

COMMEMORATING THE APPOINTMENT OF THE NINTH DEAN
OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW

Educating Lawyers with a Global Vision

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[This is an edited and footnoted version of the remarks that were delivered by Dean Phoebe A. Haddon, as part of Justice & the Global Economy, a conference celebrating the appointment of Phoebe A. Haddon as the ninth Dean of the University of Maryland School of Law on October 3, 2009.]

Look around. The world's tallest building is in Dubai, and before that, Taipei.¹ Its largest public company, Beijing.² Its largest passenger airplane, built in Europe. The largest investment fund, Abu Dhabi. The biggest movie industry is Bollywood, not Hollywood.

In his book, *The Post-American World*, Fareed Zakaria points to these realities as signs of a rapidly approaching era in which the United States no longer dominates global politics, economics, or

[†] Dean and Professor of Law, University of Maryland School of Law. Many wonderful colleagues on the faculty of the University of Maryland School of Law gave useful comments during the development of this paper and helped make my welcoming day celebration one I shall never forget. I would especially like to thank Michael Van Alstine, Peter Danchin, Teresa LaMaster and Jamie Smith for their insights and thoughtful contributions.

1. Landon Thomas, Jr., *Dubai Opens a Tower to Beat All*, N.Y. TIMES, Jan. 5, 2010, at B1.

2. FAREED ZAKARIA, *THE POST-AMERICAN WORLD* 2 (2009).

culture.³ Rather, he foresees “the rise of the rest,” as nations around the world like Brazil, China, India, Turkey, and South Africa enjoy unprecedented economic growth and influence across the world.⁴

As Americans struggle through this economic recession and confront the realities of joblessness, uneven educational opportunities, and healthcare disparities, deep divisions and continuing gaps in wealth and access are revealed.⁵ Given the strain of our current domestic challenges, it is tempting to find international realignments threatening and infer that this change signals an inevitable decline in the United States’ world stature.

Looking through the lens of America’s traditional aspirations of economic and political dominance, the rise of other nations indicates a movement away from our claim to leadership. Many Americans fear such a new world order shaped in distant lands by people with foreign cultures and traditions. But I believe this new global reality has great potential for us—if we are prepared for it. It is a reality not to be feared but to be embraced.

Today, the very stability of one nation depends upon other nations’ capacity to govern, their willingness to live in peace, and their ability to address problems in collective ways. Francis Fukuyama, among others, argues that, since the end of the Cold War, weak or failing states have “become the single most important problem for the international order.”⁶ He claims these states “commit human rights abuses, provoke humanitarian disasters, drive massive waves of immigration, and attack their neighbors.”⁷ Others argue, with justification, that powerful nations—like our own—can equally well damage the fabric of international cooperation.⁸ They claim powerful nations exert their power for their immediate benefit, without regard

3. *Id.* See also Fareed Zakaria, *The Rise of the Rest*, NEWSWEEK, May 12, 2008, at 24–31.

4. *Id.*

5. See, e.g., Ben S. Bernanke, Reflections on a Year of Crisis at the Federal Reserve Bank of Kansas City’s Annual Economic Symposium in Jackson Hole, Wyoming (Aug. 21, 2009), available at <http://www.federalreserve.gov/newsevents/speech/bernanke20090821a.htm>; Arne Duncan, Testimony Before the House Budget Committee (Mar. 12, 2009), available at <http://ed.gov/news/speeches/2009/03/03122009.html>.

6. FRANCIS FUKUYAMA, STATE BUILDING: GOVERNANCE AND WORLD ORDER IN THE 21ST CENTURY 92–93 (2004).

7. *Id.*

8. See, e.g., ZAKARIA, *supra* note 2, at xxvi–xxx.

to the long-term effect of their actions on economic growth, the environment, and human rights.⁹

From either position, this view of globalization focuses almost exclusively on conflict. It misses the creative cultural impulse that many thinkers find at the heart of this moment in history. Sociologist Peter Berger argues for an alternative view I find more compelling: to him, “cultural globalization” is the capacity of human beings to integrate, to relate through their own traditional values and lifestyle the new things they encounter in the world.¹⁰ Think, for example, of the burgeoning use of cell phones that supports the development of micro-businesses in traditional sectors of countries like India.

