Narrative of Justification and the Politics of Memory: Rainer Forst Legitimacy, and the Transformation of Postwar Identity

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Abstract. This article examines the relationship between political legitimacy, collective identity, and public memory through Rainer Forst's theory of justification. Starting from the idea that modern political orders do not legitimate themselves solely through abstract principles, but also through narratives capable of translating historical experiences into normative claims, the article proposes the concept of "narratives of justification" as an interpretive key for understanding the nexus between reason, history, and power. Such narratives do not merely explain the origins of institutions, norms, and collective identities; they also help define the space of reasons within which they may be accepted, contested, or transformed. Drawing on the right to justification, understood by Forst as the principle according to which every binding norm must be justifiable in reciprocal and general terms to all those subject to it, the article highlights the constitutive ambivalence of public memory. On the one hand, it operates as a normative device capable of transforming traumas, suffering, and processes of emancipation into reasons for solidarity, rights, and democratic institutions. On the other hand, it may harden into ideological forms when it sacralizes certain historical narratives, thereby narrowing the space for critique and marginalizing alternative voices. The case of postwar Germany makes it possible to observe this dynamic concretely. From the repressions and silences of the 1950s, grounded in the narrative of German suffering and in the imperatives of reconstruction, one moves to the critical ruptures of the 1960s and 1970s, marked by the Eichmann and Auschwitz trials, the student movement, and Willy Brandt's symbolic gesture in Warsaw. Subsequently, the memory of the Holocaust was progressively universalized, becoming a central element of German constitutional patriotism, educational policies, commemorative practices, and the democratic identity of the Federal Republic. The article argues, however, that this transformation should not be understood as linear progress, but rather as a succession of regimes of justification, each of which produced political stability but also exclusions, silences, and conflicts. Democratic memory remains legitimate only insofar as it keeps open the space for contestation and critical revision. From this perspective, Forst's theory allows us to understand memory not as a mere repository of the past, but as a reflective practice through which a political community continually tests the reasons for its own identity.

Keywords: Rainer Forst; German Identity, Memory, Holocaust.

Riassunto: Il presente contributo analizza il rapporto tra legittimità politica, identità collettiva e memoria pubblica attraverso la teoria della giustificazione di Rainer Forst. Muovendo dall'idea che gli ordini politici moderni non si legittimino soltanto mediante principi astratti, ma anche attraverso narrazioni capaci di tradurre esperienze storiche in rivendicazioni normative, l'articolo propone il concetto di "narrazioni della giustificazione" come chiave interpretativa per comprendere il nesso tra ragione, storia e potere. Tali narrazioni non si limitano a spiegare l'origine di istituzioni, norme e identità collettive, ma contribuiscono a definire lo spazio dei motivi entro cui esse possono essere accettate, contestate o trasformate. A partire dal diritto alla giustificazione, inteso da Forst come principio secondo cui ogni norma vincolante deve poter essere giustificata in modo reciproco e generale a tutti coloro che ne sono soggetti, l'articolo mostra l'ambivalenza costitutiva della memoria pubblica. Da un lato, essa opera come dispositivo normativo capace di trasformare traumi, sofferenze e processi di emancipazione in ragioni per la solidarietà, i diritti e le istituzioni democratiche. Dall'altro, essa può irrigidirsi in forme ideologiche quando sacralizza determinate narrazioni storiche, restringendo lo spazio della critica e marginalizzando voci alternative. Il caso della Germania postbellica consente di osservare concretamente questa dinamica. Dalle rimozioni e dai silenzi degli anni Cinquanta, fondati sulla narrazione della sofferenza tedesca e sulle esigenze della ricostruzione, si passa alle rotture critiche degli anni Sessanta e Settanta, segnate dai processi Eichmann e Auschwitz, dal movimento studentesco e dal gesto simbolico di Willy Brandt a Varsavia. Successivamente, la memoria dell'Olocausto viene progressivamente universalizzata, divenendo elemento centrale del patriottismo costituzionale tedesco, delle politiche educative, delle pratiche commemorative e dell'identità democratica della Repubblica Federale. L'articolo sostiene tuttavia che questa trasformazione non debba essere letta come un progresso lineare, bensì come una successione di regimi di giustificazione, ciascuno dei quali ha prodotto stabilità politica ma anche esclusioni, silenzi e conflitti. La memoria democratica rimane legittima solo nella misura in cui conserva aperto lo spazio della contestazione e della revisione critica. In questa prospettiva, la teoria di Forst permette di comprendere la memoria non come semplice deposito del passato, ma come pratica riflessiva attraverso cui una comunità politica mette continuamente alla prova le ragioni della propria identità.

Parole chiave: Rainer Forst; Identità tedesca; Memoria; Olocausto.

