

1. Representing the Past Absent: Conceptual Starting Points

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Abstract: The chapter analyses the notion of 'absence' in the political discourse on representation. Starting with the distinction between the 'past absent', 'present absent', and 'future absent', the author outlines various senses and the implications of these terms. The focus is placed primarily on the 'past absent'. Numerous political projects attempt to draw their legitimacy from the claims that they represent the will of past generations or that they provide the work of justice for past victims. By showing the dangers and ambiguities inherent in such projects, the chapter discusses the political and moral basis on which respect for past generations could be based. Finally, presenting different ways of understanding the 'absence' (i.e., as an absence of biological lives, subjectivities, and political preferences), potential modes of representing the past absent are outlined.

Introduction

'Preserve my Yugoslavia!' Bogoljub Jevtić claims these were the last words of the Yugoslav King Alexander I, pronounced only several minutes before he died, the victim of an assassination in Marseille in 1934. According to the footage of the event and medical reports, the King had lost consciousness only moments after the assassination, and it was thus very unlikely that he had time to say anything. The following day, those words nonetheless became an official slogan and a legitimization for preserving the Yugoslav project. Bogoljub Jevtić himself was soon appointed the head of the Council of Ministers and assumed the position of the protector of the dead king's will.¹

In 1980, immediately after the death of Josip Broz Tito, the lifetime president of the second Yugoslavia, the state's Communist Party derived a catchphrase: 'I posle Tita – Tito' (Even after Tito, still Tito). The motto was meant to demonstrate that the will and spirit of the country's leader was not about to cease to exist; it was only to be transferred to new carriers.

In his speech at the opening of the 2017 Civilizations Forum, Turkish President Recep Tayyip Erdogan claimed that Alija Izetbegović, the former

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1 Dejan Ristić, *Zablude srpske istorije* (Vukotić Media 2020).

political leader of Bosniaks in Bosnia and Herzegovina, left the country to him as a bequest. According to Erdogan, just a day before his death, Izetbegović said the following: ‘Tayyip, you are the descendants of the sultan Fatih; this country is given to you in testament. Protect it for that reason.²

The claims for legitimate interpretations and representations of the past are not limited to individuals. In some cases, political leaders contend to represent the political will of the *collective absent*. Milorad Dodik, a member of the tripartite Bosnian-Herzegovinian presidency, frequently uses the memory of the genocide of Serbs in WWII as a legitimization for the existence (and even potential independence) of Republika Srpska, a federal entity in Bosnia and Herzegovina whose wartime leadership was convicted of war crimes at the International Criminal Tribunal for the former Yugoslavia (ICTY). During a speech in Donja Gradina in 2017, Dodik thus stated that Republika Srpska was a response to the sacrifice of numerous past generations of Serbs who died for their nation.³ The implication of this speech was precisely that the absent generations of ‘martyrs’ provide moral warrants for the current political project.

What all these gestures have in common is the transference of the past political will to new appointees. As can be seen from this rather selective overview, the territories of the former Yugoslavia had more than a few of them. The assigned (or self-assigned) carriers of these political wills then see themselves not only as their guardians but also as the sole protectors of the continuity between the past and present. The problem, obviously, is that the political legitimacies derived from the claims on the past are anything but unequivocal.

The claims of *representing the absent* are commonplace in political discourse and are tied to three main groups: 1) past absent, 2) present absent, 3) future absent. As mentioned earlier, evocative claims of representing the will of the *past absent* are frequently used to consolidate power. Such examples, however, should not make us conclude prematurely that every claim of representing the absent is problematic. Concerns for past community members are also integral to the notion of heritage, tradition, and culture. Secondly, numerous initiatives aiming at giving voice to mar-

2 ‘Erdogan: Nikada nećemo ostaviti BiH koju mi je Alija dao u amanet’ (*Klix.ba*, 21 October 2017) <<https://www.klix.ba/vijesti/bih/erdogan-nikada-necemo-ostaviti-bih-koju-mi-je-alija-dao-u-amanet/171021079>> accessed 19 July 2023.

3 Glas Srpske, ‘Dodik: Stradanja ne bi bilo da smo 1941. imali Republiku Srpsku’ (23 April 2017) <<https://perma.cc/3ZK2-7SHS>>.

ginalised groups can be characterised as advocacy for the *present absent*, i.e., for those *currently* excluded from political decision-making. Finally, the representation of the *future absent* concerns future generations. Such initiatives are often linked to ecological and developmental issues that will inevitably impact future humans. Some states have even appointed official representatives of future generations to voice their (envisioned) concerns. The Israeli Knesset has thereby established *the Commission for the Future Generations*, Hungary has appointed an *Ombudsman for Future Generations*, while France has introduced the *Constitutional Charter for the Environment*.

