The Philosophical Foundations:
Human Dignity, Memory, and the Science of Human Rights
Dr. Christian Bartolf

Distinguished contemporaries, ladies and gentlemen,

Having examined the legal foundations of the right to be forgotten, I would now like to take a step back from statutes, regulations, and judicial decisions and consider a more fundamental question.

What is the philosophical foundation of the right to be forgotten?

Before a right becomes a provision in a statute, it often begins as a question about human existence, human dignity, and the kind of society we wish to build.

The right to be forgotten is no exception.

It invites us to revisit some of the oldest questions in philosophy: Who are we? What defines our identity? Does a human being remain permanently bound by the past? And what does justice require when the truth about yesterday threatens the freedom of tomorrow?

Let me invite you to consider a simple thought experiment.

Imagine two individuals.

The first has committed a serious mistake, accepted responsibility, fulfilled the punishment imposed by law, and transformed their life through years of honest conduct.

The second has committed the same mistake but has never accepted responsibility and continues to engage in similar misconduct.

Should society treat these two individuals identically forever, simply because their past records contain the same event?

I would suggest that the answer is no.

The law must remember what happened, but it must also recognise what happened afterwards.

A human being is not merely the sum of past actions; a human being is also the capacity for change.

This observation brings us to the philosophical foundations of human rights.

First, the philosophy of human dignity

The idea of human dignity, central to modern human rights, requires us to recognise every person as an individual possessing inherent worth.

Immanuel Kant's moral philosophy offers an important starting point. Kant argued that human beings must be treated as ends in themselves, and never merely as means to the ends of others.

Applied to the digital age, this principle raises an important concern.

If a person's identity is reduced indefinitely to a single mistake, an old allegation, or an isolated episode, are we recognising that person in the fullness of their humanity? Or are we reducing a human being to a permanent digital label?

The philosophical significance of the right to be forgotten lies partly in its insistence that human dignity cannot be exhausted by a searchable record.

However, dignity belongs not only to the person seeking to remove information. It also belongs to victims, journalists, researchers, and members of the public whose legitimate interests may depend on access to truthful information.

A philosophy of human dignity must therefore protect individuals without ignoring the dignity and rights of others.

Second, the philosophy of identity and the possibility of change

Let us turn to another question: Is human identity fixed, or does it evolve through time?

Philosophers have long debated the relationship between personal identity, memory, experience, and moral responsibility.

John Locke associated personal identity with consciousness and memory. Although his theory is not a direct legal justification for the right to be forgotten, it reminds us that our understanding of ourselves is closely connected to how we remember and interpret our experiences.

Paul Ricoeur, in his work on narrative identity, explored how people understand themselves through the stories they construct about their lives.

This perspective is particularly relevant to our subject.

A digital platform may preserve an isolated fact. But a human life is a continuing narrative.

An individual may move from error to responsibility, from ignorance to understanding, from wrongdoing to reform.

The central legal question is therefore not whether the past should be denied. It is whether the past should be permitted to tell the entire story.

Justice must be capable of acknowledging the past without making personal transformation legally meaningless.

At the same time, we must recognise that not every claim of transformation justifies removing information. The rights of victims, the seriousness of past conduct, and the continuing public interest may all remain relevant.

The philosophical challenge is to recognise change without erasing responsibility.

Third, the philosophy of memory and forgetting

Forgetting is often regarded as a weakness of human memory. Yet, philosophically, the ability to move beyond the past may also be essential to freedom.

The German philosopher Friedrich Nietzsche, in his reflections on history and human life, considered the importance of an active capacity to forget. His concern was that an excessive burden of historical recollection could prevent individuals and societies from living and acting in the present.

We should not interpret this as an argument for erasing historical wrongdoing. Rather, it invites us to consider whether unlimited remembrance can itself become oppressive.

In the digital environment, the problem is especially acute.

Human memory is selective and contextual. Digital memory can be persistent, searchable, and detached from the circumstances in which information first acquired meaning.

The consequence is a new kind of imbalance: the technology of remembering may develop faster than our legal and moral understanding of when remembrance is justified.

The right to be forgotten challenges us to ask whether every fact that can be preserved should remain equally accessible forever.

But here we encounter the other side of the philosophical dilemma.

Collective memory is essential to justice. Societies must remember atrocities, discrimination, corruption, and institutional abuse if they are to learn from them and prevent their recurrence.

The answer, therefore, cannot be to forget everything. It must be to distinguish between memory that serves justice and permanent exposure that serves no proportionate public purpose.

Fourth, human rights as a science of balancing freedom and responsibility

This brings me to the contribution that a Law Academy can make to the science of law in the field of human rights.

Human rights are sometimes presented as a collection of separate entitlements: privacy, freedom of expression, equality, dignity, and access to information.

But the most difficult cases arise when these rights come into conflict.

