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### Historians and Human Rights Advocacy

de Baets, Antoon

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Antoon De Baets

## 12 Historians and Human Rights Advocacy

In 2007, the American Historical Association (AHA) decided to streamline its activities in situations involving “the rights and careers of individual historians, historical practice in diverse venues, or the role of history in public culture.” It adopted *Guiding Principles on Taking a Public Stance* to help it set a course when public or private authorities, in the United States or elsewhere, exert inappropriate pressure on the historical profession.<sup>1</sup> The *Principles* identified three risk areas: 1) when these authorities threaten the preservation of, or access to, historical sources; 2) when these authorities censor practices of history or punish historians for conclusions they reach and for evidence they unearth as a result of legitimate historical inquiry; and 3) when these authorities restrict the freedom of movement of historians.

The frequency with which the *Principles* have been applied between 2007 and 2021 is documented in the AHA archive. Between 2007 and 2013, there were only a few annual advocacy activities, but then the trend went upward from twelve activities in 2014 to fifty-two in 2021.<sup>2</sup> Advocacy activities specifically on behalf of historians abroad rose from one in 2014 to eleven in 2021. Commenting on this trend in late 2019 – a year in which the AHA had issued twenty-three advocacy letters and statements and signed onto three *amicus curiae* briefs – AHA executive director James Grossman saw “an upsurge” and addressed a frequently asked question: “How do we decide when to speak, and what to say? And why spend time and energy on activity that might be dismissed as merely political, or marginal to the AHA’s mission?” Referring to the *Principles* for answers, he emphasized that “the centrality of historical thinking to all aspects of public culture and policy is why we are speaking out,” adding that “as historians, we should call out egregious and unethical invocations of ‘history’ that undermine democratic practices and peaceful congregation.”<sup>3</sup>

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1 The 2007 principles (last updated in 2017) at: <https://www.historians.org/news-and-advocacy/aha-advocacy/guiding-principles-on-taking-a-public-stance>. I am grateful to Ruben Zeeman, my colleague at the Network of Concerned Historians since 2020, and the editors of this collection for their comments on this chapter. All websites were last revised on 27 March 2023.

2 The AHA advocacy page at: <https://www.historians.org/news-and-advocacy/aha-advocacy>; the AHA advocacy archive at: <https://www.historians.org/news-and-advocacy/news-and-advocacy-archives>.

3 James Grossman, “The Megaphone at 400 A Street SE” (21 October 2019), <https://www.historians.org/publications-and-directories/perspectives-on-history/october-2019/the-megaphone-at-400-a-street-se-historians-voice-in-public-culture>.

Among national historical associations, the AHA may have the oldest tradition in deploying advocacy activities, but it was not the only one. When, for example, the Verband der Historiker und Historikerinnen Deutschlands (VHD; Association of Historians of Germany) discovered that since 2019, and even previously, several of its members had been targeted by SLAPPs (Strategic Lawsuits against Public Participation) – abusive lawsuits filed by a private party (in this particular case the head of the Hohenzollern family) with the purpose of silencing critical speech – it launched a website in June 2021 documenting these legal cases one by one.<sup>4</sup> Likewise, the Associação Nacional de História (ANPUH; National History Association) of Brazil, struggling with its response to the assault on history by the Bolsonaro government, has recently shored up its defence of historians, archives, and cultural heritage against all sorts of attacks.<sup>5</sup> What these examples from the United States, Germany, and Brazil have in common is their defence of the rights of historians – both their human rights (such as freedom of expression) and their professional rights (such as academic freedom). Another striking similarity is their relative recency.

Traditionally, historians and human rights advocates have tended to operate separately. For a very long time, many historians have perceived advocacy, including human rights advocacy on behalf of colleagues, as an intrusion of ideology and politics into their scholarly work. Conversely, human rights initiatives with obvious historical dimensions have shown a surprising underrepresentation of historians. As members of truth commissions dealing with transitional justice, as court witnesses testifying about the historical background of crimes, or as experts consulted for the drafting of so-called memory laws, they have, with few exceptions, only played a secondary role.<sup>6</sup> The fact that historians need lots of time to do their research and write their works, and therefore fit uncomfortably into the quicker rhythms of human rights advocacy, does not explain everything.

Despite this traditional distance, there has been a *rapprochement* from both sides since approximately 2010. I will demonstrate this in several steps. I will first show that the relationship between historians and human rights advocacy is bidirectional. It can be read as the ways in which human rights activists have incorporated

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<sup>4</sup> The website “Die Klagen der Hohenzollern,” at: <https://wiki.hhu.de/spaces/viewspace.action?key=HV>, includes scores of cease-and-desist letters, injunctions and/or lawsuits involving dozens of historians, politicians, and journalists over their portrayal of the Hohenzollern family, its past, and its public actions.

<sup>5</sup> At: <https://anpuh.org.br>.

<sup>6</sup> See Antoon De Baets, *Responsible History* (New York: Berghahn, 2009), 157; Stefan Berger, “Historical Writing and Civic Engagement: A Symbiotic Relationship,” in Stefan Berger, ed., *The Engaged Historian: Perspectives on the Intersections of Politics, Activism and the Historical Profession* (New York: Berghahn, 2019), 19.

notions of history into their work or as the ways in which historians have invoked human rights on behalf of historical writing and its practitioners. I will give an overview of the first direction, but my main subject will be the second. In looking at these relationships, I will evoke quite some lesser-known facts that are not only revealing in themselves but also necessary as evidence for the explanation of the turning point of 2010. Subsequently, I will focus on one small initiative, the Network of Concerned Historians, which will enable me to reflect upon some practical and theoretical problems that arise when historians want to advocate human rights. In conclusion, I will offer a set of good practices.

Readers should be warned that this chapter does not cover the usual discussions of human rights history. The relationship between history and human rights is different from the relationship between historians and human rights. The relationship between history and human rights consists of two branches: a conceptual branch (dealing with the history of the *idea* of human rights) and a substantive branch (dealing with the history of the *practice* of human rights). Both branches have been studied profusely.<sup>7</sup> The relationship between historians and human rights, in contrast, has barely been studied at all.<sup>8</sup> Its basic concept, “the advocacy of human rights in the field of history,” can be defined as the public defence of history and of the human and professional rights of historians.

A historian myself, I have been an avid observer of this bidirectional relationship between historians and human rights advocacy for half a century. Much has changed. As a budding history student in the mid-1970s, I could but make random observations. These became more systematic in 1995, when I established the Network of Concerned Historians. Even then, my observations were hampered by slow communications. I remember that in those years I wanted to consult a report written by the United Nations (UN) Special Rapporteur on states of emergency. It arrived six months later by inter-library loan. In contrast, when I wanted to see a report of the UN Special Rapporteur on freedom of religion or belief on “freedom of thought” in 2021, it was one click away; I had read it three hours after I had learned of its publication the previous day. The current abundance of human rights data is a blessing and a curse: a blessing, because it is now possible to be well-

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7 A good starting point is Stefan-Ludwig Hoffmann, “Human Rights and History,” *Past and Present* 232 (2016), 279–310. On p. 280, Hoffmann writes that “historians have begun to concern themselves with human rights only recently – essentially only since the late 1990s.”

8 Scores of historians have written on topics that are the object of human rights advocacy, but very few on the idea of human rights advocacy for historians itself. Exceptions are Nina Schneider and this author. See Nina Schneider, “Professional Historical Writing and Human Rights Engagement in the Twenty-First Century: Innovative Approaches and Their Dilemmas,” in Berger, ed., *Engaged Historian*, 205–220.

informed about ongoing cases (although even today crucial details may be obstinately lacking), a curse because it is a never-ending flood to process.

In the following discussion, I had to limit myself to initiatives with an international scope while omitting national examples. Even so, my observations are far from complete because the field to cover is vast and cluttered. I may easily have overlooked relevant developments, perhaps misjudged others, or seen connections where there were none. I must also note that I will not discuss cases in which the engagement of human rights activists with history or of historians with human rights was of secondary importance to the historical profession. Indeed, human rights institutions and networks have often defended historians, but for reasons unrelated to history. Likewise, historians have often defended human rights in general, as did many other intellectuals, but this range of political, human rights or peace activism is not discussed here if it was unrelated to their profession.

