

## The Task of Diplomacy Tomorrow

An Essay Commemorating James T. Shotwell's Address given at the Formal Opening of The Fletcher School of Law and Diplomacy in 1933

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It has been 75 years since the founding of The Fletcher School of Law and Diplomacy and since Professor James Shotwell's address given at its formal opening: both acts of remarkable vision. We often say that the School's founding was an act of extraordinary hope at a time of crisis. The School still stands as a beacon of hard-headed idealism, where we aspire with our hearts, but study, plan and act with our minds, using the strongest analytical tools. Shotwell spoke of the task of diplomacy today, in 1933. These 75 years later, I want to address the task of diplomacy tomorrow.

Shotwell was the driving force behind the unabashedly idealistic Wilsonian vision of world peace through justice. He understood The Fletcher School of Law and Diplomacy in this way. While the Wilsonian ideal may today seem quaint, even foolish to some, Shotwell was no fool, and he supported his ideas using a compelling comparative historical analytical approach with the broadest sweep. His ideas and concerns seem fresh today. This is a testament to his vision, and to the vision of those who founded this School, but is it also a testament to the chronic nature of the problems he hoped to solve? Should we be embarrassed to say, 75 years later, that we're still working on it?

If Shotwell were alive today, would he view the world's circumstances as confirmation of his rather idealistic views, or as confirmation of the more realistic views of international lawyer John Bassett Moore, which views Shotwell criticized in his address? How would a Wilsonian describe the world today, and its prognosis? Shotwell thought in terms of history, technology, economic integration, diplomacy, and law, and was able to bring these perspectives together to form a more accurate image of where we stood than would be possible with any single perspective alone. This is the Fletcher method.

I want to address five topics and explain how they support Shotwell's Wilsonian vision. The five topics are: globalization, environmental protection, poverty, human rights, and war. Note that these topics are the leading topical concerns of the disciplines that we study at Fletcher: international law, politics, economics, history and business. Fletcher has made strides not only in promoting interdisciplinary research and study, but also in addressing the relationships among these topics of globalization, environmental protection, poverty, human rights, and war. In international law, we refer to the problem of separation of these topics in legal agreements and institutions as fragmentation, and we examine how and when to address fragmentation through institutional change. The Fletcher School was founded on the insight that there are important spillovers, not just across borders, but also across subject matters and across disciplines.

Shotwell seems to have believed, rather early, in the kind of functionalism that was discussed by David Mitrany and that inspired Monnet and Schuman to propose the formation of the European

Community in the 1950s. Engagement, interaction, and mutual benefit would create linkages, understanding, and spillovers that would reinforce one another, and induce peace. Globalization has provided similar engagement, interaction, and, often, mutual benefit. Mutual danger, too. Indeed there is a synergetic relationship among improvements in technology, as highlighted by Shotwell, increases in commerce, and the need for international legal rules and institutions. In this way, globalization may be said to result in international law and institutions. Within the regional microcosm of the European Union, this is no doubt true, with integration causing law, and law causing integration.

We see a stark example of this phenomenon on a global level in today's financial crisis. The technology and businesses that facilitate high speed movement of money around the globe reveal that it may be inadequate to deal with some crises or regulatory problems on a national basis. Two mechanisms are at work. First, there are cross-border spillovers as the failure of a U.S. bank might jeopardize the credit of a corresponding Irish bank. Second, there is cross-border regulatory competition, as a move by the Irish government to back its banks may result in a flow of business and funds to those banks, and away from the banks of a slower-moving government. Both of these mechanisms might be reasons to create international law and institutions. In fact, the Director-General of the WTO, Pascal Lamy, has claimed that the global community might consider assigning responsibilities in this area to the WTO, in light of its existing institutional capacity and regulatory expertise.

As to environmental protection, it is clear that given the rise of technology, and of economic growth, especially in poor states like China, environmental issues have grown in magnitude. Not only have they grown in magnitude, but as they grow, the cross-border effects of one state's policy have greater effects on other states. These cross-border effects, along with the collective action problems that often attend them, not to mention the potential for regulatory competition, increase the need for a law of cooperation along the lines Shotwell envisioned. Ban Ki Moon spoke of this earlier this week. Indeed, environmental protection is an area that has critical links with globalization, poverty, human rights, and war, and some of these links raise the issue of fragmentation, and challenge the international institutional structure that exists today.

Indeed, the most pressing problem facing today's world is poverty, which claims more lives, and diminishes more lives, than any other problem. A cosmopolitan world, built on the same ideals of cross-border concern that motivate The Fletcher School, would work to enhance the livelihoods of the poorest wherever they are. It would declare, and actually fight, a global war on poverty. It would both create more wealth and, you should pardon the expression, spread the wealth. Spreading the wealth to the right extent is good for everyone, and is implicit in any system of taxation, or of government. Shotwell's vision of greater international cooperation, and greater governance, would necessarily include some distributive consequences.

