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Upstanders, Whistle-Blowers, and Rescuers

2014 Koningsberger Lecture

Martha Minow[1]

Victor Koningsberger spoke from conscience and stood up publicly for Jewish colleagues discharged from the University by German occupiers. He acted with courage and broke the pattern of silence that accompanies so many periods of oppression. We have a word in English for those who are silent in such moments. These are bystanders. Honoring Professor Koningsberger and his example with this lecture is highly meaningful to all of us. I am personally so touched to be asked to take part. I suggest that we can extend the tribute by thinking about those who speak out and act against what is wrong. We can do so both to honor individual acts of courage and to examine what social context and structures can support such acts—not only by those individuals with remarkable courage and perhaps obsession, but also by the rest of us.

One place to start is to identify and remedy a longstanding gap in vocabulary. We have the word, "bystander," meaning a person who is near but does not take part in

[1] Morgan and Helen Chu Dean and Professor, Harvard Law School. Thanks to Jesse Bernstein, Susie Park, Joe Singer, Mira Singer, and Margot Strom for valuable assistance developing this lecture. Thanks also to the community at Utrecht for the invitation, warm welcome and insightful comments.

what is happening. Yet we lack a word, at least in English, for its opposite. Or we have long lacked such a word but one has recently been invented. "Upstander" is the word; it does not yet seem to have translations in other languages. I have learned about the Dutch word, *opstandeling*, which literally involves standing up but has a dictionary definition of rebel, insurgent, or insurrectionary.[2] I first heard of the word, "upstander," from Samantha Power, who was at the time a human rights advocate and scholar, before she assumed her current role as U.S. Ambassador to the United Nations.[3] The term, "upstander" gives recognition and approval to people who stand up for their beliefs, even if they are alone; it means not being a bystander.[4] Two students recently petitioned the Oxford English Dictionary to include the word.[5] Perhaps by naming it, the concept can become a practice. In the United States, the word has been embraced by those campaigning against domestic violence and against bullying children as well as human rights

[2]Thanks to Professor Eric Myjer for this reference and the citation to THE NEW ROUTLEDGE & VAN DALE DUTCH DICTIONARY: DUTCH-ENGLISH AND ENGLISH-DUTCH (Routledge Bilingual Dictionaries).

[3]Samantha Power, *Bystanders to Genocide*, THE ATLANTIC, (Sept. 1, 2001), http://www.theatlantic.com/magazine/archive/2001/09/bystanders-to-genocide/304571/. *See also* Sheryl Jackson, *The Rise of the Upstander*, http://bullyingepidemic.com/upstanders/.

[4]Other words identify overlapping concepts. For example, "activist" identifies advocates for a cause; heroes display courage in the face of adversity; whistle-blowers expose secret misconduct; rescuers come to the aid of individuals in danger. None of these words though specifically identifies rejecting the temptations of silently observing oppression and maltreatment of others.

[5] *New Jersey Students Petition to Add "Upstander" to Oxford English Dictionary*, FACING HISTORY AND OURSELVES (Nov. 11, 2014), https://www.facinghistory.org/get-to-know-us/news/new-jersey-students-petition-add-upstander-oxford-english-dictionary ("Two Facing History and Ourselves alumnae Monica Mahal and Sarah Decker are petitioning the Oxford University Press to add the word 'upstander' to its English dictionary. The word 'upstander' is a term frequently used in Facing History resources and classrooms to describe people that take action on behalf of others–the opposite of the more commonly-used bystander, which is included in the dictionary.")

advocates.[6] An upstander may speak out publicly against bigotry and injustice. An upstander may be a whistle-blower, who exposes wrongdoing in the hope of stopping it.[7] An upstander may resist the temptations of silence and passivity by expressing and offering support directly to victims of bigotry and injustice. An upstander may provide immediate aid to victims of bigotry and injustice through physical rescue or other help. People who assisted Jews during the Second World War include over 24,000 individuals, including Miep Gies of the Netherlands, recognized as "Righteous Among the Nations" in Israel's Yad Vashem memorial. An upstander may speak out publicly or may instead engage in secret resistance. An upstander may rescue individuals who are in danger—through secret or overt actions. All of these acts expose the upstander to danger. The danger may be disapproval by others; costs of time, money, and emotion; or even more dire risks

[6] On domestic violence, see MAYOR'S FUND TO ADVANCE NEW YORK CITY, http://www.nyc.gov/html/fund/html/news/upstander.shtml (last visited Jan. 1, 2015) ("We all play a role in combatting intimate partner violence, and New York City is launching a campaign to ensure that no one is a bystander. The City of New York, the Office to Combat Domestic Violence [OCDV] and New Yorkers from all five boroughs are teaming up to put an end to intimate partner violence. Join them in being an #UpStander."). On anti-bullying, see *10 Ways to Be an Upstander*, BULLYBUST: PROMOTING A COMMUNITY OF UPSTANDERS, http://www.bullybust.org/students/upstander/ (last visited Jan. 1, 2015); Cheryl Jackson, *The Rise of the Upstander*, BULLYING EPIDEMIC: MAKE EVERY DAY BULLYING PREVENTION DAY (July 26, 2013), http://bullyingepidemic.com/upstanders. Holocaust education groups have started using the term. See, *e.g.*, *Upstanders*, HOLOCAUST MEMORIAL RESOURCE & EDUCATION CENTER OF FLORIDA, http://www.holocaustedu.org/education/upstanders (last visited Jan. 1, 2015).

[7] Paradigmatic whistle-blowers include Karen Silkwood who protested health and safety issues at U.S. nuclear plants, see the film *Silkwood* (1983) and William Sanjour who won a landmark lawsuit against the U.S. government which established the First Amendment rights of federal employees to "blow the whistle" on their employer. See *Sanjour v. EPA*, 56 F.3D 85 (1995). Edward Snowden is widely seen as a whistle-blower in his decision to breach security and reveal classified documents about United States National Security Administration practices; he is also engaging in civil disobedience—breaking the law—without accepting legal responsibility for his actions. See Steve Nelson, "*As Edward Snowden Receives Asylum in Russia, Poll Shows Americans Sympathetic to NSA 'Whistle-Blower*" U.S. NEWS AND WORLD REPORT, (Aug. 1, 2013) http://www.usnews.com/news/blogs/washington-whispers/2013/08/01/edward-snowden-receives-asylum-in-russia-poll-shows-americans-sympathetic-to-nsa-whistle-blower.

to personal safety. So why does anyone ever stand up? What personal qualities and what contexts make it possible?

I will explore several ways people can be upstanders; reasons why people are not upstanders; and potential collective efforts that could make it easier or more likely that people become upstanders. I begin though with a story of stories—five stories actually—to make upstanding vivid, to honor courageous individuals and identify challenges for the rest of us, and to raise a question: does honoring upstanders and telling their stories increase the chances that others will follow in their paths, or suggest that only exceptional individuals with unusual qualities are upstanders? What would it take for the rest of us to stand up?

