

CHAPTER 1

INTRODUCTION: ATTACKS ON HISTORY

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Abstract

This introduction presents a global framework to understand attacks on history and historians as the most violent form of memory and history politics. After a discussion of the relevance and risks of using the term, “attacks on history” are defined as threats or uses of force by State or non-State actors against historians or their work with the intent to silence them. It is distinguished from related concepts such as persecution, censorship, violation, crime, abuse, and intellectual misconduct. The limits of the concept are explored. The introduction also presents an elaborate a 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 States and historians to counter attacks on history.

The need for a conceptual framework

The liquidation of the Nobel 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 struggle against "historical nihilism" and "ethnic splittism" in China, the murder of history teacher Samuel Paty in France, Donald Trump's tampering with official records in the United States, the rewriting of 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 bewildering variety of these attacks begs for a conceptual framework to understand – and possibly tackle – the assault of power on history. Such a conceptual framework is presented here.¹ Its scope is global, but the empirical evidence adduced to build it is contemporary (which means 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, however, and therefore illustrate the general phenomenon of attacks.

The basis for a conceptual framework

In order to measure whether any given acts are attacks on historians and their work, before anything else we need a yardstick to analyze these acts and decide under which conditions they become attacks. 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 encompass the rights to develop and hold thoughts about the past, to seek historical truth through inquiry, exchange, and debate, and to express critical opinions on history, memory, tradition, and the past. 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 freedoms of association, peaceful assembly, and scientific research.² In addition,

academic historians are protected by guarantees of academic freedom and institutional autonomy.³ With the 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 human rights are defined as our ethical perspective and analytical yardstick, we also need to circumscribe the limits of our reservoir of examples that serve to support our analysis. In the beginning we argued 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 reservoir. Indeed, the problem of attacks is best understood on a global scale because comparisons between these attacks can disclose types, analogies, trends, unique cases, and exceptions. If we extend the reservoir 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 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,⁷ etc. Attacking historians and their work is only one form of such 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.

The abuse of the term “attacks”

The key concept of our analysis, “attack” is a much abused concept in and outside the historical profession. Some sharp polemics within the historical profession – for example, those that defend or reject postmodernism and postcoloniality – are legitimate ingredients of the ongoing debate about what scientific history is and under which conditions it is possible. Many have interpreted these polemics as “assaults” or “attacks,” but these are not attacks in the sense used here. Postmodernists and postcolonialists, by showing the epistemological limits of classical historical writing and its partly construed character, undermined some of its old certainties with the intent to improve it, not to silence it. This different intention is the

crucial factor. Of course, some relativist variants of these currents may lead to systematic denial or distortion and then fall under our purview. But variants that handle history irresponsibly should not be generalized to all intense polemics.

Likewise, outside the profession, the term “attack” is often introduced maliciously in highly politicized rants and flawed ideologies. Why then use this here as a central concept rather than comparable but less loaded terms? This hesitation is justified because the term *is* abused quite often. However, abuse of a term does not justify its abolition; rather, it calls for semantic precision.

Abuse of the term is made in two ways. First, the term attack is used to label as attacks what are in fact permissible opinions. The public debate about history must be robust and therefore, serious but honest criticism of another’s view is not an attack. In addition, such a public debate must tolerate opinions that “offend, shock or disturb” – to use the classical doctrine formulated by the European Court of Human Rights.⁸ 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 ... Except in the most extreme cases, concerns over threats of violence or the potential outbreak of violence should not be grounds for canceling a controversial speech or event.⁹

Many bold opinions heard in the public debate are not impermissible attacks and calling them so is an abuse. However, it is sometimes difficult to draw the line.

Another abuse of the term uses the strategy of blaming the victim. According to this strategy, (real) attackers delegitimize their targets as the initial attackers and promote their own attacks as firm defenses of some conception of pure history, calling them counterattacks. Typically, those attacking historians for their unwelcome interpretations of the past often call the latter attacks on “our” morality or pride and their own actions a rectification of this “deviant” behavior. This is a classic reversal of roles, which can be seen in defamation cases in particular. Defamation of a person is an attack upon the latter’s reputation. Public or private figures who sue historians because of certain unwelcome statements in their works, typically accuse them 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. If the accusation of an attack on one's reputation is reckless or false, it is itself an attack on history.

The responsible use of the term “attacks”

The concept of attack *is* used properly in the leading human rights instruments. The UDHR mentions the concept “attacks” in its Article 12 and the International Covenant on Civil and Political Rights (ICCPR) – a fundamental human rights treaty elaborating part of the UDHR in a binding treaty – in its Article 17. Both articles describe the rights to privacy and reputation, and the term “attack” is associated with the violation of the right to reputation (a *real* violation, not a *fake* violation as discussed above). The UDHR stipulates that “No one shall be subjected ... to attacks upon his honour and reputation” and the ICCPR uses an almost identical formula.

The use of the term “attack” was discussed in the drafting processes of the UDHR in October 1948 and the ICCPR in October 1953. At both occasions, a large majority of the drafters of these instruments voted for retention of the term. However, some drafters looked for qualifiers to distinguish unjustifiable attacks from justifiable ones – the latter defined as those based on truth and made in good faith and as fair comment. Accordingly, the ICCPR drafters approved the expression “unlawful attacks.”¹⁰ In 2011, the United Nations (UN) Human Rights Committee, which supervises implementation of the ICCPR, used the term when it stated:

[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, but also in international criminal law and international humanitarian law. In the 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 Statute speaks about “widespread or systematic attacks.” With the term well

entrenched in the most important instruments of international human rights, humanitarian, and criminal law, its central use in this Handbook seems well justified.