## 12.1 The turn to history in human rights circles

Human rights advocacy is as old as the idea of human rights itself, but strangely enough we have had to wait until the turn of the millennium for its conceptualization. Around 2000, it dawned upon human rights circles that the international struggle for human rights necessarily included the protection of those who defended human rights domestically and were persecuted for it. From that moment, civil society activists, among them vocal historians, were increasingly perceived as “human rights defenders,” defined as persons who, individually or in association with others, act to promote or protect human rights peacefully.<sup>9</sup> We should keep this conceptual shift in mind when we discuss how non-governmental organizations (NGOs), followed in their wake by the UN and other intergovernmental organizations, gradually developed an interest in the historical background of ongoing human rights issues. The conceptual shift of 2000 was not a precondition for this historical interest, but it paved the way for its broader acceptance.

The earliest human rights NGO to draw attention to the fate of persecuted historians was Amnesty International, who from its foundation in 1961 mentioned

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<sup>9</sup> See at: <https://www.ohchr.org/en/issues/srhrdefenders/pages/srhrdefendersindex.aspx>. The concept of human rights defenders had long been in the making. I recall commenting on an Amnesty International (AI) draft memo about human rights defenders as early as 1983. At the time, AI perceived imprisoned trade-unionists (such as Lech Wałęsa in Poland) as frontline human rights defenders and rightly reasoned that by advocating their release, the latter, once freed again, would use their right to free expression to defend the human rights of workers.

historians occasionally in its annual reports and newsletters, and mounted urgent actions for prisoners at immediate risk of torture from 1973, some of which were dedicated to historians.<sup>10</sup> *Index on Censorship*, an activist free-expression journal established in 1972, also carried regular news items about censored historians<sup>11</sup> and incidental theme issues devoted to the censorship of history.<sup>12</sup> Human Rights Watch has paid (infrequent) attention to historians in its *World Reports* since 1989; but perhaps most systematic in this regard was PEN International, whose casework was oriented to the protection of writers, including historians.<sup>13</sup> Finally, Scholars at Risk started publishing global annual reports on academic freedom around the world in 2015, in the process touching on historical issues from time to time.<sup>14</sup>

Initially, the attention of these NGOs was almost exclusively focused on the defence of individuals. This trend continues until today, but after roughly 2010 it was increasingly supplemented with details on the contextual aspects of human rights violations, for the understanding of which a look at the past was often necessary. Since 2008, the NGO Article 19 has published a series of critiques of memory laws (laws that prescribe or prohibit certain views of historical events).<sup>15</sup> In what was probably its first historical report, Human Rights Watch issued a 75-page document on the 1921 Tulsa race massacre in 2020.<sup>16</sup> And in 2021 the International Federation of Human

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**10** In fact, the subject of the first such urgent action, on 19 March 1973, was Luiz Basílio Rossi, a Brazilian history professor.

**11** See the so-called *Index Index* section, inserted in every issue of *Index on Censorship* between 1972 and 2012. This record-keeping was abandoned in 2013 during a redesign of the journal.

**12** See *Index on Censorship*, 14 No. 6 (December 1985), 1–54; 15 No. 2 (February 1986), 9–22; 15 No. 4 (April 1986), 24–30; 24 No. 3 (May–June 1995), 24–98; 30 No. 1 (January–February 2001), 38–96; 34 No. 2 (May 2005), 23–82; 47 No. 1 (April 2018), 1–73.

**13** PEN International has published (bi-)annual case lists since at least 1996. The post-2010 collection is at: <https://www.pen-international.org>.

**14** Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk; annually, 2015–2022), at: <https://www.scholarsatrisk.org/by-type/free-to-think>. See for a comparable initiative, Endangered Scholars Worldwide, at: <https://www.endangeredscholarsworldwide.net>.

**15** See Article 19 reports and press releases on memory laws in Cambodia, France, Russia, and Rwanda at: <https://www.concernedhistorians.org/to>. For another example, a report written by an anonymous historian for the Cairo Institute for Human Rights Studies, see *Toward the Emancipation of Egypt: A Study on Assembly Law 10/1914* (Cairo: CIHRS, 2017; 95 pages), analyzing a crippling 1914 law still in force.

**16** Human Rights Watch, *The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument* (New York: HRW, 2020).

Rights presented a comprehensive report about the rewriting of history under President Vladimir Putin under the ominous title *Russia: Crimes against History*.<sup>17</sup>

International governmental organizations may have been slower than NGOs in developing a historical interest at first, but in recent times their performance is impressive. It is impossible to mention all their initiatives, let alone give them due credit. I will limit myself here to some noteworthy UN actions.<sup>18</sup> Foremost among them are the resolutions of the UN General Assembly. Those resolutions that were of direct interest to the historical profession – around a hundred between 1946 and 2023 – often reflected major UN debates on past atrocities and how to deal with them. They were dedicated to such topics as the Second World War, Nazism, the Holocaust, the Rwandan genocide, slavery and the slave trade, colonialism, reparations, the right to the truth, and time bars for crimes, to name but a few.<sup>19</sup> They were complemented by resolutions of the UN Commission on Human Rights and its successor, the UN Human Rights Council.

History also attracted the attention of UN Special Rapporteurs because of its potential as a tool for promoting democracy and preventing the repetition of human rights violations. Perhaps as a sign of the times, the first UN Special Rapporteur on cultural rights was appointed in 2009. As history obviously fell within this Special Rapporteur's mandate, her reports about cultural heritage (2011 and 2016), the writing and teaching of history (2013), and memorialization processes (2014) were not entirely unexpected.<sup>20</sup> UN Special Rapporteurs with a different focus started integrating reflections on history into their reports for the UN Human Rights Council and the UN General Assembly as well. So did, significantly, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, active since 2011, in reports about archives and guarantees of non-recurrence of human rights violations (2015) and memorialization (2020).<sup>21</sup> Reflections on history were also contained in a study on the contribution of transitional justice to the prevention of human rights violations by the

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17 International Federation for Human Rights, *Russia: "Crimes against History"* (Paris: FIDH, 2021), available in English, French, and Russian. It was directly inspired (see pp. 4–6 of the report) by this author's book, *Crimes against History*.

18 In addition to the work of the United Nations (UN), the reports of the Council of Europe in which totalitarian regimes in Europe were condemned, should be mentioned. At this writing, the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe was preparing *Recommendations on Contested Histories and Inter-Ethnic Relations*, of which this author has seen a draft.

19 A register of history-related UN General Assembly resolutions (1946–2023) at: <http://www.concernedhistorians.org/re>.

20 At: <https://www.ohchr.org/en/issues/culturalrights/pages/srculturalrightsindex.aspx>.

21 At: <https://www.ohchr.org/en/issues/truthjusticereparation/pages/index.aspx>.

same UN Rapporteur, jointly with the UN Special Adviser on the prevention of genocide (2018),<sup>22</sup> in a report about the role of education in the prevention of atrocity crimes by the UN Special Rapporteur on the right to education (2019),<sup>23</sup> and in a report about academic freedom by the UN Special Rapporteur on freedom of expression (2020).<sup>24</sup> In addition, there has been a series of UN reports on colonialism and slavery (2019–2021).<sup>25</sup>

The UN Special Rapporteurs also deployed another tool, the so-called allegation letter, in which they jointly formulated complaints about long-standing unresolved human rights violations to either perpetrator states or their successors. They did so for issues such as the impending closure of Memorial in Russia (2014) and the official Russian attitude towards the Sandarmokh mass graves from the 1930s and their discoverer, historian Yuri Dmitriev (2021),<sup>26</sup> the destruction of Shia cultural heritage in Bahrain (2015), Japan's sexual slavery system during the Pacific War (2016),<sup>27</sup> the official Turkish attitude towards the Armenian genocide in the Ottoman Empire (2019),<sup>28</sup> the large-scale 1988 prison massacres in Iran (2020),<sup>29</sup> and British repression during the colonial period in Western Kenya (2021).<sup>30</sup> In addition, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence devoted a report to the Spanish Civil War (2014).<sup>31</sup> Finally, Special Rapporteurs jointly expressed concerns about the murder of Lebanese archivist Lokman Slim (2021)<sup>32</sup> or the British plan to grant blanket impunity for crimes committed during “the Troubles” in Northern Ireland (2021).<sup>33</sup> It is noteworthy that

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22 UN Doc. A/HRC/37/65.

