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## **Introduction**

### **“Justice, Memory and Transnational Networks. European and South American Entanglements”<sup>1</sup>**

More than twenty years after Augusto Pinochet’s arrest in London, this special issue examines the globalization of post-dictatorial and post-conflict justice and memory processes through the lens of interconnections and mutual influences between Europe and South America. The collection challenges the currently dominant literature on reckoning with violent pasts. It does so by moving beyond both analyses confined within specific national borders and diffusionist accounts of so-called “universalised” justice and mnemonic paradigms purportedly embraced worldwide. The Trans-Atlantic perspective provides scholars with an ideal opportunity to analyse empirically the nexus between global and local scales of action, and to highlight agency in transnational mnemopolitics. Through case studies of trans-regional entanglements, we contend that the globalization of memory and justice paradigms goes hand in hand with a fragmentation of, and on occasion competition between different narratives concerning dictatorial pasts, between international, regional and local understandings of “best practices” of dealing with political violence, and between various professional groups engaged in accountability and remembrance processes. The collection shows the multi-faceted nature of transnational transfers and collaborations, some of which reflect concepts that have become significant in the international arena, while others mirror ideas and practices with limited global impact that circulate only between “semi-peripheries” or between less influential networks of activists.

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<sup>1</sup> This special issue is the result of the research project *The Criminalization of Dictatorial Pasts in Europe and Latin America in Global Perspective*, funded by the AHRC “Care for the Future” (UK) and the LABEX “Les Passés dans le Présent”. Sophie Baby and Laure Neumayer also wish to thank the Institut Universitaire de France for its generous support of this research. Raluca Grosescu acknowledges also the support of the Romanian Ministry of Research and Innovation, through the CNCS – UEFISCDI project PN-III-P1-1.1-TE-2016-1063.

Since the 1990s, accelerated globalization and increasing world connectivity have led to the circulation of justice and mnemonic models across the globe and to the emergence of a multitude of transnational spaces of activism concerned with anti-impunity and memorialization processes. Yet, the scarcity of empirically informed research examining concrete transfers and exchanges across world regions remains striking. We by and large still lack any thorough investigation of these linkages, comprising cross-border relations between non-state actors.

Against this background, the collection focuses on concrete forms of trans-regional mobilization and circulation of ideas between two continents – Europe and Latin America - that have been at the forefront of the global processes of judicialization of the past. At different conjunctures since 1945, these regions have produced ground-breaking justice and memory paradigms (e.g. international tribunals, truth commissions, forensic archaeology, global imagery relating to the Holocaust and the transnational icon of the “disappeared”) that have circulated between the two continents, mutually influenced each other, and were later re-appropriated worldwide. Trans-Atlantic interactions lie at the heart of the global history of reckoning with violent pasts. Their analysis sheds light on globalization processes beyond the two regions by revealing how transnational narratives on political violence are constructed, shared, or contested through various channels and networks, and how cross-border activism reinforces (or downplays) specific models of dealing with the past at national, regional and international levels. This helps us understand why certain justice and memory claims become dominant in certain situations and even acquire global momentum, while others remain peripheral even though they may circulate between particular socio-political spaces.

Two approaches have so far dominated the scholarship on post-dictatorial and post-conflict justice and memory. The prevailing one has provided analyses of national case studies or comparative accounts of countries viewed as discrete units, thereby neglecting entanglements across national borders and world regions. It has thus overlooked the impact of globalization on specific national settings and has sought to explain memorialization dynamics by reference to domestic variables alone. This line of inquiry was inaugurated at the end of the 1980s and the beginning of the 1990s by the first comparative studies on the “third wave of democratization”,<sup>2</sup> and was succeeded by a burgeoning literature on transitional justice (TJ) in

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<sup>2</sup> Guillermo O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, (Baltimore, MD: The John Hopkins University Press, 1986); Samuel Huntington, *The Third Wave: Democratization in the Late Twenty Century* (Oklahoma: University of Oklahoma Press, 1991).

