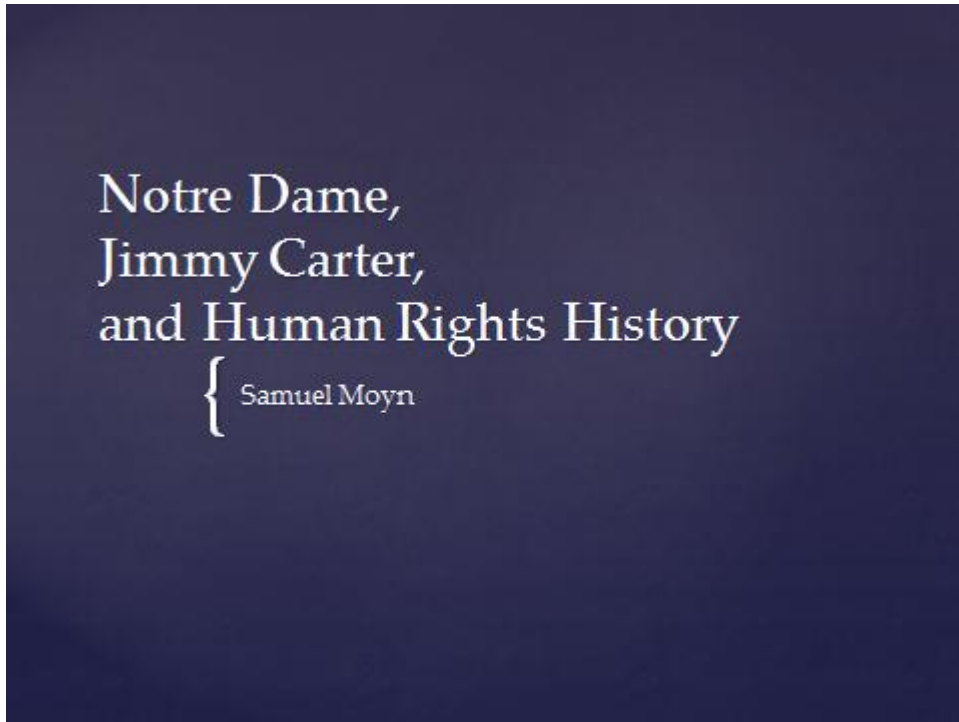


“Notre Dame, Jimmy Carter, and Human Rights History”

Prof. Samuel Moyn

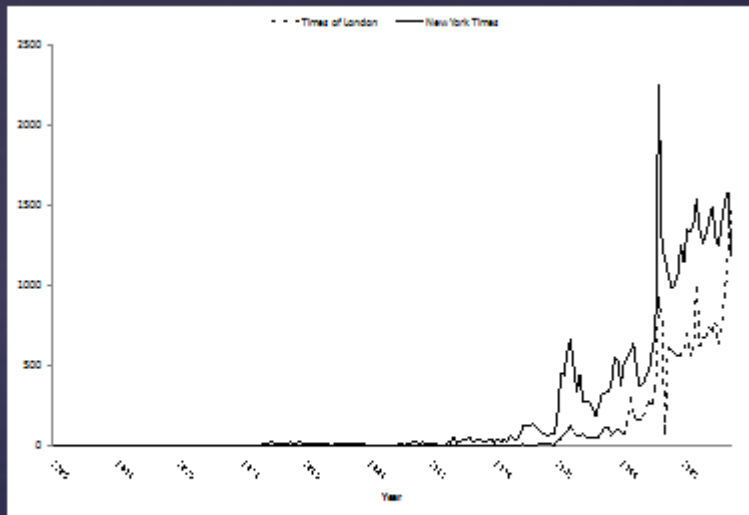
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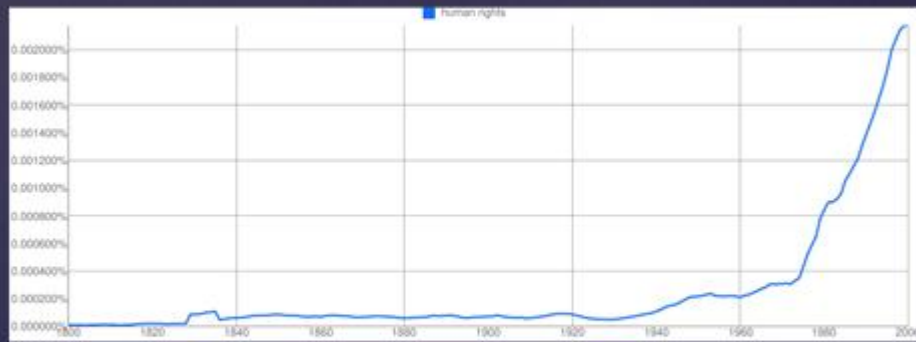
Most presidential speeches make little mark. They grace the newspaper, which soon yellows and is recycled.