Poverty also has complex causal relationships with globalization, environmental protection, human rights, and war. And it deeply challenges our international legal and institutional system. The first question, and one which has not adequately been answered, is how best to address poverty. But the second question, uniquely in the realm of diplomacy and international law in the sense that Shotwell described, is how to work together to fight this global war on poverty. Today, we see a modest example in a proposed coordinated response by the IMF and wealthy countries to the urgent needs of a group of developing countries, resulting from the continuing financial crisis.

Globalization, environmental protection, war, and poverty are deeply related to human rights. As globalization proceeds, perhaps in combination with war, there are circumstances, like extraordinary rendition or Guantanamo, that challenge the integrity of national human rights protections. Most economic human rights are simply the specification of the level of relief from poverty that is required. Political human rights are necessary in order to ensure that governments are accountable to their citizens, and that the human dignity of each citizen is respected. Today, as in 1933, there is a substantial gap between aspiration and achievement in human rights. Again, as Shotwell explained, it requires diplomacy to work out and implement human rights standards, and international legal and institutional infrastructure to support these efforts.

Finally, as to war, Shotwell's proposal is breathtakingly idealistic, even today. Here are his words:

"Ever since the World War disclosed in cataclysmic revelation the anarchy of the national state system of the nineteenth century, the chief problem of statesmanship has been the creation of a new world order and the creation of institutions capable of embodying it in permanent form. Instead of international anarchy there should be international co-operation; instead of the arbitrament of arms, agreement by conference and judgment by a court; instead of the strategy of war, the strategy of peace."

Shotwell took pains to compare his institutional idealism with Moore's realist isolationism in historical terms. He declined to focus, with Moore, only on more recent international history, and instead examined the broadest sweep of human history, and the forces that seemed then, and seem now, to push towards greater cooperation. Shotwell took the fact that *intrastate* warfare had succumbed to the formation of the strong state as proof that *interstate* warfare is just a discrete phase in the longer-term human history. As Shotwell suggested, there is no particular reason for the institutional evolution of the world to stop at the nation state.

Let me contend with two archetypical, and conflicting, pieces of historical evidence: the European Union and Yugoslavia. In a sense, the European Union is the destiny that Shotwell and Wilson saw for the world, and serves as an example of integration among states that seems to finally make war, such as that between France and Germany, unthinkable. Shotwell's functionalist idea, later shared by the founders of the European Union, Monnet and Schuman, was that diplomatic engagement on a number of fronts would allow problems to be solved without resort to war. We might add that this type of engagement was explicitly intended by Monnet and Schuman to make the resort to war both less likely and too costly to contemplate. The European Union could be counted a tremendous success in this dimension. But a social scientist would ask how do we know that the formation of the EU was the cause of peace, how long we have to wait to know that this effect will overcome the impulse to war, and what the rest of the world can learn from a single instance of causal relationship.

Indeed we have another set of data points, which throw into question the very idea that the state is an example of peace through integration, let alone Shotwell's extrapolation over geologic time from the state to the broader international context. These data points are the states, like Yugoslavia, Indonesia, Sudan, and Rwanda, that have experienced internal war. How can one argue that supranational integration prevents war when internal war can occur within states, at a presumably higher level of integration? Here, Shotwell would have to confess uncertainty, but elsewhere he

argues that peace depends on democracy and justice. Where democracy and justice are not practiced within a state, or in international integration, it is not surprising that war may be the result. Of course, we have a number of other data points provided by all the states that have not experienced internal warfare.

Shotwell's main point is the following:

In short, the process that makes each nation one is, in our day, building a world community. It is a process, however, which has only just begun, and therefore is bound to have a record of mistakes in planning and inadequacy in execution. But to interpret the whole drift of current history in the light of these mistakes is as serious a misreading of history as to see the assembly of the Barons at Runnymede in terms of feudal anarchy.

James Shotwell, and all those present 75 years ago, would appraise the world today with ambivalence, and would view our mistakes with dismay. They would be disappointed to see so much continuing war and poverty, and to see how we have degraded our environment and how states have degraded their citizens through violations of human rights. And yet, they would be glad to see the European Union, the so-called "Democratic Peace" and an extraordinary intensification of international engagement, cooperation, and production of law and institutions in both high and low politics. They would see in these events great promise, both for the world and for the future work and success of the graduates of The Fletcher School of Law and Diplomacy.