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BOSTON COLLEGE
CHRIJ
Center for Human Rights and International Justice

2022 - 2023 Winter Newsletter

Center Hosts Major Symposium on Structural Racism in the US

Natsu Saito Taylor

On October 6-7, 2022, the CHRIJ held a 1.5 day symposium titled, "Structural Racism in the United States: Engaging the Interstices of Migration, Indigenous Peoples' Rights, and the Legacies of Settler Colonialism." This symposium explored the legal, institutional, and societal dimensions of structural racism by focusing on various struggles for self-determination, claims for reparation, and im/migrants' rights claims. Natsu Taylor Saito, Regents' Professor Emerita at Georgia State University's College of Law, gave the keynote address on the evening of October 6. Saito has an extensive background in both public international law and international human rights; her scholarship includes in-depth knowledge of indigenous rights, the legal history of race in the United States, American exceptionalism, and "the plenary power doctrine as applied to immigrants, American Indians, and US territorial possessions." Her keynote was based on her recent book *Settler Colonialism, Race and the Law: Why Structural Racism Persists*.

She began her presentation by emphasizing that achieving a better world must include addressing structural problems, not just finding temporary fixes. Despite moments of progress with political and social activism, there has not been enough done to reverse the implications of racialized privilege. This is exemplified by the racial wealth gap, the increasing racial disparities in the prison population, and the life expectancy of American Indians, where their children's current life expectancy is the same as the average US person in 1944.

In order to change this, Saito stated that we should begin with our own individual narratives to deny the status quo and invite in transformative alternatives. As

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AT A GLANCE

ABOUT US

The Center for Human Rights and International Justice addresses the increasingly inter-disciplinary needs of human rights work through academic programs, applied research, and the interaction of scholars with practitioners. The Center's Co-Directors are Law School Professor Daniel Kanstroom and Lynch School of Education and Human Development Professor of Community-Cultural Psychology M. Brinton Lykes. Mr. Timothy Karcz is the Assistant Director.

Newsletter contributors: Heather Brennan, Kayla Hernandez, Antonio Mata, and Serena Meyers

Center News & Notes

» The Center is pleased to have seniors **Antonio Mata (MCAS '23)**, **Serena Meyers (MCAS '23)** and **Kayla Hernandez (LSEHD '23)** as undergraduate research assistants, and **Heather Brennan (MA, English, MCAS '24)** as a graduate assistant for academic year 2022-2023!

Daniela Urosa

» The Center is also excited to announce that Professor **Daniela Urosa** is working with the Center in the 2022-2023 year in the role of Project Developer. Urosa is a faculty member in both BC Law School and the BC Department of Romance Languages. In her role as Project Developer, she is developing programming in conjunction with the Center, drawing on her extensive expertise with the Interamerican Court of Human Rights in particular.

» The Center is looking for undergraduate interns for the 2023-2024 academic year, starting this coming summer. Application deadline is **March 14.**

» The Center is also offering summer research grants to BC students, both graduate and undergraduate, for this summer. Application deadline is **March 15.**

Details and application process for both of these opportunities on our website.

Affiliated faculty member Muñiz continues research collaboration, publications, with Center undergraduates

By Raquel Muñiz, CHRIJ Affiliated Faculty Member, and Professor in the Lynch School of Education and Human Development

Over the last few years, I have had the pleasure to work with CHRIJ undergraduate research assistants on a multi-year study examining the role of amicus briefs in the U.S. Supreme Court in the 2020 Deferred Action for Childhood Arrivals (DACA) case. The work has

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led to multiple conference presentations, such as at the American Educational Research Association annual meeting.

The study has also generated forthcoming publications. Grace Cavanagh (MCAS '21) serves as a co-author in the article, *The Social Context of the Law: A Critical Analysis of Reliance Interests in the Department of Homeland Security v. Regents of the University of California*. It was published in the fall of 2022 in the Southern California Law Review. A second article, where previous research assistants Tugce Tumer (MCAS '21) and Emma Kane (MCAS '21) serve as co-authors, is forthcoming in the American Journal of Education and is expected to be published March 2023. Current Center undergraduate assistants Antonio Mata (MCAS '23) and Serena Meyers (MCAS '23) are currently working with me here in the 2022-2023 academic year on a study of the use of research evidence by the amici in the case.

This collaboration with the Center has been very helpful in advancing this research and has provided these undergraduate students with important research experience on human rights issues that they can take forward into their careers.

Raquel Muñiz

Center certificate alumnus Rauseo-Ricupero continues human rights advocacy through pro bono work at Nixon Peabody

By Antonio Mata, MCAS '23

Ronaldo Rauseo-Ricupero, a 2007 graduate of BC Law, is currently a litigator at Nixon Peabody LLP in Boston, where he serves as a member of the firm's pro bono committee. In that role, he helps to find ways for Nixon Peabody to make a positive impact by providing legal services at no cost to those in need. He has dealt with a number of human rights cases, including a significant collaboration with the BC Center for Human Rights and International Justice. In a recent case, Nixon Peabody and the Center joined to represent an individual who had been erroneously deported from the United States. The individual had been outside of the United States for more than ten years due to an infraction that was eventually deemed not to be a deportable offense. Attorneys from Nixon Peabody and the Center jointly argued the case to the United States Court of Appeals for the Fifth Circuit and secured a precedent-setting victory. In subsequent years, the firm continued to work to unite the client's family, overcoming many legal hurdles through the efforts of Nixon Peabody associate and Boston College Law School alumna Brianna Nassif Portu '17.