I. Upstanders: Examples

A new documentary film called "Watchers of the Sky" powerfully depicts stories of remarkable upstanders acting under challenging circumstances.[8] The film, produced and directed by Edet Belzberg, is well worth seeing and I hope my description of its stories leads you to see it. It follows the journeys of individuals who have stood up against genocide and mass violations of human rights. The film

[8] *About the Film*, WATCHERS OF THE SKY, http://watchersofthesky.com/about-the-film (last visited Jan. 1, 2015).

takes its name from a story about the 16th century Danish astronomer Tycho Brahe who is said to have explained his decades of research as a hope that he could, as a "watcher of the sky," advance the future long labors of others as they solved the mysteries of the universe. I will draw on my own knowledge and connections in telling their stories.

The first upstander depicted in the film is Raphael Lemkin. A Polish-Jewish lawyer, preoccupied with the destruction of the Armenian people, he later became himself a refugee following the Holocaust. He spent his life pressing for international condemnation and action against the destruction of a nation or ethnic group. Here is another occasion when the lack of a word itself pointed to the problem; Lemkin used his training in linguistics to coin a word for the deliberate effort to destroy a people. He crafted the word "genocide," from the Greek word *genos* (tribe, race) and the Latin *cide* (killing).[9] Like those seeking recognition by coining the word "upstander," Lemkin believed that the use of the word "genocide" could help mobilize attention and action. He focused on legal and political as well as moral action and sought to convince nations to create a tribunal to hold to account those who commit the atrocity. The word, and his campaign for

[9] RAPHAEL LEMKIN, AXIS RULE IN OCCUPIED EUROPE, 79 (1944) ("By 'genocide' we mean the destruction of a nation or of an ethnic group. This new word, coined by the author to denote an old practice in its modern development, is made from the ancient Greek word *genos* [race, tribe] and the Latin *cide* [killing]").

a genocide convention helped animate the challenge after World War II to the longstanding view of inviolable national sovereignty. Genocide, he and others argued, provides a standard for all nations to use in monitoring any efforts to destroy minority groups even if characterized as an internal or domestic matter. Lemkin shared the word and concept with U.S Supreme Court Justice Robert Jackson as he headed to Nuremberg to serve as chief counsel at the International Military Tribunal trying Nazi leaders as war criminals.[10]

As a refugee, Lemkin joined the U.S. War Department and assisted the Nuremberg prosecutors. One historian describes him as "egotistical, obsessive, at times annoying [due to his] personal pursuit of anyone, in any venue, who might make use of the word that he had coined."[11] Perhaps those qualities were essential to his success in advancing the criminalization of genocide and in pressing a committee of the United Nations to take up the work of recognizing and condemning genocide. This work bore fruit first by the General Assembly on December 9, 1948, and again when the Convention took effect in January, 1951, after 20 nation states, representing about three percent of the world's population, ratified the convention. Lemkin turned then to press for ratification by the United States

[10] John Q. Barrett, *Raphael Lemkin and 'Genocide' at Nuremberg, 1945-1946*, THE GENOCIDE CONVENTION SIXTY YEARS AFTER ITS ADOPTION 35 (Christoph Safferling & Eckart Conze, eds., 2010), http://www.stjohns.edu/sites/default/files/documents/law/john-q-barrett/raphael-lemkin.pdf.
[11] *Id.* at 54.

Senate. Although supported by President Harry Truman, the treaty did not secure ratification in the United States until 1986, long after 1959 when Lemkin died impoverished, exhausted, and little known.[12] I commissioned a dance for a conference on genocide with the thought that after a long day on tough issues, the participants could reflect on a work of art. Choreographer Liz Lerman designed a dance entitled, "Small Dances About Big Ideas," which depicts Raphael Lemkin as constantly and relentlessly moving, representing his tireless activism, dogged persistence, and at times irritating obsession.[13]

The second upstander portrayed in the film is Benjamin Ferencz, now 95 years old. He joined an anti-aircraft artillery battalion of the United States army after graduating from Harvard Law School in 1943. He fought in every campaign in Europe and then joined the War Crimes Branch of the Army to gather evidence of Nazi brutality and apprehend the criminals. Years later, he recalled:

[12] Duane W. Krohnke, *United States Ratification of the Genocide Convention*, DWKCOMMENTARIES: LAW, POLITICS, RELIGION, & HISTORY (Jan. 16, 2013), http://dwkcommentaries.com/ 2013/ 01/16/ united-states-ratification-of-the-genocide-convention; RAPHAEL LEMKIN & DONNA-LEE FRIEZE, TOTALLY UNOFFICIAL: THE AUTOBIOGRAPHY OF RAPHAEL LEMKIN (2013).

[13] *Small Dances about Big Ideas*, DANCE EXCHANGE, http://danceexchange.org/projects/small-dances-about-big-ideas (last visited Jan. 1, 2015) (describing the dance, commissioned by the Seevak Fund "for The Harvard Law School / Facing History and Ourselves Program. *Small Dances About Big Ideas* premiered in November, 2005, at 'Pursuing Human Dignity: The Legacies of Nuremberg for International Law, Human Rights and Education,' an international conference that commemorated the 60th Anniversary of the Nuremberg Trials"). *Small Dances About Big Ideas* has been presented at the Library of Congress, the University of Alabama, Birmingham, the EARTH Summit Conference in Vancouver, Canada, New York City's Impact Festival, hosted by the Culture project, the University of Maryland, and excerpted in interactive educational programs supported by the Covenant Foundation, the Maxine Greene Foundation and the National Endowment for the Arts of the United States. *Id.*

> Indelibly seared into my memory are the scenes I witnessed while liberating these centers of death and destruction. Camps like Buchenwald, Mauthausen, and Dachau are vividly imprinted in my mind's eye. Even today, when I close my eyes, I witness a deadly vision I can never forget—the crematoria aglow with the fire of burning flesh, the mounds of emaciated corpses stacked like cordwood waiting to be burned ... I had peered into Hell.[14]

After he was discharged from the U.S. Army, he returned home to practice law but Ferencz found himself recruited to join the prosecution team at the International Military Tribunal. Ferencz and other researchers found in Nazi archives the evidence of leading roles played by German doctors, lawyers, judges, generals, and industrialists in organizing or perpetrating Nazi brutalities. Appointed Chief Prosecutor for the United States in The Einsatzgruppen Case, which the Associated Press called "the biggest murder trial in history," Ferencz pursued 22 defendants on charges of murdering over a million people. It was his first case; he was 27 years old.