Therefore, the projects of representing the past, present, and future absent are not without ambiguities. Some of the questions that pertain to all of them are the following: Who exactly are the absent? Who can legitimately represent them? Are some of the 'absent' excluded from such projects? What aspects of the absent are represented – their lives, their subjectivities, or their preferences? To what extent can those be known, given the temporal and/or contextual distance? Why and to what degree should the present generations care about the absent?

In this article, I would like to bring some conceptual clarity to the discussion by addressing these issues. *In the first part*, I analyse the notions of present, past, and future absent (sections 1, 2, and 3). *The second part* examines the reasons for caring about the absent, particularly the past absent (section 4). *In the third part*, the focus is placed on the modalities of representing the absent (section 5). Finally, the scopes and limits of representing the absent are presented in the conclusion to this chapter.

1. The Present Absent

The 'absent' as a subject of rights can be interpreted in numerous ways. Before addressing the notion of the *past absent* and the *future absent*, let us first consider the category of the *present absent*. Unlike the other categories, the present absent are not chronologically distant. They are contemporary individuals (or groups) who are present holders of rights but are excluded from their enjoyment due to different circumstances. Here, we can include people who cannot articulate their preferences due to internal or external constraints (e.g., children) but also forcefully displaced people, institutionally confined individuals, and people in exile or hiding. While the latter have participated or will participate in political processes at some

point(s) in their lives, they currently do not have any direct means to convey their opinions in public deliberations. They can thus be considered *absent* from standard procedures of decision-making. This, however, does not mean that those absent individuals are entirely voiceless. Sometimes, their concerns can be communicated through guardians or representatives (such is the case with children, for instance). The level of their indirect impact, moreover, varies drastically. A migrant caught in legal limbo shares with Edward Snowden a certain absence from political life, but their ability to influence political decisions indirectly are incomparable. There are activist groups who take a step further and include conceived but unborn children among the absent who need representation. Some other groups count animals among such subjects and thus endeavour to act as their proxies. Several examples will be provided below.

In 2000, Oxfam GB initiated the Indigenous People's Development Programme in Bangladesh. Together with 20 partner organisations, they aimed to support the political representation of indigenous Adibashi people, who are often discriminated against and excluded from political, economic, and cultural life.⁴ This exemplifies a way to endorse the *present absent* in their attempts to achieve equality. Randall S. Abate takes a broader approach to representation. He collectively defines future generations, wildlife, and natural resources as 'voiceless'.⁵ Those *voiceless groups* are most affected by global climate changes and should enjoy enhanced stewardship.⁶ The best illustration of such attempts coming to fruition is the Te Awa Tupua (Whanganui River Claims Settlement) Bill, passed in March 2017 by the New Zealand Parliament, establishing the legal personhood of 'the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements'.⁷ Te Awa Tapua, the Bill establishes, is 'a legal person and has all the rights, powers, duties, and liabilities of a legal person'.⁸ The rights, powers, duties, liabilities, and responsibilities of the Whanganui River with all its essential elements are performed by a special

4 Bibhash Chakraborty and Ayesha Dastgir, 'Finding a Voice for the Voiceless: Indigenous People Gain Recognition in Bangladesh' (Oxfam GB 2018) <<https://perma.cc/K59J-DZQR>>.

5 Randall Abate, *Climate Change and the Voiceless* (CUP 2020).

6 *ibid.*, 173–174.

7 The Parliament of New Zealand, 'Te Awa Tupua (Whanganui River Claims Settlement) Bill' (2017) para. 12 <<https://www.legislation.govt.nz/bill/government/2016/0129/latest/whole.html#DLM6831458>> accessed 22 February 2022.

8 *ibid.*, para. 14.

two-person Office of Te Pou Tupua, which is ‘the human face of Te Awa Tupua and act in the name of Te Awa Tupua.’⁹ In order to avoid confusion, it is important to clarify that the legal personhood of Te Awa Tupua is not comprised solely of a river but also all the communities and elements integral to it, such as the iwi and hapū groups living nearby the Whanganui River.¹⁰ Also in March 2017, the Uttarakhand High Court in India granted the status of legal minor to the Ganges and Yamuna rivers. The decision was later overturned by the Supreme Court of the Uttarakhand State.¹¹

Tony Mifsud, the Malta Unborn Child Movement coordinator, suggested in 2012 that the state’s Attorney General ‘should recommend the introduction of an unborn child advocate to the government.’¹² In Mifsud’s view, the role of this advocate should be to represent the interests ‘of unborn children for protection to their lives and from harm, of any description, to their bodies.’¹³ An example of those harms can be exposure to harmful toxins such as drugs and alcohol, and physical violence during pregnancy. The group thus strives to extend to the representation of the presently absent to potential future citizens in political terms and juridical procedures.

