious and critical about his own time.<sup>1</sup>

A critical engagement with the present was also the point of departure of Michel Foucault, who remains one of the most influential theoretical figures in post-war social sciences and humanities. At the beginning of his scholarly career, Foucault had a self-declared affinity with the *Annales School*, and he too saw the analysis of the past as a way to engage with the present. Michel Foucault belonged to the generation of French scholars who were raised on French structuralism and Frankfurter school critical theory. Structuralism had large implications for the theory formations at the universities in the post-war world, asking fundamental questions about the nature of human agency, human intention and human consciousness and of the ways in which we know.

The challenges raised by structuralist thought were taken up by the succeeding generation of scholars, to which Foucault belonged. These scholars criticized the a-historicity and determinism of structuralist thought, emphasized the relationship between past and present as an important element in the study of society and pointed to ways in which any structure could be undermined. One of the central figures of poststructuralist thought, Jacques Derrida, saw writing as the undermining element, whereas Michel Foucault assigned this role to power. Unlike structuralists, poststructuralists took Frankfurter school critical theory to heart and engaged in its critique of enlightenment philosophy and modernity. While structuralism, post-structuralism and Frankfurter school critical theory certainly differ in fundamental respects, they also share a tendency towards undermining the 'crude positivist assumptions' about the relationship between past and present which had embarrassed Marc Bloch more than seventy years earlier.

Theory in its different critical variants has certainly made their impact, and we think that it is fairly safe to say that it would be hard to come by a crude positivist in the social sciences and humanities today. Nevertheless, there still seems to be a gap between theory and empirical research. For example, scholars often use Foucault as the figurehead of a paradigm and praise him for his theoretical contribution rather than for his historical writing. Jacques Derrida's deconstruction has also proven hard to 'apply' in textual analysis, and Walter Benjamin's social critique remains mainly a literary genre rather than a research method and theory.

It is true that post-history and post-secular categories, which have emerged out of post-structuralist thought such as memory, have proven useful for conducting analysis in a critical vein; for example, the memory turn has made us aware of the discrepancy between historical synthesis and the ways in which people actually remember especially traumatic events. Some historians have acknowledged such challenges and have changed their research object or primary sources accordingly (for example to the study of memorial literature), causing their works to raise new theoretical questions.

The articles in this volume all attempt to respond to some of the challenges that theory poses to empirical research and vice versa. They grew out of papers from a workshop held at Aalborg University, Denmark, in April 2013. The workshop sought to address two possible concerns: the concern that theory had turned into an academic trade rather than a critical endeavour; and the concern that theory had become a matter of scholars needing to position themselves in relation to different schools, rather than

acting on the challenges that these ‘schools’ posed to “traditional” ways of conducting research.

The volume consists of two parts, which address different aspects of the theoretical challenges listed above: *Memory and History*. The first section, *Memory*, responds to some of the challenges posed by the memory turn in the field of history. In the first article, *'Always historicize'. On the ethical and political implications of a 'historical' approach in the context of truth commissions and historical commissions*, Berber Bevernage questions the use of historicizing strategies in Truth and Reconciliation Committees in countries with violent pasts, such as South Africa. Bevernage argues that while historians can play an important ethical role in the pursuit of historical justice, the strategy of historicizing might have some unwanted consequences. For example, by building a hierarchy of time and assigning the past to its proper place, there is a risk that historicizing may prematurely close off a traumatic past which is still felt by the victims in the present. Nevertheless, Bevernage argues that historians still have an important role to play in transitional justice: while they cannot claim to be able to solve complex ethical or political dilemmas simply on the basis of their expertise in measuring time and deciding what is past and what is present, they can still play a critical role precisely by reflexively pointing out the use and abuse of historical discourse and politics of time used in different strategies of transitional justice.

In the second article, *Mourning a Way of Life: Justice and Justification in Just War*, Maren Lytje investigates the relationship between the justice and justification of what is considered a just war. Lytje argues that the link between justice and justification often remains unexplored and suggests that the two concepts might be joined by focusing on justice as the way of life of the political community to be defended in war, and justification as the ways in which this way of life is made visible through what she terms the media’s frames of justice. She argues that frames of justice consist of collective memory traces embedded in the media’s own archives. Such traces are repeated in case of an act of aggression against the way of life of the political community. This repetition, she suggests, resembles a mourning process through which the way of life of the political community separates itself from what is merely living and thereby re-establishes itself. Lytje proceeds to explore how the Danish national broadcast network constructed frames of justice in the initial stages of the “War on terror” in 2001.

In the third article, *Biopolitics and Cultural Memory in Holocaust Monuments*, Lars Östman focuses on the transnational memorial culture of the *Stolpersteine*, which commemorates victims of the Nazi regime.

Östman argues that the *Stolpersteine* assumes a ‘state of law’ in Nazi Germany which was, in fact, completely absent. He utilizes the Italian political philosopher, Giorgio Agamben’s concepts of the ‘state of exception’ to suggest that the commemoration of the victims of Nazi atrocities should reflect the state of exception of Nazi Germany and the biopolitics of the concentration camps.

In the fourth article, *Short-term Memory Loss? Media Strategies in Times of Transformation*, Ehab Galal combines media and memory theory to interrogate the changes in political power and the media landscape in Egypt in the course of 2011. He reassesses the revolutionary potential of the “new” social and digital media, arguing that the “old” media of television might be more influential than new media in forming the historical remembrance of the 2011 revolutionary struggle.