All of the defendants were convicted. Ferencz returned home, built a law practice and family, and returned to the search for legal responses to mass violence. He pressed for the creation of a permanent International Criminal Court and for

[14] BENJAMIN B. FERENCZ & KEN KEYES, JR., PLANETHOOD: THE KEY TO YOUR SURVIVAL AND PROSPERITY 15 (1988).

recognition and enforcement of the crime of aggression.[15] When the treaty establishing the International Criminal Court was affirmed by vote in 1998, Ben Ferencz was there, addressing the conference, just as he participated in Preparatory Commission sessions for the ICC, mobilizing support for the ICC. He continues at the age of 95 to address any possible audience—we recently hosted him at Harvard—about the need to use law to prevent new atrocities.[16]

A third upstander, profiled in the film, "Watchers of the Sky," is Luis Moreno Ocampo. His selection by the filmmaker is intriguing because he has pursued his courageous work while in public service legal jobs, pressing beyond conventions. Born in Argentina in 1952, he became a prosecutor in Argentina and rose to public attention as Assistant Prosecutor in the "Trial of the Juntas," the first prosecution of senior military commanders for mass killings since the Nuremberg trials. Risking public censure, and excoriated by members of his own family, he prosecuted senior commanders and former heads of state with charges of murder,

[15] His goal, pursued in books, speeches, lobbying, and teaching, has been to replace the "rule of force with the rule of law." He wrote books such as DEFINING INTERNATIONAL AGGRESSION, THE SEARCH FOR WORLD PEACE, AN INTERNATIONAL CRIMINAL COURT-A STEP TOWARD WORLD PEACE, ENFORCING INTERNATIONAL LAW: A WAY TO WORLD PEACE, and A COMMON SENSE GUIDE TO WORLD PEACE. He imbued these works and his relentless advocacy with spirited optimism as well as relentlessness.

[16] He also has an active website linked to his own writings and other materials. *See* BENJAMIN B. FERENCZ, http://www.benferencz.org/ (last visited Jan. 1, 2015). Ferencz is also a subject of the documentary film, THE RECKONING, See *Video Interview: Ben Ferencz*, PBS, http://www.pbs.org/pov/reckoning/interview_ferencz.php (last visited Jan. 1, 2015), as well as WATCHERS OF THE SKY, See *Meet the Characters*, WATCHERS OF THE SKY, http://watchersofthesky.com/meet-the-characters (last visited Jan. 1, 2015).

kidnapping, and torture. Later he prosecuted public corruption cases against Federal Judges, National Ministers, and heads of public companies in Argentina.

Then he received the appointment as inaugural prosecutor for the International Criminal Court, based in The Hague.[17] In this role, between 2003 and 2012, he took up the challenge to set up the office, its strategies, and its role, amid limited resources, to enforce the prohibitions against crimes against humanity and genocides. He opened investigations examining allegations of gross human rights violations in over 20 nations, including Libya, the Democratic Republic of Congo, Uganda, Central African Republic, Darfur (Sudan), Kenya, Libya, Côte d'Ivoire, and Mali as well as preliminary examinations of situations in Iraq, Korea, Afghanistan, and Palestine. Because the Court itself lacks power to arrest individuals, Moreno Ocampo pursued cooperation from nation states. Advancing the ICC's first trial, Moreno Ocampo cooperated with the United Nations and confidential sources to pursue Congolese militia leader Thomas Lubanga, who ultimately became the first person ever convicted on charges of conscripting, enlisting, and using children under the age of 15 in armed hostilities.

[17] For examination of his work as first ICC Prosecutor, see THE FIRST GLOBAL PROSECUTOR (Martha Minow et al. eds., forthcoming 2015).

The United Nations Security Council referred the situation of armed conflict in Darfur, Sudan to the ICC. Moreno Ocampo took up the assignment perhaps even more conscientiously than expected. He investigated and presented evidence to support charges of genocide, war crimes, and crimes against the sitting President of Sudan, Omar al-Bashir. Based on that evidence, the Court issued an arrest warrant. But the member nations of the United Nations then proceeded to do nothing to arrest Bashir, even when he visited other countries. Moreno Ocampo's efforts elicited stark criticism and even suits for libel and defamation.[18] Critics suggest he focused too much on one region of the world, raised hopes not yet realized for justice in the very places he examined, behaved too politically, and yet paid insufficient attention to political feasibility.[19] Because I knew him even before his appointment, I had the opportunity to watch Moreno Ocampo and to discuss his efforts. We taught a course together examining and critiquing the policies he issues for the Office of the Prosecutor. I recently co-edited a forthcoming book, *The First Global Prosecutor*, about his work and the struggles to make an institution serve as an upstander. In the face of criticism for focusing on issues in

[18] *See, e.g.*, Joshua Rozenberg, *Why the world's most powerful prosecutor should resign: Part 1*, THE TELEGRAPH (Sept. 14, 2008), http://www.telegraph.co.uk/news/newstopics/lawreports/ joshuarozenberg/2236288/ Why-the-worlds-most-powerful-prosecutor-should-resign-Part-1.html.

[19] In 2011, THE ATLANTIC included him among its "Brave Thinkers", a guide to the people risking their reputations, fortunes and lives in pursuit of big ideas, *Brave Thinkers 2011*, THE ATLANTIC, http://www.theatlantic.com/special-report/brave-thinkers-2011 (last visited Jan. 1, 2015), and FOREIGN POLICY MAGAZINE designated him one of its "100 Top Global Thinkers", the magazine's portrait of the world marketplace of ideas, Kedar Pavgi, *The FP Top 100 Global Thinkers*, FP (Nov. 28, 2011), http://foreignpolicy.com/2011/11/28/the-fp-top-100-global-thinkers-4.

Africa, he pointed to the investigations of matters in South America and the Middle East; he insisted that he always did what the law directed, even while paying close attention to the dynamics of the United Nations Security Council and international relations. He reached out through personal visits with nations around the world and as a result found ways to work with relatively small nations and non-governmental organizations to advance the ICC's mission and to encourage young people to stand up against mass atrocities.

The fourth upstander profiled in the film is Emmanuel Uwurukundo. Born and still based in Rwanda, he lost his parents, siblings, and extended family in the genocide of 1994. He is devoted to his own wife and children but nonetheless lives much of the year apart from them as he runs three of the largest refugee camps in eastern Chad, serving over 57,000 individuals feeling violence in Darfur, Sudan. In his work for the United Nations High Commissioner for Refugees, he tries to show that there are alternatives to violence. Uwurukundo summarizes his desires:

> [W]hen you are a survivor of something like this, you have two choices. Either you come to the conclusion that life is meaningless, and for all intents and purposes, you are dead to the world, without hope. Or you think, if I am still alive, there must be a reason for it. There must be something that I can do with my experiences to make things better.[20]

[20] *Samantha Power*, WATCHERS OF THE SKY, http://watchersofthesky.com/samantha-power (last visited Jan. 1, 2015).

I do not know him but the film makes me want to know him. His calm devotion appears on top of deep passion and pain.

