This remarkable and documented, but at the same time easy read, work of Pier Paolo Portinaro provides an exhausting introduction to one of the most urgent demands posed by both national and international politics: how to find a way out from a civil war or a totalitarian regime that is juridically, politically and socially sustainable (or at least enduring)? How does one recompose the divisions, the surviving hatred, the conflicting memories and the tendencies toward oblivion that normally characterize post-conflict periods? And, eventually, in what measure should this phase of recomposition and reconciliation (which will also need to take account of both reparation demands and guilt assessments) be entirely assigned to judiciary powers?

Portinaro points out that in history negotiation has never been a rule: both in ancient and modern ages, the moment of “reckoning with the past” took the form either of a violent “showdown” (a systematic revenge against representatives of the old regime) or a more or less negotiated “oblivion” (in the guise of amnesty, damnatio memoriae or fierce prohibition of memory, known as me mnesikakein in Ancient Greece). It is only after the beginning of the XX century, that the judiciary solution has begun to take root as a way to escape from a problematic past. This occurred essentially in two directions: by way of International Trials and Truth and Reconciliation Commissions.

Portinaro reconstructs the evolution of the international law system, starting from the foundation of the Society of Nations in Versailles (a failure, inasmuch as it was unable to make provisions for sovereign states), up to the experience of the Nuremberg and Tokyo Tribunals (where for the first time even the ultimate power, the power of the sovereign state, became subject to law) and the International Criminal Tribunals for the former Yugoslavia and for Ruanda (which reinforced the principle of legalism in international affairs), and to conclude with, the pre-emptive war doctrine (restated by the new principles of humanitarian intervention). Through the history of its development, Portinaro shows how, despite all the difficulties, international criminal law has become, also thanks to the role of media systems, a central tool which has fostered a sort of process of “globalization of the politics of the past”.

As underlined by Portinaro, the success of the value of global justice is not, however, completely
free from ambiguous and problematic aspects: if, on the one hand, it is true that International Courts frequently offer a non violent solution which can also become a way to throw light on some specific facets of the past, on the other hand they also display several weak points. For example, regarding collective memory, where Portinaro argues that “historically, the law does not represent an ideal tool for reshaping the past” (p. 24, my translation).

The “Truth and Reconciliation Commissions” (such as those in Latin America or South Africa) have been created as a reaction to previous setbacks with instruments of the law. These Commissions, which are focused on a mission of investigation of factual truths, are aimed to pursue a politics of reconciliation on the part of victims. One could speak of a veritable paradigm shift, with the new practices being more centred on the notion of material as well as “symbolic” compensation: a move from retributive justice, inspired by criminal law and concentrated on perpetrators to restorative justice which instead assumes the point of view of the victim in the perspective of a dialogical ethics based on acknowledgement. Summarising this concept through the words of the author: “along with the shift of attention from the executors to the victims, we witness also a transformation in the object of Western social memory, from inflicted to suffered damage” (p.27, my translation).

At the same time, these Commissions, like all the other instruments of transitional justice up to and including UN peacekeeping and peace-enforcing operations, also involve a dark side. The most evident aspect of this is represented by the complete delegation of reconciliation to a unifying institutionalized memory. This solution often becomes unworkable due to the risk of “ politicization” (an even “monetization”) of compensations and therefore of collective memory itself, but also because individual and collective forgiveness are not one and the same thing.

Of particular merit is the sensitivity of the author towards issues related to processes of communication affecting the institutionalization and the transmission of social memory during the various phases of symbolical reprocessing of collective traumas. In particular, the final chapter, titled “Ethics and memory”, critically discusses the idea of “memory work” as an essential condition for reconciliation, along with material compensations and the re-establishment of truth. In doing so, Portinaro recalls the work of Karl Jaspers and Hannah Arendt, but also research by Paul Ricoeur on uses, abuses and misuses of memory and oblivion, and Reinhart Koselleck with his idea of negative memory (that is, a memory dominated by traumatic experiences), but he concludes by questioning the essence of the current moral framework that regulates international relations nowadays, warning us against an “excess of memory” and the risk of either a hyper-politics or an anti-politics of past: “historically, memory has been activated more to divide than to reconcile, to
stir up conflict, to promote the imaginary of hostility. Since it maintains an ambiguous relationship with both collective and individual identity, memory, working as a binding element for identity, can also feed hatred, rancour and revenge” (p.209, my translation). And he concludes: “a non-secondary aspect of cultural processes is represented by the accumulation of resentment” (p.209, my translation).

FRANCESCO MAZZUCHELLI

*University of Bologna, Italy*

*TraMe, Centre for the Interdisciplinary Study of Cultural Memory and Traumas*