23 At: <https://www.ohchr.org/en/issues/education/sreducation/Pages/SREducationIndex.aspx>.

24 At: <https://www.ohchr.org/en/issues/freedomopinion/pages/opinionindex.aspx>. See also *General Comment 25: Science and Economic, Social and Cultural Rights* (2020).

25 UN Docs. A/74/321; A/HRC/EMRIP/2019/3/Rev.1; A/HRC/45/38; A/HRC/47/53; A/76/180. For a precursor, see UN Doc. E/CN.4/Sub.2/1997/8.

26 UN Docs. AL RUS 9/2014; AL RUS 10/2020.

27 UN Doc. CEDAW/C/JPN/CO/7-8 and its 2016 follow-up press release: <https://www.ohchr.org/en/press-releases/2016/03/japan-s-korea-long-awaited-apology-comfort-women-victims-yet-come-un-rights>. The UN have raised this issue regularly since 1996: see UN Docs. E/CN.4/1996/53/Add.1; A/HRC/22/14; A/HRC/35/22/Add.1. See also, AI, *Still Waiting after 60 Years: Justice for Survivors of Japan's Military Sexual Slavery System* (ASA 22/012/2005; London: AI, 2005).

28 UN Doc. AL TUR 1/2019.

29 UN Doc. AL IRN 20/2020.

30 UN Doc. AL GBR 5/2021.

31 UN Doc. A/HRC/27/56/Add.1; see also UN Doc. CCPR/C/132/D/2844/2016.

32 At: <https://www.ohchr.org/en/press-releases/2021/03/lebanon-intellectuals-murder-needs-depth-inquiry-doubts-over-justice>.

33 At: <https://www.ohchr.org/en/press-releases/2021/08/uk-un-experts-voice-concern-proposed-blanket-impunity-address-legacy>. See also UN Doc. A/HRC/48/60/Add.2.



many of these reports extensively covered historical periods before the states concerned joined the UN or before the UN even existed.

In addition, the judgments of international human rights courts constituted essential sources of human rights protection for historians themselves. The European Commission of Human Rights and the European Court of Human Rights in particular have ruled in many cases involving historians or history. For example, since 1982, the commission has systematically rejected applications of Holocaust deniers who argued that their freedom of expression was violated. The court also ruled in cases of denial of the Armenian genocide, and increasingly took into consideration cases about atrocity crimes committed in World War II. In dozens of these cases, it defended robust rights to seek historical truth and to contribute to historical debates, and pointed to the importance of the passage of time in evaluating free-expression limits. In addition, in 2017–2023, it published a series of studies of its case law regarding cultural rights, memory laws, hate speech, reputation, and data protection.<sup>34</sup> In their turn, the Inter-American Court of Human Rights and the UN Human Rights Committee developed jurisprudence about the right to know the truth about past human rights violations. In 2019, the American Commission of Human Rights published principles on public policies on memory.<sup>35</sup> In 2021, the International Criminal Court developed a policy for dealing with the intentional destruction of cultural heritage.<sup>36</sup> History and memory issues have also been regularly brought before national courts. The collection of jurisprudence currently (2023) found on the Network of Concerned Historians website contains some 770 history- and memory-related legal cases from all over the world.<sup>37</sup>

The above avalanche of examples may mislead the reader into thinking that human rights circles have been occupied with history-related matters all the time. In fact, these examples represent only a small fraction of the total work they have done.<sup>38</sup>

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34 European Court of Human Rights, *Cultural Rights in the Case-Law of the European Court of Human Rights* (2017); *Memory Laws and Freedom of Expression* (2018); *Hate Speech* (2023); *Protection of Reputation* (2022) and *Data Protection* (2022), and *Prohibition of Abuse of Rights* (2022), at: <https://www.concernedhistorians.org/to>.

35 Inter-American Commission on Human Rights, *Resolution 3/2019: Principles on Public Policies on Memory in the Americas* (2019).

36 International Criminal Court, *Policy on Cultural Heritage* (2021).

37 At: <https://www.concernedhistorians.org/le>.

38 In addition, human rights sources have also produced much indirect information about historians by highlighting their proxies (such as journalists and writers).

## 12.2 Human rights advocacy of historians

Before we turn to the other side of the relationship, a word should be said about the ethics of historians and the relationship between their rights, duties, and virtues. To begin with, the ethics of historians should be distinguished from the ethics of history. The ethics of history deal with moral judgments about historical figures and with our relationship with the dead. In contrast, the ethics of historians is an umbrella term for the ethical and professional conduct of historians: when historians act, they are protected by rights, limited by duties, and guided by virtues. Historians have two types of rights. First, they have human rights (as everyone has), and some of these are of vital interest for the exercise of their profession, in particular the freedoms of thought, opinion, information, and expression, and the rights of peaceful assembly and association. All human rights are universal, but most are not absolute: they have limits. The freedom of expression of historians, for example, can be restricted under carefully determined circumstances and narrowly formulated conditions in the service of a few permissible interests.<sup>39</sup>

Historians specifically working in an academic environment are additionally protected by academic freedom, the freedom to teach and do research without internal or external interference. However, academic freedom is not a human but a professional right. It has the same limits as human rights, but on top of these come duties. The protection of academic freedom can only be invoked if it is used in a search for the truth and if this search for the truth is submitted to peer review.<sup>40</sup> All historians have further duties regarding their subjects of study, their fellow historians, and society at large. Whereas enforceable duties set floors, scholarly virtues are aspirations that set best practices. Honesty and accuracy would be duties; curiosity, modesty, open-mindedness, impartiality, and reliability would be intellectual or epistemic virtues. Duties and virtues are complementary in that both contribute to a culture that fosters responsible history.<sup>41</sup> Given the correlation between duties, virtues, and rights, changes in one dimension also cause changes in the other dimensions and, consequently, in the entire domain of the ethics of historians. When historians become more aware of their duties, the likelihood that they will become more aware of their rights increases.

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<sup>39</sup> See special issue: “Limits to the Freedom of Expression about the Past,” *Storia della Storiografia*, 79 (2021), 1–135.

<sup>40</sup> See UNESCO, *Recommendation Concerning the Status of Higher-Education Teaching Personnel* (Paris: UNESCO, 1997), § 33.

<sup>41</sup> See Toby Mendel, “Reflections on Media Self-Regulation: Lessons for Historians,” *Storia della Storiografia*, 59–60 (2011), 60–62.

With this conceptual background, it will be easier to understand how the human rights-related advocacy of historians evolved. Although it is a recent phenomenon, it has a long prehistory. In the unique internationalist atmosphere of the *fin de siècle*, diplomats and politicians encouraged professional historians to establish international historical congresses and history teachers to submit their national history textbooks to international scrutiny.<sup>42</sup> Both initiatives made a slow start, were brutally interrupted by the First World War, but briefly flourished in the years 1926–1933. The international historical congresses organized since 1900 were supplemented by the establishment in 1926 of an International Committee of Historical Sciences (best known under its French acronym CISH). Between 1934 and 1936, it was nominated four times for the Nobel Peace Prize.<sup>43</sup> The international campaign to eradicate national prejudices in history textbooks received the support of the League of Nations. Here also, the year 1926 was pivotal in that the League's International Committee on Intellectual Cooperation adopted a resolution that kick-started systematic international history textbook revision. For our purposes, it is sufficient to observe that incipient initiatives such as these were framed as activism in the service of peace and international understanding rather than as human rights advocacy.

Meanwhile, cooperation among historians was reinvigorated after the Second World War. UNESCO, the Council of Europe, and the World Council of Churches took the lead in the history textbooks revision work,<sup>44</sup> while the main international organization of historians, CISH, did so in general historical work. In the first four

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42 See Karl Erdmann, *Toward a Global Community of Historians: The International Historical Congresses and the International Committee of Historical Sciences, 1898–2000* (originally German 1987; New York: Berghahn Books, 2005), 1–11; UNESCO, *A Handbook for the Improvement of Textbooks and Teaching Materials as Aids to International Understanding* (Paris: UNESCO, 1949), 9–23, 156–160; Otto-Ernst Schüddekopf, “History of Textbook Revision 1945–1965,” in Otto-Ernst Schüddekopf et al., eds., *History Teaching and History Textbook Revision* (Strasbourg: Council for Cultural Co-operation of the Council of Europe, 1967), 13–22; Edward Dance, *History the Betrayer: A Study in Bias* (originally 1960; London: Hutchinson, 1964), 126–150.

