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The paradoxes of colonial reparation: Foreclosing memory and the 2008 Italy–Libya Friendship Treaty

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Abstract

This article explores a paradox relating to the highly contested project of compensating for mass crimes perpetrated during the colonial period. It analyses the only postcolonial reparation treaty to be signed to date: the Italy–Libya Friendship Treaty of 2008. While all other former colonial powers have consistently refused to apologize and pay compensations for their colonial crimes, this has not been the case with Italy, which agreed to pay over US\$5 billion as reparation for the harm done to Libyans by the ruthless Italian colonial rule between 1911 and 1943. By analysing the text of the Italy–Libya Treaty as well as its immediate consequences and the transnational dynamics of remembrance it engendered, I argue that the agreement short-circuits the production of social memory and actually leads to systematic violations of human rights against migrants and refugees. Moreover, I contend that looking at ‘cynical’ apologies and reparations can yield interesting insights into the politics of regret. Most importantly, the Treaty shows how the problem with such a politics is that it ‘forgets’ colonialism, or rather, building on Ann Stoler’s notion of ‘colonial aphasia’, fails to speak it.

Keywords

Colonial aphasia, cynical apologies, colonial reparations, forgetting, Italy–Libya Friendship Treaty

The spectacle of voided memory

On a much publicized visit to celebrate the signing of the Italy–Libya Friendship Treaty, Muammar Al-Qadhafi landed on Italian soil in June 2009 with an old photograph pinned to his breast. The photograph was of Umar Al-Mukhtar, the hero of the Libyan struggle against Italian colonialism. Some of Al-Mukhtar’s family, as well as descendants of the over 100,000 victims of colonialism in Libya, accompanied Qadhafi’s large delegation. Yet Qadhafi’s injunction to remember colonialism was an ambiguous one. The Treaty included an aid package of US\$5 billion in compensation for colonial atrocities, in exchange for Libya’s collaboration with Italy and the EU on migration control and strengthening European external borders – in other words, for assuming the role of Europe’s

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gatekeeper. But the gist of the Treaty was also economic and strategic, with the promise of long-term Italian investment in oil-rich Libya. ‘Fewer illegal immigrants, more gas and more oil’ is how Italian Prime Minister Silvio Berlusconi, the then head of a right-wing bloc with a strong anti-immigrant platform, described the purpose of the Treaty (Gramaglia and Garofalo, 2011: 54). Shortly before the visit, Italy’s interior ministry had also – in open defiance of international humanitarian law – ordered the rejection of several boats carrying hundreds of African refugees and migrants about to reach the Sicilian coast. Sent back to Libya, the migrants were interned in prisons where human rights violations are known to be a regular occurrence (Human Rights Watch, 2009). These prisons closely resemble the old colonial detention camps, where the Libyan hero Umar al-Mukhtar was hanged in 1931. Some have been built with Italian funding (European Commission, 2005; Klepp, 2010: 80).

Notwithstanding Qadhafi’s rhetoric, the carceral heritage of Italian colonialism in Libya still represents a strong and under-investigated case of social forgetting. While Italian schoolbooks rarely mention this murderous past, historical research has revealed that at least one-eighth of the Libyan population died as a direct result of the Italian occupation between 1911 and 1943 (Del Boca, 2003). One policy had a particularly devastating effect on local life when the Fascist regime in the early 1930s sought to crush Al-Mukhtar’s grassroots rebellion by separating his troops from the supportive local population. Under this policy, almost all of Cyrenaica’s inhabitants were interned in 16 detention camps located in the coastal regions (Labanca, 2005; Salerno, 2005). Estimates vary, but it is believed that close to half of the 100,000 Bedouins imprisoned in the camps were killed or died of starvation. Today these camps are non-sites of memory, fields of unnamed graves and fenced areas covered by the desert dust, and have never been documented.

The 2008 Italy–Libya Friendship Treaty

Signed by Qadhafi and Berlusconi in Benghazi, Libya on 30 August 2008, the Treaty on Friendship, Partnership and Cooperation inhabits a paradoxical position between remembrance and silence. Most often, and by both sides, it has been officially presented as reparation for the abuses inflicted upon Libyans during Italian colonial rule. This was certainly how Qadhafi wanted the Treaty to be publicly represented, as his donning of Al-Mukhtar’s photograph shows. But Berlusconi too participated in this performance of reparation with a number of highly symbolic gestures: for example, he repatriated the Roman statue of the Venus of Cyrene, taken by Italian archaeologists in 1913, and is said, on the day of the agreement, to have bowed before Al-Mukhtar’s son, expressing ‘in the name of the Italian people, ... apologies for the deep wounds’ caused to the Libyans (Di Caro, 2008).