This one – and Notre Dame in several other ways leading up to it – proved pivotal, in the emergence of the idea of human rights as the international idealism of our time.

When I began to look into the history of human rights — which is a new field — I discovered some surprising facts. First, historians had never written about the topic before – there had been a Universal Declaration of Human Rights in 1948, yet no American even mentioned that document in the flagship journal in this country until about ten years ago. Then I found, anecdotally and through statistical study, that the very phrase “human rights” wasn’t a familiar one in English until about the 1970s, when it began to become omnipresent. More precisely, until 1977, the year of the speech.



“human rights” in the news



Ngram data

The basic values in human rights seem old if not eternal—human dignity, to begin with, which some might be tempted to root in the Bible; or at the very least later liberal norms of politics now called civil and political liberties or rights and somewhat more contestable principles of social protection, such as the right to

work. But I'm going to suggest that human rights are new in their international scope and don't follow neatly out of any old traditions. And while people had the idea to take them international before the 1970s, it was only then the scheme became popular, redefining international morality.

That's where Jimmy Carter's speech fits in.

How could it be that it provided the inflection point on these graphs? The answer to that question involves a lot of factors, but let me try to pose it correctly and then cover a few of the major ones. I'll talk a bit about ancient history, more about modern history, a bit about Catholic contributions, and more about the American 1970s – I just hope that's the right mix.

Let me note at the start though, that every major transformation is going to have its moments, in retrospect, that surprise even those who may have been there. No one writing, or even Jimmy Carter giving, the speech, and even no one listening, may have realized they were at such an inflection point in ideological history. In retrospect, we can say they were.

Human moral universalism is obviously very old, so there's no doubting that the form and some of the contents of what we now call international human rights are very old

There's no denying, for example, that Stoic cosmopolitanism or Jesus's messianic vision are universalistic.

But the fact is that even to name these two is to suggest that universalistic form – for instance, “You are all one in Christ Jesus” -- leaves room for lots of competition among radically different ethical schemes. Of course, alternative and indeed antagonistic universalisms can share particular norms, and even overlap substantially. To take one example, the norm against human killing (always with permissible exceptions) is to be found in every known human culture. To take another, the competing universalisms of the Cold War shared a great deal, beginning with their emancipatory visions of political freedom and their commitment to industrial modernity as the vehicle through which it was supposed to be achieved. But no one would claim that, because they have a zone of overlap, capitalism or even social democracy in the West coincided with the principles or practices of communist empire.

Once we see how *different* successive universalisms even within the West until recently have been from each other as a matter of cultural and political

meanings, we have to look rather hard for how our current universalism, international human rights, took shape and won out. So how did a conception focused on individuals and their rights become so popular?

Let's begin with the obvious fact that natural rights, or what French revolutionaries called *droits de l'homme* (the rights of man), are old.

Yet the 17th century invention of natural rights, along the later revolutionary rights of man, was about the construction not the transcendence of the state.

If you were for natural rights, like John Locke, your goal was state foundation, and usually national incorporation, through violence and revolution if necessary. This was true with a vengeance in the American and French Revolutions.

Already, "the rights of man" (or *droits de l'homme* as French Revolutionaries called their highest principles) ought to be rigorously distinguished, not as a predecessor universalism of contemporary human rights, but as the universalism human rights would have to overcome or supplant or displace. They were about making not supplementing the nation-state.

And while rooted in nature, which is what made these rights inalienable, they gave rise to no rights of man movement; they were about state foundation: in the American Revolution through escape from empire, in the French Revolution (eventually) on the ruins of monarchy.

And insofar as these events caused a rights of man movement to arise in the nineteenth century and even long into the twentieth, it was called nationalism.

To take the most emblematic figure, Italian Giuseppe Mazzini, probably the most influential partisan of rights in world history of so far, the rights of revolutionary universalism were sometimes among the highest announced aims. "The individual is sacred," Mazzini maintained. He had "Liberty, Equality, Humanity" written on one side of the banner of his movement, Young Italy. But on the other, he emblazoned "Unity, Independence," in perfect conformity with the standard and spreading conviction across the continent that liberty and nationality were mutually implied.