The articles in the second section, *History*, all attempt to come to terms with different ways in which historical research might function. Opening this section with his article *Epochalism and the “Society of Security”: Continuity and Change in Self-Defence Culture*, Francis Dodsworth discusses the link between historical research and ‘grand social theory.’ He suggests that social theory often assumes contemporaneity with social phenomena of study and often disregards its historical roots. Through the example ‘security society,’ he shows how the security society can be traced back to the 19th century. The implication of Dodsworth’s argument is that the discipline of history should not simply play a corrective role in relation to social theory, but that the work of historians can establish continuities between past and present societies which are relevant to the development of theory.

In the second article, Nicolai von Eggers explores three genealogies of economy: Michel Foucault’s genealogy of economy in *Security, Territory, Population*, Giorgio Agamben’s genealogy of economy in *The Kingdom and the Glory*, and Bernard Balan’s genealogy of economy in “Initial Studies on the Origin of the Formation of the Concept *Animal Economy*”. Eggers suggests that a synthesis of the three genealogies allows us to explore how a series of different meanings of the word *economy* are brought together in the mid-late 18<sup>th</sup> century: economy as the administration of the household, economy as God’s government of the world through natural law, economy as the natural laws of bodies and the principle through which a given body sustains itself. These different meanings might remind us of the im- and explicit theoretical and metaphysical underpinnings of the emergence of political economy, which may still remain operative within the semantic core of modern economics.

In the third article, *X marks the Spot*, Johan Heinsen discusses a different aspect of historical research, namely the archival text. Following Derrida, Heinsen suggests that the archival text is steeped in alterity, despite its claim to self-presence. He uses a historian's markings in the margins of an archival document to suggest that the historian's practice might undermine a text's claim to self-presence. In this view, history is an unruly discipline which refuses poetics and undermines the order often claimed by historical writing itself.

Focusing also on the research process, Christian Ydesen and Trine Ølund invite the readers into the methodological and theoretical "engine room" of their current collaborative project on professional state interventions addressing "the immigrant." They criticize the "closet positivism" of many historians and proceed to develop a process-oriented approach on the basis of the works of French sociologists Pierre Bourdieu and Loïc Wacquant. This approach might be useful for understanding how Danish and British state officials have (re-)identified, (re-)problematized and targeted the "immigrant" as their "other" over the past five decades. While praising the archival work of historians, Ydesen and Ølund finally suggest that interviews can be equally important and that the discipline of history might benefit from sociological reflections on the workings of the social.

Moving from matters of social theory, conceptual analysis and research processes, the last two articles turn towards concrete examples of how empirical research and theory might be linked in social and historical scholarship. In *Back to the Future? A Call for a Genealogy of the Sexual Hygiene Regimes in UN Military Interventions*, Martin Ottovay Jorgensen challenges the dominant view amongst researchers that the current problems of sexual violence, trafficking and prostitution in relation to international military interventions are linked to the current neo-liberal paradigm. Instead, he points to the continuities between the regimes of sexual hygiene of imperial armies and international forces, thus taking a first small step towards a genealogy that links current problems to the deeper connections between the gendered projects of capitalism, imperialism and global governance.

In the closing article, *Challenging efforts of sustainable development? Tourism and the transformation of an alpine village in Vorarlberg/Austria*, Robert Groß studies the environmental history of the Austrian winter tourism destination of Damüls. Throughout the 20th century, Damüls underwent profound changes, making the chaotic transition from a small hamlet to one of the region's most profitable ski resorts. Groß critically explores this transition, raising questions as to the integration of

materiality into historical analysis. He makes a powerful argument for the need to combine the insights of social and cultural historians with a close study of materiality and its shaping of human practices.

The contributions in this volume encourage historically oriented scholars to approach their work with an active interest in disciplines close to their topic and a reflexive attentiveness to the broader power relations within which they work. Reflecting on the relationship between past and present in historical writing might inspire historically oriented scholars to rethink their own politics of time. Or, as phrased by Berber Bevernage, historical thoughts should not be mere “sterile sophistry;” rather they should work towards realising their potential of “social relevance.”<sup>2</sup>

We hope that the contributions to this volume will offer different perspectives on the intrinsic relationship between past and present at work in the interactions between theory and empirical research. We believe that this relationship gives impetus to the challenging ideas and to the challenging of ideas in the social sciences and in the humanities.

## Notes

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<sup>1</sup> Marc Bloch, *The Historian's Craft*; (New York: Knopf, 1953), 42.

<sup>2</sup> Berber. Bevernage, *History, Memory, and State-Sponsored Violence: Time and Justice* (New York: Routledge, 2012), x.

**I:**  
**MEMORY**

## CHAPTER ONE

# “ALWAYS HISTORICIZE”: ON THE ETHICAL AND POLITICAL IMPLICATIONS OF A “HISTORICAL” APPROACH IN THE CONTEXT OF TRUTH COMMISSIONS AND HISTORICAL COMMISSIONS

BERBER BEVERNAGE

According to the Dutch historian Antoon de Baets, five basic strategies deal with legacies of 'historical' injustice: forgetting, denying, explaining, purging and prosecuting.<sup>1</sup> In this paper, I focus on another important socio-cultural mechanism for dealing with legacies of violent conflict which is seldom analyzed or recognized; a mechanism that might be called 'consigning to history', 'declaring to be past' or 'historicization'.

