

With a Touch of Wisdom: Human Rights, Memory, and Forgetting

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By Antoon De Baets

In a recent contribution to the *International Review of the Red Cross* entitled “[And if there was also a duty to forget, how would we think about history then](#)” (2019), David Rieff, son of Philipp Rieff and Susan Sontag and a prolific writer on humanitarian issues, defends a double thesis. He argues, first, that nowadays human rights activists dealing with the aftermath of conflicts want to impose a blanket duty to remember the violent past. This, Rieff says, is an absolute view, popular but logically weak. He then claims – see his title – that in many post-conflict situations it would make more sense to defend a duty to forget the violent past. That, he says, is a pragmatic view, unpopular but logically strong. On closer scrutiny, Rieff’s double thesis does not hold if one looks at it from a perspective inspired by international human rights principles. Why? Because a human rights approach to the past neither imposes a duty to remember nor prevents a right to forget. In fact, Rieff and the human rights activists he opposes in his contribution resemble each other far more than he assumes.

Forgetting past atrocities has been the rule in world history. It suffices to inspect peace agreements drawn up in medieval or modern times to appreciate the important role played by the urge to forget the atrocities committed during war. Article 2 of the 1648 [Treaty of Westphalia](#), for example, stipulated that “there shall be on the one side and to others a

perpetual Oblivion, Amnesty, or Pardon of all that has been committed since the beginning of these Troubles, in what place, or what manner soever the Hostilities have been practis'd ...” In the post–1945 era, however, moral philosophers and historians became inspired by the principles of the Universal Declaration of Human Rights. Shocked as they were by the Nazi atrocities committed in World War II, they realized that all too often the victims of atrocities had been omitted from traditional histories and that more sophisticated uses of historical sources (including oral history) could partly redress this. Victims became actors of history as much as those who had triumphed. The net effect of this broader approach was that historians and philosophers came to embrace the moral mission to remember past atrocities. Pleas to forget atrocities such as the Holocaust, the Rwandan genocide, or the genocide at Srebrenica became virtually unthinkable.

In this new landscape, only a handful of writers systematically reflected on the implications of forgetting past atrocities. Among them were Yosef Yerushalmi (*Zakhor: Jewish History and Jewish Memory*, 1982), Pierre Vidal-Naquet (*Assassins of Memory*, 1987), Tzvetan Todorov (*The Abuses of Memory*, 1995), Paul Ricoeur (*Memory, History, Forgetting*, 2000), and Avishai Margalit (*The Ethics of Memory*, 2002). Invariably, though, these writers eventually rejected the option to forget or assigned it a minor and discrete role in its dialectics with remembering. To his credit, Rieff is probably the first to radically reappraise the status of forgetting and point to its underestimated benefits, most prominently in his recent books *Against Remembrance* (2011) and *In Praise of Forgetting* (2016), of whose arguments his recent essay constitutes a condensed version.

In defending a duty to forget, Rieff proposes some reasonable arguments. For most of history, he posits, forgetting, not remembering, helped the cause of peace. Many conflicts—think of Northern Ireland or Bosnia—were messy with no clear victors or losers and spread out over many decades so that it is often fuzzy who did exactly what, when, and why. He makes a plea to remember the violent past wherever possible but also warns that this is sometimes exceedingly difficult, if not unattainable, because so many memories of the violent past are highly selective and biased. And distorted memories can help ignite new conflicts. That insight is not new but valuable. Some of the aspects of Rieff’s plea contradict each other, however. For example, he writes that official views of violent pasts can generally not be trusted, only to approve a few lines later the imposition of an official memory of past events by “a hegemonic force” such as the government in post-genocide Rwanda (61–62).