Definition of attacks on history

We are now ready for a definition:

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.

From the definition¹³ it becomes clear that attacks are attempts that undermine the proper and responsible exercise of historical research, writing, and teaching – which constitute, as we saw, rights of historians. Insofar as the outcomes of these past-related activities contribute to a democratic awareness, especially through an open and robust public debate about the past, attacks also undermine democratic societies.¹⁴ Let us discuss the four elements of the definition.

*Threats or uses of force*¹⁵

A threat of force (or intimidation) is a credible and serious message conveying an intent to inflict harm (in our case, to silence historians). The use of force is the intentional infliction of harm to the targets, with or without threat or warning. The threat or use of force has two manifestations. It can be expressed as physical violence to compel a target to adopt a certain behavior or belief. It can also be achieved through mental coercion (or duress), which includes direct manipulation (influence exercised in an unfair or unscrupulous manner without regard for individual volition) or indirect pressure to dominate, especially by using authority and exploiting fear and anxiety.¹⁶

Attacks as uses of force are usually public and direct interventions; attacks as threats of force can be public or covert and direct or indirect. Covert attacks have to be understood as degrading face-to-face treatment of historians harming the latter's dignity. When they are indirect, they have to be understood as a series of acts that, taken separately, perhaps do not meet the strict criteria of an attack 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.¹⁷ Single public attacks – for instance, death threats – can have a devastating impact, but small non-attributable repeat attacks, either public or covert, can have similar effects.

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 being executed. Each of these incomplete attacks carries with it a degree of responsibility from the part of the attacker.

Many threats and uses of force that qualify as attacks remain un- or underreported, among others because of fear and intimidation among those attacked. A regime paradox should be taken into account: attacks in repressive societies are less documented but more serious while attacks in democratic societies are more documented but less serious. However, no regime type – totalitarian dictatorship, autocratic dictatorship, flawed democracy, emergent democracy, stable democracy – is immune to attacks on history and historians.

State or non-State actors

This phrase defines the perpetrators. Attacks can be carried out by State organs or private parties. State responsibility for attacks knows different modes: attacks can be performed by State organs or at their service or with their direct or complicit involvement, but they can also actively promote, encourage or condone attacks of third parties¹⁸ or not react appropriately to them and fail to protect historians or hold perpetrators of attacks accountable.

Private parties are individuals or groups acting on orders of or condoned by the State or representing non-governmental entities operating outside of State influence with their own historical doctrine. 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.

At this general level of analysis, it is necessary to point to the dual role of historians. Whereas historians are targets of attacks on history, some have been involved in attacks on other historians as perpetrators themselves, often instrumentalized to that end by those in power, especially in totalitarian systems. This may surprise at first sight, but it is logical at closer scrutiny, as expertise about what historians are really doing is sometimes needed to successfully attack them. Therefore, historians can be found on both sides of the attack divide.¹⁹ While attacks on history and historians usually come from outside actors, historians participating in them attack history from the inside.

Historians or their work

The targets of the attack are those harmed, namely the historians themselves. As a result of the attack, they suffer consequences in their lives, or their work (for example, manuscripts,

books, classes), including their infrastructure (for example, archives or libraries). The actual harm done to them is often not immediately and fully known at the time the attack is committed (and if it is, it is not always accurately assessable in economic terms). Three aspects – the persons, 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 to their persons as such or to some aspect of their personality in particular: their dignity, integrity, reputation, expression, safety, privacy (such as their appearance, gender, race, ethnicity, religion, nationality). In practice, there is little difference between these two varieties in terms of harm, but mention of specific characteristics can help throw light on the motives of perpetrators.

Another issue needs clarification. Perpetrators of attacks try to eliminate all forms of history that are unwelcome to them, regardless of those creating them, and therefore the terms “history” and “historians” should not be narrowly understood. History, as is well-known, has a double meaning: it is the past and it is the study of the past. History is used here in the latter, epistemological, sense. All types of attack identified below refer to this conception of history, with the exception of one type which refers to “memory,” understood as the ways in which the past is publicly remembered. “Historians” have to be understood in the broad sense: they 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 towards democracy. These commissions interview witnesses about previous periods of dictatorship or war and produce reports as a first step for these societies to cope with their violent past. They write the first rough draft of history, they are proto-historians. Each time I speak of historians, I also mean these history producers in the broad sense.

It should be added, however, that the targets of attacks are historians *qua* historians: attacks against historians acting in other roles (as journalists, as peace or human rights activists, as political activists) are not included here unless these attacks have a clear historical component. However, even when historians with multiple roles are not attacked in their capacity as historians, two unexpected historical components complicate the matter. First, historians may have adopted some of their other roles after the insights they gained from history motivated them to perform these roles. Second, 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 historians*. This includes all stages from research design and data collection over manuscript to public result (a book or a class, for example). It also includes the operation of second-order observation, which is reflection on history in the form of historiography or theory.

If the work is attacked, there is usually an overlap between the persons and their work because in our context historians are often attacked because they defend specific ideas about the past in their historical works. Conversely, attacks on certain opinions in historical works almost always orient the attention to those holding these opinions. Whereas all attacks are reprehensible, assailants cross an additional line if they target not only historical opinions but also the persons holding them.

Usually, the harm inflicted upon targets of attacks transforms them into victims. Attacks against persons are real in the sense that the persons attacked can be or are physically and mentally harmed. Attacks against content are real in the sense that the content attacked is disqualified, damaged or destroyed directly or collaterally. A side-effect of the attacks can be that they attract attention and mobilize public opinion in favor of the targets of the attacks. Attacks on persons and content can be traced directly. However, the longer-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.

