Replacing the Rule of Force with the Rule of Law

In 1945 Benjamin B. Ferencz, then only 27 years old, was appointed Chief Prosecutor for the United States in the Einsatzgruppen Case, a part of the post-World War II Nuremberg War Crimes Trials. It became what the Associated Press called “the biggest murder trial in history.” It was his first case.

Twenty-two defendants were charged with murdering over a million people. All of the defendants were convicted, and 13 were sentenced to death. The verdict was hailed as a great success for the prosecution.

Ferencz’s primary objective had been to establish a legal precedent that would encourage a more humane and secure world in the future. Following that experience he dedicated his life to advocating steps to replace the “rule of force with the rule of law.” He is a strong supporter of the International Criminal Court.

During a visit to Brandeis in November hosted by the Ethics Center, Ferencz shared some of what he has come to believe the world now needs.

“We’ve got to change the way people think because we’ve all been raised to glorify war making,” he told the crowd.
Staff Highlights

The 2014 edition of The International Yearbook for Research in Arts Education features a chapter by Cynthia Cohen on “Linking Arts Education with the Field of Peacebuilding and the Arts.” In September Cynthia Cohen delivered a keynote address at the British Council/U.S. Institute of Peace Culture and Conflict Summit in Washington, D.C. In October Cynthia Cohen presented the Acting Together project as a case study at the Imagine America conference in Atlanta, in a seminar titled “Documentation, Archiving, and Communication as Organizing Tools in the Field of Community Cultural Development.” Marci McPhee presented a workshop at Brandeis in August on ethical decision-making for student members of the Student Conduct Board, the campus judicial system. In September Leigh Swigart served as an external expert for a roundtable at the International Criminal Court in The Hague focused on ethical issues surrounding “field interpretation” – multilingual encounters that take place outside of The Hague during interviews with people involved with investigations and cases. At the annual meeting of the African Studies Association in November Leigh Swigart presented a paper related to her ongoing research on the role of African languages in processes of international criminal justice. At the biennial Brandeis faculty and staff art exhibit “JustArts” in October David Weinstein showed a mixed media piece he created with his daughter.

New in 2015: Need-Based Grant for Sorensen Fellows

Students who need to work to save money over the summer may not have been able to consider applying for unpaid internships, even with programs that cover airfare and living expenses – until now.

Thanks to the support of Ethics Center International Advisory Board member Gillian Sorensen, the Center is now offering a need-based Summer Earnings Replacement Grant of up to $1,500 per Fellow to the undergraduate Sorensen Fellows, as partial replacement for what they would have earned at a summer job. This grant is in addition to the merit-based award all Sorensen Fellows receive to cover internship-related costs ($4,000 for international internships, $3,500 for U.S.-based internships).

Gillian Sorensen is a former United Nations official and spouse of the late Theodore C. Sorensen, for whom the Fellowship is named.

Details: brandeis.edu/ethics/atbrandeis/sorensenfellowship/serg.html

From Looking to Bearing Witness – The 2014 Sorensen Fellows write about their summer internship experiences in Ghana, Guinea, India, Kenya, Poland and Washington, D.C. in this anthology, available in print by request and online as a PDF. Go to brandeis.edu/ethics, click “publications” in the sidebar, and scroll to “Sorensen Fellowship Publications.”
Innovative Work by Brandeis Faculty Supported by Grants from CAST Program

The faculty committee of the minor in Creativity, the Arts and Social Transformation (CAST) has just awarded grants of $2,000 each to four members of the Brandeis faculty, for research and creative projects. The awards will support creative and scholarly inquiry into theory and practice at the nexus of arts, culture and social change; enhance teaching and advising; and animate an interdisciplinary conversation about creativity, social justice and peacebuilding through the arts.

These awards are possible through generous funding from the Max and Sunny Howard Memorial Foundation and the vision of Naomi Sinnreich P ’13.

The inaugural CAST Faculty Grant projects:

**Performance and the Rehumanization of the Other** – Prof. Adrianne Krstansky (Theater) will study the themes of resistance, rehumanization and reconciliation that are the organizing principle of the *Acting Together on the World Stage* anthology and documentary produced by the Ethics Center’s Program in Peacebuilding and the Arts and Theatre Without Borders: “I wish to understand how the making of theater with communities in crisis contributes to these ‘three Rs,’” says Krstansky. She will synthesize her research by developing the syllabus for an undergraduate course on theater and race.

