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## Preface

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## PREFACE

*Senator George Mitchell\**

At the end of the Second World War, American policy makers confronted the urgent challenge of reconstructing war-torn societies. Statesmen, soldiers, economists, and lawyers then devoted considerable energy to rebuilding Europe, Japan, and South Korea. They helped create new political institutions, including the United Nations, the European Union, and the North Atlantic Treaty Organization (NATO). They drafted constitutions and commercial and criminal codes. They enhanced the judicial and legal capacity of new states. They helped reform police forces and armies under civilian control. They guided recovering economies and to that end designed what came to be known as the Bretton Woods institutions, notably the International Bank for Reconstruction and Development, now called the World Bank. The extraordinary service of the nation-builders of that time helped root democracy and development in many places where they had not previously flourished.

More than a half century later, we are again in an age of reconstruction. Today's nation-building challenges include deep cultural and religious distinctions, tribal traditions, insurgencies, and armed conflict. I've seen first hand the complexities in three of these conflicts: the former Yugoslavia, Northern Ireland, and the Middle East.

Failed states contain long neglected populations that can harbor violent movements which, as we learned on September 11, 2001, can threaten the American homeland and beyond. Today we are confronted with issues that demand the same public-spirited thought and action that was brought to bear during the post-World War II era. We need problem-oriented thinking by which law and policy can best serve the common interest. With this Symposium, *Nation Building: A Legal Architecture?*, the *Maine Law Review* makes a major contribution to this debate.

The following pages contain articles and essays prepared by leading scholars and practitioners, many with experiences in the countries about which they write. These contributors address dilemmas of human rights, security, development, and governance in failed, post-conflict, and fragile states. A common theme running through this Symposium is that law is the foundation of free, democratic, and prosperous societies. Law in the service of human dignity is the best hope for long-suffering people, and is an instrument for achieving and sustaining American and global policy goals. The rule of law, and those who serve it, is among America's greatest exports.

The United States is now the dominant military and economic power, and that power increasingly is perceived to be the primary or even the exclusive basis of American influence in the world. But it's not. Ideals have been the primary basis of that influence. Those ideals are not easily summarized, but surely they include, besides the rule of law applied equally to all citizens, the sovereignty of the people, the primacy of individual liberty, and opportunity for every member of society. We must never forget that the United States was a great nation long before it was a great military or economic power. It is one of our democracy's great strengths that we have power to protect us and principles to guide us.

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\* Chairman of the Global Board of the international law firm of DLA Piper; former Senate Majority Leader and Chairman of both the Peace Negotiations in Northern Ireland and the International Fact-Finding Committee on Violence in the Middle East.

This *Maine Law Review* Symposium affirms the ideal of the lawyer as public servant and the law as a global public good. The law professors, editors, and contributors involved with this volume have set their sights on achieving a better shared future—a future in which the needs of reconstruction are met and in which broken states become thriving democracies. Attaining that goal for the world community, including our own, requires the assistance of public-minded lawyers of global perspective and responsibility. The law is our public profession, and those who serve it must also serve the vital needs of our communities at every level. In essence, this volume is about more than the legal architecture of nation-building. In a long Maine tradition, it is also a call to public service.