Southern Europe, Latin America and Eastern Europe.<sup>3</sup> This scholarship sought to establish causal relationships between the implementation of various justice mechanisms and the prospects for democratization, identified factors that influence the processes of reckoning with past violence, and often drew prescriptive conclusions about whether and when to punish crimes committed under dictatorial rule. The focus was on the internal variables that frame transitional justice (e.g. the nature of the former regime, the modalities of exit from dictatorship, or the post-dictatorial struggles for political power), whereas external determinants such as the degree of regional integration, the role of transnational cooperation and the international shifts in memory and justice regimes, were overlooked.<sup>4</sup> This literature paid scant attention to the manner in which interactions and movements of people and ideas between countries and regions have altered processes of dealing with painful pasts. Methodological nationalism did not explain how and why some accountability norms and models may acquire global significance, while others remain locally embedded. Nor did it account for the manner in which international norms are translated into local systems and are recast or rejected as a function of particular cultural, social and political contexts.

In the last twenty years, as the study of memory has become increasingly transnational, a second approach to the study of post-dictatorial and post-conflict justice and memory has emerged. An influential macro-sociological perspective has pointed to the rise of a so-called “cosmopolitan” regime of justice and memory, based on a “universal” ethics of human rights created around the Holocaust. Theorising concepts such as “cosmopolitan”,<sup>5</sup> “multidirectional”,<sup>6</sup> or “global” memory,<sup>7</sup> various authors contend that the Holocaust imaginary has provided the foundations for a new remembrance regime that transcends ethnic

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<sup>3</sup> For comparative accounts on TJ in “third wave” democracies see Neil J. Kritz (ed.), *Transitional Justice. How Emerging Democracies Reckon with Former Regimes* (Washington DC: United States Institute of Peace Press, 1995); James McAdams (ed.), *Transitional Justice and the Rule of Law in New Democracies* (Notre Dame: University of Notre Dame Press, 1997); Alexandra Barahona de Brito, Carmen Gonzalez-Enriques, and Paloma Aguilar (eds.), *The Politics of Memory. Transitional Justice in Democratizing Societies*, (Oxford: Oxford University Press, 2001); Vesselin Popovski and Monica Serrano (eds.), *After Oppression. Transitional Justice in Latin America and Eastern Europe* (New York: United Nations University Press, 2012).

<sup>4</sup> For critiques of transitological approaches to democratisation and TJ see Michel Dobry, “Les voies incertaines de la transitologie. Choix stratégiques, séquences historiques, bifurcations et processus de la Path Dependence,” *Revue Française de Science Politique*, Vol. 50, No. 4-5 (2000), pp. 585-614 ; Raluca Grosescu “The Use of Transitology in the Field of Transitional Justice: A Critique of the Literature on the ‘Third Wave’ of Democratisation”, *Historein*, Vol. 15, No. 1 (2015), pp.102-116.

<sup>5</sup> Daniel Levy and Natan Sznaider “Memory Unbound: The Holocaust and the Formation of Cosmopolitan Memory”, *European Journal of Social Theory*, Vol. 5, No. 1 (2002), pp. 87–106; Daniel Levy and Natan Sznaider, *Human Rights and Memory* (Philadelphia: Pennsylvania University Press, 2010).

<sup>6</sup> Michael Rothberg, *Multidirectional Memory: Remembering the Holocaust in the Age of Decolonisation* (Stanford: Stanford University Press, 2009)

<sup>7</sup> Aleida Assman and Sebastian Conrad (eds.), *Memory in a Global Age. Discourses, Practices and Trajectories* (New York: Palgrave Macmillan, 2010).

and national boundaries, uniting Europe and other parts of the world around a shared ethos of human rights.<sup>8</sup> These ground-breaking works are however somewhat abstract and normative in nature. Most of them lack a systematic analysis of the variety of actors involved in memorialization processes, with their specific political views and strategies of legitimization in national and international arenas. This literature consequently tends to overgeneralize global trends without offering in-depth analysis of the transnational structures, agents, and practices that shape the global realms of justice and memory. It also stresses the utopian potentialities of a “universalized” memory and overlooks the contested nature, limits, and inequalities characterizing the global field of symbolic politics that it enables. Finally, such a perspective neglects the competition between various victims’ groups who use and endorse the same international norms while engaging in mnemonic battles, creating hierarchies of victimhood and directly or indirectly downplaying each other’s sufferings.<sup>9</sup>