I will argue that this mechanism of 'historicization' (1) cannot be reduced to an issue of 'explaining' or 'understanding'; (2) is a mechanism which is often used for dealing with historical injustices by both historians and other social actors; (3) can have profound ethical and political implications; (4) can be important or even indispensable for historians as well as for society at large, but can also turn against the pursuit of justice; (5) can never be legitimized merely on the basis of 'historical' arguments and should therefore never be considered as the exclusive or privileged domain of historians.

In the first part of the article, I will analyze the manner in which the technique and especially the ethics of 'historicization' is often presented by historians. In order to illustrate this, I will focus mainly on the work of the French historian Henry Rousso and the Dutch historian Bob de Graaff.

In the second part of my article, I will argue for a radically different interpretation of the ethics and politics of 'historicization'. In order to do so, I will focus on a series of practical examples taken from my own



research. Finally, I will reflect on the question of how historians can engage the legacies of collective violence and injustice.

## Historicizing: Rousso and De Graaff

There is a long and honorable tradition which attributes to historians the emancipatory potential to resist both the tyranny of the past over the present as well as the totalitarian dominance of the present over the past and the future. Historians can do this, it is claimed, by mapping and demonstrating the fundamental differences between the past and the present.

One prominent member of this intellectual tradition is Henry Rousso. According to Rousso, the *métier* of the historian results in a liberating type of thinking, because it rejects the idea that people or societies are conditioned by their past without any possibility of escaping from it. The historian can deliver this liberating types of thinking because, in contrast to the 'activist of memory' or the devotees of the 'religion of memory', (s)he only brings the past into the present in order to demonstrate the fundamental 'distance' that separates these two realities.<sup>2</sup> While 'activists of memory' ignore the 'hierarchies of time' and do not seem to grasp the distance between past and present, historians observe the past where it belongs [*à sa place*'] and are conscious of the fact that they do so from the present, where they belong [*notre place*']. Rousso's argument could be paraphrased as follows: the good historian is inherently an emancipator, because by measuring time, he knows what is contemporary and what is past or over, and because he also knows what is the 'proper timing' between past and present. 'Proper' because historians can measure this timing correctly; and 'proper' because it is considered ethically responsible to do so.

The same plea for a proper relation to time and timing also plays a prominent role in Rousso's famous refusal to function as an expert witness in the Holocaust trial of Maurice Papon.<sup>3</sup> The problem with this trial, which took place several decades after the events according to Rousso, was the great distance in time. Due to this distance, the trial tended to apply a 'presentist' ethical perspective to the historical events and become a trial of memory rather than a normal judicial process. In the context of the plea for a historiography that liberates the present by placing the past at a distance and by rejecting the 'religion of memory', it is significant that Philippe Petit writes about Rousso that he became a contemporary historian who conceded to 'accept the irreparable.'<sup>4</sup>

The Dutch historian Bob de Graaff - known for his participation in the research team that was commissioned by the Dutch government to scrutinize Dutch responsibilities in the Srebrenica massacre - holds similar ideas about the ethical value of historiography. He too considers the historian to be an expert of proper times and timing and draws a contrast between the historian on the one hand and (genocidal) victims and survivors on the other. According to De Graaff, for victims and survivors the difference between past and present is vague, and they live in a synchronic rather than a diachronic time, or even in an 'extra-temporality'.<sup>5</sup> He refers to holocaust victims for whom, he claims, the 'past remains present,' and to whom it seems as if atrocities 'only happened yesterday or even today.' The task of historians is, in contrast, to place events, even genocidal ones, in their proper time; literally historicizing them. Historians have to do this by trying to 'determine the individual character of particular epochs, demarcating one epoch vis-à-vis the other.' As De Graaff phrases it: 'the historian historicizes' in the sense of 'closing an epoch by recognizing its entirely individual/particular character.' The historian recognizes the fact that the past can be 'called up' again, but in contrast to the survivor, (s)he does this voluntarily. Moreover, (s)he also 'registers' that facts of the past are 'bygone', 'definitely lost' or have 'come to a downfall.' According to De Graaff, good historiography is therefore *the* antidote for resentment. Much like Rousso, De Graaff considers the professional duty of the historian to be socially desirable: to 'draw a line under victimhood.' Sooner or later our gaze has to be redirected from the past to the future. De Graaff therefore approvingly cites the literary author Hellema, saying that: 'it has become about time [*hoog tijd*]' to put the past in its place.'

I have long shared this vision of Rousso and De Graaff. Undoubtedly, the skill or *habitus* of historians forms an essential part of our critical thought and, especially in these times of crisis, or rather crisis of time, this skill is potentially of great importance. Have we not all started to feel uncertain about the borders separating present and past? Have we as historians and as citizens not collectively lost our ability to measure time and recognize or acknowledge the difference between 'today', 'yesterday' and 'the day before yesterday'; and on this background, are we still able to distinguish between when we may hold on to things and try to intervene and when it is time for a more contemplative attitude?

## **Times of crisis/crises of time**

Times seem in many ways in crisis. On a social level, until recently, the temporal borders between what is contemporary and what is past were until recently still, to an important extent, codified by socially prescribed periods of mourning.<sup>6</sup> Classic prescriptions on terms of mourning, however, have recently become faint in many modern societies. Many intellectuals report with dismay that, certainly in relation to massive violence, we should no longer take for granted that time heals all wounds.<sup>7</sup> These intellectuals posit that pain has no 'expiry date' and that 'everything passes by except for the past'<sup>8</sup>. Moreover, politicians seem to be unable to point to the shortest road to the future on the basis of their political agenda: they seem to need a long and toilsome detour via the painful past of historical injustices to reach something that resembles a project for the future.<sup>9</sup>

According to historian Charles Maier, something is thoroughly wrong with politics in the Western world, which might even stand at the end of an age. For example, Maier speaks of 'the end, or at least the interruption, of the capacity to found collective institutions that rest on aspiration for the future;' he directly relates this phenomenon to an 'obsession' with memory and a swift rise of a melancholic relation to the past.<sup>10</sup> To put it briefly: would it not be good if, on the basis of their scientific contemplation, historians could still point out the precise temporal demarcations separating present, future and past and thus still tell with certainty when social, cultural and political phenomena turn from present into past?

