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96th Connecticut College Commencement Address

Noah Feldman
Harvard Law School

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CONNECTICUT COLLEGE

Connecticut College 96th Commencement Address

May 18, 2014

Remarks (as transcribed) by Noah Feldman, Bemis Professor of International Law at Harvard Law School

President Bergeron, President Higdon, members of the board of trustees, faculty, staff – without whom, none of us would be sitting here – parents, friends, family, and above all, fellow, if I can say that, members of the Class of 2014: Thank you very, very much and think to yourselves how fortunate we are, not only to have arrived at this moment, but to have this spectacular and glorious weather with which to greet it.

With your permission, what I'd like to do is talk to you a little bit about what transitions are really like. Not just the celebration of transitions, which are wonderful things, but the actual transitions. And in order to do that, I want to begin by telling you a story about something that happened to me in January that was a little bit like a commencement.

It happened in Tunisia, which if you had been following on your scorecard at home, is the place where the Arab Spring began in 2011 and is today the only place in the Arabic-speaking world where the Arab Spring and its hopes and aspirations are alive at all.

In Tunisia, unlike every other Arabic speaking country where people rose up and removed a dictator, they've actually managed – not without difficulties and challenges – to produce a functioning draft of a constitution, to hold elections, to debate the constitution, to consult the public about it and, most recently, in January, to ratify it.

I had the extraordinary opportunity to visit Tunisia half a dozen times over the two years of the negotiation of the constitution as an observer and occasional adviser, not that anybody necessarily was listening, on this extraordinary process.

In January – Jan. 10, to be exact – I was sitting in the observation deck of the National Assembly. I was watching the final debate and vote on a provision of the Tunisian constitution, which states that women shall be guaranteed parity in all legislative bodies at any level of government in Tunisia.

Now, if you think about it, a provision like that in the U.S. constitution would be truly revolutionary. A provision like that in the constitution of an Arabic-speaking, 95 percent Muslim country – perhaps more than 95 percent – is even more remarkable. The debate was an extraordinary thing to watch because it was conducted entirely by women, and they were on both sides of the issue.

Indeed, they were on both sides of the issue among seriously, religiously committed Islamist members who were women of the parliament. The debate was intense, and there were women in Hijabs, head coverings, arguing on both sides. Then the vote was held and through the efforts of secularists and Islamists, all of them Muslims, the legislation or rather the constitutional provision passed.

In this extraordinary moment, really unlike anything I've ever seen in any constitutional process anywhere, after the vote, first the women and then everybody in the assembly spontaneously stood up – I won't ask you to stand up – and spontaneously began to sing the Tunisian National Anthem. Somewhat out of tune, but that's beside the point.

There was not a dry eye in the house, and I can tell you that I was crying. Everyone in the room understood that this was a profound, significant moment; a kind of culmination of their revolutionary tradition. I thought to myself, “This is what a transition should look like.”

I had the dubious opportunity to work on the U.S. process of advising the constitution in Iraq in 2003 and let me assure you that at no point in that lengthy process did anybody stand up and spontaneously sing anything.

So I thought to myself, “This is what it's all about. This is a moment of true transition. We are seeing the future of an actually existing democratic country where secularists and Islamists alike can get along, where left and right can meet, where they debate and discuss. This is amazing.” You have to pinch yourself because it seems so unrealistic.

Again, even in our political system, it would be pretty extraordinary to see this kind of consensus. And I thought that is the ideal of a transitional moment. It was like the commencement ceremony or a graduation ceremony for the people of Tunisia who had participated in this process.

Fast-forward 48 hours later, when they were still working provision by provision through the same constitutional process. I was sitting in the exact same spot, with a nice view, and I thought ... I had one of those weird moments where I thought I'd heard my name. That's a very strange thing to think because this is a proceeding taking place in Arabic, about the future of Tunisia, and I'm less than peripherally important to it.

But sure enough, someone came over to me and said, “Did you hear them mention you?” I said, “Um, I thought I did, but I also thought I imagined it. What did he say?” My friend started laughing. He said, “Well, it was one of the peripheral members from the right wing of the parliament and he's not in the governing coalition, and he said, ‘There's a very dangerous man in this building, and he is an Islamist and a Zionist.’” Which I thought was a nice combo. “And his name is Noah Feldman and you should watch out for him.”