Yet the Treaty stipulates reparations for abuses that are never explicitly mentioned. Several commentators, including the most important historian of Italian colonialism, were quick to emphasize this aspect, namely, the lack of history and memory (Del Boca, 2009). Following the preamble, the text of the Treaty consists of three parts: first, the general principles regulating the bilateral relationship; second, a part entitled ‘Closure of the chapter of the past and of the disputes’, containing the most important provision of the Treaty (i.e. the modalities of the disbursement of the US\$5 billion); and, third, guidelines for future partnership, among which those concerning migration control are central.¹ The Treaty repeatedly alludes to Italian regret for past colonial abuses, and to settlement of colonial-era disputes, *but only to declare them now settled and resolved*. The words ‘close’ and ‘closure’ recur every time mention is made of the colonial past. The colonial past is always defined as ‘the chapter of the past’ or the ‘painful chapter of the past’, but there is no clue as to exactly what those ‘sufferings’ involved: they are only cited to declare that the Treaty will put an end to their legacy. Very similar language was used by both Berlusconi and Qadhafi to discuss

the Treaty's relationship to the past, indeed, its very *creation of pastness* (see Trouillot, 2000: 175). This suggests that those drafting the text chose the unusual phrase 'chapter of the past' (instead of, for example, 'crimes' or 'human rights violations of the past') specifically to imply its closure, and to keep its meaning vague. While it is possible to end a *chapter*, it is more difficult to shut off a *memory*, particularly the legacy of colonial crimes.

Paradoxically, the Treaty announces the closure of a period of confrontation with the past that in fact never began. Italian colonial crimes in Libya have never been publicly narrated; they have never been the object of mainstream debate, let alone of national institutional projects such as historical commissions, museums or memorials, or the revision of school textbooks. Apart from a handful of academics and journalists, most Italians are ignorant of this history. Even highly educated people believe that Italians were not bad colonialists, if indeed they were colonialists at all; they were and are *brava gente*, goodhearted people, to use a common Italian phrase (see Del Boca, 2005; Von Henneberg, 2004). Most Italians ignore the existence of colonial prisons, and know very little about Italian colonial crimes in general, in spite of the genocidal dimension of Italian colonial rule. In this context, the Treaty did not aim to stimulate any debate, nor did it produce any kind of knowledge about this past. At the time of Qadhafi's visit, the mainstream media commented on his extravagance, the *realpolitik* behind the accord and, of course, the question of migration control. The paradox is that, in spite of their spectacular visibility – attached, as it was, to the public body of Qadhafi – history and memory slipped from the radar of global public opinion.

The politics of regret

The Treaty consists of two key elements of reparation politics: a formal apology and substantial material compensation. Yet, as commentators have shown (Gazzini, 2009), it represents a very peculiar form of reparation.

Reparations belong to a new subset of socio-legal practices through which contemporary politics deals publicly with the legacies of murderous pasts, and thereby promotes democracy and more peaceful international relations (Barkan, 2007; Torpey, 2006). They are part of the 'politics of regret' (Olick, 2007) that has recently emerged as a new principle of political legitimation and identification in the wake of the Holocaust and the growth of the human rights discourse. Among the various practices of regret, reparations *strictu sensu* imply material, usually monetary compensation for past wrongs; often, however, the term stands for what John Torpey (2006: 49) calls 'reparation politics', which includes the promotion of a broad historical consciousness of past crimes so that they will never happen again. Thus, two crucial objectives of reparation politics are to shape public memory and guarantee non-repetition, encapsulated in the phrase 'learning the lessons of history'.

While there have been numerous critiques of the politics of regret, including many that see it as largely tokenistic, most scholars would agree with Melissa Nobles that these policies do at least stimulate public debate about difficult histories and 'play an important if underappreciated part in bringing certain views about history and moral obligation to bear in public life' (Nobles, 2008: xi). In the case of the Italy–Libya Treaty, however, one finds very little public debate about colonial history. How can we make sense of the fact that, in spite of the spectacle of memory, history has actually been blocked, obscured and rendered unintelligible rather than being brought into full view?