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Introduction

Modern political orders do not legitimize themselves through abstract principles alone. They rely on narratives, stories of origin, suffering, emancipation, or progress, that translate historical experience into claims about why institutions, identities, and norms deserve allegiance. As the first chapter of this study argues, these narratives of justification form the connective tissue between reason and history: they condense events, symbols, and memories into moral and political lessons, offering not only explanations of how a given order arose but also normative claims about its validity. Their power lies in shaping what Rainer Forst calls orders of justification (*Rechtfertigungsordnungen*): discursive frameworks through which societies bind themselves by reasons while simultaneously delimiting the space in which those reasons can be questioned (Forst 2013, 2017).

Rainer Forst; diritto alla giustificazione; politica della memoria; legittimità; identità tedesca; memoria dell'Olocausto; ordini di giustificazione; teoria critica; Germania postbellica; patriottismo costituzionale.

Yet this very binding power discloses an ambivalence at the heart of modern politics. Narratives of justification stabilize social and political orders by structuring collective identities and obligations, but they also exercise what the first chapter terms modalities of power: they shape the space of reasons within which political actors deliberate, contest, and assent. When justificatory narratives foreclose critique, by sanctifying nation, progress, or trauma as unquestionable, they risk turning legitimacy into ideology, collapsing the distinction between persuasion and justification, between normative authority and historical affect. Conversely, when political orders institutionalize the right to justification, Forst's core principle that all norms must be reciprocally and generally acceptable to those affected, they transform narratives from instruments of domination into vehicles of critique and democratic learning (Forst 2012, pp. 13-42).

This theoretical framework enables both a critical description and a deconstructive analysis of modern politics of history and memory. Critical description, as developed in Chapter One, reconstructs how justificatory narratives, contractualist, revolutionary, national, or memorial, have mediated between historical experience and normative principle, translating collective pasts into claims about justice, authority, and identity. Yet Forst's approach also insists on a deconstructive moment: it exposes the limits, exclusions, and silences through which these narratives sustain legitimacy. As Chapter Two shows, public memory exemplifies this tension. It functions as a normative dispositif: commemorations, museums, and rituals bind political communities by turning past suffering into moral lessons, but they also exercise framing power (Frazer 2008, chapters 2 and 6), deciding which voices and traumas become canonical while marginalizing others. Forst's principle of justification requires that such narratives remain open to critique, plurality, and revision; otherwise, memory risks becoming what Nietzsche warned against as monumental history, serving the needs of power rather than the claims of justice.

The analysis of German memory politics in Chapter Three illustrates this double movement. From postwar silences and Cold War pragmatism to the critical confrontations of the 1960s and the universalist memory culture of the present, Germany's shifting narratives disclose successive justification regimes whose legitimacy collapsed when their claims could no longer withstand moral and political critique, from victims, intellectuals, activists, or transnational audiences. What appears as linear progress thus emerges, through Forst's lens, as a series of justificatory struggles in which legitimacy increasingly required giving reasons that all affected, including the dead, the displaced, and the marginalized, could in principle accept.

By linking narrative, power, and legitimacy, Forst's theory illuminates how modern political orders are constituted, stabilized, and contested through historically situated yet normatively ambitious practices of justification. It reveals how memory and history serve both as resources of legitimation

and as sites of ideological closure, demanding continuous scrutiny of the reasons by which political communities bind themselves. The ambition of this study is therefore twofold: to reconstruct the justificatory narratives through which modern politics ties identity to history and to evaluate them by the critical standard Forst articulates, the right to justification as the emancipatory horizon of democratic life.

Chapter 1. Narratives of Justification: Reason, History, and the Power of Legitimation

To understand human beings as *animalia rationalia* is, at bottom, to understand them as justifying beings, agents who guide themselves by reasons and who are answerable for what they do. Reason is not merely a faculty for calculating means; it is the capacity to let justifying reasons orient conduct and to render those reasons in interpersonal space. This practice is irreducibly social and situated: people choose reasons, yet they are also bound by the historically and culturally available reservoirs of reasons that make sense in a given time and place. This is the space of reasons, a space that legitimates not only discrete acts but also complex orders of thought and action, including social relations and political institutions (Sellars 1997, p. 76). Yet human beings justify by telling stories. The space of reasons is never a bare lattice of propositions; it is populated by narratives, patterns of meaning that locate events within trajectories of experience and expectation (Koselleck 1985, pp. 265-270). Agents and collectives understand themselves through stories that link individual happenings to collective orientations, and these stories carry identity: "What is her story?" inquires not just about biography but about the webs of relationship and significance through which a person or a people becomes intelligible 8Arendt, 1958).