The third aspect is *history in general* – the conceptual umbrella under which historians and their work fall. If the issue of harm and victimhood is readily clear for persons and the content they produce, that is not the case when we consider “history” – understood not as the past but as the writing and teaching of history – as a target and victim. In what sense can an abstract concept such as history ever become a target and a victim of attack? History cannot be attacked in the same way as individuals, organizations, and infrastructure involved in its production. Attacks against historical research, against historical teaching, and against history itself can be traced only indirectly. A first indirect manner to do so is to trace the consequences of the harm done to those attacked and – via intimidation – to others: such attacks result in fewer and less active *speakers* than otherwise would have been the case. A second indirect manner is to trace the consequences of the distortions afflicted to the attacked content: such attacks result in less informed and, because of a diminished public trust in the integrity of historical information, fewer and less receptive *listeners* than otherwise would have been the case.²⁰ In other words, attacks on history generate fall-out not reducible to

individuals and their work and encompass the wider ramifications of these attacks on their colleagues, families, and audiences and on the entire biotope of the public historical debate. Society has an interest in the outcomes of historiography and the harm done to it is a social harm.

Intent to silence

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 either because that is the special purpose or because the methods or means used are widely disproportional and cannot be narrowed down to specific targets or have a random fallout (typical examples are internet slowdowns and shutdowns).²¹ Targeted attacks are not less serious than indiscriminate ones, but the latter harm more targets.

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. To the extent that attacks on historians for reasons unrelated to their history-oriented tasks interfere in their professional lives and work – a question already discussed under the third element of the definition – they may qualify as indirect attacks on history. This is particularly the case for large or indiscriminate attacks that target academics or professionals as groups or target broader segments of the population.

The intent must show bad faith – namely, to silence. Often this will be obvious (when violence or coercion is used), but for some attacks involving pressure rather than physical violence this will be more difficult to prove. 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, this is an attenuating circumstance and even, for single-perpetrator attacks, a reason to annul the charge of an attack.

Intent should not be confused with motive. Intent refers to *how* the silencing operation is carried out, motive to *why* it is carried out. Attacks can be motivated by many reasons, most often political, ideological, ethnic, racial, religious, or national security and public order reasons. For example, an attack can be mounted in the name of the nation, the State, the fatherland, the flag, justice, religion, race, tradition, custom, culture, national honor and national pride, the ancestors, soldiers and veterans, or a combination of these motives. If the

purpose is to verify whether conduct constitutes an attack, intent (to silence) is important, if the purpose is to analyze and evaluate the attack, motives come into play as well.

Related concepts

Attacks overlap yet should be distinguished from other concepts such as persecution, censorship, violation, crime, abuse, and intellectual misconduct.

Persecution

The persecution of historians is the severe deprivation, on intentionally discriminatory grounds, of their human rights because they are historians, ranging from the destruction of their source infrastructure, pressure, harassment, and dismissal to imprisonment, torture, exile, and death. “Attack” is at once a broader and narrower concept. It is broader because it includes threats and inchoate attacks, both of 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 one threat or use of violence that occurred at a single point in time (although this does not exclude simultaneous or protracted or repetitive attacks). In contrast, persecution is a process, a chain of attacks. Finally, in cases where it is possible to consider “persecution of historians” as near-identical to “attacks on historians,” “persecution” as a concept still fails to express the same idea as “attacks on history” because it is odd to speak of the “persecution of history.”

Censorship

Attacks on history is a broader concept than censorship of history. Attacks result in censorship when they *succeed* in silencing historians or banning their work. Censorship is the result of successful, not of inchoate, attacks. Its classic form is directed at the message, but censorship by heckling and killing targets the messengers.

Violations

Attacks on history and historians become human rights violations, notably violations of the freedoms of opinion, expression, assembly, and association when the State is involved in attacks that harm the human rights of the targets and others. The harm inflicted by an attack of a non-State actor is not a human rights violation; in the latter case, a violation only arises if the State fails to investigate and prosecute the attack.

Crimes

Attacks on history become crimes when they are criminal according to domestic 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 UN, 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; ...²²

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, the intentional destruction of cultural heritage.²³

Abuses and misconduct

Finally, attacks on history differ from abuses of history and intellectual misconduct. Abuses of history are uses of history with the intent to deceive.²⁴ History is harmfully exercised in a manner that is manifestly inconsistent with or contrary to the purpose – the search for historical truth(s) – for which history is designed. Intellectual misconduct, in its most egregious forms, includes the fabrication, falsification, and plagiarism of historical data (including the false attribution of interpretations): these are all forms of abuse of history. Abuses of history, including intellectual misconduct, threaten the integrity of history: it is this element of threat that makes an abuse also an attack.

Whereas abuses of history, including intellectual misconduct, aim to *deceive*, attacks on history aim to *silence*. The relationship between deception and silence is tight.²⁵ In a general philosophical sense, a successful deception stimulates the silencing of truthful versions of history. Conversely, successful attacks – aimed at silencing historians – often uses deception techniques and further a climate of deception. Deception and silence are twin tools: deception is a concept that clarifies perpetrator conduct whereas silence is a concept that clarifies victim

conduct. Deception always leads to some form of silence and silence often needs deception to be successful. Attacks and abuses go hand in hand.

We see that, in theory, the concept of an attack ought to be distinguished from related concepts such as the six discussed above, although the difference is often a thin one or a question of perspective. In practice, many of these concepts can be simultaneously applied on the same set of incidents.