Nixon Peabody also handled a case against the prior presidential administration's family separation policy, working with the American Civil Liberties Union of Massachusetts to reunite a child who had been separated from her mother. The firm has also partnered with the ACLU on immigration cases involving a number of people from Indonesia who were invited by ICE to identify themselves voluntarily because they were all part of a single religious group; the group of 70 was told that they would be able to remain in the US as long as they checked in with ICE at given intervals. When the administration changed in 2017, it essentially revoked the deal without notice and attempted to immediately remove the Indonesian individuals back to their country of origin, where they would encounter severe religious persecution. Nixon Peabody and the ACLU were able to

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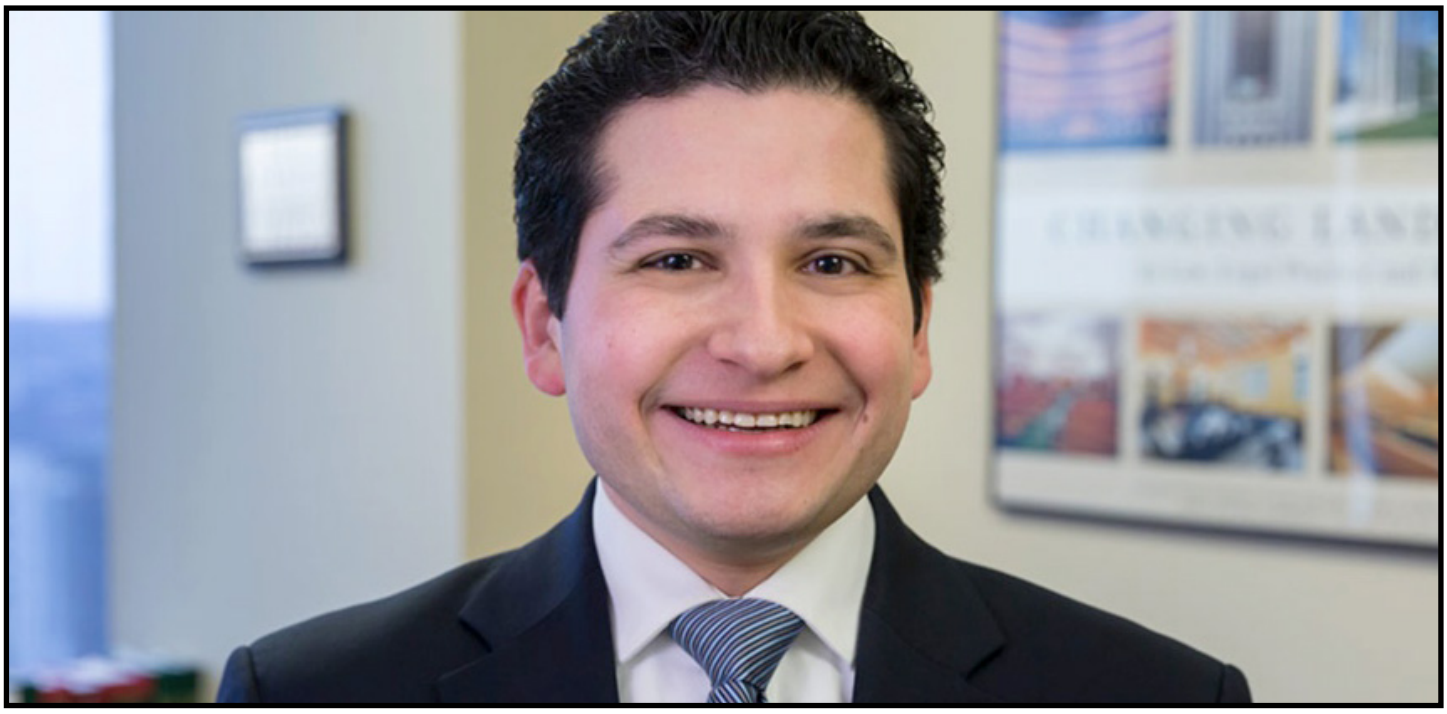

Ronaldo Rauseo-Ricupero

litigate the case in federal court and win an injunction to prevent the group's deportation. Many of these individuals have since had their asylum cases adjudicated in their favor, allowing them to remain in the US. In addition to asylum and immigration work, the firm also advances many other types of civil and human rights, such as those regarding transgender access and name-change issues, prisoners' rights, domestic violence cases, special education cases, veterans' disability cases, homelessness and eviction matters, and death penalty cases. Overall, Rauseo-Ricupero holds that Nixon Peabody's pro bono program utilizes "the tools of litigation to help advance the enforcement and vindication of rights of individuals, some of which fall squarely in human rights."

Beyond working on the pro bono programs, Rauseo-Ricupero's day-to-day work includes maintaining his active litigation practice, through which he defends individuals and companies facing government investigation and related commercial litigation. His practice deals with both criminal and civil defense, necessitating knowledge of the tools available for vindicating a victim of a human rights abuse and for understanding the types of strategies that defendants use in both civil and criminal cases.

Rauseo-Ricupero began at Boston College Law School in 2004. He was able to participate in the CHRIJ's new interdisciplinary seminar in human rights and international justice, which allowed students from the School of Social Work, the Lynch School of Education and Human Development, the School of Theology and Ministry, and the Law School, to study current issues of human rights together, which he found inspiring. Earning the CHRIJ's certificate involved being taught by not only his own law school professor and mentor Prof. Daniel Kanstroom, but also social psychologist Prof. Brinton Lykes and theologian and human rights theorist Prof. David Hollenbach, S.J., scholars whom he had not anticipated interacting with when he began law school. He became the first law school recipient of the Certificate in Human Rights and International Justice. His interest in human rights led Rauseo-Ricupero to work for a non-governmental organization called International Crisis Group, which at that time advocated for the Responsibility to Protect doctrine in foreign affairs. He was able to explore the academic and theoretical underpinning of the work done by the International Crisis Group through what he had learned through the CHRIJ's interdisciplinary seminar.

Rauseo-Ricupero was also interested in finding out how human rights enforcement worked in practice. To this end, he participated in the Boston College Law School's externship program at the International Criminal Tribunal for the Former Yugoslavia located in the Netherlands. Under the supervision of Boston College Law School alumnus and prosecutor at the Hague Phillip Weiner '80, he and other students learned how to put together a case and bring someone to international criminal justice on a grand scale. Being in the Hague was itself a transformative experience for him. He states that he will never forget being in the gallery when for the first time ever an international court had a head of state defendant come

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before it. The appearance of former Liberian President Charles Taylor, accused of atrocities before the Special Court for Sierra Leone, in the Chambers of the International Criminal Court, was a watershed moment in the continuing effort to achieve accountability for human rights abuses.