The fifth upstander in the film, "Watchers of the Sky," is Samantha Power. The film in fact was inspired by her Pulitzer Prize-winning book, "A Problem from Hell."[21] She started the book as a paper written under my supervision—Power was my student, and helped my research, too, and she is the one who introduced me to the word, "upstander" which is so fitting because she is one. The film profiles her work, following her movement from her time as a journalist who condemned the world's inaction in the face of mass slaughter as Yugoslavia fell apart, then in her role as a professor, then member of then-Senator Obama's staff, then a security advisor, and now as U.S. Ambassador to the United Nations and member of President Obama's Cabinet.

The film follows her own frustrations and learning about government's limitations as she operates from the inside.[22] Recently called, "the activist-in-chief" in the

[21] Danielle Lurie, *Interview with* Watchers of the Sky *Director Edet Belzberg*, FILMMAKER (JAN. 22, 2014), http://filmmakermagazine.com/83783-interview-with-watchers-of-the-sky-director-edet-belzberg/#.VJCmcslyd2A.
[22] Manuel Roig-Franzia, *Samantha Power: Learning to Play the Diplomat's Game*, WASHINGTON POST (April 4, 2014), http://www.washingtonpost.com/lifestyle/magazine/samantha-power-learning-to-play-the-diplomats-game/2014/04/03/1ea34bae-99ac-11e3-b88d-f36c07223d88_story.html.

Obama administration, [23] she often has to accept limits on speaking out and standing up because she is a government official, part of an administration. And her advocacy of military intervention in Libya and elsewhere would put her at odds with Ben Ferencz who views military action as likely to produce atrocities. Moral conscience may point in multiple directions. Upstanders may end up speaking out against one another, but share the qualities of courage, passion, and commitment.

Although most described here are men, women may be especially likely to serve as whistle-blowers and upstanders, perhaps due to experiences as outsiders or special sensitivity to down-side risks and familiarity with a protector role.[24] Upstanders face serious risks, including ostracism and even death. The gunman who shot Malala Yousafzai meant to halt her advocacy for female education in Pakistan and deter others. Her resilience and persistence, recognized by the Nobel Peace Prize, make her a sterling example of an upstander. Others less well known stand up against oppression and mistreatment. Let's consider, though, in detail, the reasons why people are more likely to be bystanders than upstanders.

[23] Evan Osnos, *In the Land of the Possible: Samantha Power has the President's Ear. To What End?*, THE NEW YORKER (Dec. 22, 2014), http://www.newyorker.com/magazine/2014/12/22/land-possible ("Can Power reconcile her ardent human-rights interventionism with the 'composite calculus' that must guide American policy?").
[24] Patricia Sellers, *Are Women More Likely than Men to be Whistleblowers?*, FORTUNE MAG. (Sept. 30, 2014), http://fortune.com/2014/09/30/women-whistleblowers/.

II. Bystanding is Easier

The short answer is that bystanding is easier than upstanding. Passivity is easier than acting. Yet there are deeper and more complex reasons. These include peer pressure, fear for the safety or reputation of oneself and others, denial, worries about being overwhelmed by the work and repercussions of standing up, and traditions that put the burden on individual heroism rather than shared responsibility.

Let's consider each of these possibilities in light of these reflections offered by people who stood by without responding to suffering.

When a United States Court directed the racial integration of a segregated school in Little Rock, Arkansas in 1957, Marcia Webb was a white student who stood by as Elizabeth Eckford, a 15-year-old African-American faced a hostile mob shouting threats to her safety and life and barring her from the school, producing a conflict between the Governor of the State and the President of the United States, ultimately making its way to the United States Supreme Court. Webb later commented,

> I remember the picture in the newspaper with Elizabeth Eckford with the jeering white faces behind her. And at that moment, I thought, Marcie, you were there and you never once thought about what was going on with Elizabeth Eckford. You were glad there weren't any violent demonstrations; you were glad no one was hurt physically. But then I realized what hurt can come from words, from silence even, from just being ignored. And when I think about it now, I think about it with regret. I'm sorry to say now looking back that what was happening didn't have more significance and I didn't take more of an active role. But I was interested in the things most kids are.[25]

A Dutchman who lived in a Jewish neighborhood during deportations of the Jews during World War II recalled later,

> You might think I must have been a good eyewitness. I wasn't. Everything happened around me. I knew what was happening. If I saw something when I walked around the city, I would turn right or left, or I would turn around. Only one time a Dutch police officer was standing in front of an open door leading to a staircase. I could not keep from saying something to him. They were taking away the Jews who lived upstairs. He said something like, "If you want to, you can join them straightaway." I was afraid and went on walking. Very sensible, but I still have a sense of guilt about it to this very day.[26]

In April 1994, mass killings in Rwanda unfolded. Samantha Power, then an American journalist and scholar, recounted in 2001 this event in Washington, D.C. in 1994:

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[25] Joan I. Duffy, *A Reunion with History: Central High Will Observe 1957's Rite of Passage*, MEMPHIS COMMERCIAL APPEAL, (Sept. 21, 1957) (quoted in *Facing History and Ourselves*, CHOICES IN LITTLE ROCK 59 [2000], https://www.facinghistory.org/sites/default/files/publications/Little_Rock.pdf).

[26] Dienke Hondius, *Bystander Memories Explored: Dutch Gentile eyewitness Narratives on the Deportation of the Jews*, Frank Bovenkerk and Michael Levi, eds., THE ORGANIZED CRIME COMMUNITY: ESSAYS IN HONOR OF ALAN A. BLOCK 69, 82 (2007).

> At a State Department press conference on April 8 [U.S. Assistant Secretary of State for African Affairs] Bushnell made an appearance and spoke gravely about the mounting violence in Rwanda and the status of Americans there. After she left the podium, Michael McCurry, the department spokesman, took her place and criticized foreign governments for preventing the screening of the Steven Spielberg film *Schindler's List*. "This film movingly portrays ... the twentieth century's most horrible catastrophe," he said. "And it shows that even in the midst of genocide, one individual can make a difference." No one made any connection between Bushnell's remarks and McCurry's. Neither journalists nor officials in the United States were focused on the Tutsi.[27]

Let's examine reasons for bystanding.

A. Passivity is easier than Action

It is kind of a truism: it is easier to do nothing than to act. Psychological research also indicates that absent evidence of prior results, people attribute more regret to action than to inaction.[28] Even in the face of evidence of impending jeopardy, a common human response is inaction.[29] Reflecting and reinforcing these tendencies, Western legal systems require an action as well as an intention for there to be criminal liability unless a specific duty to act is adopted in the law.

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[27]Samantha Power, *Bystanders to Genocide*, THE ATLANTIC (Sept. 1, 2001), http://www.theatlantic.com/magazine/archive/2001/09/bystanders-to-genocide/304571/?single_page=true.