At best, these natural rights provided internal constraints on modern nations state, though rarely that, and never external ones.

International human rights are rather different. If early rights talk was about the constraint of the state, it was from the inside, and didn't promote the idea of an international legal order.

Now let me switch gears, and remind you that Catholic thought almost universally rejected rights and the rights of man, on the grounds of their solipsism and subjectivism. This was no minor feature of Catholic milieu. Papal rhetoric, with its hatred of the French Revolution, made this ideological dismissal of rights crystal clear.

But we can also understand this opposition better than simply indulging in bromides about Catholic illiberalism and antimodernism, though it wasn't insignificant. For Catholics committed to a chain of being from parents and families to God looked very warily on the nineteenth century rise of the secular state and nation to supremacy in modern politics – and were often its victims. Consider the Kulturkampf in Germany.

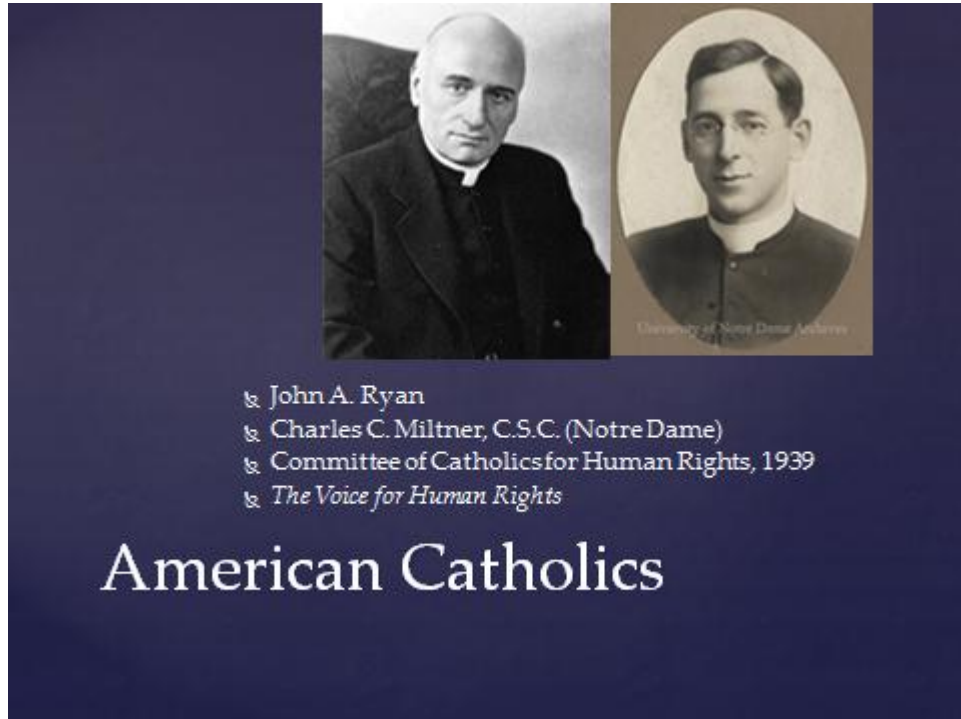
The old papal rhetoric changed, rather drastically, in the late 1930s. From old talk about the rights of the church, and continuing talk about the rights of families, the failure of Catholic flirtation with interwar fascist regimes led popes to begin embracing individual rights on principle – precisely because, as liberals had long known, they could be asserted against the state from the inside.

☞ “Christian teaching alone gives full meaning to the demands of human rights and liberty because it alone gives worth and dignity to human personality” (Pius XI, 1938)

☞ “man and the family are by nature anterior to the State, and that the Creator has given to both of them powers and rights and has assigned them a mission and a charge that correspond to undeniable natural requirements” (Pius XII, *Summi Pontificatus*, 1939)

Pius XI and Pius XII

In fact, I believe that Catholics in the United States founded the first self-styled human rights group here – including Notre Dame’s College dean Charles Miltner, who banded together with famous theologian John Ryan to found a short-lived Catholics for Human Rights, in response to the new papal language and primarily about the defense of Jews from Catholic antisemitism.



Yet even when Franklin Roosevelt begin to talk about war aims in terms of human rights, the language of human rights enjoyed only a modest uptick in its salience.