**The Birdsong Project** – Prof. Judith Eissenberg (Music) will collaborate with Prof. Dan Perlman (Biology), students, a composer and guest artists to produce a new musical work incorporating the songs of birds at risk of extinction. “Musicians and scientists will be working together to amplify the voices of our fellow non-human beings in an effort to forge a more positive relationship between humans, animals and the environment,” says Eissenberg.

**My American Girls** – Prof. Azlin Perdomo, (Hispanic Studies, Romance Studies) will create an interactive art website that will engage students in the lives of five undocumented women she will interview. “Visually and structurally, it will closely resemble the American Girl website to invite the viewer to compare and confront how these immigrant women, not legally recognized as citizens, are indeed Americans,” says Perdomo.

**Choreographing the Disabled Body: Gender, Performance, and Zionism in the work of Tamar Borer** – Prof. Ilana Szobel (Near Eastern and Judaic Studies) will engage students in her research into the work of prominent Israeli artist Tamar Borer. Despite a car accident that left her paralyzed in both legs, Borer continues to dance, create, teach and perform. “The project addresses Tamar Borer’s art in relation to Israeli dance and culture in order to explore control and fragility, as well as sexuality, along with femininity and sexual vulnerability,” says Szobel. “Additionally, this study contextualizes Borer’s work within its larger Israeli political settings.”

Grant recipients will share their work with the Brandeis community in the fall of 2015.

More about the minor in Creativity, the Arts and Social Transformation: go.brandeis.edu/CASTminor

“**We can do that at Brandeis!”**

The Brandeis community gathered in late October to launch the new minor in Creativity, the Arts and Social Transformation (CAST) with an afternoon of reflection, celebration and dedication. Dean of Students Jamele Adams made the connection between Brandeis – and the CAST minor – and the struggle for a more just society. Dean Adams performed a spoken word piece he composed for a Brandeis campus vigil in the fall that addressed police violence against black youth, organized in the aftermath of the death of Michael Brown in Ferguson, Missouri:

... Let us not give up
when we should be getting into it
getting down and getting involved
Are we going to just talk or act?
Are we going to remain lost or get on track?
....Will we work together or remain separate forever?
How many deaths does it take before we see life?
If nowhere else on the planet can answer these questions,
right here and right now
(particularly through CAST) we can do that at Brandeis!

More about the minor, and photos and video from the event: go.brandeis.edu/CASTminor
International Courts, Local Actors

Judges serving on the benches of 11 international courts and tribunals across the globe gathered in Malta in January for the 10th Brandeis Institute for International Judges (BIIJ). The BIIJ is the only such regular gathering of these judges. The 2015 Institute was organized by the Ethics Center in collaboration with the University of Malta, which hosted the group of 14 judges on its historic Valletta campus.

The Institute’s theme, “International Courts, Local Actors” focused on the role of local actors in the pursuit of global justice. This category includes the full range of people and institutions that interact with international courts: individuals whose rights are violated or are the victims of crimes against humanity; governments and political bodies; non-governmental organizations; and legal systems, including members of domestic judiciaries.

Session topics included: the international/local relationship in the pursuit of justice, international courts and local politics, the local impact of international justice, and the role of non-governmental organizations (NGOs) in international justice.

The BIIJ also regularly features a session that looks at a pertinent topic through an ethical lens. In 2015, participants considered the ethical and practical dimensions of the pace of international justice.

“It was very beneficial to meet judges across the full spectrum of international courts, and to discuss issues not only in formal sessions but also during meals and informal activities,” said Vagn Joensen of Denmark, President of the International Criminal Tribunal for Rwanda.

Vladimir Golitsyn of Russia, President of the International Tribunal for the Law of the Sea, expressed a similar sentiment: “It is very healthy and productive to have interaction among courts with very different mandates, and to be exposed to how other courts function.” African Court on Human and Peoples’ Rights judge Elsie Thompson of Nigeria added, “In less than a week, I feel like I have a new judicial family.”

The Institute ended with a public roundtable that explored the challenges associated with contemporary immigration to Malta and other parts of southern Europe. Most immigrants arrive by crossing the Mediterranean Sea under precarious conditions and without official papers. This phenomenon, fed by a combination of political, economic and environmental factors, poses serious challenges to the capacity of affected countries and their obligations under international human rights law. The roundtable featured legal scholars and a Maltese government representative, and was attended by members of the academic, civil society and migrant communities.

The Brandeis Institute for International Judges is supported by the Rice Family Foundation and the Louis D. Brandeis Legacy Fund for Social Justice.