[28] Janet Landman, *Regret and Elation Following Action and Inaction*, 13 PERSONALITY & SOCIAL PSYCH. BULL. 524 (2014), http://psp.sagepub.com/content/13/4/524.abstract;%20M.%20Seelenberg,%20K.%20van%20d%20Bos,%20E.%20van%20Dijik,%20and%20R.%20Pieters; Marcel Zeelenberg, *The inaction effect in the psychology of regret*, 82 J. OF PERSONALITY & SOCIAL PSYCH. 314, (2002), http://psycnet.apa.org/journals/psp/82/3/314/.

[29] Robert Gifford, *The Dragons of Inaction: Psychological Barriers that Limit Climate Change Mitigation and Adaptation*, 66 AM. PSYCH. 290 (2011), http://psycnet.apa.org/journals/amp/66/4/290.

Even so, neutrality is often impossible when terrible events are under way. Individuals living under oppression may not even have clear choices between selfless resistance and selfish collaboration. A detailed study of intellectuals living in Japanese-occupied Shanghai during World War II underscores this fact.[30] Instead, more complex moral dilemmas arise daily; involving access to resources, concerns about safety, and even despair when resistance seems possible only through ineffectual withdrawal from public life.[31]

B. Peer Pressure

Conformity and peer pressure reinforce inaction in the face of violations of human rights, oppression, and humiliation of others. Patterns of conformity are stronger in societies that emphasize collectivism.[32] Yet in any society, peer pressure often works through threatened rejection and disparaging comments (popularly known as "put-downs").[33] The attraction of sheer conformity can also powerfully influence how people conduct themselves.[34] The ways that human beings have developed to

[30] Poshek Fu, PASSIVITY, RESISTANCE, AND COLLABORATION: INTELLECTUAL CHOICES IN OCCUPIED SHANGHAI (1993).
[31] Id.
[32] Rod Bond & Peter B. Smith, *Culture and Conformity: A Meta-Analysis of Conformity Studies Using Asch's (1952b, 1956) Line Judgment Task*, 119 PSYCH. BULL. 111 (1996), http://dx.doi.org/10.1037/0033-2909.119.1.111.
[33] B. Bradford Brown et al., *Perceptions of Peer Pressure, Peer Conformity Dispositions and Self-Reported Behavior among Adolescents*, 22 DEVELOPMENTAL PSYCH. 521 (1986).
[34] Darcy A. Santor et al, *Measuring Peer Pressure, Popularity, and Conformity in Adolescent Boys and Girls: Predicting School Performance, Sexual Attitudes, and Substance Abuse*, 29 J. OF YOUTH & ADOLESCENCE 162

be sensitive to peers biologically and culturally figures in studies of bystanders and of those who commit horrible acts.[35] This raises questions about what kinds of peer influences might contribute to upstander behavior, as I will explore later.

C. Fear

Failing to act through resistance or opposition when others are in jeopardy reflects often simple fear for the safety or reputation of oneself or others. Genocidal actors often threaten to punish any who interfere. During World War II, in occupied Poland, anyone who helped Jews were subject officially to execution, as made clear in the proclamation by the German district governor of Warsaw, Ludwig Fischer.[36] Even without official death penalties in place, many individuals who helped Jews during World War II were executed by the Nazis.[37]

(2000); Robert B. Cialdini & Noah J. Goldstein, *Social Influence: Compliance and Conformity*, 55 ANN. REV. OF PSYCH. 591 (2004).

[35] Thomas Blass, *Psychological Perspectives on the Perpetrators of the Holocaust: The Role of Situational Pressures, Personal dispositions, and Their Interactions*, 7 HOLOCAUST & GENOCIDE STUDIES 130 (1992); CHRISTOPHER R. BROWNING, ORDINARY MEN: RESERVE POLICE BATTALION AND THE FINAL SOLUTION IN POLAND (1998); PHILIP ZIMBARDO, THE LUCIFER EFFECT: UNDERSTANDING HOW GOOD PEOPLE TURN EVIL (2008).

[36] *Righteous Gentiles*, PBS (Nov. 17, 2014), http://www.pbs.org/wgbh/pages/frontline/shtetl/righteous (quoting Nov. 10, 1941 proclamation of Dr. Ludwig Fisher, "Concerning the Death Penalty for Illegally Leaving Jewish Residential Districts…Any Jew who illegally leaves the designated residential district will be punished by death. Anyone who deliberately offers refuge to such Jews or who aids them in any other manner. . .will be subject to the same punishment." [first ellipses in original]).

[37] MORDECAI PALDIEL, THE PATH OF THE RIGHTEOUS: GENTILE RESCUERS OF JEWS DURING THE HOLOCAUST (1993); Yehuda Bauer, *Christian Behavior During the Holocaust*, JEWISH SPECTATOR 43:3, 17 (1978); Michael Berenbaum, *The Mystifying Burden of Goodness*, DIMENSIONS: A J. OF HOLOCAUST STUD. 5:3, 18 (1990).

In workplaces, fear of retaliation and job loss are leading reasons why workers do not report not only their own injuries or illnesses but also those of others.[38] In one recent study, fear of retaliation is reported by nearly 20 percent of government employees working for the federal government in the United States as a reason for failing to report suspected violations of the law.[39] This finding helped to explain scandals in the poor health care treatment of returning veterans.[40] Fear of gaining a bad reputation also influences why people fail to report wrongdoing.[41] Fear affected Leymah Gbowee who won the 2011 Nobel Prize for helping build the network of women for peace in Liberia that managed to get Charles Taylor to attend peace talks in Ghana and press for peace thereafter,[42] but she explained, **"**When you've lived true fear for so long, you have nothing to be afraid of. I tell people I was 17 when the war started in Liberia. I was 31 when we started protesting. I have taken enough dosage of fear that I have gotten immune to fear."[43]

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[38] GOVERNMENT ACCOUNTABILITY OFFICE, WORKPLACE SAFETY AND HEALTH: ENHANCING OSHA'S RECORDS AUDIT PROCESS COULD IMPROVE THE ACCURACY OF WORKPLACE INJURY AND ILLNESS DATA (2009), http://www.gao.gov/new.items/d1010.pdf.

[39] **Id. See** Eric Yoder, *Surveys* ***Show Fear of Retaliation Keeps Would-Be Whistleblowers from Speaking Up,*** **WASH. POST (June 17, 2014), http://www.washingtonpost.com/politics/surveys-show-fear-of-retaliation-keeps-would-be-whistleblowers-from-speaking-up/2014/06/17/9a574e12-f66d-11e3-a606-946fd632f9f1_story.html.**

[40] Id.

[41] Barbara Ettorre, *Whistleblowers: Who's the Real Bad Guy?*, MGMT. REV., 18 (May, 1994), http://ethics.csc.ncsu.edu/old/12_00/basics/whistle/rst/bad_guy.html.

[42] *Activists in The Film*, PRAY THE DEVIL BACK TO HELL, (last visited Jan. 1, 2015), http://www.praythedevilbacktohell.com/activists.php.