Scholars have suggested that some apologies represent cynical attempts to 'close the memory of an event' (Howard-Hassmann, 2008: 5) and that their symbolic politics works in some cases as a 'diversion' to facilitate *realpolitik* (Nobles, 2008: 151). Nevertheless, little attention has been paid to such 'cynical' apologies, which tend to be viewed as unfortunate exceptions. I contend, however, that looking at these can yield interesting insights into fundamental flaws in the politics of regret.

The Italy–Libya Treaty cannot be easily dismissed as ‘just’ a case of cynical apology because it represents the only successful instance of colonial reparations.² It is often said that modern politicians tend to be quick to apologize, yet this is rarely the case in the context of colonial reparations. To date, nearly all cases of compensation being paid between international actors have been Second World War related. Before the Italy–Libya Treaty, no formal apology or compensation had been offered by the government of a former colonial power.³ While scholars attribute different weight to the legal difficulties of claiming colonial reparations (see Howard-Hassmann, 2008; Sarkin, 2009; Tan, 2007),⁴ there is a sense that the movement for African reparations is relatively weak and enjoys only partial backing from the governments in question (Howard-Hassmann, 2008: 42ff). The movement peaked with the 2001 UN World Conference against Racism, held in Durban, South Africa. The latter was overshadowed by the September 11th attacks and was further affected by a Western boycott following allegations of anti-Semitism, which also haunted the 2009 Durban Review Conference and the Durban anniversary in 2011.⁵ However, according to Naomi Klein and UN Human Rights Commissioner Navanethem Pillay, the problem was that the story told at Durban about the ongoing legacy of slavery and colonialism was a ‘story with which Western governments have never been comfortable’ (Klein, 2009: 56). The Durban Non-governmental Organization (NGO) Forum claimed then that the failure to acknowledge and compensate for colonialism was both a symptom of racism and a trigger for further discrimination.

What is striking about the discourse justifying the refusal to offer colonial reparation is a temporal structure of excuse, which is reflected in the paradoxical way in which the Italy–Libya Treaty forecloses *Vergangenheitsbewältigung*, or pastmastering, before the latter has even begun. In 2005, Gordon Brown, then UK (Labour) Chancellor of the Exchequer, emphasized on a tour of Africa that ‘we should move forward ... the days of Britain having to apologise for its colonial history are over’ (Brogan, 2005). But when *were* these days of obligatory apologies? Brown’s use of this rhetoric praeteritum – the temporality of the already done – obscures the fact that the British government has never really apologized for its colonial crimes. What is also striking is that Brown’s remarks about the history of the British Empire resonate with French Conservative Nicolas Sarkozy’s key African speech of 2007, in spite of their differing political ideologies.⁶ The latter emphasized the ‘pastness’ of the colonial era, drawing on a strain of right-wing nationalist discourse that despises repentance and so-called ‘black armband views of history’. Again, the suggestion is that ‘we’ have already repented more than enough, yet no-one except for Italy has actually made atonement.

What is the Treaty really about?

If not remembrance, then what is the Italy–Libya Treaty really about? Claudia Gazzini (2009) has suggested that ‘the financial package that Italy and Libya agreed upon would ... be better understood as the expression of a nexus of interlocking interests: on the Libyan side, Qadhafi’s historical commitment to reparation politics and his quest for moral victory over the country’s former colonizers, and on the Italian side, strategic and economic gains’. More than a nexus of interlocking interests, I argue that the Treaty *functions as a border device*, regulating and filtering population and capital flows across the Mediterranean.

The main provision of the Treaty concerns the disbursement of US\$5 billion over 20 years for infrastructural projects, particularly the building of a highway along the Mediterranean coast. These projects, however, are to be carried out by Italian companies, which will be tax-exempt, and funds will be managed by Italy. There are also a number of special initiatives intended to settle past disputes, including the construction of 200 housing units by Italian firms, scholarships for Libyan

students, a rehabilitation programme for landmine victims and the restitution of archaeological treasures stolen under colonialism. Concerning the specifics of the partnership between the two parties, the Treaty envisions collaborations in various areas (e.g. science, culture, energy, the economy, defence and anti-terrorism). But the most important area is migration control, as evidenced by the fact that here the cooperation activities are clearly specified, and funding is already provided (Ronzitti, 2009: 129). Article 19 of the Treaty provides for the implementation of a 2007 protocol establishing joint sea patrols, and in fact the transfer of three patrol boats to Libya was the first tangible outcome of the Treaty. Most importantly, this article mandates the creation of a control system for Libyan land borders (50 percent funded by Italy and 50 percent by the EU) to be run by Italian companies.