This view of globalization, of course, contrasts with the more conventional conflation of “global” and “Western” that assumes both the inevitable spread of American culture around the world and the consequent submergence of others.

In his book, *Many Globalizations*,¹¹ Berger argues that there are, in fact, many concepts of globalization, including this one I draw on—one that brings us closer together, interweaving our lives, nationally and internationally, in complex and inextricable ways. Rather than emphasizing the risk of clashing civilizations, Berger has stated that the “basic fact about cultural globalization” is that “everyone can talk to almost everyone else, and that’s true whether you talk about crime or about politics or religion.”¹² What he finds in globalization is an enormous increase in communication—locally and across geographic boundaries—communication that happens even despite efforts of government to suppress it.¹³ This global conception resonates for me because it rests on the power of dialogue and discourse that is enhanced by the rich diversity of participants. These are ideas that I have written about and worked toward throughout my entire career.¹⁴

9. *Id.*

10. Peter L. Berger, *The Cultural Dynamics of Globalization*, in *MANY GLOBALIZATIONS: CULTURAL DIVERSITY IN THE CONTEMPORARY WORLD* (Peter Berger & Samuel Huntington eds., 2002).

11. *Id.*

12. Transcript of Radio Program, Krista Tripett with Dr. Peter Berger and Rosabeth Moss Kanter, *Speaking of Faith: Globalization and the Rise of Religion* (2009), available at <http://speakingoffaith.publicradio.org/programs/globalization/transcript.shtml>.

13. *Id.*

14. See, e.g., Phoebe A. Haddon, *Education for a Public Calling in the 21st*

From this alternative vantage point, we can see why, in practice, twentieth century international law has proven inadequate to address the changing course of nations and peoples. And it suggests to me that twenty-first century lawyers need to be grounded in human rights principles and exposed to the rich diversity of legal systems through the study of international and comparative law. As my friend and colleague Temple Law Professor Henry Richardson has observed, global challenges are too important not to include the work of lawyers.¹⁵

It has become almost a hackneyed practice for law schools to speak of a “global vision” for their students and to characterize their institutional offerings as preparing their students for “global practice.” But by probing the meaning of “global” in ways such as that suggested by Berger, we gain insights into how we can strengthen law and legal institutions.

I believe that any vision we develop for this law school must be based on more than a marketing niche. Our collective vision for this school must be grounded in a sense of mission and institutional values that is responsive to the complex, changing nature of our larger world.

It was important to me on this welcoming day that you get a sense of the great work that goes on at the law school and the kind of interaction that we foster among faculty, community supporters, other experts, and our students.

This new global era demands many things from lawyers. Some of our graduates will be lawyers engaged in advocacy, shaping legal and business principles, becoming facile with language, and delineating the nuances of multiple legal systems around the world. Others will convene stakeholders, form partnerships, and frame policy questions to address social and economic problems with civic leaders. Still others will be shaping the discourse of democracy, human rights, and

Century, 69 WASH. L. REV. 573 (1994); Phoebe A. Haddon, *Redefining our Roles in the Battle for Inclusion of People of Color in Legal Education*, 31 NEW ENG. L. REV. 709 (1997); Phoebe A. Haddon, *Academic Freedom and Governance: A Call for Increased Dialogue and Diversity*, 66 TEX. L. REV. 1561 (1988).

15. See, e.g., Henry J. Richardson III, *African Americans and International Law: For Professor Goler Teal Butcher, With Appreciation*, 37 HOW. L.J. 217, 225–26 (1994) (discussing the leading role of lawyers during the struggle against apartheid in South Africa).

justice that will guide courts and other conflict resolution bodies in controversies involving rogue states and cross-border private actions. And some will run for public office.

