

ATTACKS ON HISTORY: A HUMAN RIGHTS FRAMEWORK

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Abstract

This chapter presents a human rights framework to understand attacks on history and historians as the most violent form of memory and history politics. The wide variety of attacks on history today begs for an analysis of the core concept “attacks” in order to assess – and combat – violent conduct that threatens the integrity of history and its practitioners. Such an analysis is presented here. In the first place, it differentiates between the abusive and responsible use of the term “attacks.” Subsequently, the concept of “attacks on history” is defined as *threats or uses of force by State or non-State actors against historians or their work with the intent to silence them*. Each of the components of this definition is discussed. Next, the concept of attacks is distinguished from related concepts such as persecution, crime, and abuse of history. Finally, the limits of the concept are examined: at its lower end, it excludes conduct that does not reach the threshold of an attack; at its higher end, it only partially covers the phenomenon of systemic bias and it is itself swallowed by generalized systemic violence of the type that we usually witness in authoritarian regimes. It is argued that a thoughtful application of the concept can acutely enhance our understanding of the many ways in which history is undermined.

The chapter also contains an elaborate typology of attacks, based on the main distinction between attacks against historians (subdivided in attacks on historians as individuals and attacks on historians as a community) and attacks against their work (subdivided in attacks on

historical information, attacks on historical opinions, attacks on historical truth, and attacks on expressions of memory). Finally, the analysis widens its scope to investigate the reasons why historians are attacked. It ends with a reflection on the responsibilities of historians and obligations of States to counter attacks on history.

Key-words

Abuses of history; Academic freedom; Archival cleansing; Archives laws; Arrest, arbitrary; Attacks on historians; Attacks on history; Blasphemy; Censorship of history; Commemorations; Community of historians, obstruction of; Constitutions; Crimes against history; Cultural heritage destruction; Defamation; Deportation; Disinformation, historical; Dismissal, unfair; Genocide denial; Hate speech; Human rights violations; Integrity of history; Intellectual misconduct; Litigation, abusive; Memory laws; Movement, restrictions of; Online harassment, of historians; Persecution, of historians; Prosecution, malicious; Political killings, of historians; Political leaders; Responsibilities of historians; Rights of historians; Surveillance; State obligations; Traditions, alternative.

The need for a conceptual framework

The liquidation of the Nobel Peace Prize-winning NGO Memorial in Russia, Vladimir Putin's massive abuse of history in justifying his invasion of Ukraine, Jair Bolsonaro's interference with history exams in Brazil, Narendra Modi's cuts in the budget of the Indian History Congress, Xi Jinping's campaign against "historical nihilism" and "ethnic splittism" in China, the murder of history teacher Samuel Paty in France, Donald Trump's tampering with official records and executive orders designed to sanitize United States history, the attempts to rewrite the Martial Law era in the Philippines, the proliferating online harassment of historians worldwide ... These are only a few recent events that have aroused new and strong concerns over a perennial problem: attacks on history. Historians have been under attack at all times and in all places in multiple ways, and it is no different today. The wide variety of these attacks begs for a conceptual analysis of the core term "attacks" to understand – and combat – violent conduct that threatens the integrity of history and its practitioners. Such a conceptual

framework is presented here.¹ Its scope is global, but the empirical evidence adduced to build it is contemporary (meaning that it is drawn from post–1945 cases with special emphasis on the post–2000 period). Many types of contemporary attacks are strikingly similar to those from previous eras and therefore possess a classic character and illustrate the general phenomenon of attacks. Other types are novel and incorporated in this analysis insofar as they were unleashed in the field of history and memory.

The basis for a conceptual framework

Before measuring whether any given conduct constitutes an attack on historians and their work, we need a yardstick to analyze this conduct and decide under which conditions it becomes an attack. And this we can only achieve if we have a clear idea about what historians are entitled to do. Therefore, the logical starting point of any analysis of the phenomenon of attacks on history is to identify the human rights that historians can most count on when they exercise their profession. These rights can be found in the Universal Declaration of Human Rights (UDHR) and the Covenants derived from it. Particularly relevant is Article 19 of the UDHR, which states that everyone, including historians, enjoys the freedoms of opinion and expression. These two freedoms include the right to develop and hold thoughts about the past, the right to seek historical truth through inquiry, exchange and debate, and the right to express critical opinions related to the past (that is, related to history, memory, tradition, and heritage). The responsible use of history – including rights to select data and to err in interpreting past events – is protected by these freedoms of opinion and expression and by several other human rights, such as the freedom of thought, and the freedoms of association, peaceful assembly, education, and scientific research.² In addition, academic historians are protected by guarantees of academic freedom and institutional autonomy.³ With the notable exception of freedom of thought,⁴ these rights are not absolute: they can be restricted, but only under carefully determined circumstances and narrowly formulated conditions in the service of only a few permissible interests.⁵

Now that the relevant human rights are defined as our ethical perspective and analytical yardstick, we also need to circumscribe the limits of our universe of examples that serve to support our analysis. We opened this chapter arguing that attacks are everywhere nowadays, an observation that came with a sense of urgency, and therefore we cannot put geographical limits on the size of our universe. Indeed, the problem of attacks is best understood on a global scale because only comparisons between these attacks can disclose types, analogies,

and trends on the one hand, and unique cases and exceptions on the other. While we extend the universe in space to its maximum for analytical reasons, we need to limit it in time for practical reasons: priority will be given to contemporary cases, taken predominantly from post-1945 history, especially from the last quarter of a century (2000–present).

There is also one caveat. In studying attacks on history, our attention is directed at only one of several instruments of memory and history politics – politics intended to authoritatively define how the past is publicly remembered (memory politics) and studied and taught (history politics). Most States and groups pursuing memory and history politics have several tools at their disposal, such as the legal governance of memory,⁶ the prescription of education curricula and historical anniversaries, measures of symbolic reparation after periods of violence and war, historical propaganda, etc. Attacking historians and their work is only one such form of memory and history politics – often not the most important but always the most extreme. Our focus is on these attacks and not on other forms of memory and history politics.

Abusive and responsible uses of the term “attacks”

The concept of attack is much abused in and outside the historical profession. The term is misused, first of all, to label as attacks what are in fact permissible opinions. When sharp polemics take place – for example, between those who defend and reject postmodernist or postcolonial approaches – some tend to label the opponent’s views as “assaults” or “attacks,” but these are not attacks as understood here. Postmodernists and postcolonialists, by showing the epistemological limits of classical historical writing and its partly construed or partly racist character, undermine some of its old certainties with the intent to improve it, not to silence it. This different intention is the crucial factor. The scholarly and public debate about history must be robust and therefore, serious but honest criticism of opposite views does not constitute an attack and calling it so is abusive. An open debate must tolerate opinions that “offend, shock or disturb” – to use the classical principle of the European Court of Human Rights.⁷ Echoing the European Court, PEN America wrote: “While violence and threats are never appropriate, vociferous, adamant, and even disrespectful argument and protest have their place. An environment where too many offenses are considered impermissible or even punishable becomes sterile, constraining, and inimical to creativity.”⁸

Secondly, the term “attack” is often introduced carelessly or maliciously in highly politicized rants and flawed ideologies. In one such strategy, “blaming the victim,” the roles are reversed: (real) attackers call their targets the initial attackers and describe their own

attacks as firm defenses of some conception of pure history or, at best, as confrontations covered by the right to freedom of expression. Typically, they blame the (unjustly attacked) historians for their unwelcome interpretations of the past, calling these interpretations attacks on “our” morality or pride and their own actions a rectification of this “deviant” behavior. Evidently, they seldom label their own attacks as attacks, although they may sometimes call them “counterattacks.” This is a classic reversal of roles, which can be traced in, for example, defamation cases. The defamation of a person is an attack upon the latter’s reputation. Public or private figures who sue historians depicting them not to their liking, typically accuse the latter of having attacked their reputation. This accusation can be justified (as we will see) but more often it is made recklessly or falsely: when historians make fair comments or truthful statements about a past figure, however painful, this can never constitute an attack on reputation. Many bold opinions heard in the public debate are not impermissible attacks and calling them so is abusive. A reckless or false accusation that a given conduct or opinion constitutes an attack, is itself an attack.

Why then use the term “attack” here as the central concept rather than comparable but less loaded phrases?⁹ The question is legitimate because the term *is* abused quite often. However, abuse of a term does not justify its abolition; rather, it calls for semantic precision.

In search of such precision, we can observe that the concept of attack *is* used properly in the leading human rights instruments. The UDHR mentions the concept in its Article 12 and the International Covenant on Civil and Political Rights (ICCPR) in its Article 17. Both articles precisely concern the right to reputation. The UDHR stipulates that “No one shall be subjected ... to attacks upon his honour and reputation” and the ICCPR uses an almost identical formula. In these instruments, the term “attack” is associated with the violation of the human right to reputation (a *real* violation, not a *fake* violation as discussed above).

During the drafting processes of the UDHR in October 1948 and the ICCPR in October 1953, a large majority of the drafters voted to retain the term although the risk of abusing it was duly recognized. During these preparatory discussions, a distinction was made between “justifiable attacks,” defined as those based on truth and made in good faith and as fair comment, and “unjustifiable attacks.” The latter were given a variety of qualifiers (“abusive,” “arbitrary,” “illegal,” “malicious,” “unjust,” “unlawful,” “unreasonable,” and “unwarranted”) to distinguish them from justifiable ones. The ICCPR drafters in particular chose the expression “unlawful attacks” to distinguish unjustifiable from justifiable attacks.¹⁰

Decades later, in 2011, the United Nations (UN) Human Rights Committee, which supervises implementation of the ICCPR, used the term in relation to the right to freedom of opinion and expression:

[U]nder any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19 [the right to freedom of expression, *adb*].¹¹

The notion of attack is not only common in international human rights law, it also is in international criminal law and international humanitarian law. In the 1998 Rome Statute of the International Criminal Court, for instance, it is a central concept in defining crimes against humanity and war crimes.¹² Qualifiers are used here as well: in defining crimes against humanity, the Rome Statute speaks of “widespread or systematic” attacks, for example. We can conclude that the term is well entrenched in the most important instruments of international human rights, humanitarian, and criminal law, that it can be used responsibly, and that, therefore, its central use in this *Handbook* seems well justified.

Definition of attacks on history

We are now ready for a definition:¹³

Attacks on history are threats or uses of force by State or non-State actors against historians or their work with the intent to silence them.

We will dissect all the elements of this definition.

Threats or uses of force

The *use* of force is the intentional infliction of harm to the targeted individuals (the historians), preceded or not by a *threat*. Attacks that use force are usually public and direct interventions. The use of force has two manifestations. It can take the form of physical violence to compel historians to adopt a certain behavior or belief or to destroy or censor their work. It can also be achieved through mental coercion (or duress), which includes direct manipulation of the historians or their work (influence exercised in an unfair or unscrupulous

manner without regard for individual volition) or indirect pressure, either on the historians themselves or on the content of their work, to dominate, especially by using authority and exploiting fear and anxiety.¹⁴ Non-attributable repeat micro-attacks and micro-aggression, either public or covert, can have similar effects.

Threats of force are credible and serious warnings left with intent to intimidate. If the intimidation is successful, the intent to silence is achieved. The threats can be public or covert and direct or indirect. While it is clear what a public and direct threat means, covert and indirect threats are harder to define. A covert threat has to be understood as the degrading face-to-face treatment of the historians. An indirect threat consists of a series of speech acts (often expressed in metaphors or analogies) that, taken separately, perhaps do not meet the threshold of a threat but nevertheless, taken together, can be shown to be part of a pattern of ambiguous, hybrid threats and bullying with effects as pernicious as full-blown attacks.¹⁵

From the distinction between the use and threat of force it follows that attacks do not need to be successful to constitute attacks, they can be inchoate acts: public calls for attacks that remain without consequences, planned attacks that were not executed, or failed attacks are attacks nevertheless if there was a reasonable probability that the attempts were imminent but stopped before or while being executed.