One very famous Catholic noticed.



Jacques Maritain

- & FDR, "Four Freedoms" (State of the Union) (1941)
- & Jacques Maritain, *The Natural Law and the Rights of Man* (1942)
- & Yves R. Simon
- & Waldemar Gurian
- & personalism

personalism and rights

Jacques Maritain, who became by far the most prominent philosophical defender of human rights for decades, voiced Catholicism's traditional worries about sovereignty in a new way.

Not two weeks after FDR first started talking about human rights for everyone in the world, Maritain began, for the first time in his already long career, using the idea too, going so far as to write a whole book on the topic in 1942. He had some local Notre Dame disciples.

Indeed, it was a primarily Catholic approach to rights for communal and moral man that most influenced the framing of the Universal Declaration, due not least to Maritain's influence.

Yet ultimately the impressive thing about the idea of human rights in the 1940s is how few people cared. There was no international human rights movement, no human rights law – simply a declaration that served as a kind of funeral wreath on some wartime hopes.

Indeed, the 1940s proved the great age of the nation-state – people were uninterested in international rights, intent on welfarist nation-states here in and Europe, and after the foundations of Israel, India, and Pakistan, in the dissemination of sovereignty and the nation-state form, which began its travels around the world in total disregard for what many, including some Catholics, thought World War II had been about. What I called the rights of man movement of the 19th century continued with a vengeance after World War II, as the modern nation-state went global.

The idea of universal human rights above the state (which only a few had conceptualized in the 1940s anyway) survived two places – the Catholic Church and a few other religious movements and the United Nations bureaucracy.

↳ Thus any government which refused to recognize human rights or acted in violation of them, would not only fail in its duty; its decrees would be wholly lacking in binding force.

Pacem in Terris (1963)

In Catholicism, the idea had been permanently injected, and perhaps achieved its highest prominence in John XXIII's *Pacem in Terris*.



Cardinal Paulo Arns

Cardinal Arns, who received an honorary doctorate with Jimmy Carter here in 1977, had drawn on that Catholic usage in eventually coming to frame his activism in Brazil in terms of human rights.

Yet consider what happened to them at the United Nations. As more and more nations were decolonized, they redefined the idea of human rights in the spirit of collective self-determination and indeed nationalism. Perhaps it is understandable that they did so. Let me tell you why.

In World War II the peoples of the world, mostly living under empire, had been promised collective self-determination before President Roosevelt had started talking about human rights. But then the latter surged as empire reimposed itself and the Universal Declaration didn't promise a world beyond it. No wonder that human rights died as a prospective global lingua franca – they were the product of bait and switch or a kind of consolation prize. Of course, decolonization happened anyway. So in the international covenants of human rights worked out at the United Nations, the decolonized world made collective self-determination the very first right.

- ⌘ Declaration on the Granting of Independence to Colonial Countries and Peoples (1960)
- ⌘ Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and Protection of Their Independence and Sovereignty (1965)
- ⌘ "self-determination"

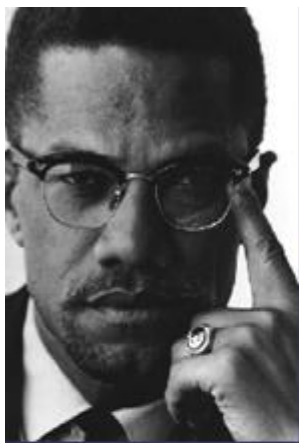
human rights 1960s-style

All these declarations, which say they are about human rights, in fact made the nation-state with high borders the fixture it is in the world today. The goal of self-determination targeted some injustices through international machinery, but its primary implication was sovereignty, except in cases when postcolonial states banded together to use the United Nations to target South Africa and, later, Israel. Meanwhile, there was no self-styled popular movement around human rights anywhere in the world.

- ⌘ First International Conference on Human Rights

Tehran 1968

At Tehran in 1968, on the twentieth anniversary of the Universal Declaration, a United Nations conference celebrated self-determination as the essence of human rights. Human rights continued to be about anticolonialism and, in the aftermath of the 1967 war, the Palestinian occupation. Father Theodore Hesburgh, in attendance at the Vatican's representative, complained about this constriction. But the time wasn't yet ripe for individual human rights, as a movement not about collective liberation through the nation-states but about individuals and international law.