Limits of the concept

The concept of attacks 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 structural violence and it is itself swallowed by conduct that exceeds it by its magnitude. Let us discuss these three extremes.

Attacks are hostile or retaliatory interferences of a certain intensity. 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 raises to the level of attacks on history or historians.²⁶ Attacks on history are grave breaches of its integrity, attacks on historians harm their activities and lives substantially. In contrast, a bold use of freedom of expression, sharp methodological debates, generalized feelings of insecurity, small acts of sloppiness and discrimination, much conduct to accommodate to power inside and outside academia, numerous gestures of subtle coercion or micro-aggression, and setbacks such as fair dismissal usually do not reach the threshold of physical violence or mental coercion defining attacks. 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, etc.) amount to attacks depends on the intent and the context and circumstances of each case.

A second, difficult question is whether the concept of attack, and particularly the element of force in it, includes the phenomenon of “structural violence,” the violence engendered by structures, institutions, and knowledge systems. At a structural level, for example, if history education is not or barely offered at pre-university levels, then the influx of a critical mass of capable history students at university levels is hampered. Likewise, if archives laws are not inspired by access to information principles but by overbroad secrecy categories, the sources of historians are seriously hampered. Furthermore, it can be argued that systematic power

inequalities in the public debate about history – defined as a public confrontation of adversarial opinions about the past – make physical violence or mental coercion partly or wholly superfluous. Many public debates are distorted by political power and manipulated by lobby groups, regulating selective access to the debate and inappropriately intervening in it.

In this context, the notion of cancel culture – popular since about 2015 – is difficult. 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.²⁷ If it means the rejection and even removal of historians from the public debate because they used some form of hate speech, then it may be justified (if the principle of proportionality is heeded). Some such 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).²⁸ They are thus transformed into debates about the present, in which history is but a pretext for political or other gain.

At first sight, instances of structural violence may have less adverse impacts than targeted attacks, but their sheer repetition may result in a negative final result that is as effective as an attack. Although there is no definitive solution for the problem of the relationship between “structural violence” and “attack,” it is certain that structural violence that is not only restrictive but also comes with physical violence or mental coercion enters the ambit of attacks as defined here. Thus, an attack-based approach will touch upon many aspects of structural violence, especially its excesses, but not fully cover it.

A third issue arises when structural violence is not limited to certain areas of social life (such as power inequality in the public debate) but flows through all its veins, that is, when it is transformed into a repressive overall structure. In a certain sense, the mere existence of a repressive structure, even when operating under the cloak of a democracy and keeping up a semblance of legality, is one big and complex attack on the human rights of its citizens, historians included.

Perhaps surprisingly, the existence of a repressive structure implies that there is no automatic relationship between the frequency of attacks and a regime type. At first sight, regimes at the authoritarian end of the scale are expected to organize more frequent attacks than regimes at the democratic end. This may not be the case. There are factors that interfere with frequency. On the one hand, the more authoritarian regimes rule with ruthless power and 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 specific attacks. An overall repressive structure renders individual attacks less necessary and when they take place they are often designed to set an example and to intimidate.

On the other hand, while more democratic regimes may also attack historians directly or indirectly (usually in less violent ways and less unchecked than their counterparts in dictatorships), the censorial role of semi-public and private lobbies, groups, and individuals is potentially larger than in the more authoritarian contexts. Attacks are less fatal and countered with less fear for retaliation there. What we tend to see are authoritarian regimes with few but very powerful attackers at one end and democratic regimes with many but far less powerful attackers at the other end and a mix of the two in-between. Therefore, frequency of attacks is not necessarily a differentiating factor between regime types. The paramount difference is the degree of freedom of opinion, expression, assembly, and association conducive to a greater or smaller ability to conduct open, adversarial debates about the past and to generate more or less capacity to repel attacks.

In sum, at one extreme of the scale, the concept of attack is too strong a concept for relatively normal social practices and relationship, or for conduct that according to any reasonable observer does not reach a certain threshold of force. At the other extreme of scale, the concept is not always well suited to incorporate structural limitations on historians. Democracies have a range of built-in structural biases that often do not reach the level of attacks but still amount to structural violence impeding persistently the opportunities for historians. Authoritarian regimes are structures that can be perceived as one big crackdown on dissidence, including dissident history, making individual attacks on specific targets less urgent. One must conclude that the concept of “attacks” cannot cover the entirety of extreme adverse circumstances in which historians live and work.

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. The following typology is built on one salient criterion taken from the definition of “attack of history”: the distinction between attacks against historians and attacks 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 umbrella concept of history as the main qualifier of the general concept of attacks, and the distinction, under this umbrella, between attacks on persons (historians) and attacks on content (their work).²⁹ Of course, as we discussed under the third element of the definition, both domains are inextricably linked. Historians act and, while acting, create work.

More refined typologies could distinguish three domains, if next to persons and content, 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.) are part of attacks on expressions of memory.

