

# The Interim PLUS Curriculum Supplement For Schools

OCTOBER 2002

This month *The Interim Plus* highlights two themes, that of Thanksgiving and the development of the International Criminal Court (ICC).

Both elementary and secondary schools will find the material helpful in planning Thanksgiving activities and gaining an understanding of this new international institution.

## THEME ONE

### Thanksgiving Day

Thanksgiving Day is a grand occasion for Canadians of all faiths to give thanks to God for all the blessings which we enjoy. What incredible luck to be living in this particular corner of the world, free from war, pestilence, poverty, and social divisions!

The history of giving thanks is shared by many people and across civilizations throughout the ages. Ceremonies usually were associated with the bounty of the harvest among the ancient Greeks, Romans, Hebrews, Chinese, and Egyptians.

### Questions

1. What underlies the tradition of giving thanks?
2. Through an internet search find out what the celebrations of these ancient people had in common?
3. Does our Thanksgiving resemble those expressions of public gratitude in any way?

The modern Thanksgiving tradition began in the United States at the time of the pilgrim founders of New England, who in 1621, after a hard and devastating first year in the New World had a very bountiful harvest and offered special prayers of Thanksgiving. In 1817 New York State adopted Thanksgiving Day as an annual custom and many other states followed suit in the latter half of the 19th century. In 1863 President Abraham Lincoln appointed a national day of thanksgiving. Since then each president has issued a Thanksgiving Day proclamation, usually designating the fourth Thursday of each November as the holiday.

### The Canadian Experience

Canadian Thanksgiving comes well in advance of our neighbours to the south, being celebrated on the second Monday in October. Observance of the day on a regular basis began in 1879 in the province of Ontario.

An excellent introductory article on the historical background of Thanksgiving Day in Canada is to be found at a York university site devoted to the topic, [www.yorku.ca/ycom/release/archive/100599.htm](http://www.yorku.ca/ycom/release/archive/100599.htm). The article summarizes the research work of Peter Stevens, a York University doctoral candidate, on the origin of Thanksgiving in Canada. Stevens in *A Wealth of Meanings: Thanksgiving in*

*Ontario, 1859-1914*, maintains that it was the protestant clergy of Ontario in the second half of the 19th Century that led to the establishment of the special day of Thanksgiving. Stevens concludes that:

- Canada's Thanksgiving Day did not originate with English explorer Martin Frobisher staging a ceremony of thanksgiving upon landing at Baffin Island in 1578.
- Ontario church leaders appropriated the American autumn holiday and transformed it into an instrument of Canadian nationalism. Protestant Church leaders, particularly after Confederation, felt it their moral and historical duty to shape the Canadian identity in the Christian mould and saw the adoption of the Thanksgiving holiday as a way to do this
- Church, state and commerce each wrestled for control of the holiday. By the 1870s, American holiday traditions, such as family gatherings for turkey dinner and stories of the pilgrims, took hold in Canada, creating commercial opportunities for businesses.
- Secular activities became part of Thanksgiving in the 1870<sup>s</sup>. Once Thanksgiving became an annual event, Ontarians could make secular plans for the holiday, which in turn enabled businesses and community groups to stage regular activities that had little to do with the church; e.g., Railways sold Thanksgiving tickets at cut rates and department stores designated almost anything as "Thanksgiving goods" without which one's holiday would not be complete.
- Industrialization, in the last quarter of the 19th century, introduced commercial amusements such as dance halls, dime museums and vaudeville houses which began operating on holidays like Thanksgiving, drawing many Ontarians, particularly working-class families, away from church. Sporting activities, fall fairs, menageries and carnivals joined in the competition for the holiday consumer.... Thanksgiving football games, a tradition that began in New York in 1876, eventually became important in Canadian celebrations. As in the U.S.A., football in Canada was intimately associated with national pride and nation building.
- In 1908, the federal government appointed Thanksgiving for a Monday rather than a Thursday. Transportation companies had asked for the change, feeling that a long weekend would increase holiday travel.

- To Protestant clergymen, the early history of Thanksgiving was, perhaps, a tragedy, since they lost control over the holiday, but, from another perspective, it was a story of triumph since other groups excluded from the clergy's notions of Thanksgiving and Canadian identity democratized the holiday and adopted their own holiday practices, asserting that they, too, had something to contribute to Canadian society and culture.

