



Forward—to the Past? Re-thinking a Human Rights Museum

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The towering structure of the building that will house the Canadian Museum for Human Rights now stands prominently on the east of Winnipeg's skyline. Even as work continues to complete the building, however, controversy continues over what will be inside it—in particular, over the nature and scope of its planned galleries devoted to the Holocaust and other significant genocides or historical incidents of mass atrocity.² A museum devoted to human rights should expect controversy. But a debate on how to represent past history (or which parts of it) is the wrong kind of controversy. However it is resolved, it will do little to meet the Museum's avowed intent to “promote respect for the rights of others” and to be a “centre of learning where people can (...) commit to taking action against hate and oppression.”³ A debate on the portrayal of

At a glance...

- *The Canadian Museum of Human Rights has set itself a sound objective: to challenge and equip visitors actively to promote human freedom and well-being.*
- *The Museum will fail to meet this objective, however, if it is overly historical in its approach, because the past is not always a reliable source for understanding current or future human rights abuses, and carries within it a narrative of progress and permanence that encourages complacency not commitment.*
- *Instead, the Museum should focus on the present and future of human rights, and should present the idea of universal rights as a topic of critical dialogue.*

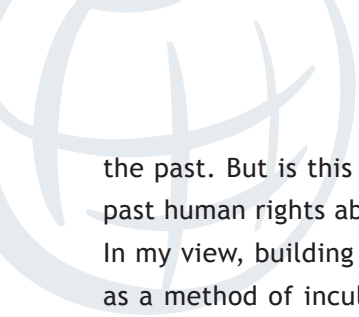
1 This is a revised version of a lecture delivered on January 19, 2012, at the annual conference of the Canadian Political Science Students' Association, held at the University of Manitoba. It was part of a series of lectures co-sponsored by the university and the Canadian Museum for Human Rights on the theme “The idea of a human rights museum”. The author is grateful to Natalie Brender for her comments on an earlier version of this paper.

2 <http://www.theglobeandmail.com/news/politics/canadian-human-rights-museum-dogged-by-controversy/article2278785/>

3 From the Museum's Mission Statement, available at <http://humanrightsmuseum.ca/about-museum>

the past is of marginal relevance because notwithstanding the conventional wisdom, exposing visitors to historical incidents of human rights abuse provides little guarantee against their present or future reoccurrence.

The conventional approach holds that one can build respect for human rights today by learning of the abuse of these rights in



the past. But is this the case? Does the knowledge of past human rights abuses prevent their reoccurrence? In my view, building such understanding is over-rated as a method of inculcating respect for human rights. The past is an unreliable source of lessons when it comes to identifying current human rights abuse or predicting future abuses. Moreover, the historical approach to understanding human rights carries within it a narrative of progress and permanence—a suggestion that human rights discourse has triumphed and is here to stay—that invites complacency about both the present and the future.

The illusion of understanding

The historical approach takes as its starting point the premise that when presented with examples of the denial of human rights, visitors will understand better the need to protect them. The idea is that this will turn visitors into agents for change: by exposing them to the atrocities of the past, they are better equipped to oppose them in the future. But does exposing the bigotry of past generations lead to a rigorous scrutiny of our own? Or does it, on account of the distance provided by time and space, lead the visitor to see the perpetrators as possessed of an almost alien quality? “How could *they* have done these things?” And this ‘otherness’ or ‘outside’ quality of those who abused human rights—an easily-assumed perspective because it is so reassuring—will do little to encourage the visitor to look ‘inside’ or to today’s world for contemporary parallels.

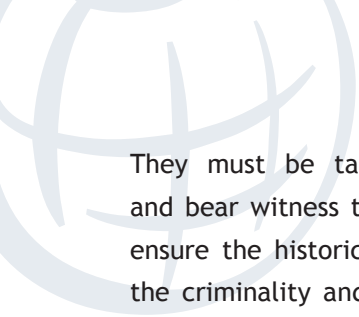
President Clinton’s opening of the Holocaust Museum in Washington in April 1993 led to renewed interest in the study of genocide, and a renewed commitment to the promise of ‘never again’. But just one year later, in April 1994, the same President (and his administration), in the very same city, played a key role in demanding the withdrawal of UN peacekeepers from Rwanda as the genocidal attacks against Tutsis began. U.S. opposition was a major reason why for several weeks the UN failed to send further troops, even when the scale of the massacres became clear.