A growing number of authors have tried to correct these gaps and empirically examine the activity of specific transnational organizations and networks involved in such processes. Inspired by constructivist theories of international relations and norm formation, many of them have emphasized the crucial role of transnational advocacy networks in transmitting ideas and norms from one country to another and in pressuring international organizations and local governments to seek justice for severe violations of human rights.<sup>10</sup> These scholars have provided in-depth analyses of the transnational mobilizations of Latin American activists and their cooperation with European and American partners in order to overcome impunity. This collaboration has not only created a “boomerang effect” that led to the reopening of trials against former military leaders in the Latin America, but also prompted the revival of pro-accountability discourses concerning Francoist crimes in Spain and influenced memory processes in Eastern Europe.<sup>11</sup> This scholarship has highlighted how cross-border mobilizations

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<sup>8</sup> Henry Rousso, “Vers une mondialisation de la mémoire“, *Vingtième Siècle. Revue d’histoire*, Vol. 94, No. 2, 2007, pp. 3-10.

<sup>9</sup> Jean-Michel Chaumont, *La concurrence des victimes : génocide, identité, reconnaissance* (Paris : La Découverte, 1997) ; Peter Novick, *The Holocaust in American Life* (Boston : Houghton Mifflin Company, 1999).

<sup>10</sup> Margret E. Keck and Kathryn Sikkink, *Activists Beyond Borders. Advocacy Networks in International Politics* (New York: Cornell University Press, 1998); Ellen Lutz and Kathryn Sikkink, “The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America”, *Chicago Journal of International Law*, Vol. 2, No. 1 (2001), pp. 1-33; Naomi Roht-Arriaza, *The Pinochet Effect: Transitional Justice in the Age of Human Rights* (Philadelphia: University of Pennsylvania Press, 2005); Vania Markarian, *Left in Transformation : Uruguayan Exiles and the Latin American Human Rights Network, 1967-1984* (New York: Routledge, 2005); Nina Elsemann and Elvira Gómez Hernández, “Nuevos espacios del saber en la justicia transicional: Argentina y la lucha global contra la desaparición forzada”, *Iberoamericana*, Vol. 12, No. 48, (2012), pp. 101-112.

<sup>11</sup> Alejandro Baer and Natan Sznaider, *Memory an Forgetting in the Post-Holocaust Era. The Ethics of Never Again* (London and New York: Routledge, 2017); Francisco Ferrándiz, “De las fosas comunes a los derechos humanos: El descubrimiento de las desapariciones forzadas en España contemporánea”, *Revista de Antropología*

impact multidirectionally on the local politics of dealing with the past and thereby serve to create an anti-impunity ethos at the international level. It has fostered an optimistic and bottom-up approach to the globalization of international norms and mnemonic regimes, akin to theories of “grassroots globalization”.<sup>12</sup> According to this approach, increasing world connectivity creates new lines of communication and solidarity within the global arena and facilitates multiple forms of cooperation between various actors and projects. In this understanding, so-called “peripheral” actors are able to play an important role in the modification of hegemonic narratives (be they national, regional, or international), using various channels of communication and lobbying, including supra-national organizations and global NGOs.<sup>13</sup> Within these complex interactions, memories and justice claims emerge in relation to other memories, from which they borrow resources, recognition or models of interpretation.

This idealist view regarding international norm formation and transnational cooperation has been challenged by critical human rights and TJ studies. Various scholars have underlined the mismatches between “one-size-fits-all” frameworks created in international forums and the local cultures and political contexts to which they are applied.<sup>14</sup> From this perspective, the globalization of standardized “toolkits” for dealing with violent pasts results from the increasing institutionalization and professionalization of an international milieu of experts, which in turn shapes global standards of post-conflict resolution.<sup>15</sup> Although this milieu does not necessarily reflect a North-South division, it often overlooks national histories, traditions and political contexts, as well as the demands and expectations of local communities, particularly those from developing countries.<sup>16</sup>

In a similar vein, critical approaches to memory politics have shed light on the intense memory struggles that broke out in post-Cold War Europe between competing actors seeking

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*Social*, Vol. 19 (2010), pp. 161-189; Sophie Baby, “¿Latinoamérica : un desvío necesario? Baltasar Garzón, de Pinochet a Franco”, *Amnis* [On line] <http://amnis.revues.org/1485>, 2 (2011), (accessed 22 February 2019).