The connection between justification and narration is therefore not in question; rather, what is at stake is how they relate. Against a Platonic picture in which narratives would be obstacles on the road to truth, obstacles to be critiqued and overcome in favour of a purified normativity (Forst 2017, p. 55), political life shows that justifications arise from historical constellations and experiences, framed, transmitted, and contested in narrative form. When seeking to explain why a given institution exists, the answers arrive as stories purporting to show how certain conclusions were learned from experience. Narratives thus provide the supporting basis for reasons, while the reasons, if they are to make a general claim, must reach beyond any single story into a shared space of justification. Narratives and justifications are distinct yet internally related: they neither collapse into each other nor float free of each other.

The term *narrative of justification* connects two dimensions: a normative dimension, oriented to reasons that aim at general and reciprocal validity, and a socially effective dimension, oriented to the historical narratives agents recognize as persuasive because they articulate experiences and expectations (Forst & Günther 2011, 11-30). Narratives of justification condense images, episodes, rituals, facts, and myths into grand interpretive frames that make sense of an order and endow it with binding force. When such frames draw on religious theologies (divine right versus natural rights), revolutionary achievements, or collective responses to injustice (e.g., memories of slavery, colonialism, or the Shoah), they acquire both historical depth and affective authority, motivating identification, obligation, and sacrifice, precisely because they narrate who "we" are and how "we" came to be.

Yet narrative alone never settles justificatory questions. The distinction between a story told "the right way" and one told "the wrong way" should not be understood in aesthetic or rhetorical terms, as if persuasive style could by itself generate normative validity. Rather, the relevant difference concerns justificatory articulation. A narrative is told "well," in the sense required here, when it renders explicit the normative claims it implicitly advances—when it clarifies which experiences ground which principles, and which lessons are meant to follow from them. It is told "poorly" when

it remains suggestive but normatively opaque, relying on identification, symbolism, or emotional resonance without specifying the reasons it offers for acceptance.

The argumentative "elevation" of a narrative thus consists in translating its claimed lesson into a reason that others, as free and equal justificatory agents, cannot reasonably reject. This process is not determined by narrative style: a rhetorically powerful story may still fail if the principles it implies cannot be defended under conditions of reciprocity, while a narratively weak or inelegant account may be redeemed if its underlying reasons can be reconstructed and justified in generalizable terms. "Well narrated," therefore, does not duplicate "supported by good reasons"; it names the mediating function of narrative in making reasons intelligible and historically situated. Narratives remain vehicles for justification without being their measure: they anchor reasons in shared histories and identities, but they do not exhaust the critical standards by which those reasons must ultimately be assessed.

Political thought abounds with justificatory narratives. Allegorical-epistemic narratives, as in Plato's cave allegory, render visible the conflict between *doxa* and *epistēmē*, dramatizing the limits of ordinary vision and the tragic fate of the truth-teller. Transcendent–dialectical narratives, such as Augustine's "two cities," distinguish earthly from divine orders, establishing a normative horizon by which the empirical polity is measured and constrained. Justice binds the two, even as it can be realized only imperfectly on earth. Ironic-utopian narratives, like More's *Utopia*, stage a mirror-play that criticizes existing injustice while ironizing the fantasy of perfection, disorienting readers into Nowhere to generate reflective distance from both status quo and imagined negations. Contractualist narratives from Hobbes, Locke, and Rousseau displace patriarchal or providential accounts (e.g., Filmer), recasting political authority as the product of free and equal agency; their power lies in re-describing the origins and limits of rule. Pluralist and toleration narratives, as in Bayle, rebut pieties about Christian virtue by depicting atheists as capable of morality, undercutting religiously monopolized justification. Progress narratives in Lessing, Condorcet, Kant, Hegel, or Marx lend an arc to history through teleologies of self-cultivation and emancipation, while their imperial, racial, or developmental distortions later provoke postcolonial counter-narratives (McCarthy 2009; Chakrabarty 2007)- National narratives, famously analyzed by Anderson (1991), forge imagined communities that motivate liberation or domination by narrating distinctiveness, destiny, and self-determination. These forms rarely occur in isolation. In the United States, biblical exceptionalism, contractualist founding, and counter-narratives of dispossession and class conflict overlap and compete (Locke 1989; Dippel 1985; Hartz 1955). Their normative power stems from joining experience to principle, translating lived history into claims of justice, freedom, or collective agency.

Narratives of justification are also modalities of power. Power may be defined, in a neutral sense, as the intentional capacity to shape others' space of reasons so that they think or act as a result of that influence. Coercion replaces power when reasons give way to brute force; domination, by contrast, names an order that asymmetrically restricts the justificatory space by advancing what may be called *illegitimate legitimations* (Forst 2017, ch. 2). The standard for distinguishing legitimate from illegitimate legitimations cannot itself be derived from the mere fact that a narrative is socially binding or widely accepted. Rather, it rests on a normative criterion internal to the practice of justification: whether the reasons offered can be reciprocally and generally justified among those subject to them. A legitimation is legitimate insofar as it can be defended by reasons that no addressee, considered as a free and equal justificatory agent, could reasonably reject; it is illegitimate when it forecloses, distorts, or exempts itself from this standard of reciprocity and generality.