Finally, it is worth noting that many threats and uses of force that qualify as attacks remain unreported or underreported, especially if they have a diffuse character or if those attacked are too intimidated to report them. One recent study drafting a typology of threats to the safety of scientific researchers complained that most typologies only incorporated *actual* or tangible threats and neglected *perceived* threats.¹⁶ It proposed to take the latter also into account, but this is problematic as the notion of “perceived threats” opens the door to arbitrariness. A broad concept of “threat,” encompassing public and covert, direct and indirect threats, helps to avoid such a difficult notion as “perceived threat,” while remaining sensitive to near-invisible threats.

State or non-State actors

Attacks can be carried out by State organs or by non-State actors. *States* can take part in attacks to varying degrees: attacks can be performed by State organs, at their service or with their open or complicit involvement. Alternatively, these State organs can also actively promote and encourage or condone attacks of third parties¹⁷ or not react appropriately to such attacks or fail to act altogether. *Non-state actors* are private parties (individuals or groups such as activist and advocacy groups, conspiracy theorists, anti-science movements) whose

attacks are either condoned by the State or executed outside of any State influence. If more than one perpetrator is involved in the attack, not all perpetrators need to be fully aware of all characteristics and details of the attack.

In this regard, it is necessary to point to the dual role of historians. Whereas historians are usually targets of attacks on history, some of them have been involved in attacks on other historians in the roles of organizer or perpetrator of these attacks, often instrumentalized to that end by those in power, especially under totalitarian regimes. Although this may surprise at first sight, it is logical at closer scrutiny, as detailed expertise about what historians are actually doing is sometimes needed to successfully attack them. This means that historians can be found on both sides of the attack divide.¹⁸ While attacks on history and historians usually come from outside actors, historians participating in them attack history from the inside, violating professional ethics in the process.

Historians or their work

The targets of the attack are those harmed, namely the historians who as victims of the attack suffer consequences in their lives and work. Three aspects – the historians as individuals, the content they produce, and history in general – merit separate attention.

The first aspect is *the historian*. If historians are targeted, attacks can be directed at their entire personality or at some particular aspect of it: their dignity, integrity, safety, reputation or privacy (such as their appearance, gender, race, ethnicity, religion, or nationality). When such specific characteristics are mentioned during the attack, they can throw light on the motives of perpetrators. In addition, while the primary victims of attacks are the historians who were targeted, there is also a category of indirect victims: all those who were not attacked but still felt intimidated by the attacks and underwent their chilling effects.

The term historians is used here in a broad sense. Perpetrators of attacks try to eliminate all forms of history that are unwelcome to them, regardless of the profile of those creating them. Therefore, the term “historians” should not be narrowed down to those with a university degree in history. “Historians” are all those who are involved, professionally or otherwise, in the collection, creation, or transmission of history, academic or not, professional or not. Everyone who happens to defend unwelcome opinions about the past can come within the purview of attackers. A good example are truth commissions that are appointed by societies in transition toward democracy. These commissions interview witnesses about previous periods of dictatorship or war and produce reports about the repressive past as a first step for these

societies to cope with it. They write the first rough draft of history, they are proto-historians. Each time we speak of historians, we also mean these history producers in the broader sense.

It should be added that for our purposes the targets of attacks are historians *qua* historians. Attacks against historians acting in other roles – as journalists, peace or human rights activists, political activists, and so on – are beyond the scope of this analysis *unless* they have a clear historical component. However, even when historians with multiple roles are not attacked in their capacity as historians, complicating circumstances may arise: historians may have adopted some of their other roles after insights gained from history motivated them to do so. Or they may have become historians after some life-changing experience in these other roles. Furthermore, attacks on historians acting in other roles can still have *indirect* effects detrimental to their functioning and work as historians. This, in fact, is often the case.

The second aspect is *the work* of the historian. This includes all stages from research design, fundraising, source and data collection to manuscript and output (a book or a class, for example), with its facts and opinions (the latter covering historical interpretations and moral judgments about historical figures). It also refers to the operation of second-order observation, which is reflection on history in the form of historiography or theory. During an attack, the work is disqualified, censored, damaged or destroyed directly or collaterally.¹⁹

It is often difficult to see who or what is the real target: the work or the person behind it. Indeed, the unwelcome content of a historical work may direct attention to its authors and, conversely, the openly expressed ideas of historians may direct attention to their work. Whereas all attacks are reprehensible, assailants cross an additional line if they target not only historical opinions but also the persons holding them. The result of silencing those attacked can be qualified as *epistemic injustice*, defined as a range of “forms of unfair treatment that relate to issues of knowledge, understanding and participation in communicative practices.”²⁰

The harm done to historians and their work can be bodily (including health issues), psychological (including reputational damage, and isolation and self-censorship), moral (including copyright infringement in the form of piracy or plagiarism), or material (including economic and financial damage).²¹ The actual harm done to historians or their work or to history in general is often not accurately assessable or immediately and fully known at the time of the attack. It may even be impossible to assess it later. Likewise, the long-term impact of attacks on those attacked is often unknown. Similarly, when historical sources or manuscripts are destroyed, this may come to light only after long delays – or never. The harm done to history eventually reveals itself in a climate where freedom of expression about the

past is chilled and where public trust in the integrity of historical information has diminished, if not disappeared.

The third and arguably most difficult aspect to evaluate is *history in general*. Attacks against historians are real in the sense that the victims are physically or mentally harmed. Attacks against historical content are real in the sense that the content attacked is disqualified, censored, damaged or destroyed directly or collaterally. If the issue of harm and victimhood is readily clear for persons and the content they produce, that is less so when we consider “history” – understood as the writing and teaching of history. In what sense can an abstract concept such as history ever become a target and a victim of attack and suffer harm? Attacks against history cannot be observed in the same direct way as attacks on historians and historical content. They can be traced only indirectly, through their chilling effects: person-oriented attacks result in fewer and less active and productive speakers in the area of history than otherwise would have been the case, while work-oriented attacks result in less exposure of scientific historical content and therefore in less informed, fewer and less receptive listeners in the area of history than otherwise would have been the case.²² In other words, attacks on history generate fall-out not reducible to historians or their work and cover the wider ramifications of these attacks on the community of historians and its audience and on the degradation of the ecosystem within which the public historical debate flourishes. Society has a robust interest in the outcomes of responsible historiography and the harm done to it is not only a personal and professional but also a social harm.

Intent to silence

The intent displayed by the attacker must show bad faith – namely, an “intent to silence.” An “intent to intimidate” amounts to the same as an “intent to silence.” Often this will be obvious (when violence or coercion is used), but attacks involving subtler pressures are less recognizable. The fact that some attackers *say* or *believe* that they acted in good faith (in order to “save history from contamination,” for example) is never decisive in determining that a certain conduct did not constitute an attack. If the good faith of a perpetrator is proven beyond reasonable doubt, this is an attenuating circumstance and even, for single-perpetrator attacks, a reason to annul the charge of an attack.

Attacks are always intentional but they can be targeted or indiscriminate. If they are targeted, they are directed at specific individuals, institutions, infrastructures, or works; if they are indiscriminate, they are intended to strike at historians in general because that is their special purpose. They can also be indiscriminate in a larger sense when the methods or means

employed are so generic that they cannot be narrowed down to specific targets and therefore have a random fallout (typical examples are internet slowdowns and shutdowns).

Attacks on historians often lack the necessary intent to silence the latter *as historians*. In such cases, they still qualify as attacks, but not as attacks on history. As indicated above, to the degree that attacks on historians for reasons unrelated to their history-oriented tasks interfere with these tasks, they may qualify as indirect attacks on history. This is particularly the case for large or indiscriminate attacks that target communities of intellectuals, academics or professionals.

Intent should not be confused with motive. Intent refers to *how* the silencing operation is carried out (“in bad faith,” “maliciously,” “recklessly,” etc.), while motive refers to *why* it is carried out. If the purpose is to verify whether a given conduct constituted an attack at all, intent (to silence) is important; if the purpose is to analyze and evaluate the attack, motives come into play as well. Attacks can be motivated by many reasons, most often political, ideological, ethnic, racial, religious, or national security and public order reasons. For example, attacks can be mounted in the name of the State, the nation, the fatherland, the flag, justice, religion, race, tradition, custom, culture, national honor and pride, the ancestors, soldiers and veterans, or a combination of them. Few of these interests are permissible under international human rights law.

Related concepts

Attacks on history overlap with, yet should be distinguished from, other concepts such as *persecution*, *crime*, and *abuse of history*. In general, we can look at an attack as an incident; at persecution as a process involving attacks; at crime as a particular form of attack; and at the abuse of history as a tool for or a result from an attack. The difference between attacks and these related concepts is often a mere question of perspective. In practice, many of these concepts can be applied simultaneously to the same set of incidents.

Persecution

The persecution of historians is the intentional and severe deprivation of their human and professional rights because they are historians,²³ ranging from the destruction of their infrastructure of sources and resources to pressure, harassment, and dismissal and to imprisonment, torture, exile, and death. “Attacks” is at once a broader and narrower concept. It is broader because it includes inchoate attacks, which are difficult to categorize as actual

persecution. It is narrower because the analytical unit to investigate attacks is an incident, that is, a report about a threat or use of violence that occurred during a single period – although simultaneous, protracted, or repetitive attacks go beyond this simplified presentation. In contrast, persecution is a process, a chain of attacks.

Crime

Attacks on history and historians turn into *human rights violations* – notably violations of the freedoms of opinion, expression, the rights to life, fair trial, privacy, reputation, assembly, and association, and the prohibition of torture – when States are involved in these attacks. The harm inflicted by an attack of a non-State actor is technically not a human rights violation but a human rights abuse; in the latter case, a violation only arises if the State participated in the attack and/or failed to investigate and prosecute the attack.²⁴

Attacks on history become *crimes* when they are criminal according to domestic and/or international law and regardless of whether they were committed by State or non-State actors. In 2012, the rapporteurs on freedom of expression of the United Nations, Africa, the Americas, and Europe issued a “Joint Declaration on Crimes against Freedom of Expression” in which they listed various such crimes:

Expressing our abhorrence over the unacceptable rate of incidents of violence and other crimes against freedom of expression, including killings, death-threats, disappearances, abductions, hostage takings, arbitrary arrests, prosecutions and imprisonments, torture and inhuman and degrading treatment, harassment, intimidation, deportation, and confiscation of and damage to equipment and property; ...²⁵

Likewise, the most extreme attacks on history can be called *crimes against history*, for example, the assassination and disappearance of historians, the use of hate speech against historians, or the intentional destruction of cultural heritage.²⁶

Abuse of history

Finally, attacks on history differ from abuses of history in that the latter are a tool for, and/or a result from, the former. Abuses of history are uses of history with the intent to *deceive*.²⁷ One major form of abuse is censorship. Classic censorship is directed at the message (the historical work) before it becomes public and sometimes after publication. In contrast, censorship by heckling and killing targets the messengers (the historians). Other egregious forms of abuse

are the fabrication, falsification, and plagiarism of historical data and interpretations. As they corrupt the integrity of history, abuses of history are manifestly inconsistent with or contrary to the purpose for which history is designed: the search for historical truth(s).

Whereas abuses of history aim to *deceive*, attacks on history aim to *silence*. The relationship between deception and silence is tight: they are twin tools.²⁸ A successful deception fosters the silencing of truthful versions of history. Conversely, attacks attempting to silence historians often mobilize deception techniques and fuel a climate of deception. Deception clarifies perpetrator conduct whereas silence throws light on victim conduct. Deception always leads to some form of silence and silencing often requires deception. Attacks and abuses go hand in hand.

Limits of the concept

Thus the concept of attacks has fluid boundaries. It also has limits in contrasting directions: at its lower end, it excludes conduct that does not reach the *threshold* of an attack; at its higher end, it only partially covers the phenomenon of *systemic bias* and it is itself swallowed by *systemic violence*. Let us discuss these three extremes.