Rauseo-Ricupero says that it was gratifying to study a wide range of topics while completing the Center's certificate program. When thinking about the implications of the Responsibility To Protect as part of the International Crisis Group, he understood the work on a political level. However, when he took the seminar, Rauseo-Ricupero was able to better comprehend the legal *and* philosophical dimensions of this work. Through the certificate, he also completed a writing component, in which he examined the atrocities in Darfur. He took the underpinnings of the interdisciplinary theory he had been learning and applied it to the case, which helped further develop skills he would later apply through his legal practice.

Rauseo-Ricupero shared that he appreciates the wide breadth of scholars and fellow students he has encountered through the Center for Human Rights and International Justice, calling upon them at various points throughout his career. He noted that in asylum cases, for example, "it's often important to have experts who can describe the social dynamics that an asylee is trying to flee" and the psychological impact that their experience had on them. Those involved with CHRIJ have been an invaluable source of such expertise.

He also expressed gratitude for having received the 2022 Reverend John A. Dinneen, S.J. Hispanic Alumni Service Award as part of the St. Oscar Romero Scholarship program. He noted how the Jesuit scholars and professors he encountered in CHRIJ's programming enriched his practice and understanding of what law can do. Ultimately, this has allowed him to better appreciate law as an avocation through which he can use his skills to advance his commitment to his values and his community. He also joked that his gratitude to the CHRIJ even extends to his personal life, as it was during this externship in the Hague that he met his now-wife, who was at the time working at the Chambers of the International Criminal Court.

The advice that Rauseo-Ricupero would give to students wanting to integrate human rights issues into their studies and careers is to be open to many lenses on the concept. When he thought of "human rights" as a student, he had focused at first on the traditional legal "rights" dimension. Exposure to those from the School of Social Work provided him greater access to the "human" dimension of the concept, making his lawyering that much better. Rauseo-Ricupero expressed his hope that his view of human rights can "help inform [his] colleagues from the social work area about the ways that rights can and can't be enforced by the legal system" and therefore highlight what needs to be done "for non-legal avenues to make human rights a reality." He believes that possessing different perspectives about what human rights are and how they can be interpreted, adjudicated, and enforced creates a more fulsome appreciation of human rights, and he advises that students intentionally cultivate the types of connections that can advance human rights in a broader capacity.

Center hosts major symposium on structural racism in the US

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opposed to believing in the dominant narrative that glorifies the Anglo-American Founding Fathers, Saito emphasized the need to acknowledge the environmental destruction, sanitization of violence, and exploitation that created our current world. Even with the growing prevalence of these counter narratives, there are many people who still believe in the dominant, hegemonic narrative. This is exemplified in the book bannings, attacks on critical race theory, and constriction of curricular activities. This led to Saito questioning and examining why structural racism persists; what motivated these unequal dynamics and what functions do they continue to serve?

This line of questioning resulted in Saito finding the importance in the framework of settler colonialism. Whereas European colonialism of the past 500 years generally included the exploitation of land, labor, and natural resources by people that eventually returned to their home lands, in settler colonialism the colonizers remained in the occupied territory. In this way, anthropologist Patrick Wolfe claims that "settler colonialism is a structure and not an event." Therefore, Saito claimed controlling land is a main priority in settler colonialism.

Then, Saito focused her discussion on the US and demonstrated how its practices, policies, and perspectives can be viewed through the lens of settler colonialism. She explained the negative way in which the founders depicted American Indians, describing them as warlike and savages, was intentional. These claims served to justify and rationalize their supposed "conquest" over the

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land, racially constructing the indigenous to justify the invaders' legitimacy. By erasing indigeneity and transforming them into minority groups, while also not recognizing them as a sovereign group, the Founding Fathers used assimilation as a key strategy to disappear native people. The end result of forcibly converting native people into a conforming minority group was to deny their claims to their land.

After providing this historical analysis on how settler colonialism has been a structural driver to racism, Saito provided examples on how this has affected immigration laws. This led to her discussion on the plenary power doctrine, which gives a state absolute authority to control those who enter their boundaries, regardless of whatever constitutional right they may claim, on account of the state's sovereign claims. Saito explained that this foundational legal principle governs immigration law and clearly represents an explicit colonial frame. She then expressed how US laws, policies, and practices make sense when viewed as a structural imperative for land, labor, and social control.

She then outlined four ways to advance the struggle for justice. The first is that everyone who opposes racism and xenophobia has converging interests, and they should move people past allyship to work to remove structures of colonization and subordination due to common interests, in Derrick Bell's formulation. Next, she distinguished colonization from exploitation, saying that colonized peoples are not only economically subordinated, their entire culture, values, and languages are stripped. She also offered that in making reparation for such exploitation, that "a more equitable distribution of stolen goods is not justice." She then outlined the importance of international law in interpreting fundamental human rights. Finally, she underscored the importance of imagination and empowerment in reconstructing relations. Through decolonization people must question the legitimacy of the state and not see it as the sole source of laws. In closing, Saito stressed that the current devastation in the world is a consequence of colonization and imperial expansion. She emphasized the need for a process of restructuring, or decolonization, to move forward and highlighted the importance of imagination to work past the bounds of state sovereignty and support those trying to decolonize their communities.