On this view, orders of justification are simultaneously orders of power: social relations stabilize through accepted reasons, and narratives are among the principal carriers of those reasons. They bind because they exhibit historical explanatory power and normative uptake, illuminating origins while grounding principles for the present. Yet bindingness is not rightness. The quality of a justificatory narrative depends on two distinct but related dimensions: its historical adequacy (assessed by the best

available epistemic standards) and its normative acceptability (assessed under conditions of generality and reciprocity). The justificatory standard is thus not an external moral imposition but is implicit in the very claim to legitimacy that such orders advance. Analysis therefore requires reconstructing the discursive space in which narratives operate—who tells which stories, with what authority and uptake—and evaluating those narratives by the criteria of justification that they themselves, at least implicitly, purport to recognize.

An adequate methodology combines internal reconstruction and external critique. Internal reconstruction recovers the first-person perspective of an order, mapping how participants narrate the genesis and point of their norms, institutions, and distributions of goods and chances. It traces the thick vocabularies—religious, revolutionary, memorial—that organize meaning and motivate allegiance. Critical evaluation then subjects those narratives to the principle of justification: norms claiming general and reciprocal validity must be justifiable with reasons that others cannot reasonably reject (Forst 2012, 15-48; 2014, 30-32).

To say that this approach avoids a false dichotomy between immanent and transcendent critique requires clarification. The standard of justification is *immanent* insofar as it is not imposed from an external moral standpoint alien to the order under scrutiny. It is reconstructed from the order's own justificatory self-understanding: whenever an order claims legitimacy, fairness, divine warrant, civilizational progress, or popular sovereignty, it implicitly invokes reasons addressed to subjects as beings capable of justification. In this sense, the critical standard lies latent within the normative grammar of the order itself.

At the same time, the standard is not merely descriptive of prevailing beliefs and practices. It has a *transcending* moment insofar as it subjects those very beliefs and practices to a test of reciprocity and generality that they may fail. The principle of justification can generate conclusions that go beyond, and even contradict, the dominant interpretations within a given order. Transformative challenges—contractualist critiques of patriarchal rule or postcolonial rejections of "civilizing missions"—often begin within inherited vocabularies but radicalize their normative implications. They expose tensions between what an order says about itself and what its structures actually permit.

The overcoming of the dichotomy, therefore, does not consist in collapsing transcendence into immanence, but in showing that critique can be both internally grounded and normatively demanding. The standard is immanent in origin—reconstructed from the justificatory claims agents already recognize—yet transcending in operation, because it authorizes a standpoint from which existing arrangements can be judged inadequate by their own lights. In this way, critique is neither an external moral imposition nor a mere echo of prevailing norms, but a practice of reflexive justification emerging through contestation within the discursive space of the order itself.

Because narratives knit past, present, and future, they mediate historical rupture and learning. Memorial narratives of genocide, colonial violence, or civil war do more than commemorate; they reframe justificatory space by re-describing dignity, rights, and obligations in light of catastrophe and struggle. Such narratives can ground new claims, equality, recognition, reparation, while remaining open to scrutiny, since the lesson drawn must be shown, not merely asserted, to follow. Against linear progressivism, a dialectic of justification emerges: widening demands for reasons meet counter-moves that seal off justificatory space. Progress consists in institutionalizing improved relations of justification, procedures and practices expanding who may question, on what grounds, before which audiences. Regression takes the form of asymmetric narratives that foreclose critique by sanctifying identity or authority.

Two senses of normativity follow: a descriptive sense, referring to the binding force of actually accepted narratives, and a critical sense, measuring the validity of justifications by generality and reciprocity. A narrative can be powerful yet unjustified, compelling yet ideological; conversely, reasons can be valid yet marginal, awaiting uptake. The minimum legitimacy condition for any order of justification is preserving reflexive space, securing the standing of persons as justification

authorities and sustaining practices where claims to general validity can be argued, accepted, or refused.

Narratives of justification thus prove indispensable to political life. They translate experiences into reasons, stitch identities to principles, and bind orders of rule. Precisely for that reason, they must be both reconstructed and judged. The measure is not narrative eloquence or affective resonance, but whether the stories that bind can withstand the scrutiny of those subject to them as free and equal participants in a shared space of reasons. When that standard becomes institutionalized, narrative becomes a medium of learning rather than a mechanism of closure; when it does not, narrative becomes an instrument of domination, sealing off justificatory space in the name of God, nation, history, or progress. The politics of justification is therefore always a politics of narrative, whose emancipatory horizon lies in the right to justification enacted in common.