At the lower end of the spectrum, not every obstacle, not every pressure, not every constraint, not every convention or practice which makes communication for some individuals more difficult, not every uncomfortable circumstance rises to the level of attacks.²⁹ Attacks are hostile or retaliatory interferences of a certain intensity. They are grave breaches of the integrity of history and substantially harm the activities and lives of historians. In contrast, a bold use of freedom of expression, sharp methodological debates and polemics, generalized feelings of insecurity, small acts of sloppiness, much conduct to accommodate to power inside and outside academia, and numerous small chilling gestures do not reach the threshold of actual or threatened physical violence or mental coercion defining attacks.³⁰

At the higher end of the spectrum, the first question is whether the concept of attack includes forms of *systemic bias* of the knowledge system. Such biases can result in structural violence and epistemic and other injustice. If history education is not or barely offered at pre-university levels because politicians do not see its importance, the influx of a critical mass of capable history students at university levels is seriously hampered later in the process. If archival laws are not inspired by access to information principles and lack administrative flexibility, access to the sources of historians is systematically obstructed. If skillfully applied funding policies promote certain career types and discourage others, they may orient

the avant-garde of the historical profession in a predetermined direction. If political power and lobby groups distort and manipulate public debates about history, they may result in systematically selective access to them and in less participation, and unduly interfere with the emergence of a richly informed public opinion. These examples illustrate that systemic bias can be as effective as attacks and make the latter partly or wholly superfluous. An attacks-based approach will touch upon many aspects of systemic bias and the epistemic violence and the injustice they engender, but not fully cover it.

The situation structurally worsens when systemic bias of the knowledge system is not limited to delineated areas of social life (such as, in the examples above, history education, archives, funding policies) but flow through all its veins, that is, when it is transformed into a repressive political system. In a certain sense, the mere existence of a repressive political system, even when operating under the cloak of democracy and keeping up a semblance of legality, is one big and complex systemic attack on the human rights of its citizens, historians included.

When talking about repressive political systems, first of all a powerful *regime paradox* should be noted: attacks in repressive societies are less documented but usually more serious while attacks in democratic societies are more documented but usually less serious. However, no regime type – totalitarian dictatorship, autocratic dictatorship, flawed democracy, emergent democracy, stable democracy – is immune to attacks on history and historians.

Perhaps surprisingly, the existence of repressive political systems implies that there is no automatic relationship between the frequency of attacks and regime types. At first sight, regimes at the authoritarian end of the political spectrum are expected to organize more frequent attacks than regimes at the democratic end. That is too simple. There are factors that interfere with frequency. On the one hand, the more authoritarian regimes rule with ruthless power and manage to instill an overall climate of fear and terror maintained by an apparatus of formal institutions (including the parliament, the courts, the leading political party, the police, military, and security services, and the censorship bureau) and informal means (thugs and death squads operating in the shadow), the less they need to organize targeted attacks. An overall repressive system renders individual attacks less necessary and when they take place they are often designed to set an example. In other words, intimidation and silencing are generalized characteristics in such a system.

On the other end of the political spectrum, attacks under democratic regimes are on the whole less fatal and countered with less fear for retaliation, but the censorial role of semi-public and private lobbies, groups, and individuals is potentially larger than in the more

authoritarian contexts where the public sphere is curtailed. To the extent that the attacks of these lobbies and groups impede that historical research and teaching contribute to an open and robust public debate about the past and hence to a democratic awareness, they undermine democratic societies.³¹

What we tend to see, then, are authoritarian regimes with a restricted group of very powerful attackers at one end and democratic regimes with many but less powerful attackers at the other end and a mix of the two in-between. Therefore, attack frequency is not necessarily a differentiating factor between regime types. The paramount differentiating factor is the existence of greater or smaller degrees of freedom of expression for repelling attacks on history.

In sum, at the lower end of the scale, the concept of attack is too strong for relatively normal, albeit dubious, social practices and relationships, or for conduct that according to most reasonable observers does not reach a certain threshold of force or coercion. At the higher end of the scale, the concept of attack is not always well suited to include processual, structural and systemic limits on historians. Authoritarian regimes result in one big crackdown on dissidence, including dissident history, making individual attacks on specific targets surprisingly less urgent. In contrast, democracies have a range of built-in structural biases that often do not rise to the level of attacks but still prevent opportunities for large categories of historians. The factor that makes a difference is the clout of freedom of expression.

In conclusion, this analysis shows that the concept of attacks cannot cover the entirety of extreme adverse circumstances in which historians live and work. However, a thoughtful and precise use of the concept can acutely enhance our understanding of the many ways in which history is undermined.

A typology of attacks on history

The empirical mass of attacks on history is so overwhelming that it is not ready for analysis without an intermediary step: the construction of a typology which tries to capture the multitude of empirical data into meaningful groups in order to master their variety. A typology provides a framework that helps identify attacks; understand their scope, severity, modes, and mutual relationships; determine the factors that influence, promote, and counter them; and calculate the harms they cause. Importantly, a typology also provides a language in which to discuss attacks.

The following typology is built on one salient criterion taken from the definition of “attack of history”: the distinction between attacks against historians and against their work. These constitute two domains over which six types of attacks will be distributed. The aim of the typology is to be exhaustive (although there may be overlap among its types):

Attacks on historians

Attacks on historians as individuals
Attacks on historians as a community

Attacks on historical work

Attacks on historical information
Attacks on historical opinions
Attacks on historical truth
Attacks on expressions of memory

The bedrock of this typology is the distinction between attacks on persons (historians) and attacks on content (their work and their opinions).³² Of course, as we discussed under the third element of the definition, both domains are inextricably linked. Historians act and, while acting, form and express historical opinions in their works.

More refined typologies could distinguish three domains, if next to “person” and “content/opinion,” “infrastructure” (resources, objects and sites) is considered as a separate rubric. In my typology, however, attacks on the infrastructure are integrated into the attacks on content. For example, attacks on archives are part of attacks on historical information, attacks on heritage (statues, cemeteries, etc.) part of attacks on expressions of memory.

The following overview refines the two main domains and six types through the prism of 27 indicators:³³

Table 1.1. A typology of attacks on history

Attacks on historians	Attacks on historical work
<i>Attacks on historians as individuals</i>	<i>Attacks on historical information</i>
Political killings	Abusive archival legislation
Arbitrary arrest and detention	Obstruction of archival access
Public attacks by political leaders	Archival cleansing
Restrictions of movement	
Unfair dismissal	<i>Attacks on historical opinions</i>
Malicious prosecution and abusive litigation	Abusive defamation laws
Online harassment	Abusive blasphemy laws
	Abusive memory laws
<i>Attacks on historians as a community</i>	Mnemonic constitutionalism
Obstruction of meetings and conferences	Censorship of historical works
Obstruction of journals	
Obstruction of online platforms	<i>Attacks on historical truth</i>
Obstruction of departments	Historical disinformation
Obstruction of associations	Historical denialism
Surveillance of groups of historians	Historical hate speech
	<i>Attacks on expressions of memory</i>
	Intentional destruction of cultural heritage
	Bans of alternative traditions
	Obstruction of public commemorations

This typology is not a theoretical exercise. It is based on empirical research into a database encompassing hundreds of cases over the globe since 1945,³⁴ meaning that some of the 27 indicators can be supported by massive evidence, while others can be documented with at least some cases. This evidential requirement has four implications. First, it implies that indicators which are frequently used in comparable typologies – for example, the indicator “sexual violence” in reports about attacks on education – are not found in the present typology because no applicable incidents (in our example, cases of sexual violence constituting an attack against historians) could be identified. Second, it is conceivable that artificial intelligence applications with biased datasets will be used in the future to influence and distort historical writing or to surveil and discriminate historians and therefore will constitute a major new type of attack on history. But it is too early to tell.³⁵ Third, it implies that silent attacks –

attacks that generate no or limited reporting – stay under the radar. Fourth, the typology, although intended to be exhaustive, is incomplete.

Attacks on historians as individuals

History in the wrong hands can kill as much as the knife of a surgeon or the bullet of a soldier.³⁶ The most extreme attack on history is the killing of its practitioners. A *Provisional Memorial for Historians Killed for Political Reasons from Ancient Times until the Present* lists 557 cases of political killings in 78 countries (as of June 2025).³⁷ Of these, 314 cases occurred after 1945.

The type and nature of the act of killing historians need to be explained. In this *Provisional Memorial*, political killings mean all deaths that are either the direct and intended result of operations by State and non-State agents (such as extrajudicial assassinations, improper judicial executions, and enforced disappearances), or the indirect but immediate result, intended or not, of persecution (as in cases of deaths in prisons and camps, deaths following ill-treatment, and suicides due to severe political pressure or impending deportation). The killing must be political, meaning that it is carried out against the historians because they perform certain roles or belong to certain groups. Hence they are killed because they were historians as such, *or* because they were intellectuals, academics, journalists, human rights defenders, or political activists, *or* because they were members of a specific national, racial, ethnic, or religious group.

We see that historians can be killed for a wide variety of political reasons, meaning that not all historians killed for political reasons were killed for reasons related to their work as historians. Conversely, historians killed for historical reasons always constitute a subgroup of the historians killed for political reasons. In practice, it is often difficult to decide whether historians are killed for historical reasons or for broader political reasons: historical reasons can be the sole motivation for the killing but more often they are part of a broader set of political motivations. Previous studies – of political deaths of historians between 1945 and 2017,³⁸ of political deaths of archivists between 1934 and 2007,³⁹ of political deaths of exiled historians between 1926 and 1996,⁴⁰ and of political deaths of Ibero-American historians between 1936 and 2020⁴¹ – yielded percentages of between 15% and 33%. This means that out of every hundred historians killed for political reasons roughly between one-sixth and one-third was killed for reasons that included their work on history.⁴² The killing of historians for political reasons is the supreme crime against history.

Political leaders who publicly attack historians for their allegedly dissident or defamatory views – the second type of attack – can have a devastating impact on the latter’s private and professional lives and paralyze their audiences. These public attacks can be directed at specific historians, threaten the historical profession as a whole, or criticize historical writing in general. It is an exceptional technique, often unnecessary from a power perspective. It is more convenient and more logical for leaders to enlist the State apparatus and to intervene discreetly, to delegate, and to act in collusion far from the prying eyes of the press and the public and without the risk of backfire effects.⁴³ In spite of this, public attacks are easy to execute: a statement usually suffices. And, importantly, it is a technique that can target historians across the border.⁴⁴ Vocal cross-border attacks are often preferred over alternative drawn-out persecution tactics that do not work or are more costly in diplomatic terms. In addition, a public attack by a leader is often a sign of approval for further attacks, trials, and persecution by the official apparatus. Curiously, in some rare cases, the attacks were directed at historians who were already deceased.⁴⁵ These posthumous attacks indicate how critical historical work can be feared long after its author has died.

Another type of attack on historians is the arbitrary arrest,⁴⁶ often preceded by a police search and followed by arbitrary detention, and possibly torture and an unfair trial. “Arbitrary” means that the arrest was not based on any charges or on spurious charges or on real charges based on overbroad legal provisions from the authoritarian tool bag – as is the case in many national security and public order laws and in laws against extremism, terrorism, sedition, separatism, and the like.⁴⁷ Historians can readily be found among those arbitrarily arrested. As in the case of political killings, arrests of historians were mostly related to their political stance rather than their historical work. Due to their often important role in protest movements, history students are relatively overrepresented in this category.

A classic tool of many governments is the restriction of freedom of movement of historians, that is, the right to move freely and to choose a place of residence within one’s country and the right to enter and leave one’s country.⁴⁸ Arbitrary detention and house arrest threaten residence rights and domestic travel restrictions control the visits of historians to archives, conferences, and other such facilities. Complicated passport procedures and rigid travel rules may excessively restrict outbound travel by domestic historians and harsh visa policies and travel rules and outright non-admission, expulsion or deportation improperly regulate the entrance of foreign historians. Arbitrary cross-border restrictions also violate the State duty provided for in the International Covenant on Economic, Social and Cultural

Rights (ICESCR) “to recognize the benefits to be derived from...international contacts and co-operation in the scientific...fields.”⁴⁹

The most common type of personal attack is the loss of professional or academic standing such as unfair dismissal, demotion, loss of promotion, or other penalty.⁵⁰ Although the attack seems straightforward here, the issue of proof is crucial to decide whether the penalty constitutes an attack. There should be substantial evidence to characterize a dismissal, for example, as unfair because those dismissed sometimes use the label to conceal other reasons ranging from voluntary resignation to fair dismissal.