I looked at my associate and I said, “Well, it's been a nice run.” We quietly got up and walked out of the parliament, and on the way out, the media started running after us with the microphones extended asking, “Are you now sir or were you ever a member of the CIA and Mossad?” I said no.

It seemed like the right answer and it also, as Henry Kissinger liked to say, “had the actual benefit, the added benefit, of being true.”

I headed for the airport and breathed a sigh of relief as I got onto a plane and for the next several days, I was on the front page of the Tunisian newspapers. The inventions of my accomplishments were so remarkable and depressing that I actually sent it to my mother and said, "Look, look, you should be so proud of me. Look at all the things I've done."

There was a hugely important lesson in this, and the lesson was, that these moments of celebration are important and meaningful and significant, like a commencement is, but they're not what a transition actually consists of. A real transition doesn't and can't just occur at the moment when you celebrate, throw your caps in the air, realize you're not paying tuition anymore – at least, for a little while – and figure out what you're doing next.

The same thing that's true for us in our daily lives is also true for countries that are transitioning. We imagine that a written constitution solves all problems, in the same way that we imagine that a written piece of parchment solves all of our problems of our future. It doesn't. It can't.

The reason for that is that the next morning when you wake up – just a little bit hung-over, I hope. I mean, I hope you're hung-over, not you know – you realize that your future is going to be constructed with the same tools that you had the day before.

In the history of a constitution, what this means is that the same people who were running the country before the ratification of the constitution, the same people who can elect, who can be elected by the public who are supported, those same people will now have to govern and they'll have to figure out how to get along, and they'll have to figure out how to implement the written constitution. Because in the end, it's just a piece of paper. Exactly the way a degree is just a piece of paper, and the celebration of its conferral, like a commencement, is an extraordinarily exciting and moving moment, but it's just a single moment isolated in life.

Now in constitutional studies, which is my field, we have a tendency to forget this because we obsess over the document before, during and after its production, and forget that there's actually a process of human engagement in which the constitution lives or dies not based at all on what's written in it, but on how it will be practically implemented.

The provision of the Tunisian constitution that gives women parity is written in such vague terms that it doesn't explain what kind of parity that will be. Does it mean that women will be guaranteed an equal number of seats? Does it mean there has to be an equal number of candidates? Does it mean there has to be an equal number of nominees by the different political parties? No one knows. It will be an intense fight and a political fight to figure out which is which, and that process will actually be the process of the constitution.

So when people tell you, “Ah, this country ratified a democratic constitution,” feel happy for them, but not too happy. Because they will have to work it out over the course of their actual lives. All

transitions I think, in real life, are like this. You will be, in your futures, trying to work out exactly how to shape your lives, how to design them. You'll have to work with other people to do that. You'll have to draw on the relationships that you've built. You'll have to draw on the things that you've been taught and you'll have to draw on the ideas that you've developed.

Everything that you've been doing has been designed to prepare you for this, in just the same way that a constitutional negotiation process prepares a country. But none of what's been done for you can do the hard work of figuring it out ultimately. That's entirely up to you and it's entirely your job.

I don't want to leave you feeling depressed, either about the future of Tunisia or much more immediately, about your own futures. I was describing my planned remarks to a friend, and I said, "You know, well, I want to try to make a point that graduation is great, commencement is terrific, but you know, then life follows." My friend said to me, "Yes, that's what they're afraid of."

Let me end with a positive description of why all of this is a good thing. If your whole life were determined by what had happened previously, if all of your experiences in college added up to nothing more than an extraordinary moment in the sun, you would be limited, bound, constrained and ultimately bored by the lives that you are going to lead going forward. Because you wouldn't be free to make them. You wouldn't be free to shape them.

The whole point of the liberal arts education – that fragile, extraordinary, valuable thing, which is being put in your hands and has been put in your hands – is to teach you to participate as full partners in the making of the world around you. That, by definition, can only happen through your taking up the stuff and the substance of your future lives and shaping it and making it your own.

It's great to celebrate, and it's a relief that the moment of transition does not include within it all of the solutions and answers for what's going forward. Because you're celebrating in the fact that you have these extraordinary tools that have been given to you in part by your faculty, but also have been built and constructed by you in partnership with them. Using those tools, you will go forward. You will succeed. You will occasionally have setbacks. You will overcome those setbacks, and you will keep on working at the solution.

That will be called: being alive. And it will be good. I have tremendous faith in your ability to do all of those things. I'm very grateful to the College for asking me to speak today. I'm extraordinarily proud of all of you. Thank you very much.