An anti-specist group, Anonymous for the Voiceless, defines itself as a ‘voice against history’s largest and longest-standing injustice.’¹⁴ The organisation aims to abolish ‘all forms of non-human animal exploitation’¹⁵

What all these organisations share is a conviction of representing the rights of constituents that are unjustly excluded from political considerations. All these actions are meant to represent the *present absent* in the political fora.

2. The Past Absent

The second category of the absent are the *past absent*. As was the case with the previous categories, here we can count not only dead humans but also past cultures, artefacts, or non-human forms of life. Species revival groups,

9 ibid., 18.2.

10 ibid., 13c-d.

11 A Vaidyanathan, ‘No, Ganga And Yamuna Are Not Living Entities, Says Supreme Court’ (NDTV, 7 July 2017) <<https://perma.cc/J6KW-42LT>>.

12 Tony Mifsud, ‘Role of Unborn Child Advocate’ (*Times of Malta*, 28 April 2012) <<https://perma.cc/9K5Z-G6DD>>.

13 ibid.

14 ‘Who We Are’ (Anonymous for the Voiceless) <<https://perma.cc/8DTX-QKYV>>.

15 ibid.

for instance, gather scientists who aim at de-extinction, i.e., bringing extinct species to life through genetic engineering, and thus advocate for their interests. Most often, though, the notion of the past absent refers to dead individuals, people who used to be members of the polity but no longer are. We can deduce their wills or desires only indirectly. Generations preceding us have crystallised their political preferences through laws, institutions, norms, and elements of cultural heritage that define current life. We can infer, for instance, that previous generations meant certain political provisions to be stable and thus enshrined them in a constitution. By establishing national libraries and archives, we can assume they wanted to preserve national culture and heritage.

There are, however, at least three problems related to the representation of the past. *Firstly*, we can never be sure what the real political preferences of past generations were when it comes to the durability of their past projects. If past generations had founded a national petroleum company, should we respect their rights to use fossil oils for the betterment of society? Or were their preferences somehow vaguer – to use any available energy source for economic profit? We can only discern what past generations did in the past, but we have no way of knowing what their preferences under current, drastically different, circumstances would be. More fundamentally, we cannot know for sure if they even intended their wills or approaches to last beyond them. *Secondly*, the interests of the past generations are not necessarily compatible. Just like the present, the past was also a battlefield of ideas, political projects, and ideologies. Past individuals who built hydroelectric plants on a river or barriers to prevent its flooding would have very different worldviews and desires from those who believed that the river in question is a living entity and should flow unobstructed. *Thirdly*, it is unclear why and to what degree current generations owe respect to past generations regarding their political decisions and preferences concerning national legacy. I will return to this question of obligations towards past generations later in the chapter.

3. *The Future Absent*

The third category of the absent is the *future absent*, the upcoming generations, who are also the primary focus of the theories of intergenerational justice. A short clarification here is necessary. When I speak about the future absent, I have in mind the individuals, species, and creations, all

of which *will exist* in the future but are currently absent. They should not be confused with currently existing beings and artefacts which will disappear in future, e.g., some extinct species of animals or languages that will become unused in future.

As is the case with the previous categories, the future absent primarily denotes future *human beings and groups*, those imagined generations that will live in the future but are not currently present as political subjects. Future generations, however, are in many ways, different from past generations. While the past generations did exist and participated in social developments, future generations exist only as a projection. While we can contend that we 'owe' something to past generations because we enjoy the benefits of their work, we cannot say the same about future generations. Therefore, the source of obligations towards the future absent must be somehow different – it cannot be based on their still non-existent acts, but on something that transcends every specific generation, some trans-temporal rights that every generation (current or future) needs to enjoy.

If there are such rights, we can argue that the *right to exist* should be the first among them. The right to exist, however, is predicated upon the *existence of an environment* which can support it. Therefore, current generations who have also inherited their environment should feel obliged to preserve it in such a condition that the future generations can exist and sustain themselves. This idea is based on the common stewardship of the Earth, according to which each generation should take into consideration those who come after them. While here we cannot talk about generational reciprocity, we can insist on upholding the common principle of respect. Samuel Freeman, following Rawls, writes:

While this is not a principle of reciprocity – after all, future generations are not able to reciprocate the benefits we bestow on them by bestowing benefits on us – it resembles a principle of reciprocity in that it says in effect: 'Do unto future generations as you would have previous generations do unto you.'¹⁶

This Rawlsian 'golden rule' of intergenerational justice applies equally to the cultural legacy. People derive a great deal of meaning in their lives from the prospect of the future value of their work. In other words, our current cultural, artistic, spiritual, and material production is largely based

16 Samuel R Freeman, *Rawls* (Routledge 2007) 139.

on the idea that those products will be valuable even after our death. In that sense, current generations indirectly tie the value of their work to the future generations; current generations hope and assume that future generations will appreciate past achievements. If we could reasonably predict that art will disappear in two generations, much of the present artistic work would lose its appeal.¹⁷

In summary, the representation of the 'future absent' is first and foremost linked to the obligation to protect the environment and biosphere so that future generations can exist, flourish, and continue the civilisational developments achieved before them.