Another type of attack is malicious prosecution, that is manifestly unfounded or abusive prosecution.⁵¹ States that organize show trials based on spurious charges, pseudo-indictments and fake evidence attack historians directly and severely. Quite often it is and has been a tool of authoritarian regimes, used in conjunction with other types of repression such as censorship (meaning that authors who are censored run a higher risk of prosecution). Recently, powerful private parties have increasingly misused the courts in what can be called abusive litigation. They file manifestly unfounded charges or initiate abusive court proceedings – a threaten to do so – not with the purpose to win them but with the purpose of silencing critical speech about their conduct. Historians who are sued in such abusive proceedings are overwhelmed and have to invest considerable time and resources in their defense and often incur excessive costs, sapping their energies and resilience, and directing their attention away from their critical work. However, the lawsuit itself can have a backlash effect for the complainants if it discloses the very information that the latter want to hide. Malicious prosecution by private parties is a form of judicial harassment increasingly studied under the names of “privatized censorship” or “SLAPPs,” Strategic Lawsuits against Public Participation (“public participation” meaning any effort of individuals and organizations to engage in an issue of public interest.)⁵² It has been argued that governments also use SLAPPs (often by proxy) as a tool to strengthen their historical narratives. This practice is an indicator of rule of law backsliding.⁵³

Online harassment and intimidation of historians, finally, have been rapidly growing phenomena since around 2015. A critical mass of empirical evidence of online attacks that affect history has slowly emerged after that date. Harassment and intimidation are closely related. Harassment includes conduct such as generalized pejorative remarks, usually expressed in anonymity or with misplaced authority, that impairs historians’ full exercise of their activities with the purpose of violating their dignity and of creating an hostile environment. Intimidation is the threat of violence. Both types of attacks are used by State

actors, especially authoritarian regimes, and non-State actors, especially right-wing platforms. PEN America defined online harassment as the “pervasive or severe targeting of an individual or group online through harmful behavior.”⁵⁴ “Online” includes email, social media platforms, messaging apps, blogging platforms, and digital comments sections. Online harassment also includes the manipulation of images, photographs, and videos.

Some online techniques seem to proliferate. Among them are watchlists or blacklists (public online lists containing the names of targets), doxing (short for “dropping docs”; the online publication of identifying private information of targets, such as real names and addresses, without their permission and with the purpose to intimidate), and trolling (smear campaigns that vilify and publicly shame targets by leaving insulting messages about them on the internet, including calls to discredit them). Tip-off lines and other anonymous reporting systems are used by willing members of the public (students, for example) to report on historians by email, telephone, or website forms.⁵⁵ As such, they are forms of arbitrary surveillance, in which private citizens and vigilante groups are encouraged to watch historians and report on them to State authorities. Online harassment harms freedom of expression, produces chilling effects such as self-censorship, and installs a climate of fear.⁵⁶

Some controversial interventions into the public debate degenerate into memory and history wars – chains of controversies intended to define how the past is publicly remembered (memory wars) or studied and taught (history wars).⁵⁷ They are thus transformed into debates about the present, in which history is but a pretext for political or other gain. In this context, “cancel culture” is not a straightforward notion. If it means the public shaming of historians or even boycotting and ostracizing them from (segments of) the public debate because they merely said something unacceptable or offensive to some, it borders censorship and amounts to an attack akin to blacklisting.⁵⁸ If it means the rejection and even removal of historians from the public debate because they used some form of hate speech, then it is justified (if the principle of proportionality is heeded) because hate speech should be prohibited.

Attacks on historians as a community

All attacks described above usually target individual historians but they can also be directed at groups of historians. Arbitrary arrest is used collectively in purges or post-protest crackdowns. Likewise, unfair dismissal can become a collective punitive measure in their wake.⁵⁹ One example of the latter is the dismissal after a refusal to sign or take a loyalty

oath.⁶⁰ Mass arrests and mass dismissal do not only violate the freedom of expression of historians but also their right to peaceful assembly and association.

A relatively novel form of online interference is the hostile takeover of online meetings of historians with the intention of interrupting the discussion of whatever is on the agenda. The practice, sometimes called Zoombombing, is often accompanied by disturbing images or racist and misogynistic statements.⁶¹ A step further are attempts designed to obstruct a series of public meetings, for example, by trying to stop historical conferences and intimidate their organizers and speakers.⁶²

Sometimes, historical journals or history departments are disciplined and driven into an ideological straitjacket.⁶³ Online platforms dedicated to history can become targets of cyberattacks, blockades, or closures.⁶⁴ This includes the quasi-invisible bowdlerization of online collections of newspapers and journals, a major threat to the integrity of records.⁶⁵ Selected subgroups of the historical profession may be watched, depending on the centrality of the period they study in the dominant historical myths (stories about a people, and/or its territory, its political form, its great figures and opponents, its origins, its shared characteristics, values, and experiences, and its mission), which form the basis of collective identity and of the legitimization strategy of those in power. If a specific era is pivotal in the national mythology, it becomes politically more sensitive. If, for example, ethnogenesis occupies an important place in the dominant historical myth, those working on early historical eras, such as archaeologists, run additional risks.⁶⁶

The most dramatic intervention consists in attacking historical associations or history NGOs as such.⁶⁷ Governments can defund or underfund them to break their voice: they cut the subsidies of an organization if the latter does not meet certain conditions or if it publicly criticizes the government.⁶⁸ Governments can also deploy a variety of tools of legal harassment, applied alone or in combination, ranging from the imposition of unreasonable administrative burdens on obtaining or retaining legal status or restrictions on holding annual business meetings, over obstacles against securing domestic or foreign funding, to surveillance, confiscation, and dissolution. As we saw, flawed laws with overbroad provisions can be invoked to that end.⁶⁹

Attacks on historical information

The availability of historical information is the raw material of the historian's work. This applies to official information in the first place. The UN Human Rights Committee stated that

“Article 19, paragraph 2 [of the ICCPR, the right to freedom of expression] embraces a right of access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production.”⁷⁰ Right to information laws establish an obligation on public bodies to disclose this information and a corresponding right for citizens to receive information. Among the obvious requesters of such information are historians. The formula “regardless of ... the date of production” is notable because it refers not only to right to information laws but also to archives laws.

The right to information is not absolute. Some information categories routinely searched for by historians are kept secret for national security or public order reasons. This may be legitimate if the rationale is indeed to protect the existence of the nation or its territorial integrity or political independence against force or threat of force, and if the information is declassified and released when it loses that function. However, the files may be kept under lock and key for other reasons, particularly because they contain embarrassing evidence. Sensitive categories include records related to international war, foreign policy, corruption, crimes of the past, civil unrest, national security operations, and the policing of minorities or dissidents. Archives laws containing excessive secrecy provisions (“overclassification” and “reclassification”) can be considered attacks on historical information. Such secrecy hides arbitrariness, evades control, prevents criticism, impoverishes the public debate, and hampers accountability.⁷¹

Legal provisions prescribing excessive secrecy of archives often go together with administrative measures designed to obstruct their access and use (limitations on permits, copy options, opening times, consultation duration, etc.). Unintentional circumstances such as the gross negligence of archives can worsen the effect of these measures. Taken alone, many of these administrative measures constitute *de facto* micro-harassment not reaching the level of attacks; taken together, they can reveal an intent to seriously discourage the users from accessing the sensitive information. The accumulation of measures is then part of a pattern of sneak attacks, as discussed above.⁷²

The worst attack on historical information consists of illegal and irreversible conduct on the spot, namely the act of damaging, destroying, confiscating, or concealing archives that should be preserved. So-called repression archives incur a heightened risk of such archival cleansing: the records of the military, police, and security administrations and of institutions created for repression purposes (intelligence services, paramilitary bodies, special prisons). These repression archives are politically sensitive because they contain information about

victims and perpetrators of past human rights violations. Often, the latter escaped prosecution and even continued in official positions in successor regimes. From a human rights perspective, information about gross human rights violations should never be held secret under pretexts such as national security: the presumption in favor of disclosure of information is overriding in the case of past atrocity crimes.⁷³

Attacks on historical opinions

The first weapon to attack historical opinions – by which interpretations of past events and moral judgments on historical figures – is law. Three types of law in particular have been weaponized to that aim: those protecting the reputations of historical figures (defamation laws), those protecting the reputations of religions (blasphemy laws), and those protecting the interpretation of historical events (memory laws). More than any other laws, these law types have served as tools to attack history and force systemic bias upon how individuals ought to think about the past.

The most important type is the law of defamation, the law to shield reputation against attack. As we saw, reputation is a human right protected under article 12 of the UDHR. Consequently, the attack on the reputation of a person (also called defamation) is a violation of human rights (if committed by a State organ) or an abuse of human rights (if committed by a private person or an institution). From a human rights perspective, reputation is a characteristic of (living) individuals. Defamation laws can infringe this basic principle by protecting improper types of reputation, such as the reputation of officials (often to prevent the exposure of official wrongdoing), the reputation of abstract entities, concepts, and symbols such as States, nations,⁷⁴ religions, flags, or of the reputation of deceased persons. When persons who feel defamed by historians (or their heirs) sue the latter, the charge is sometimes justified, but frequently the accusation is often the barely disguised expression of a will to censor the historian.⁷⁵ In other words, whereas defamation of a person is an attack on the latter's reputation, a baseless or false accusation of defamation directed at historians – whether followed by litigation or not – is an attack on history. In addition, according to international human rights law, defamation is a civil offense that should stay out of the reach of criminal law.

Another weapon are blasphemy laws, specifically directed at punishing the defamation of religion. Blasphemy laws suppress perceived criticism (“defamation”) of religion – and this concept includes religious figures and leaders, doctrines and dogmas, symbols and feelings,

and the sacred in general). But religion is an abstract concept, and abstract concepts cannot be defamed. Consequently, according to international human rights law, all blasphemy laws are abusive; they should be abolished.⁷⁶

Memory laws, finally, are laws about historical figures, symbols, dates, and events. If these laws are merely declaratory, for example, to promulgate a national anniversary or to elevate an object to a national symbol, or to officially commemorate a certain historical figure or event, they are, in principle, not problematic – although the day, symbol, figure, or event can still be controversial and subject to fierce public debate. Memory laws become abusive when they mandatorily prescribe or prohibit certain views of these historical subjects and provide punishment for offenders.⁷⁷ According to international human rights law, this mandatory and prohibitive type of memory law is abusive because it censors opinions and should therefore be abolished.⁷⁸

Sometimes, a national Constitution itself contains provisions on how to interpret certain historical events and even historical truth itself.⁷⁹ In such cases of mnemonic constitutionalism⁸⁰ – the determination in the constitution of the historical roots of national identity – the same rules as for memory laws apply. Constitutional passages limited to some remarks about history, memory, and tradition – typically written down in a preamble – are not problematic (although, once again, they may thoroughly influence and polarize the public debate). If these passages are formulated in the operative paragraphs of the Constitution with the purpose of directing historical opinions in exclusive ways – and this is certainly the case for passages that expressly mention the concept of historical truth itself⁸¹ – they morph into particularly grave attacks on history. Historical truth is provisionally determined in a public debate about scientific and peer-reviewed historical research and not once and for all in a court, not even a constitutional court. A State based on the rule of law has no monopoly over the historical truth – although, as we will see, it can proscribe historical lies that amount to hate speech.

States of the authoritarian kind do not only use legislation to attack historians, they also have huge censorship apparatuses at their disposal. The legal definition of censorship usually encompasses restrictions imposed by governments, first, on views of the past *before* they are made public, for example at manuscript level (“pre-censorship”), and second, on views of the past *after* they are made public, engendering chilling effects on those who defended these views and on others (“post-censorship.”) Censorship in this legal meaning always constitutes an attack on history, whereas subtler forms of coercion can constitute *de facto* censorship and hence also count as attacks.

