

INTRODUCTION

A Right to Memory

Noam Tirosh and Anna Reading



At the core of this edited collection stands the right to memory, its theoretical underpinnings, its different definitions, and the varied places and social realms in which actors realize it. Indeed, choosing rights discourse as the language to describe what we deem to be the needed protections to cultural and collective memory processes is not a neutral ethical and political decision.¹ Human rights, and the discourse surrounding and legitimizing them, are more than simply the “last utopia,” as Samuel Moyn has stated.² Human rights can also serve as a powerful discursive and legal tool that enables “a broad array of relationships of subjugation characterized by the use of force and coercion.”³ Hence, we begin by initially justifying our use of rights discourse as an anchor for discussion. It is only after this that we then move forward to address what scholars in the field of memory studies have already explored in relation to a right to memory, followed by what authors in this edited collection mean when addressing this unique and important right.

This edited collection places the right to memory in particular, and memory rights in general, at the center of attention in the field of memory studies. We understand that the importance of memory transcends its ability to inform our knowledge of the past and see memory as important in terms of its ability to influence our individual, collective, and even human well-being. We embrace the ontological assumption about the right to memory as a socio-political mechanism that we should use to achieve what Paul Ricoeur defined as “a culture of just memory”:⁴ a culture that promotes memory for the sake of humanity and that connects ideas of human rights with visions of

justice and the empowerment of the weak.⁵ In the case of a right to memory, we see this as particularly important for the empowerment of the “memory-least-advantaged,” or those whose stories may be forgotten or stand at the margins.

This assumption should, as explained, not be taken for granted. As human rights discourse can also create the “human right to dominate” or the “human right to kill,”⁶ why should we call for the adoption of a new human right to memory that anchors and legitimizes a rights-driven discourse? Instead, we could advocate for “memory democratization,” a process in which more versions of society’s past are being engaged by an as-large-as-possible fraction of a given society.⁷ The answer, we believe, is twofold. First, the rights-turn in memory studies is justified and needed as the “memory democratization” approach, which was part and parcel of the hype around digital media and its influence on memory processes,⁸ seems to be failing. Astrid Erll, for example, has claimed that the ethical approaches to memory (among them prosthetic memory, affiliative memory, cosmopolitan memory, and multidirectional memory) represent a utopian moment in memory studies driven by the assumption that “new media memory can help create new forms of solidarity and new visions of justice.”⁹ Unfortunately, these new visions of social and mnemonic justice are far from shaping current world affairs.¹⁰

All around the world, anti-liberal leaders mobilize history and memory to promote nationalistic and chauvinistic agendas.¹¹ For example, Donald Trump, the former president of the United States, called to “Make America Great Again,” thus promoting an uncritical, distorted view of the American past, ignoring years of racial discrimination and other injustices. One can find similar examples in Russia, Poland, Hungary, Brazil, India, and Israel, among others.¹² Digital memory, while enabling marginalized groups to engage with their forgotten past narratives,¹³ does not necessarily promote more democratic societies, nor create new forms of solidarity between different groups, nor serve as the proponent of a new culture of just memory. These digital tools, helping groups to reclaim their silenced and forgotten memories, are just tools. They are not sufficient without a well-defined set of socio-legal mechanisms, what we describe as “memory rights,” which can better serve those who seek memory justice.

The second argument favoring using rights to protect memory processes is the ever-growing tendency to move debates about the proper appreciation of history and public commemorations to the courts and legal sphere.¹⁴ Here, a detailed discussion about a specific example, the deadly clashes between extreme right-wing supporters and local activists from Charlottesville, Virginia, during the notorious “Unite the Right” rally in August 2017,¹⁵ can help us illustrate the need to define the right to memory and explore memory rights and their role in society. These clashes are, by now, an oft-cited example

of the political rift in the United States and of the incompetence of former US President Donald Trump (who falsely accused “both sides” of initiating violence). Organized by US right-wing extremists from all over the country, the participants protested against the Charlottesville city council’s decision to remove a statue of Robert E. Lee from “Lee Park” and to rename the park “Emancipation Park.” These decisions were realized only four years after the deadly conflicts in the city, after a long phase of legal debates attempting to overturn the decisions.¹⁶

Indeed, the memorialization of General Lee, the commander of the Confederate States Army during the American Civil War, clashed with the city’s official commitment “to reveal and tell the full story of race through [its] public spaces.”¹⁷ It was a clash between the city’s local memory scape, as demonstrated by commemorating racist and bigoted individuals and ideologies, and the attempt to tell “a more complete history of race”¹⁸ as declared by local legislators when they decided to remove the statue and change the park’s name.