Suspended following the NATO campaign against Qadhafi but soon to be reactivated as of late 2011, the Treaty is a blessing for both Italian and Libyan capital. The US\$5 billion promised in the Treaty will be taken from taxes paid by Italian oil companies operating in Libya, the largest of which is ENI. But although ENI will contribute the lion's share of the costs, the company also greatly profits from the Treaty; in 2008 it signed new gas and oil contracts to secure its favourable position in Libya until 2047 (Gazzini, 2009). If fully implemented, the Treaty will also bring huge benefits to Italian construction companies involved in the infrastructural projects, as well as the many smaller Italian companies operating in Libya. Libyan capital does well out of this too, for the Treaty pushed Libyan investments in Italian companies such as ENI and Unicredit, Italy's second-largest bank.

To sum up, the Treaty greatly facilitates capital flows while stemming the flow of migrants and refugees through the institutionalization of a multilayered frontier dotted with zones of informality and exception to international law. Human Rights Watch's 2009 report on Italy's unlawful forced returns of boat migrants to Libya (which also involved Frontex, the EU agency for border security) strongly criticizes the EU's outsourcing of its migration and asylum policy to a country with no asylum procedures and a proven record of human rights violations. Concerning the Libyan detention centres, testimonies from several migrants in the Human Rights Watch report emphasize how the distinction between government-run and private prisons, police and smugglers is blurred and, indeed, many of them consider smugglers and policemen to be working together. There is thus room to argue that the Treaty, instead of preventing abuse and unlawful behaviour, in fact nurtures them under the guise of reconciliation (Amnesty International, 2010). Reparation, a chief instrument of a new moral international law is used here to produce exceptions to this very framework.

Mainstream press coverage

The Treaty did not trigger any awareness-raising initiatives such as memorials or the institution of remembrance days and truth commissions; nor did it resonate in loud calls for other colonial reparations. The silence triggered by the Treaty was so deafening that not a single piece in the mainstream Italian and international press addressed its historical dimensions (e.g. facts and figures about colonial atrocities in Libya) beyond mere descriptive reporting, both at the time of the signing and during Qadhafi's attention-grabbing first visit to Italy. More progressive Italian newspapers, such as the authoritative centre-left *La Repubblica*, did write about the concentration camps and mentioned estimated numbers of victims, but no article attempted an in-depth discussion of what happened in colonial Libya.

Coverage of the Treaty in *Il Giornale*, the main Italian newspaper backing supposedly repentant Berlusconi (in fact, owned by him) provides telling evidence of the lack of memory. Barely concealing their racism towards the 'Bedouin' Qadhafi, articles and readers' letters display a general

discontent with Berlusconi's action, which is seen as being in the Italian interest but probably at too high a cost (Cervi, 2009). There is no sign of repentance whatsoever (with references to Umar Al-Mukhtar as 'our enemy'), and one can clearly detect the return of colonial and Fascist language, with descriptions of Libya as a 'box of sand' (*scatolone di sabbia*) and Italy's 'fourth bank' (*quarta sponda*). The repetition is not only lexical but also discursive; *Giornale* articles actually reproduce both the colonial idea of the civilizing mission (Italy modernizing Libya) and the old adage that Italian colonialism, like Italian Fascism, was ultimately rather benign (Guerri, 2008).⁷ Such statements may come as no surprise to those acquainted with the ideology of Italian conservatism, but it is striking that similar ideas have cropped up across the Italian political spectrum, including in prominent articles in the most prestigious and widely read Italian newspaper, *Il Corriere della Sera* (Romano, 2009).