### **Historicizing and transitional justice: constraints and risks**

I dwell upon this point because I am not convinced that this would be a desirable type of knowledge. Let us return once more to Rousso's plea to study the past where it belongs [i.e. in the past] and from the temporal dimension to which we [historians/contemporaries] belong and to De Graaff's citation that 'it [is] about time to put the past in its place.' I want to raise three questions on this issue. First, I wish to ask Rousso and De Graaff whether historians can simply 'observe' the borders between past and present and thereby, in Rousso's words, determine the place where they belong, on the one hand, and the place where their subject of study belongs, on the other (e.g. in academic historiography, the archive, the historical museum, etc). Can we claim to 'know' the proper place of the

past, or is this place rather the product of an act of 'putting in its place' and thus constituted performatively?<sup>11</sup>

This question may seem sophistic. However, since the historical present can never be reduced to a single point in time, its definition will always, as pointed out by French historian Jacques Le Goff, remain a basic problem for historians, whether they recognize this or not. The definition of the present, Le Goff argues, is always bound up with ideology.<sup>12</sup>

This is certainly the case in truth commissions which are created in contexts of profound political, social and cultural transitions. In the context of transitions, the borders between present and past are often vague. Because truth commissions make up an important part of these transitions, I have previously argued that truth commissions should not be considered as mechanisms which merely reflect on the past retrospectively, but rather as mechanisms which actively constitute and regulate the categories of past and present.<sup>13</sup> The use of historical discourse in truth commissions and in so-called 'new' democracies in general form part of the broader politics of time and historicity in which these countries attempt to exorcise the ghosts of the past by actively positing what belongs to their (judicial, political, social, cultural, etc.) present and what cannot or should not be considered part of this present. Historical discourse establishes what can be considered 'timely' or part of 'contemporaneity' and what should be considered anachronistic, old, 'over' or 'definitely lost' or 'downfallen.' In order to understand this phenomenon and its important political and social effects, I advocate an analysis which interprets the use of historical discourse in transitional justice, not just as a type of constative language, but also as a type of performative language.<sup>14</sup>

I agree with French historian Michel de Certeau's claim that the differentiating division between past and present is not merely an absolute axiom of historiography but even the result of an 'act of separation' [*le geste de deviser*] that conditions the very possibility of (modern, Western) historiography.<sup>15</sup> De Certeau has a point when arguing that the idea of a strict division between present and past, which most historians take for granted, is founded on socio-political logic and in its turn has important political implications. The following citation about the practice of historiography also applies to the use of historical discourse in truth commissions:

Within a socially stratified reality, historiography defined as 'past' (that is, as an ensemble of alterities and of 'resistances' to be comprehended or rejected) whatever did not belong to the power of producing a present, whether the power is political, social, or scientific. (...) Historical acts

transform contemporary documents into archives, or make the countryside into a museum of memorable and/or superstitious traditions. Such acts determine an opposition which circumscribes a ‘past’ within a given society (...).<sup>16</sup>

Our knowledge of the general efficiency of the use of historical discourse in truth commissions is limited.

While historical discourse might help transitional countries in their search for social closure, it can also introduce an ‘allochronist’ practice (a term used by Johannes Fabian): in transitional countries a tendency is often found to (symbolically) allocate into another time or treat as living anachronisms those people who refuse to participate in the process of reconciliation or nation building.

In South Africa and Sierra Leone, for example, forgiveness and reconciliation are often represented as defining characteristics of the present, while rancor and revenge are represented as belonging to the past. Due to this tendency, people who do not want or are not able to forgive or reconcile are often considered as not fully ‘contemporaneous’ with the rest of the nation. A similar mechanism is at play, for example, in Desmond Tutu’s famous slogan ‘no future without forgiveness’.<sup>17</sup> This is a powerful formula, because it implicitly accuses those unwilling to forgive not merely of obstructing one specific future but the future in general, as if they were threatening to bring time itself to a standstill.

Likewise, Kader Asmal, one of the intellectual fathers of the South African Truth and Reconciliation Commission (TRC), hoped that this commission would bring ‘proper historical consciousness’ to those who clung to the past. After the TRC, he argues, only ‘ahistoric hermits’ could still deny the new reality, ‘looking backwards at ghosts, unaware of the exorcism so decisively under way.’<sup>18</sup> The allochronic property of modern historical discourse allows Asmal to pose the following rhetorical question:

Exactly where (and when) are those few people living who still carry the old South African flag to sporting events in the new South Africa? Where (and when) are those (...) living, still oblivious that the old H. F. Verwoerd dam (...) is now called the Garieb in honour of the area’s inhabitants. Where (and when) are those people living (...) What time are some of us living (...)?<sup>19</sup>

Besides the allochronistic tendency described above, the use of historical discourse – or more specifically, the stress on the (quasi-spatial) separation between past and present – can have two other negative effects, which are each other’s exact opposites: the first effect can be described as

a sort of 'temporal Manichaeism', which can lead to 'hyper-moralism', whereas the other can be described as 'temporal relativism which can lead to a 'hypo-moralism' or an incapacity to form ethical judgments. A type of criticism often formulated against truth commissions and historical commissions is that they pay little attention to the continuity of certain phenomena because they focus on a strictly delimited period of the past. Thus, they do not sufficiently combine their retrospective focus with a critical analysis of the present.