[43] *Meet the Laureates: Lymah Gbowee – Liberia, 2011*, NOBEL WOMEN'S INITIATIVE, (last visited Jan. 1, 2015), http://nobelwomensinitiative.org/meet-the-laureates/leymah-gbowee.

D. Denial

People have surprisingly powerful abilities to not see or to deny atrocities and suffering. A powerful analysis of the strategies of denial is advanced by Stanley Cohen in his 2001 book, *States of Denial: Knowing about Atrocities and Suffering.*[44] Cohen's childhood in South Africa, and years living in England and Israel, prompted his inquiry into the ways in which people suppress certain kinds of painful knowledge, choose not to pursue vague awareness, process information so that it is not integrated into their attention, and live in communities and societies that engage in widespread denial, making it easy for individuals to turn a blind eye to suffering. Denial may involve rationalizing to excuse inaction or suppress action even in the face of knowledge. Cohen examines how diffusion of responsibility, lack of connection with particular victims, and inability to conceive of effective interventions can operate, like denial, to produce passivity in the face of atrocity.[45]

Thus, denial may take the form of not knowing, hiding the truth from oneself, avoiding situations when facts may be directly revealed, or avoiding situations in

[44] STANLEY COHEN, STATES OF DENIAL: KNOWING ABOUT ATROCITIES AND SUFFERING (2001).
[45] *Id.* at ch. 1.

which appearing not to know would be impossible.[46] Denial may even follow initial outcry and distress upon learning the facts. Many people follow news of a bad diagnosis with denial.[47] In addition, people who believe the world is just, seem less likely to help perhaps because they do not believe evidence of injustice or perhaps because they implicitly believe that, since the world is just, anyone who is suffering deserves it.[48] And then there are "open secrets" known by all, but not acknowledged by officials and communities.[49] People can live near where massacres are occurring without apparent knowledge; people living under repressive regimes may turn inward to selfishness and "evasive thinking," to use Vaclav Havel's concept.[50]

E. Being Overwhelmed

Some who are fairly secure in their own safety may fail to respond to atrocities or human suffering that they see because they fear being overwhelmed or having to give up all of their life for the uncertain goal of redressing the horror. Others may be desensitized or psychologically numbed when bombarded with images of

[46] *Id.* at ch. 2.
[47] *Id.* at ch. 3, text accompanying n. 3.
[48] *Id.* at ch. 3, text accompanying n. 45.
[49] *Id.* at ch. 5.
[50] Václav Havel, *On Evasive Thinking*, OPEN LETTERS: SELECTED WRITINGS, 1965-1990, 10 (1992).

suffering. The term "compassion fatigue" refers to a diminished ability to feel or respond in the face of images of suffering. Especially in this era of global and instantaneous communication, compassion fatigue is a response to bombardment of news about terrible events. The fact of distance contributes to people's ability to express fatigue rather than to be propelled into action. Contrast to how parents respond to their own child's suffering—even if overwhelming—with how a television viewer responds to repeated images of suffering.[51]

F. Diffused Responsibility

Inaction may result in part from diffused responsibility. When others could respond, why should I? Studies of bystanders suggest when many others are present the onlooker is less likely to help.[52] For example, in the 1960s, John Darley and Bibb Latané compared situations in which a solo participant had a task to complete in a room which suddenly began to fill with smoke, with one subject and two confederates had the same task in the same conditions. Nearly 75 percent of those alone reported the smoke to the experimenters and where the two confederates ignored the smoke, only 10 percent of the naive subjects reported the smoke. Here, peer effects could be at work as well as a sense of diffused

[51] Stanley Cohen, *supra* n. 44, at ch. 7.
[52] *Id.* at ch. 3.

responsibility. But other experiences indicate that when people *simply imagine being part of a crowd*, they are less likely to help. [53]

G. It Seems to Take Remarkable Individual Courage and Commitment—But This is Not Always the Case

Passivity seems easier than standing up in the face of atrocity or suffering especially where it seems that standing up is a matter of individual heroism and courage. Narratives about heroes—including my earlier descriptions of notable upstanders—suggest extraordinary personal qualities and not a small amount of obsession that the rest of us may find unfamiliar, inaccessible, and even personally undesirable. These concerns are exacerbated by descriptions of those who stand up against injustice as exhibiting empathic concern, a risk-taking predisposition, extreme moral courage, heroic altruism, and courageous resistance.[54]

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[53] **John M. Darley & Bibb Latané, *Bystander intervention in emergencies: Diffusion of responsibility*, 8 J. OF PERSONALITY & SOCIAL PSYCH. 377 (1968), http://psycnet.apa.org/psycinfo/1968-08862-001; Stephen M. Garcia et al., *Crowded minds: The Implicit Bystander Effect*, 83 J. OF PERSONALITY & SOCIAL PSYCH. 843 (2002), http://psycnet.apa.org/index.cfm?fa=buy.optionToBuy&uid=2002-18351-005; Kendra Cherry, *What is diffusion of responsibility?*,** ABOUT EDUCATION**, (last visited Jan. 1, 2015)**, http://psychology.about.com/od/dindex/ f/diffusion-of-responsibility.htm; ABIGAIL GOSSELIN, **GLOBAL POVERTY AND INDIVIDUAL RESPONSIBILITY 157-158 (2009).**

[54] "Empathic concern" suggests more than the usual sensitivity to the pain and suffering of others. *See* Stephanie Fagin-Jones & Elizabeth Midlarsky, *Courageous Altruism: Personal and Situational Correlates of Rescue during the Holocaust*, 2 J. OF POSITIVE PSYCH. 136 (2007); EVA FOGELMAN, CONSCIENCE AND COURAGE: RESCUERS OF JEWS DURING THE HOLOCAUST (1994); SAMUEL P. OLINER & PEARL M. OLINER, THE ALTRUISTIC PERSONALITY: RESCUERS OF JEWS IN NAZI EUROPE (1988); NECHAMA TEC, WHEN LIGHT PIERCED THE DARKNESS: CHRISTIAN RESCUE OF JEWS IN NAZI-OCCUPIED POLAND (1986); Nancy Sherman, *Empathy and Imagination*, 22 PHILOSOPHY OF EMOTIONS, MIDWEST STUD. IN PHILOSOPHY 82 (1998); On "risk-taking predisposition," correlated with helping

There certainly are remarkably courageous and passionate individuals whose personal qualities lead them to stand up against oppression or become a whistle-blower or rescuer. Studies suggest, however, that many of those who stand up in such circumstances do so more because of their relationships and context than a sense of personal courage or personal beliefs.