Chapter 2. Memory as a tool of justification

Public memory can be theorized as a normative dispositif whose primary function lies in the articulation of narratives capable of legitimating social and political orders. It does not merely preserve representations of the past; rather, it transforms heterogeneous materials, events, images, rituals, affects, into configurations of meaning endowed with justificatory force (Assmann 2011, 17-18; Habermas 1987, 7). Memory operates at the intersection of what Koselleck (1985, 267-288) famously called the space of experience and the horizon of expectation: it forges symbolic connections between what has been and what ought to be, thus linking historical consciousness with normative orientation.

This process entails a dual movement. On one side, memory produces normative power: it succeeds in binding identities, obligations, and institutions by means of widely shared narratives that command assent (Forst 2013, 6; Ricœur 2004). On the other, it raises claims to validity: it seeks recognition as offering reasons that aspire to general and reciprocal acceptability (Habermas 1996, 364-365). The tension between these two dimensions, efficacy and validity, persuasion and justification, marks the theoretical locus in which memory as a narrative of legitimation must be situated. A narrative may be normatively powerful yet critically illegitimate when it forecloses contestation; conversely, it may be normatively valid yet socially marginal if it lacks institutional uptake or affective resonance (Fraser, 2008; Forst, 2017, 131-133).

From a genealogical perspective, memory emerges as a technology of orientation operating through narrative emplotment (White 2016, 42-43). By selectively organizing temporal sequences into plots, memory discloses patterns of continuity, rupture, and learning through which historical contingency is rendered normatively salient (Ricœur 2004). Events are not merely recorded; they are narrated as foundational, traumatic, or redemptive, thereby providing symbolic resources for the attribution of responsibility, the projection of futures, and the critique of existing orders (Huyssen 2003, 21-38; Rothberg 2009, 11). In this sense, memory performs what Habermas (1987) called the translation of experiences into publicly redeemable validity claims: it converts the suffering of victims or the achievements of emancipation into reasons for rights, institutions, and moral commitments that demand acknowledgment beyond the boundaries of particular communities.

Yet such translation is never automatic. As Forst (2013; 2017, 55) argues in his theory of the right to justification, claims to normative validity require that reasons be articulated in ways that no one affected could reasonably reject. When memory furnishes the premises of political obligation, its narratives must therefore remain open to critical scrutiny: they cannot merely assert authority by invoking sacred traumas or civilizational missions (Benhabib 2002, 24; Fraser 2008). A memory that appeals to moral emotions without permitting rational interrogation risks sliding into what Nietzsche (1887/1994) warned against as the monumentalization of history: the conversion of the past into a repository of unquestionable exempla serving the needs of power rather than the demands of justice.

Indeed, the moralization of memory constitutes one of the central ambivalences of modern political culture. As Huyssen (2003, 21-22) observes, the contemporary memory boom has elevated Holocaust remembrance, colonial reckoning, and other sites of historical trauma to the status of global moral referents. These memorial constellations often sustain what Habermas (1996, 492-500) calls constitutional patriotism: the idea that collective identity should rest not on ethnic myths but on the normative achievements of democracy and human rights. Yet the very success of such narratives risks solidifying into civic dogmas that conflate historical learning with moral conformism. When the imperative of *never again* becomes the unquestionable foundation of political legitimacy, memory may suppress rather than stimulate the reflexivity that democratic citizenship requires (Assmann 2011; Todorov 2003, 23).

Foucault's (2007, 192-193) concept of governmentality proves illuminating here. It directs attention to the subtle mechanisms through which power operates not primarily by coercion but by shaping the conduct of conduct: the ways in which individuals govern themselves by internalizing norms, expectations, and rationalities (Dean 2010, 18; Rose 1999, 4-5). From this perspective, public memory functions as a technology of government when it configures subjectivities oriented toward particular forms of civic virtue, responsibility, or vigilance. Memorial museums, commemorative rituals, and educational curricula do not simply transmit historical knowledge; they cultivate affective dispositions and ethical sensibilities aligned with liberal-democratic rationalities (Bennett 1995, 20; Levy & Sznaider 2006, 137). They invite subjects to recognize themselves as heirs of traumatic pasts and as guardians of universal lessons, thereby binding political identity to moralized readings of history (Fassin 2012, ix-x).

Such processes involve what Fraser (2008, 24-26) terms *framing power*: the capacity to delineate which voices, events, and interpretations count as part of the public memory canon. Decisions about what to commemorate, how to classify atrocities (e.g., as "genocide"), or which traumas deserve centrality inevitably distribute symbolic recognition and political legitimacy unevenly (Rothberg 2009, 11). Memory thus enacts both *inclusion*, by honoring victims, acknowledging injustices, extending solidarities, and *exclusion*, by marginalizing dissonant experiences, silencing competing narratives, or universalizing particular Western trajectories as paradigms of moral progress (Moyn 2010; Chakrabarty 2007, 1).