<http://www.yorku.ca/ycom/release/archive/100599.htm>

[http://www.canadafirst.net/our\\_heritage/thanksgiving/](http://www.canadafirst.net/our_heritage/thanksgiving/)

## Questions

1. Why is Canadian thanksgiving different from the American version?
2. Do we stress Thanksgiving Day enough ?
3. Read the entire article on Peter Stevens' work. According to Stevens how did the clergymen and other cultural leaders of the day view Canadian nationalism? How did Canada's future appear to be different from that of the U.S.A.?
4. Compare Thanksgiving Day in the 1870's with that of 2002. Does the day have the same meaning? What aspects continue to be the same?
5. How did industrialization affect the celebration of Thanksgiving?
6. How was the day secularized and commercialized?
7. Why did the clergy object to moving the celebration of Thanksgiving from Thursday to a Monday? Which do you prefer? Why?

Suggested classroom activities for elementary schools might include the following

1. inviting each student in the class to compose his/her own prayer intention
2. students can read and reflect on the story of the ten lepers who were cured, but only one returned to thank Jesus. (Luke 17:11-17)
3. teach a lesson on prayer, the importance of prayer, the difference between a prayer of petition and a prayer of thanksgiving.
4. research early Canadian examples of Thanksgiving prayers
5. teach a lesson on the passage from Mark 6:41
6. pray the perfect prayer, the Our Father
7. teach a modern parable *The Story of the Sterile Food Tree* by Dr. Ralph F. Wilson found at <http://www.joyfulhehart.com/holiday/thanksgiving.htm>

This is a good parable of how one tree gives life to other beings when it seems to have died and lost its original purpose. It could be a good story for a lesson at the intermediate level.

## The Spiritual Essence of Thanksgiving

Thanksgiving is the mark of a Christian, because thanksgiving points out and up while complaining points only back to a person's pride and dissatisfaction. Thanksgiving towards God and man fits the Great Commandment like a glove, to love God with all one's heart, soul, mind, and strength, and to love one's neighbor as oneself. What better vehicle than thankfulness to express love? What are we thankful for?

the gift of life, creation, family, friends, music, clean water, the weather, laughter, love, the stars, health, a job, our food, our home, rain to water crops, sports and games, ice and snow, trees and flowers, understanding, the shy smiles, colours, boys and girls, animals and birds and fish, freedom,

the ocean, our body, mind and immortal soul.

Certainly each student could make their own list of special reasons for giving thanks.

An excellent site for references to biblical texts dealing with the why of thanking God go to

<http://members.tripod.com/~ThunderQueen/indexstudy.html>

Another site gives short poems on theme of thanks

<http://www.geocities.com/Heartland/Shores/7548/thxprayer.html>

## The Importance of Giving Thanks

Rabbi Stahl reflects on why it is important to pray and give thanks to God.

The prayer of thanksgiving, unlike self-absorbed supplications (petitions), directs us outward. It draws our attention to others, and away from ourselves. There are four main reasons to offer such prayers according to Rabbi Stahl.

*First of all, when we thank God, we sensitize ourselves to the many gifts we have been given. By offering these expressions of thanks and praise to God, we will learn to take nothing in life for granted.*

*A second reason that we need to thank God is that we need to curb our arrogance. We must realize that it is God, and not we, who is ultimately in control of our lives... prayers of thanksgiving can nourish a spirit of humility and modesty.*

*Thirdly, prayers of thanksgiving keep us in constant contact with God.*

*When we call on God only in a crisis, we practice "Fox Hole Religion." Prayers of thanksgiving provide us with the way to keep us in a constant and unbroken relationship with God.*

*Finally, thanking God enables us to accept the blows and arrows of life with equanimity and grace. It forces us to think positive thoughts about what we still have rather than to bemoan what we have lost.*

[http://www.beth-elsa.org/be\\_s1123.htm](http://www.beth-elsa.org/be_s1123.htm)

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## THEME TWO

### The International Criminal Court

2005 – *Old and frail from the ravages of Parkinson's Disease, His Holiness, Pope John Paul II, sat quietly yesterday in the dock on the first day of his controversial human rights abuse trial before the newly convened International Criminal Court. "The accused, Karol Wojtyla, is charged with vilifying same-sex relationships, imposing traditional sex-role stereotypes upon women everywhere, and propagating hate-speech against basic reproductive rights," said the prosecutor. "How do you plead, Mr. Wojtyla?"*

By Eli Schuster, *The Interim*

Is this Eli Schuster scenario (which introduces his article on page 20) of *The Interim* plausible? Read on and then consider it again.

The Statute outlining the creation of the court was adopted at an international conference in Rome on July 17, 1998. The Human Rights Watch has an internet site dealing with the topic

in a question and answer format. Some of the highlights follow.