On the day following Saito's keynote, the CHRIJ hosted four panels focused on actions and activism. The first panel, titled "Settler Colonialism, 'Race,' and Indigenous Survivance and Resistance" had Kyle T. Mays, Associate Professor of African American Studies, American Indian Studies, and History at UCLA, Strong Oak Lefebvre, MSSA: Executive Director and co-founder of the Visioning B.E.A.R. Circle Intertribal Coalition INC., and Matthew L.M. Fletcher, Harry Burns Hutchins Collegiate Professor of Law at University of Michigan Law School. Mays' discussion focused on black freedom, indigenous sovereignty, and the importance of land in liberation. While discussing the impact of settler colonialism on black and indigenous people, he came to the conclusion that land is key to liberation and ensuring sovereignty over one's own body, knowledge systems, and regenerating lost property. Lefebrve also talked about the importance of land in reparative justice, citing the possibility for eminent domain to be used as a tool for resistance to take back land. Ultimately, they stated that having no one own this land could be a form of equity. From a legal perspective, Fletcher highlighted the process of how indigenous people's land becomes dispossessed and the legal possibilities for getting land back. He underscored how the treaties created between indigenous people and the federal government recognized the people and tribes as sovereign entities, implying a more even power dynamic and a way to highlight obligations the federal government has towards them due to the mass dispossession it has perpetrated throughout the history of the nation.

The second panel, titled "Structural Racism and Redress," hosted Thomas Mitchell, JD, Professor of Law at Boston College, Rebecca O. Johnson, 2021-22 Alliance for Historical Dialogue & Accountability Fellow at the Institute for the Study of Human Rights at Columbia University, and Jeffery Robinson, JD, Former ACLU Deputy Legal Director. Mitchell began by detailing how the dispossession of property for African Americans, and other marginalized communities, is a result of structural racism and false racial narratives premised upon white supremacy. He explained how although eminent domain played a role in this unequal land dispossession, property law can help mitigate black land loss. Johnson followed by discussing the importance of memorialization in remembering the dispossession of black people's land. She stated that redress begins with truth and recognition of the past. Lastly, Robinson spoke about the importance of US House Resolution (H.R.) 40, which would create a commission to study reparations owed to black people in the US and make recommendations. He emphasized the need to educate people about the past, saying that creating truth commissions can help promote understanding and begin discussion in the larger population.

The third panel, titled "Migration, Rights, and Reclamations," presented Aziz F. Rana, Professor of Law at Cornell University, Barbara Sostaita, Assistant Professor of Latin American and Latino Studies at University of Illinois, Chicago, and Robin C. Reineke, Assistant Research Social Scientist at The Southwest Center. Rana highlighted the contradiction of migration policy in the US, describing the tension between rights afforded to settler insiders and subordinated communities. Because the US was legally and

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politically organized through a settler colonial empire, there was a foundation of racial division between people coming from the periphery of power to the center. Then, Sostaita discussed the dangerous and difficult situations the migrant caravans go through and Las Madres' struggles in finding their disappeared children. She identified neoliberal capitalism, foreign intervention, and economies of extraction as key factors that cause global migration to meet such violence. Last, Reineke focused on a critical framework for caring for those who have died migrating. She explained how people have commodified migrants' bodies and generated profit for settlers through this, so she stressed the need to unwork these power modalities to move towards rights, respect, relationality, and responsibility.

The concluding panel developed on points made previously in the symposium and offered final remarks. It featured keynote speaker Natsu Taylor Saito, Kristen Carpenter, Council Tree Professor of Law and American Indian Law Program at University of Colorado, E. Tendayi Achiume, Professor of Law and Alicia Miñana Chair in Law at UCLA Law School, and Gabrielle Oliveira, Jorge Paulo Lemann Associate Professor of Education and of Brazil Studies at Harvard University Graduate School of Education. Saito began by emphasizing the commonalities in struggles across groups and creating a coalition with indigenous people. She concluded by underscoring the pervasiveness of social control in settler colonialism and the empowerment that can come with reparation and redress. Carpenter then discussed strategies for remedy. She specifically highlighted international human rights law as a transformative legal framework. Achiume stressed the importance of understanding decolonization as a global structure and imperial domination as a dynamic and mutating entity. She then stated that the barrier to decolonization and reparations is systemic racism. To wrap up the panel, Oliveira centered childhood as a contested space for learning power. She stated the importance of kinship, solidarity, and the power in the local, and finally concluded by naming decolonizing education as a key remedy.

Fall 2022 Events

Former visiting scholar Moura presents research with US and Brazilian students on intersectional approaches to structural violence

James Ferreira Moura

On November 21, the CHRIJ hosted an event titled "Intersectionality as a strategy for analyzing structural violence: trajectories of reparation and silencing of Brazilian and US students based on class, race, gender, and nationality." The featured speaker was James Ferreira Moura Jr., Professor of the Interdisciplinary Bachelor of Humanities at the University of International Integration of the Afro-Brazilian Lusophony (UNILAB) and of the Graduate Program in Psychology at the Federal University of Ceará (UFC), Brazil. He was also a 2021-2022 Visiting Fulbright Scholar of the CHRIJ.

After being introduced by CHRIJ co-director Brinton Lykes, Moura described the objective of his proposal: to assess intersectionality as an approach to "analyzing structural violence between Brazilian and US students based on class, race, gender, and nationality." He implemented a qualitative method in his research involving focus groups and questions relating to violations, reparations, and violence.

Moura pointed out the differing characteristics of UNILAB in Brazil and Boston College in the US (the schools attended by the participants of the focus groups). He mentioned that the majority of students at UNILAB are black Brazilians and that the public university has a "strategy for historical reparation," as evidenced by its affirmative policies for indigenous and quilombola students. He then characterized

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Boston College as a private school with a majority-white student population.

The participants in the Brazilian focus groups were Brazilian white, Brazilian black, indigenous, and quilombola students, all "from the most peripheral strata of society." The US focus groups were comprised of white, black, and Latin students pertaining to the middle and upper classes. The framework of this study was the connection between violence and coloniality; coloniality is the "production of hierarchies and historical violence" that legitimizes discrimination (Dutta, 2018; Pitombeira et al., 2019; Mbembe, 2017; Walsh, 2017). Moura later related Kimberlé Crenshaw's term intersectionality to categories of resistance in the Brazilian context.