The South African historian Colin Bundy, for example, strongly criticized the TRC in his country because, according to him, it focused too strongly on the strictly delineated period of Apartheid, which it described as the 'beast of the past', while it took hardly any notice of continuities with the periods before and after.<sup>20</sup> Other commentators too deemed the strict focus of the truth commission a missed chance to conduct a more critical analysis of the 'new' South Africa.<sup>21</sup> The lack of critical scrutiny of the present can indeed result in the emergence of ethical double standards, whereby a sometimes moralistic condemnation of past injustice is combined with inertia or even blindness to presenting injustices. Worse even, the past can come to function as a 'storehouse' for all evil, which consequently no longer seems part of the present, or in comparison with which contemporary evil seems to belong to the class of featherweights.

When this is the case, a tendency toward 'temporal Manichaeism' emerges, which unburdens the present by burdening the past, and which could be described using the following formula: 'the past is evil/evil is past.' Richard Wilson formulated such a critique, although without naming it so, against the South African TRC, which he criticized for condemning violence of the past while identical violence still continued in prisons only a few miles away.<sup>22</sup> The limited attention paid to the continuation of the past in the present and the related tendency toward temporal Manichaeism can partly be explained by referring to the specific political and ideological contexts in which most truth commissions function. Yet, the postulate of the division of past and present and the taboo on presentism that underpins the dominant currents of Western historiography also play a central role here. Moreover, temporal Manichaeism is reinforced by a series of widespread tendencies in contemporary historiography which, as Pieter Lagrou appropriately remarks, increasingly focuses on horror and crime in the past and tends to evolve from a '*histoire du temps present*' [history of the present] into a '*histoire des autres*' [history of the other].<sup>23</sup>

Paradoxically, the logic of historicization can also lead to moral relativism and an incapacity for ethical judgment. This especially is the case when the absolute particularity and singularity of historical events

and context are stressed. In order to formulate an ethical judgment, we need a set of a-historical standards which transcend the case to be evaluated. A radical emphasis on the unicity of each historical situation can lead to a 'hypo-moralism.'<sup>24</sup> Most historians will not consider this a problem, but in the context of truth commissions and historical commissions this can be highly problematical. This certainly is the case if we agree with Antoon De Baets that even if historians *qua* historians should not judge, at least their insights should enable others to do so in an informed way.<sup>25</sup>

The problem of hypo-moralism by historicization occurred, for example, in the parliamentary commission which had to inquire into the Belgian responsibility for the murder of the first Congolese Prime Minister Patrice Lumumba. When writing their final report, the Belgian MPs fell back on research that was conducted by an appointed team of expert-historians and also took over the their taboo on 'presentism'. This taboo on presentism, or as the MPs phrased it, the fear to 'analyse and comment the facts from a present-day worldview', resulted in a great reluctance among the politicians to formulate an ethical judgment. This eventually led to a situation in which the Belgian role in the murder of Lumumba was morally condemned in a nominal way, but whereby a series of disclaimers about the difference between 'norms concerning public morality of today' and 'personal moral considerations at that time' immediately 'defused' or even canceled this nominal condemnation on a political level.<sup>26</sup>

For another example of hypo-moralism by historicization, I want to turn for a moment to the Minority Position in which the Afrikaner member of the South African Truth and Reconciliation Commission (TRC), Wynand Malan, turned against the conclusions, especially concerning the moral condemnation of the reprehensibility of Apartheid, which his colleague commissioners formulated in their final report. Malan criticizes the report of the TRC on a methodological level, because according to him, the commission made too much use of oral history, a type of history which he regards as untrustworthy.

More interestingly, however, he also set up a historiographic argument against what he considered to be the commission's far too moralist approach. He did this by interpreting the commission's moralist approach as the result of the absence of a profound historical analysis or, as he phrased it: the lack of a 'real historical evaluation.' Whoever engages in a 'real historical evaluation of Apartheid, according to Malan, cannot but recognize this existence of historical perspectivism: i.e. the fact that each historical phenomenon can become the subject of different legitimate perspectives which should all be integrated if a 'shared history' is the target

aimed at. Malan therefore criticizes the fact that in its report, and in line with a previous decision by the UN, the TRC refers to Apartheid as a crime against humanity. For Malan this clearly is a continuation of an old historical narrative and a 'battle of the past', since the UN took this decision back in 1973, while Malan stresses that in line with his historicist approach, 'moral imperatives are phenomena of their times and locations.'<sup>27</sup> The appellation as crime against humanity is of great practical importance, because criminal prosecution then remains a possibility, due to the imperceptibility of that specific type of crime.

