The French philosopher Jean-Paul Sartre was a merciless critic of General Charles de Gaulle's politics during the Algerian war of independence. In 1960, he signed the “Manifesto of 121,” a declaration on the right of insubordination in the Algerian war. There were calls to arrest him for subversive activities, but de Gaulle refused categorically, saying: “On n'emprisonne pas Voltaire!” (You do not imprison Voltaire). He understood that Sartre, as the conscience of his time, was untouchable. Many other political leaders were aware of the influence of intellectuals, perhaps even more in dictatorships than democracies. In the Soviet Union, the poet Boris Pasternak was distrusted but also admired by the authorities. A poet of sorts himself, Joseph Stalin revered Pasternak's power of expression. Rumour had it that, on being presented with documents for the poet's arrest, Stalin objected while observing: “Do not touch this cloud-dweller…” This leniency did not prevent Stalin from approving the execution of countless other intellectuals, including a record number of historians, the highest of any regime in world history.

We are familiar with the power of freedom of expression exercised by intellectuals precisely because it has been violated so often. Historians have always been among the prime victims. Mikhail Gefter’s case in the Soviet Union is telling. In Leonid Brezhnev's time, the History Institute of the Academy of Sciences had a “methodological sector,” an interdisciplinary theory of history group under Gefter's direction. In 1966, the sector discussed whether Russia before 1917 could be called capitalist and hence whether the October Revolution was a socialist one, thus throwing doubt on the paramount historical dogma of Marxism-Leninism: historical materialism. Gefter's keynote could only be published in the underground press. The sector was harassed and eventually suspended in 1969; Gefter was dismissed and reprimanded for “mistakes of a methodological and ideological character.” He never admitted any such mistakes. After renewed attacks in 1973, he retired early only to be rehabilitated in the late 1980s. The power of intellectuals to speak out has been feared and attacked by political leaders, as the reports of Scholars at Risk and the Network of Concerned Historians amply attest.

While freedom of expression is widely reported upon because it is breached so frequently, freedom of thought is usually glossed over, although both are twin articles in the Universal Declaration of Human Rights. This is not because freedom of thought is considered less important than freedom of expression, quite the opposite: it is held in the highest esteem. Remember the words of novelist
Vladimir Nabokov: “I think like a genius, I write like a distinguished author, and I speak like a child.” Or, similarly, those of biologist Edward O. Wilson: “The ideal scientist thinks like a poet and works like a bookkeeper, and I suppose that if gifted with a full quiver, he also writes like a journalist.” Die Gedanken sind frei: thoughts are free.

Why then is it underestimated? Freedom of thought refers to the private forum internum, freedom of expression to the public forum externum. The distinction goes back to the sixteenth century. The forum internum is the realm of conscience and critical thinking. Within this realm of the mind, individuals are free to develop, hold and change thoughts and opinions – including memories – without coercion or interference. The forum externum is the external manifestation of these thoughts and opinions and such manifestations are subject to some narrow restrictions. In human rights doctrine, freedom of thought enjoys an almost mythical status: it is not only universal (applicable to everyone), but also, unlike most other rights, absolute (it can never be restricted) and non-derogable (it must be fully respected during public emergencies). Its unconditional protection is beyond discussion. Sadly, for this very reason, it has been the least explored of human rights.

This self-complacent attitude has changed recently, however. In 2021, the United Nations Special Rapporteur on freedom of religion or belief, AhmedShaheed, decided to devote a report for the United Nations General Assembly to freedom of thought, after consultations with civil society (this author was one of his respondents). For Shaheed, René Descartes's dictum “Je pense, donc je suis” (I think, therefore I am) spoke to the essence of freedom of thought for the dignity, agency, and existence of the human being. Drawing on international jurisprudence, scholarship, and the perspectives of diverse stakeholders, he examined four proposed attributes of the right: freedom not to disclose one's thoughts; freedom from punishment for one's thoughts; freedom from impermissible alteration of one's thoughts; and an enabling environment for freedom of thought. He then scrutinized potential violations of the right across seven diverse fields: torture or cruel, inhuman or degrading treatment; surveillance; coercive proselytism, anti-conversion and anti-blasphemy efforts; existing and emerging technologies; mental health; conversion practices; and intellectual freedom and education. The latter included practices that undermine critical thinking; political indoctrination, deradicalization, and re-education programs; self-censorship; and biased content curation by digital companies. In this context, Shaheed warned, history was one of the most vulnerable subjects at school.

Our thoughts are our most precious asset. We, cloud-dwellers, should ask the state and society to leave us alone while we work. We are willing to share our views in the public arena, but not until we are ready for it. In my inaugural address before our Board, I expressed the hope that all those interested in the history and theory of historiography: the hedgehogs and foxes (Isaiah Berlin's distinction) as well as the birds and frogs (Freeman Dyson's distinction). I wish that all perceive our Commission as a natural home for their activities. And I see the president of the Commission as a porter inviting people in to speak and listen. And above all to think. Aware of the fragility of thought, our Commission should contribute to a world where the integrity of the forum internum is respected and protected.