Moura proceeded to read various quotes from the US and Brazilian focus group participants to demonstrate the intersection of different axes of oppression—such as race and gender—in students' experiences and perspectives concerning structural violence. He also displayed multiple student quotes which offered reparation strategies for these acts of violence. Moura then stressed that coloniality is the basis of structural violence; he argued that the intersection between gender and race instigated more violence, yet the women of color in the study "presented more reparation strategies." Finally, Moura alluded to Lélia Gonzalez's conception of "Amefricanity" by emphasizing that reparations should be rooted in the resistance processes of women, black people, and indigenous people.

Lykes then opened up the conversation to audience members. One of them asked if a future study would compare students from Brazil who are similar in terms of race, gender, and socioeconomic status against different environments, or if the purpose of the study was to "capture the holistic intersectionality" wherever the students are coming from. In response, Lykes stressed that the combination of qualitative research and inductive explorations presented by Moura embodies diversity in how the participants identified, though it is not necessarily representative. Lykes also asked if Moura could comment on how the Brazilian students were the only ones who talked about university curriculum and decolonizing it. Alluding to the first audience question, Moura said "we don't have...this idea of [comparing] within the same characteristics" because intersectionality is connected to identity, and identities vary. Moura later mentioned that oppression is reproduced because of the individuals who "want to maintain their privileges," stressing that such behavior perpetuates violence. Answering the question about curriculum, Moura posited that in Brazil, higher education is a privilege for those who have access to it, so wider access to knowledge and education could be a way to change the current society marked by such stark inequality.

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Guatemalan case explores Indigenous freedom of expression and cultural rights in community radio stations

On November 3, the CHRIJ hosted an event called "Community radio stations, Indigenous freedom of expression and cultural rights." The featured speakers in this event included Professor Nicole Friederichs, Practitioner-in-Residence at the Human Rights and Indigenous Peoples Clinic of Suffolk University and the victims' representative in the *Maya Kachiquel v. Guatemala* case; Cesar Gomez, a Maya Pocomam representative and Community Media Program Coordinator of Cultural Survival, Guatemala, and Noe Ismalej, operator at the San Miguel Chicaj Radio Station in Guatemala.

Friederichs' exposition on the *Maya Kaqchikel de Sumpango Indigenous Community et al. v. Guatemala* case started with a procedural history timeline, beginning with a filed petition in 2012 and ending with the ruling's implementation starting January 2022. Friederichs then showed two indigenous community witnesses,

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and also presented four of the human rights the government of Guatemala violated: the right to freedom of expression and thought, the right to culture, the right to equality before the law and non-discrimination, and the right to media. After explaining several reparation categories, Friederichs emphasized Guatemala's obligation to "allow indigenous community radio stations to operate while domestic law is reformed." She communicated that pluralism in media is the "overarching goal," connecting to regulatory and legislative measures that seek to ensure ideologically diverse broadcasting. Afterward, Friederichs asserted that the Guatemalan state must promptly stop raiding indigenous community radio stations and criminally prosecuting indigenous community radio employees. The final component of her presentation revealed a general lack of progress concerning the ruling's implementation.

In his speech, Gomez emphasized the significance of indigenous people having their own media when exercising freedom of expression. He stated that after 36 years of armed conflict in Guatemala, peace agreements were signed in 1996, promising indigenous peoples radio spectrum frequencies: this promise has not been fulfilled, but rather blocked by exclusionary policy, according to Gomez. In response, indigenous communities have demanded that the state recognize their rights to access the media. They have also initiated their own community radio station broadcasts, but the commercial media has launched hate campaigns against these stations. After a hearing in June 2021, the Inter-American Court of Human Rights held the state of Guatemala responsible for violating the right to freedom of thought and expression, the right to participate in cultural life, and the right to equality before the law. Gomez said that this ruling implies reparations for community radio stations. Towards the end of his presentation, he stressed that the community radio broadcasts continue to condemn the state of Guatemala's non-compliance with the aforementioned ruling.

Ismalej's presentation focused on the history of Uqul Tinamit radio. He first explained that on November 29, 1999, the Alliance for Community Youth Development (ADEJUC) worked in San Miguel Chicaj looking for youth to occupy leadership roles. With the help of the Human Rights Ombudsman (PDH), honorable individuals were invited to foster greater awareness surrounding the municipality's childhood and adolescence issues. Ismalej conveyed that the Municipal Board for the Protection of Children and Youth (APRONIJU) was eventually created and started to work on protecting the rights of children and adolescents. He stated that the radio project idea originated from a contest (and associated prize) promoted by Save the Children, which APRONIJU won. In October 2000, the Maya Ajaw Tukur educational center successfully proposed the name "Uqul Tinamit"–"The Voice of the People" in the Achí language–for the station. That same month, Uqul Tinamit 106.3 was inaugurated. Following the radio's inauguration, people started to recognize themselves as "subjects of rights," according to Ismalej, which he sees as an important advance in their collective consciousness.

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BC professor Hwang presents book on human rights and transnational democracy in South Korea

On October 19, the CHRIJ hosted a presentation of the book *Human Rights and Transnational Democracy in South Korea,* written by Ingu Hwang. Hwang is an Assistant Professor of the Practice of International Studies at Boston College. Commentary was provided by Seung Hee Jeon, Associate Professor of the Practice in Korean at Boston College.

Hwang stated that his book's topic dates to his first trip to the US in 2005, when he met multiple American missionaries and Korean-

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Americans who discussed their advocacy work for human rights and democracy in South Korea in the 1970s and 80s. Hwang explained that this book operates on two levels: on one level, he focuses on local Korean pro-democracy actors and their socio-economic/

Ingu Hwang

political struggles concerning international human rights, and on another level, he analyzes how human rights actions and counter-actions "emerge" in an international context. As mentioned by Hwang, the book argues that the pro-democracy protesters not only challenged the repressive regime of South Korea, but also US Cold War policy. He then brought up Amnesty International and the World Council of Churches as advocacy groups that interacted with local pro-democracy activists. Afterward, Hwang pinpointed another topic of his book: how and why the US Congress emerged and replaced the UN as the "epicenter of global human rights contestations." Hwang stressed that Amnesty International made an effort to "develop its working relationship" with members of US Congress "over the cases of human rights, including South Korea." His last point was that Washington became the epicenter of human rights not just because of transnational advocacy groups; he emphasized the reactions and counter-actions of the US administration and the South Korean regime. Hwang claimed that South Korean activists did not just adopt Western norms—they "transformed the meaning of human rights to meet their needs." He maintained that this transformation process continues today in South Korea.