Recently, Secretary of State Hillary Clinton adopted in a policy speech a conception of interconnectedness, similar to the one Berger describes and I advocate.¹⁶ She challenged us to empower citizens and government to wield more influence and to seek greater involvement than was envisioned in U.S. foreign policy based primarily on the politics of domination. She also recognized the importance of moving from a multi-power world, toward a multi-partner world, stating before the Council on Foreign Relations this July:

We'll use . . . our ability to connect countries around the world . . . to create partnerships aimed at solving problems. We'll go beyond states to create opportunities for non-state actors and individuals to contribute to solutions. . . . In short, we will lead by inducing greater cooperation among a greater number of actors and reducing competition, tilting the balance . . . toward a multi-partner world.¹⁷

Of course, Clinton's call—also made by President Obama in his Cairo speech—is in many ways a return to foundational principles for our country.¹⁸ Before the United States became a world power in the second half of the twentieth century, it was very receptive to collective engagement—most spectacularly in its leadership in the creation of the United Nations.

Given the reality of today's wired world—modern technology facilitates communication across the globe—through You Tube, Twitter, blogs, and other internet mediums—it is easy to see how powerful a concept of connectivity can be. Those who make the most meaningful connections, who establish the largest and strongest networks for the exchange of knowledge and information, who are

16. Hillary R. Clinton, Foreign Policy Address at the Council on Foreign Relations (July 15, 2009), *available at* <http://www.state.gov/secretary/rm/2009a/july/126071.htm>.

17. *Id.*

18. Barack H. Obama, Remarks by the President on a New Beginning, Cairo University, Egypt (June 4, 2009), *available at* http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-Cairo-University-6-04-09.

most open to the best ideas—regardless of their origin—will have the greatest influence. I believe there is a critical role for law and lawyers to use the communicative power they derive from connectivity to address our planet’s shared problems.

At Maryland, we stand on a strong foundation. Faculty have been engaged in international and comparative law work for decades. Many of our graduates in the audience will know the work of Professors Peter Quint, Maxwell Chibundu, Marley Weiss, Katherine Vaughns, and others who have focused on scholarship in this area for many years.¹⁹ They all remain a critical part of our International & Comparative Law Program that today boasts a dozen faculty, including Associate Dean Michael Van Alstine.²⁰

Consider how other faculty advance the kind of connectivity and problem solving I have been describing. Professor Robert Percival, together with his colleagues Rena Steinzor and Jane Barrett, is working to create a global network of environmental law clinics dedicated to protecting public health and the environment in more than twenty nations on six continents.²¹ While legal systems and

19. See, e.g., Peter Quint, “The Most Extraordinarily Powerful Court of Law the World Has Ever Known”?—*Judicial Review in the United States and Germany*, 65 MD. L. REV. 152 (2006); Maxwell O. Chibundu, *The Other in International Law: ‘Community’ and International Legal Order*, 56 FLA. L. REV. 883 (2004); Marley Weiss, *Human Rights and the Global Economy: The Centrality of Economic and Social Rights*, 24 MD. J. INT’L L. 257 (2009); Katherine Vaughns, *Retooling the ‘Refugee’ Definition: The New Immigration Reform Law’s Impact on Asylum Policy and the Adjudication Process*, 1 RUTGERS RACE & L. REV. 41 (1998).

20. Professor Van Alstine has published widely in both English and German in the areas of contracts, commercial law, and international commercial transactions. See, e.g., MICHAEL VAN ALSTINE, FEHLENDER KONSENS BEIM VERTRAGSABSCHLUSS NACH DEM EINHEITLICHEN UN-KAUFRECHT [ABSENCE OF AGREEMENT UPON CONTRACT FORMATION UNDER THE UNITED NATIONS CONVENTION ON INTERNATIONAL SALES LAW] (1995); SIEGFRIED H. ELSING & MICHAEL VAN ALSTINE, US-AMERIKANISCHES HANDELS- UND WIRTSCHAFTSRECHT [UNITED STATES COMMERCIAL AND ECONOMIC LAW] (2d ed. 1999); Michael Van Alstine, *Consensus, Dissensus, and Contractual Obligation Through the Prism of Uniform International Sales Law*, 37 VA. J. INT’L L. 1 (1996). His particular area of scholarly interest is the domestic law application of international law through the vehicle of treaties. See, e.g., Michael Van Alstine, *The Universal Declaration and Developments in the Enforcement of International Human Rights in Domestic Law*, 24 MD. J. INT’L L. 63 (2009); Michael Van Alstine, *The Death of Good Faith in Treaty Jurisprudence and a Call for Resurrection*, 93 GEO. L.J. 1885 (2005); Michael Van Alstine, *Dynamic Treaty Interpretation*, 146 U. PA. L. REV. 687 (1998).