History doesn’t always teach us the right lessons, or in any case the lessons we need to react appropriately to current human rights abuse. Indeed, new insights in psychology should lead us to be wary of placing too much weight on the so-called lessons of history, particularly as applied to understanding the human passions and politics, bigotries, deep hatreds and paranoia that underlie systematic human rights abuse. Daniel Kahneman, the Nobel Prize-winning Harvard psychologist, refers to the ‘illusion of understanding’, by which he means that our intuitive, ‘fast’ system for thinking (in contrast to our ‘slow’ reason-based system) relies too heavily on drawing lessons from the past.⁴ As Kahneman puts it, everything makes sense in hindsight: why risky lending practices, mounting debt and inadequate regulation would lead to the financial collapse; why the Versailles Treaty sowed the seeds for a new war in Europe; why denying Tamil rights would lead to a civil war in Sri Lanka, and so on. But because it all makes sense as we look backwards, we jump to the conclusion that what makes sense in hindsight today was predictable yesterday. In Kahneman’s words “The illusion that we understand the past fosters over-confidence in our ability to predict the future.”

This is an especially relevant observation with respect to the teaching of human rights. We look back—at the rise of Hitler, at the Khmer Rouge seizure of power, at the pre-genocide tensions in Rwanda—and the chain of events leading to mass atrocity seems clear. We think we will know what to look for and how to guard against it. But each genocide unfolds in its own unique and uniquely horrible ways. The truth is that a deep understanding of the Holocaust provides few parallels that would aid in understanding the events leading up to, for example, the genocidal Anfal against the Kurds of Iraq in 1988 (other than the banal lesson that dictators can’t be trusted).

Of course, this is not an argument against teaching the history of the Holocaust or other incidents of mass atrocity.

4 Daniel Kahneman, *Thinking fast and slow*, Doubleday: 2011.



They must be taught—in order to commemorate and bear witness to the suffering of the victims, to ensure the historical record is clear, and to expose the criminality and immorality of the perpetrators. These are all valid and essential objectives. But if a human rights museum is to be a force that pushes us to understand and act against *present and future* human rights abuses, it should be wary of relying too much on the historical approach.

Consider an example close to home. Canadian history has recorded the colonial-era abuses against the First Nations, Métis and Inuit people of Canada. Such abuses, and the continuing overt discrimination these groups suffered well past Confederation and into the 20th century, were well known; certainly, I learned of them as a pupil in the 1970s. Yet although ‘official’ history acknowledged past discrimination and injustice, the residential school system persisted into the 1990’s, and its injustice—widely acknowledged today—was not part of the teaching of this history. Human rights abuse, even of the kind that destroys cultures, lives and communities, is not always apparent or obvious to those who do not experience it, even if they feel equipped by past history to spot it.

The illusion of progress

A second reason for rejecting an overly historical orientation for a human rights museum is that the historical approach is imbued with biases of the present. Today’s bias with respect to human rights is a narrative of progress: that support for human rights is steadily advancing; that with every passing year we spot and legislate against further indignities; that we are better able than previous generations to identify intolerance. It is almost inevitable that a human rights museum which takes visitors on a journey from the past to the present will follow such a narrative line. Indeed, the very architecture of the Museum in Winnipeg may encourage such a narrative, since visitors enter from below and proceed in spirals

upwards through galleries to an ascending ‘Tower of Hope’. This will leave visitors with the unshakeable conviction that things are improving.

Of course, viewed narrowly in the Canadian perspective, this is a compelling narrative. There is no doubt that, for the most part, human rights are better respected today in Canada than they were in the past. Even if that is so, however, it is no guarantee for the future. But more importantly, can we credibly sustain such a narrative on a global scale?

This question of whether, in fact, humans are treating each other better has been the subject of a good deal of debate in recent months, prompted by the publication of a book by another Harvard professor. In *Better Angels of our Nature: The Decline of Violence in History and its Causes*⁵, Stephen Pinker argues that we live in an era of unprecedented peace and safety. Although we are fed on a steady diet of mayhem and madness by the media (‘if it bleeds, it leads’), the fact is that humans today are safer than ever before from war and violence of all kinds. Why is this so? According to Pinker, “[t]he reason so many violent institutions succumbed within so short a span of time was that the arguments that slew them belong to a coherent philosophy that emerged during the Age of Reason and the Enlightenment (...) a worldview that we can call *Enlightenment humanism*.” Pinker makes it clear that the ‘rights revolution’ is a key part of such a philosophy.