43 At: [https://www.nobelprize.org/nomination/archive/show\\_people.php?id=1914](https://www.nobelprize.org/nomination/archive/show_people.php?id=1914). Over the years, seven “historians” were awarded the Nobel Peace Prize: Theodore Roosevelt (1906), Woodrow Wilson (1919), Christian Lange (1921), Ludwig Quidde (1927), Lester Pearson (1957), Henry Kissinger (1973), and Elie Wiesel – a historian in all but name (1986). Adolfo Pérez Esquivel (1980) was a secondary-school teacher of philosophy, history, and literature at one time, Desmond Tutu (1984) a high school teacher of English and history in 1955. See Antoon De Baets, “The Historian-King: Political Leaders, Historical Consciousness, and Wise Government,” in Berger, ed., *Engaged Historian*, 106–108 (“Appendix 3: Historians as Nobel Peace Prize Laureates and Nominees, 1901–2018.”)

44 Among plenty of Council of Europe initiatives, see *History and the Learning of History in Europe: Recommendation 1283* (1996) and the report *The Misuses of History* (2000).

decades of its existence, the CISH adopted a “soft” strategy in defending the profession: it acknowledged the existence of abuses of history in the abstract, and when some (mostly famous) historians were persecuted, it took discreet steps, but overall, it avoided high-profile activities. A breaking-point was the large-scale attack on Czechoslovak historians after the 1968 Warsaw Pact invasion. The mass dismissal of historians which followed this “normalization” triggered more sustained attention to the plight of historians in totalitarian countries, albeit in slow motion.

In all these decades, the historical profession was characterized by a paradoxical attitude towards the ethics of its practitioners. On the one hand, academic historians shared the Ciceronian notion that their profession had to be practiced responsibly – in good faith and with respect for facts – and many among them were vaguely aware (though underinformed) about the plight of historians living under dictatorships. On the other hand, almost never did such an awareness trickle down in their works, mostly because of a strong but sterile conviction that explicit attention to the adverse political contexts in which many colleagues lived would make the authors of these confessions vulnerable to accusations of bias and partisanship. Many did not believe that values and ethics were a legitimate part of historical writing.<sup>45</sup> Often, then, ethics and human rights were at the back of their minds but seldom on the tip of their tongues: with the exception of some extracts in the classical handbooks of historical criticism about the lies and distortions found in historical sources (since 1890) and some discussions about the necessity of Holocaust denial laws (after 1980), the ethical debate stayed largely subliminal in the community of historians until the late 1980s. Activist historians would say that if the historical profession had any transcendent goal, it was to be at the service of peace and the promotion of understanding among nations.<sup>46</sup> Human rights were either absent or played a secondary role in that reasoning.

This would slowly change around 1990 under the influence of the worldwide collapse of dictatorships and the resulting transitions to democracy. These developments brought improved conditions for writing history responsibly and created a favourable climate to think more deeply about the political context in which historians operated. A first threshold was passed when the ethics of historians were embraced as an acceptable point on the historians’ agenda in the 1990s.<sup>47</sup> Important steps were taken in 1992, when the CISH expanded the first article of its constitution with a sentence about freedom of thought and expression in

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45 Jörn Rüsen has refuted this argument in “Engagement: Metahistorical Considerations on a Disputed Attitude in Historical Studies,” in Berger, ed., *Engaged Historian*, 33–43.

46 As reflected in article 26 (right to education) of the Universal Declaration of Human Rights.

47 Hoffmann, “Human Rights and History,” 308, speaks about “the ethical turn of the ‘global nineties.’”

the fields of historical research and teaching, and in 2005, when the same article was again amended with a clause saying that the CISH was opposed to the abuse of history. The abuse clause was inserted after alarming news about the difficult political climate for historians working under the Bharatiya Janata Party-led government in India between 1998 and 2004 had reached the CISH.<sup>48</sup> The amended Article 1 of the CISH Constitution thus reads:

It [CISH] shall defend freedom of thought and expression in the field of historical research and teaching, and is opposed to the misuse of history and shall use every means at its disposal to ensure the ethical professional conduct of its members.

In addition, against the background of a reinvigorated international debate about genocide denial laws, memory laws, and hate speech laws, the CISH adopted a motion in 2007 in which it expressed deep concern over the intrusion of the power of the law into historical research.<sup>49</sup> The constitutional clauses of 1992 and 2005 and the motion of 2007 were unambiguous but also laconic steps forward. They did not lead to any new working groups or campaigns on the part of the CISH. Neither did they crystallize into an international code of ethics for historians. Nevertheless, this timid, fresh attention to ethics and law inevitably put the human rights of historians more into the spotlight.

When we turn to particular initiatives, the Network of Concerned Historians, established in 1995, is the oldest surviving network. It will be discussed in some detail below. Evidently, it is not the only initiative in the field of human rights. Founded in 2002, the Institute for Historical Justice and Reconciliation at EuroClio, The Hague, seeks to address unresolved historical legacies in multicultural societies with the goal of promoting understanding. “Contested Histories in Public Spaces” is its current major project.<sup>50</sup> Historians against the War (since 2003; called Historians for Peace and Democracy from 2017) has mainly focused on American foreign policy.<sup>51</sup> From 2011, the Alliance for Historical Dialogue and Accountability, first in Melbourne, and later in New York, has sought to address the historical legacy of conflicts, and particularly the impact of the memory of violence. The alliance hosts the Historical

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<sup>48</sup> For the full story, see De Baets, *Responsible History*, 37–38.

<sup>49</sup> General Assembly of the International Committee of Historical Sciences (Beijing, 17–18 September 2007), point 6, at: <https://www.cish.org/wp-content/uploads/2015/09/EN-Assembly-Beijing-sept2007.pdf>.

<sup>50</sup> The institute at: <https://ihjr.org>; the contested histories project at: <https://contestedhistories.org>.

<sup>51</sup> At: <http://historiansagainstawar.org> (superseded) and <https://www.historiansforpeace.org>.

Dialogues, Justice and Memory Network, among others.<sup>52</sup> In 2015, Historians without Borders was founded in Helsinki to promote the use of historical knowledge for peace-building and conflict resolution. Though universal in appeal, it mainly focuses on Europe.<sup>53</sup> Among the dormant initiatives are Academia Solidaria in Santiago de Compostela, active between 2000 and 2017 and working for historians in Ibero-America,<sup>54</sup> and Liberté pour l'histoire in Paris, founded in 2005 and focusing on memory laws in Europe (and particularly in France).<sup>55</sup>

And so, a curious situation arose after 2010 and continues to this day. Reference to ethics, including human rights, is now common in conversations among historians. Reflection on basic ethical principles has become a default ingredient in debates about the profession. It has trickled down to some university curricula, typically as the first or last unit in a broader class on the theory of historical writing, rarely as a stand-alone subject. Historians working on these principles are not met with polite silence any more. More recently, the old debate on scholarly virtues has sparked a moderate new interest in professional ethics. In their turn, individual affairs and local scandals have certainly accelerated processes of reflection about the abuses of history, but by and large the wider debates about violations of academic freedom and scientific integrity, which have exploded internationally in recent decades, have not had an enduring resonance within the community of historians.

Conceptual thinking among historians about their professional ethics tends to lag behind in comparison to other professions. Work on codes of ethics in neighbouring disciplines with more direct contact to their subjects of study or to the latter's representatives – archives, museums, archaeology, and anthropology – has been far more advanced.<sup>56</sup> Likewise, subdisciplines of history working with

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52 The alliance at: <http://www.humanrightscolumbia.org/ahda>; the network at: <http://historicaldialogues.org>.

