

The Last Utopia: Introductory Remarks
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What I would like to do is to provide you with some background to today's events. President Eisenhower appointed Fr. Ted Hesburgh to the newly created United States Civil Rights Commission in 1957 – at the height of the American civil rights movement. In 1969, he was named the Commission's chairperson. By this time, he – Fr. Hesburgh - had become a leading voice in defending the basic rights of African-Americans, their voting rights in particular, rights that had been massively denied in many southern states. President Nixon, however, owing to Fr. Hesburgh's frequent opposition to the Administration's civil rights agenda, dismissed him from the Commission's chairmanship in 1972.

One year later, the Ford Foundation decided to fund the creation of a civil rights center in the Notre Dame Law School. The Center was designed as a tribute to Fr. Hesburgh for his years of leadership on the Commission. It represented as well an effort to keep his name in the limelight of civil rights promotion. But it had the related effect of spotlighting Notre Dame as a leading center of civil rights advocacy and scholarship.

By 1974, the Center was up and running. I became its head in 1976. Under my directorship, with the approval of Fr. Hesburgh, the Center expanded its agenda to include international human rights as well as domestic civil rights; later still, its emphasis shifted almost entirely to human rights, precisely at the time when we were witnessing, as Sam Moyn puts it, "the astonishing explosion of 'human rights' across the American political landscape" (p. 154). Notre Dame helped to set off the blast. Under the Center's sponsorship and at Fr. Hesburgh's invitation, candidate Jimmy Carter, during the 1976 presidential campaign, delivered one of his early speeches promoting human rights as a fundamental tenet of American foreign policy. We didn't know it at the time, but Carter's pre-presidential visit to our campus set the stage for President Carter's famous human rights address at this University's 1977 commencement.

Just one month prior to President Carter's address, the Center had sponsored an international conference on human rights and American foreign policy. The conference featured papers by major players in the field of international human rights whose important roles Sam Moyn acknowledges in *Last Utopia*. Our invitees included A.J. Robertson, the Council of Europe's Director of Human Rights; Roberta Cohen, Executive Director of the International League for Human Rights and soon-to-be-appointed head of the State Department's Human Rights Office; Tom Farer, the American representative on the Inter-American Commission on Human Rights; Don Fraser, the U.S. House of Representatives' most influential Congressperson in the field of human rights; Rita Hauser, a former U.S. representative to the U.N. Commission on Human Rights and later a member of the State Department's Advisory Panel on International Law; and Nigel Rodney, legal advisor to Amnesty International. (Fr. Hesburgh, I'm sure, remembers them all.)

Given the timing of this conference, and Fr. Hesburgh's own standing in the human rights community, it was no surprise that President Carter would regard Notre Dame as the perfect

forum in which to deliver one of the most important speeches of his presidency. Nor was it a surprise to hear from a member of the White House staff seeking information about the Center prior to the President's commencement address. Let me quote from one of Carter's opening statements: "In his 25 years as president of Notre Dame, Father Hesburgh has spoken more consistently and more effectively in the support of the rights of human beings than any other person I know. His interest in the Notre Dame Center for Civil Rights has never wavered. And he played an important role in broadening the scope of the center's work – and I visited there last fall – to see this work include, now, all people in the world, as shown by last month's conference here on human rights and American foreign policy."

And it was no coincidence that President Carter shared the stage on this memorable day with Bishop Donal Lamont, Paul Cardinal Arns, and Stephen Cardinal Kim, all of whom received honorary degrees for their defense of human rights in Rhodesia, Brazil, and South Korea respectively.

As for the Center's human rights conference, it's worth noting that the Notre Dame Press published the conference papers in a book entitled "Human Rights and American Foreign Policy," one of the first to appear on this topic. I had the privilege of editing the papers with Gil Loescher, a fellow in the Center at the time, and who, as some of you know, nearly lost his life in a terrorist bombing of a UN meeting in Bagdad - an explosion that only Gil survived, but leaving him with horrendous injuries. Anyway, we included President Carter's speech in an appendix, along with an address delivered by Cyrus Vance, Secretary of State, just a couple of weeks earlier at the University of Georgia. He too spoke of the Administration's resolve "to make the advancement of human rights a central part of our foreign policy."

Now let me fast-forward to the late 1980s. I think it was around this time that Sam interviewed me on the background to Carter's visit and, if I remember correctly, he was also interested in the general work of the Center and Fr. Hesburgh's papers. He told me he was writing a book on human rights which I thought was going to focus on the contemporary scene. The book finally appeared last year under the title of *The Last Utopia*, and I was surprised to see that it was a very different book than the one I had anticipated. *Utopia* turned out to be an impressive study of "Human Rights in History," the book's subtitle. I'm tempted to note, by the way, somewhat mischievously, that while Carter's address is frequently mentioned in the main text of *Utopia*, Sam trapped Fr. Hesburgh and me in a couple of his extended footnotes – from which we failed utterly to escape.

In conclusion, let me say this: Had I been asked to write a history of human rights, I probably would have started with the conventional understanding of this history. I would have gone back to the Age of the Enlightenment and its associated theories of natural rights, continued with a discussion of the French and American revolutions of the 18th century, the anti-slavery movement of the 19th century, and the anti-colonial movement of the 20th century, and (I would have) concluded with extended treatments of the 1948 Universal Declaration of Human Rights and the two major international covenants on human rights enacted by the UN in the 1960s. I think too that I might have underscored the influence of European social democracy and the prominence of Catholic natural law thought in the years following World War II, not to mention the human rights documents that emerged from Vatican II, *Gaudium et Spes* among them.

In Sam's account, however, nearly all of these historical developments, with perhaps the exception of certain Catholic influences and the work of Amnesty International, were politicized movements associated with the emergence of the sovereign state or state-centered ideological crusades of one kind or another. Utopia's argument is that there is no straight line connecting any of the human rights precedents I have mentioned to the American human rights regime of the mid-1970s. The Carter phenomenon, argues Utopia, was distinctive. It was distinctive because it was apolitical, and, unlike all previous international human rights agendas, the Carter initiative was a manifestation of a transcendent morality untied to the nation-state. In short, Utopia is a fascinating enterprise in what some critics have called an exercise in revisionist history.

It is only appropriate that I stop here and let Sam take it from there.