The tragic events in Charlottesville have been widely discussed from various perspectives, mainly focusing on the toxic political culture rampant in the United States during Trump’s presidency.¹⁹ There is, however, an additional perspective to these events that warrants attention. From a memory perspective, this example shows that memory-related processes are increasingly in the interest of advocates who turn to courts, the legal sphere, and public policy-making arenas (such as city councils) to gain protection from what they consider “memory injustices.”²⁰ For Mr. Gathers, a commentator at one of the city council’s meetings dedicated to the issue, the statue was only “a chunk of rock, plain and simple.”²¹ Removing a chunk of rock therefore was irrelevant and not necessary. Mr. Jefferson, another commentator in the same meeting, could not agree less. “Slavery was a criminal enterprise and a disgrace to the country,” he claimed.²² As such, he suggested taking down the statues and “moving the[m] to the University Confederate Cemetery.”²³ By doing so, he hoped, a future remembrance culture that would not be offensive to the city’s communities of color would prosper. Such a culture can commemorate the city’s difficult past without glorifying those who committed atrocities.²⁴

Enzo Traverso claimed that anti-racist movements targeted commemoration sites and monuments “that symbolize the legacy of slavery and colonialism.”²⁵ According to him, “anti-Racism is a battle for memory.”²⁶ In the context of this battle, Traverso observed that the attempt to change the local mnemonic culture and replace it with a different one epitomizes “a new dimension of struggle: the connection between rights and memory.”²⁷ In their attempt to reshape the public mnemonic landscapes, local activists tried to exercise new rights that safeguard processes related to society’s memory. Removing the statue of Robert E. Lee from Charlottesville’s public sphere, as such, can be seen as a realization of a particular perspective about the res-

idents' right to memory, a right that in this case was manifested in changing local commemoration culture by altering the city's mnemonic-scape.

Indeed, as shown here, despite being a contested term, there are good reasons to develop deeper discussions about "A Right to Memory." The notion of rights carries with it, at least potentially, a liberatory potential. Even Nicola Perugini and Neve Gordon, forceful critics of the human-rights lingua franca, maintain that such rights can be "redefined in a new way that mobilizes people to struggle for emancipatory projects."²⁸ We hope to contribute to this liberatory understanding of human rights in a number of ways. The volume seeks to contribute to a better understanding of the theoretical underpinning to memory rights and their epistemological justification. It seeks to engage with the right to memory's different definitions in an attempt to find commonalities between them, and, finally, the volume aims to provide analyses of empirical examples within a range of public arenas in which social actors are mobilizing memory rights and the right to memory.

The next section of this introduction explores how scholars in memory studies have already engaged with the right to memory. We follow this with a summary of how each chapter of this book contributes to the principle of the right to memory as a practical and theoretical tool promoting visions and actions for memory justice.

The Right to Memory in Memory Studies

Memory is a prominent issue of exploration in the humanities and social sciences. While its origins go back to the early part of the twentieth century, memory studies has evolved over the past twenty years into an established discipline of vibrant intellectual debates with its own conferences, journals, and associations.²⁹ In most cases, the scholarly attempt to understand memory processes in society is focused on public commemorations, everyday practices of individuals and collectives, and media practices of memory and remembrance.³⁰ Memory rights and their manifestations in society, however, have not been systematically explored, despite the ways struggles over memory are inherently connected to human rights and the discourses surrounding them.³¹ The right to memory, we argue, suggests more than a discursive affiliation between memory and human rights. Rather, a right to memory also includes the efficacy and challenges of existing socio-legal mechanisms (such as policies and memory laws) that aim to shape memory-related issues. It also includes the need to create new socio-legal mechanisms when pre-existing ones fail or are absent.

Although the right to memory has not been extensively explored within academia, it has been discussed to some extent by scholars from various fields,

such as archival science, media and communication, political science and, indeed, memory studies. For example, memory's relation to social struggles for justice led scholars to try and establish a connection between memories and rights.³² Pierre Nora has suggested that "to claim the right to memory is to call for justice."³³ Similarly, Kobi Kabalek has noted that scholars' attention to the right to memory is led by the assumption of memory as an "important element of social justice."³⁴ But what exactly does a right to memory mean, and how is it related to demands for social justice or any other socio-political movements for change? Kevin Hearty has suggested that "the right to remember" is an important aspect in societies transitioning from a troubled past, manifest in the symbolic reparations that are now integral to transitional justice.³⁵ Henriette Dahan Kalev has claimed that infringing on the right of people to express their collective memory is to violate a fundamental human right, the right to equally take part in shaping a national collective identity.³⁶ Rebecca Kook has called for the generalizability of the right to memory. For her, the right to memory promotes "the idea that remembrance should be made accessible and available to everyone."³⁷ According to Kook, individuals and communities can realize the right to memory in varied realms such as the platforms enabling memory processes, the mnemonic content (historical narratives) mediated through these platforms, and the audience's opportunity to take an active part in constructing such content.