The following overview refines the two main domains and six types through the prism of 27 indicators:³⁰

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
Public attacks by political leaders	Obstruction of archival access
Arbitrary arrest and detention	Archival cleansing
Restrictions of movement	
Unfair dismissal	<i>Attacks on historical opinions</i>
Malicious prosecution	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
Surveillance of groups of historians	Historical denialism
Obstruction of associations	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 1945,³¹ meaning that some of the 27 indicators can be supported by massive evidence, while others can be documented with at least some cases. It also implies that some 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 against historians) could be identified. This does not mean that such an indicator does not merit a place in our typology, but merely that no evidence for it was found (yet). It follows that silent attacks – attacks that generate no or limited reporting – stay under the radar. The typology, in short, is incomplete.³²

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.³³ 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 533 cases of political killings in 77 countries (as of September 2023).³⁴ Of these, 302 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, 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 2017,³⁵ of political deaths of archivists between 1934 and 2007,³⁶ of political deaths of exiled historians between 1926 and 1996,³⁷ and of political deaths of Ibero-American historians between 1936 and 2020³⁸ – 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.³⁹ The attack on historians 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. 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.⁴⁰ 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 of further attacks, trials, and persecution by the official apparatus. Curiously, in some rare cases, the attacks were directed at historians who were already deceased.⁴¹ These posthumous attacks indicate how critical historical work can be feared long after its author has died.⁴²

Another type of attack on historians is the arbitrary arrest.⁴³ Such an arrest can be 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 – such as in many national security laws and laws against extremism, terrorism, sedition, separatism, and the like.⁴⁴ 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.⁴⁵ 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 stiff travel rules may excessively restrict the outbound travel of 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.”⁴⁶

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.⁴⁷ 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. 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. They file manifestly unfounded charges or initiate abusive court proceedings with the sole purpose of silencing critical speech about them. 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” means any effort to engage in an issue of societal or political significance.⁴⁸

Online harassment and intimidation of historians, finally, have been rapidly growing phenomena since around 2015 only and a critical mass of empirical evidence of online attacks that affect history has slowly emerged even later. Harassment includes conduct that impairs historians’ full exercise of their activities with the purpose of violating their dignity and of creating an hostile environment, such as generalized pejorative remarks usually expressed in anonymity or with misplaced authority. 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. Online includes email, social media platforms, messaging apps, blogging platforms, and digital comments sections.⁴⁹ PEN America defines online harassment as the “pervasive or severe targeting of an individual or group online through harmful behavior.”⁵⁰

Some online techniques seem to be rapidly proliferating. 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 (for example, students) to report on historians by email, telephone, or website forms.⁵¹ As such, they are forms of arbitrary surveillance, in which private citizens and vigilante groups are encouraged to watch historians

and report about them to State authorities. Online harassment harms freedom of expression, produces chilling effects, such as self-censorship, and installs a climate of fear.⁵²

All attacks described above usually target individual historians but they can also be directed at groups. Arbitrary arrest is used collectively in post-protest crackdowns or purges or as a consequence of a policy of ethnic cleansing. Likewise, unfair dismissal can become a collective punitive measure in the wake of crackdowns and purges.⁵³ One example of the latter is the dismissal after a refusal to sign or take a loyalty oath.⁵⁴ To the extent that mass arrests and mass dismissal do not only violate freedom of expression but also the right to peaceful assembly and association, they overlap with the next type.

Attacks on historians as a community

A relatively novel form of online interference is Zoombombing, or the hostile takeover of online meetings of historians with the intention of interrupting the discussion of whatever is on the agenda. The practice is often accompanied by disturbing images or racist and misogynistic statements.⁵⁵ 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.⁵⁶

Sometimes, historical journals or history departments are disciplined and driven into an ideological straitjacket.⁵⁷ Online platforms dedicated to history can become targets of cyberattacks, blockades, or closures.⁵⁸ This includes the quasi-invisible bowdlerization of online collections of newspapers and journals, a major threat to the integrity of records.⁵⁹ Entire subgroups of the historical profession may be carefully watched. Which subgroups of the historical profession are watched depends on the centrality of the period they study in the dominant historical myths (stories about the history of a political unit, its origins, territory, shared experiences, strong leaders and great figures, enemies, and destiny), which form the basis of collective identity and of the legitimation strategy of 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.⁶⁰

The most dramatic intervention consists in attacking historical associations or history NGOs as such.⁶¹ Governments have several instruments at their disposal: they can cut the subsidies of an organization if the latter does not meet certain conditions or if it publicly criticizes the government.⁶² They can also deploy a variety of tools of legal harassment,

applied alone or in combination, ranging from the prevention of annual business meetings of historical associations, over the imposition of unreasonable demands to obtain or retain a legal status, to complete dissolution. Sometimes flawed laws – promulgating overbroad provisions for sedition, national security, counterterrorism, public order, etc. – are invoked.⁶³

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."⁶⁴ Right to information (RTI) 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 RTI 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 because they contain embarrassing evidence. Sensitive categories include 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.⁶⁵

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 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 discourage the users to access the sensitive

information, equaling an attack. The accumulation of measures is then part of a pattern of sneak attacks discussed above.⁶⁶

The worst attack on historical information consists of illegal and irreversible conduct on the spot: damaging, destroying, confiscating, or concealing archives that should be preserved. Heightened risks of such archival cleansing exist in so-called repression archives: 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. Some of the perpetrators escaped prosecution and even continue 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.⁶⁷

Attacks on historical opinions

The first weapon to attack historical opinions – by which interpretations of, and judgments on, past events are meant – is law. Three types of law in particular have been weaponized to that aim: those that protect the reputations of historical figures (defamation laws), those that protect the reputations of religions (blasphemy laws), and those that protect the interpretation of historical events (memory laws).

The most important type is the law of defamation, the law to shield reputation against attack. 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 individuals. Defamation laws can infringe this basic principle by incorporating improper purposes, such as the protection of abstract entities such as the reputation of States, nations, religions or the protection of the reputation of deceased persons, or the prevention of legitimate debate about matters of public concern (such as criticism of officials or exposure of official wrongdoing). When persons defamed by historians sue the latter, the charge is sometimes justified, but very often the accusation that a critical opinion about a person (for example, a historical figure) was defamatory is often the barely disguised expression of a will to censor that opinion.⁶⁸ 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 reach of criminal law.