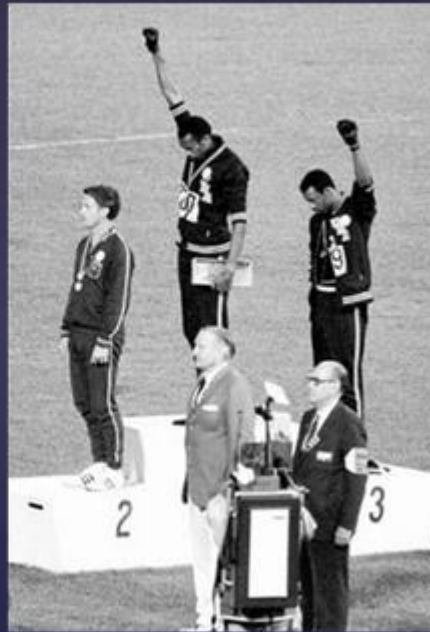


“As long as it's civil rights, this comes under the jurisdiction of Uncle Sam. But the United Nations has what's known as the charter of human rights. ... Civil rights means you're asking Uncle Sam to treat you right. Human rights are something you were born with.”

Malcolm X

Meanwhile, even after in the 1960s in England Amnesty International invented grassroots human rights activism, in America there was no human rights movement of note. Uses in this country in that era are almost unimaginable now. In the 1960s, impressed by the decolonization at the UN, Malcolm X called for African-American liberation in terms of human rights. But he was not very influential.

Olympic Committee for Human Rights



And in 1968, the year of Tehran, the highest profile invocation of human rights wasn't even Tehran but this – African-American athletes at the Mexico City Olympics who felt black power and black self-determination, not individuals and international law, was what the idea connoted.

⌘ “we are coming to a kind of watershed in this country in the matter of civil rights that might [better] be faced in terms of human rights”
(1971 Congressional testimony)

⌘ *The Humane Imperative* (1974)

Father Ted

Father Ted made a more liberal, modest, heartfelt version of that same move as part of his civil rights work, but his version wasn't successful either.

It really was a different world – with no international human rights movement, and no statesmen invoking the term or saying states should pay homage to it.

What happened then? I have a two-part answer.

The decolonization process completed, more or less.

Of course, not at the start: decolonization, in my terms, is the true rights of man movement of the last century, and spread the nation-state around the world. Fifty states had voted on the Universal Declaration, and now there are almost four times that many. Decolonization – the greatest disseminator of sovereignty in world history, was like the last gasp of the rights of man movement, and now human rights movements are in their place.

Just why decolonization helped catalyze the international human rights movement is contentious to think about. One proposal is that after the extraordinary success of the idea, sovereignty reached its limits as a tool. It was only by taking it so far that its limits came into view. Perhaps. Another view is that sovereignty failed to entail individual rights as plausibly as before. The tragedy of decolonization was not sovereignty, but the failure to adequately exercise it. Bluntly, when formerly imperial peoples got to rule, their former masters thought they were not very good at it.

Arthur Schlesinger, Jr. expressed this view in 1977: “States may meet all the criteria of national self-determination and still be blots on the planet,” he wrote. “Human rights is the way of reaching the deeper principle, which is individual self-determination.”

In the larger picture, socialism collapsed.

In the book I explain why that mattered, but from Soviet and Eastern European dissidents to Latin American victims of authoritarianism, leftists became human rights activists, discovering international materials. And, while Catholics hadn't founded an international human rights movement under their own power, these other forces made new alliances with Catholics and other religious groups behind the Iron Curtain and in the southern cone of the Americas – and a highly visible international human rights movement did crystallize.

And of course, Americans started to talk about human rights. Here, Carter mattered especially. But if we compare the United States to other countries, like

those of Western Europe, in the era of the Helsinki Accords, we find that Americans came very late to international human rights in the detailed unfolding of the 1970s decade. All the same, it was the first prominent state whose highest leader, as opposed to grassroots forces and bureaucrats, connected himself to international human rights – hence the spike. Simply because he was at the center of a national conversation, Carter’s self-affiliation mattered.

How this happened remained partly mysterious. But Notre Dame might have a lot to do with it.

“After more than thirty years of public debate in the United Nations and abroad, the subject of international concern with human right and its aims and purposes remains largely unfamiliar terrain on the frontier of thought. The search for its mainsprings as an ideological force has barely begun.” (memo justifying transforming Center for Civil Rights into Center for Civil and Human Rights)

Donald Kommers

By coincidence, Don Kommers took over the old Notre Dame Center for Civil Rights, and according to a letter he wrote to Father Hesburgh I cite from the local archives, he wanted to broaden its mission. That letter is from June 10, 1976, just as Carter is being nominated.