Interestingly, in archival science, scholars refer to the right to memory as a "right to remembered presence" manifested during conflicts over memory and remembering.³⁸ This understanding of the right to memory (or the right to remembered presence) leads to "acts of archival restoration and reconstruction," enabling new information about the past to become public with new actors that gain access to the newly designed archives. Addressing memory as a right in such cases "requires further archival modeling and alternative modes of representation" that will, hopefully, give voice to the "archival" silence that "surrounds suffering."³⁹

In addition, some scholars have discussed memory rights and the right to memory from a perspective that focuses on the duties such rights create. Indeed, it is not enough to speak about an abstracted right to memory. Kevin Whelan has suggested that a right to memory consists of three distinctive elements. The first is the obvious idea that we own our memories, so "no one has the right to tell us to forget our memories and move on." This, he claimed, creates the second element of the right to memory that he defined as a "right of testimony." This aspect of the right to memory includes people's right to tell stories "in the forms, shapes and ways that make sense for them." The third and most crucial element of Whelan's definition is what he called "the right of audience." According to him, the right to memory is also about the "ethical duty to hear other people's stories."⁴⁰

Anna Reading focuses on duties in her discussion of the “right to a symbolic representation of the past.”⁴¹ According to Reading, the right to memory is integrally connected to “a set of interventions and social practices.”⁴² These sets of interventions and practices will help materialize the right to memory in the form of a “future-oriented civic duty to remember and remind.”⁴³

So, what exactly are these practices? What can be considered to be an intervention when realizing the right to memory in addition to the right to have an audience? Philip Lee and Pradip Ninan Thomas have argued that information and communication technologies as well as the ability to use them are essential in realizing memory rights. According to them, the right to memory creates the duty to “[protect] ‘frameworks of memory’ that ensure the physical survival and moral well-being of people.”⁴⁴ The media, they claim, are central actors that guarantee memory rights and realize “the right to communicate” specific memories in public.⁴⁵ Karen Worcman and Joanne Garde-Hansen contend, similarly, that the right to memory is about utilization and access. According to them, the right to memory contains two meanings. It is both the individual’s right to “record their memories through the use of media of their choosing” and the right “to access cultural memories that an individual or community may need, want and/or desire.” Thus, the right to memory has to be realized by upholding duties over “organizations and businesses who are custodians of that cultural memory.”⁴⁶

Attentive readers can also find the translation of memory rights into concrete duties of different actors in a few human rights-related international covenants and declarations such as the United Nations Declaration on the Rights of Indigenous Peoples (2007).⁴⁷ In 2014, the European Court of Justice ruled that Europeans have a new “right to be forgotten,” a right that was later on enshrined in the European “General Data Protection Regulation” (GDPR) of 2018. The “right to be forgotten” is about individuals’ rights to demand that content providers erase personal information they keep and the providers’ duty to respond to such a demand when it can be justified. In line with the new “right to be forgotten,” one can ask for content removal even when the personal content was shared lawfully and voluntarily.⁴⁸ Indeed, the right to be forgotten is mainly understood as an attempt to protect users’ privacy in online environments. The right’s critics, on the other hand, claimed that it is an infringement of freedom of expression.⁴⁹ Noam Tirosh has highlighted, however, that the right to be forgotten is actually a new memory right, helping users gain more control over their digital identities. By establishing new digital memory rights, such as the right to actively shape the digital representation of our life stories as we see fit, we gain better control over our identity-making processes. As such, Tirosh has claimed, the right to be forgotten can and should be regarded as an integral part of a future, more encompassing right to memory.⁵⁰

While there are more examples of such attempts to protect memory processes in the international law system, the term “right to memory” is not explicitly addressed. Moreover, to the best of our knowledge, no attempt has been made to consider these different legal provisions within the prism of the idea of the right to memory.⁵¹

Our edited collection builds on this previous scholarship while informing the discussion regarding the right to memory. We do not offer a codification of laws, legal debates, or legal tools that are to serve, from now on, as the singular right to memory. This edited collection instead offers rich analyses of a multiplicity of case studies, ranging from historical accounts of the human rights revolution post–World War II to understanding our anthropomorphic bias when speaking of rights and memory rights. In their previous work, Worcman and Garde-Hansen have wondered “who has a right to memory, and what work do we need to do on an everyday, community level to ensure that those rights are upheld?”⁵² In a way, all chapters in this edited collection try to tackle these questions. Using case studies (from various locations worldwide) alongside more theoretical arguments, the chapters in this edited collection contribute to discussions about memory rights and create a body of knowledge in a field mostly comprised of scattered work from different disciplines. In what follows, we will briefly describe each chapter and the book’s structure.

The Structure of the Book

This edited collection examines memory rights and their role as guardians of the crucial components of memory processes: “the ability to create, preserve, retrieve and endow memories.”⁵³ In the first chapter, Jay Winter focuses on “the duty to remember,” which is perhaps the ethical foundation of any discussion about memory rights and the right to memory. Winter explores the human rights revolution following World War II explicitly as a memory project and as an attempt to honor the memory of the war’s innocent victims. Focusing on the French jurist René Cassin, one of the authors of the Universal Declaration of the Rights of Man, Winter demonstrates how the idea behind the human rights revolution constitutes a commitment to memory and remembrance, an obligation higher than any individual’s national affiliation. For Winter, there cannot be any discussion regarding the right to memory without first anchoring it within the moral duty to remember. This duty is demonstrated in Sophocles’ *Antigone* who insisted on remembering and commemorating her brother, Polyneices, even when King Creon of Thebes forbade his burial in an attempt to force his oblivion.