Jeon initiated her commentary by clarifying that she is not a historian, and that her comments were from the standpoint of a fellow scholar who both "lived through the same period and place" and "had taken a keen interest in many of the same events and issues" concerning this discussion. She then brought up her childhood in Korea and said that she has several memories of the events in the book. When Jeon read Hwang's book, she felt like she was "reliving the time" in question with a clearer grasp of what transpired "behind the scenes" in the democracy movement in South Korea. She mentioned that after reading the book, two points stood out to her: causes cannot be neutral in society and "resourceful activists" can convert any cause initially "introduced by an oppressive power" into their own. According to Jeon, the last chapter of Hwang's book suggests that one "cannot expect that any cause will always play the same role within our changing reality." She concluded her commentary by calling the book a "page-turner."

The conversation was then opened up to questions from the audience, the first one being if there is still an ideological struggle between socialism versus capitalism or Marxist theory in South Korea. Part of Hwang's response was a claim that the "Cold War structure in East Asia never ended." Afterward, an audience member brought up racial justice in relation to ethnic Koreans from China, who represent a large minority group according to Hwang. Hwang highlighted that discrimination has existed in multiple ways in South Korea. Co-director of the CHRIJ Brinton Lykes then communicated her fascination with human rights discourse resonating with activists, and asked if this included ideas of collection salvation by the South Korean diaspora in the United States. Hwang stated that at first, a small group of ecumenical actors developed transnational solidarities, and that this was subsequently translated to the diaspora communities. He said that a representative group was Young Koreans United, which arose in 1983 in the US, and worked both on US domestic issues and on democracy and peace issues in Korea.

Seeking truth with justice: remembering the Martyrs of El Salvador and one of their legacies, the Martín Baró Initiative for wellbeing and human rights

On November 30, the Center hosted with its partner project, the Martín-Baró Initiative for Wellbeing and Human Rights (MBI) at Grassroots International, an event called "Seeking Truth with Justice: Remembering the Martyrs of El Salvador and one of their Legacies." In honor of the 33rd anniversary of the murder of six Jesuit priests and their two companions at the Central American University (UCA) during the Salvadoran civil war, the Center invited three panelists to discuss the historical circumstances of the murders and their impact, alongside a screening of select scenes from the film *Llegaron de Noche/What Lucía Saw* (2021). The film tells the story of Lucía Barrera de Cerna, the sole eyewitness willing to state that she saw Salvadoran soldiers invade the UCA campus and assassinate the priests. The film centers around Lucía's fight to let the truth come to light.

The MBI was born out of this violent event in 1989: the organization is dedicated to the work and memory of one of the Jesuits killed, the psychologist and professor Ignacio Martín-Baró. Martín-Baró championed liberation psychology, the idea that focusing on the wellbeing of the community will uplift and empower more than an individualist focus on psychological wellbeing and pathologies. His legacy has inspired new ways of engaging with restorative and healing justice in Latin America, as well as new perspectives on a psychology based in el pueblo (the people).

Tomeu Estelrich, director of the Center for Ignatian Spirituality, introduced the event and its speakers: Ernesto Valiente, Associate Professor of Systematic Theology at the BC School of Theology and Ministry; Father Francisco de Roux, SJ, President of the Truth Commission in Colombia, and the Gasson Professor at BC this year; and Center co-director Brinton Lykes, a BC professor and cofounder of the MBI. Estelrich then provided context about the film and the scenes chosen—one scene familiarizing the audience with Lucía's life and the circumstances in her country at the time, one scene of the Salvadoran government dismissing Lucía's testimony as false, and the final scene of the film showing the night of the assassinations.

After the first film clip, Valiente addressed the historical background of the civil war in El Salvador and the UCA's place in it. The Salvadoran state responded to unrest stemming from widespread economic inequality with violence, and conflict erupted in 1980 following the assassination of Monsignor Oscar Romero. The UCA did not side with either the state or the large leftist guerilla group known as the Farabundo Marti National Liberation Front (FMLN), but instead advocated for a peaceful resolution to the conflict by increasing access to information and conducting polls to represent what public opinion really was.

After the second clip, de Roux emphasized the importance of Lucía's testimony. Influenced by his work in Colombia, he advocated for an attitude of empathy and understanding toward victims of war, encouraging those in attendance to imagine the emotions Lucía felt watching her friends be killed, and then being pressured by the

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Salvadoran government (aided by the US ambassador) to recant her testimony. De Roux insisted on an attention to "deep human suffering" in these moments and noted how Lucía's truth posed a threat to those attempting to preserve their own narrative of power and control. To conclude, he invited viewers to "take all this history personally" and consider how in war, "truth is the first victim."

Lastly, after the final clip, Lykes spoke about the community of resistance born out of Martín-Baró's work on a psychology of liberation, itself based on new understandings of how knowledge is created from below. She highlighted how Lucía's story exemplifies this view and demonstrates human dignity, reminding us to seek awareness of our countries' actions today. Professor Lykes finished by restating the importance of commemorating the 1989 murders, not only to remember the lives lost, but also to encourage us to live our own lives seeking truth with justice.

The event was co-sponsored by The Center for Ignatian Spirituality and the BC Organization for Latin American Affairs.

