

**Benjamin N. Cardozo School of Law's Program in Holocaust and Human Rights Studies,  
The World Policy Institute, The Institute for the Study of Genocide, The International  
Institute for Genocide and Human Rights Studies (A Division of the Zoryan Institute)**

present

## **DENYING GENOCIDE:**

# **LAW, IDENTITY AND HISTORICAL MEMORY IN THE FACE OF MASS ATROCITY**

December 3-4, 2006  
Benjamin N. Cardozo School of Law  
55 Fifth Avenue at 12th Street  
New York, NY 10003

### **DESCRIPTION**

It has become axiomatic that for a society to move forward after experiencing mass atrocity, it must acknowledge the "truth" of what happened, through trials, truth commissions, and other methods. In reality, however, many societies have dealt with mass atrocities in the opposite manner. For example, In Turkey, suggesting that the murder of a million Armenians in WWI amounted to genocide can lead to charges of "denigrating Turkishness." In Poland, the government and population insisted for years that ordinary Poles had never collaborated with the Nazis to kill Jews. In the former Yugoslavia, Serbian nationalists refuse to admit such crimes as the siege of Sarajevo and the Srebrenica massacre. In Iran, President Ahmadinejad recently declared that Israel should be destroyed and dismissed the Nazi Holocaust as a "myth."

In response to such acts of historical denial, some countries have turned to the law. In Germany, Austria, and other European countries, denying the Nazi Holocaust has long been criminalized. In France, the National Assembly passed a bill to criminalize denial of the Armenian genocide. In Rwanda, the government has passed laws against "negationism" of the genocide, and a group of lawyers are considering bringing a case against Iran under the 1948 Genocide Convention for incitement to genocide.

These efforts raise serious questions for any liberal democracy about free speech and the limits of historical debate. Can forbidding genocide denial be justified in the context of freedom of speech and anti-discrimination laws? What should states do in the face of racist rhetoric that deploys denial as a tool of racist argument threatening annihilation of a group?

Limits on speech are not the only means of countering denial. States, both those that have suffered and those with populations of survivors, have mandated educational programs to promote historical memory and combat denial of mass crimes. A Massachusetts court is considering a complaint against the state educational authorities because of the removal of what

was considered ‘denialist’ literature from a lesson on the Armenian genocide. Holocaust education programs exist not only in Germany, but in the United States and other countries. These programs raise further questions about defining history. What is historical truth? Who decides its contours? Similar questions can be asked of the truth commissions many countries have implemented to acknowledge past crimes and create repositories of information to prevent future denial.

This conference will address the questions raised by both denial and the methods used to counter it. The participants include:

- **Taner Akçam**  
Visiting Professor of History, University of Minnesota
- **Elazar Barkan**  
Professor of International and Public Affairs, Columbia University  
Director, Institute for Historical Justice and Reconciliation
- **William W. Burke-White**  
Professor, University of Pennsylvania Law School
- **Sandra Coliver**  
Senior Legal Officer, Open Society Institute
- **Belinda Cooper**  
Adjunct Professor, Center for Global Affairs, New York University  
Senior Fellow, World Policy Institute
- **Honorable Irwin Cotler**  
Member of Canadian Parliament  
Former Minister of Justice and Attorney General of Canada
- **Ormar Dajani**  
Professor, McGeorge School of Law
- **Susan Derwin**  
Associate Professor, German and Comparative Literature, University of California
- **Karen Eltis**  
Assistant Professor of Law, University of Ottawa
- **Helen Fein**  
Executive Director, Institute for the Study of Genocide  
Associate, Belfer Center for Science and International Affairs, Kennedy School of Government, Harvard University
- **Sévane Garibian**  
Ph.D. candidate, International Criminal Law and Legal Theory  
University of Paris X and University of Geneva
- **Jason Gillmer**  
Professor, Texas Wesleyan University School of Law
- **René Lemarchand**  
Professor Emeritus of Political Science, University of Florida
- **Raleigh Hannah Levine**  
Professor, William Mitchell College of Law

- **Deborah Lipstadt**  
Professor of Modern Jewish and Holocaust Studies, Emory University  
Director, Institute for Jewish Studies
- **Sabrina Ramet**  
Professor of Political Science, Norwegian University of Science and Technology
- **Robert E. Rosen**  
Professor, University of Miami School of Law
- **Sheri P. Rosenberg**  
Director, Program in Holocaust and Human Rights Studies  
Director, Human Rights and Genocide Clinic  
Benjamin N. Cardozo School of Law
- **Katharina Rürup**  
Bernard Lander Institute for Communication about the Holocaust and Tolerance, Touro College
- **Roger W. Smith**  
Professor Emeritus of Government, College of William and Mary  
Chairman, Zoryan Institute
- **Gregory Stanton**  
Professor of Human Rights, Mary Washington College  
Founder and President, Genocide Watch  
Founder and Director, Cambodian Genocide Project
- **Henry Theriault**  
Associate Professor of Philosophy, Worcester State College
- **Lars Waldorf**  
Lecturer in International Law and Human Rights, Institute of Commonwealth Studies, University of London
- **Paul van Zyl**  
Professor, New York University School of Law  
Faculty Co-Director, Center for Human Rights and Global Justice  
Program Director, International Center for Transitional Justice

*Registration is free*, though advance reservation is required.

The cost for the luncheon is \$20 per person. RSVP by Monday, November 27, 2006 to attend the luncheon.

For more information and/or to register, please call (212) 790-0455 or e-mail [denialconference.reg@gmail.com](mailto:denialconference.reg@gmail.com). *When registering, please include your name, telephone number, e-mail address, affiliation, and whether you will be seeking CLE credit.*