Now that we have a clearer outline of the differences between the past absent, present absent, and future absent, we can see that the political concerns regarding them are very different. The same can be said about the sources of moral and ethical responsibilities towards them. In the discussion that follows, I would like to focus primarily on the *past absent*. There, I will analyse the sources of moral obligations related to past generations, different forms of representing their interests, and the scopes and limits of the representation.

4. Why Should We Care About the Past Absent?

In the Gettysburg Address, one of the most famous speeches in American history, Abraham Lincoln addressed the soldiers of the Union, stating:

We have come to dedicate a portion of that field, as a final resting-place for those who here gave their lives, that that nation might live. (...) It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. (...) that

17 The premise, however, is tied to the belief that human legacy can only be preserved through future generations and that the only two possibilities of future human development are either destruction or procreation. Technological utopias make this problem even more complicated since they promise virtually limitless continuation of human lives through technological means, entirely decoupled from biological limitations. Those, still entirely fictional prospects nevertheless raise the question whether we owe existence to future generations at all if human culture can be preserved and developed through current individuals. This question is, however, beyond the scope of this paper. For a discussion on the significance of life-transcending interests, see: Janna Thompson, *Intergenerational Justice: Rights and Responsibilities in an Intergenerational Polity* (Routledge 2009) 43–50.

we here highly resolve that these dead shall not have died in vain – that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.¹⁸

Lincoln's speech is, at the same time, one of the most famous invocations of dead lives given as a sacrifice to an idea, which thus serves as a guide for the future. Obligations towards past generations are often closely tied to the notion that past individuals gave their lives for certain goods and values. The fact that people are willing to die for something would suggest that the value in question is extremely precious – why would anyone sacrifice their life for something irrelevant? It is no matter of contestation whether some or even most of the dead saw their dying as a meaningful sacrifice for an idea or an ideal. Instead, the question is whether the loss of lives for the idea makes that very idea any more valuable than it would be without those losses. Should the amount of value that past generations had put into some idea – one can further ask – be judged based on their standards or according to standards we have today when many of the past values are reassessed?

The readiness to die, importantly, is not always a warrant of a generally appraised value. In October 1996, 39 members of the Heaven's Gate cult died for the idea of being subsequently abducted by aliens. In November 1978, more than 900 members of The Peoples Temple in Jonestown committed an act of 'revolutionary suicide' under the leadership of Jim Jones. In August 2021, The New York Times made a documentary *Dying in the Name of Vaccine Freedom*,¹⁹ showing anti-vaccine individuals who prefer death to inoculation against a lethal pathogen. Thousands of individuals died for the idea of the Islamic Caliphate in recent years. In brief, people die in the name of all sorts of ideas daily. The relatives of dead sect members should be in no way obliged to respect the value or decisions of their predecessors. To put it more generally, the sole fact that a large number of people died for something does not incur any direct responsibility on their descendants.

An objection here could be that those descendants are in no way related to the circumstances that their predecessors deemed worthy to die for. People living in the USA today are still enjoying the benefits of the fights

18 Abraham Lincoln, 'The Gettysburg Address' (1863) <<https://perma.cc/2V4E-BWU6>>.

19 'Dying in the Name of Vaccine Freedom' (New York Times, 2021) <<https://www.youtube.com/watch?v=pd8P12BXebo>> accessed 7 November 2021.

and deaths under Lincoln's leadership. Contrary to this, the progeny of cult members does not live today in a small community that was supernaturally saved from the apocalypse. If the promises of their progenitors were indeed true, perhaps their obligations to continue previous ideologies would have been stronger? Is the current enjoyment of social and political benefits something that makes us indebted to those who created them?

While stronger, this argument is also not entirely convincing. Forefathers, for instance, might have died in a fight for a system that is comparatively worse than the alternatives available at the time. According to Encyclopedia Britannica, around 600 000 civilians and 406 000 soldiers from North Korea died during the Korean Wars.²⁰ It does not mean that current citizens of North Korea should feel obliged to respect the enduring revolutionary ideology or the regime, even though they live and 'benefit' from the system their forefathers created. While North Korean citizens could mourn the death of their compatriots, they should not be expected to treat their political preferences with any particular reverence. As a matter of fact, they might even feel resentment toward them. One could argue that current North Koreans do enjoy some benefits of living in a socially and politically organised community (in comparison to, let us say, complete anarchy), but those benefits should in no way prevent them from assessing freely and – if desired – abandoning the projects of their predecessors.