In contrast to their silence regarding Libyan victims of colonialism, the Italian press devoted significant attention to the 20,000 Italian-Libyans expropriated and exiled by Qadhafi in the 1970s, who were mostly critical of the Treaty.⁸ The number of these victims was actually cited much more often than the (uncertain but much larger) number of Libyan dead. Also, the fate of the thousands of Libyans deported to Italian penal colonies in 1911–12 was barely mentioned in the press (Labanca, 2005: 30). Indeed, it is generally other victims' bodies that grab the public attention, made material, for example, through the Lockerbie photographs provocatively pinned to the jackets of some opposition MPs during Qadhafi's visit to the Italian parliament. While other bodies with their stories of suffering materialize in the public space produced by the Treaty, Libyan corpses are invisible except in the excessive corporeality of their leader.

Most opinion pieces in Italy and abroad emphasized how both leaders' 'excessive love for show' and vaudeville mixed 'history ... with farce' (e.g. Lerner, 2009). Few in the international press took this parody of international relations seriously. Yet it did have serious implications, for it occluded the memorial dimension of this political process. It made memory fade under the weight of an eccentric dictator and a murky business transaction. It is telling in this regard that most opinion pieces that discussed the colonial past appeared right after the first signing of the Treaty, in August 2008, and not in June 2009 during Qadhafi's visit, even though it was the spectacle of the latter that received more media interest overall. A good example of this is provided in the *New York Times* article, significantly entitled 'Qadhafi pays a business call on Berlusconi', which discusses the 2009 visit. The introduction is straightforward:

Italy came to terms with its colonial past on Wednesday in a somewhat surreal news conference with two of the world's most colorful politicians, Prime Minister Silvio Berlusconi and the Libyan leader, Col. Muammar el-Qaddafi. (Donadio, 2009)

Historical memory is belittled by the spectacle of the two leaders, whose 'colorfulness' dominates the scene. The Treaty is said to be 'nominally' about the past, described as 'one of the least notable colonial histories in Europe'; again, no mention is made of the concentration camps, nor of the number of deaths recorded during the Italian occupation.

No articles in the mainstream international press discussed possible repercussions in terms of initiating other reparation claims. An opinion piece in the *Süddeutsche Zeitung*, the largest German liberal paper, considers the Italian treaty a potential model for colonial reparation precisely because it is convenient to ex-colonial powers, making reparation not only morally but also financially expedient (Ulrich, 2008). Even so, the article is talking about colonial reparations in general; it makes no mention of Germany's own situation vis-à-vis the Herero. This kind of reparation produces silence, but no closure.

It could be argued that the Italy–Libya Treaty was an opportunistic parody of reparation proper by two leaders not known for their inclination towards democracy and its aesthetics. Yet, was the Treaty just a lamentable exception to an overall positive norm of reparation, or does this case help us illuminate some of the more general contradictions and problems of the politics of regret?

The politics of regret revisited

So far I have argued that the Italy–Libya Treaty and its spectacular *mise-en-scène* failed to engender any social memory of the colonial past, at least among the former colonizers, and instead led to systematic violations of human rights in the treatment of migrants. The Treaty facilitates the occurrence of abuses by legally mandating spaces of exception to international humanitarian law. Moreover, it arguably does the opposite of preventing the repetition of the repented crimes, particularly if we read the Treaty as a neo-colonial contract promoting the interests of transnational capital in alliance with national elites. The major objective of the politics of regret being precisely to deter outbreaks of inhumanity, the Treaty can thus be seen as the reverse of reparation. What we observe in this case is different from the democratization and moralization of international relations that Barkan (2002: ix) considers as the potential long-term effect of restitution. At the same time, the Treaty points to some basic tensions that characterize reparation at large. The first is that between the full recognition of the legacy of present pasts and the creation of pastness underlying the politics of regret: in other words, the simultaneity of the imperative of closure and its very impossibility. The second concerns silences and erasures of the politics of regret.

While some problematize the use of regret as a new framework for global justice (Torpey, 2006), most scholars tend to value it as one of the means by which such justice can be achieved (Tan, 2007). Discussing the failure of claims for colonial reparations, particularly the debacle at the 2001 UN racism conference, Barkan (2007: 6) argues that what fails is a principled politics, not the principle of reparation. It is true that transnational models of memory circulate globally and articulate with the specific histories and politics at hand. Reparation is not simply a global language; rather, it is the latter's concrete instantiations, and this accounts for its instability and a certain ambivalence. However, I believe that the case of the Italy–Libya Treaty, in its very specificity, can tell us something about the politics of regret as a whole. In particular, it shows how international law and international morality create their own exceptions, usually affecting those who are powerless, just as redress seems to be offered to everybody except the victims of colonial violence. How should we understand the fact that the only colonial reparation concluded thus far is little more than a parody promoting what might be considered neo-colonialism? As I argue below, this reveals how the problem with regret is that it 'forgets' colonialism, or rather cannot speak it.