53 At: <https://historianswithoutborders.fi/en>.

54 At: <https://h-debate.com/academia-solidaria-2>.

55 The website is not online anymore. Archived snapshots at [https://web.archive.org/web/\\*/http://www.lph-asso.fr/](https://web.archive.org/web/*/http://www.lph-asso.fr/). Liberté pour l'histoire continued an older tradition initiated by historians such as Pierre Vidal-Naquet and Madeleine Rebérioux.

56 The International Council on Archives adopted a code of ethics in 1996. Its Section on Archives and Human Rights was founded in 2009. The latter's monthly newsletter, *Archives and Human Rights*, has existed since 2008 (at: <https://www.ica.org/en/sahr-newsletters>). See also Archivists without Borders at: <https://awbuschapter.wordpress.com>, <http://www.archivistessansfrontieres.fr> and [www.arxiv.org/es-es](http://www.arxiv.org/es-es) (since 1998), and Archives & Dealing with the Past at: <https://www.archives.swisspeace.ch> (since 2012); ICOM, *Code of Ethics for Museums* (2015) (an update of versions of 1986, 2001, and 2004); "2020 Statement on Anthropology and Human Rights" (an update of 1947 and 1999 statements) at: <https://www.americananthro.org/ParticipateAndAdvocate/AdvocacyDetail.aspx?ItemNumber=25769>; for archaeology, see the overview at: <http://www.concernedhistorians.org/ethic>.

oral testimonies or confidential written materials have shown more sensitivity to ethics than others.<sup>57</sup> No more than ten national historical associations have codes of ethics today, probably on account of a stiffened attitude that such codes tend to freeze the profession and are repression-oriented, whereas their roles as tools of education and prevention, as catalysts for debate about basic principles, as long-term strategies to counter abuses, and as instruments to demonstrate historians' professionalism to the outside world, including plaintiffs and judges, are neglected. All in all, the change in 2010 was substantial but timid.

## 12.3 Turning points

The lines of development depicted above lead to some tentative conclusions. The following overview offers two plausible timelines:

### *Timeline of the turn to history in human rights circles*

- Since 1946 Occasional history-related UN General Assembly resolutions
- Since 1961 Occasional NGO coverage of historians
- Since 2000 Appearance of the concept of human rights defenders (including vocal academics)
- Since 2010 Modest turn to history and memory: human rights NGOs produce research of direct interest to historians; UN Special Rapporteurs draft history-related reports and allegation letters; increasing numbers of history-related cases before international human rights courts

### *Timeline of human rights advocacy of historians*

- Since 1900 International historical congresses and history textbook scrutiny (first peak: 1926–1933)
- Since 1945 Rebooting of history-related initiatives in the service of peace and international understanding
- Since 1990 Increasing attention to the ethics of historians (changes in CISH constitution: 1992, 2005)
- Since 1995 Multiple human rights activities by history NGOs (with upsurge from 2010)
- Since 2010 Enduring but moderate attention for ethics, including human rights advocacy, in the historical profession

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<sup>57</sup> At: <https://www.concernedhistorians.org/ethichist>.

At the risk of crudely simplifying an intensely complex reality, it seems reasonable to suppose that the community of human rights activists has seen a modest turn to history and memory since 2010: its traditional presentist attitude did not disappear but it was increasingly supplemented by longer-term views which included more frequent retrospectivity. Around the same time, the community of historians has seen a mild upward trend in embracing ethics, including human rights-related advocacy, as a focus. It shoved aside an old aversion for big principles and developed greater sensitivity to the problem of its rights and duties. The recent mutual interest is not the result of a *trompe-l'oeil* effect provoked by an accidental rise of pertinent reports and actions: rather, the evidence for a critical moment in 2010 is overwhelming.<sup>58</sup>

How can this turning point be explained? Given that a turning point emerges in both areas – human rights circles and the community of historians – at approximately the same time, 2010, the answer probably lies in broad societal developments. My hypothesis is that the turning point of 2010 correlates with an earlier one, the crisis of democracy since 2005, and a later one, the crisis of human rights since 2015.

Democracy is an important subject of political theory and as such it has been watched by many think tanks and scientific institutes in the world. Among them, four stand out for their regular, often annual, reports about the state of democracy in the world, based on empirical research that is summarized in democracy indicators: Freedom House in Washington (since 1973), the Economist Intelligence Unit in London (since 2006), the International Institute for Democracy and Electoral Assistance (IDEA) in Stockholm (since 2017), and the V-Dem (Varieties of Democracy) Institute in Gothenburg (since 2017). Although differing in their typologies of political regimes and in some of their findings, they all agree about one trend: democracy has been in retreat since roughly 2005 and up to the present day.<sup>59</sup> Their estimates

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58 The upsurge of interest in human rights and ethics among historians around 2010 was unintentionally captured in a special issue of *Storia della Storiografia* about “History and Human Rights” (Nos. 59–60, September 2011, 43–149), which was the outcome of a panel organized at the 21st International Congress of Historical Sciences in Amsterdam in August 2010.

59 See, for example, the editions since 2020: Freedom House, *Freedom in the World 2020: A Leaderless Struggle for Democracy* (2020), *Freedom in the World 2021: Democracy under Siege* (2021), *Freedom in the World 2022: The Global Expansion of Authoritarian Rule* (2022); The Economist Intelligence Unit, *Democracy Index 2019: A Year of Democratic Setbacks and Popular Protest* (2020), *Democracy Index 2020: In Sickness and in Health?* (2021), *Democracy Index 2021: The China Challenge* (2022); IDEA, *The Global State of Democracy in Focus: Special Brief* (2020), *The Global State of Democracy 2021: Building Resilience in a Pandemic Era* (2021); V-Dem Institute, *Autocratization Surges – Resistance Grows: Democracy Report 2020* (2020), *Autocratization Turns Viral: Democracy Report 2021* (2021), *Autocratization Changing Nature? Democracy Report 2022* (2022).



for the percentage of the world population that lived in democracies in 2019–2020 (based on different regime typologies) range from 46% (V-Dem Institute) to 49.4% (Economist Intelligence Unit) and 57% (IDEA). The present trend of democratic backsliding took off in 2005. This is how Freedom House described it in 2019:

In states that were already authoritarian . . . governments have increasingly shed the thin facade of democratic practice that they established in previous decades, when international incentives and pressure for reform were stronger. More authoritarian powers are now banning opposition groups or jailing their leaders . . . and tightening the screws on any independent media that remain. Meanwhile, many countries that democratized after the end of the Cold War have regressed in the face of rampant corruption, antiliberal populist movements, and breakdowns in the rule of law. Most troublingly, even long-standing democracies have been shaken by populist political forces that reject basic principles like the separation of powers and target minorities for discriminatory treatment.<sup>60</sup>

According to IDEA, “the value, viability and future of democracy are more contested now than ever before in modern history, or at least since the 1930s.”<sup>61</sup> After calling populism “a threat for democracy” and noting that non-democratic countries have begun to export their governance model to other countries, it added that: “The COVID-19 pandemic put a halt to some of the processes of democratic reform observed before the pandemic, while entrenching or accelerating processes of democratic backsliding and deepening autocratization.”<sup>62</sup> In the same vein, the V-Dem Institute spoke about “a third wave of autocratization”.<sup>63</sup> At the same time, all these observers noted the emergence of a marked trend of citizen protest and reform movements all over the world. IDEA emphasized that, when looking at the data, democracy remained the best system to create the conditions necessary for sustainable development.<sup>64</sup> Nevertheless, the main conclusion of the four democracy watchers stands: there is a global crisis of democracy today; the downward trend started in 2005 and has not yet ended.

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<sup>60</sup> Freedom House, *Freedom in the World 2019: Democracy in Retreat* (Washington: Freedom House, 2019), 1.

<sup>61</sup> IDEA, *The Global State of Democracy 2019: Addressing the Ills, Reviving the Promise* (Stockholm: IDEA, 2019), x.

<sup>62</sup> IDEA, *Global State of Democracy in Focus*, 1. Similar conclusions in Freedom House, *Democracy under Lockdown: The Impact of COVID-19 on the Global Struggle for Freedom* (Washington DC: Freedom House, 2020), 1; Freedom House, *Freedom in the World 2021*, 10–14; The Economist Intelligence Unit, *Democracy Index 2020*, 3–4.