To put it concisely, the fact that a great number of people die for certain preferences should not guard those preferences against scrutiny. The question then naturally follows: Are there any reasons to treat the preferences of our predecessors with special reverence and not just as any other political opinion? A *conservative* argument favouring intergenerational obligations could be based on the idea of accumulated wisdom. If numerous generations valued specific ideas and if members of the society repeatedly died in defence of those ideals – the argument goes – we should consider that there might be something truly valuable therein, even if we do not see that value at that moment. While this does not prevent the *change itself*, it should curb *abrupt changes* in favour of extended social discussion. From the *liberal* perspective, however, scepticism towards the preferences of previous generations seems much sharper. I turn to those perspectives in the following sections.

20 Allan R Millett, 'Korean War: 1950–1953', Encyclopedia Britannica (18 July 2023) <<https://perma.cc/P6PA-USV2>>.

4.1. Every Generation Is a Separate Nation

Both Thomas Jefferson and Thomas Paine strongly opposed the idea of intergenerational decision-binding. To Thomas Paine, ‘[e]very age and generation must be as free to act for itself in all cases as the age and generations which preceded it.’²¹ In his correspondence with James Madison, Jefferson famously stated that ‘one generation is to another as one independent nation to another.’²² Since the ‘*earth belongs in usufruct to the living*’, he added, ‘the dead have neither powers nor rights over it.’²³ Jefferson thus proposed the expiration of all socially binding laws after the end of the average lifespan of the generation that made them, which was 19 years at his time.²⁴

In both of those positions, however, there is already a latent key for interpreting intergenerational responsibility for *future generations*. Paine’s stance that each generation should be free to act for itself assumes that each generation possesses the freedom to make independent decisions. The idea of freedom, in this case, is binary – either one possesses it or not. If we take a different view and see freedom as a continuous variable, we can speak of various degrees of freedom. In this perspective, the whole calculation changes. Even if we accept that future generations should be free to act for themselves, we must still acknowledge that the degrees of freedom to exercise such rights are partially defined by previous generations. The destruction of natural resources in one generation, for example, directly limits the degrees of freedom for future economic decisions. Consequently, Jefferson’s position that the earth ‘belongs in usufruct to the living’ is viable only if we take for granted that every generation has the same ability to exercise the usufruct from the land. If the land becomes inhabitable, then the very idea of usufruct becomes void. In other words, the ability to usufruct the land is a matter of degrees, influenced significantly by previous generations.

While future generations might not have rights as they do not exist yet, we can defend their right indirectly – by defending the principle that *every generation should inherit the proper conditions for exercising their*

21 Thomas Paine, ‘Rights of Man: Being an Answer to Mr. Burke’s Attack on the French Revolution’ (1860) <<https://perma.cc/66FL-DLCS>>.

22 Thomas Jefferson, ‘To James Madison from Thomas Jefferson, 6 September 1789’ (1789) <<https://perma.cc/DZR2-TLYX>>.

23 *ibid.* (emphasis in original).

24 *ibid.*

rights. The devastation of the environment beyond the point of natural recovery and above reasonable expectation of human adaptability would hence destroy the very basis for the exercise of freedom, even at its minimal degree. Thus, in order to ensure that any potential future subject can truly be a subject of freedoms and rights, we need first to ensure the conditions that make them possible. Even if we do not accept that future subjects have rights as of now, we can admit that they should have the ability to enjoy their rights once they become subjects.

But what argument shall we put forward in defence of the respect for the preferences of the *past generations*? Jefferson's concept of self-expiring laws exemplifies the liberal opposition to the idea that the will of past generations should bind future citizens. In his response to the said proposal, Madison offered several objections. Some objections are purely pragmatic: constant laws change would bring political instability and legislative confusion, particularly regarding property laws.²⁵ To that, he adds another argument, founded on emotions, indicating that a political community develops a special reverence for stable laws and institutions over time. Finally, Madison introduces the idea of a debt, based on the benefits that current generations enjoy and cannot reasonably repay within 19 years:

Debts may be incurred for purposes which interest the unborn, as well as the living: such are debts for repelling a conquest, the evils of which descend through many generations. (...) The term of 19 years might not be sufficient for discharging the debts in either of these cases. There seems then to be a foundation in the nature of things, in the relation which one generation bears to another, for the descent of obligations from one to another. Equity requires it. Mutual good is promoted by it. All that is indispensable in adjusting the account between the dead & the living is to see that the debits against the latter do not exceed the advances made by the former.²⁶

What Madison meant when stating that intergenerational debt is founded in the 'nature of things' is not entirely clear. He seems to suggest that there should be a natural sense of gratitude in present generations for the benefits they inherited from their predecessors (such as repelling of a conquest). However, Madison still adds an important clause: the debt of the living

25 James Madison, 'From James Madison to Thomas Jefferson, 4 February 1970' (1970) <<https://perma.cc/8DE6-XNTJ>>.

26 *ibid.*

should not exceed the advances of the predecessors. In other words, the present generation's debt towards their predecessors should be proportional to the benefits they inherited. The problem here lies precisely in the assessment of those benefits and debts. As I mentioned above, the current living could estimate that they have inherited more harm than benefits from their predecessors. If we based our argumentation on the idea of reciprocity, then past generations would be indebted to the current ones, which is obviously impossible. The argument from gratitude can thus be transposed to the following one: Current generations should respect the legacy of the past generations to the degree that they positively examine that very legacy. When rephrased, the argument requires no special reverence for the past generation since the degree of gratitude is a function of current evaluations, not something that precedes them.