Epilogue

In March 2011, bolstered by UN Resolution 1973, France and the UK, followed by the USA and NATO, launched air raids against Libya on humanitarian grounds in order to enforce a no-fly zone and protect civilians in rebel cities from what was thought to be certain death at the hands of a tyrant. Swapping opportunistic support for an arguably equally opportunistic enmity in the ensuing civil war, participants in the NATO raids on oil-rich Libya played an important part in the defeat of Qadhafi.

Violating the terms of the Treaty, Italy became part of the so-called coalition of the willing. The Italian political spectrum was highly divided, though not along the usual partisan lines. Large parts of the centre-left opposition fully supported Italy going to war against its former ally, while a key

Berlusconi coalition partner, the anti-immigrant Lega Nord, opposed the Libya campaign – not for any pacifistic reasons, but because it feared that war and instability in Libya might cause waves of refugees to head for Italy. Indeed, the Lega Nord was one of the few political actors to seriously consider the question of war refugees. Between March and July 2011, 23,890 refugees landed in Sicily from Libya, many of whom were effectively deported by Qadhafi's militia in retaliation for the NATO bombing. At least 1674 people lost their lives at sea during the journey: a hecatomb, and the heaviest migrant death toll in recent history (Del Grande, 2011a). None in the coalition had formulated a reception plan; and Italy has even recently cracked down on Mediterranean refugees' political asylum requests, issuing fewer documents for international protection than were given before the war (Del Grande, 2011b). This failure is symptomatic of a more general failure within the EU to develop an equitable migration policy that goes beyond containment and exclusion. It is also the symptom of an imperfect past.

As Mark Twain allegedly said, history does not repeat itself but it does rhyme. The irony is that 2011 is the 100th anniversary not only of the Italian conquest of Libya, but also of the first air raids. The very first bombs dropped by a military plane hit an oasis outside Tripoli in 1911, part of an attack conducted by Italian Lieutenant Giulio Gavotti during fighting between Italy and forces loyal to the Ottoman Empire. Few people remember Gavotti, however, and it is unlikely that many Italians or other Europeans felt the uncanny resonance of this historical parallel, in spite of the Treaty and its spectacle. Indeed, there has been little opposition to or debate around the opportunity for intervention in the European public sphere.

Both the NATO campaign and the Treaty inhabit an ambiguous temporal dimension, marked by the simultaneous presence and absence of the colonial past, or rather by what Ann Stoler (2011: 145) has defined as 'a presence and the misrecognition of it'. Stoler (2011) has recently argued for a rethinking of taken-for-granted ideas about social forgetting and amnesia through the notion of 'colonial aphasia'. Discussing the role of the colonial past in contemporary France, Stoler argues that we cannot describe France's relationship to colonialism simply in dualistic terms of ignorance vs. knowledge. Like Italy, and even more so, France now produces a great deal of scholarship on its colonial past, and intellectual debate abounds, yet colonialism is still largely absent from French school curricula. For Stoler, France's relationship to colonialism parallels the way in which aphasics relate to the world: colonialism cannot be articulated, nor properly spoken of. 'Aphasics are often "agrammatic," displaying difficulty comprehending "structural relationships"' (Stoler, 2011: 145). Aphasia means that knowledge of the colonial past is not simply present or absent in the public sphere, but rather occluded, blocked, 'disabled and deadened to reflective life, shorn of the capacity to make connections' (Stoler, 2011: 122) through a variety of different practices.

The Italy–Libya Treaty constitutes a case of aphasia. In its deployment and effects we can easily trace the disabling of knowledge identified by Stoler. It allows for disposable pasts to be inhabited half-heartedly, temporarily and, most importantly, in sanitized ways that do not unleash a potential to speak to the present. What are the 'sufferings' that constitute the Treaty's *raison d'être*? What are their present legacies? These remain empty words, or rather emptied signifiers. They are voided memories, diminished, belittled through their opportunistic misuse. Even more so, these are memories voided of their potential to provoke critical reflection.