This ambivalence calls for a normative criterion distinguishing legitimate from ideological deployments of memory. Following Forst (2013, 6), one may posit the principle of justification: only those norms, and, by extension, those mnemonic narratives, are legitimate that can be reciprocally and generally justified to all affected. Applied to memory politics, this principle requires that commemorative practices remain open to contestation, plurality, and revision. It rejects both positivist objectivism, which treats memory as mere empirical record, and romantic substantialism, which sacralizes memory as bearer of ultimate meaning (Ricœur 2004). Instead, it conceives memory as a discursive practice whose claims must withstand the scrutiny of free and equal participants in processes of public reasoning (Habermas 1996, 492-500; Benhabib 2002).

Such a view also problematizes the frequent conflation of mnemonic legitimacy with emotional authenticity. The fact that a narrative evokes empathy, shame, or moral outrage does not suffice to establish its normative validity (Fassin 2012, 14-15; Feldman & Ticktin 2010, 11-12). Affective intensities may motivate political engagement, yet without discursive accountability they risk lapsing into what Brown (2006) calls moralizing depoliticization: the displacement of structural critique by individualized sentiments of compassion or guilt. When memory politics rely predominantly on emotional interpellation, through immersive museums, testimonial performances, or humanitarian campaigns, they may produce what Boltanski (1999, 1-2) terms spectators of suffering rather than critical citizens capable of interrogating the systemic conditions of injustice.

Conversely, a reflexive politics of memory would institutionalize what Fraser (2008, 21-26) describes as participatory parity: the inclusion of marginalized perspectives, the contestability of

dominant narratives, and the revisability of normative conclusions. Such a politics resists the closure of meaning by affirming what Ricœur (2004) calls the *polyphony of historical voices*. It acknowledges that mnemonic legitimacy arises not from unanimity or moral certainty but from the capacity of commemorative practices to sustain ongoing processes of justification under conditions of pluralism and dissent (Habermas 1996; Forst 2017, 21-25).

Ultimately, theorizing memory as a narrative of justification highlights both its constitutive role in modern political imaginaries and its susceptibility to ideological capture. Memory binds when it transforms past suffering into reasons for solidarity, rights, and democratic institutions; but it emancipates only when those reasons remain subject to the critical interrogation of all concerned (Benhabib 2002; Forst 2013). The task of critical theory, therefore, is not to demythologize memory into mere facticity nor to sacralize it as moral dogma, but to secure the conditions under which its narratives can orient collective life without foreclosing the contestability on which both justice and democracy depend (Fraser 2008; Honneth 2007).

Chapter 3. From Silence to Universal Memory: Justification Regimes and the Transformation of German Memory Politics

The trajectory of German memory politics since 1945 has often been narrated as a moral drama: from silence to confrontation, from denial to responsibility, from parochial victimhood to cosmopolitan human rights. Yet such linear accounts risk missing a crucial dimension: the normative shifts underlying these transformations. Changes in public narratives about the Nazi past were not merely cultural phenomena; they reflected deeper crises of legitimacy in what Rainer Forst calls orders of justification (*Rechtfertigungsordnungen*), the discursive frameworks through which societies seek to legitimize political power, historical interpretation, and collective identity (Forst 2013, 8-11).

Forst's conception of the right to justification posits that legitimate political orders must offer reasons that can be reciprocally and generally accepted; when prevailing justifications lose credibility, normative crises emerge, opening space for emancipatory critique and institutional change (Forst 2017, 136-140). This lens illuminates how the Federal Republic of Germany moved from early narratives minimizing Nazi crimes to later policies embedding Holocaust memory into law, education, and public culture. What appears, at first glance, as a linear moral evolution was in fact a succession of justificatory regimes, defensive, critical, and finally universal, each of which rose to prominence, stabilized political legitimacy for a time, and eventually collapsed under the weight of its own exclusions, silences, and contradictions.

In the immediate postwar period, Germany's public discourse emphasized German suffering, bombings, expulsions, hunger, over Jewish persecution or German responsibility. The notion of *Stunde Null* ("Zero Hour") suggested a clean break with the past, while literary *Trümmerliteratur* ("rubble literature") by writers such as Heinrich Böll or Wolfgang Borchert depicted ruins and disorientation but rarely addressed the Holocaust (Moeller 2001, 78-76; Sebald 2001, 10). Forst's framework clarifies this as a *defensive justification regime*: narratives legitimated the new democratic order by severing ordinary Germans from Nazi crimes, portraying the nation as Hitler's victim rather than his accomplice (Forst 2013, 6). Such justifications deflected moral scrutiny, stabilizing a fragile polity focused on reconstruction rather than reckoning.