### **What crimes will the ICC prosecute?**

The ICC will prosecute individuals accused of genocide, war crimes, and crimes against humanity, all defined in the court's treaty.

### **Who can be brought to trial before the ICC?**

The ICC will have jurisdiction over crimes committed by the nationals of governments that ratify the treaty, or committed in the territories of governments that ratify. It can try any individual responsible for such crimes, regardless of his or her civilian or military status or official position.

### **What are the rights of those accused of a crime by the ICC?**

The ICC treaty contains a detailed list of the rights that any accused person shall enjoy, including the presumption of innocence, the right to counsel, to present evidence, the right to remain silent, and the right to have charges proved beyond a reasonable doubt.

### **How will national courts and the ICC work together?**

The treaty gives the ICC jurisdiction that is complementary to national jurisdictions. This 'principle of complementarity' gives states the primary responsibility and duty to prosecute the most serious international crimes, while allowing the ICC to step in only as a last resort if the states fail to implement their duty -- that is, only if investigations and, if appropriate, prosecutions are not carried out in good faith.

### **What good can the International Criminal Court do?**

The ICC will help to end the impunity often enjoyed by those responsible for the most serious international human rights crimes. It will provide incentives and guidance for countries that want to prosecute such criminals in their own courts, and it will offer permanent back up in cases where countries are unwilling or unable to try these criminals themselves, because of violence, intimidation, or a lack of resources or political will.

### **How can politically motivated cases be avoided?**

Many safeguards exist in the ICC treaty to prevent frivolous or politically motivated cases. For example, all indictments will require confirmation by a Pre-Trial Chamber of judges, which will examine the evidence supporting the indictment before issuing it. The accused and any concerned countries will have an opportunity to challenge the indictment during confirmation hearings before the Pre-Trial Chamber. In addition, any investigation initiated by the Prosecutor will first have to be approved by the Pre-Trial Chamber.

<http://www.hrw.org/campaigns/icc/>

## **Questions**

1. What are the main purposes of the ICC?
2. Are there safeguards against abuses by the ICC?

## **Reasonable Doubt: The Case Against the Proposed International Criminal Court by Gary T. Dempsey**

(Note: Dempsey wrote this article prior to the promulgation of the Rome Statute)

For a reading of the full article go to

<http://www.cato.org/pubs/pas/pa-311es.html>

## **Background and Antecedents**

Serious discussion about creating a permanent international criminal court began following the creation of the Nuremberg and Tokyo tribunals after World War II. But it was only in the late 1980's that the UN delegation from Trinidad and Tobago revived the idea of establishing an international criminal court, proposing the creation of a world judicial body capable of dealing with crimes related to international drug trafficking. While the International Law Commission resumed work drafting an ICC statute, the UN established temporary international criminal tribunals to adjudicate cases of war crimes, crimes against humanity, and genocide committed during the recent conflicts in the former Yugoslavia and Rwanda.

In 1996 the UN General Assembly convened the Preparatory Committee on the Establishment of an International Criminal Court, which allowed UN member states and nongovernmental organizations to begin preliminary negotiations on the text of the statute. The Preparatory Committee completed an amended draft statute on April 3, 1998.

### **Why did the ICC come into being?**

The preamble to the ICC draft statute states that the court "is intended to be complementary to national criminal justice systems in cases where such trial procedures may not be available or may be ineffective." The determination of a domestic system's "ineffectiveness," however, is one of the areas where the rationale for the ICC breaks down. The ICC will also become an unavoidable participant in the national legal process...thus constituting an unprecedented change in the sources of national lawmaking, one that diminishes the traditional notion of state sovereignty.

Lloyd Axworthy, Canada's former minister of foreign affairs and a proponent of the court, maintains,

[There is] an acute dilemma for the United Nations, which finds itself torn between intervening in severe humanitarian crises and respecting national sovereignty. A key element of this new thinking is what has been called "human security." Essentially, this is the idea that security goals should be primarily formulated and achieved in terms of human, rather than state, needs... [We start] from the premise that the threat to life and limb of millions of individuals should take precedence over military and national security interests.[13]

Although the preamble of the ICC draft statute states that the "court is intended to exercise jurisdiction only over the most serious crimes of concern to the international community as a whole," many advocates of the court do not want to limit its purview to the core offenses of war crimes, crimes against humanity, and genocide. In fact, there has been a tendency on the part of advocates of the ICC to try to transfer human rights violations and violations of other international prohibitions to the domain of the court.