Yet aphasia is a malaise not only of the French or the Italians. I take Stoler's argument to speak to the European experience of the legacy of colonialism as a whole. It speaks to the politics of regret, specifically to regret's inability and unwillingness to fully engage the colonial past and to address the latter's relationship to contemporary migrations. The Treaty's ambiguous (dis)engagement with colonialism, coupled with its simultaneous creation of pastness, suggests that we have

already dealt with the colonial past. In so doing, it resonates with the discourse invoked by Brown and Sarkozy, which holds that it is time to stop vilifying the West and apologizing for something – the postcolonial malaise – now fully in the hands of the formerly colonized. Indeed, the European political and intellectual mainstream seems to be able to speak of colonialism only in the remote past tense. The paradox is that this political discourse is itself saturated with colonial heritage; as Achille Mbembe (2007), commenting on Sarkozy's African speech, has shown, the 'intellectual framework underlying France's policy to Africa literally dates back to the end of the 19th century', with its baggage of colonial racist stereotypes.

Colonial aphasia convinces us that the past has been and gone, that it has finally been mastered. It also suggests, as Stoler emphasizes, that there is no connection between what happened back then and its contemporary legacies, be it transnational migration or the often-predatory alliances between postcolonial national elites. Is aphasia therefore an effect of the structural impossibility of remembering and apologizing for colonialism, the latter being still actually at work? What the case of the Italy–Libya Treaty and the enduring entanglement of colonial past and migrant present demonstrate is that the denial of imperfect pasts does not afford a viable solution, let alone a just one.

Notes

1. For the text of the Treaty, see Law no. 7 of 6 February 2009 (Gazzetta Ufficiale, 2009).
2. Forms of reparations have been provided only in cases of settler colonialism, that is, by national governments in favour of their indigenous populations such as in Canada, New Zealand and the USA (Nobles, 2008). Between 2008 and 2009, both Houses of the US Congress issued resolutions apologizing to African-Americans for their suffering under slavery and Jim Crow laws; yet the Senate's resolution clearly specifies that it does not support any reparation claims against the US government.
3. In 2004 the German Minister for Economic Cooperation and Development, Heidemarie Wieczorek-Zeul, apologized for the genocidal suppression of the Herero during their revolt against German colonialism between 1904 and 1908. However, Germany has never paid compensation to the Herero and has only increased development aid to Namibia – aid implying no recognition of wrongdoing and thus no moral obligation as distinct from 'patronizing charity' (Correa, 2009: 293). The Namibian government itself seems to prefer to receive aid for the entire population instead of reparations for a small ethnic group. Unlike Germany, Belgium has apologized and paid some compensation to one of its former colonies, the Congo, though only for its involvement in the assassination of former president Patrice Lumumba in the 1960s.
4. Legal arguments against reparations for slavery, colonialism and neo-colonialism emphasize problems of transgenerational justice, statutes of limitations and collective responsibility for past actions, that is, the problem of identifying today's descendants/representatives of both victims and perpetrators (Howard-Hassmann, 2008). However, as discussed by Anthony Gifford (2000), there are cases of successful reparation claims being advanced both by the descendants of the victims of colonial crimes, such as in New Zealand, and by the nation state that had to bear the consequences of a past wrong, as in the case of Israel. Another argument against colonial reparations stresses that the law does not mandate retroactive reparations for acts and behaviours that were not illegal at their time of occurrence. However, the notion of 'crimes against humanity' was applied retroactively in the case of the Nuremberg Tribunal, and international lawyers have argued that the Tribunal did not make new law but developed concepts of international criminality that had become accepted over time (Gifford, 2000). Moreover, Jeremy Sarkin (2009) insists in relation to the Herero that genocide was already illegal under late-19th century customary international law.
5. However, the final Durban Declaration became the first document with international legal standing to condemn slavery as a crime against humanity (see United Nations, 2001).
6. For the text of Sarkozy's 2007 speech, see africaResource (2007).

7. For a critique of the idea of benign Italian Fascism and colonialism, see Ahmida (2005); Del Boca (2005).
8. For example, *Corriere della Sera*, among other papers, included a number of interviews with exiled Italian-Libyans (see e.g. Laffranchi, 2008).

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