Annual Report for
Sheldon Seevak/Facing History and Ourselves Fund at Harvard
Law School

Program Coordinator: Martha Minow

July 1, 2006 – June 30, 2007
Part I: Report of Activities

A. Summary of Academic Year 2006-2007

This year, Facing History at Harvard pursued three activities, but spent no funds, as we are saving them for a conference and related activities for the coming two years; in addition, the program sponsored events and a reading group which advance the goals of spreading knowledge about preventing human rights violations and also identify students interested in participated further in the project's activities.

1) Scholarship and teaching materials on soldiers obeying and disobeying orders:
   - HLS student Rebecca Cohen developed a teaching lesson based on Minow, Living Up to Rules; for use by Facing History and Ourselves (FHAO) in their programs for middle- and high school students, and is also incorporated in the web-materials developed by FHAO and also by the Boston Latin School's related web-site; Cohen chose credit rather than payment

2) Exploring possible collaboration with the Harvard Graduate School of Education and the International Criminal Court to assess the conflict-resolution and human rights education of nations that are members of that Court
   - Martha Minow and Fernando Reimer devised a proposal for a pilot study to identify the conflict-resolution and human rights education programs of ICC member nations and submitted it to the Provost for funding;
   - The proposal was too large for the Provost's funding, and Minow and Reimer have explored the possibilities for a smaller project;
   - Three HLS students worked with the Luis Moreno-Ocampo during this period and contributed to the ideas for this project; they have also contributed to fuller consideration of other potential points of collaboration between HLS and the ICC. HLS student Rebecca Hamilton, ‘2007, will take a full-time job at the ICC starting in August 2007 and will remain a contact for potential collaborations.

3) Framing the research and conference planning agenda for the next large conference to be jointly sponsored by Facing History at Harvard and FHAO, tentatively scheduled for fall 2008. In six meetings on this topic, the planning committee has proposed the following themes to guide discussion and lecture series before the conference as well as the conference itself:

   1. Universal human rights: how did the Declaration reflect diverse world views and legal systems? In what ways are the "human rights" that have emerged NOT
universal--does the emphasis on individual dignity and freedom reject some kinds of cultural and legal systems--and if so, how is that justifiable (and if not, is THAT justifiable)?

a) relationship to FHAO scope and sequence: the emergence of the Declaration and the international legal order after WWII as the sequel to the Nuremberg trials, a case study in "choosing to participate," and both a reflection and creation of levels of power (building international institutions through NGOs and nation-to-nation negotiations); the creation of a "human rights" culture is often identified as a key to preventing future genocides

b) relationship to diversity questions in European schools: concrete debates over the veil illustrate competing views over what universal human rights should mean: respect for religious difference vs. gender equality; group rights vs. individual rights; creating schools as safe places for diversity vs. schools as public spaces for forging the republican idea of common membership

c) critical tools: this is a context for the relativism debate and levels of power concepts

d) positive message: in the creation of the Declaration and its use since

e) sharing academic knowledge: there are many scholars tackling these issues including Mary Ann Glendon, Abudullah ah-Naim, etc.

f) arts

2. Fear of difference

a) relationship to FHAO scope and sequence: membership, causes of prejudice

b) relationship to diversity question in European schools: religion, fear of terrorism, etc.

c) critical tools: learning what social scientists are discovery and entering the critical debate over the limits of their knowledge and prescriptions

d) positive message: there may be things that research offers here--with specific recommendations for how to set up classrooms and schools

e) sharing academic knowledge: e.g. work by Claude and Dorothy Steele, burgeoning field of social psychology

f) arts

3. The invisible and undocumented children

a) relationship to FHAO scope and sequence: connections with refugees from WWII

b) relationship to diversity in European schools: the functionally excluded

c) critical tools: demography; learning legal rules making some people assigned to a 2d class status

d) positive message:

e) sharing academic knowledge: find experts on this--Jacqui Bhabha

f) arts
During 2996-7, Martha Minow used the Facing History project to organize presentations to first year students at HLS by:

1) Jens Meirheinrich -- Assistant Professor of Government and of Social Studies at Harvard University, where he is also a Faculty Associate at the Weatherhead Center for International Affairs. He recently served as the Carlo Schmid Fellow in Trial Chamber II of the International Criminal Tribunal for the Former Yugoslavia, and has previously worked with Luis Moreno Ocampo, the Chief Prosecutor of the International Criminal Court. A Rhodes Scholar, Professor Meierhenrich is the author of a genocide trilogy, comprising The Rationality of Genocide (Princeton: Princeton University Press, forthcoming); The Structure of Genocide (Princeton: Princeton University Press, forthcoming); and The Culture of Genocide (Princeton: Princeton University Press, forthcoming).

2) Judge Motoo Noguchi -- one of the judges appointed to serve on the international tribunal created in Cambodia to bring to trial the former leadership of the Khmer Rouge. The tribunal, a joint effort between the United Nations and the government of Cambodia, was formed this year, and it's expected that trials will begin next year. Noguchi formerly served as a prosecutor in Japan and for many more years as an expert in legal reforms for less-developed countries.

3) upper-level students Zina Miller, who has worked on developing a potential truth commission addressing land claims arising from 1948 in the Middle East and Rebecca Cohen, who worked on a defense team before the Special Court for the Sierra Leone.

In addition, Minow ran a reading group for first year students on Crimes Against Humanity, and worked with them on the publication "Naming Horror: Legal and Political Words for Mass Atrocities." Genocide Studies and Prevention 2, 1 (April 2007): 37-42.

Minow also collaborated with students to organize law professors to write to Congress in opposition to the Military Commissions Act of 2006 which deprives detainees of access to judicial review. This effort is described in "Mobilizing Against the Military Commissions Act of 2006," 1 HARV. L. & POL'Y REV. (Online at http://www.hlpronline.com/2006/06/minow_01.html)(Nov. 6, 2006)(Martha Minow, Stephanie Brewer, James Cavallaro, Fernando Delgado, Yukyan Lam, & Deborah Popowski).