BU professor Fleming presents book on the *Dobbs* decision and its implications for substantive due process

On October 12, the CHRIJ hosted an event titled "The Dobbs Decision: The Roar of a Wave that Could Drown the Whole World" featuring Boston University Law Professor James Fleming. Fleming discussed his recent book *Constructing Basic Liberties: A Defense of Substantive Due Process*, then responded to the critiques and questions raised by a panel of BC law professors—Cathleen Kaveny, Ryan Williams, and Katharine Young. CHRIJ co-director Daniel Kanstroom moderated the event, which was co-sponsored by the Rappaport Center for Law & Public Policy at Boston College and the American Constitution Society at BC Law School.

The event focused on the question of abortion rights following the Supreme Court's overturning of *Roe v. Wade* in the *Dobbs v. Jackson Women's Health Organization* decision of June 2022, and how this decision relates to Fleming's discussion of substantive due process and individual liberties in his book. Kanstroom began the event by noting the timeliness of Fleming's book, which was written before the Dobbs decision but anticipated and critiqued the logic the Court later used.

Fleming then spoke about the latter part of the event's title, explaining how he saw this Bob Dylan lyric reflected in Justice Alito's opinion in the Dobbs decision, which he termed the "second death" of substantive due process. His book responds to the question: "Can all the different liberties we have today fit into and are justifiable within a coherent constitutional structure?" Fleming argues against views of liberties as the random result of individual judges' sense of morality and instead for a view of "ordered liberty stemming from reasoned judgment," a process which to him evolves logically over time based on normative judgments. Fleming critiqued how the Court claimed abortion rights were not a part of US tradition by asking how we define tradition: as historical practice or aspirational principles. In the former view, the Court potentially endangers other due process rights "protecting personal autonomy and integrity," including the decisions made in *Griswold v. Connecticut* (birth control), *Lawrence v. Texas* (same-sex sexual activity), and Obergefell v. Hodges (same-sex marriage). Fleming concluded with a "pep talk for dismayed liberals," encouraging them to make use of state and local governments, appreciate the diversity enabled by federalism, and focus on the gradual transformation of our country's constitutional culture.

In response, Professor Kaveny discussed the harm principle as it relates to violating personal rights. She asked what reasons we consider legitimate to limit individual liberty. In other words, what does society deem moral behavior, and how can the government intervene to limit that behavior? Professor Young then spoke about international and comparative approaches to the ideas in Fleming's book, noting how international humanitarian law has been used in other countries to protect the right to abortion as a human right. But at the same time, an international declaration the Trump administration signed on in 2020 united the US with countries like Brazil, Poland, and Hungary in excluding abortion access from women's right to healthcare. Finally, Professor Williams raised some questions about what would be needed in the US today to establish a consistent and effective concept of substantive due process. He named methodological coherence, moral consensus, and a stable Court composition as main factors, expressing skepticism about attaining such things in the near future. Nevertheless, Williams ended with the same hopeful tone as Fleming provided in his "pep talk," encouraging those in the field of law today to continue working to effect change.

Summer Research Grant Reports

Reports from our 2022 summer research grantees on their research findings. Deadline to apply for 2023 grants is March 15. Details on our website.

Interreligious Collaboration and the Promotion of Human Rights: Can the Natural Law Be a Helpful Tool?

Dennis J. Wieboldt III, M.A. Candidate in History, Morrissey College of Arts and Sciences

Wieboldt performed archival research in BC's Burns Library and the J. Edgar and Louise S. Monroe Library at Loyola University of New Orleans. Wieboldt investigated "how extensive the use of the Natural Law was to defend human rights in religiously plural settings" for later incorporation into his MA thesis in History. He focused on a sermon given by the former dean of BC Law School, William J. Kenealy, in 1956, when Kenealy was a visiting professor at Loyola University. In this sermon, Kenealy argued for civil rights and desegregation using the concept of the Natural Law, or the idea that people possess inherent rights. Kenealy believed that the "inalienable rights" promised in the United States Declaration of Independence made racial equality a fundamental legal right recognizable across different faiths.

Wieboldt writes that Kenealy's colleagues at Boston College, such as President Joseph R. N. Maxwell, had helped to encourage his investment in the value of Natural Law. At Loyola, Kenealy entered into an existing conversation within the Catholic Church about civil rights, as New Orleans' archbishop Joseph Francis Rummel had already begun to advocate for desegregation. Further, Louis J. Twomey, a Jesuit scholar and regent at the law school, also fought against racial discrimination and formed a friendship with Kenealy before he came to Loyola. Thus, when Kenealy delivered the 1956 Louisiana Red Mass sermon, he contributed to the work being done in the South at that time to end racial inequality. Wieboldt writes that in Kenealy's sermon, he aimed to make the legal concepts behind Natural Law comprehensible to a diverse audience in order to persuade them to see the undeniable need to pursue racial equality. Overall, Wieboldt states that his research provides context for Boston College and Loyola's contributions to the civil rights movement of the 1950s and 1960s and sheds light on how religion and law interacted in their analysis of the issue.

Dennis J.Wieboldt

Migration and the Agency of Law: France and the 2015 Mediterranean Crisis

Elijah Rockhold, JD student, BC Law School

Last summer, Rockhold performed a case study of France's response to the European migration crisis in 2015. His project focuses on how European nations navigated legal and political obligations to accept and protect migrants, refugees, and asylum seekers fleeing from unrest in North Africa and the Middle East. Rockhold argues that "France's varied legal obligations inherently decreased the agency and the mechanisms of accountability of the national government, leading to disparate outcomes for migrants coming to France's borders." Rockhold explains that France has multiple international and domestic legal obligations to help asylum seekers and refugees, such as those outlined in the UN Charter and France's own constitution. However, he claims, France does not properly enforce these obligations: it "complicates a process meant to protect and takes advantage of the confusing legal structures to achieve lower migration numbers." Rockhold describes the various steps that a potential asylum seeker must complete in order to achieve legal status in France, as well as the ways that France can deny asylees at each point. These steps amount to what Rockhold terms a "thickening" of the border, allowing France to work around its obligations and control who enters the country, particularly when faced with a period of intense migration to the country. Ultimately, Rockhold concludes that this case study foregrounds how countries like France can respond to mass migration in largely unregulated ways despite the laws specifically protecting such processes in Europe:

Elijah Rockhold

"For France—or any country's—migration policy to fully honor the dignity and rights of migrants and refugees, there must be aggressive compliance with international laws, agency oversight, and zealous representation for refugees when they face the state's power in legal proceedings."