21. Cynthia Di Pasquale, *Univ. of Md. Environmental Law Clinic Shares Skill With World*, DAILY RECORD (Annapolis), Apr. 11, 2007, available at

solutions to environmental challenges vary from country to country, the impact of lead on children is the same everywhere, and global warming is—indeed—global. By connecting these like-minded lawyers, our faculty empower them to work together and effect change in nations that fail to enforce those laws that do exist.

Our LEAD initiative is another example of the rich tradition of connecting people and institutions at Maryland. Led by Professor Michael Millemann, and with Professors Paula Monopoli and Diane Hoffman playing key roles, the LEAD initiative seeks to develop lawyers who are cross-culturally competent, able to navigate in diverse communities and cultures. I am pleased to share that for the first time we have established an international and comparative law clinic that will undertake economic and community development and other human rights projects, with student participation in China, Mexico, and Namibia. Professors Shruti Rana and Barbara Olshansky will work on these efforts.²² In each clinic, our students and faculty will interact with lawyers in the country to expand the law-related skills of their citizens.

As you look around this room, it might be hard to believe that there are not enough lawyers in the world. But you should know that there might be more lawyers in this room than there are in some countries! We are working to help respond to this shortage by creating clinics and training more lawyers, judges, and professors to build the capacity of legal systems in developing countries. I am sure that we will learn as least as much from these experiences as we will contribute.

And because we are a community of teacher-scholars we have often drawn on models from around the world to shape our teaching and social justice work here. Our engagement with the differing traditions and perspectives around the world has also had powerful benefits for the influential scholarship of our faculty—for example, Professor Peter Danchin's theories on "value pluralism" in mediating global religious differences.²³ Predating the end of apartheid, our

http://findarticles.com/p/articles/mi_qn4183/is_20070411/ai_n18997950/.

22. See Press Release, University of Maryland Law School, New Clinic to Place Students in Namibia, China, and Mexico (Feb. 2010), available at http://www.law.umaryland.edu/about/news_details.html?news=517.

23. See Peter Danchin, *Suspect Symbols: Value Pluralism as a Theory of Religious Freedom in International Law*, 33 YALE J. INT'L L. 2 (2008).

South African Program gives students the opportunity to work at human rights and civil rights organizations in that nation. The scholarship of Professor Sherrilyn Ifill has been informed by our engagement with South Africa, as she drew upon the example of its Truth and Reconciliation Commission to propose solutions for helping communities here in Maryland heal the lingering wounds of racial violence.²⁴

People sometimes ask why we should devote attention to the other side of the world when there are so many problems for us to address just a few blocks away, here in my new home, Baltimore. My response is that local issues like lack of quality education, poverty, and unequal access to justice are universal issues that plague developing and developed nations across the globe and beg for new solutions that come from our collective thinking and engagement.

We are teachers, but we are learners too. Just this past Thursday evening, our alumnus Senator Ben Cardin spoke at the twenty-fifth anniversary celebration of our Law & Health Care Program.²⁵ He emphasized that lawyers can raise the level of the health care reform debate by advancing arguments for recognizing a moral and legal right to health care in this country.²⁶ And importantly, he described how many countries have already recognized health care as a right and how much we can learn from their example.²⁷

Each year, our Clinical Law Program provides more than 110,000 hours of free legal services.²⁸ We provide benefits to the communities we serve locally and abroad, but we also cultivate lawyers who value public service and understand how laws and policies affect the less powerful. It is no wonder that many of our alumni demonstrate a lifelong commitment to increasing access to justice no matter what they do on their day jobs.