In the following chapter, Anna Reading examines memory rights in international law. Systematically analyzing various conventions, treaties, and peace agreements, Reading explores memory rights beyond the nation-state. According to Reading, international law and protocol discursively articulate four different memory rights: the right to national memory that seeks to protect national configurations of memory; the right to world memory that aims to preserve heritage and memories of importance to humanity; the right to victims' memory that deals with memories of war victims, state violence and genocide; and the right to indigenous memory that focuses on the preservation and protection of indigenous history, culture, and identity.

Lea David critically addresses the current right to memory discourse in the third chapter. There is a tension between David's and Winter's and Reading's chapters in this volume. In most cases, memory rights are articulated as universal rights enforced in international charters and organizations. However, David shows that merging the duty to remember and the right to memory creates a false belief in a future protected from repeating atrocities that we are now obliged to commemorate. According to David, this neo-liberal logic, in which monetary value is being imposed on human suffering, only deepens inequalities and creates new ones.

Noam Tirosh and Amit Schejter, in the fourth chapter, address the right to memory from a perspective that recognizes the centrality of media in the memory-making process. They capitalize on Amartya Sen's capabilities approach, a right-based theory that places well-being at its center, to promote a right to memory that provides individuals with mechanisms that will allow them to have better control over their memory processes. They claim that the right to memory ensures access to tools people use when constructing stories about their past. In our hyper-connected societies, these mechanisms are digital media. Tirosh and Schejter call for the realization of memory rights in contemporary media and communication law and policies.

Rebecca Kook, in the following chapter, analyzes the right to memory from a unique grassroots perspective. Kook offers insights into how an Israeli memory initiative, named "memory in the living room," materializes the right to memory. Kook demonstrates how in some cases, the right to memory is not related to narratives and perceptions of the past but instead is about equal participation in social, cultural, and political mnemonic activities and about the ability to devise, promote and disseminate platforms of memorial practices. According to her, we cannot understand the right to memory as external to the struggle for democratic inclusion and equal participation in all spheres of social action and interaction.

Memory rights and the clash between the right to memory, the right to truth, and the attempt to manipulate history for the sake of the regime are all put forward in Aleksandra Gliszczynska-Grabias and Grażyna Baranowska's

chapter. This chapter highlights current legal debates in Poland, especially in regards to Holocaust memory and commemoration. The authors demonstrate how misusing memory-rights discourse by claiming that a false historical narrative is entitled to protection from the “right to historical truth” can endanger human rights standards. Distorting history in the name of the right to historical truth, they claim, is an infringement of the right to memory, as it denies people genuine engagement with their history. This is risky when the past of a given nation is that of a perpetrator and collaborator.

Karen Worcman and Joanne Garde-Hansen use the Museu da Pessoa (Museum of the person) in São Paulo, Brazil, as a case study of the realization of digital memory rights. In this example, the digital museum works together with the audience to protect and materialize memory rights. According to them, the right to memory is about recognizing specific memories and life stories of individuals and communities. But no less important is the right to memory as an amalgamation of rights to produce memories, to access these memories, and to own them. From this perspective, memory is a co-creation of people and institutions, of media and their users. Memory is also a joint effort of past generations creating memories and the contemporarily remembering generation that also seeks to shape and design a future remembering generation. Memory rights and the right to memory should take into consideration these connections and relations.

The final chapter, written by Anna Reading, critiques the current discussion on memory, memory rights, and the right to memory from the perspective of the more-than-human. According to Reading, we tend to think about the right to memory from a predominantly anthropomorphic perspective rooted in Western knowledge structures that forgets and devalues all that is nonhuman. Reading asks us to think whether planet earth, mountains, water, and nonhuman species are also entitled to the right to memory? Drawing on indigenous knowledge paradigms and practices as well as the work of the environmental justice movement, Reading suggests what a more-than-human right to memory should and can include and what we are missing when we consider a right to memory solely in human terms. After all, Reading contends, if our planet is no longer livable, there will be no “remembering human individual” and no human communities to enjoy a right to memory.

Interestingly, many of the contributions to this edited collection engaged with writers, scholars, theories, and even mythological figures not commonly considered to be an integral part of the memory studies canon as innovative ways to illustrate, demonstrate, and deepen our understanding of the right to memory. Jay Winter highlights the duty to remember by focusing on Sophocles’ *Antigone*; Anna Reading starts her journey in the realm of international law by using William Shakespeare’s *Hamlet*; Noam Tirosh and Amit Schejter address Franz Kafka’s “A Report to an Academy” to highlight the importance

of one's identity construction to their well-being; Aleksandra Gliszczynska-Grabias and Grażyna Baranowska address Václav Havel's writings to highlight the tension between freedom, rights, and history. In addition, theories and political thought that are not always part of the memory-scholarly debate also found their way into this edited collection. Lea David critiques memory rights by highlighting their connection to neo-liberalism. Rebecca Kook draws on platform theories to analyze activists' perceptions about the right to memory. Tirosch and Schejter build on Amartya Sen's capabilities approach to justify their approach to memory rights and media. At the end of this edited collection, Anna Reading builds her argument on theories taken from the environmental justice movement.

