



Legal Institutions and Collective Memories (Onati International Series in Law and Society)

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In recent decades, the debate among scholars, lawyers, politicians, and others about how societies deal with their past has been constant and intensive. Legal Institutions and Collective Memories situates the processes of transitional justice at the intersection between legal procedures and the production of collective and shared meanings of the past. Building upon the work of Maurice Halbwachs, this collection of essays emphasizes the extended role and active involvement of contemporary law and legal institutions in public discourse about the past, and explores their impact on the shape that collective memories take in the course of time. The authors uncover a complex pattern of searching for truth, negotiating the past, and cultivating the art of forgetting. Their contributions explore the ambiguous and intricate links between the production of justice, truth, and memory. The essays cover a broad range of legal institutions, countries, and topics. These include transitional trials as "monumental spectacles" as well as constitutional courts, and the restitution of property rights in Central and Eastern Europe and Australia. The authors explore the biographies of victims and how their voices were repressed, as in the case of Korean Comfort Women. They explore the role of law and legal institutions in linking individual and collective memories in the transitional period through processes of lustration, and they analyze divided memories about the past and their impact on future reconciliation in South Africa. The collection offers a genuinely comparative approach, allied with cutting-edge theory.

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