The Nuremberg Trials (1945–1946) established crimes against humanity and individual accountability under international law (Weinke 2006, 22-35), yet within Germany they appeared as imposed justice: polls revealed widespread resentment toward *Siegerjustiz* ("victor's justice") (Frei, 1999, 121-146). Nuremberg thus represented an external order of justification lacking internal acceptance: legitimacy rested on Allied authority rather than reciprocal public reasoning. Meanwhile, Chancellor Konrad Adenauer's government prioritized *Westbindung* (Western integration), economic

recovery, and anti-communism over moral reckoning. Amnesty laws in 1951 and 1954 and mass reintegration of former Nazis into civil service reflected Cold War pragmatism (Frei 1996, 7-13). Schools ignored the Holocaust; films portrayed soldiers as apolitical victims; public debate avoided complicity (Assmann 2006). This *Schweigekartell* ("pact of silence") bought political stability at the price of moral evasion. Yet, as Forst (2017, 33) insists, orders of justification contain the seeds of their own delegitimation when those denied a hearing demand reasons in return.

By the 1960s, this defensive regime collapsed under mounting critique. The 1961 Eichmann trial in Jerusalem, broadcast globally, confronted Germans with survivor testimonies and bureaucratic complicity in genocide (Arendt 1964; Friedländer 1997). Unlike Nuremberg, it personalized horror, revealing ordinary administrators enabling extraordinary crimes. Victim voices undermined narratives of ignorance, demanding acknowledgment and moral response rather than silence or self-pity. The Frankfurt Auschwitz Trials (1963–1965) prosecuted mid-level perpetrators, forcing German courts, media, and schools to confront extermination camp realities (Pendas 2006). Though sentences were often lenient, public discourse shifted: responsibility debates entered parliaments, pulpits, and classrooms (Wolfrum 1999).

A new critical justification regime thus emerged: legitimacy now required confronting rather than repressing Nazi crimes. Chancellor Willy Brandt's 1970 *Kniefall* (Warsaw Genuflection) at the Ghetto Uprising Memorial dramatized this shift: without words, a democratic Germany acknowledged historical guilt before its victims (Frei 1996). Habermas (1986) called this the birth of constitutional patriotism: national identity grounded in universal principles rather than ethnic pride. Forst would add that legitimacy now depended on reciprocal justification, open to critique rather than shielding itself behind myths of innocence. The 1968 student movement radicalized this critique: influenced by Adorno, Horkheimer, and Marcuse, it linked Auschwitz, capitalism, and authoritarianism as interconnected systems (Kraushaar 2018). Slogans like *Unter den Talaren – Muff von 1000 Jahren* ("Under the gowns, the mustiness of a thousand years") accused universities of harboring ex-Nazis. For Forst (2017, 153), this exemplifies emancipatory critique: exposing justificatory regimes as morally deficient to demand new normative foundations.

By the late 1970s, German memory politics entered a discursive and universal justification regime. The American miniseries *Holocaust* (1978), broadcast in West Germany to 20 million viewers, triggered emotional debates and memorial initiatives (Diner 1988, 13). Public memory became experiential and dialogical rather than legalistic or abstract, aligning with Forst's claim that legitimacy requires inclusive public justification accessible to all citizens. The 1986 *Historikerstreit* opposed conservative historians seeking to normalize Nazi history and critics like Habermas defending the Holocaust's singularity (Habermas 1987, 1-10). Competing narratives clashed: was the Holocaust one atrocity among many, or the negative foundation of German democracy? The controversy itself signaled a mature discursive regime: legitimacy now required open confrontation among rival interpretations rather than suppression of debate.

By the 1990s, Holocaust remembrance became *Staatsräson*, a reason of state. Germany introduced Holocaust Remembrance Day (1996), criminalized Holocaust denial (1994), funded memorials like Berlin's Memorial to the Murdered Jews of Europe (2005), and embedded Holocaust education into curricula (Assmann 2010). Forst would call this a universal justification regime: legitimacy grounded in human rights, historical responsibility, and transnational moral norms rather than national mythmaking. Recent debates extend this horizon, linking Holocaust memory to colonial genocides (e.g., Herero and Namaqua) and slavery, questioning Eurocentric hierarchies of suffering (Mbembe 2020, 223-230; Moses 2021, 294). Legitimacy increasingly demands global inclusivity, confronting all histories of violence without erasing their differences.