Primoratz and Pavković, while contending in favour of patriotism, recognise a potential clash between liberal principles and automatic duties that would potentially follow from past sacrifices:

We are surely entitled to make up our own minds about which goods are worthy of being maintained. So if we do decide to maintain an inheritance provided by our predecessors this must be because we find it desirable and not because of anything that our predecessors did or could have demanded.²⁷

For the authors, the sacrifices of the past generations cannot be the primary but only *an additional reason* to support certain political decisions:

Lincoln assumed that the desirability of a free democratic society was a good enough reason to maintain it, but this does not exclude the possibility that the sacrifices of the dead also give citizens a reason to carry it on. The fact that there can be more than one motivation for bringing about a wanted goal might be regarded as fortunate. If one fails another might achieve the result.²⁸

Therefore, past desires and sacrifices oblige only insofar as the original ideals for which they were made are, on their own merit, still important. If those ideals at some later point become widely rejected (e.g., racial

27 Igor Primoratz and Aleksandar Pavković, *Patriotism: Philosophical and Political Perspectives* (Ashgate 2008) 153.

28 *ibid.*, 154.

divisions or a caste system), then no amount of former sacrifice could supplement their inherent deficiencies.

Until this point, we have discussed political orientations and policies, something that can be respected, deliberated, and changed. No matter which stance we take, the fact remains that future generations have the ability to alter the course of political life. In other words, they are placed in a position of determining whether they should continue past projects (if they are deemed worthy) or not.

There is another segment of the obligation towards the past, which is much less voluntary and pertains to the notion of guilt and responsibility for past abuses. Even if we make a radical turn regarding the choices made by the previous generation, the idea is, we should still have a moral obligation to deal with the legacy of their crimes. Why – we might ask – should a political community be free to cut ties with past generations' decisions but not with their abuses? Jaspers and Arendt, in different ways, articulate that the responsibility for past abuses is a form of 'liability predicated on the duties of citizenship'.²⁹ Participation in citizenship would thus imply taking responsibility for the past actions of the political community, even if they did not involve any degree of personal agency.

In both cases, however, the overreaching idea is that citizenship (mostly inherited) brings certain moral obligations. The problem with this argument is that it sees moral obligations as a function that stems from belonging to a particular state. If it were the case that the citizenship changed after the fall of a regime, what would then be the source of political responsibility? I would instead suggest that political responsibility should follow directly from the demands of justice to respect all individuals equally. The sympathetic relationships of citizenship or nationhood can thus only be a supplementary reason for upholding those duties.

It follows that the duty of providing reparations does not need to be understood as a way of 'paying' for past sins but simply as a way of treating all citizens equally. Suppose individuals and/or groups of people are negatively affected by the legacy of some past decision. In that case, current polity members should feel obliged to remove those obstacles, regardless of whether they feel continuity with the past or not. This is simply another way to put forward an argument from the Rawlsian veil of

29 Andrew Schaap, 'Guilty Subjects and Political Responsibility: Arendt, Jaspers and the Resonance of the 'German Question' in Politics of Reconciliation' (2001) 49(4) Political Studies 749, 750.

ignorance. Often-heard quasi-theological talk about the ‘sins of the Fathers’ or the ‘nation’s original sin’ is more confusing than helpful in articulating justice. The problem here is that the idea of sin implicitly opens a space for another related theological idea – the Messianic expiation of the sins. In such cases, some autocratic individual, a group, or even a generation imbues themselves with supra-political power to transform or supplement the mistakes of previous generations.

Some authors tie the obligation to provide redress to the sense of pride that members of the nation feel. In the same way, they feel entitled to participate in pride and victories of the nation, the argument goes, community members should partake in the feeling of shame, guilt, and duties to correct the injustices. Abdel-Nour thus claims the following:

[N]ational responsibility is actively incurred by individuals with every proud thought they have and every proud statement they make about the achievements of their nation. This, however, is also the limit of their national responsibility, which only extends to the actions that have historically brought about the objects of their national pride.³⁰

But let us imagine a situation in which a community makes a radical break with the past. What should be the base of their political responsibilities once there are no more ties of pride-cum-shame or genealogies of the assumed original sins? Revolutionary governments, for instance, are based on the premise of a radical rupture with the past. Should they nonetheless feel obliged to uplift polity members suffering the consequences of past discrimination? If we base our arguments on the sins of the *past absent*, post-revolutionary citizens who feel no connection whatsoever with the past generations could be easily dispensed of any responsibility towards the legacy of the abuses. They might even feel that they were also victims of the past regime. What would the source of obligations for uplifting the groups that suffer especially strong consequences of past abuses then be?