Another weapon is the law on blasphemy, directed at punishing the defamation of religion. Blasphemy laws suppress perceived criticism (“defamation”) of religion (including the sacred, religious figures and leaders, doctrines and dogmas, symbols and feelings). But religion is an abstract concept, which cannot be defamed. Consequently, according to international human rights law, all blasphemy laws are abusive; they should be abolished.⁶⁹

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 commemorate a certain historical figure or event, there is, in principle, nothing wrong – 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.⁷⁰ According to international human rights law, this mandatory and prohibitive type of memory law is abusive because it censors opinions and it should therefore be abolished.⁷¹

Sometimes, the Constitution itself contains provisions on how to interpret certain historical events and even historical truth itself.⁷² In such cases of mnemonic constitutionalism⁷³ – 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 in a preamble, are not problematic (although, 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 certain exclusive ways – and this is certainly the case for passages that expressly mention the concept of historical truth itself – 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 on views of the past *before* they are made public, for example at

manuscript level (“pre-censorship”), plus all those restrictions on views of the past *after* they are made public that engender chilling effects and disproportionate sanctions (“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.

The charge of calling an act censorship, hence an attack on history, is delicate in the sense that not all obstacles that complicate communication are forms of censorship, some are legitimate restrictions on the activities of historians.⁷⁴ Be that as it may, censorship is omnivorous and able to target all types of historiographical production: academic works, to be sure, but even more, because of their reach, history textbooks⁷⁵ and channels for popular history (such as films, plays, novels). With unfair dismissal, censorship is a classical type of attack on history. It often leads to protracted self-censorship, itself a sign that the attack was successful.

Attacks on historical truth

Historical disinformation is the act of lying about history with malicious intent or the intentional dissemination of inaccurate or misleading historical information. It should be distinguished from misinformation, which is the unintentional dissemination of inaccurate or misleading historical information. There is a connection between both because disinformation often reaches persons who believe it and then forward it without any malicious intent.⁷⁶ I avoid less precise terms such as “fake news,” “alternative facts,” or “post-truths.”

Although an 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 manipulation of historical facts or opinions for one’s own purposes.⁷⁷

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 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. 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 Statute of Rome 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.⁷⁸ Those advocating the denial of 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),⁷⁹ the Armenian genocide (officially denied in Turkey), the Rwandan genocide (with 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 during or 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).⁸⁰

Some deniers sue *bona fide* historians who expose them for defamation. 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 *double attack* on the critical historians: a first one by defending defamatory and false views about past crimes by denying them, and a second one by threatening and suing those who rebuke 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 on truth claims and hate speech is necessary. The first point, the human rights view on 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 events⁸¹ – 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.⁸² 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.⁸³ 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 or hostility, it equals hate speech.⁸⁴ 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.⁸⁵

There is perhaps no abuse of history that affects the core of the activity of historical writing as deeply as genocide denial. Tolerating denial means the end of history as a discipline. The lies that constitute genocide denial violate the methodological and ethical norms that guide the search for the truth and therefore do not form part of any legitimate debate about history. On the other hand, 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.⁸⁶

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.⁸⁷ Iconoclasm can take place in peacetime or during war and include 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.⁸⁸

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.⁸⁹ However, the International Court of Justice has recognized that the intentional destruction of cultural heritage often serves as evidence to help prove genocidal intent.⁹⁰

Intentional destruction is for cultural heritage what killing is for people. Iconoclastic regimes can destroy the entire texture of society. In any case, they are 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.⁹¹

Reasons to attack historians

A question that insistently comes to mind each time is this: Why are historians so often among the first targets of attacks by intolerant State and non-State actors? I see three reasons.⁹² The first is that historians are trained in voicing critical opinions about the legitimization 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 in teacher trade unions and 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 prime 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 duty-bearers. When they ratify the ICCPR, as most did, they take up two types of duties: a duty to respect the human rights of their citizens and a duty to protect them. In our context, the State duty to respect means that States should abstain from direct or complicit involvement in attacks on historians and the State duty to protect that they should shield historians at risk from present or future attack by third parties. States can fulfill this duty to protect 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. Some of these duties relate to or spring from their more general human rights duties: the duties under the ICCPR to prohibit war propaganda, hate speech, and discrimination by law, and the duties under the ICESCR to promote science and culture, respect freedom of scientific research, and recognize the benefits of international cooperation in the scientific field.⁹³

The situation is as complicated for historians as it is for States. Historians do not only have rights (enumerated at the beginning) but also duties. The ICCPR mentions that the exercise of the right to freedom of expression carries with it special duties and responsibilities.⁹⁴ Therefore, historians have a duty 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.”⁹⁵

Historians also have an individual and joint duty to protect history from attacks and abuses by others and to oppose these attacks and abuses. This presupposes constant vigilance and courage. Finally, they also have a duty to promote responsible history in order to prevent further attacks in the future. One particular factor that can powerfully contribute to 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 duty of prevention.

Competing interests

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

Further reading

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Notes

¹ This text is based on lectures held in Turin (June 2022), Zaragoza (July 2022), Poznań (August 2022), Brussels (September 2022), Groningen (November 2022), and Cluj-Napoca (November 2022). I am grateful to the audiences at these conferences and to five anonymous reviewers of Palgrave Macmillan for their critical comments.