From the silences of the 1950s to today's cosmopolitan memory culture, German politics of remembrance illustrate Forst's thesis: political legitimacy rests on reciprocal justification. Defensive regimes collapsed when their narratives, of victimhood, amnesty, or Cold War pragmatism, could no

longer withstand moral critique from victims, intellectuals, students, or international observers. Critical regimes emerged when acknowledgment, dialogue, and universal principles replaced denial or parochialism. Today's memorial laws, education programs, and human rights commitments thus rest on decades of justificatory struggle. Germany's democratic identity was not built despite confronting its Nazi past but through it: by accepting that legitimacy requires giving reasons all can reciprocally accept, including the dead, the displaced, and the silenced. As Forst (2013) insists, the right to justification is the core of justice itself. Germany's memory politics show what it means to institutionalize that right across law, culture, and collective identity, transforming historical guilt into a foundation for democratic legitimacy in a global age.

A revealing recent example is the statement "Principles of Solidarity" (13/15 November 2023), co-signed by Nicole Deitelhoff, Rainer Forst, Klaus Günther, and Jürgen Habermas. Issued after the Hamas attacks of 7 October 2023, the text condemns antisemitism, affirms solidarity with Israel, and argues that, while criticism of military proportionality is legitimate, it is not justified to attribute genocidal intentions to Israel. In this sense, the statement shows how Holocaust memory continues to shape German public reason and to provide a normative basis for present political commitments. From the perspective of memory as a narrative of justification, however, the statement also reveals a tension. It translates the historical lesson of Auschwitz into a contemporary political orientation, but in doing so it risks narrowing the space of legitimate contestation. This is especially significant from a Forstian perspective: if norms are legitimate only insofar as they can be reciprocally and generally justified to all affected, then even historically powerful narratives of responsibility must remain open to criticism and revision. The statement is therefore important not only for its content, but for its theoretical implications. It shows that public memory can still function as a powerful source of democratic legitimacy in Germany, yet also that mnemonic justification may harden into a civic orthodoxy. The case thus illustrates a broader ambivalence: memory binds democratic communities by transforming past catastrophe into reasons for solidarity and vigilance, but it remains emancipatory only when those reasons stay open to public contestation.

Conclusion

This study has argued that Rainer Forst's theory of justification provides a powerful framework for understanding the constitutive relationship between political legitimacy, collective identity, and historical memory in modern societies. By treating legitimacy as the outcome of orders of justification, discursive frameworks in which reasons must be offered, contested, and accepted, Forst allows us to see that political authority does not rest on coercion alone, nor on moral ideals abstracted from history, but on the narratives through which communities make sense of who they are and why their institutions deserve allegiance. These narratives, as the first chapter showed, translate historical experience into claims of principle, binding political identity to collective memories of origin, trauma, or emancipation. Yet they also exercise power by framing the very space in which reasons can be given, challenged, or refused.

Through this lens, Germany's postwar memory politics emerge not as a linear march toward moral enlightenment but as a sequence of justification regimes whose legitimacy rose, stabilized, and ultimately faltered under the weight of their own exclusions and silences. The early postwar focus on German suffering and Cold War reconstruction, the critical confrontations of the 1960s and 1970s, and the later universalization of Holocaust memory into constitutional and transnational norms each represented distinct ways of binding identity to history. Yet, as Forst's principle of justification insists, legitimacy cannot rest on affective resonance or historical authority alone; it requires that the narratives grounding political identity remain open to all affected as free and equal justificatory agents.

By tracing this movement, from defensive amnesties to critical reckoning and finally to cosmopolitan memory, the analysis revealed how Germany's democratic identity was forged through justificatory struggle. The silences of the 1950s collapsed when victims, intellectuals, students, and international audiences demanded reasons that could no longer be denied. Critical regimes emerged when acknowledgment and dialogue replaced denial and myth, culminating in a universalistic memory culture in which legitimacy increasingly rests on human rights, transnational solidarity, and the institutionalization of remembrance.

Forst's theory thus discloses both the achievement and the ambivalence of Germany's contemporary relationship to identity and memory. On the one hand, the Federal Republic has made the right to justification concrete by embedding Holocaust remembrance, historical responsibility, and democratic values into its laws, education, and political culture. On the other hand, the very universality of these narratives now faces new challenges, from postcolonial critiques questioning Eurocentric hierarchies of suffering to debates over national identity in a global age. The critical lesson of Forst's approach is that legitimacy can never be secured once and for all: it depends on preserving open, contestable spaces of justification in which political identities and historical memories remain subject to the scrutiny of all concerned.

Germany's contemporary memory politics, therefore, exemplify the double insight at the heart of Forst's theory: that political orders are constituted through narratives linking identity to history, and that these narratives achieve legitimacy only when they embody the right to justification as an ongoing, inclusive, and reflexive practice. Far from closing debate, memory must institutionalize the very conditions of its own contestability if it is to remain a resource for democratic identity rather than an instrument of ideological closure.

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