24. Sherrilyn Ifill, *Creating a Truth and Reconciliation Commission for Lynching*, 21 *LAW & INEQ.* 263 (2003).

25. See Benjamin L. Cardin, Remarks at the 25th Anniversary Celebration of the Law & Health Care Program, University of Maryland Law School (Oct. 1, 2009), available at <http://www.law.umaryland.edu/faculty/conferences/detail.html?conf=91>.

26. *Id.*

27. *Id.*

28. University of Maryland Law, Clinical Law Program, <http://www.law.umaryland.edu/programs/clinic/index.html> (last visited May 11, 2010).

When I came to the law school in July, I promised to continue the trajectory of excellence that Maryland has enjoyed during its history. Former Dean Mike Kelly, who is here today, Don Gifford, who is now my faculty colleague—and, of course, Karen Rothenberg—are all part of that commitment to excellence.

I aspire to make this a premier urban research institution. Our graduates, able thinkers and problem solvers, are comfortable working in a diverse environment and leave the institution both skilled and imbued with a sense of service. A global vision increases their capacity to respond to social and economic challenges because they understand the interconnectedness of our community with others around the world.

I conclude with some personal observations about this day.

I must tell you what a great privilege and honor it is for me to stand before you as the ninth Dean of this law school, a fine institution and part of a nationally recognized, outstanding professional and graduate school campus.

Each day I awake thrilled to be here, facing new challenges with excitement and certainty that the law school will continue to excel.

I want to thank Dr. David Ramsay for his confidence in my leadership.

I continue to be impressed by the collegiality and seriousness of purpose of the entire law school community, including faculty, staff, and most definitely our wonderful students. I want to acknowledge and thank my dean colleagues, who have been extraordinary in their support of this transition to new leadership.

I am deeply affected by the outpouring of support that all of you who are here today demonstrate by your presence. I am grateful to Ambassador Kirk, Congressman Cummings, and Paul Bekman for sharing this day with me. I want to thank Dr. and Mrs. Ramsay for joining us today.

I am also appreciative of the support of my family—those who instilled in me and my brother, Jimmy Haddon, the value of education, hard work, and commitment to change. Thank you.

I hold dear the unconditional love and support of my immediate family, my husband, Frank McClellan, the Beck Professor at Temple

Law School, who is slowly but surely coming to see Baltimore as his other home, and our children, Cara, Malik, and Toussaint, whom we are proud to introduce to Baltimore today.

My presence as the ninth Dean has great significance to the law school, to Baltimore, to the state of Maryland, and to this country, in light of the history of this institution. Nearly seventy-five years ago, Donald Gaines Murray was denied admission because of his race and challenged this segregation-based rejection in litigation led by Thurgood Marshall.²⁹ As I become Dean, I think of Donald Murray and the path he blazed for all of us—of every race—who work for justice and equality. Today, I stand on his shoulders.

I have heard from many people who are deeply affected by this history and my appointment. I am grateful and humbled by the kind words of support. I pay homage to the past that has made possible the future about which I have spoken today.

I do not imagine that Donald Gaines Murray or David Hoffmann, who founded this great law school nearly two centuries ago, could have imagined the breathtaking future that stands before us now. Ultimately, the question is not *if* this law school will become a global actor. Rather, the question is how far will be our global reach. Work with us to chart the future's course. I am confident we will be at the forefront, taking ourselves and ideas around the world and bringing back to Baltimore the very best this truly remarkable world has to offer.

29. See *Univ. of Md. v. Murray*, 169 Md. 478 (1936); University of Maryland School of Law—Thurgood Marshall Law Library, Special Collections—Donald Gaines Murray and the Integration of the University of Maryland Law School, <http://www.law.umaryland.edu/marshall/specialcollections/murray/> (last visited May 11, 2010).