For more details about the Institute and a list of participating judges: brandeis.edu/ethics/internationaljustice/biij/2015.html
Liberation Theology and Social Activism

Rev. Gustavo Gutiérrez, O.P., the John Cardinal O’Hara Endowed Professor of Theology at the University of Notre Dame, was awarded the sixth annual Joseph B. and Toby Gittler Prize and delivered the Gittler Prize lecture, “Liberation Theology and Social Activism,” on October 5, 2014. The Gittler Prize recognizes outstanding and lasting scholarly contributions to racial, ethnic and/or religious relations. The prize and lecture are hosted by the Ethics Center on behalf of the Office of the President.

Rev. Gutiérrez, a world-renowned Dominican priest originally from Peru, is considered a founder of liberation theology, which combines theology with social activism. His book “A Theology of Liberation: History, Politics, Salvation” is widely considered one of the most important works in 20th century theology. It plays a critical role in informing the ethical values of faith-based organizations working in developing countries in Latin America and beyond.

The Rev. Walter Cuenin, Brandeis University’s Catholic chaplain and Coordinator of the Multifaith Chaplaincy, discussed the importance of Rev. Gutiérrez’s work in his introduction. “Having people take power over themselves to be free, whether it’s from poverty or from injustice, is so important,” said Father Cuenin. “And as President Lawrence said in his introduction, it is just what Brandeis is about.”

The following is excerpted from Rev. Gutiérrez’s lecture. Full video of the lecture and an interview with Rev. Gutiérrez are online:

brandeis.edu/gittlerprize/videos

On the Preferential Option for the Poor
Poverty is a complex reality. Poverty is not only economic. ... Poverty has different faces. Economic certainly, but cultural also. [It is] racial. ... It is a question of gender also... women are double poor; and [it is a question of] sexual orientation. All these are aspects of poverty. And when we say we speak about “the preferential option for the poor”...we are thinking in this complexity.

On Theology as a Love Letter to God
Because of this old book Theology of Liberation, for more than 40 years, sometimes I have received this question: “If you must write your book today, would the content be the same?” Well, for a long time I could not find one answer to this question. If say “No” – [the response would be] “Ah! Retraction!” But I am changing. Well, if I say “Yes,” the expression of love is there. For me to do theology is to try to express this and maybe to help persons, to invite persons to deepen their faith also.

Well, one day I found more or less one answer.... The question was coming from one very polite person, a journalist. And I said, “My friend, are you married?” He was very surprised, because his marriage had nothing to do with liberation theology, but he was very polite. He told me “Yes, I am married.” “Are you able to write one letter to your wife, in the same terms as when you were a fiancé?” He said “No.”

Well, this is my case. This is exactly my case.

For me, to do theology is to write a letter, a love letter to God, the God of my faith; to my people and my church. The expression of love is there. For me to do theology is to try to express this and maybe to help persons, to invite persons to deepen their faith also.

Well, my friends, this conviction about a love letter means the content, the idea, the point is there. The manner to express this is changing. My book is the same, for this more than 40 years. I am changing, personally. Changing is not to be against, it is only to express things in other ways – above all, when I am with such friends as you are. Thank you.
“We must learn to live on this planet together in peace and human dignity regardless of our race or creed. ...No longer thinking in terms of ‘neighborhood’ or ‘nationhood,’ but ‘planethood.’”

— Benjamin B. Ferencz

The Center is conducting a series of oral history interviews with significant figures, including Ferencz, who have been deeply involved with the still relatively new field of international criminal justice, in particular the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Established by the United Nations in 1993 and 1995 respectively, they are the first international criminal tribunals set up in the wake of Nuremberg.

The work of the ICTY and the ICTR is winding down, and the Ethics Center is seeking to capture a rich, textured history of these important institutions by interviewing judges, prosecutors, defense counsel, administrators, and commentators on international criminal law.

“The influence of the ‘UN Ad-Hoc Tribunals’ cannot be overestimated,” says David P. Briand, Oral History Project Manager at the Ethics Center. “They were the testing ground for contemporary international criminal justice, and led to the creation of other war crimes tribunals – the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia – and, very significantly, the permanent International Criminal Court.”

The archive of oral history interviews being produced by the Ethics Center will be accessible to scholars, researchers and the general public through Brandeis University Library’s Special Collections.

More about Benjamin B. Ferencz, including free resources on his work: benferencz.org

More about the oral history project: brandeis.edu/ethics/internationaljustice
Sign up for Ethics Center E-Newsletters!