<sup>63</sup> V-Dem Institute, *Autocratization Surges*, 6, 9.

<sup>64</sup> IDEA, *Global State of Democracy 2019*, xi. Also Freedom House, *Freedom in the World 2021*, 14–16.

The 2015 crisis of human rights is more difficult to pinpoint. To this author's knowledge, the end of human rights has not been predicted before 2013.<sup>65</sup> In his book *The Endtimes of Human Rights*,<sup>66</sup> Stephen Hopgood argued that we have slowly arrived in a neo-Westphalian world with the reaffirmation of national sovereignty, the resurgence of religion, and the stagnation or rollback of universal human rights. These ideas were the subject of a critical assessment in a collection of essays in the following year. On the whole, Hopgood's book was considered controversial and several authors contested his analysis.<sup>67</sup> But the idea that human rights was in crisis stuck. It was taken up in other contexts, most famously by the UN Human Rights Commissioner Zeid Ra'ad Al Hussein in 2017, when he sounded the alarm bell in addresses at two universities.<sup>68</sup> In some corners of the world, autocrats and populists have not only questioned the value of democracy, but the notion of human rights altogether. Since 2015 the very idea of human rights has come under sustained attack, and some even talk about a "post-human-rights world."<sup>69</sup> On the other hand, this attack has mobilized many intellectuals in defence of human rights.

My hypothesis, then, is that the global crisis of democracy since 2005 and the global crisis of human rights since 2015, in combination with the reactions these provoked provide the broader historical context in which the upward trend of interest of historians and human rights advocates in each other's work since 2010 should be understood. Although the correlation between the turning point of 2010

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65 Costas Douzinas, *The End of Human Rights: Critical Thought at the Turn of the Century* (Oxford: Hart, 2000), was not about the end but rather about the ends of human rights. The much quoted article by Michael Ignatieff, "Is the Human Rights Era Ending?," *New York Times* (5 February 2002), 25, written in the wake of 9/11, reflected on some exceptional human rights successes in 1989–2001 without any notable pessimism for the future.

66 Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca, N.Y.: Cornell University Press, 2013).

67 Doutje Lettinga and Lars van Troost, eds., *Debating The Endtimes of Human Rights: Activism and Institutions in a Neo-Westphalian World* (Amsterdam: AI, 2014) (my characterization of Hopgood's work is taken from p. 8.)

68 Zeid Ra'ad Al Hussein, "Global Challenges to Human Rights" (speech at Vanderbilt Law School, Nashville, 5 April 2017), <https://www.ohchr.org/en/statements/2017/04/global-challenges-human-rights>; Zeid Ra'ad Al Hussein, "Global Challenges to Human Rights" (speech at Johns Hopkins Center for Public Health and Human Rights, 12 April 2017), <https://www.ohchr.org/en/statements/2017/04/global-challenges-human-rights-0>. Despite similar titles, these are two different speeches. See also "UN Human Rights Chief Condemns Western 'Demagogues'," *BBC News* (6 September 2016), <https://www.bbc.com/news/world-europe-37281738> and Zeid Ra'ad Al Hussein, "L'ONU doit parler haut et fort" (interview), *Le Monde* (2 August 2018).

69 For example, Imogen Foulkes, "Are We Heading Towards a 'Post Human Rights World'?" *BBC News* (30 December 2016), <https://www.bbc.com/news/world-europe-38368848>.

and the crises of 2005 and 2015 is striking, it is not certain to what extent the 2005 crisis caused, and the 2015 crisis strengthened, the 2010 turning point.

If this analysis is correct, it follows that, with a breakthrough as recent as 2010, the roles of historians in the public space related to human rights advocacy have barely been configured. To shape their history-related human rights advocacy, they may find inspiration in the paths taken by colleagues in more advanced neighbouring disciplines (such as archival sciences), in the roles they fulfilled themselves before 1990 as activists in the service of peace and international understanding, or in the roles they still fulfil as human rights activists outside the historical profession. Nevertheless, they need to largely invent such roles in a field which is relatively new to them. In defining these roles, clues may be found in history's core mission to search for truth(s) about the past – as in so many countries with autocratic regimes the mere creation of archives, the mere writing of academic history, and the mere teaching about the dark sides of the past are already forms of human rights activism requiring much courage.

## 12.4 A case study

It is time to leave this general level of analysis and delve into the specifics of one case, the case of the Network of Concerned Historians (NCH). The portrait that follows is not an independent appraisal, as it is written by its founder and coordinator.<sup>70</sup> NCH was informally established in 1995 at the margins of the history department of the University of Groningen, the Netherlands, with a dual purpose. The first consists in providing a bridge between the global community of historians and international human rights organizations campaigning for persecuted historians and against the censorship of history. During more than a quarter of a century, NCH has participated in many such campaigns on all continents.<sup>71</sup> Currently, more than 3,800 historians and others concerned with the past are on the NCH mailing list. A very international list, it is nevertheless skewed towards countries of the global North and only moderately representative of the total of those interested. When campaigns are launched, people on the list are encouraged to

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<sup>70</sup> The case study is based on the articles, press reports, and blogs that I or others wrote about the Network of Concerned Historians (NCH) over the years, and interviews about it (in Australia, Austria, Belgium, Brazil, Canada, Colombia, Finland, France, Germany, Japan, Netherlands, Norway, Spain, Switzerland, the United Kingdom, and the United States). For an independent assessment, see David Gaunt, "Growing Threats: Report from the Network of Concerned Historians," *Baltic Worlds* (October 2019), 10–11. See also at: <https://www.concernedhistorians.org/nchinthenews>.

<sup>71</sup> At: <https://www.concernedhistorians.org/ca>.

participate in their professional capacity. NCH's second purpose is to serve as a small observatory about human rights issues of interest to historians around the globe. To that end, NCH has produced an uninterrupted series of *Annual Reports* containing source-based country entries about the domain where history and human rights intersect.<sup>72</sup> In addition, it assembles four unique collections, often in multiple languages: human rights documentation of special interest to historians, history-related resolutions of the UN General Assembly, history-related legal judgments, and codes of ethics for historians and related professions.<sup>73</sup> NCH culls the data from reliable sources, particularly newspapers, websites, newsletters, and reading suggestions from personal contacts. Thus, NCH is heavily dependent on outside information sources, which it tries to diversify in order to compensate for gaps.

Before it materialized in 1995, the idea for a network had simmered in this author's mind for fifteen years. But originally, I could not find a format for the idea. It gradually sprang from three successive factors. The earliest was my research into the censorship of history and my lectures about that subject from the 1980s onwards. I quickly realized that some of the censorship cases before me were still ongoing, and clearly called for more than research: they also called for action and immediate response. The second factor was the proliferation of email in academic milieus since the mid-1990s, making communication with colleagues easy, quick, and cheap. The final factor accelerated everything: the 1995 world congress of CISH scheduled a roundtable on "Power, Liberty, and the Work of the Historian," at which I gave an overview of the censorship of history on three continents. Immediately after that congress, in Montréal, I drafted a short mandate for a network, dubbed Network of Concerned Historians, and urged colleagues I had met there to join. A few weeks later, in October 1995, the network was effectively created with the help of a few colleagues.

NCH is informal: it has no membership in the strict sense, no office, no personnel, no subscription fees, no donations, no budget, no board, no social media. Until recently, I managed the network virtually alone, and since 2020 my colleague and I have divided the work, using a common drive and an occasional meeting as our main tools. NCH's only assets are a short and simple mandate that has never changed,<sup>74</sup> spare time, an austere website, and a mailer. Three tasks are performed on a daily basis: the scrutiny of sources, the examination of cases for potential appeals, and administrative network maintenance. NCH has developed informal ties with similar networks over the years, Scholars at Risk, Historia

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72 At: <https://www.concernedhistorians.org/ar>. A complete set (1995–2023) at: <https://www.concernedhistorians.org/ar/compilation.pdf>.