A study of student participants in the 1964 Mississippi Freedom Summer project during the U.S. Civil Rights Movement indicate that the key difference between participants who stayed and those who dropped out was not ideological fervor but instead personal connections. Sociologist Doug McAdam found that what mattered more than ideological fervor was an applicant's degree of personal connections; participants were far more likely than dropouts to have close friends who were also going to Mississippi.[55] Villages in the Netherlands, France, and Italy that hid Jews during the Holocaust reflected religious ideas, but even more

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others in highly stressful situations, see Fagin-Jones & Midlarsky, *supra*; On "extreme moral courage," see MARTIN GILBERT, THE RIGHTEOUS: THE UNSUNG HEROES OF THE HOLOCAUST (2003); DAVID H. JONES, MORAL RESPONSIBILITY IN THE HOLOCAUST; A STUDY ON THE ETHICS OF CHARACTER (1999); On "heroic altruism" and "courageous altruism," see Fagin-Jones & Midlarsky, *supra*, and on "courageous resistance," see ERWIN STAUB, THE PSYCHOLOGY OF GOOD AND EVIL: WHY CHILDREN, ADULTS AND GROUPS HELP AND HARM OTHERS (2003).

[55] Malcolm Gladwell, *Small Change*, THE NEW YORKER (Oct. 4, 2010), http://www.newyorker.com/magazine/2010/10/04/small-change-3?currentPage=all (discussing McAdam's work). Similarly, four protestors who started the sit-in at the racially segregated lunch counter had close personal relationships and talked extensively together about what they could do to challenge racial segregation; Ezell Blair worked up the courage the next day to ask for a cup of coffee because he was flanked by his roommate and two good friends from high school. *Id.*

powerful were the close communal ties, connections with respected leaders, and a sense of being in the effort together.[56] Participants later described their actions as what was expected and ordinary, not as something heroic or unusual, reflecting what some may call "the banality of virtue."[57]

Similarly, the pro-democracy movement in South Korea grew as leaders instilled strong emotional solidarity connecting individuals who had previously seemed in separate groups. Blue-collar laborers, the urban poor, and farmers, as well as student activists, "radical" journalists, and "dissident" politicians built networks, drawing on moral authority and social ties through the Korean church.[58] Rather than a distinctive and unusual personality once posited as the explanation for rescuers,[59] social ties and peer support and expectations contribute to the behavior of rescuers and activists. [60] Thus, social expectations, attraction and commitment

[56] PHILIP P. HALLIE, LEST INNOCENT BLOOD BE SHED: THE STORY OF LE CHAMBON AND HOW GOODNESS HAPPENED THERE (1979); *How Italy Protected Jews from the Holocaust*, CHICAGO TRIBUNE (Oct. 14, 2014), http://www.chicagotribune.com/news/opinion/editorials/ct-holocaust-italian-jews-edit-1010-20141010-story.html (Anghiari, Italy); *The Memorial Honoring the Village of Nieuwlande*, YAD VASHEM, http://www.yadvashem.org/yv/en/ righteous/related_sites.asp (documenting the collective rescue effort of the people of Nieuwlande, the Netherlands); PIERRE SAUVAGE, WEAPONS OF THE SPIRIT, (1989) (Le Chambon-sur-Lignon, France).
[57] Stanley Cohen used this phrase. See *Cohen, supra* n. 44, at ch. 10.
[58] Paul Y. Chang & Gi-Wook Shin, *Democratization and the Evolution of Social Movements in Korea: Institutionalization and Diffusion*, SOUTH KOREAN SOCIAL MOVEMENTS: FROM DEMOCRACY TO CIVIL SOCIETY 3 (2011).
[59] Samuel P. Oliner & Pearl M. Oliner, ALTRUISTIC PERSONALITY: RESCUERS OF JEWS IN NAZI EUROPE (1992).
[60] Stanley Cohen, *supra* n. 44, at ch. 11 (summarizing research).

to a group, social identity, and mutual interdependence influence courageous behavior even more than attachment to ideals such as honor and duty.[61]

The social connections need to be real and intense, not themselves remote and passive; internet activism—or "slacktivism." This is a new term describing how people may simply click a "like" button rather than become more engaged in political action. These Internet "likes" are probably insufficient to create the social expectations and support enabling people to take real risks in standing up.[62] At the same time, much as peer pressure can produce inaction, peer support and collective commitments can support heroic efforts.

III. Changing the Context

Extraordinary individuals who behave differently than others deserve honor and recognition. Yet the message should not then go forth that only unusual individuals are upstanders. We can engage in collective efforts to build policies

[61] Albert Bandura, SOCIAL LEARNING THEORY (1977); Sean T. Hannah et al., *Toward a Courageous Mindset: The Subjective Act and Experience of Courage*, 2 J. OF POSITIVE PSYCH. 129 (2007).

[62] *10 Ways to Be an Upstarter*, THE BULLY PROJECT, http://teacherweb.com/LA/SixthWardElementary/Watkins/10WaystoBeanUpstander_copy.pdf (last visited Jan. 1, 2015).

Application to Today: Slacktivism?

1. Passive engagement: clicking "like"; joining an online group; copying and pasting (or "sharing") social network statuses or messages; altering one's personal data or avatar on social network services
2. More active engagement: signing online petitions; making donations; lobbying representatives via email or SNS
3. To offline engagement that involves actual cost/risk

and communities that support upstanding and in so doing make it easier for individuals to act without having to summon extraordinary courage.

Interestingly, simply offering financial rewards will not work and may even be counterproductive. Studies of motivation suggest that monetary incentives can have the perverse effect of "crowding out ethical internal motivation to blow the whistle."[63] Monetary rewards can suppress internal moral ideas by treating the issue in economic terms.[64]

In contrast, creating shared practices to expose problems and tackle them together can alter longstanding cover-ups and denials of problems. Lessons could be drawn from the "Andon System." Pioneered by the Toyota automobile manufacturing company, to notify management, maintenance, and other workers of a quality or process problem. The system uses a signboard with signal lights to indicate which workstation has the problem. The signal can be triggered when an individual worker uses a pull cord or button, or when the production equipment itself signals

[63] Orly Lobel, *Linking Prevention, Detection, and Whistleblowing: Principles for Designing Effective Reporting Systems*, 54 S. TEX. L. REV. 37 (2012), http://ssrn.com/abstract=2281423 (reporting findings of original research).
[64] *Id.* at 11 (citing James Heyman & Dan Ariely, *Effort for Payment: A Tale of Two Markets*, 15 PSYCH. STUD. 787 [2004]; Bruno S. Frey & Reto Jegen, *Motivation Crowding Theory*, 15 J. ECON. SURVS. 589 [2001], and other studies). The dynamic may work quite different for the goal of promoting whistle-blowing in financial contexts. The United States legislation responding to the 2008 financial disaster, for example, has apparently increased whistle-blower tips.
http://webcache.googleusercontent.com/search?q=cache:pDqykEEzeoMJ:www.law360.com/articles/582700/sec-s-30m-warning-the-foreign-whistleblower+&cd=7&hl=en&ct=clnk&gl=us&client=safari.

