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**BODY:**

We have a duty to treat the dead with respect, just as we do the living, insists Antoon De **Baets**

The demographer Carl Haub recently guesstimated that since the dawn of the human race some 106 billion people have been born. Of these, 6 billion are still alive and 100 billion are dead.

A Universal Declaration of Human Rights exists to protect the living. There is, of course, no equivalent for the dead, who as former human beings do not possess rights. But this does not imply that the living have no duties to them.

So while Unesco has produced a "Declaration on the responsibilities of the present generations towards future generations", perhaps the time has come to draft a similar declaration for past generations.

It is one of the most corroborated facts of anthropological research that people everywhere respect the dead and believe that they should have dignity.

A powerful motive behind the recent establishment of the International Criminal Court has been the posthumous restoration of the status of deceased victims of serious human-rights abuses. And the court will soon start punishing the mutilation of the deceased and the denial of a decent burial as "outrages upon the dignity of dead persons".

The dead have their own dignity - not human, but posthumous. They deserve to be treated accordingly.

A declaration of responsibilities towards past generations would contain several classes of duty.

The first relates to dead bodies and to property: we should preserve the physical integrity of the deceased, honour them with last rites, bury them decently and respect their will.

Next, a group that concerns personality-related duties: we should identify their bodies and record essential particulars such as names; and weigh their privacy and reputation against the public interest when showing them in exhibits

and images or when disclosing facts about them.

Finally, we must safeguard their heritage.

The declaration should also explicitly mention two specific rights without which we cannot discharge our duties to the dead: the right to commemorate and the right to know the truth about past human-rights abuses.

In fact, these rights to memory and to history are applications -cardinal in this context - of the universal right of freedom of information and expression.

While the duties of the dead should be universal, in practice historians take on special responsibilities as they systematically occupy themselves with all the dead of history - the near and the distant, the known and the anonymous.

The duty to take the privacy and reputation of the dead into account when speaking about them is of great significance here. Privacy and reputation are fundamental not only to the living, but to the dead.

Recognition of this implies, among other things, that sometimes historians should disclose information about the dead selectively. Indeed, laws containing provisions for "protection of the memory of the dead" or "defamation of the dead" already exist worldwide.

But it is troubling that such legislation is frequently abused. It can have a chilling effect on the expression of historical ideas and is often a barely veiled attempt at censorship.

How, then, can we maintain the dignity of the dead without blocking access to sensitive archives or preventing critical research and writing about the dead?

The first step is to allow responsible historians, not judges, to handle the problem. The second step is to weigh the privacy and reputation of the dead against the public interest when disclosing facts about them. Such an approach is possible as long as historians can convince all interested parties of their accountability. This can be achieved only if historians operate within solid professional codes of ethics.

That is the proper way to give the dead their voice. That is the way to ensure that they do not die twice.

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