For example, Amnesty International says that the “perpetrators of human rights violations must be brought to justice” there as well

A number of countries also want to have the crime of “aggression” included in the final ICC statute ... According to the proposed wording of Article 5 of the ICC draft statute, the term “aggression” could also include such things as the “bombardment by the armed forces of a State against the territory of another State” and “the blockade of the ports or coasts of a State by the armed forces of another State.” Including those actions under “aggression” will reduce the military options available to the United States by outlawing preemptive strikes.

### **The Potential for a Jurisdictional Leviathan**

Some proponents of the ICC want “terrorism” and “international drug trafficking” to be added to the court’s purview. Other proponents of the ICC want to go even further and have the final ICC statute include “forced pregnancy” as an international crime. [25] Typically, “forced pregnancy” has been understood to mean repeated rape for the purposes of impregnation, like those incidents reported during the war in Bosnia. But Brigham Young University law professor Richard Wilkins fears that the wording could be abused to bring lawsuits against countries that do not have liberalized abortion laws, noting that the lawyers opposing Utah’s abortion control laws argued that “requiring a woman to give a reason for a termination of her pregnancy constituted what they called a compelled or forced pregnancy.” [26]

Some proponents of the ICC even want the final statute to contain wording that would give the court jurisdiction over a host of new “crimes,” including “committing outrages upon personal dignity” [27] and causing “serious threats to the environment ... [such as] the Chernobyl and Bhopal disasters. This is only the beginning of an ever expanding court system.

Many proponents of the ICC want to extend the power of the court beyond deciding guilt or innocence and into the domain of awarding reparations. For example, Amnesty International maintains that “the court must have the power to award victims and their families reparations, including restitution [and] compensation ...”

There is also the more subtle possibility that the court will indirectly interfere in how peacekeeping operations are conducted by changing the dynamics of military decision making and the focus of command responsibility .... Commanders would feel pressure to put their soldiers in harm’s way when they otherwise would not, or risk being second-guessed if they or their soldiers were called before an international court to provide testimony about crimes they witnessed but did not stop. As a result, peacekeeping troops could find themselves effectively forced into combat situations to avoid a court-induced perception that they were negligent bystanders

### **Conclusion**

The proposed International Criminal Court threatens to diminish national sovereignty, interfere with peacekeeping operations, produce selective and politicized justice, and grow into a jurisdictional leviathan. Already some supporters of the proposed court want to give it the authority to prosecute drug trafficking as well as such vague offenses as “serious threats to

the environment” and “committing outrages on personal dignity.” Even if such expansive authority is not given to the ICC initially, the potential for jurisdictional creep is considerable and worrisome. Moreover, it appears that many of the legal safeguards American citizens enjoy under the U.S. Constitution would be suspended if they were brought before the court.

<http://www.cato.org/pubs/pas/pa-311es.html>

### **The Present Situation**

During the negotiations on the treaty, the Americans argued that their soldiers might be the subject of politically motivated or frivolous prosecutions. Various safeguards were introduced partly to meet this objection. The Bush administration is adamantly opposed to the court and to any dilution of American sovereignty in criminal justice. The United States has not ratified the Rome Statute and went one step further in “unsigned” the Rome Statute which President Clinton had originally signed but not ratified.

A number of important countries seem determined not to submit to the jurisdiction of the International Criminal Court either. Some have not even signed the treaty, such as China, India, Pakistan, Indonesia, Iraq and Turkey. Others have signed but remain dubious and have not ratified, for example, Egypt, Iran, Israel and Russia.

<http://news.bbc.co.uk/1/hi/world/europe/1923555.stm>

### **Questions**

1. Where does the United States fit in all this? Why would they take exception to the ICC?
2. What does the ICC lose in not having the participation of the U.S.A.? Are there any costs or dangers for the Americans for not participating?
3. Is this agency just another subtle step toward the creation of a world government?
4. Is it a way of keeping all the little countries (i.e. too much population, or not much money, or not that well developed, or not rich in resources, etc.) in check by the more powerful, developed nations?
6. List 5 reasons why the ICC is a good development
7. List 5 reasons why the ICC creates some serious misgivings among some people.
8. Have the misgivings of Richard Wilkins, Gary Dempsey and Gwen Landolt been allayed in any way.
9. Briefly explain the difference between the ICC and the ICJ (international Court of Justice).
10. Canada has ratified the Rome Statute and has joined the ICC. Is this a good move on the part of Canada?
11. What if any complications may result from the fact that our powerful neighbour (the U.S.A.) is not a member?
12. Research the current working of the ICC in the case against Slobodan Milosevic , former president of Yugoslavia.