

DePaul University College of Law Commencement Address

May 15, 2015

Interim Dean Bruce Ottley: Reverend President, it gives me great pleasure to present M. Cherif Bassiouni, Professor Emeritus, President of the International Institute of Higher Studies in Criminal Sciences, and Honorary President of the International Association of Penal Law, as a candidate for the honorary degree Doctor of Humane Letters. DePaul University Professor Cherif Bassiouni is one of the world's leading authorities on international criminal law and human rights. Since 1975 he has been appointed to 22 United Nations positions. His lifetime of work to advance human rights has been recognized around the world with dozens of awards from Albania, Austria, Belgium, Egypt, France, Germany, Ireland, Italy, and the United States. Among them are 11 medals of honor and nine honorary degrees. It is our honor to mark his 10th honorary degree today.

Professor Bassiouni believes strongly in the rule of law and has sought to improve the administration of justice around the world by speaking truth to power. His 2005 report to the United Nations' Commission on Human Rights, detailing human rights abuses in Afghanistan, drew special attention to repressive actions by factional commanders acting outside of government control, violations by state security forces and the national police, problems posed by the growing opium trade, severe violations of women's rights, and abuses committed by the United States led coalition forces. The commission adopted most of his recommendations. In his 2010 book about the institutionalization of torture Professor Bassiouni sounded the alarm about America's systematic torture of thousands of people, at least 100 of whom had died, by analyzing how our government bypassed international law to enable the creation of a policy that allowed torture. In his book he warned, and I quote: "History teaches that abusive regimes always start at a slippery slope, with one erosion of the rule of law leading to another. And during that process the general public accepts those erosions out of fear, indifference, or callousness. When that

happens the nation's moral compass no longer points to the right direction and the right path is lost.” Professor Bassiouni has devoted his life to resetting that compass, from teaching American law students, to fostering the principles of human rights and criminal justice in the Gulf region, and devoting his life's work to expanding the rule of law in the cradle of civilization. Among those who have benefited from his training are 450 Afghani judges, 50 of whom were women, as well as Iraqi law professors, and Egypt's state security police. His efforts, in conjunction with like-minded organizations, rebuilt and restored three legal libraries in Iraq as a foundation for legal education to flourish in this war-torn nation.

Professor Bassiouni's 50-year association with the DePaul University has brought worldwide acclaim to the College of Law. His teachings, writings, and work with DePaul's International Human Rights Law Institute which he cofounded, have helped to create a more just society. His efforts to establish the International Criminal Court earned him a Nobel Prize nomination. For decades the world's most respected media organizations have called upon him to decipher the latest developments among warring peoples, neighbor nations, and Middle Eastern leaders. Cherif Bassiouni, with great courage you have pursued the truth. Your commitment to the Rule of Law has helped rebuild societies ravaged by war. You are a living example and have inspired students, professors, judges, and international security forces, to pursue paths of truth and justice. Your successful efforts to establish the International Criminal Court ensure war criminals no longer operate without fear of punishment. For this DePaul University is honored and proud to confer upon you the degree of Doctor of Humane Letters, Honoris Causa. Ladies and gentlemen, it is my distinct privilege to introduce our distinguished commencement speaker, M. Cherif Bassiouni.

Professor M. Cherif Bassiouni: Father Holtschneider, Dean Ottley, members of the Board of Trustees, members of the administration, members of the faculty of the College of Law, graduates, and family of the graduates, today is a very important day for you as you are now entering into a new phase of your lives. You will receive the degree that will allow you to sit for the bar, you will hopefully pass (first time around) and you will be

sworn in as members of the legal profession. And the question will be, what does it mean what does it mean to you? What does it mean to your contribution, starting from your contribution to yourself, your family, your community, your country, and the world?

And it is in this respect that I would like to offer to you some thoughts, which may or may not be in any way significant or relevant to many of you who have already considered that. Let me start by saying that when I joined the law faculty 50 years ago the College of Law was obviously different, legal education was different, the legal profession was different, the world was different. What is the world that you are entering into now? It is really a phase of globalization that you are among the first generation to experience. A phase in globalization in which we are going to move from slightly over slightly 7 billion people to 9 billion people in the world in less than 50 years. We have now approximately 700 million people who are at or below the level of hunger in the world. In the U.S. alone we have over 1 million homeless, with several million more who are at or below the level of poverty. In the next 50 years, which will be most of where your career will unfold, you will see the greater accumulation of wealth into what is now, at least in America, 10% of our society controlling 90% of the wealth of our society. In the world it will be the same, the rich will be richer, the powerful states will become more powerful, the poor will be poorer. And the brunt of the sacrifices will be felt by these poorer societies whether they be in Africa, or Asia, or other parts of the world, they will be suffering from the increase in population, decrease in food, suffering more famine, destabilizing their societies, having more and more failed and failing states, creating more difficulties for peace and stability in the world, more insecurity, and yes, more crime and terrorism. What is it that we, as members of the legal profession, can do?