This is not surprising, since discussions concerning memory rights and the right to memory are rare in the already established field of memory studies. Our attempts to define and analyze a right to memory necessitates new tools and perspectives. It requires us to look at memory issues using the theoretical insights of those outside of the field of memory studies to help us construct and define a new right to memory. We suggest that drawing insights from outside memory studies can help create new ways to think about memory in general and be used to develop new methodologies to research memory.

Most importantly, our discussion about the right to memory will serve scholars, activists, and practitioners alike in advancing what can be seen as a just memory; a cultural understanding of the past that considers and recalls all people's contribution to the course of history. As Avishai Margalit asks in his exploration of the ethics of memory:

Are we obligated to remember people and events from the past? If we are, what is the nature of this obligation? Are remembering and forgetting proper subjects of moral praise or blame? Who are the "we" who may be obligated to remember: the collective "we," or some distributive sense of "we" that puts the obligation to remember on each and every member of the collective?⁵⁴

We hope that the deep conceptual work developed in this volume, as well as the very different perspectives and critiques of the right to memory, will transform memory ethics from a merely philosophical exploration to one that includes concrete articulations at the local, national, and transnational levels of memory rights, provisions, and legally binding norms.

Noam Tirosch is a senior lecturer in the department of Communication Studies at Ben-Gurion University of the Negev. His research focuses on the relationship between memory and media and their relation with democracy, justice, and human rights. He is the author of a score of journal articles and book chapters covering topics ranging from the European Right to Be For-

gotten to the memory rights of the Palestinian minority in Israel, refugees and asylum seekers, and Jews deported from Arab countries.

Anna Reading (known as Amza), PhD, is Professor of Culture and Creative Industries at Kings College, University of London, UK and Honorary Visiting Professor at Western Sydney University, Australia. She is the author of *Polish Women, Solidarity and Feminism* (Springer, 1992), *The Social Inheritance of the Holocaust: Gender, Culture and Memory* (Springer, 2002), and *Gender and Memory in the Global Age* (Palgrave Macmillan, 2016) and co-edited *Cultural Memories of Nonviolent Struggles* (Palgrave Macmillan, 2015) and *Save as . . . Digital Memories* (Palgrave 2009). She jointly edits the journal *Media, Culture, and Society* and has written seven plays performed in the UK, Finland, India, Poland, United States, and Ireland.

Notes

1. Perugini and Gordon, *Right to Dominate*.
2. Moyn, *The Last Utopia*.
3. Perugini and Gordon, *Right to Dominate*, 3.
4. Ricoeur, "Memory and Forgetting," 11.
5. Further on in this chapter, we show that such a perspective is debatable. According to Perugini and Gordon, this is part of the "hydraulic model" of human rights discourse that takes for granted the assumption that "more human rights equals less domination." Perugini and Gordon, *Right to Dominate*, 13.
6. See Perugini and Gordon, *Right to Dominate*.
7. Numerous publications deal with the connections between memory and democracy. Yet, interestingly, the term "memory democratization" is not commonly used. Most widely, memory is considered a crucial component in the process of democratizing transforming societies. See, for example, De Brito Barahona, Gonzalez, and Aguilar, *Memory and Democratization*.
8. Often, authors conclude that through the utilization of contemporary digitized media "silenced or overwritten memories can also make their sudden return." Høg Hansen, Hemer, and Tufte, *Memory on Trial*, 4. As digital media users are now able to take an active role in the process of constructing collective memory, this fundamentally changes, at least in the common perspective, who controls society's memory. See also Hoskins, "Memory of the Multitude"; Smit, Ansgard, and Broersma, "Witnessing in New Memory Ecology"; Villa-Nicholas, "Latinx Digital Memory."
9. Erll, "Media and the Dynamics of Memory," 312.
10. See also Gensburger and Lefranc, *Beyond Memory*.
11. This book's opening chapter demonstrates how Russian aggression against Ukraine is justified by a distorted version of Russia's history. Indeed, this is a terrifying reminder of the dire fact that memory rights, when used by ill-intentioned actors, can be used to politically manipulate the past. Nevertheless, we do think that while such a threat is real,