However, the charge of calling an act censorship, hence an attack on history, is delicate in the sense that we already discussed: not all obstacles that complicate communication are forms of censorship, some are legitimate restrictions on the activities of historians.⁸² Be that as it may, (real) censorship is omnivorous and able to target all types of history production: academic works, to be sure, but even more, because of their reach, history textbooks⁸³ and channels for popular history (such as films, plays, novels). If unfair dismissal is a classical type of attack on historians, censorship is a classical type of attack on history. It often leads to protracted self-censorship in those censored and in others, itself a sign that the attack was successful.

Attacks on historical truth

Historical *disinformation* is the dissemination of inaccurate historical information with the intent to deceive. Disinformation should be distinguished from misinformation, which is the unintentional dissemination of inaccurate historical information. There is a connection between both because disinformation often reaches persons who believe it and then forward it without any malicious intent.⁸⁴ I avoid less precise terms such as “fake news,” “alternative facts,” or “post-truths.”

Although a centuries-old phenomenon, disinformation has a strikingly new feature today because it spreads on the internet, mainly via social media platforms. This is a threat to history in many countries. Less recognizable than murder or character assassination and more insidious and hybrid, disinformation is censorship’s twin. It is often accompanied by historical propaganda, the willful or reckless but systematic manipulation of historical facts or opinions by, or with the connivance of, the government or other powers.⁸⁵

Two almost contradictory types of historical disinformation should be distinguished. The first type occurs when *bona fide* historians are falsely accused of presenting fake history. The work of historians living in dictatorships has typically and routinely been dismissed as fake history. Usually accompanying State propaganda and State censorship, if not a part of them, such spurious accusations aim at silencing historians. Therefore, just like a false accusation of defamation is an attack on history, so is a false accusation of fake history an attack on history. Both are attacks on the integrity of the historian, undercutting the latter’s credibility.

The second type of historical disinformation is particularly pernicious and the product of a fringe, but growing, minority – and, in certain cases, of States themselves: the *denial* of the historical reality of amply corroborated past atrocity crimes, particularly crimes similar to

what is defined as genocide, crimes against humanity, and war crimes in the Rome Statute of the International Criminal Court. The denial of corroborated atrocity crimes constitutes disinformation that is the complete antithesis of science. It is a form of pseudoscience and epistemic injustice.⁸⁶ Those advocating the denial of corroborated atrocity crimes should not be called historians; their views are not historical opinions.

The disquieting fact is that all atrocity crimes have their deniers. First and foremost, there is the denial of genocide, such as the Holocaust (denied by non-State actors and some governments, and increasingly taking place online),⁸⁷ the Armenian genocide (officially denied in Turkey), the Rwandan genocide (with genocide denial laws addressing a real problem but often mobilized to call *bona fide* dissidents deniers), the Srebrenica genocide (officially denied in the Republika Srpska in Bosnia-Herzegovina), the Holodomor (denied during and after Soviet times), the denial of crimes against humanity committed under the sexual slavery system imposed during the Pacific War (common in Japan), and the denial in Russia of Soviet responsibility for the Katyn war crimes (until 1990 and again in the recent decade).⁸⁸

Some deniers sue *bona fide* historians who expose them for defamation.⁸⁹ In line with the creation of deliberate confusion flagged above as “blaming the victim,” they will typically say that those who criticize them “attack” them or “conspire to suppress” their opinions in order to “conceal the truth.” In reality, these deniers launch a *triple attack*: a first one by defending false views about past crimes by denying their existence, a second one by defaming the victims of these crimes and putting the safety of the survivors among them in jeopardy, and a third one by threatening and suing those who expose them.

Historical disinformation and denialism are called attacks against historical truth here and this has not been done lightly. To understand this, some insight into the human rights view of truth claims and hate speech is necessary. The first point, the human rights view of truth claims, has already been highlighted: international human rights law does not permit the prohibition or restriction of a historical opinion solely because it constitutes a false or incorrect interpretation of past events⁹⁰ – even if this interpretation is offensive, shocking and disturbing to parts of the audience. From a human rights perspective, historians are allowed to tell untruths; they have, in short, a right to err.⁹¹ This is a very good thing because after peer review some of the facts proposed by historians prove to be incorrect (prove to be falsehoods) and some of their theories and hypotheses prove to be implausible. When the falsehoods or implausible theories are the result of sloppy work, historians may be blamed from an academic or professional point of view but not from a human rights point of view.

Here enters the second strand of thought: the human rights view on hate speech – hatred that incites discrimination, hostility or violence.⁹² When the manipulation of historical facts and the false or incorrect interpretation of past events – in our case, the denial of past crimes as a form of historical disinformation – constitute a tool to incite violence such as genocide and war, or discrimination and hostility, it equals hate speech.⁹³ Hate speech makes use of so-called fighting words – words meant to incite violence. According to international human rights law, hate speech and war propaganda should be prohibited by law; according to international criminal law, the direct and public incitement to genocide is punishable.⁹⁴

There is perhaps no abuse of history that affects the core of the activity of historical writing as deeply as atrocity denial. Tolerating denial means the end of history as a discipline. The lies that constitute atrocity denial violate the methodological and ethical norms that guide the search for historical truth and therefore do not form part of any legitimate debate about history. On the other hand, atrocity denial laws (such as genocide denial laws) should be carefully drafted so as not to affect legitimate historical debate, honest mistake, political criticism, and offending language which does not rise to the level of hate speech.⁹⁵

Attacks on expressions of memory

The next form of attack, the intentional destruction of cultural heritage, is an attack against memory rather than history as a discipline. Throughout history, political systems of all sorts have tried to sweep the remnants of the past away and start from the year zero. After 1945, regimes who followed this path of destruction usually had a Communist, nationalist, or Islamist signature.⁹⁶ Iconoclasm can take place in peacetime or during war and target archives, libraries, monuments, archaeological sites, memorials, and gravesites in a deliberate effort to cleanse culture. From a human rights perspective, these forms of iconoclasm are crimes against culture, or crimes against or affecting cultural heritage.⁹⁷

The relationship between the intentional destruction of cultural heritage and genocide is a little more complicated. Often characterized as “cultural genocide,” the intentional destruction of cultural heritage is not part of the official definition of genocide.⁹⁸ However, the International Court of Justice has recognized that the intentional destruction of cultural heritage often serves as evidence to help prove genocidal intent.⁹⁹ Intentional destruction is for cultural heritage what killing is for people. Iconoclastic regimes can destroy the entire texture of society. In any case, mass destruction is not easily forgotten and may haunt the

public imagination for generations, if not centuries. Iconoclasm is a supreme attack on collective memory.

Next to tangible cultural heritage, intangible cultural heritage such as traditions can also be attacked. Bans of alternative traditions – the celebration, often by minorities, of historical anniversaries, the organization of cultural processions and ancestral rituals – are similarly attacks on memory.

Peaceful public commemorations – for example, at the foot of a well-known monument, on a significant historical anniversary, or during the funeral of a public figure – are sometimes occasions to express silent protest. If they serve or are seen to serve as rallying points for the political opposition, they are perceived as breaches of public order by unlawful groups and suppressed. The break-up of peaceful commemorations is an attack on memory.¹⁰⁰

Reasons to attack historians

A question that insistently comes to mind each time is this: Why do historians become targets of attacks by intolerant State and non-State actors? I see three reasons.¹⁰¹ The first is that historians are trained in voicing critical opinions about the legitimation of power and the construction of collective identity and in questioning historical myths. Sometimes, this turns history departments and the universities of which they form part into bastions of protest against authoritarianism.

The second reason is that historians educate the younger generations, including the future leadership of the country, making the history curricula a political affair of the first order and triggering an ardent desire for official control over them, especially in countries where large parts of the population are young.

The final reason is that time and again history lecturers and history students play pivotal roles – history lecturers in teacher trade unions and history students in student movements – and act as engines of reform and vectors of change in national politics. It is this explosive cocktail of criticism, education of talented youth, and political action that transforms historians and history students into targets of intolerant regimes.

Responsibilities to counter attacks on history

A final question is what can be done to counter attacks on history. In terms of response, States are the primary bearers of obligations. When they ratify the ICCPR, as most did, they take up

three types of obligations: a State obligation to respect the human rights of their citizens, a State obligation to protect them, and a State obligation to promote them.¹⁰² In our context, the State obligation to respect means that States should abstain from direct or complicit involvement in attacks on historians. The State obligation to protect means that they should shield historians at risk from present or future attack by third parties. States can fulfill this obligation by condemning and preventing these attacks. In addition, they should take measures to end impunity for attacks and deter perpetrators by prohibiting, investigating, and prosecuting attacks, and, finally, by assisting victims of attack. The State obligation to promote, finally, means that States should proactively facilitate the freedoms of historical research, teaching, and debate. Some of these State obligations relate to or spring from their more general human rights obligations: the obligations under the ICCPR to prohibit war propaganda, hate speech, and discrimination by law, and the obligations under the ICESCR to promote science and culture, respect freedom of scientific research, and recognize the benefits of international cooperation in the scientific field.¹⁰³

The responsibilities of historians are analogous to the obligations of States. Historians do not only have rights (enumerated at the beginning) but also responsibilities.¹⁰⁴ More specifically, Article 19 of the ICCPR mentions that the exercise of the right to freedom of expression carries with it special duties and responsibilities.¹⁰⁵ Therefore, historians have a responsibility to respect the principle of scientific integrity (the attitude of being honest and not acting corruptly). They can honor this principle by writing history responsibly, that is, with accuracy and sincerity. The task of responsible history is the critical and – in the words of UNESCO – “honest search for truth.”¹⁰⁶

Historians also have an individual and joint responsibility to protect history from attacks and abuses by others and to oppose these attacks and abuses. This requires constant vigilance and courage. Finally, they also have a responsibility to promote responsible history in order to prevent further attacks in the future. One particular factor that can powerfully contribute to this prevention is research and teaching about these attacks on history in order to raise awareness about their multifaceted presence. In particular, it is necessary to gain more insight into the history of the attacks on history. The conceptual framework offered here and the broader mission of the present *Handbook* are part and parcel of this responsibility of promotion and prevention.

Competing interests

The author has no conflicts of interest to declare that are relevant to the content of this chapter.

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United Nations Human Rights Committee, *General Comment 34* [Freedoms of opinion and expression] (UN Doc. CCPR/C/GC/34) (2011).

Notes

¹ This chapter is based on lectures held in Turin (June 2022), Zaragoza (July 2022), Poznań (August 2022), Brussels (September 2022), Groningen (November 2022), Cluj-Napoca (November 2022), and Berlin (April 2024). I am grateful to the audiences at these conferences and to five anonymous reviewers of Palgrave Macmillan for their critical comments. The address at the Berlin Conference, extracted from a previous version of the first part of this chapter and abridged, was reproduced as “Attacks on History: A Conceptual Analysis,” Zukunft Memorial, ed., четвертые чтения памяти арсения борисовича рогинского — история и историки в эпоху постправды: монополия, полифония, какофония? [Fourth Readings in Memory of Arseny Borisovich Roginsky — History and Historians in the Era Of Post-Truth: Monopoly, Polyphony, Cacophony?] (Berlin: Zukunft Memorial, 2025), 37–48.