Malan regrets that his colleague commissioners do not reject this and therefore implicitly argues that they are obsessed with the past. He poses the rhetorical question 'whether an investigation of apartheid under international law would have any present or future legal or political value'. This might possibly have been the case if genocide had been involved, because genocides remain a potential threat for many societies, but 'apartheid as a system is dead and buried forever.'<sup>28</sup> He therefore concludes that attempts to prosecute war crimes retroactively can only be considered as an anachronistic and senseless stirring up of the past.<sup>29</sup>

The question might be asked of Rouso, de Graaff and Malan why historians should have the authority to 'put in its place' or 'close off' something of such great weight as the past, and merely on this basis of academic contemplation. Would it not be a matter of great concern if historians would then only need to demonstrate their skill of measuring time? And what should we think of the relationship between the professional duty of historians to historicize and 'close off' epochs by demonstrating their 'entirely particular/typical character'<sup>30</sup> and the social justification of this act of closure? Can these two approaches actually be differentiated, and if so, is it not often the case that historians tend to see closed, bygone or definitely 'lost' and clearly identifiable epochs where this is deemed socially desirable? Certainly, historians have at their disposal a reasonable margin for demarcating one period in relation to the other. This margin blurs the distinction between 'observing' or 'recognizing' different epochs.

It should be pointed out that several researchers have argued that historical periodization, rather than merely being a heuristic device or merely resulting from academic observation is often thoroughly political, primarily legitimating claims for autonomy and sovereignty. These researchers therefore speak about 'periodization politics.'<sup>31</sup> This is highly relevant in the case of so-called transitional countries or new democracies, which often base their national identity and international legitimacy on an (alleged) break with a dictatorial or violent past, in other words a



'discontinuous historicity.'<sup>32</sup> The choice for a particular temporal demarcation is never neutral but can contribute directly to the legitimacy of the new regime.<sup>33</sup>

I want to return for the last time to the citation 'the time has come to put the past in its place' in order to raise a last question about this: how do we know that this time has come? Can a historian say something about such an inherently ethico-political or even quasi-religious question?<sup>34</sup> Even when we are convinced that at some point in time a line has to be drawn under the past, does the central question not still remain at which point in time exactly this line has to be drawn?

It can hardly be denied that it is socially necessary to make a certain distinction between victimship and 'former victimship', as suggested by de Graaf. This also seems to be true for the distinction between perpetratorship and former perpetratorship. The question is, however, whether this distinction between victims or perpetrators and *former* victims or perpetrators is not primarily an ethico-political difference, rather than a historical or chronological difference. When historians make this sort of demarcations, they force us to make the leap from a chronological, descriptive time to an imperative, prescriptive time. Such a leap is problematic because each chronological moment can be appointed by anyone as the time to draw a line under the past; the 'good historian' as well as the perpetrator or the politician with less noble intentions may do so. This is indeed the logic which underpins many pleas for amnesia and amnesty: a logic positing that there will never be a more timely moment to draw a line under the past than the moment when it is still present. How then do we reassure ourselves that we are not prematurely closing off the past?<sup>35</sup>

On previous occasions I have referred to the so-called Documento Final issued in 1983 by the Argentine military Junta as a perfect example of this perverted use of the logic of historicization for prematurely closing of the past.<sup>36</sup> Although the Documento Final was essentially concerned with self-amnestying, and although the propaganda piece was televised during the military dictatorship and before the transition to democracy, it was conceived as a historical documentary. The military leaders referred to the piece as a 'historical synthesis of the painful and still recent past.' The viewer hears that

the moment has come to heal the wounds [...] to enter with a Christian spirit to the dawning of a new epoch, and to look with humility to the day of tomorrow.<sup>37</sup>

At the end of the documentary, the military leaders proclaim the end of the dirty war and grant themselves an extensive amnesty. The entire documentary can be seen as a drama of closure which has to lead to one central conclusion: that the dirty war was bitter, but that now it is history and the nation should look forward to better times. It is clear that many (ex-) dictators and war criminals are suspiciously fond of making use of such historical discourse.

The issue of the proper time to close off the past is not restricted to the perverse or cynical cases of self-amnestying, however. Hamber and Wilson remark that governments often want to close off pasts far earlier than the individuals involved are willing or able to do: 'For survivors, the state's desire to build a new post-conflict society often means sloughing off the past too easily, and asking survivors to engage in a premature closure before all the psychological processes of truth and recompense are fully internalised.'<sup>38</sup> It is therefore important that chronology or the fact that events belong to the chronological past is not instrumentalized as an alibi for claiming that these events also belong to the past in a more substantive sense, that they are *passé* or *history*. This is the danger that often lurks in the use of historical discourse by truth commissions.

The mechanisms of the politics of time described above do not remain uncontested, however. In South Africa for example, the Khulumani Support Group – a member organization which represents over 55,000 victims and survivors of Apartheid violence – very explicitly criticize the politics of time used by both the TRC and the ANC-government. They criticize the 'unfinished business' of the TRC and the 'folly to think that the demand for accountability will fade with time.' 'It is not perpetrators who should be announcing that it is time to move on from the horrors of a past that continues to live in the present,' they argue, 'it is victims who should announce that time.' While they are not rejecting the aims of nation building and reconciliation in principle, they 'declare that the past is in the present' and call on all South Africans to accept 'that the past is not yet past.'<sup>39</sup>

The most radical and fascinating resistance against the logic of historicization and against chronological notions of time can undoubtedly be found with the Argentine *Asociación Madres de Plaza de Mayo*. The Madres have a perfect insight into the functioning of historical discourse and its potential effects on dealing with injustice. Because they fear that this logic of historicization will indirectly legitimize a situation of impunity, they radically resist every metaphor that refers to an absent, distant or dead past. The madres' best-known strategy is their emphasis on the ghostlike figures of the *desaparecidos* (disappeared) who are neither

alive nor fully dead, and who are blurring the borders between past and present. Despite the more than thirty calendar years that have passed since the disappearance of their children, the Madres are denying the 'pastness' of this event.<sup>40</sup>

## Conclusion

The debate about the possibilities, limitations and desirability of the contribution of historians and historiography to transitional justice up to now has primarily focused on the aspects of 'truth' and the contrast between remembering and forgetting. Both proponents and opponents of the use of history in the context of transitional justice have primarily focused on the tenability of popular transitional justice-claims as regards reconciliation by truth telling, and remembrance as an alternative form of justice. They have therefore conceived of the use of historiography in terms of a search for an 'objective truth' or as a struggle against 'forgetting'. This approach is important and also yields a number of very interesting questions. The focus on the process of establishing truth and the tension between remembering and forgetting remain limited if we want to understand the ethical implications of the use of history in transitional justice and in *Vergangenheitsbewältigung* in general.