a problem. Once signaled, the system may stop production, call for assistance and investigation, or trigger data collection and review as part of a program of continual improvement.[65] Frances Frei, a Harvard Business School professor draws an analogy between the effectiveness of the Andon System and new initiatives seeking to halt sexual assaults. "That Andon cord is a metaphor for life," Frei said. "Between all of us as individuals, let's surface as many problems as possible, and then let's collectively figure out how to solve them." [66] Organizing fellow students to step in to halt problematic interactions is one approach; with training and a peer group sharing purposes, individuals have less trouble speaking up. To address attitudes and behaviors around gender, Harvard Business School's Women's Association has enrolled men who serve as "manbassadors" to help lead positive change in discussions about gender.[67] A similar effort to halt bullying affecting young students offers students the chance to take a pledge and join others in interrupting and ending harassment.[68] Educational programs can help young

[65] Jeffrey Liker, THE TOYOTA WAY (2004).
[66] *Sexual Assault at HBS Spurs Dialogue on Student Culture*, THE HARBUS (Apr. 30, 2012), http://www.harbus.org/?p=9425 (last visited Jan. 1, 2015). The topic of failures to halt sexual assaults and rapes has become a focal point on college campuses in the United States; Jed Rubenfeld, *Mishandling Rape*, N.Y. TIMES (Nov. 15, 2014), http://www.nytimes.com/2014/11/16/opinion/sunday/mishandling-rape.html.
[67] Christiana Pazzanese, *Men on a Mission: Women's Association at HBS Enrolls Men to Rethink Gender Issues*, HARVARD GAZETTE (Dec. 16, 2013), http://news.harvard.edu/gazette/story/2013/12/men-on-a-mission.
[68] 10 Ways to Be an Upstander, *supra* n. 62
("1. Help others who are being bullied. Be a friend, even if this person is not yet your friend. Go over to him. Let him know how you think he is feeling. Walk with him. Help him to talk to an adult about what just happened. [Just think for a moment about how great this would be if someone did this for you when you were being picked on or hurt!]
2.Stop untrue or harmful messages from spreading. If someone tells you a rumor that you know is untrue or sends you a message that is hurtful to someone else, stand up and let the person know this is wrong. Think about how you

people see the connections between bullying and the kind of stereotyping and abuses of power that make genocide possible—and also see how taking even seemingly small acts in one's own school can build the cultural practices that can prevent atrocity.

I work with an international educational organization called "Facing History and Ourselves" that taught me this approach. It emphasizes the relationships between individual psychology and group practices, as well as ideology and historical context. Focused on students between the ages of 12 and 18, the program also invests in their teachers. This model of two-generational education can be transformative by immersing teachers in historical materials, eliciting

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would feel if someone spread an untrue rumor about you. Don't laugh, send the message on to friends, or add to the story. Make it clear that you do not think that kind of behavior is cool or funny.
3. Get friends involved. Let people know that you are an upstander and encourage them to be one too. Sign the Stand Up Pledge, and make it an everyday commitment for you and your friends.
4. Make friends outside of your circle. Eat lunch with someone who is alone. Show support for a person who is upset at school, by asking them what is wrong or bringing them to an adult who can help.
5. Be aware of the bullying policy at your school and keep it in mind when you witness bullying. If there isn't a policy, get involved or ask teachers or front office staff to speak about how you can reduce bullying.
6. Reach out to new people at your school. Make an effort to introduce them around and help them feel comfortable. Imagine how you would feel leaving your friends and coming to a new school.
7. Refuse to be a "bystander". If you see friends or classmates laughing along with the bully, tell them that they are contributing to the problem. Let them know that by laughing they are also bullying the victim.
8. Respect others' differences and help others to respect differences. It's cool for people to be different – that's what makes all of us unique. Join a diversity club at school to help promote tolerance in your school.
9. Develop a bullying program or project with a teacher or principal's support that will help reduce bullying in school. Bring together a team of students, parents and teachers to meet and talk about bullying on a regular basis and share stories and support. Discuss the "hot spots" where bullying most likely occurs (ex. the bus, bathroom, an unmonitored hallway) and what can be done on a school level to make sure students and teachers are safe and supported. Learn more about how to start an Upstander Alliance at www.bullybust.org/upstander and access free support to sustain your team.
10. Educate yourself and your community about bullying. For example: Why do kids bully? Where does bullying take place most often in your school? What are the effects of bullying? Why are people afraid to get involved? Understanding this information will help you if you are bullied and will help you to stand up to bullies if a friend or classmate is being bullied.")

psychological insight, and offering tools to support genuine conversations with students about injustice, bystanding, and upstanding. The organization's founder, Margot Strom and I ten years ago wrote optimistically, "Armed with knowledge about the past, a new generation can generate the vigilance that makes democracy strong and prevents scapegoating and violence."[69] Sadly, in the intervening 10 years, mass violence has grown across the world; intergroup prejudices and hate crimes have escalated, increasing the challenges but also the opportunities. The new leader of this organization, historian Roger Brooks, explained why he took on his role: "Young people face major challenges of global citizenship," he says, "how they should live in this world, how they should cope with difference, how they are going to create empathy and build a future that unites instead of divides … I'm here to help us make certain that this work continues and grows."

The challenges of global citizenship include not just developing ideas but also developing practices—practices that make passivity no easier than taking action against hatred and violence. This means creating cultures, institutions, and resources to help individuals empathize with those who are oppressed. Yet no less important is building practices to help individuals resist the pressure from peers to

[69] Martha Minow & Margot Stern Strom, *Op-Ed: The Lessons of Nuremberg*, THE BOSTON GLOBE, A15 (November 3, 2005).

do nothing and strengthening peer support to stand up against suffering and injustice. This means addressing genuine fears, sources of denial, and feelings of being overwhelmed so often experienced by those who do nothing in the face of oppression. The role of upstander should not be confined to remarkable heroes but expanded by communities of responsibility and mutual protection while resisting the diffusion of responsibility that contributes to inaction.

Communities of responsibility and the cultures that nurture them take many steps to build. An important step is to honor remarkable individuals with courage and commitment. Raphael Lemkin, Benjamin Ferencz, Luis Moreno Ocampo, Emmanuel Uwurukundo, Samantha Power, filmmaker Edet Belzberg, and Victor Koningsberger deserve recognition and honor. At the same time, we need to emphasize that an upstander does not need extraordinary qualities. Ordinary people can and do stand up in small and big ways against oppression and injustice. Education can help. Speeches can help. When we honor heroes, we should not simply recognize individual courage. Doing so helps to constitute a community around the value of standing up. Joining with others to make it more possible for each next act of upstanding can help even more. Pushing to construct peer cultures of upstanding, reducing fears of speaking out against bullying and discrimination, preparing people to recognize and combat denial, rationalization,

and feeling overwhelmed, and building social networks of mutual aid and support, these will help us all be upstanders and help us rescue the humanity of others and of ourselves.