- ² These rights are listed in the International Covenant on Civil and Political Rights (ICCPR), Articles 18–22, and in the International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 13 and 15 – two Covenants directly derived from the Universal Declaration of Human Rights (UDHR).
- ³ For an overview of all the human rights of special relevance to historians and constituting basic conditions for their academic freedom, see Antoon De Baets, “Academic Freedom between History and Human Rights in a Global Context,” in Joseph Zajda, ed., *Fourth International Handbook of Globalisation, Education and Policy Research* (Dordrecht: Springer, 2024), 113–114.
- ⁴ Antoon De Baets, “The Historian’s *Forum Internum*” (President’s Welcome Address), *Newsletter of the International Commission for the History and Theory of Historiography*, no. 1 (February 2023), 2–3.
- ⁵ ICCPR, Articles 19.3–20. See also Antoon De Baets, ed., “Limits to the Freedom of Expression about History,” Special Issue of *Storia della Storiografia / History of Historiography*, 79 no. 1 (September 2021), 9–135; and Antoon De Baets, *A Human Rights View of the Past* (Cambridge: Cambridge University Press, 2025), 19–23.
- ⁶ See Uladzislau Belavusau and Aleksandra Gliszczynska-Grabias, eds., *Law and Memory: Towards Legal Governance of History* (Cambridge: Cambridge University Press, 2017).
- ⁷ Note that the large margin of tolerance is applicable to opinions but not to established facts.
- ⁸ “PEN America Principles on Campus Free Speech,” in PEN America, *And Campus for All: Diversity, Inclusion, and Freedom of Speech at U.S. Universities* (New York: PEN America, 2016), 8, see also 65, 70.
- ⁹ Although it remains to be seen whether other candidates – “threats,” for example – do not carry their own problems.
- ¹⁰ For UDHR discussions, see United Nations Document (UN Doc.) A/C.3/SR.119 (30 October 1948) (especially the interventions by Cassin, Pérez Cisneros, Carton de Wiart, and Azkoul); for ICCPR discussions, see UN Docs. E/CN.4/SR.374 (15 October 1953) and E/CN.4/SR.375 (15 October 1953) (especially the interventions by Halpern, Morozov, Hoare, Juvigny, Kaeckenbeek, and Inglés). Alongside the UDHR and ICCPR discussions, the term “attack” is also commented upon in Marc Bossuyt, *Guide to the “Travaux Préparatoires” of the International Covenant on Civil and Political Rights* (Dordrecht, etc.: Nijhoff, 1987), 344, and in Manfred Nowak, *UN Covenant on Civil and Political Rights: CCPR Commentary* (second edition; Kehl am Rhein, etc.: Engel, 2005), 403–404. UNESCO (in 2007–2010) and the Global Coalition to Protect Education from Attack (in 2013–present) have published many reports on attacks against education. The International Mechanisms for Promoting Freedom of Expression [of the UN, the Organization for Security and Co-operation in Europe, the Organization of American States and the African Commission on Human and Peoples’ Rights], published a *Joint Declaration on Crimes against Freedom of Expression* (2012). The Centre for Law and Democracy’s *Training Manual for Judges on International Standards on Freedom of Opinion and Expression* (Halifax: CLD, December 2021) contains a chapter on “Attacks on Freedom of Expression” (59–69). My discussion of the definition of attacks is based on these sources.
- ¹¹ United Nations (UN) Human Rights Committee, *General Comment 34* [Freedoms of opinion and expression] (UN Doc. CCPR/C/GC/34) (2011), § 23.
- ¹² Rome Statute of the International Criminal Court (UN Doc. A/CONF.183/9), 17 July 1998 (Rome Statute), Articles 7 (crimes against humanity) and 8 (war crimes) – to be read together with International Criminal Court, *Elements of Crimes* (2002, 2010). Article 7.2 stipulates that an “‘Attack directed against any civilian population’ means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack...” The acts in paragraph 1 are: murder; extermination; enslavement; deportation; illegal imprisonment; torture; sexual violence; persecution of political, racial, national, ethnic, cultural, religious, or gender groups; enforced disappearance; and apartheid. The acts need not constitute a military attack. It is understood that a “policy to commit such attack” requires that the State or organization actively promote or encourage such an attack against a civilian population. Likewise, article 8 of the Rome Statute uses the term “attack” twelve times in a similar sense.

- ¹³ Compare my definition with those of “attacks on education” in UNESCO, *Education under Attack 2010* (Paris: UNESCO, 2010), 17; Global Coalition to Protect Education from Attack, *Education under Attack 2018* (New York: GCPEA, 2018), 16; and Global Coalition to Protect Education from Attack, *Toolkit for Collecting and Analyzing Data on Attacks on Education* (New York: GCPEA, 2021), 104.
- ¹⁴ See Evelyn Mary Aswad, “Loosing the Freedom to Be Human,” *Columbia Human Rights Law Review*, 52 no. 1 (2020), 355–356.
- ¹⁵ For this description, I was inspired by the analysis of Holocaust denial in the individual opinion of Elizabeth Evatt and David Kretzmer, co-signed by Eckart Klein, § 4, in UN Human Rights Committee, *Faurisson v. France* (UN Doc. CCPR/C/58/D/550/1993) (1996).
- ¹⁶ Janneke Gerards and Niels Schattevoet, *The Safety of Scientific Researchers: Data, Trends and a Typology of Threats* (Paris: UNESCO, 2024), 9, 35, 39, 42–43.
- ¹⁷ As in the case of Hrant Dink (1954–2007), a journalist often threatened and eventually killed for his vocal appeal to recognize the 1915 Armenian massacres as a genocide. In 2010, the European Court of Human Rights unanimously ruled that Turkey had violated Dink’s right to life by failing to prevent his murder although the police and gendarmerie had been informed of the likelihood of an assassination attempt and even of the identity of the suspected instigators; and by not conducting an effective investigation into the failures which occurred in protecting Dink’s life. The Court also held that Dink’s right to free expression had been violated because in 2005 he had been given a six-month suspended sentence for “insulting and weakening Turkish identity through the media” because he publicly stated that the 1915 events amounted to genocide and criticized the official denial of this view, a guilty verdict that according to the Court had been handed down in the absence of a “pressing social need” and had made him a target for extreme nationalist groups. The Court reiterated that it was an integral part of freedom of expression to seek the historical truth. In a defense argument submitted by Turkey to the Court, Dink was compared to a Nazi leader and accused of publishing “hate speech.” Cour européenne des droits de l’homme, *Affaire Dink c. Turquie* (Requêtes nos. 2668/07, 6102/08, 30079/08, 7072/09 et 7124/09) (14 September 2010), §§ 135, 137, among others.
- ¹⁸ For example, in 2015 Russian Minister of Culture Vladimir Medinsky, chair of the State-funded Russian Military History Society and author of a trilogy on Russian history, admonished archivists of the Russian State Archive who published documents that debunked the story of Panfilov’s 28 as a falsification. He called the story “a sacred legend, which simply cannot be touched” and said that the Russian State Archive “should not give its own evaluations of archival documents.” He stated that the head of an archive “is not a writer, a journalist, or a fighter against the fabrication of history.” He added that archival workers “can provide documents to people, but then journalists should draw their own conclusions” and “The question of what archival workers should be doing has arisen. They should do what the government pays them to do, and they should not try to master other professions in the process.” The comments led to Russian State Archive director Sergei Mirinenko’s demotion in 2016. In 2018, Medinsky claimed to possess historical records that proved the authenticity of the Panfilov story.
 See Anna Dolgov, “Russian Archives Cast Doubt on Legends of Soviet War Heroes,” *Moscow Times* (9 July 2015); TASS, “Ahead of Patriotic Film Release, Russian Culture Minister Tells Archival Workers to Pipe Down,” *Meduza* (31 July 2015), <https://meduza.io/en/news/2015/07/31/ahead-of-patriotic-film-release-russian-culture-minister-tells-archival-workers-to-pipe-down>; Tom Balforth, “Russian Archive Chief Out After Debunking Soviet WW II Legend,” *RFE/RL News* (17 March 2016); Peter Hobson, “Battle in the Archives – Uncovering Russia’s Secret Past,” *Moscow Times* (24 March 2016); Christopher Woolf, “Russia Chooses Myth over History in New WWII Movie,” *PRI* (15 October 2016); David Aaronovitch, “The Revolution Will Be Dramatised,” *Index on Censorship* (2017 no. 2), 17–18; Matthew Luxmoore, “Russian Minister Says Authenticity of War Legend Beyond Dispute, ‘Amoral’ To Dig Further,” *RFE/RL News* (3 December 2018); Shaun Walker, “How Victory Day Became Central to Putin’s Idea of Russian Identity,” *Guardian* (6 May 2022).
- ¹⁹ Attacks may have a backfire effect, namely that they attract attention and mobilize public opinion in favor of the targets of the attacks. See Antoon De Baets, “Historians Resisting Tyranny: A Preliminary Evaluation,” *Hungarian Historical Review*, 13, no. 1 (2024), 37–56.

- ²⁰ Ian James Kidd, José Medina, and Gaile Pohlhaus, Jr., “Introduction to *The Routledge Handbook of Epistemic Injustice*,” in Idem, eds., *The Routledge Handbook of Epistemic Injustice* (London: Routledge, 2017), 1.
- ²¹ Gerards and Schattevoet, *Safety of Scientific Researchers*, 40–41.
- ²² Compare International Mechanisms for Promoting Freedom of Expression, *Joint Declaration* (2012), fifth preamble recital.
- ²³ This definition is inspired by the one in the Rome Statute of the International Criminal Court (1998), Art. 7(1)(h) and 7(2)(g).
- ²⁴ Under international human rights law, States are the primary obligation-bearers (reflecting the eighteenth-century origin of human rights as a weapon of the individual against the oppressive power of the State). However, under international humanitarian law (Additional Protocol I to the Geneva Conventions, Article 1.4), peoples fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination are put on an equal footing of States, making their breaches of international humanitarian law very similar to violations.
- ²⁵ International Mechanisms for Promoting Freedom of Expression, *Joint Declaration* (2012), fourth preamble recital. This list corresponds to the list of the UN Human Rights Committee already quoted.
- ²⁶ Antoon De Baets, *Crimes against History* (London: Routledge, 2019), 3–4; International Federation of Human Rights, *Russia: “Crimes against History”* (Paris: FIDH, 2021), 5–8.
- ²⁷ Antoon De Baets, “The Abuse of History,” in *Bloomsbury History: Theory & Method* (New York and London: Bloomsbury, 2021); see also Antoon De Baets, *Responsible History* (New York and Oxford: Berghahn, 2012), Chapter 1. Censorship of history is abuse in which the content or exchange of historical facts or opinions is systematically controlled (often by deliberate suppression) by others than the authors (usually the government, but also colleagues, sponsors, source providers, or pressure groups).
- ²⁸ For the concept of deception (and the distinction with self-deception), see Mark Bevir, *The Logic of the History of Ideas* (Cambridge, Cambridge University Press, 1999), 265–278. Bevir defines (267) deception as the attempt to make others believe something the deceiver believes to be false.
- ²⁹ There is a similar demarcation debate around the term “censorship.” See Eric Barendt, *Freedom of Speech* (1985; Oxford, 2005), 151; Matthew Bunn, “Reimagining Repression: New Censorship Theory and After,” *History and Theory*, 54 (February 2015), 25–44.
- ³⁰ Whether activities that potentially restrict the freedom of expression of historians (political correctness, wokeness, speech codes, de-platforming speakers, trigger warnings, safe spaces, sensitivity readers, dog whistles, etc.) amount to attacks depends on the intent and the context and circumstances of each case.
- ³¹ Antoon De Baets, “Democracy and Historical Writing,” *Historiografías / Historiographies: The Journal of History and Theory*, no. 9 (June 2015), 31–43.
- ³² Typologies that inspired the present one can be found in (1) the Global Coalition to Protect Education from Attack reports (cited above), distinguishing eight types; (2) the Scholars at Risk *Free to Think* annual reports, distinguishing six types (3) Gerards and Schattevoet, *Safety of Scientific Researchers*, 37–53, distinguishing nine themes; (4) the website “Researchers under Attack: An Overview,” <https://researchersupport.org/the-problem>, distinguishing attacker types, attack types, and attack themes; and (5) World Economic Forum, *Toolkit for Digital Safety Design Interventions and Innovation: Typology of Online Harms* (Geneva: WEF, 2023), distinguishing content, contact, and conduct risks.
- ³³ This approach does not use the differentiation between structural, process, and outcome indicators. See UN Office of the High Commissioner of Human Rights, *Human Rights Indicators: A Guide to Measurement and Implementation* (UN Doc. HR/PUB/12/5) (Geneva: OHCHR, 2012), 35–39. In our typology, law-related indicators are structural indicators, while most others are outcome indicators.
- ³⁴ Large parts of this database are accessible in Antoon De Baets, *Censorship of Historical Thought: A World Guide 1945–2000* (Westport CT/London: Greenwood Press, 2002), https://www.concernedhistorians.org/content_files/file/va/antoon_de_baets-