Equity and Belonging: Brazilian Immigrant Children's Experiences Across Homes and Dual Language Bilingual Education Classrooms in the United States

Mariana Lima Becker, PhD candidate in Curriculum & Instruction, Lynch School of Education and Human Development

Becker conducted an ethnographic study on how Brazilian immigrant children experience dual language bilingual education (DBLE) programs in the United States. DBLE's are designed to help immigrant children learn English while also retaining their home language, at the same time providing American children with the opportunity to learn another language. These programs respond to a recent increase in attention on protecting minority languages, in light of past discriminatory practices that forced immigrant children to disconnect from their home language and culture while prioritizing English. Becker noted a lack of studies on the "dynamics of (in)equity within Portuguese-English DLBE programs," and her research aims to "examine how Brazilian immigrant children experience their right to public education and LHR [linguistic human rights] in bilingual education contexts in the United States."

Becker divided her study into phases, with Phase 1 (2018-2021) observing fifty children—forty-two of whom were either first or second-generation Brazilian immigrants—at their elementary school in a DBLE program in Massachusetts, and Phase 2 (2021-2022) studying four children's language use in their homes in depth. The CHRIJ grant funded Becker's data collection in Phase 2 and her data analysis of both phases over the summer of 2022. Becker's preliminary findings indicate that Brazilian children enacted

Mariana Becker

fluid practices of language use in the classroom that often were discouraged by their teachers due to departure from the program's structure. Drawing on the concept of "literacies of interdependence,"

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Becker witnessed practices of mutuality among the children, such as sharing familial advice among each other, and utilizing their transnational experiences to "open new avenues for belonging-making in their peer groups and broader school community." Becker concludes that while in this case the DBLE program allowed children to remain connected with Brazilian culture and Portuguese language, the program focused too heavily on discipline and control and structured language acquisition, thereby constraining how these children could make sense of their unique situations inside and outside of the classroom. Ultimately, Becker calls for an increased focus on human rights, "including social, political, and cultural rights," in US schools.

Forgiveness as a Virtue: A Constructive Theological Account

Joseph McCrave, PhD candidate, Theology, Morrissey School of Arts and Sciences

McCrave used his grant to advance research contributing to the fifth chapter of his doctoral dissertation in theological ethics, which focuses on the idea of forgiveness. McCrave argues that "forgiveness, usually thought of merely as an act, is in fact a virtue, which leads to action." This perspective allows McCrave to explore forgiveness in relation to other virtues, such as justice, and to distinguish it from other similar attitudes.

McCrave's fifth chapter examines how forgiveness is formed and influenced by communal practices. Through case studies of restorative justice practices in the United States, Rwanda, and South Africa, he argues that restorative justice indirectly encourages forgiveness by facilitating healing for all parties, especially victims. McCrave first investigates the theoretical dimension of forgiveness through the philosopher Nicholas Wolterstorff's idea of justice as a form of love similar to benevolence, both of which are "modes of care." Wolterstorff sees justice as compatible with forgiveness so long as the

Joesph McGrave

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wrongdoer repents for their actions, otherwise it is potentially harmful for the victim of the wrongdoing. McCrave, however, argues that forgiveness does not require repentance, but is instead goodwill toward the wrongdoer, as a form of charity, which does not fundamentally compete with justice. In this view, forgiveness begins the healing process rather than completing it and operates on the individual level. He maintains that restorative justice requires further actions to fulfill needs and repair relationships. McCrave then analyzes three case studies of restorative justice practices, for example that of a murder case in the United States as a demonstration of interpersonal healing between the victim's family and the perpetrator. McCrave states his research will shed light on how to cultivate forgiveness as a virtue in restorative justice practices despite it not being strictly necessary, and he hopes to defend his completed thesis in BC's Theology department in 2023.

Political and Public Sentiments Towards Immigration Crises Within Germany

Catherine Brewer, International Studies major at the Morrissey College of Arts and Sciences, Kelsey Rennebohm Fellow

As the 2022 Kelsey Rennebohm Fellow, Brewer spent five weeks in Germany investigating reactions to recent refugee crises, such as that of Syria in 2015 and Ukraine in 2022. Brewer traveled to nine different cities in Germany, interviewing key figures in politics and academics and visiting different scholarly institutions like the Berlin City Library and the Center for Flight and Migration. She aimed to discern whether any patterns exist in Germany's refugee policies and how public opinion has changed. Given that Germany holds significant influence in the international community, Brewer sees their political reactions as important for the global development of human rights policies.

Brewer learned that Germany's diverse population and identification as an "immigrant country" were directly influenced by its participation in both world wars. The German government made subsequent provisions to support "German minorities" both at home and abroad, and Brewer points out that "[t]his hybridization of the German identity, nationality, and 'ethnicity' blur[s] the lines between notions of 'foreigner', 'citizen', and 'migrant' far more than the status quo in most modern and/or Western countries." It follows that in 2015 German chancellor Angela Merkel declared that she would not limit the number of Syrian refugees that could enter the country in a move designed to offset Germany's aging population and encourage economic growth. Brewer highlights that Merkel's framing of Syrian refugees as both "victims" and "useful" helped to create a welcoming atmosphere in Germany; at the same time, she stresses the importance of German

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citizens themselves wholeheartedly supporting the government's policies, as "community support and engagement for such causes is the essential piece to getting human rights action and policy off the ground in any context," in spite of the legal difficulties Germany faced in addressing the unprecedented influx of refugees. Moving forward, Brewer plans to complete a documentary about her research to more fully capture the complexity of her findings.

Catherine Brewer

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