- it does not necessarily mean that we should abandon our attempt to define memory rights better and turn them into tools in the hands of those who need them most.
12. An in-depth exploration of such a process in Israel can be found in Gutman and Tirosh, “Balancing Atrocities and Forced Forgetting.”
 13. See, for example, Yvonne Liebermann’s recent study about the Black Lives Matter movement and its mnemonic technological practices. Liebermann, “Born Digital.”
 14. Laws, the legal sphere, and memory have always intermingled in profound ways. The following references can serve as good entry points to the discussion: Fronza, “The Punishment of Negationism”; Gutman, “Memory Laws”; Löytömäki, “Law and Collective Memory of Colonialism”; and Savelsberg and King, *American Memories*.
 15. For a detailed exploration of the clashes in Charlottesville, see Katz, “Unrest in Virginia.”
 16. Hanna and Ellis, “Charlottesville Removes Two.”
 17. The city’s commitment was publicly reaffirmed during the Charlottesville City Council’s special meeting on 6 February 2017. The meeting’s transcript is available online. “Special Meeting Charlottesville City Council.”
 18. See “Special Meeting Charlottesville City Council.”
 19. See, for example, Astor, Caron, and Victor, “A Guide to the Charlottesville Aftermath”; Matthew, “On Charlottesville.”
 20. An important discussion about memory policymaking can be found in Sarah Gensburger and Sandrine Lefranc’s book, *Beyond Memory: Can We Really Learn from the Past? They define memory policies as all actions aimed at mobilizing “references to the past in order to impact on society and its memory and transform them”* (3). These policies are enacted in various social arenas, yet they fail to achieve their desired goals in most cases. According to such policies, we need to remember past atrocities to achieve a more peaceful and tolerant society in the present and future. Yet, while memory policies have abounded worldwide for many years, such achievement is far from a reality.
 21. See “Special Meeting Charlottesville City Council.”
 22. “Special Meeting Charlottesville City Council.”
 23. “Special Meeting Charlottesville City Council.”
 24. According to Vered Vinitzky-Seroussi, a “difficult past” represents events constituted by moral trauma, disputes, and conflicts. See Vinitzky-Seroussi, “Commemorating a Difficult Past.”
 25. Traverso, “Tearing Down Statues.”
 26. Traverso, “Tearing Down Statues.”
 27. Traverso, “Tearing Down Statues.”
 28. Perugini and Gordon, *Right to Dominate*, 129.
 29. The establishment of the Memory Studies Association (MSA) in 2016 is perhaps the most important aspect of the “fieldization” of memory studies. The MSA website is a valuable source of information for memory scholars and practitioners. See Memory Studies Association. Retrieved 23 July 2022 from <https://www.memorystudiesassociation.org/>.
 30. Jeffrey Olick and Joyce Robbins, in their seminal text “Social Memory Studies: From ‘Collective Memory’ to the Historical Sociology of Mnemonic Practices,” explore this argument in depth. In addition, Alon Confino’s criticism from 1997 is also a very good reference for such discussion. See Confino, “Collective Memory and Cultural History.”
 31. See Winter, chapter 1 in this volume, as well as Huyssen, “International Human Rights”; and Levy and Sznajder, *The Holocaust and Memory*.
 32. Hom and Yamamoto, in “Collective Memory, History and Social Justice,” claim that a political demand for rights always starts with social and ethical struggles over what society

will remember and that group memory of injustice is actively constructed by an organized mnemonic attempt at the group level.

33. While we use this statement by Pierre Nora, as stated in “Reasons for the Current Upsurge,” to indicate the close relationship between memory and rights and their connection to justice, it is important to note that, according to Nora, while memory rights aim to protect justice, in effect the contemporary obsession with memory “has often become a call to murder”:

For the real problem raised by the sacred aura with which memory has now been invested is to know how, why and at what moment the otherwise positive principle of emancipation and liberation on which it is based backfires and becomes a form of closure, a grounds for exclusion and an instrument of war. To claim the right to memory is, at bottom, to call for justice. In the effects it has had, however, it has often become a call to murder.
34. Kabalek, “Memory and Periphery,” 11.
35. Hearty, “Problematizing Symbolic Reparation.”
36. Dahan Kalev, “Identity, Memory and Ethnicity.”
37. Kook, “Agents of Memory,” 981.
38. Butler, “Othering the Archive.”
39. Butler, “Othering the Archive,” 68.
40. Whelan, “Rights of Memory,” 19–20.
41. Reading, “European Roma,” 122.
42. Reading, “Gender and the Right to Memory,” 11.
43. Viejo-Rose, “Memorial Functions,” 477.
44. Lee and Thomas, *Public Memory, Public Media*, 15.
45. Lee and Thomas, *Public Memory, Public Media*, 206.
46. Worcman and Garde-Hansen, *Social Memory Technology*, 9–10.
47. “United Nations Declaration on the Rights of Indigenous Peoples.” See also Reading, chapter 8, in this volume.
48. More extensive discussions about the right to be forgotten can be found in Ghezzi, Pereira and Vesnic-Alujevic, *Ethics of Memory*; Carter, “Argentina’s Right to be Forgotten”; Bennett, “The Right to Be Forgotten”; and Jones, *Ctrl +Z*.
49. See, for example, Kristie Byrum’s analysis of the right to be forgotten in *The European Right to Be Forgotten*.
50. See Tirosh, “Reconsidering the ‘Right to Be Forgotten.’”
51. Anna Reading’s chapter in this volume is a valuable resource on memory rights in international law. Additional in-depth discussions about memory rights in international law can be found in Lee and Thomas, *Public Memory, Public Media*; Reading, “Identity, Memory and Cosmopolitanism”; and Lee, “Towards a Right to Memory.”
52. Worcman and Garde-Hansen, *Social Memory Technology*, 8.
53. Tirosh and Schejter, “The Regulation of Archives,” 248.
54. Margalit, *Ethics of Memory*, 7.