- censorship_of_historical_thought-a_world_guide(1945–2000)(2002).pdf, and in the *Annual Reports* (1995–2025) of the Network of Concerned Historians at <https://www.concernedhistorians.org/ar>.
- ³⁵ See United Nations “Urgent Action Needed over Artificial Intelligence Risks to Human Rights,” *UN News* (15 September 2021) at <https://news.un.org/en/story/2021/09/1099972>.
- ³⁶ Compare with Eric Hobsbawm, “The Historians between the Quest for the Universal and the Quest for Identity,” *Diogenes*, no. 168 (1994), 63.
- ³⁷ Provisional Memorial for Historians Killed for Political Reasons from Ancient Times until the Present, at <https://www.concernedhistorians.org/memorial>. Of the 557 cases in the Memorial, 63 were history students.
- ³⁸ De Baets, *Crimes*, Chapter 1.
- ³⁹ De Baets, *Crimes*, Chapter 2.
- ⁴⁰ Antoon De Baets, “The Long Arm of the Dictator: Cross-Border Persecution of Exiled Historians,” in Stefan Berger and Philipp Müller, eds., *Dynamics of Emigration: Émigré Scholars and the Production of Historical Knowledge in the Twentieth Century* (New York and Oxford: Berghahn, 2022), 58–73.
- ⁴¹ Antoon De Baets, “Historians Killed for Political Reasons in Ibero-America (1920–2020),” *Revista de História das Ideias / Journal of the History of Ideas*, 39 no. 2 (2021), 13–47.
- ⁴² These percentages would be higher if the subgroup of history students would be removed from the samples.
- ⁴³ De Baets, *Crimes*, Chapter 3.
- ⁴⁴ In India, Prime Minister of India Atal Vajpayee at first criticized a ban on American historian James Laine’s book *Shivaji: Hindu King in Islamic India* (2003), but later, after strong protests, he supported it, saying that it should be extended nationwide. “We not only condemn it, but also warn the foreign author not to play with our national pride,” he told an election campaign rally in Maharashtra in March 2004. The Maharashtra government even announced its intention to ask Interpol to arrest Laine, with Vajpayee adding that the central government would back this action. See “PM Shoots from the Hip, Upsets Shiv Sena, NCP,” *Times of India* (17 January 2004); “PM Flags off Mumbai Campaign, Opposes Ban on Shivaji Book,” *Indian Express* (17 January 2004); UPI, “India Seeks Arrest of U.S. Academic” (24 March 2004); “BJP for Ending Book Controversy,” *Outlook India* (24 March 2004).
- ⁴⁵ In 1943, Ruhollah Khomeini, then a young member of the Shiite clergy, issued a *fatwa* against historian Ahmad Kasravi for slandering Islam. In 1946, Kasravi was murdered by the Fedaiyan-e Islam (Devotees of Islam). Many connected the assassination with the *fatwa*. Even after the Islamic Republic was installed in 1979, Ayatollah Khomeini continued to attack Kasravi posthumously. Ervand Abrahamian, “Kasravi: The Integrative Nationalist of Iran,” *Middle Eastern Studies*, 9 no. 3 (October 1973), 290; Mohammad Ali Jazayery, “Kasravi, Iconoclastic Thinker of Twentieth-Century Iran,” in Ahmad Kasravi, *On Islam & Shi’ism* (Costa Mesa: Mazda, 1990), 45, 53 n. 93. Other cases of posthumous attacks include Mikhail Pokrovsky in the USSR and Paweł Jasienica in Poland.
- ⁴⁶ Recent examples of arbitrary arrests and detention involving multiple historians were reported in Turkey (targeting signatories of a 2016 petition to stop anti-Kurdish violence on charges of “propaganda for a terrorist organization”), Iran (targeting scholars with dual nationality, charged with espionage since 2016), China (during a crackdown on “two-faced” Uyghur intellectuals charged with separatism, extremism, or terrorism since 2017), Belarus (after fraudulent elections in 2020), and Myanmar (after the coup of 2021).
- ⁴⁷ In general, see Amnesty International, *Laws Designed To Silence: The Global Crackdown on Civil Society Organizations* (London: AI, 2019). For national security laws, see Centre for Law and Democracy, *Hate Speech, Defamation and National Security* (Halifax, CLD, 2022), 26–34. For anti-extremism and anti-terrorism legislation, see United Nations Human Rights Special Procedures, *Global Study on the Impact of Counter-Terrorism on Civil Society & Civic Space* (UN: Geneva, 2023); UN Office of the High Commissioner of Human Rights, *Defining ‘Terrorism’ in National Criminal Legislation* (Geneva: OHCHR, 2025). For anti-extremism and anti-terrorism legislation in Russia, see International Federation of Human Rights, *Russia*, §§ 35–40. See also “Being a Historian an Increasingly Dangerous Profession in Russia, Agora Study Says,” *Euromaidan Press* (13 May 2018) and доклад Международной Агоры, Россия против Истории:

- Наказание за пересмотр (2018). In India, anti-sedition laws are frequently used. See, in general, Chitranshul Sinha, *The Great Repression: The Story of Sedition in India* (Haryana: Penguin/Random House India, 2019).
- ⁴⁸ See ICCPR, Articles 12–13. See also De Baets, “Long Arm.”
- ⁴⁹ ICESCR, Article 15.4.
- ⁵⁰ One out of scores of examples: in Bangladesh, professor in medical science Morshed Hasan Khan was dismissed by a university tribunal at Dhaka University in 2020 for a 2018 article in which he claimed that Ziaur Rahman (1936–1981), founder of the Bangladesh Nationalist Party, had declared independence from Pakistan in 1971, while most of the ruling Awami League leaders, including Sheikh Mujibur Rahman, had fled to India with their families. The university had accused him of “distorting the liberation war history” and “disrespecting the father of the nation Sheikh Mujibur Rahman.” Khan received many death threats. Amnesty International, “Professor Sacked and Threatened” (Urgent Action; 16 September 2020); “BCL Declares DU Professor Unwanted on Campus,” *Prothomalo* (2 April 2018); “DU Professor Terminated for Defaming Bangabandhu,” *Daily Observer* (9 September 2020).
- ⁵¹ In general, see Joan Barata, *The “Misuse” of the Judicial System to Attack Freedom of Expression: Trends, Challenges and Responses* (Paris: UNESCO, 2022).
- ⁵² “How To Identify a SLAPP,” available at <https://www.the-case.eu/slapps>. The German Association of Historians (VHD) protested the fact that since 2019, and even previously, several of its members had been targeted by SLAPPs from the head of the Hohenzollern family; it launched a website in June 2021 to document these legal cases, “Die Klagen der Hohenzollern,” available at <http://www.klagen-der-hohenzollern.de>.
- ⁵³ See Adam Bodnar and Aleksandra Gliszczynska-Grabias, “Strategic Lawsuits against Public Participation (SLAPPs), the Governance of Historical Memory in the Rule of Law Crisis, and the EU Anti-SLAPP Directive,” *European Constitutional Law Review*, 19 no. 4 (2023), 642–663.
- ⁵⁴ PEN America, *Online Harassment Field Manual* (ongoing since 2018), glossary section, <https://onlineharassmentfieldmanual.pen.org/defining-online-harassment-a-glossary-of-terms>, identifying 21 forms of online abuse.
- ⁵⁵ Examples include a “Professor Watchlist” in the United States (from 2016); Dutch historian Nadia Bouras who was doxed in 2021 by the radical right-wing platform Vizier op Links (Watch the Left); and Brazilian history teacher Valeria Borges who was vilified in 2019 in a YouTube campaign (in an online practice known as “linchamento” or lynching) during which she was accused of spreading communism. Tiplines are known to be used in China since 2021 to enforce the 2018 Heroes and Martyrs’ Protection law. See also American Historical Association, *AHA Statement on Right to Nonviolent Political Action* (8 January 2017), <https://www.historians.org/news/aha-statement-on-right-to-nonviolent-political-action>.
- ⁵⁶ See Alexandra Levy, “Trolling History,” *Perspectives on History* (14 February 2022) for examples.
- ⁵⁷ See, for example, the bibliography *The Culture Wars against Education Archive* (compiled by Historians for Peace and Democracy; December 2023), at <https://historiansforpeace.org/wp-content/uploads/2023/12/Culture-Wars-Archive-Dec-2023.pdf>.
- ⁵⁸ David Olusoga, “‘Cancel Culture’ Is Not the Preserve of the Left: Just Ask Our Historians,” *Observer* (3 January 2021).
- ⁵⁹ Vilém Prečan, “Pogrom of Historians,” *Index on Censorship*, 15 no. 4 (1986), 24–28.
- ⁶⁰ De Baets, *Crimes*, 137–138, 150.
- ⁶¹ Examples include the disruption of a panel discussion on cultural genocide in Xinjiang in 2020; of video meetings marking the anniversary of the 1989 Tiananmen massacre in 2020; and of a virtual event celebrating Black History Month in 2021, all in the United States.
- ⁶² Examples include the intimidation of organizers and speakers at international conferences on the Armenian genocide in Turkey in 2005 and on “Dismantling Global Hindutva” in the United States in 2021.
- ⁶³ One famous example is the fate of the leading historical journal *Voprosy Istorii*. After Stalin’s death in 1953, *Voprosy Istorii* began to publish articles deviating from Stalinist orthodoxy, particularly about the tactics used by the Bolsheviks during the two Revolutions of 1917. The authorities feared that this went too far too quickly and in June 1956 the Central Committee of the Communist Party warned the journal in a resolution that it did not apply Communist principles in

assessing historical phenomena. A few months later, after the Hungarian Revolution of October 1956, the attacks multiplied. In March 1957, the Central Committee finally issued a decree, “On the Journal Voprosy Istorii,” containing severe criticism. Chief editor and Academician Anna Pankratova was reprimanded but allowed to remain at her post – until her sudden death ten weeks later. Eight out of eleven editorial board members were removed, the most important being assistant-editor Eduard Burdzhakov. Refusing to confess any errors, he was reprimanded and transferred from the Higher Party School to the Academy of Sciences. He was dismissed in 1959 but eventually secured a position at the Moscow Pedagogical Institute, where he taught until his retirement in 1976. His book on the February Revolution appeared in 1967 (under Brezhnev) but no Soviet historical journal reviewed it. It was translated into English in 1987 (thirty years after the affair). See De Baets, *Censorship of Historical Thought*, 491–492.

⁶⁴ Examples can be found in China (for example, the website of the Tiananmen Mothers, Huang Qi’s website on the 1989 Tiananmen massacre; Orkhun; Bozqir) and Russia (Hrono.info; online museum karagodin.org).

⁶⁵ See, for example, Glen Tiffert, “History Unclassified: Peering Down the Memory Hole: Censorship, Digitization, and the Fragility of Our Knowledge Base,” *American Historical Review* (April 2019), 550–568.

⁶⁶ For example, Mikhail Miller, “The Devastation of Archaeologists” and “War and Postwar Losses among Soviet Archaeologists,” in Idem, *Archaeology in the USSR* (New York: Praeger, 1956), 96–106, 160–162. See also Antoon De Baets, “Exposing Historical Myths,” in Igor Dorfmann-Lazarev, ed., *Cultural Landscape and Geopolitics of the South-Eastern Caucasus: Karabagh, Nakhichevan and Azerbaijan* (forthcoming; Leiden: Brill, 2025).

⁶⁷ Memorial was liquidated in Russia in 2021 and the Hong Kong Alliance in Support of Patriotic Democratic Movement of China (organizer of vigils in Hong Kong for victims of the 1989 Tiananmen massacre) was also disbanded in 2021.

