

CONFERENCE: CONNECTING LAW AND MEMORY

Morten Kjaerum

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How do we use the past in the present in order to ensure the right to a future for everybody?

Many thanks for the invitation. I want to congratulate the organisers for having taken this important initiative that I hope will continue. Turning on the news every morning reminds us that human rights and democracy cannot be taken for granted anywhere, including in Europe.

A steady erosion of the post-Second World War institutional framework and democratic institutions as well as growing anti-Semitism and Islamophobia have become commonplace and part of the daily political rhetoric. Have we witnessed this before? It should remind us of our past, but does it?

Did we learn lessons from the past that we can implement in the present in order to ensure a future where our kids can live in an open and inclusive society?

Today I will introduce you to two persons: Raoul and Carina. Based on their stories I will highlight some of the current challenges and the role human rights education can play.

Let me start with Raoul. I work at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Sweden, and we work in the spirit of Raoul Wallenberg. But who is he?

Let us travel back to the last months of 1944 in Budapest. The Second World War is heading toward its end. Nonetheless, the “*end-lösung*” continues as nothing has changed. In those days around 300,000–400,000 Jews still lived in the city, but the Nazi and the Hungarian Arrow Cross regime did all they could to deport as many as possible to the death camps or simply kill them on the spot. Raoul Wallenberg was a Swedish diplomat working at the Swedish embassy in Budapest.

With his incredible humanitarian spirit, he wanted to rescue as many Jews as possible from the mass killings. He established the famous “*schutz pass*” regime, by which the holder was officially protected by the Swedish state and under its protection. He created international protection areas in Budapest. Under great danger he stopped trains deporting Jews to the extermination camps in Poland to ensure that those with a “*schutz pass*” were not deported. He negotiated with the worst of the worst Nazis and Arrow Cross members all with the aim to save as many lives as possible.

He in collaboration with others saved around 75,000-100,000 Jews. Those that survived never forgot the courage and humanitarian spirit of Raoul Wallenberg. In those days with so much all-encompassing evil people remember that one person who stood out as a shining example. The person who gave them hope for a better future.

When the war was heading toward its end in 1945, he was captured by the Soviet army and disappeared in the Soviet prisons. He was most likely executed in 1947. Only in late 2015 did the family initiate the process of declaring him deceased.

So what has Raoul Wallenberg taught us? What he symbolises is what humanism means: the value and agency of each human being. Every life is worth fighting for irrespective of that person's religion, ethnicity or culture.

It was the work of persons like Raoul Wallenberg that shaped the thinking and values underpinning the Universal Declaration of Human Rights of 1948 and the international human rights regime as it has developed thereafter. Individuals who have a moral imagination of a better future for all have always driven human rights forward.

This is the story of Raoul Wallenberg, but let me also tell you a story from the other side. This story is about my good friend in Vienna, where I, until recently, lived for many years. It is about Carina. She is a bit older than me. Every now and then we have dinner together, and on one of these evenings I asked about her family and their history. I asked several open questions about life in Austria in the 1930s. Eventually Carina took a deep breath, and she began to talk about her grandfather, who had owned a quarry in the town of Mauthausen near Salzburg.

In 1938 the Nazis established one of the first and largest concentration camps in Mauthausen. It was used especially for intellectuals and other undesirable elements that were to be broken through hard work. The quarries in the area were deemed to be an ideal workplace for the prisoners. The assessment after the war was that more people died in these quarries than in the gas chambers.

Some of this information was not new to me, as I had previously collaborated with Yariv Lapid, who had built up the museum in Mauthausen. In the story, she stressed that her grandfather had been a sweet person and always took the daughters (Carina's mother and her two sisters) indoors when transports of prisoners came by, while other villagers threw stones at the prisoners and mocked them. Her grandfather had not participated in the infamous hare hunting. Five hundred prisoners had escaped from the camp, after which villagers started a hunt. Only 13 prisoners survived. She concluded that he had a quarry before the war and had the misfortune to end up with a concentration camp.

She told me that they had never spoken about it in the wider family, and that the concealment had marked them deeply and still does. The unspoken lay like a curse. On the surface a successful upper class family in Austria, but behind the scenes deep frustration. She attributed much of this to the events of the war and the silence.