The right to be forgotten may protect privacy and personal autonomy. The right to remember may support freedom of expression, democratic accountability, and historical understanding.

Neither can be applied mechanically.

A mature science of law must investigate the moral foundations of rights, examine the social consequences of legal rules, compare different legal systems, and develop principled methods for resolving conflicts.

It must ask not merely, “What does the law say?” but also:

- What human value does this law protect?
- Whose interests might be overlooked?
- Is the restriction necessary and proportionate?
- Does the proposed remedy preserve the rights of others?
- How should the law respond when technological change transforms the practical meaning of an established right?

These questions demonstrate that legal science is not simply the classification of rules. It is also the disciplined study of how legal principles should operate in a changing human society.

The right to be forgotten is an especially valuable case study because it forces us to confront the relationship between individual freedom and collective responsibility.

A final philosophical question

Let me conclude this reflection with one question for all of us.

If justice requires us to remember what a person has done, does justice also require us to recognise what that person has become?

I believe that this question captures the philosophical heart of our subject.

A society that remembers nothing cannot learn from its mistakes. But a society that permits no possibility of renewal risks turning punishment into a permanent condition of existence.

The task of human rights law is to preserve both accountability and the possibility of human development.

The right to be forgotten should therefore not be understood as a demand to rewrite history. Properly understood, it is an invitation to reconsider how history should affect the living person.

And the right to remember should not become an unlimited licence to expose, stigmatise, or condemn. It must remain connected to truth, context, legitimate public interest, and the requirements of justice.

This is where philosophy and law meet.

Philosophy helps us understand why a right matters. Law determines how that right is recognised, protected, limited, and reconciled with the rights of others.

A Law Academy must bring these two disciplines into continuous conversation.

For the ultimate purpose of the science of human rights is not simply to preserve legal doctrines, but to ensure that the law remains responsive to the dignity, freedom, and evolving nature of the human person.

Thank you.

The Essential Interdependence of the Science of Law and the Philosophy of Human Rights
Dr. Christian Bartolf

Distinguished guests, ladies and gentlemen,

As we approach the conclusion of this lecture, I would like to take one final step beyond the right to be forgotten and the right to remember.

I would like to reflect on a question that, in my view, lies at the very heart of this Law Academy and of the future of legal education:

Can there be a true Science of Law without a Philosophy of Human Rights? And can the Philosophy of Human Rights fulfil its purpose without the discipline, structure, and authority of law?

I believe that the answer to both questions is no.

The relationship between these two fields is not simply one of academic cooperation. It is a relationship of essential interdependence.

The Science of Law examines the structure of legal systems, the interpretation of rules, the development of institutions, the operation of legal principles, and the methods through which disputes are resolved.

The Philosophy of Human Rights, meanwhile, examines the deeper questions that give law its human significance.

Why does every human being possess dignity? What makes a right fundamental? What limits should be imposed on public authority? When is the exercise of power unjust? What obligations do we owe to one another simply because we are human?

These are not questions that legislation can answer merely by declaring a rule.

They require philosophical inquiry, moral reasoning, and critical reflection.

And yet philosophy, however profound its insights, cannot by itself guarantee the protection of human dignity in the practical affairs of society.

A philosophical principle must find expression in legal institutions, enforceable rights, independent courts, effective remedies, and public accountability if it is to provide meaningful protection against arbitrary power.

Philosophy gives law its questions of justification; law gives human rights their institutional form and practical force.

Neither discipline can fully achieve its purpose in isolation.

Law without philosophy: the danger of legal formalism

Let us first consider what happens when the Science of Law becomes detached from philosophical reflection.

Law may become technically sophisticated, procedurally efficient, and institutionally powerful. Yet it may lose sight of the human purposes it is intended to serve.

History reminds us that the existence of legislation does not, by itself, guarantee justice. Rules can be enacted, procedures followed, and institutions operated in ways that nevertheless violate fundamental human rights.

Legality and justice are closely related, but they are not identical concepts.

A lawyer must therefore ask not only whether a rule exists and how it should be interpreted, but also how it relates to constitutional principles, fundamental rights, equality, and human dignity.

This does not mean that every legal question should be decided according to an individual's personal moral preferences. The rule of law requires legal certainty, institutional competence, reasoned interpretation, and respect for legitimate legal processes.

Rather, it means that the Science of Law must remain intellectually open to examining the justification, coherence, and human consequences of legal rules.

Without that critical dimension, legal science risks becoming an exercise in technical administration rather than a disciplined inquiry into the ordering of a just society.

Philosophy without law: the danger of powerlessness

But the relationship operates in the opposite direction as well.

The Philosophy of Human Rights may proclaim the equality of all human beings, the inviolability of dignity, the importance of freedom, and the moral necessity of justice.

Yet what happens when these principles are ignored?