² These rights are listed in Articles 18–22 of the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the International Covenant on Economic, Social and Cultural Rights

(ICESCR) – 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., *Third International Handbook of Globalisation, Education and Policy Research* (Dordrecht: Springer, 2021), 935.
- 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 Articles 19.3 and 20 of the ICCPR. 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.
- ⁶ Uladzislau Belavusau and Aleksandra Gliszczyńska-Grabias, eds., *Law and Memory: Towards Legal Governance of History* (Cambridge: Cambridge University Press, 2017).
- ⁷ Historical propaganda is the systematic manipulation of historical facts or opinions, by, or with the connivance of, the government or other powers.
- ⁸ Note, however, that the large margin of tolerance is for opinions but not for established facts.
- ⁹ “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, 65, 70.
- ¹⁰ For UDHR discussions, see 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 and E/CN.4/SR.375 (both 15 October 1953) (especially the interventions by Halpern, Morozov, Hoare, Juvigny, Kaeckenbeek, and Inglés). Qualifiers suggested during these discussions were: abusive, arbitrary, illegal, malicious, unjust, unlawful, unreasonable, and unwarranted. 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; 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), and The Centre for Law and Democracy’s *Training Manual for Judges on International Standards on Freedom of Opinion and Expression* (Halifax: CLD, December 2021), 59–69, which contains a chapter on “Attacks on Freedom of Expression.” 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 “policy to commit such attack” requires that the State or organization actively promote or encourage such an attack against a civilian population.
- ¹³ Compare with the definitions of “attacks on education” in UNESCO, *Education under Attack 2010* (Paris: UNESCO, 2010), 17; in Global Coalition to Protect Education from Attack, *Education*

under Attack 2018 (New York: GCPEA, 2018), 16; and in Global Coalition to Protect Education from Attack, *Toolkit for Collecting and Analyzing Data on Attacks on Education* (New York: GCPEA, 2021), 104.

- ¹⁴ Antoon De Baets, ““Democracy and Historical Writing,” *Historiografias / Historiographies: The Journal of History and Theory*, no. 9 (June 2015), 31–43.
- ¹⁵ The phrase “threats or uses of force” was inspired by the UN Charter (1945), Article 2.4, which speaks about “the threat or use of force.”
- ¹⁶ Evelyn Mary Aswad, “Loosing the Freedom to Be Human,” *Columbia Human Rights Law Review*, 52 no. 1, 355–356.
- ¹⁷ I was inspired by the analysis of Holocaust denial in the individual opinion by Elizabeth Evatt and David Kretzmer, co-signed by Eckart Klein (*concurring*), § 4, in UN Human Rights Committee, *Faurisson v. France* (UN Doc. CCPR/C/58/D/550/1993) (1996).
- ¹⁸ 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” for publicizing his views that the 1915 events amounted to genocide and for criticizing the official denial of this view, a guilty verdict that the Court said 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.
- ¹⁹ 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. TASS, “Ahead of Patriotic Film Release, Russian Culture Minister Tells Archival Workers to Pipe Down” (31 July 2015); 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).
- ²⁰ Compare International Mechanisms for Promoting Freedom of Expression, *Joint Declaration*, fifth recital.
- ²¹ This passage is inspired by the remarks about indiscriminate attacks in “List of Customary Rules of International Humanitarian Law,” *International Review of the Red Cross*, 87, no. 857 (2005), 199 (rules 11–14).

- ²² International Mechanisms for Promoting Freedom of Expression, *Joint Declaration*, fourth recital. This list corresponds with the list, already quoted, of the UN Human Rights Committee: “[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 ...”
- ²³ 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.
- ²⁴ 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 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).
- ²⁵ 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), 265–78. Bevir defines (267) deception as the attempt to make others believe something the deceiver believes to be false.
- ²⁶ 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.
- ²⁷ David Olusoga, “‘Cancel Culture’ Is Not the Preserve of the Left: Just Ask Our Historians,” *Observer* (3 January 2021).
- ²⁸ See, for example, the bibliography *The Culture Wars against Education Archive* (compiled by Historians for Peace and Democracy; last updated 29 December 2022), at <https://www.historiansforpeace.org/culture-wars-against-education>.
- ²⁹ Compare with the typologies used in reports of the Global Coalition to Protect Education from Attack (distinguishing eight types: (i) attacks on schools; (ii) attacks on students, teachers, and other education personnel; (iii) military use of schools and universities; (iv) child recruitment at, on the way to or from, school; (v) sexual violence at, on the way to or from, school or university; (vi) attacks on higher education institutions; (vii) attacks on higher education students, academics, and other personnel; (viii) overall attacks on education) and the *Free to Think* series of Scholars at Risk (distinguishing six types: (i) killings, violence, and disappearances; (ii) wrongful imprisonment; (iii) wrongful prosecution; (iv) loss of position and expulsion from study; (v) improper travel restrictions; and (vi) other severe or systemic issues).
- ³⁰ 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.
- ³¹ 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) and in the *Annual Reports* (1995–5022) of the Network of Concerned Historians at <https://www.concernedhistorians.org/ar>.
- ³² 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. 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>.
- ³³ Compare with Eric Hobsbawm, “The Historians between the Quest for the Universal and the Quest for Identity,” *Diogenes*, no. 168 (1994), 63.
- ³⁴ Provisional Memorial for Historians Killed for Political Reasons from Ancient Times until the Present, at <https://www.concernedhistorians.org/memorial>. Of the 533 cases in the Memorial, 60 were history students.
- ³⁵ De Baets, *Crimes*, Chapter 1.
- ³⁶ De Baets, *Crimes*, Chapter 2.