73 The collections are accessible via NCH's main menu at: <https://www.concernedhistorians.org>.

74 At: <https://www.concernedhistorians.org/va/mandate.pdf>.

a Debate, and the Global Network of Psychologists for Human Rights, among others, and with organizations such as the European Association of History Educators (EuroClio), the International Students of History Association (ISHA), and some national associations of historians. Its consultancy role, both formal and informal, has grown rapidly in recent years.<sup>75</sup>

The operation rests on four principles. According to the universality principle, NCH works for historians in countries with diverse political and ideological regimes. The impartiality principle means that NCH adheres to no ideology except the human rights ideology and works for historians regardless of who they are, famous or unknown, mainstream or marginal. Most of the victims featuring in NCH campaigns are only locally or regionally known; sadly, some became famous because of their very persecution. The independence principle stipulates that NCH receives no subsidies. Finally, the distance principle says that NCH does not necessarily share the views of historians and others mentioned in its circulars and reports; crucially, it defends the freedom of expression for historians without necessarily agreeing with the opinions that result from it.

NCH's motto is article 1 of the CISH Constitution, quoted above. The focus of reporting is on events of censorship and persecution, but the laws preceding and the lawsuits following these forms of repression, if any, come within NCH's purview as well. As it is not always clear whether a given case is a case of censorship, NCH also reports about broader constraints upon historians. That is the reason why topics featuring in the *Annual Reports* can be divided into five categories. First, of course, are those directly related to the censorship of historians, sources, archives, archaeology, history teaching and textbooks, and to the obstruction of popular channels for the transmission of history, such as cinema, television, theatre, exhibitions, novels, and the internet. Occasionally, the flip side of historical censorship – historical propaganda – is highlighted as well. This first category is NCH's "unique selling point," so to speak: it is at the heart of its mandate, with nobody else reporting on it as systematically as NCH does. The second category is memory-related, concentrating on the disturbance of commemorations and the destruction of cultural heritage, including gravesites and memorials. The third grasps broader freedom of information and expression issues: freedom of information and archive laws; archival access and state secrecy; and defamation and invasion of privacy cases. The fourth refers to questions of impunity, historical injustice, truth commissions, tribunals, forensic anthropology, and reparations

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<sup>75</sup> Examples at: <https://www.concernedhistorians.org/about>.

for victims. The final category covers cases of historians who are active in politics, journalism, and human rights activism.<sup>76</sup>

Over the years, there have been shifts of emphasis in concepts and platforms. For example, the concept of “historical nihilism” (a Chinese term for the work of independent historians who are critical of the official history of the Communist Party and its heroes) has popped up since 2013, “fake news” (including fake news of a historical nature) since 2015, and “critical race theory” (used as a generic label for teaching about racism and slavery) since 2020, but these were merely new concepts for old phenomena. A really new trend since 2015, though, has been the staggering increase of harassment of historians on social media platforms: cases were identified in, for example, China, India, Japan, the Netherlands, Poland, and the United States.<sup>77</sup>

Lack of balance in reporting on single topics and concomitant overreporting from certain countries, although unavoidable to a certain extent (and even preferable from NCH’s viewpoint if it regards topics of the first category), has been a permanent point of attention. This is no simple feat for two reasons. First, a key NCH characteristic is to patiently keep track of topics over time in order to transcend the accidental, meaning that some are mentioned repeatedly. Second, a *regime paradox* is at work: given the unequal tolerance of criticism in different regimes, there is less information about more censorship in repressive societies and more information about less censorship in democratic societies.

## 12.5 Case study discussion

At this point, critical questions may be asked and – with some soul-searching – answered about NCH’s biases, index function, and impact. Despite its lofty principles, NCH – and human rights advocacy in general – has some strong biases: it tends to coerce the complex personalities of historians into the straitjacket of either victims or perpetrators; it prioritizes the plight of historians who are victims to the relative neglect of those who are bystanders or perpetrators; it tries to conceptualize historical crimes in legal terms such as genocide, crimes against humanity, or war crimes; it tends to encourage groups who want to transform history into a platform for reparation claims; and it emphasizes the dark side of historical writing without supplementing it with news about human rights improvements for historians. These biases

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<sup>76</sup> Excluded are FFP-cases (cases of fabrication, falsification, and plagiarism).

<sup>77</sup> See Alexandra Levy, “Trolling History: Social Media Harassment from Abroad,” *Perspectives on History* (14 February 2022), at: <https://www.historians.org/publications-and-directories/perspectives-on-history/march-2022/trolling-history-social-media-harassment-from-abroad>.

are mainly the result of the basic decision to keep NCH's mandate simple and complementary to, but not overlapping with, the mandate of similar networks.

Another problem is to what extent the NCH database, which is far from exhaustive, constitutes a reliable index of the real levels of persecution of historians. The best hypothesis is that it gives a plausible impression of the real persecution levels of the historical profession in the world as far as the most egregious attacks are concerned. Elsewhere, I have called such attacks "crimes against history." Crimes against history can be defined as any of the following acts when committed as part of a widespread or systematic attack pursuant to or in furtherance of a state or non-state policy: the assassination and disappearance of history producers; public personal attacks on history producers through hate speech, defamation, and malicious prosecution; intentional destruction of cultural heritage; and disinformation, including genocide denial, and censorship of history.<sup>78</sup> As a logical consequence of its systematic reporting on crimes against history – above all, those of the first category (assassination and disappearance) – NCH has established, in 2021, a *Provisional Memorial for Historians Killed for Political Reasons from Ancient Times to the Present*.<sup>79</sup> As for the less visible types of repression not amounting to crimes against history – from harassment to hidden forms of discrimination and denial of career possibilities – NCH's ignorance is huge. It is certainly underinformed about cases of unjust dismissal – which is probably the most common sanction against historians around the globe.

When measuring NCH's impact, one should distinguish the impact upon persecuted historians from the impact upon third parties and upon network participants. The successive campaigns for persecuted historians draw attention to the latter's plight and usually give them a semblance of additional shelter and immunity. The campaigns also generate small waves of interest in the press or within specialized history groups. NCH is a loose network of addressees of which only a small part (five percent or less is my guess) reads the reports and participates in the campaigns. However, it has very low rates of annulled subscriptions, meaning that NCH information is generally not unwelcome. Colleagues occasionally express their appreciation for NCH.<sup>80</sup> Thus, NCH is not only a light and flexible network but also a vulnerable undertaking without any real authority. When all is said and done, its impact is

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78 See Antoon De Baets, *Crimes against History* (London: Routledge, 2019), 3.

79 The Memorial, containing the names of 525 history producers in 77 countries (as of 27 March 2023), at: <https://www.concernedhistorians.org/memorial>.

80 The list of NCH patrons is another indicator, at: <https://www.concernedhistorians.org/patrons>.

small.<sup>81</sup> But it is not alone: it joins and amplifies initiatives from others and it is a bridge leading subscribers to original initiatives. It demonstrates that the censorship and persecution of historians are not things of the remote past or distant countries only. The record of the present age is one of the worst in absolute numbers, even taking into account the greater accessibility of today's sources.

NCH has preceded the surge of interest in human rights among historians with roughly fifteen years. However, its foundation in 1995 was not dependent on big turning points such as the catastrophic situation of the profession in certain countries or the crisis of the political system, but on the accidental circumstance of a historian with a research topic – censorship – in search of a format to act. As a tool of awareness, NCH has discreetly contributed to the transformation of a wait-and-see and defensive attitude into one of indulgence towards, and activism on behalf of, the ethics of historians.<sup>82</sup>

## 12.6 Broader reflections

Deeper questions raised by the bidirectional relationship between historians and human rights advocacy touch upon the concepts of “historians,” “past,” and “facts.” Defining these concepts is important to determine the scope of the relationship. To begin with, from a human rights perspective, the concept of “historian” is too narrow. To assume that professional historians are the only ones who deal with the past is not acceptable, all the more so in countries outside the West. Everywhere, plenty of individuals and groups participate in the production or practice of history. It is therefore preferable to speak of *history producers* rather than historians to designate all those involved, professionally or otherwise, in the collection, creation, or transmission of history. Excluding all those who are not officially historians (for example, journalists who write works of contemporary history, directors of historical films, historical novelists, members of truth commissions, history students) and yet dealt systematically with the past, is not an option. We would miss a substantial chunk of cases worth watching.