While his pragmatic view is debatable but reasonable, though, he further sternly criticizes the views of the large majority of human rights defenders, history professionals, and moral philosophers (including the five mentioned), contrasting his own position with the “absolute” views of “the Human Rights Watches of this world” and other activists whom the *bien-pensant* people think well off, such as Amnesty International. The latter supposedly founded a diehard fundamentalist church in which they uncompromisingly celebrate the sacralization of memory and the purity of the categorical imperative of remembrance in the service of human emancipation. These organizations, argues Rieff, do not see that theirs is just wishful thinking and that even one or two exceptions to the remembrance fever—Spain, where no reckoning of the civil war (1936–1939) and the dictatorial past (1939–1975) took place for an entire generation, or Mozambique, where the civil war (1977–1992) fell into and remains in oblivion—fatally undermine any absolutist claims. In his zeal to wrench the maximum out of his sensible views, Rieff ultimately commits the *straw man fallacy* in portraying those who reject forgetting.

To explain why this is the case, a clearer view of how international human rights principles interact with an ethics of remembrance is needed. If a “human rights school of history” existed that explored these interactions in depth (remarkably, no such school exists as yet), it would demonstrate that Rieff has a serious problem here. The human rights view of the past—and, consequently, of remembering and forgetting—is quite different from what he supposes. If we consult the authoritative source of the human rights view of the past, the [International Covenant on Civil and Political Rights](#) (ICCPR), we see that its article 19 grants us all a right to express opinions. From the perspective of human rights, memories are arguably a type of opinions, which means that the right to express opinions includes the right to express memories. It protects the individual right to mourn and the collective right to peacefully commemorate in public. This right to free expression of opinions, hence of memories, is not absolute: it can be restricted, but only under carefully determined circumstances and narrowly formulated conditions in the service of a few permissible purposes such as public order or the reputation of others. These limits are enumerated in ICCPR article 19.3.

In interpreting the scope of the right to freely express memories, these limits count—but so does the non-coercion principle. This principle is formulated in ICCPR article 18.2: “No one shall be subject to coercion which would impair his freedom to have or to adopt a ... belief of his choice.” The [United Nations Human Rights Committee](#) emphasized this principle: “Any ... effort to coerce the holding or not holding of any opinion is prohibited. Freedom to express one’s opinion necessarily includes freedom not to express one’s opinion.” Applied here, it means that the right to express memories includes the right *not* to express memories. Any right to express memories would be seriously undermined if it required one to express memories that are not held in honesty. Behind the rationale for the non-coercion principle, we can still sense the 18th-century origins of human rights, when Voltaire and others conceived them as a shield of citizens against the absolutist state. Pursuant to this principle, nobody is obliged to comply with a duty to remember past events which is *imposed on them by others or by the state*. While everyone has a right to mourn or commemorate, nobody can be forced to exercise it.

The non-coercion principle comes with two caveats, however. First, a *self-imposed* duty to remember the past is completely different from a duty to remember imposed by others or by the state: it is nothing else than an expansion of the right to memory. Second, implementation problems may arise—as is the case for all human rights that have limits. The prohibition to impose memories may conflict, for example, with the state duty to educate, and then balancing the prohibition against the state duty will define the extent to which the history outlined in school curricula and textbooks is obligatory and enforceable. For example, Holocaust-denying parents cannot demand that their child not attend history classes about the Holocaust on the grounds of their “beliefs” if a school curriculum makes treatment of the Holocaust in the classroom mandatory. A similar balancing act applies to official commemorations.

In sum, expressing memories is [a right, not a duty](#). Both sides in the debate—human rights activists defending public remembrance, Rieff defending public forgetting—make sense as long as they talk about rights, not duties. No side can force the other to adopt its views. Rieff’s opponents have more sophisticated views that his sketch makes us believe. And Rieff’s views themselves are less eccentric than his rhetoric suggests. His double thesis thus ultimately fails. The human rights view of the past—and of remembering and forgetting—is not absolute but moderate. Not pragmatic but principled. Not simple but subtle. With a touch of wisdom.

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Featured Image: Three projects for trefoil arched memorial plaques. Center (B) completed, shows a tree-of-life motif; left (A) in graphite only, showing three vertical panels; right (C) blank, showing outline only. John La Farge, 1880–1900. Courtesy of [Cooper Hewitt, Smithsonian Design Museum](#).