- ³⁷ 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.
- ³⁸ 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.
- ³⁹ These percentages would be higher if the subgroup of history students would be removed from the samples.
- ⁴⁰ In India, Prime Minister of India Atal Vajpayee criticized a ban on American historian James Laine’s 2003 book *Shivaji: Hindu King in Islamic India*, 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).
- ⁴¹ 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 Jazayeri, “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.
- ⁴² De Baets, *Crimes*, Chapter 3.
- ⁴³ Recent examples of arbitrary arrests and detention involving multiple historians were reported in Belarus (after fraudulent elections in 2020), China (during a crackdown on “two-faced” Uyghur intellectuals charged with separatism, extremism, or terrorism since 2017), Iran (targeting scholars with dual nationality, charged with espionage since 2016), Myanmar (after the coup of 2021), and Turkey (targeting signatories of a 2016 petition to stop anti-Kurdish violence on charges of “propaganda for a terrorist organization.”)
- ⁴⁴ 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). 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).
- ⁴⁵ See ICCPR, Articles 12–13. See also De Baets, “Long Arm,” 58–73.
- ⁴⁶ ICESCR, Article 15.4.
- ⁴⁷ 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).
- ⁴⁸ “How To Identify a SLAPP,” available at <https://www.the-case.eu/about#block-b1b01b79fa1caf24f59f>. The German Association of Historians (VHD) noticed 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>.
- ⁴⁹ PEN America, *Online Harassment Field Manual* (2018–), available at <https://onlineharassmentfieldmanual.pen.org>.
- ⁵⁰ Ibidem, the glossary section, available at <https://onlineharassmentfieldmanual.pen.org/defining-online-harassment-a-glossary-of-terms>, identifying 21 forms of online abuse.
- ⁵¹ 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) which accused her 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), available at <https://www.historians.org/research-and-publications/perspectives-on-history/january-2017/aha-statement-on-right-to-nonviolent-political-action>.
- ⁵² See Alexandra Levy, “Trolling History,” *Perspectives on History* (14 February 2022) for examples.
- ⁵³ Vilém Prečan, “Pogrom of Historians,” *Index on Censorship*, 15 no. 4 (1986), 24–28.
- ⁵⁴ De Baets, *Crimes*, 137–138, 150.
- ⁵⁵ 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.
- ⁵⁶ 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.
- ⁵⁷ 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.
- ⁵⁸ 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).
- ⁵⁹ 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.

- ⁶⁰ 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.
- ⁶¹ 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.
- ⁶² In September 2015, the Indian Council for Historical Research amended the funding rules and withdrew the special status that the Indian History Congress (IHC; founded 1935) had enjoyed 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).
- ⁶³ 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.
- ⁶⁴ UN Human Rights Committee, *General Comment 34*, § 18.
- ⁶⁵ 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 (ANR), backed by a law on the protection of classified information. In May 2022, the ANR 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 Herbstritt, eds., *Vademekum 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.
- ⁶⁶ Complaints in this sense were recently noted in Brazil, Ecuador, India, Israel, and Romania, among others.
- ⁶⁷ 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.
- ⁶⁸ 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.
- ⁶⁹ UN Human Rights Committee, *General Comment 34*, § 48. See also 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), 55–56.
- ⁷⁰ Recent examples include the laws targeting the teaching of critical race theory (a theory explaining the structural effects of slavery and racism) in the United States since 2021; the Heroes and

Martyrs' Protection Law in China which has targeted "historical nihilism" since 2018; and 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.

⁷¹ UN Human Rights Committee, *General Comment 34*, § 49.

⁷² The Russian Constitution of 2020, Article 67.1, reads, among others, "The Russian Federation honours the memory of the defenders of the Fatherland, ensures protection of historical truth." The Belarusian Constitution of 2020, Article 15, says: "The State ensures the preservation of historical truth and memory of the heroic feat of the Belarusian people during the Great Patriotic War."

⁷³ The term was first introduced by Uladzislau Belavusau, "Final Thoughts on Mnemonic Constitutionalism," *Verfassungsblog* (15 January 2018), available at <https://verfassungsblog.de/final-thoughts-on-mnemonic-constitutionalism>. See also Heino Nyysönen 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.

⁷⁴ De Baets, ed., "Limits."

⁷⁵ Two examples are 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; and 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.

⁷⁶ 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.

⁷⁷ De Baets, *Crimes*, Chapter 5.

⁷⁸ 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.

⁷⁹ 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).

⁸⁰ 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).

⁸¹ 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; Disinformation and freedom of opinion and expression: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan (UN Doc. A/HRC/47/25) (13 April 2021), § 38.

⁸² UN Human Rights Committee, *General Comment 34*, § 49.

⁸³ The full formula of Article 20.2 of the ICCPR is "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."

⁸⁴ 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.

- ⁸⁵ Article 20 of the ICCPR (concerning war propaganda and hate speech), Article 3(c) of the Convention on the Prevention and Punishment of the Crime of Genocide (UN General Assembly Resolution 260(III); 9 December 1948) (concerning genocide incitement).
- ⁸⁶ See also Centre for Law and Democracy, *Hate Speech, Defamation and National Security*, 11–13.
- ⁸⁷ De Baets, *Crimes*, Chapter 4.
- ⁸⁸ “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).
- ⁸⁹ For the definition of genocide, see the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948), Article 2.
- ⁹⁰ 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.
- ⁹¹ Three examples are: the ban on commemorations of the 4 June 1989 Tiananmen Square massacres 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.
- ⁹² 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,” 931.
- ⁹³ Articles 20.1, 20.2, and 26 of the ICCPR; 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).
- ⁹⁴ Article 19.3 of the ICCPR.
- ⁹⁵ UNESCO, *Recommendation Concerning the Status of Higher-Education Teaching Personnel* (Paris: UNESCO, 1997), § 33.