Bibliography

Astor, Maggie, Christina Caron, and Daniel Victor. “A Guide to the Charlottesville Aftermath.” *The New York Times*, 13 August 2017. Retrieved 17 June 2021 from <https://www.nytimes.com/2017/08/13/us/charlottesville-virginia-overview.html>.

- Bennett, Steven C. "The Right to Be Forgotten: Reconciling EU and US Perspectives." *Berkeley Journal of International Law* 30, no.1 (2012): 161–95.
- Butler, Beverley. "Othering the Archive: From Exile to Inclusion and Heritage Dignity; The Case of Palestinian Archival Memory." *Archival Science* 9 (2009): 57–69.
- Byrum, Kristie. *The European Right to be Forgotten: The First Amendment Enemy*. Lanham, MD: Lexington Books, 2018.
- Carter, Edward L. "Argentina's Right to Be Forgotten." *Emory International Law Review* 27, no. 1 (2013): 23–39.
- Confino, Alon. "Collective Memory and Cultural History: Problems of Method." *The American Historical Review* 102, no.5 (1997): 1386–403.
- Dahan Kalev, Henriette. "Identity, Memory and Ethnicity: The Relation between Memory, Identity, Justice, Pluralism and Civil Rights." In *Between "I" and "We": The Construction of Identities and the Israeli Identity*, edited by Azmi Bishara, 61–72. [In Hebrew.] Jerusalem: Van Leer Jerusalem Institute and Tel Aviv: Hakibbutz Hameuchad Publishing House, 1999.
- De Brito Barahona, Alexandra, Carmen Enriquez Gonzalez, and Paloma Aguilar. *The Politics of Memory and Democratization*. Oxford: Oxford University Press, 2001.
- Erl, Astrid. "Media and the Dynamics of Memory: From Cultural Paradigms to Transcultural Premediation." In *Handbook of Culture and Memory*, edited by Brady Wagoner, 305–24. Oxford: Oxford University Press, 2018.
- Fronza, Emanuela. "The Punishment of Negationism: The Difficult Dialogue Between Law and Memory." *Vermont Law Review* 30 (2006): 609–26.
- Gensburger, Sarah, Lefrank, Sandrine. *Beyond Memory: Can We Really Learn from the Past?* London: Palgrave Macmillan, 2020.
- Ghezzi, Alessia, Angela G. Pereira, and Lucia Vesnic-Alujevic. *The Ethics of Memory in a Digital Age: Interrogating the Right to Be Forgotten*. New York: Palgrave Macmillan, 2014.
- Gutman, Yifat. "Memory Laws: An Escalation in Minority Exclusion or a Testimony to the Limits of State Power?" *Law & Society Review* 50, no. 3 (2016): 575–607.
- Gutman, Yifat, and Noam Tirosh. "Balancing Atrocities and Forced Forgetting: Memory Laws as a Means of Social Control in Israel." *Law and Social Inquiry* 46, no. 3 (2021): 705–30.
- Hanna, Jason, and Ralph Ellis. "Charlottesville Removes Two Confederate Statues as Onlookers Cheer." *CNN.com*, 10 July 2021. Retrieved 11 October 2021 from <https://edition.cnn.com/2021/07/10/us/charlottesville-statues-coming-down/index.html>.
- Hearty, Kevin. "Problematizing Symbolic Reparation: 'Complex Political Victims,' 'Dead Body Politics' and the Right to Remember." *Social & Legal Studies* 29, no.3 (2020): 334–54.
- Høg Hansen, Anders, Oscar Hemer, and Thomas Tufte. *Memory on Trial: Media, Citizenship and Social Justice*. Zurich: LIT Verlag, 2014.
- Hom, Sharon K., and Eric K. Yamamoto. "Collective Memory, History and Social Justice." *UCLA Law Review* 47 (2000): 1748–802.
- Hoskins, Andrew. "Memory of the Multitude: The End of Collective Memory." In *Digital Memory Studies: Media Pasts in Transition*, edited by Andrew Hoskins, 85–109. New York: Routledge, 2017.
- Huyssen, Andreas. "International Human Rights and the Politics of Memory: Limits and Challenges." *Criticism* 53, no. 4 (2011): 607–24.
- Jones, Meg L. *Ctrl +Z: The Right to Be Forgotten*. New York: NYU Press, 2016.
- Kabalek, Kobi. "Memory and Periphery: An Introduction." *Hagar* 12 no. 11 (2014): 7–22.
- Katz, Andrew. "Unrest in Virginia: Clashes over a Show of White Nationalism in Charlottesville Turn Deadly." *Time*. Retrieved 17 June 2021 from <https://time.com/charlottesville-white-nationalist-rally-clashes/>.