Ethics Central Weekly: Sent weekly during the academic year, this newsletter includes updates in Ethics Center programs and events. Regular features include “What’s Happening?” “Seeking Peace and Justice” and “Students Speak.”

International Justice in the News: A monthly selection of news about the people involved on the work of international courts and tribunals, significant developments in international justice, and publications and resources of interest.

Peacebuilding and the Arts Now: Exploring the contributions of arts and culture to peace with a roundup of news, resources and opportunities at Brandeis and around the globe.

To sign up, email ethics@brandeis.edu with “subscribe” as the subject and the name of the newsletter(s) in the body of the email.

HIGHLIGHTS OF RECENT EVENTS

SEPTEMBER

The ‘DEIS Impact 2015 Launch Party and Info Session featured poetry by Dean of Students Jamele Adams.

At the 4th annual “Year Abroad, Queer Abroad” a panel of students spoke about their study abroad and internship experiences and what it is like to be queer in a foreign country. Cosponsored by Triskelion and the Office of Study Abroad.

OCTOBER

The Joseph B. and Toby Gittler Prize was awarded to Rev. Gustavo Gutiérrez (see page 5).

“Hip-Hop and STEM Education in the 21st Century,” sponsored by the Education Program, featured Dr. Chris Emdin (Teachers College, Columbia University) examining the ways in which hip-hop can be used as a strategy for teaching science.

Members of the faculty and students gathered to launch the new minor in Creativity, the Arts and Social Transformation (CAST) (see page 3).

NOVEMBER

Fareda Banda (SOAS, University of London) presented “Good Morning Heartache: International Law and the Global Challenges Facing Women,” sponsored by the Hadassah-Brandeis Institute.

Former Nuremberg prosecutor Benjamin B. Ferencz spoke on campus (see page 1).

Batya Friedman and Daisy Yoo (University of Washington) presented “Voices from the

Soft Vengeance: Albie Sachs and the New South Africa

South African Judge Albie Sachs joined filmmaker Abby Ginzberg in September for a special screening of her award-winning new documentary, followed by a Q&A. As a young lawyer, Albie Sachs defended those committed to ending apartheid in South Africa. He was imprisoned in solitary confinement, tortured through sleep deprivation and forced into exile. In 1988 he was blown up by a car bomb in Mozambique set by the South African security forces, which cost him his right arm and the sight of one eye. A Jewish South African who joined the African National Congress, Albie Sachs became one of the principal drafters of the groundbreaking South African constitution, and was appointed by President Mandela as one of the first judges of democratic South Africa’s new Constitutional Court. Sponsored by the Ethics Center, the National Center for Jewish Film and the Louis D. Brandeis Legacy Fund for Social Justice. More: brandeis.edu/ethics/news/2014/September.11.html

Interested in Ethics Center Cosponsorship? See: brandeis.edu/ethics/events/cosponsorship
UPCOMING EVENTS

'DEIS Impact!
A “Festival of Social Justice”
January 30 – February 9, 2015
Brandeis University Campus

The Ethics Center and the Student Union present the fourth annual weeklong “festival of social justice” at Brandeis.

Dozens of events are being planned by departments, clubs and individuals – talks, performances, exhibits, discussions, and more!

More info: go.brandeis.edu/DEISimpact

'DEIS Impact Keynote Address
“Social Change Through Civic Engagement and Pragmatic Idealism”
Alan Khazei

February 3, 2015, 7:30 p.m.
Levin Ballroom, Usdan Student Center,
Brandeis University

One of “America’s 25 Best Leaders” (U.S. News and World Report, 2006) and author of Big Citizenship: How pragmatic idealism can bring out the best in America, co-founder of City Year and CEO and founder of Be the Change, Inc. Alan Khazei will speak about empowering citizens to make a difference.

Seating is limited. For free ticket info: go.brandeis.edu/DEISimpact

Richman Distinguished Fellow in Public Life Lecture
“How I Got in the Movement: A Civil Rights ‘Living Legend’ Tells His Story”
Julian Bond

March 31, 2015, 3:30 p.m.
Rapaporte Treasure Hall,
Goldfarb Library,
Brandeis University

Named a “Living Legend” by the U.S. Library of Congress, H. Julian Bond has been a driving force for social change for more than 50 years as a civil rights leader, politician, scholar, and writer. He helped co-found the Student Nonviolent Coordinating Committee, was elected to Georgia’s House of Representatives and Senate, helped found and lead the Southern Poverty Law Center, and was chairman of the NAACP for 11 years.

Details: brandeis.edu/ethics/events

2016 Fellowship nominations are due March 1.

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