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<sup>81</sup> NCH's title page was hit 324,000 times between July 2010 and March 2023. Since 2011, the NCH website has regularly been archived on the Human Rights Web Archive of Columbia University Libraries at: [https://wayback.archive-it.org/1068/\\*http://www.concernedhistorians.org](https://wayback.archive-it.org/1068/*http://www.concernedhistorians.org).

<sup>82</sup> Reactions to NCH have generally been positive, sometimes critical, but never negative, except in one very early instance. Until today, I do not know whether my strong association with NCH has harmed or advanced my career as a historian.



And what exactly is “the past”? We already noted that human rights activists tend to report about ongoing or very recent events. Their activism has an inherent presentist bias. But how can human rights advocates in the field of history know which of the current events selected for action have undeniable historical interest? When do events become “historical”? The question itself is ambiguous, because whereas all events become historical, that is, part of the past, not all events that pass possess epochal quality. With no satisfactory answer to the question, activists have often signalled current events that later appeared to possess only anecdotal interest and, conversely, initially did not report other recent events that later came to be seen as important or even epochal. Intuition based on experience in recognizing patterns is often the sole decider – with all the risks that this entails.

Finally, a persistent attribute of human rights activism is its fact-centeredness. The corroboration of facts in individual cases is a basic operation, but this emphasis is often to the detriment of contextualizing and explaining them. Such a narrow approach is motivated by three factors. Human rights activists act with a sense of urgency, and their messages must be brief in order to keep their strength. In addition, it is usually easier and more effective to unite activists over the facts of human rights violations than over their causes. Last but not least, facts are important since the very purpose of much censorship is to obscure facts in order to twist the interpretation of the past. *All* atrocity crimes are privileged targets for repressive regimes and obstinate liars and deniers who argue that these crimes never occurred. A fact-based approach substantially helps counter such pseudohistorical views. The former UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, threw light on this problem when he addressed the universities in 2017:

Critical thinking is what you do; the truth is what you seek. And in this, I think there is a direct congruence with human rights principles. . . . But in a broader sense, we also share a bedrock attachment to clarity and truth. . . . We seek to establish the facts about human rights violations – which means we often operate in a zone of official obfuscation or denial. We do this because only clarity about the facts, respect and redress for victims and just punishment for the perpetrators can enable durable reconciliation – and the prevention of new cycles of conflict.<sup>83</sup>

These are strong reasons to focus on facts. However, a fact-oriented approach should not be confused with full-fledged historical writing. The analysis of deeper causes of human rights violations, although not absent, has never been an outspoken hallmark of human rights activism. In this, it diverges from the approach of historians, who study not only individuals but also structures, and do not only collect facts but also analyse them in a historical context. Nobody disputes that

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<sup>83</sup> Al Hussein, “Global Challenges” (5 April 2017).

getting the facts straight is hard work, and that this is required to properly contextualize, interpret, and explain historical events, in short, to develop a narrative about the past. But it does not replace these further stages. Historians merely trying to uncover historical facts without any interpretation – if that is possible at all – are good historians from a human rights perspective, but poor historians from a professional perspective. Be that as it may, it is comforting to know that whatever they are engaged in – data collection or data analysis – historians are robustly protected by the freedoms of opinion, information, and expression.

## 12.7 Good practices

If we want to draw recommendations from the preceding analysis, a few principles of good practice for historians wishing to operate within a framework of respect for human rights can be stated. The first, at the ethical and professional level, is to respect and protect the integrity of history. This principle of integrity is worth pausing on: it means being honest and not acting corruptly. *Respecting* the integrity of history means writing history responsibly. Historical writing is responsible when it is accurate and sincere, in other words, when it represents a critical and – in the words of UNESCO’s *Recommendation* – “honest search for truth.”<sup>84</sup> *Protecting* the integrity of history means shielding it against destructive attacks, especially crimes against history, by others. This presupposes constant vigilance and courage. Integrity implies that being a historian is coterminous with working in good faith; historians acting in bad faith are not historians. Although the integrity principle is clear, evaluating the good or bad faith of specific conduct is not always easy in practice, because degrees of intention are sometimes notoriously difficult to interpret.<sup>85</sup> In addition, there is the problem that accusations of bad faith can be uttered in bad faith themselves.

A second good practice can be found at the level of rhetoric: we should create favourable conditions for a responsible and dignified public debate about past atrocities, that is, a public confrontation of adversarial opinions about past atrocities during which the evidence and the logic of arguments are assessed. Lamentably, many

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<sup>84</sup> UNESCO, *Recommendation*, § 33.

<sup>85</sup> Mala fide conduct is a subgroup of irresponsible conduct. The intent accompanying irresponsible conduct can be characterized as careless, reckless, knowing, or willing; the intent accompanying mala fide conduct is knowing or willing. In this respect, it should be noted that NCH only campaigns for bona fide historians. Mala fide historians (such as genocide deniers) deserve protection as human beings, not as professionals.

debates about past atrocities are distorted by political power and manipulated, if not hijacked, by lobby groups. They are thus transformed into debates about the present, in which history is but a pretext for political or other gain.

A third good practice is located at the social level. Historians should express solidarity with history producers whose human and professional rights are violated in situations of coercion and repression, for two reasons. In the first place, tokens of solidarity give hope and a voice to those persecuted, and benefit them in symbolic, and sometimes practical, ways. In the second place, such actions help those who show solidarity themselves. This is so because if the right to free expression of some historians is at risk, the rights to information and free expression of all remaining historians are simultaneously jeopardized: their right to information, because they are deprived of the works which their endangered colleagues could have produced had they not been persecuted; their right to free expression, because they are now required to write their own histories on the basis of restricted flows of information, reduced exposure to diverse views, and poorer debates.

A final good practice is political. Historians should vigorously support a democratic society. Although history as a craft can survive everywhere, it only flourishes in a society that respects and protects the human rights necessary for responsible historical writing, in particular the freedoms of thought and expression and the rights to peaceful assembly and association. That society is a democratic society, the preferred political locus to help guarantee enduring respect for human rights – on condition that it is infused with the rule of law.<sup>86</sup> One is reminded of Winston Churchill's famous statement from 1947: "No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except all those other forms that have been tried from time to time . . ." <sup>87</sup> It would be a serious mistake, however, to believe that democracies are immune to assaults on the integrity of history and memory. The difference with autocratic regimes is not that democracies endure fewer attacks on the historical profession but rather that these are less fatal and usually exposed and countered at an early stage and with less fear of retaliation. The paramount cause for this difference is, of course, the stronger position of freedom of expression in democracies. A democratic society

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<sup>86</sup> Democracy is defined in Article 21.3 of the Universal Declaration of Human Rights as "The will of the people" which is "the basis of the authority of government." The rule of law is defined by the UN Secretary General as "a principle of governance in which all . . . are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards" (UN Doc. S/2004/616).

<sup>87</sup> Speech of 11 November 1947 in the Commons, at: <https://api.parliament.uk/historic-hansard/commons/1947/nov/11/parliament-bill>.

is a necessary, though not sufficient, condition for sustained responsible historical writing that respects and protects the integrity of history.

In turn, responsible historical writing has the ability to strengthen a democratic society, if and when it presents critical accounts of the history of democracy and its struggles, and of the history of injustices. Such critical accounts are necessary, though not sufficient, preconditions for the nurturing of a democratic historical awareness, that is, for an enduring sense of continuity with democratic precedents and discontinuity with nondemocratic precedents. Democratic historical awareness is a pillar of any true democratic culture. Tomáš Masaryk, the first president of independent Czechoslovakia in 1918, was conscious of this problem when he observed: “Now we have a democracy, what we also need are democrats.”<sup>88</sup>

In short, the best services that historians as historians can render to history from the perspective of human rights advocacy are to maintain the integrity of history by respecting and protecting it, to enable favourable conditions for a responsible public debate about past atrocities, to express solidarity with persecuted colleagues, and to support democratic forces in their societies.

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<sup>88</sup> Quoted in Jiří Pehe, “Czech Republic and Slovakia 25 Years after the Velvet Revolution: Democracies without Democrats” (Brussels: Heinrich Böll Stiftung, 15 September 2014), at: <https://eu.boell.org/en/2014/09/15/democracies-without-democrats>.