⁶⁸ In September 2015, the Indian Council for Historical Research amended the funding rules and withdrew the special status enjoyed by the Indian History Congress (IHC; founded 1935) since 1972. In 2014, the IHC had condemned Modi’s statements that the warrior Karna from the Sanskrit epic Mahabharata was created with reproductive genetics and the elephant-headed Hindu god Ganesha with plastic surgery; that the Hindu God Rama flew the first airplane and that stem cell technology was known in ancient India. The first statement was made before a gathering of doctors in Mumbai, the second in a foreword to a book for school students in Gujarat. See Maseeh Rahman, “Indian Prime Minister Claims Genetic Science Existed in Ancient Times,” *Guardian* (28 October 2014).

⁶⁹ See, for example, a report written by an anonymous historian for the Cairo Institute for Human Rights Studies, *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 in 2017.

⁷⁰ UN Human Rights Committee, *General Comment 34*, § 18.

⁷¹ In 2021–2022, the General Directorate for Internal Security of the Romanian Ministry of Internal Affairs carried out a series of verifications in the Romanian National Archives, backed by a law on the protection of classified information. In May 2022, the Archives announced that all requested files would be reviewed for classified information. Critics feared that the measure would indefinitely block access to historical records from any period. This development, based on overbroad legal provisions, fitted into a broader pattern of secrecy and restricted access to military, security, and police files in Romania. For example, the archives operated under the control of the Securitate between 1948 and 1990. See Elena Dragomir, “The End of Archive Research on Communist and Post-communist Romania?” *H-Romania* (8 June 2022); Antoon De Baets, “Archives,” in Derek Jones, ed., *Censorship: A World Encyclopedia* (London and Chicago: Fitzroy Dearborn, 2001), 76–82; Stejărel Olaru and Georg Herbristrit, eds., *Vademecum Contemporary History Romania: A Guide through Archives, Research Institutions, Libraries, Societies, Museums and Memorial Places* (Berlin and Bucharest, 2004), 42–45. In the USSR, the Chief Archival Administration, Glavarkhiv, operated under the control of the secret services from 1938 to 1960.

⁷² Complaints in this sense were recently noted in Brazil, Ecuador, India, Israel, and Romania, among others.

- ⁷³ See *Tshwane Principles (Global Principles on National Security and the Right to Information)* (New York: Open Society Justice Initiative, 2013), Principles 10A, 21(c). According to the Centre for Law and Democracy, *Hate Speech, Defamation and National Security*, 32, this is also the case for information which reveals corruption, environmental harm, and government misconduct. See also Antoon De Baets, “The Dictator’s Secret Archives,” in Idem, *Responsible History* (New York and Oxford: Berghahn, 2009), 49–71.
- ⁷⁴ For a study that analyzes Turkish and Polish legal provisions, see Grażyna Baranowska, “Protecting the Good Name of the Nation as Memory Law,” *European Constitutional Law Review*, 19 no. 4 (2023), 623–641.
- ⁷⁵ In 2021–2022, twelve high-profile defamation cases involving historians (in a broad sense) as defendants were noted: in India, the Philippines, Poland, Russia (two cases), Slovakia, Sweden, Thailand, United Kingdom (two cases), United States, and Zambia. Four of these were filed on behalf of deceased persons. See for details *Annual Reports* series of the Network of Concerned Historians at <https://www.concernedhistorians.org/ar>. See also De Baets, *Responsible History*, Chapter 3, for an analysis of pre-2010 cases. And see Antoon De Baets, “Laws Governing the Historian’s Free Expression,” in Berber Bevernage and Nico Wouters, eds., *The Palgrave Handbook of State-Sponsored History After 1945* (London: Palgrave-MacMillan, 2018), 47–49.
- ⁷⁶ UN Human Rights Committee, *General Comment 34*, § 48. See also De Baets, “Laws Governing the Historian’s Free Expression,” 55–56.
- ⁷⁷ De Baets, “Laws Governing the Historian’s Free Expression,” 47–55. Recent examples include the Rehabilitation of Nazism law in Russia, which since 2014 has criminalized the denial or approval of crimes established by the International Military Tribunal at Nuremberg; the Heroes and Martyrs’ Protection Law in China which has targeted “historical nihilism” since 2018; and laws targeting the teaching of critical race theory (a theory explaining the structural effects of slavery and racism) in the United States since 2021.
- ⁷⁸ UN Human Rights Committee, *General Comment 34*, § 49.
- ⁷⁹ For a sound analysis of the 2011 Fundamental Law of Hungary (as amended in 2013), see Gábor Halmai, “Rule of Law Backsliding and Memory Politics,” *European Constitutional Law Review*, 19 no. 4 (2023), 613–622. For the text of this Constitution (as amended until 2016), see <https://constituteproject.org/countries/Europe/Hungary>.
- ⁸⁰ The term was first introduced by Uladzislau Belavusau, in his “Final Thoughts on Mnemonic Constitutionalism,” *Verfassungsblog* (15 January 2018), available at <https://verfassungsblog.de/final-thoughts-on-mnemonic-constitutionalism>. See also Heino Nyssönen and Jussi Metsälä, “Highlights of National History? Constitutional Memory and the Preambles of Post-Communist Constitutions,” *European Politics and Society*, 21 no. 3 (2020), 323–340.
- ⁸¹ Article 67.1 of the Russian Constitution of 2020 reads: “The Russian Federation honours the memory of the defenders of the Fatherland, ensures protection of historical truth.” Article 15 of the Belarusian Constitution of 2020 says: “The State ensures the preservation of historical truth and memory of the heroic feat of the Belarusian people during the Great Patriotic War.”
- ⁸² De Baets, ed., “Limits.”
- ⁸³ One example comes from Brazil, where in 2021 President Jair Bolsonaro had asked his Education Minister to change the wording in the national history exams referring to the 1964 military coup to “Revolution,” thus endorsing a far-right version of history; another example comes from India where under Bharatiya Janata Party-led governments (1998–2004 and 2014–present), history education became a battlefield with attempts to instill a pro-Hindu and anti-Muslim bias. In 2001, gathering to support the then ministry’s reform of textbooks at the residence of Human Resource Development Minister Murli Manohar Joshi, members of the Arya Samaj movement “demanded the arrest of historians Romila Thapar, Arjun Dev and R.S. Sharma.” Joshi himself called for a “war for the country’s cultural freedom” and warned that “intellectual terrorism being practised by Leftist historians by writing incorrect history was like a slow poison that was more dangerous than cross-border terrorism.” Quote in K. Samu, “Education/Saffronization of Education: 2001” (New Delhi [2002]), 71.

- ⁸⁴ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Disinformation and Freedom of Opinion and Expression* (UN Doc. A/HRC/47/25) (13 April 2021), §§ 9–15; World Economic Forum, *Toolkit*, 11.
- ⁸⁵ De Baets, *Crimes*, Chapter 5.
- ⁸⁶ Melanie Altanian, “Genocide Denialism as an Intergenerational Injustice,” in Thomas Cottier, Shaheez Lalani, and Clarence Siziba, eds., *Intergenerational Equity: Environmental and Cultural Concerns* (Leiden and Boston: Brill, 2019), 151–162; Melanie Altanian, “Genocide Denial as Testimonial Repression,” *Social Epistemology*, 35 no. 2 (2021), 133–146.
- ⁸⁷ UN General Assembly, Holocaust Remembrance: Resolution (UN Doc. A/RES/60/7) (21 November 2005); Holocaust Denial: Resolution (UN Doc. A/RES/61/255) (22 March 2007); Holocaust Denial: Resolution (UN Doc. A/RES/76/250) (25 January 2022); UNESCO, *History under Attack: Holocaust Denial and Distortion on Social Media* (Paris: UNESCO, 2022).
- ⁸⁸ See also UN Office on Genocide Prevention with Jacob Blaustein Institute for the Advancement of Human Rights, *Combating Holocaust and Genocide Denial: Protecting Survivors, Preserving Memory, and Promoting Prevention – Policy Paper* (New York : UN, 2022).
- ⁸⁹ Several of these cases are gathered at <https://www.concernedhistorians.org/le>.
- ⁹⁰ UN Human Rights Committee, *General Comment 34*, § 49; Article 19, ‘Hate Speech’ Explained: *A Toolkit* (London: Article 19, 2015), 28, 32–34; International Mechanisms for Promoting Freedom of Expression, *Joint Declaration on Freedom of Expression and “Fake News,” Disinformation and Propaganda* (3 March 2017), § 2a; UN Special Rapporteur, *Disinformation*, § 38.
- ⁹¹ UN Human Rights Committee, *General Comment 34*, § 49.
- ⁹² The full formula of ICCPR, Article 20.2, is “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”
- ⁹³ See also European Court of Human Rights, *Guide on Article 17 of the European Convention of Human Rights: Prohibition of Abuse of Rights* (Strasbourg: ECHR, 2022), 10–11, 38–42, particularly § 173.
- ⁹⁴ ICCPR, Article 20 concerning war propaganda and hate speech; Convention on the Prevention and Punishment of the Crime of Genocide (UN General Assembly Resolution 260(III)) (9 December 1948), Article 3(c) concerning incitement to genocide.
- ⁹⁵ See also Centre for Law and Democracy, *Hate Speech, Defamation and National Security*, 11–13; De Baets, “Laws Governing the Historian’s Free Expression,” 56–62.
- ⁹⁶ De Baets, *Crimes*, Chapter 4.
- ⁹⁷ “Cultural cleansing” was a term used by the Council of Europe in the context of the Yugoslav wars of 1991–1995, “crimes against culture” a term used by UNESCO in the context of the destruction of the Bamiyan Buddhas in 2001 and by the UN Special Rapporteur on Cultural Rights in the context of the terrorist attacks of 13 November 2015 in Paris; “crimes against or affecting cultural heritage” is a term used by the International Criminal Court in its *Policy on Cultural Heritage* (The Hague: ICC, 2021).
- ⁹⁸ For the definition of genocide, see the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948), Article 2.
- ⁹⁹ International Court of Justice, *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro): Judgment* (26 February 2007), § 344.
- ¹⁰⁰ There are scores of examples, among which are: the ban on commemorations of the 4 June 1989 Tiananmen Square massacre in China; the obstacles for Tamils to publicly commemorate their war dead after the end of the civil war (1983–2009) in Sri Lanka; and house arrests of human rights activists often coinciding with key events or dates on the national calendar in Vietnam.
- ¹⁰¹ See also Henry Steele Commager, “Is Freedom an Academic Question?” *Saturday Review* (20 June 1964), 54–56; World University Service, *Academic Freedom 1990: A Human Rights Report* (Geneva: WUS and London and New Jersey: Zed, 1990), 5–7; De Baets, “Academic Freedom between History and Human Rights,” 110.
- ¹⁰² Antoon De Baets, “State Obligations in the Field of Memory and History,” in Kathrin Bachleitner and Bartosz Dziewanowski-Stefańczyk, eds., *History and Memory in International Relations* (forthcoming; 2026).

- ¹⁰³ ICCPR, Articles 20.1, 20.2, and 26; UN Human Rights Committee, *General Comment 34*, § 23; Article 15 of the ICESCR. See also Global Coalition to Protect Education from Attack, *Principles of State Responsibility to Protect Higher Education from Attack* (New York: GPCEA, 2013) and Global Coalition to Protect Education from Attack, *Guide to Implementing the Principles of State Responsibility to Protect Higher Education from Attack* (New York: GPCEA, 2016); Right to Education Initiative, *Monitoring Education under Attack from a Human Rights Perspective* (London: RTE, 2021).
- ¹⁰⁴ Antoon De Baets, “A New Human Rights-Based Theory of Historians’ Responsibilities (in a Nutshell),” in Council of Europe, *Reinforcing Historical Awareness and Culture Through Higher Education: Threats and Challenges – General Report Third Annual Forum for History Education* (Strasbourg: Council of Europe, 2025), 45–46; Idem, “A New Human Rights-Based Theory of Historians’ Responsibilities,” *International Journal for History Education and Culture / Yearbook of the International Society for History Didactics*, no. 45 (2024), 7–18.
- ¹⁰⁵ ICCPR, Article 19.3.
- ¹⁰⁶ UNESCO, *Recommendation Concerning the Status of Higher-Education Teaching Personnel* (Paris: UNESCO, 1997), § 33.