The case of Roma people during WWII in the Independent State of Croatia is particularly telling in this respect. Together with Jews, they were proportionally the largest victims of state-sanctioned genocide. Communist Yugoslavia, which incorporated all the territories of the former Independent State of Croatia, saw itself in complete discontinuity with the ideology, identification, nationhood, and acts of the Independent State of Croatia.

30 Farid Abdel-Nour, ‘National Responsibility’ (2003) 31(5) Political Theory 693, 703 (Emphasis in original).

The arguments from the ‘original sin’ or the prevalence of ‘national pride’ would offer little support in this case. Why would a new state, based on a revolutionary movement that actively fought against the previous government, feel any guilt for the ‘sins’ of the past regime?

Let's take another route based on the obligation to provide all citizens with equal opportunities to participate in political life. Then, we can contend more strongly that Yugoslavia had an obligation to address particular challenges that the Roma community suffered due to the preceding genocide under a different government. This, of course, involves dealing with potential remnants of the ideology on which this discrimination was based.

In short, I find the arguments that base the responsibility for the actions of the *past absent* based on citizenship or experienced emotions partially lacking. This is because political communities can radically break the ties of citizenship and emotions with the previous generations. But even in cases of radical rupture with the past, polities still feel obliged to carry the responsibility for the legacy of past discrimination. Although the emotional or sympathetic feelings towards past generations could be a supplementary reason, I argue, they cannot be the primary moral and political bases for the responsibility towards the past. The primary reason, I suggest, should be the demand to ensure equal opportunities for all citizens to participate in political life. This obligation remains active even in cases of a radical break from the past.

Dealing with the past also includes processes of remembering and documenting past abuses (contra denial and forgetting), as well as ensuring non-repetition of crimes. Yet, once again, the importance of remembering and documenting the past cannot be dependent on the existence of past abuses. Responsible remembrance (which stands in contrast to censorship or embellished past) is the best way to make reliable links between past and present conditions, and make reasonable predictions about the future. Remembering correctly should therefore be a principle that, in itself, requires recognition and preservation.

Regardless of the grounds for representation of the past absent, the question of how we represent the past remains unclear. The issue itself is dependent on the other concern, which asks: What is exactly *absent* in the *absent past*? I address these points in the following section.

5. How Do We Represent the Past Absent?

There are at least three different possibilities of interpreting the ‘absence’ in the ‘past absent’:

- 1) The absence of biological lives
- 2) The absence of subjectivities
- 3) The absence of preferences

Each of these options is consequential for the choices and possibilities of representation.

1. *The absence of biological lives* means that one portion of the population is absent today as a direct consequence of some previous acts they carried out or suffered. In that sense, the Jewish saying ‘whoever kills one person, kills the whole world’ is telling because it suggests that one killed individual could potentially have had uncountable progeny. While there is no possible remedy for this loss, the absence of those lives can be represented by memorials and through education. The *Children’s Memorial* in *Yad Vashem* is a good example of the artistic representation of the absent. Five candles surrounded by mirrors create endless reflections while the names of child Holocaust victims are being constantly recited. The monument’s message is simultaneously poignant and illustrative – even a small number of killed individuals could have been reflected in endless upcoming lives. The flames of those candles in mirrors thus show the absence – the reflection is observable, but it is only ephemeral; it can be felt but it is not materially present. Every year, Bosnian-Herzegovinian artist Aida Šehović performs absence by filling up 8372 cups of coffee, commemorating victims of the Srebrenica genocide. Those coffees, left untouched, symbolise and thus render visible the biological absence of people from the intimate sphere of their families and friends.
2. *The absence of subjectivities* goes one step beyond the absence of biological lives. It says that the people killed are not just a number or a demographic loss but something more – each represents an independent subjectivity, a rich universe of life and meaning taken away. Representation of this loss is also most visible in museums and memorial institutions. For example, the Holocaust exhibition at the United States Holocaust Memorial Museum gives visitors ‘ID Cards’ with basic details of a Holocaust victim. Those small booklets narrate the history of the Holocaust through personal stories, through subjective experiences of individuals.