I offered to arrange a lunch with her and Yariv Lapid. A month later we met, and I opened by saying that I had invited two good friends for lunch. The rest was left to fate and good conversation.

Yariv started by asking Carina the name of her grandfather. And then it began. When she told him the name, Yariv turned pale. She turned around, looked at me and said "Yes, it's serious. My grandfather was not a nice man, as I said and believed a few weeks ago. It was the mental construction that I had made, but after our conversation my brain began to deconstruct the stories. And now I realise that my mother and her sisters were in the first row to throw stones

at the Jews when they came with prisoner transports, and my grandfather was in the front of the hare hunt. "

The conversation continued and had many dramatic points. After this meeting, Yariv and Carina became good friends and started a small NGO that would work with the unspoken in families with a Nazi past. This story is unique because Carina speaks about what most Europeans keep to themselves. That is why I have told this story.

So we have the story of Raoul Wallenberg, the indisputable hero, and the story of the grandchild of the perpetrator. Who would most of us like to identify ourselves with Raoul Wallenberg or the grandfather? I am sure the answer is: Raoul Wallenberg. If we found ourselves in a similar situation who would most of us turn out to be? Historical evidence makes it more likely that most would be bystanders and some perpetrators serving the powers and popular sentiments.

This is one of the big challenges for human rights education and training. We have been good at recognising the heroes like Raoul Wallenberg, the particular incidents like the rescue of the Danish Jews, and we have discussed and kept alive the ultimate violation, namely the Holocaust. There are indeed important lessons to be learned with regard to acting upon one's values as Raoul Wallenberg did, protecting a minority collectively as in Denmark, and from the Holocaust in general.

With regard to the lessons to be learned from Holocaust, I would like to point out how the breaking down of state structures and institutions as well as the erosion of the rule of law creates a vacuum that renders minorities very vulnerable to gross human rights violations. This is very well analysed in the book *Black Earth* by Timothy Snyder from last year about the Holocaust as both history and a warning.

What I would like to raise from the story of Carina is that we have not been successful anywhere in Europe in learning how anti-Semitism managed to rise to a level where these atrocities could take place in front of our windows and in our villages. Post-war self-perception was that most were freedom fighters or at least silently in opposition or people just tried to survive and look to the future.

This is a twisted picture of reality; most likely a good proportion of Europeans were anti-Semitic and sympathised with the Nazi regime. It was hard to avoid the massive negative exposure of Jews in all parts of society. The same Danish newspaper that published the infamous Muslim cartoons in 2006 in the 1930s had many cartoons depicting Jews in derogatory and belittling ways and so did newspapers around Europe.

Do we need to talk about this today after so many years? Yes, we should talk about this, and it is never too late. We must educate ourselves about what happened then. We do not gain much by creating an illusion of our own goodness. Learning stands on two legs: successes and failures. As a society, we have cheated ourselves by not trying to learn how so many people in Europe could slip into anti-Semitism – steadily, albeit slowly year-by-year. What were the mechanisms? What is it we need to be aware of today?

Yariv Lapid's work in Mauthausen focuses on the citizens of the village. How could they live with a concentration camp as a neighbour? What mental constructions did they create in order not to see what they should see? Here, we know well the explanations from the time: the

prisoners were sub-humans, they would undermine the Aryan race, and they were rats and communists. All these categorisations made it easier to exclude them from humanity. Categorising people is a prerequisite for the atrocities we witnessed in connection with the Holocaust, and as we have seen repeated in other genocides such as those in Rwanda and Cambodia.

When I worked with Yariv Lapid, it was to learn from his work in order to detect what we do not see today. Which mental models do we create today in order not to see the violations? What is it that our grandchildren will blame us for? What is it that they see in retrospect that I at present must look for in the crystal ball? It could be the escalating undemocratic and authoritarian developments taking place around us and the erosion of the institutions and the rule of law. As Timothy Snyder underscores, institutions and the legal framework is what protect vulnerable groups and minorities in any society. Yes, we see it, but do we really worry as we should?