- Kook, Rebecca. "Agents of Memory in the Post-Witness Era: Memory in the Living Room and Changing Forms of Holocaust Remembrance in Israel." *Memory Studies* 14, no. 5 (2021): 971–86.
- Lee, Philip. "Towards a Right to Memory." *Media Development* 57, no. 2 (2010): 3–10.
- Lee, Philip, and Pradip Ninan Thomas. *Public Memory, Public Media and the Politics of Justice*. New York: Palgrave Macmillan, 2012.
- Levy, Daniel, and Natan Sznajder. *The Holocaust and Memory in the Global Age*. Philadelphia, PA: Temple University Press, 2006.
- Liebermann, Yvonne. "Born Digital: The Black Lives Matter Movement and Memory after the Digital Turn." *Memory Studies* 14, no. 4 (2021): 713–32.
- Löytömäki, Stiina. "The Law and Collective Memory of Colonialism: France and the Case of 'Belated' Transitional Justice." *International Journal of Transitional Justice* 7 (2013): 205–23.
- Margalit, Avishai. *The Ethics of Memory*. Cambridge, MA: Harvard University Press, 2002.
- Matthew, Dayna B. "On Charlottesville." *Virginia Law Review* 105, no. 2 (2019): 269–314.
- Moyn, Samuel. *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press, 2012.
- Nora, Pierre. "Reasons for the Current Upsurge in Memory." *Eurozine*, 19 April 2002. Retrieved 21 June 2021 from <https://www.eurozine.com/reasons-for-the-current-upsurge-in-memory/>.
- Olick, Jeffrey K., and Joyce Robbins. "Social Memory Studies: From 'Collective Memory' to the Historical Sociology of Mnemonic Practices." *Annual Review of Sociology* 24, no. 1 (1998): 105–40.
- Perugini, Nicola, and Neve Gordon. *The Human Right to Dominate*. Oxford: Oxford University Press, 2015.
- Reading, Anna. "Gender and the Right to Memory." *Media Development* 2 (2010): 11–14.
- . "Identity, Memory and Cosmopolitanism: The Otherness of the Past and a Right to Memory?" *European Journal of Cultural Studies* 14 (2011): 379–94.
- . "The European Roma: An Unsettled Right to Memory." In *Public Memory, Public Media and the Politics of Justice*, edited by Phillip Lee and Pradip Ninan Thomas, 121–40. New York: Palgrave Macmillan, 2012.
- Ricoeur, Paul. "Memory and Forgetting." In *Questioning Ethics: Contemporary Debates in Philosophy*, edited by Richard Kearney and Mark Dooley, 5–11. London: Routledge, 1998.
- Savelsberg, Joachim J., and Ryan D. King. *American Memories: Atrocities and the Law*. New York: Russell Sage Foundation, 2011.
- Smit, Rik, Heinrich Ansgard, and Marcel Broersma. "Witnessing in New Memory Ecology: Memory Construction of the Syrian Conflict on YouTube." *New Media & Society* 19, no. 2 (2017): 289–307.
- "Special Meeting of the Charlottesville City Council." 6 February 2017. Retrieved 23 July 2022 from <http://weblink.charlottesville.org/public/0/edoc/793605/20170206Feb6.pdf>.
- Tirosh, Noam. "Reconsidering the 'Right to Be Forgotten': Memory Rights and the Right to Memory in the New Media Era." *Media, Culture & Society* 39, no.5 (2016): 644–60.
- Tirosh, Noam, and Amit Schejter. "The Regulation of Archives and Society's Memory: The Case of Israel." *Archival Science* 20 (2020): 245–61.
- Traverso, Enzo. "Tearing Down Statues Doesn't Erase History, It Makes Us See It More Clearly." *Jacobin Magazine*, 24 June 2020. Retrieved 17 February 2021 from <https://www.jacobinmag.com/2020/06/statues-removal-antiracism-columbus>.
- "United Nations Declaration on the Rights of Indigenous Peoples." *United Nations, Department of Economic and Social Affairs: Indigenous Peoples*, 13 September 2007. Retrieved 23 July 2022 from <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.

- Viejo-Rose, Dacia. "Memorial Functions: Intent, Impact and the Right to Remember." *Memory Studies* 4, no.4 (2011): 465–80.
- Villa-Nicholas, Melissa. "Latinx Digital Memory: Identity Making in Real Time." *Social Media & Society* 5, no.4 (2019): 1–11.
- Vinitzky-Seroussi, Vered. "Commemorating a Difficult Past: Yitzhak Rabin's Memorials." *American Sociological Review* 67, no.1 (2002): 30–51.
- Whelan, Kevin. "Rights of Memory." In *Conference Report: Storytelling as the Vehicle?*, compiled by Gráinne Kelly, 11–20. Dunadry, Northern Ireland: Healing through Remembering, 2005. Retrieved 23 July 2022 from http://healingthroughremembering.org/wp-content/uploads/2015/11/Storytelling-as-the-vehicle_2005.pdf.
- Worcman, Karen, and Joanne Garde-Hansen. *Social Memory Technology: Theory, Practice, Action*. New York: Routledge, 2016.