In that way, the exhibit aims to reconstruct the absent subjectivities of past victims that were forcefully erased. DeSilva's, *In Memory's Kitchen*, is another example of how one part of a personal inheritance can be continued through acts of performative justice.³¹ One female inmate in Theresienstadt collected recipes in a book meant to preserve their culinary heritage, transmitted over generations, from imminent destruction. The book's publication was motivated by a desire to pay homage to the creativity and legacy of imprisoned women by recreating their recipes. Therefore, the culinary work becomes a memory work through which a part of the subjectivity of forcefully killed women is remembered and thus represented again.³²

3. Finally, the *absence of preferences* means that past generations had some political preferences that still affect our public lives. The reconstruction and representation of those preferences would then mean that current generations are responsible for past ones. In political discourse, the idea of representing the absent is frequently tied precisely to this last notion of *absent political preferences*. Clearly, those three forms of absence are mutually interconnected. The absence of preferences requires the absence of biological lives and the absence of subjectivity. Yet, I still believe it is analytically useful to differentiate between them. Namely, the reconstruction of preferences often implies a hierarchy among the past absent. Nobody ever talks about the need to reconstruct the political preferences of those judged to be on the 'wrong side of history.' While national monuments can be erected in order to represent the biological absence of dead community members (both perpetrators and victims), this is not the case with the representation of political preferences. Maya Lin's design for the *National Veteran Memorial* in Washington, DC, was one of the rare attempts to represent the loss of soldiers' lives without political connotations, neither positive nor negative. Conversely, when it comes to the representation of past political preferences, we are implicitly operating with the notion of the *deserving absent*, those who deserve respect and merit the continuation of their projects. Only the preferences of the *deserving absent* – it follows – are to be represented and, to a certain degree, respected.

31 Cf, Stipe Odak, 'Post-Conflict Memory as Performative Justice' (2021) Peace Review 1. The quoted book is the following: Cara DeSilva, *In memory's kitchen: A legacy from the women of Terezin* (J. Aronson 1996).

32 Cf, ibid.

It is important to restate that representing *the past absent*, in any form, is ambiguous. While it can be done as a form of memory work, it can also take the form of political propaganda. The cases in which politicians purport to speak in the names of past victims, assuming the prerogatives of interpreting their desires, are especially problematic. Every generation is inherently heterogeneous when it comes to interests and preferences. This is why the representation of the past absent, in all its pluriformity, should be an inclusive task for the community. Just as the literary tradition is best served not when imitated but when creatively encountered, representation of the past absent cannot be limited to replicating past decisions but their application to the current demands of social life.

Conclusion: Limits and Scopes of Representation

Procrustes, in Greek mythology, was a bandit who had only one size of bed. He forced all his victims to fit in it and thus cut the legs of those too tall and extended the limbs of those too short.

The meaning of the *past in its pastness* always escapes us. Even if we could potentially know all the social and political desires of the past generations, replicating them to the current situation would do them no service. Since the past norms and preferences were developed as a response to their context, what needs to be preserved is not only in the *content* of those preferences but also the *mechanism of their evolution*. In other words, faithfulness to a tradition requires respect not just towards heritage but also towards the adaptability and development of the same heritage. This is no different from the political representation of past individuals and groups.

Representation of the past absent, in other words, cannot simply be the continuation or a 'reconstruction' of the past. Instead, social and political projects of past generations should be judged on their inherent value and re-contextualised with respect to new circumstances. Reverence for the past and emotional links with previous generations can only serve as an additional reason which warrants due admiration for the past but does not guarantee its uncritical continuation. When it comes to the responsibility for past crimes, the duty for reparations should be based on the obligation to allow every citizen equal participation in social and political life. This principle should be upheld even in polities that declare a radical break with the previous one, thus feeling no connections of pride or shame related to the past regime. Finally, the acts representing the past can vary, depending

on our understanding of the absence. If we are talking about the absence of biological lives or subjectivities, the representation can be achieved through measures of remembrance, commemoration, or performative justice. On the other hand, representation of absent political preferences requires new articulation of those preferences, necessitating the interpretative engagement of the whole community. Special attention should be paid to preventing the misuse of the past in ideological projects that promote antagonisms, further social cleavages, and incite violence. Similar caution should be exercised in projects attempting to represent *the present and future absent*. For the sake of justice, political decision-making should be as inclusive as possible, thus the need for attentiveness towards those excluded and marginalised (*present absent*). Our current interest, furthermore, should be balanced by care for the ability of future generations to exist and implement their interests, although they might differ from ours. Besides sensitivity, all these projects require a great deal of humility, primarily when it comes to the interpretation of preferences of those different from us, be it different species such as animals, different phenomena such as rivers, or culturally and/or chronologically distant humans. Their differences are not something that we can eliminate by increasing current efforts to understand them. The difference of the different is irreducible. While we are invited to interpret the preferences of those who are different, the attempts to define them unequivocally would resemble Procrustean's one-size-fits-all bed.