Pinker produces a wealth of statistics to make his point that violence is on the decline and that people are being treated better. He has his critics, however. Some challenge the reliability of his data of violent death in the Middle Ages and much earlier eras (data that is essential to his point about the relative security of our era). Others argue that his definition of violence is too narrow, pointing to ‘structural violence’ that leads

5 Viking; 2011.

to impoverishment and famine. In reviewing Pinker's book⁶, the English philosopher John Gray argues that it is an "illusion" that liberal humanism will create a better world. In Gray's view, progress is possible in science, but not in ethics or morality. This is an inescapable conclusion, as he sees it, if one accepts Darwin's account of our animal origins and evolution. The application of reason to human affairs and politics need not inevitably result in more humane policies. Although progress in science brings advances to the quality of human life, it equally enhances our ability and capacity to destroy human life; think of global warming or the nuclear bomb.

I want to believe that Pinker is right. One can certainly discern a 'rights revolution', inasmuch as international law and institutions have steadily advanced in this area, especially in the past 20 years. Furthermore, attempts to measure the impact of civil wars have similarly pointed to a more or less steady decline over the past two to three decades in the lethality of war⁷. Yet although Gray's pessimism regarding human nature may seem overblown, we would be wise to be cautious before heralding a more peaceful world.

Why? Because trends with respect to violent death need to be set against other worrying indicators. A short list of these would include the widening global inequalities between and within countries; very uneven poverty reduction efforts, with over a billion still living in extreme poverty and slum populations rising exponentially; severe environmental stress in dozens of countries; shortages of key resources including arable land, water, and food; and increasing risks regarding the spread of nuclear and biological weapons. If one considers too that global institutions seem generally ill-equipped to marshal the will and

6 "Delusions of Peace" Prospect, 21 September 2011. <http://www.prospectmagazine.co.uk/2011/09/john-gray-steven-pinker-violence-review/>

7 See for example, Human Security Report 2009/2010: The Causes of Peace and The Shrinking Costs of War. <http://www.hsrgroup.org/human-security-reports/20092010/overview.aspx>

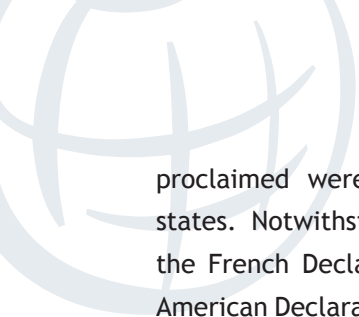
resources to tackle these challenges, one would hardly be assured about a less violent future.

Ours is not the first generation to imagine that it stands on the cusp of a Kantian 'perpetual peace'. The Peace Palace is in The Hague, Netherlands. This building, built in a neo-Renaissance style, has a tall and graceful tower, a rich, marbled interior, and evokes memories of a gilded age of European diplomacy. It was the inspiration of a trans-national group of peace activists who dreamed of a building to house the newly-created international Permanent Court of Arbitration. This building would be a monument to the peace it was hoped this court would ensure, but also, with its international law library, a practical resource for those dedicated to peace. This was not a utopian project, at least not deliberately so. When the Palace was conceived, Europe was living through a peaceful age, with no major wars having been fought in Europe for almost 40 years. The Dutch Government donated land and the Palace was built with money raised from philanthropists. This 'museum', the modern world's first international statement against war, opened on August 28, 1913—just less than one year before the outbreak of the First World War, a devastating conflict that ushered in the deadly 20th century.

The illusion of permanence

We need idealism. Almost every human endeavour would seem less interesting if we did not think it could be improved upon. But a human rights museum should present the topic in a manner that assumes neither continued progress *nor* permanence. For the future of the idea of human rights is by no means assured—a fact often obscured by casually linking this idea to Enlightenment thinking, and thereby bestowing it with a pedigree of several centuries.