⌘ summer platform
⌘ détente
⌘ Notre Dame, October 1976
⌘ Carter: "There are many things that we can do. And I believe that this Center here that shifts its goals from strictly domestic civil rights, which is still very important, to a broader concept of all human rights, and I hope this will be done expeditiously, and I'll help if I am elected President, can be a beacon to our own country and to the world for a constant reassessment of what can be done in a world that we acknowledge to be imperfect."

the 1976 campaign

Yet whatever was going on in Notre Dame, Carter wasn't yet talking about human rights. Some people say the die was cast in and through the Democratic party platform of July 1976, but no one noticed the party's new commitment to human rights that summer or through the whole fall of that year when the presidential election took place.

In fact only two times during the presidential campaign itself did Carter mention human rights. His general theme in foreign policy was the need for morality after Vietnam, and the need to relax Cold War antagonisms as part of what was called détente.

One of the two speeches in which Carter mentioned human rights, however, took place at Notre Dame, where Carter swung through shortly before the election.

It was still a surprise, though, that in his inaugural in January 1977, Carter made such a big place for human rights.

“Our commitment to
human rights must be
absolute...”

1977 inaugural

Famously, he insisted, America’s “commitment to human rights must be absolute.”

This line set off the deluge. What at first began as journalists probed the administration for whether its policies were new mushroomed when Carter seemed to take international human rights seriously, meeting with Soviet dissidents. The popular press and serious policy journals were aflame with the idea of human rights for the first time in American history.

The issue had become relevant and even “chic,” Roberta Cohen, executive director of one NGO, told the *New York Times*. “For years we were preachers, cockeyed idealists, or busybodies and now we are respectable. ... Everybody wants to get into human rights. That’s fine, but what happens if they get bored?”

When Carter came back to Notre Dame for the commencement speech, everyone wanted to know what all the sound and fury signified.

We can debate why America turned, even if just rhetorically, to human rights, which didn’t come in the era of civil rights, and especially not in the spirit of extending civil rights about which Malcolm X and, though somewhat differently, Father Ted spoke. Carter’s speech was purely about foreign policy, not domestic policy (including race relations).

- ⌘ Cyrus Vance
- ⌘ Zbigniew Brzezinski
- ⌘ "Cold Warriors chastened by events" (Leo Ribuffo)
- ⌘ containment

"inordinate fear of
communism"

Many people heard since the speech, with Carter's famous remark that America needed to leave behind its "inordinate fear of communism," to mean liberals had gone soft. Of course, that's not fully true. Carter fully agreed the Cold War was not over, and his advisers may have been chastened Cold Warriors but were Cold Warriors all the same.

The really significant thing is that Carter was offering a post-Vietnam morality I think.

He said so, in his critique of Vietnam era foreign policy.

- ⌘ America "had been back on its heels for so long. We got the impression from two years of travelling around the country of a feeling worse than ennui,"
- ⌘ "groveling in the moral muck"
- ⌘ but the country "return[ed] to a normal condition" almost immediately, after which "assailing American wickedness" seemed "out of step" (Gaddis Smith)

post-Vietnam guilt

Most of the impressionistic evidence we have about why Americans cared (as they had not in the 1940s) shows the same thing.

Carter's vaguely therapeutic rhetoric and his clear view of American sin ultimately proved to be something Americans didn't want to hear. Carter soon became unpopular for such speeches, and was a one-termer. As time passed, human rights played less on the idea of American guilt and more on the idea that Americans had homegrown principles relevant to the rest of the world.

Yet for a critical moment, guilt mattered, and Americans were attracted to a new language of international legitimacy.

In a longer term sense, we can say that human rights, in and through 1977 and Notre Dame, ascended to be our highest idealism, the things most people say matter most and what they want to be more embedded in the world.



They left behind the old rights of man – and the revolutionary idea that had birthed them.



human rights v. socialism

They also left behind other ideas too.

But history is never over. Human rights are our common dream for now, though other ones may take their place in an indeterminate future. But when we ask how the idea of human rights became so prestigious and prominent, at least for the foreseeable future, we will always have to look back, and give that speech, and this university, a prominent place.