What happens when a person's privacy is violated, when discrimination denies an individual equal opportunity, when public power becomes arbitrary, or when a vulnerable person has no effective means of challenging an injustice?

Moral conviction alone cannot provide an adequate institutional answer.

Human rights require legal recognition, clearly defined obligations, accessible procedures, independent adjudication, and effective remedies.

They require institutions capable of translating universal aspirations into enforceable standards of conduct.

The philosophical affirmation that every person possesses dignity must become a practical commitment that can be invoked before a court, protected by law, and upheld against the abuse of power.

Thus, philosophy without legal implementation risks remaining an aspiration; law without philosophical reflection risks losing its direction.

The strength of a mature legal system lies in the continuing dialogue between them.

The deeper lesson of human rights

This interdependence becomes particularly visible when we return to our subject today: the right to be forgotten.

No statute, considered in isolation, can resolve every difficult question raised by digital memory.

The law must determine when personal information should be erased, when search results should be delisted, when historical records should remain accessible, and when freedom of expression or public accountability should prevail.

But before those legal questions can be answered, we must confront deeper philosophical questions.

What does dignity mean in an age of permanent digital exposure?

Can rehabilitation have genuine meaning if a person's past is continually reproduced without context?

What is the relationship between individual autonomy and society's legitimate interest in remembering?

Does the public's interest in information extend indefinitely, regardless of the consequences for the individual?

And how should we reconcile the right to privacy with the need to preserve historical truth?

These are simultaneously legal, philosophical, ethical, and social questions.

The Science of Law provides the methods by which competing claims can be examined through legislation, precedent, proportionality, and reasoned adjudication.

The Philosophy of Human Rights helps us understand the values that those methods must protect and the reasons why one interest may, in particular circumstances, deserve greater weight than another.

The result should not be the domination of law by abstract philosophy, nor the subordination of human rights to technical legal formalism.

It should be a reasoned and continuous exchange between legal method and philosophical justification.

The responsibility of a Law Academy

And this brings me to the responsibility of the institution we inaugurate today.

A Law Academy should not be satisfied with producing graduates who know the law as it presently exists.

It should cultivate legal thinkers capable of understanding why the law exists, whose interests it protects, where its limitations lie, and how it should respond to the transformations of society.

It should encourage the study of jurisprudence alongside constitutional law, the philosophy of human rights alongside procedural law, and ethical reasoning alongside technological regulation.

It should create an intellectual environment in which established doctrines may be examined critically, judicial reasoning may be debated respectfully, and new legal challenges may be approached without fear of difficult questions.

Above all, it should teach future legal professionals that fidelity to law is not merely the ability to apply rules correctly. It also requires an understanding of the principles that sustain the legitimacy of the legal order.

The Science of Law must therefore be rigorous in its methods, but humanistic in its purpose.

The Philosophy of Human Rights must be ambitious in its principles, but attentive to the legal institutions through which those principles become effective.

This is the intellectual responsibility of legal education: to unite precision with reflection, authority with accountability, and the certainty of law with the continuing pursuit of justice.

A final reflection: law as a human endeavour

Ladies and gentlemen,

Perhaps the most important lesson is that neither law nor human rights exists for its own sake.

Law is a human institution. Human rights express our understanding of the conditions necessary for human dignity, freedom, and equality.

Their relationship must therefore remain responsive to the human beings whose lives they affect.

Technology will continue to change. Social values will be debated. New forms of power will emerge. Established legal doctrines will face questions that earlier generations could scarcely have imagined.

But the need to justify power, protect dignity, and reconcile individual freedom with collective responsibility will remain.

The Science of Law must equip us to respond to these challenges with analytical discipline and institutional wisdom.

The Philosophy of Human Rights must ensure that, in responding to them, we never lose sight of the human person.

And when these disciplines work together, law becomes more than a system of rules, and human rights become more than declarations of principle.

Together, they form an ongoing intellectual endeavour to understand what justice requires, to determine how justice can be secured, and to ensure that the exercise of power remains answerable to the dignity of every human being.

Let us therefore regard the relationship between the Science of Law and the Philosophy of Human Rights not as an optional academic connection, but as a continuing obligation of legal scholarship.

For law without the reflection of philosophy may possess authority without sufficient justification; and human rights without the institutions of law may possess moral force without effective protection. -

Our task is to bring the two together: to think deeply about justice, to reason rigorously about law, and to build institutions capable of translating the dignity of the human person into the lived reality of society.

If this Law Academy can contribute to that endeavour, it will have fulfilled a purpose far greater than the teaching of legal rules.

It will have helped to cultivate a legal profession that understands not only how law operates, but why justice matters.

And that, in the final analysis, is the enduring responsibility of the Science of Law, the Philosophy of Human Rights, and every institution dedicated to their advancement.

Thank you.