'Human rights' are not the same as 'citizen rights'. A human right is held by virtue of being human. Much of Enlightenment thinking about rights and liberty took as its starting point the nation-state; rights



proclaimed were those held by citizens of those states. Notwithstanding the ‘universal’ language of the French Declaration of the Rights of Man or the American Declaration of Independence, in proclaiming rights to life and liberty, the authors of these texts assumed the rights-holders to be a limited class. Slaves, indigenous people, colonial subjects, and in some cases women and those without property, were not considered holders of the same ‘natural’ rights.

Today the term ‘human rights’, at least in Canada, captures two related, but different ideas: (i) that the Charter of Rights and Freedoms grants to Canadians and those subject to the government’s jurisdiction a set of guarantees; and (ii) that there is a universal standard, agreed in international law, of individual human rights held by all human beings. Of course there is a considerable overlap between these sets of rights, but it is by no means a perfect fit. There are substantive differences: Canada, for example, has ratified international human rights treaties on economic and social rights, but these are not in the Charter. But differences exist too with respect to whom governments owe the duty to respect, protect and fulfil rights. Under the Charter, for the most part, such duties are owed towards Canadian citizens or persons in Canada; it is less clear, however, that all universal human rights treaties to which Canada is bound are so limited. In specific cases, obligations under international human rights treaties may give rise to duties that extend beyond borders. Issues like climate change, global poverty, the arms trade, human trafficking, access to essential medicines, and many others are increasingly pointing to moral and sometimes legal obligations that cross borders; and this will be the terrain of many future human rights struggles. These are contentious issues, and it is not at all certain that the struggles will be resolved in line with the understanding of ‘human rights’ in its universal sense.

The fact is that the ‘rights revolution’ is of recent origin. The civil and political rights proclaimed by

Enlightenment scholars may enjoy a long history; and, it is fair to say, they are firmly entrenched in a shared vision of the liberal state (at least in Canada and other established democracies). But the same is not the case for human rights understood in their broader, international and universal sense; this is a very modern idea, of recent vintage and currency. Samuel Moyné’s recent book *The Last Utopia: Human Rights in History*⁸, makes this abundantly clear. Moyné convincingly shows that the popularity of human rights in its universal sense really took off only in the 1970’s, before which it was a rather marginal issue of international affairs and foreign policy. His explanation of this is grounded in the failure of other utopian projects, and the adoption by progressive forces of a kind of anti-politics in the face of communist repression and socialist failure. Whatever the reason for the sudden popularity of human rights, it is Moyné’s particular insight to note that because receptivity to the idea of human rights is recent, its continuing popularity is by no means assured.


While the last two decades in particular have seen enormous strides in cementing the enforcement of international human rights in international law, we should not assume this will be lasting. As with the Hague Peace Palace, events can unravel quickly. Global power balances are shifting. Can we be certain that the new, emerging powers like China will place continuing importance on human rights in international affairs? Will a future UN Secretary-General, say (as Kofi Annan did in 2005) that human rights were the UN’s third pillar, along with peace and development?

Many ideas have travelled along the road from being the next big thing to being the last big thing. Global struggles for justice are hardly new. The language that frames these struggles has changed over time. Today, the discourse of human rights is prominent in such struggles, but it need not remain so. Indeed, its very prominence is bound to invite a critique, and this

8 Harvard University Press, 2010.

is already emerging. Grassroots activists and all who distrust courts complain of the legalism of such an approach; communitarians and religious thinkers find the individualism of human rights claims disruptive; and many outside Europe and North America distrust the ‘western’ language of human rights, recalling the fact that many of these rights were defined while their countries lived under colonial rule. Those who are impatient for reform may find that political mobilization, not rights adjudication, offers a quicker path to social justice.

The recognition of individual human rights and freedoms is one path, but not the only one, to building fairer, more just societies. Many (myself included) believe it has proven its worth. But one must respect the critique of human rights: not the disingenuous one that would justify torture or atrocity, but one that asserts different paths to human dignity and flourishing. The struggle to win human rights can succeed only if the idea of universal rights is received not as dogma but via dialogue—and such a dialogue needs to treat seriously the critique of the existing international human rights framework.

The Canadian Museum of Human Rights has set itself the right objective - to challenge and equip all who visit it to take action to promote human freedom and well-being. If it is to do so successfully, it should pay much more attention to how it depicts the present and future than the past, and it must find a way to promote human rights without proselytizing them. 

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