Attention should therefore also be paid to another aspect of the relationship between historiography and transitional justice: that of the politics of time as it manifests itself in the practice of historicizing. The role of historiography and historical discourse within the field of transitional justice should not merely be related to its traditional functions of representing the past, of searching for truth or even of generating meaning or identity; its concept of time and the specific way in which it conceptualizes the relation between present and past should also be included.

Historical discourse and the logic of historicization can be attractive in the context of transitional justice and truth commissions because of its ambivalent tendency to divide present and past merely by 'diagnosing' this 'division'; in other words, its alleged capacity to put the past in its place simply by recognizing or acknowledging this place. While the logic of historicizing can be of great importance in dealing with historical injustice, it can also have a series of negative consequences. For example, it can tend towards hyper-morality as well as hypo-morality and can be abused to prematurely close off the past or even legitimize impunity.

Does this mean that there is no ethical mandate for historians, or that historians should not engage with transitional justice or truth and historical

commissions at all? No, they should certainly do so, because historical discourse and the logic of historicization are already used in transitional justice without historians being present. Historians can and even should play an important ethical role, but primarily an indirect one. They should not claim that they can solve complex ethical or political dilemmas simply on the basis of their expertise in measuring time and determining the 'hierarchy of time'. If so, chronology would indeed serve as an alibi for escaping ethico-political responsibilities. However, historians can play a critical role precisely by reflexively pointing out the use and abuse of historical discourse and politics of time in such a way that ethical and political dilemmas are sharpened, and the need for taking responsibility is made manifest.

## Notes

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<sup>1</sup> Antoon de Baets, "Na de genocide: Waarheidsstrategieën van rechters en historici," *Tijdschrift voor Geschiedenis* 116, no. 2 (2003), 2: 212-230, 212. De Baets himself refers to Timothy Garton Ash as a source of inspiration here: Garton Ash T., *The truth about dictatorship*, In: *New York review of books*, (1998), 35-40

<sup>2</sup> Henry Rousso, *La hantise du passé: entretien avec Philippe Petit* (Paris: Les éditions Textuel, 1998), 54.

<sup>3</sup> Maurice Papon was a civil servant in de Vichy-regime during the Second World War. In the early 1980s it was revealed that he was responsible for the deportation of a large number of Jews. After a very lengthy prosecution process, Papon was convicted in 1998. During the trial, historians were engaged as expert witnesses. This provoked a heated debate as to whether or not it was appropriate for historians to engage in this type of judicial context. See: R. J. Golsan, ed., *The Papon Affair. Memory and Justice on Trial* (New York: Routledge, 2000).

<sup>4</sup> Philippe Petit in: Rousso, *La hantise du passé*, 10. ('Pour accepter l'irréparable, il s'est fait historien du temps présent')

<sup>5</sup> Bob de Graaff, *Op de klippen of door de vaargeul: De omgang van de historicus met (genocidaal) slachtofferschap* (Amsterdam, 2006).

<sup>6</sup> Rituals of mourning differ from culture to culture, but in most cultures religious or other traditions prescribe that close relatives of a deceased person have to observe a period of grieving during which they often withdraw from public events, wear particular clothing (often black, but sometimes also white), observe certain practices and abstain from others (e.g. having a new partner). Several religious traditions prescribe strictly defined periods of mourning – regulating what has to be done and for how many days after the funeral – and also include specific dates for memorial events.

<sup>7</sup> This was forcefully illustrated for the context of Latin America by Elisabeth Jelin in her work: *Los trabajos de la memoria* (Madrid: Siglo XXI, 2002). Ruti Teitel too remarks that the call for justice does not necessarily decrease with the passing of time. For example, she claims that transitional justice implies a non-linear

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notion of time. Ruti G. Teitel, "Transitional Justice Genealogy", *Harvard Human Rights Journal*, 16, 86. See also Berber Bevernage, *History, Memory and State-Sponsored Violence: Time and Justice* (New York: Routledge, 2012).

<sup>8</sup> Luc Huysse, *Alles gaat voorbij behalve het verleden* (Leuven: Van Halewyck, 2006). See also: Michael Ignatieff, "Articles of faith", *Index on Censorship* 5, (1996), 110-122.

<sup>9</sup> John Torpey, *Making Whole What Has Been Smashed. On Reparations Politics* (Cambridge: Harvard University Press, 2006), 6.

<sup>10</sup> Charles S. Maier, "A Surfeit of Memory? Reflections on History, Melancholy, and Denial," *History and Memory* 5, no. 2 (1993), 136-151, 147.

<sup>11</sup> This question was the central question of a collective volume which I co-edited with Chris Lorenz: Chris Lorenz & Berber Bevernage (eds.), *Breaking up time: Negotiating the Borders between Present, Past and Future* (Göttingen: Vandenhoeck & Ruprecht, 2013).