Another element is the anti-Semitism and racism in our society. The EU Agency for Fundamental Rights is the first institution that in depth has documented anti-Semitism today. It has been there for a long time, but Europeans do not like to face it. As Europeans, we cannot cope with the fact that this hatred is still around. We do not want to see what the FRA documented, namely that Jews are anxious for their safety in Europe today. If Europeans sit still and passive, there will be no more Jews in Europe some years from now.

Islamophobia is equally serious and perhaps reaching the same depth as anti-Semitism. It has captured Europe and increasingly the US as well. The question that one is entitled to ask in 2016 is if in a few years the hatred of Muslims can accelerate to the same level that we saw in relation to the Jews in the 1930s.

Consider how politicians and media often expect ordinary Muslim citizens to actively distance themselves from terrorism. In this way media and politicians in a subtle way contribute to the categorisation of Muslims as terrorists. The tragic incident in Cologne on New Year's Eve contributes to the categorisation of immigrants and Muslims as rapists and disrespectful towards women. The word *Taharush Gamea* has in populist circles become the name and label for this. The current refugee crisis is exploited to the fullest extent by the ethno-political actors who do not shy away from using explicit Islamophobic language in their rejection of receiving refugees.

It all adds up, and we have now been under a strong anti-Muslim influence for more than 20 years. Europeans have not been able to detect each of the small steps on the route, although we have been there before. We have been deprived of a mental preparedness to detect the phenomena that can lead to escalation of inter-religious and inter-ethnic conflict.

Nonetheless, we are aware of the consequences of racism, religious intolerance and the role of ethno-political actors. That is why the prohibition against discrimination cuts across all human rights instruments. It belongs to the collective lessons learned, but we forget to translate it into everyday phenomena and we shy away from addressing the painful elements, namely how our grandparents fell into that trap and directly or indirectly contributed to human rights violations of a seldom seen magnitude.

To sum up in the words of Timothy Snyder: Where states were demolished a hole was created where racism and politics pulled together towards nothingness. In this black hole, Jews were

murdered. When Jews were saved, it was often thanks to people who could act on behalf of a state or a strong institution. This latter point is well illustrated by the example of Raoul Wallenberg and the rescue of the Jews from Denmark.

So in short what he says is that we need strong democratic, human rights-based state and local institutions as well as independent courts in order to protect minorities. These institutions need to have a strong legal human rights framework, and in particular anti-discrimination must at all times be high on their agenda. These lessons learned underscore why it is so important to be here today and discuss how we can do this much better.

At the Raoul Wallenberg Institute we have for two decades focussed on human rights in academic education. We have our own human rights master's programme in Sweden and on top of that we have contributed to creating master's programmes in countries such as China, Cambodia, Turkey, among others. Although we are currently witnessing setbacks in some of these countries, there are today a high number of officials and academics that are well versed in human rights and employ them in their everyday work lives.

The director of the school for prosecutors in one of these countries recently told me that what had changed following the human rights training is the respect for the defendant and the understanding that they have to listen to her or his part of the story. He also added that they understand much better the gender aspects and minority issues.

We are not only working with the duty bearers – the state institutions, but also the rights holders. Currently we are starting a school for the most vulnerable civil society groups and NGOs in Sweden in order for them to get to know the legal regime better, and to interact more efficiently with the authorities, media and other institutions. It is all about empowerment and capacity building.

In all our teaching we try to get as close as possible to the everyday situations of the students, be they officials or civil society organisations. Using the lessons learned from the story of Carina, what we clearly can do better is to draw on the local history, and this is where interaction with local museums and the like shows promise. Some years ago in Denmark we had an excellent cooperation with the Danish National Museum in Copenhagen where we for six months added human rights explanations to the permanent exhibition, thus telling a slightly different story than normal regarding the indigenous peoples, the female dresses from different parts of the world, and elements from the slave trade. It was extremely popular with school classes. The exhibition was extended for that reason.

So in conclusion everyone can learn from Raoul Wallenberg's heroic acts, as well as from Carina's story. As a society we can learn from the heroes and the great humanists deeds and at the same time learn from the human frailty that makes hatred and gross human rights violations prevail. We owe to all children that their social model is a strong human rights based democracy. We have to ensure that we do not need a new Raoul Wallenberg and that nobody shall carry with them a painful story like Carina's. What it all boils down to is our obligation to ensure the right to a future for all.

Thank you.