Well I would hope that some of you, as I have in my almost 50 years at DePaul University, have taken to heart what at this University has been called historically the Vincentian values. The meaning of these values are basically humanistic values, they are humanistic values that derive from the age of Enlightenment, that derive from the contributions of Christianity and Judaism, that derive from a combined sense of humanistic values. But as we see the world evolve in this era of globalization we have to

ask ourselves, are we not witnessing an erosion of these values? Are we not seeing a greater concern by states with power and wealth, and similarly within our own societies, are we not seeing a greater accumulation of power and wealth among the few, and to the detriment of others? Are we not seeing those who have accumulated that power and wealth become almost beyond the reach of the law? Are we in a position to control the multinational corporations that operate at will in every part of the world without being answerable to their own national societies or to the international community? Are we not witnessing the inability of governments to govern? Are we not seeing an instability in the world in which there is a subtle change?

Security, national security, however it is defined by the professionals in the field of national security, is trumping human rights, it is trumping the values that underlie human rights. When we speak about upholding human rights, the rule of law, ensuring the rights of privacy, the rights guaranteed to us by the Constitution, we frequently find ourselves opposed with arguments of national security. And we soon find out how thin the veneer of the Constitution and the law is in our society. How easy it was to establish Guantánamo. How easy it was to torture thousands of people. How easy it was to keep people who have now been released, over 600 of them, who were there unjustly and without any foundation. How easy it was for us to look at the national security surveillance program, which invaded our privacy, without any ability on our part to control this unconstitutional intrusion. These are among the many examples, ranging from what is happening in your community to what is happening in the world. The difference is that 50 years ago what happened in the world may not have affected your community as much as it does today. In this era of globalization what happens in the world affects our communities so deeply. And the question is for you as members of the legal profession, what will you be doing with this profession? Which is to be distinguished from tradesmanship. The profession carries with it moral and ethical obligations which a tradesmanship does not. And I cannot help but remember something that some of you may have heard of, and if not I urge you to do so, subsequent to the major Nuremberg trials after World War II the Allied powers conducted prosecutions in their respective zones of occupation. The United States conducted prosecutions in its

zone of occupation, which included Nuremberg, and two of these cases are quite significant, one is called the Doctors Case, and the other case is the Judges Case, and both of them are linked by an understanding of what a profession is about. In the Doctors Case a number of doctors were brought to trial for having conducted unlawful human experimentation on people, for having killed people under one guise or another, called euthanasia, etc. And at the trial they said, well we were under orders to do that, there was a court order, or there was an administrative order. We had to kill the gypsies, or we had to kill the Jews, or we had to experiment on this and on the other. And the court said but you took an oath, the Hippocratic oath, you took an oath of your profession to uphold the value of life, to save life. How can you obey an order to take away a life? And it was on that basis that the Illinois Medical Society, 22 years ago, issued an order that doctors in the state of Illinois could not participate in the death penalty. The Judges Case raised the same questions. How could you Judges uphold the Nazi decrees in 1936, based on racial discrimination and anti-Semitism? Aren't you, as lawyers and judges, held to a higher standard? Is it only about obeying superior orders? Do you not have the obligation of standing up and saying no, I have the obligation to refuse to obey an unlawful or immoral order? That is a very heavy burden, and it is a heavy burden that befalls somebody who has the privilege of entering the legal profession, because it is a privilege. It is not a license to go out and make money, or to serve corporate interests, or rich clients. It is a license to uphold the rule of law and with that to uphold the essential values of the rule of law. It is in that respect that I urge you, as you enter the legal profession, to realize that you are entering into a changed legal profession. This is not the legal profession that I saw 50 years ago, this is a changed environment, economic, social, political, in every possible respect. You are going to have to meet the challenges of this new environment, of the new demands of your times, of the new demands that are going to be placed on those in the legal profession. Much as the College of Law will have to re-examine what is in legal education that will have to be changed to meet the challenges of the legal education of the next decades. And it is in this respect that I ask you all today, as you are about to receive the degree, and you are about to soon become lawyers, to ask yourselves internally, each and every one of you, what is it that I am going to be, not only is a lawyer but as a human being, what is it that I am going to contribute to my society and to the

world? What is it that I'm going to do to make a difference as a human being, no matter how small? And so with that, go forth in life with courage and determination and always ask yourself the question, am I doing the right thing.

Thank you.