<sup>12</sup> Jacques Le Goff, *Histoire et Mémoire* (Paris: Editions Gallimard, 1988), 31.

<sup>13</sup> Bevernage, *History, Memory and State-Sponsored Violence*; Berber Bevernage, "Writing the Past Out of the Present: History and the Politics of Time in Transitional Justice", *History Workshop Journal*, 69 (2010), 111-131.

<sup>14</sup> The difference between 'constative language' and 'performative language' was introduced by the British philosopher of language, J. L. Austin. See: J. L. Austin, *How to do Things with Words* (Cambridge Mass.: Harvard University Press, 1962).

<sup>15</sup> Michel de Certeau, *L'écriture de l'histoire* (Paris: Éditions Gallimard, 1975), 16.

<sup>16</sup> Michel de Certeau, "History: Science and Fiction." In Michel Certeau, *Heterologies. Discourse on the Other* (Minneapolis: University of Minnesota Press, 2006), 216. This essay was originally published in French as: Michel de Certeau, "L'histoire, science et fiction," *Le genre Humain*, 7-8 (1983).

<sup>17</sup> D. M. Tutu, *No Future without Forgiveness* (New York: Doubleday, 1999).

<sup>18</sup> Kader Asmal, L. Asmal & R. Suresh Roberts, *Reconciliation Through Truth. A Reckoning of Apartheid's Criminal Governance* (Cape Town: David Philip Publishers, 1996), 52.

<sup>19</sup> *Ibid*, 209.

<sup>20</sup> Colin Bundy, "The Beast of the Past. History and the TRC," In: *After the TRC. Reflections on the Truth and Reconciliation Commission in South Africa*. W. James & L. van de Vijver L. eds. (Claremont: David Philip Publishers, 2001), 9-20.

<sup>21</sup> Jacobus A. Du Pisani & Kwang-Su Kim, "Establishing the Truth about the Apartheid Past. Historians and the South African Truth and Reconciliation Commission," *African Studies Quarterly* 8, No. 1 (2004), 77-95.

<sup>22</sup> Richard A. Wilson *The Politics of Truth and Reconciliation in South Africa. Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001).

<sup>23</sup> Pieter Lagrou, De l'histoire du temps présent à l'histoire des autres: Comment une discipline critique devint complaisante", *Vingtième Siècle: Revue d'histoire*, 118 (2013), 101.

<sup>24</sup> This is most probably the type of mechanism Hayden White is referring to when claiming, rather enigmatically, that 'In a sense, ethics ended with the historicisation of human life'. Hayden White, *The Practical Past*, *Historiein* 10 (2010), 10-19, 15.

<sup>25</sup> De Baets, Na de genocide, 225.

<sup>26</sup> Berber Bevernage, "Geschiedenis in overheidsopdracht: wetenschap, ethiek en politiek in de Belgische Lumumba-commissie," *Tijdschrift voor geschiedenis* 125, no. 1 (2012), 81-96.

<sup>27</sup> TRC, *Report* (Volume 5), 448.

<sup>28</sup> TRC, *Report* (Volume 5), 449.

<sup>29</sup> TRC, *Report* (Volume 5), 445.

<sup>30</sup> De Graaff, *Op de klippen of door de vaargeul*, 29.

<sup>31</sup> See for example: Hans Blumenberg, *Die Legitimität der Neuzeit* (Frankfurt: Suhrkamp, 1983); Kathleen Davis, *Periodization and Sovereignty: How Ideas of Feudalism and Secularization Govern the Politics of Time* (Philadelphia: University of Pennsylvania Press, 2008); Olivia Harris, "'The Coming of the White People': Reflections on the Mythologisation of History in Latin America," *Bulletin of Latin American Research* 14, No. 1, (1995), 9-24; Matt Hodges, "The time of the interval. Historicity, modernity, and epoch in rural France," *American Ethnologist* 37, No. 1 (2010), 115-131; Constantin Fasolt, *The Limits of history* (Chicago: Chicago UP, 2004).

<sup>32</sup> The expression 'discontinuous historicity' is borrowed from Richard Wilson: *The politics of Truth and Reconciliation in South Africa. Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001), 16.

<sup>33</sup> The logic of historicizing can function via a periodization politics which legitimizes a new, sovereign state. The legal scholar Mark Osiel warns that this might contribute to the delusion that the past no longer effects the present. Mark Osiel, *Mass Atrocity, Collective Memory and the Law* (London: Transaction Publishers, 2000), 166.

<sup>34</sup> See for example the South-African religious group KAIROS which, argues in their manifesto "Now is the Time" that it is high time to end Apartheid. Eric Doxtader, "Making Rhetorical History in a Time of Transition. The Occasion, Constitution, and Representation of South African Reconciliation", *Rhetoric & Public Affairs* 4, No. 2 (2001), 223-260.

<sup>35</sup> This is one of the central questions posed by for example Brandon Hamber and Richard Wilson in their analysis of a recent handling of the experience of violence and injustice of Apartheid. They argue that: "For survivors, the state's desire to build a new post-conflict society often means sloughing off the past too easily, and asking survivors to engage in a premature closure before all the psychological processes around truth and recompense are fully internalised." Brandon Hamber & Richard Wilson, "Symbolic closure through memory, reparation and revenge in post-conflict societies", *Journal of Human Rights* 1, No. 1 (2002), 35-53.

<sup>36</sup> Berber Bevernage, *History, Memory and State-Sponsored Violence*.

<sup>37</sup> Documento Final, quoted from Berber Bevernage, *History, Memory and State-Sponsored Violence*.