<sup>12</sup> Arjun Appadurai, “Grassroots Globalization and the Research Imagination”, *Public Culture*, Vol. 12, No. 1 (2000), pp. 1-19.

<sup>13</sup> Assman and Conrad, *op. cit.*, pp. 1-2.

<sup>14</sup> See for example Rosemary Nagy, “Transitional Justice as Global Project: Critical Reflections”, *Third World Quarterly*, Vol. 29, No. 2 (2008), pp. 275-289; Nina Schneider and Marcia Esparza (eds.), *Legacies of State Violence and Transitional Justice in Latin America. A Janus-Faced Paradigm?* (London: Lexington Books, 2015).

<sup>15</sup> Sandrine Lefanc, “La professionnalisation d’un militantisme réformateur du droit: l’invention de la justice transitionnelle”, *Droit et Société*, No. 73 (2009), pp. 561-589; Paige Arthur, ‘How “Transitions” Reshaped Human Rights: A Conceptual History of Transitional Justice,’ *Human Rights Quarterly* Vol. 31, No. 2 (2009), pp.321-367.

<sup>16</sup> Sally Engle Merry, *Human Rights and Gender Violence. Translating International Law Into Local Justice* (Chicago: Chicago University Press, 2006); Delphine Lecombe, “Mobilisations autour d’un modèle de sortie de conflit. La Commission Nationale de Réparation et Réconciliation : une ‘commission de vérité et réconciliation’ (CVR) colombienne ?”, *Raisons politiques*, Vol. 29, No. 1 (2008), pp. 59-75.

to impose their own interpretations of the recent past.<sup>17</sup> Since the 1970s, the Holocaust has gained central stage, as the ultimate symbol of barbarism, in Western remembrance regimes. In the 1990s, post-communist countries adopted the Western canonical representation of the Holocaust and acknowledged their share of responsibility in the extermination of the Jews, as prescribed during the European enlargement process. But they simultaneously claimed a status of “double victimhood” based on the putative equivalence of Stalinism and Nazism. In European-level debates, their calls for equal treatment of Nazi and Communist legacies in terms of historical reckoning, collective remembrance and legal accountability repeatedly clashed with established Western memory cultures.

Building on this scholarship, the case studies presented in this collection combine political sociology and transnational history in order to move beyond both methodological nationalism and abstract readings of the global. They avoid diffusionist interpretations of the rise of a “universal” human rights paradigm by exploring a wide range of trans-regional networks and the way they construct, export, and re-appropriate ideas across the Atlantic. Authors investigate how spatially and historically grounded mechanisms are shaped by globalization processes and how the local itself moulds, in turn, the global. They therefore emphasize the mechanisms by which memories and justice standards are shared, transformed and negotiated through transnational channels, while maintaining their local rootedness.

By examining both the circulation of justice and memory paradigms and the transnational actors involved in this process, the collection brings an original perspective in three main areas.

First, it investigates how ideas and instruments of reckoning with political violence circulate across borders and are adopted, recast or rejected according to specific political and cultural contexts. This process is driven by different local memory and justice entrepreneurs who promote or oppose transnational standards in order to further their own interests in struggles for symbolic recognition, justice, or political power. Their actions are shaped by international opportunity structures as well as local political and institutional settings that both endow them with resources and place constraints on them. This approach underscores the complex interactions between local, national, regional, and international agendas of activism.

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<sup>17</sup> James Mark, *The Unfinished Revolution. Making Sense of the Communist Past in Central-Eastern Europe* (New Haven: Yale University Press, 2010); Laure Neumayer, *Criminalising Communism in the European Political Space after the Cold War* (London: Routledge, 2018); Liliana Radonic (ed.) “The Holocaust/Genocide Template in Eastern Europe”, special issue of *Journal of Genocide Research*, Vol. 20, No. 4, 2018; Máté Zombory, “The birth of the memory of Communism: memorial museums in Europe”, *Nationalities Papers*, Vol. 45, No. 6 (2017), pp. 1028-1046.

