

THE DEMANDS OF MEMORY: THE PURPOSES, FORMS, AND MORAL OBLIGATIONS OF REMEMBERING ATROCITIES

The Robert L. Bernstein International Human Rights Fellowship Symposium

April 20-21, 2006

Orville H. Schell, Jr. Center for International Human Rights
Yale Law School, 127 Wall Street, New Haven, CT

Human rights advocates have persistently emphasized an imperative to remember. This call to memorialize has entered the larger political community, leading to the construction of monuments and the creation of museums, as well as the establishment of such institutions as truth commissions and trials. The moral, political, and social dimensions of any act of remembering, however, are far from simple. This year's Bernstein Symposium will focus on the moral complexity of memory in the aftermath of periods of serious human rights abuses.

Every violation or atrocity occupies a complex location in time and history. Acts of remembering are inevitably selective. Because they exclude even as they include, these acts are highly contested. No act of memorialization is neutral; every investment in the past reflects a judgment about the future. Every decision to remember embodies decisions to forget.

Behind controversies over the content of memory lie deeper disagreements over the purposes, forms, and moral obligations of remembering and memorializing human rights violations. Various purposes – finding and recording the truth, punishing violators, acknowledging the suffering of victims and their families, preventing future violations, facilitating a transition to peace, and obtaining apologies – may be in tension with each other. Although memory may be an element of ending conflict, it also carries the possibility of fueling further hatred. The very creation of a narrative requires us to decide what to remember or record and who should be given responsibility for the record. How do we choose between competing versions of the truth, or competing silences? To what extent does the appropriate time for remembering depend on the circumstances? Can the purposes served by the act of remembering justify the harm that the remembering may cause?

Thursday, April 20, 2006

6:15 p.m. *Truth and Reconciliation* – Staged Reading of a Play by Etan Frankel
Faculty Lounge

A staged reading of the play, *Truth and Reconciliation*, by Etan Frankel
Directed by Rosemary Andress, with Morena Baccarin, produced by Rosey Strub in association with the FANG Theatre Company

In 1995, young Dr. Benjamin Montgomery traveled to Cartuga, a Central American country in the grips of dangerous unrest, to use his medical training to help people in need. He disappeared. Three years later, his parents confront their son's killer as part of the Cartugan Truth Commission, only to discover that the road to justice runs between punishment, amnesty, vengeance, and forgiveness and that, for each individual, it must be taken one difficult step at a time.

Friday, April 21, 2006

10:00 a.m. Discussion with Current Bernstein Fellows
Faculty Lounge

The two current Bernstein Fellows will talk about their work. Sari Bashi ('03) is working in Israel at Gisha, Center for the Legal Protection of Freedom of Movement, to represent Palestinians who face restrictions on their freedom to travel within and outside the Occupied Territories. Avani Mehta Sood ('03) is working with the International Legal Program of the Center for Reproductive Rights to promote the use of India's public interest litigation mechanism to address widespread violations of women's reproductive rights.

1:00 p.m. Trials and Truth Commissions as Processes for Remembering
Room 127

This panel will examine problems of memory from the perspective of such institutions as trials and truth commissions. What are the relative costs and benefits of pursuing memory and memorialization through these institutions as compared to popular or artistic representations? How do choices about form, place, and time affect the perceived meaning and consequences of the institution? What is the relationship between the legal record and popular memory?

- David M. Crane, Distinguished Visiting Professor of Law, Syracuse University College of Law, and former Chief Prosecutor, Special Court for Sierra Leone
- Lawrence Douglas, Professor and Chair, Department of Law, Jurisprudence and Social Thought, Amherst College
- Paul Van Zyl, Program Director, International Center for Transitional Justice, and former Executive Secretary, South African Truth and Reconciliation Commission
- Jonathan M. Freiman, Bernstein Fellow 1999-2000, Senior Schell Fellow and Visiting Lecturer, Yale Law School, and Counsel, Wiggin and Dana (*moderator*)

3:15 p.m. Artistic and Popular Forms of Memory and Memorialization
Room 127

This panel will examine the purposes and forms of memory in artistic and popular representations. How do popular or artistic representations simultaneously shape, sustain, and displace collective memory? How is the perceived meaning of a memorial shaped over time by community myths and political realities? What role does the memorialization of atrocities play in the creation of a national or collective identity, and what responsibility does the recognition of this role impose on those who

design the institutions of memory? What is the consequence for collective memory of the tension among aesthetic demands and the ability of art to produce “truth”?

- Sara J. Bloomfield, Director, United States Holocaust Memorial Museum
- Patricia Valdez, Director, Memoria Abierta, Argentina
- James Young, Professor and Chair, Department of Judaic & Near Eastern Studies, University of Massachusetts Amherst
- Harlon Dalton, Professor of Law, Yale Law School (*moderator*)

5:15 p.m. **Reception and Introduction of 2006-2007 Robert L. Bernstein Fellows**
Alumni
Reading Room