Daniel Kressel examines how the Spanish “model” of dealing with the past informed the Chilean transition of 1988. Spanish politicians, publicists, and academics promoted all over Latin America their vision of collective amnesty and official oblivion with the putative assumption that it would be the only appropriate approach to peaceful democratization. Despite its highly polemical dimension in the Spanish public sphere and its failure to affect the Argentinian TJ process, this set of tropes and narratives was embraced in Chile and ultimately led to the mutual validation of the two “pacted” transitions. Yet the Spanish “model” was not imitated in its entirety in post-Pinochet Chile. Although they had borrowed from Spain the arguments for a general amnesty, Chilean politicians rejected the closing-down of historical investigations into the crimes of the dictatorship that had accompanied the post-Francoist transition. They appropriated instead the model of the truth commission established in neighbouring Argentina in 1983, proposing thus a new vision of dealing with the past based on “truth without justice”. In a similar vein, Emilio Crenzel’s article analyses the uses of the concept of genocide in Argentinean trials held in the 2000s with respect to gross violations of human rights perpetrated under the last military dictatorship (1976-1983). It demonstrates how numerous human rights activists, academics and judges – acting at both national and transnational level - recast and expanded the international definition of genocide in order to incorporate the political crimes committed in Argentina and to inscribe the military dictatorship in the dreadful history of bureaucratically organized atrocities of the twentieth century. Crenzel highlights how this characterization - built upon the memorialization of the Holocaust in Argentina since 1945 - poses two main obstacles to the historical understanding of the crimes committed under the last dictatorships: it portrays society as a whole either as completely removed from the crimes or as a victim of them; and it obliterates the victims’ political commitment. David Copello’s article examines the transatlantic circulations of the concept of “rupture strategy”, popularized by French lawyer Jacques Vergès in the early 1960s during the Algerian war of decolonization. It shows how Argentinean radical left lawyers engaged in the defence of revolutionary activists judged by military authoritarian courts imported this concept and adapted it to the Argentinian context in the 1970s. The anti-colonial rhetoric that informed Vergès’s thinking was recast to fit the political specificity of Latin America, perceived by Marxist lawyers as a semi-colony of foreign Anglo-Saxon capitalism. In the 1980s, however, the same radical lawyers came to reject the legitimacy of the “rupture strategy”, because it was now used by the defence of the military leaders in the *junta* trials. Copello’s socio-historical perspective, based on a precise reconstruction of the Argentinian legal field, emphasizes the de-alignment of symbolic frames that interfered in the continued importation of rupture strategy in



this country. Gruia Badescu surveys the circulation of design and museographic approaches between two remote but entangled memory sites, namely Goli Otok (an island off the Croatian coast that housed a political prison in socialist Yugoslavia) and Punta Arenas (a small town in South Chile where a memorial commemorates the deportation of the members of the Allende government to Dawson island after 1973). The paper inquires how local initiatives have been connected by the circulation of concepts and practices through cross-border professional networks involved in memorialization, such as the “bare walls” approach focused on the authenticity of the site, which is widely used in Latin America. But it also shows how memorial practices may be decontextualized and reshaped to fit local dynamics, with the complex legacy of Yugoslavism offering a clear contrast to the Croatian/Chilean history of Dawson island. Memorial landscaping in Goli Otok and Punta Arenas thus reflects both local politics of memory and transnational practices of memorialization designed to elicit an emotional response from museum visitors.

Second, the collection contributes to studies of transnational activism. It emphasizes the existence of different transnational advocacy networks (TANs) that sometimes promote diverging justice and memory agendas and compete with each other in the global arena. Grasping the relations of both cooperation and conflict between various TANs provides a subtle understanding of why contrasting approaches to reckoning with the past co-exist and challenge one another not only at a local or national level, but also in transnational spaces of activism. The ideological and professional cleavages that shape the existence of different TANs and their subsequent views on dealing with particular violent episodes thus come to light.

Caroline Moine analyses the competition between pro- and anti-Pinochet campaigners in (West) Germany since the 1970s. In contrast to a vast literature that has focused only on the solidarity movement with the victims of the regime, she traces opposing networks of activism concerned with denouncing or covering up the crimes of the dictatorship. The German sect “Colonia Dignidad” is especially instructive in this regard. Established in Chile in 1960, the sect became one of the main pillars of the Chilean repressive apparatus after 1973. Moine illustrates the conflicts between, on the one hand, human rights campaigners clustered around Amnesty International and leftist foundations, such as Friedrich Ebert, who sought to criminalize Pinochet’s regime, and on the other hand, conservative supporters of Colonia Dignidad who denied the existence of political repression and hailed Pinochet as the champion of anti-communism. Tobias Rupprecht focuses on the subsequent promotion of a Chilean “authoritarian modernization strategy” worldwide. Rupprecht examines the trips Pinochet made to Asia, Southern Africa, continental Europe and Latin America after stepping down as head of

state in 1990. His appearances inevitably provoked a variety of public debates, political reactions and legal consequences – with many Eastern European conservative and liberal economists using the “Chilean model” as legitimation for their own anti-communism and projects of neoliberal transformation. In Russia, China and Malaysia this “model” became a source of inspiration for an authoritarian path of modernization. Ruprecht argues that opposing attitudes towards the Chilean visitor reflected how different groups positioned and envisioned themselves in the transformative period after 1989, thereby complementing and partly challenging Western-centric views on post-Cold War criminalization of the past. A third article, by Raluca Grosescu, explores the repertoires of contentious action and the pro-accountability strategies of two TANs concerned with holding corporations and their representatives accountable for international crimes committed during the Argentinean dictatorship and the Colombian conflict. Grosescu argues that although transnational collaboration plays an important role in exerting pressure for corporate liability, this is not a linear process. Such cooperation involves negotiations over divergent visions of dealing with state violence held by actors who defend their own professional interests and promote different local/regional/global agendas of activism.

Third, the special issue identifies and examines a broad spectrum of actors (e.g. lawyers, historians, museum experts, architects, journalists, intellectuals, diasporas) who generate narratives about dictatorial pasts and circulate/recast them between continents and at a global level. This approach sheds light on the construction of the label of “crime” in various socio-professional fields and shows how the judicialization of the past both draws upon, and influences, other interconnected social spaces where discourses about dictatorships are produced (e.g. historiography, victims’ activism, heritage). The collection thus offers an integrated perspective on the transnational activity of various socio-professional groups in their attempts to criminalize (or decriminalize) dictatorial regimes and violent conflicts.

Emilio Crenzel shows how the genocidal narrative concerning the Argentinean dictatorship was fostered by actors situated in multiple professional fields, such as law, history, and sociology. In order to scrutinize the emergence of a global memorial architectural regime, Gruia Badescu’s paper explains how a constellation of competing actors including architects, politicians and activists, as well as a Croatian Chilean community, have been involved in the memorialization process of Dawson island. Daniel Kressel emphasizes that the successful exportation of the Spanish “model” to Chile (and more broadly to Latin America) resulted from the shared endeavour of politicians, publicists, and social scientists who joined forces to promote the “pacted transition”. In her paper on corporate accountability for human rights

violations, Raluca Grosescu also depicts the existence of a fragmented field of knowledge and practice where different professional networks seek to achieve justice, but also to impose themselves as the legitimate agents of these same accountability processes.

The special issue demonstrates that the modalities of reckoning with violent pasts do not stem only from, and do not necessarily create a global trend towards a universalized model. International norms do produce effects at a local level, but other dynamics are also in play. Memory and justice entrepreneurs circulate in a variety of ways - between Europe and Latin America, between international organizations and local communities, but also horizontally between local communities across Europe and across the American continent. Through such circulation, these actors reinterpret global ways of dealing with the past while inventing or promoting lesser-known but equally powerful tools. To be sure, fragmentation and competition in the global arena represent the other side of globalization.