

“OF LEGITIMACY, LEGALITY & PUBLIC AFFAIRS”

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Nothing underlines the importance of the United States more than the attention which the rest of the world pays to its Presidential campaigns. The 2004 election is likely to be another close run thing, with John Kerry turning what might have been a serene re-coronation into a real contest. A contest that will be expensive, vicious and of overriding interest to public affairs practitioners for both the issues and the process. The issues of US foreign policy, the future of multi-lateralism, US trade policy and the state of the American economy, between them set the ground rules for the growth and stability of the rest of the world. On process public affairs practitioners will look closely at the evolution of political strategy and the use of the internet. They will judge the effectiveness of lobbying and the power of special interests against the background of a wave of best selling books such as “The Best Democracy Money can Buy”. In this election the public affairs process is likely to be one of the issues – up there with gay marriage, abortion and American jobs.

The self-image of America as it emerges from the electoral process will be key to the future policy stance of Europe, China, India and Russia. What a difference a year makes. In March 2003 the talk was all of American Empire and a wave of anti-French rhetoric had given birth to ‘freedom fries’ and aggressive attacks on the unity of Europe. The hubris of the Administration was in full flood, unheeding of the impact that a relatively modest body count in Iraq would subsequently impose as constraints on its freedom of movement. Twelve months later French troops, in defiance of the Monroe Doctrine, are welcomed to Haiti alongside American and Canadian forces. What was then regarded as un-sayable heresy about Iraq has become the stock-in-trade of Democrat candidates. The crusading zeal of Neo-Conservatives, which then looked radical, now looks somewhere between quaint and dated. That is not to say that such groups have abandoned their agenda for American hegemony. Their recipe still features, a rich cocktail of ‘security anxiety’, unilateralism and the ‘growth fetish’. The exportability of capitalism and democracy remain a major thrust of US policy. The legality of government’s behaviour is consistently challenged on both sides of the Atlantic, even in transparent Finland, where a major political row may yet impact on Finland’s chances of providing the next President of the European Commission. Indeed the heritage of the days of high hubris have come to haunt both Bush and Blair administrations. The ‘trust thing’ is shown to rest not just on the legality of behaviour but on the altogether trickier ground of legitimacy. The shortcuts of power are shown to have a high price in political credibility, most notably where such issues touch on the intelligence community. There has been no rolling back of the claims for an increase in the power of the state and its intrusion into the privacy of its citizens. However in some kind of counter-weight to the Patriot Act, whistle blowing in the defence of liberty has become almost fashionable on both sides of the Atlantic. Order versus liberty, the executive versus the legislature and the individual versus the state are debated with a vigour of which the Enlightenment would have been proud.

However the trust in political process has declined in direct relationship to the recognition of the omnipresence of public affairs. The eponymous Dr Atkins slips on an icy pavement and dies. The circumstances of his death trigger a multi-million dollar struggle between different food lobbies over the Atkins Diet. Science is once

again martyred in the cause of commerce, experts are marshalled and stories spun. Meanwhile the author of a Lancet article about the MMR Vaccine is shown to have had a commercial interest in the results of his research. Experienced practitioners know that it is not necessary to be right in order to win a public affairs argument provided the public mind has conferred legitimacy on a scientific hypothesis. This is not a new story. It proved very difficult to replicate the original experiment which showed that sugar was bad for one's teeth, but the idea remains firmly lodged in the public mind. The data on passive smoking may have been dodgy in the extreme, but it sanctified the non-smoker's distaste for public fumes and provided the legitimacy for legislation to restrict smokers. Professor Rinus van Schendelen entertained a Working Group at this year's ECPA Annual Conference in Brussels with a spirited analysis of "cartel committees" in the undergrowth of the European Union, which had been entirely taken over by the shock troops of the health lobby. Professor van Schendelen's analysis of the ruthless conflict between "tobacco freaks and health freaks" did not have its legitimacy undermined by the clouds of cigar smoke from which it was delivered, as his views were both fragrant and transparent. Such robustness is not apparent the work of non-specialist contributors to the public affairs debate such as the author of a series of economics essays in the Financial Times. While inveighing against the economics of recycling newspapers, he clearly regarded as his masterstroke the argument that environmentalists had lobbied for such measures in cahoots with local government bureaucrats. The tendency to use the existence of public affairs in this way shows that even elite opinion is unaware that healthy public affairs is not an optional extra for the democratic system. It is a key element in the operation of genuine democracy in which the voice of minorities, be they commercial, religious or social are adequately expressed. Good public affairs underpins the legitimacy of a political system.

Henry Kissinger has repeatedly stressed the importance of legitimacy in underpinning a stable global order. It is sad that his advice was not more carefully listened to by the Bush White House in 2003 as it set about justifying its intervention in Iraq in the framework of the so called Greater Middle East Project. The establishment of a democratic Middle East sounds worthy and desirable to western ears. The idealistic tone of the venture appears to reflect, albeit in different circumstances, the Wilsonian generalisations which bedevilled the establishment of the League of Nations and its Mandates in the post-Ottoman Empire Middle East. The unthinking assumption by Western powers that the Arab world would think in terms of nation and state ignores the centuries old importance of family, clan, tribe and sect and the impact of a religion which denies the western division between church and state.

Of all the good books re-issued in the aftermath of September 11th, I most strongly recommend "A Peace to End All Peace: The Fall of the Ottoman Empire and the Creation of the Modern Middle East" by Professor David Fromkin at Boston University. As an American with access to the diplomatic archives covering the period from 1914 to 1922, his is a study of history and politics with all the bureaucratic detail that a public affairs practitioner would recognise. It is not just a story of kings and treaties. He demonstrates, with a delighted joy, the way in which relatively junior officials twisted, inflated or ignored the strategies supposedly settled upon by London. Apart from being a good read, this book should be compulsory for American policy makers before they repeat the mistakes which the British committed

in the Middle East and which laid the seeds for the poisonous situation which the world now confronts.

I hope Professor Fromkin will forgive me for quoting at length from his concluding chapter. *“For at least a century before the 1914 war, Europeans had regarded it as axiomatic that someday the Middle East would be occupied by one or more of the Great Powers. Their great fear was that disputes about their respective shares might lead the European powers to fight ruinous wars against one another”* (p558). *“Governmental administration of most of the planet was conducted on a European mode, according to European precepts, and in accordance with European concepts* (p560). *“The Middle East became what it is today both because the European powers undertook to re-shape it and because Britain and France failed to ensure that the dynasties, the states, and the political system that they established would permanently endure. During and after the First World War, Britain and her Allies destroyed the old order in the region irrevocably; they smashed Turkish rule of the Arabic-speaking Middle East beyond repair. To take its place, they created countries, nominated rulers, delineated frontiers, and introduced a state system of the sort that exists everywhere else; but they did not quell all significant local opposition to those decisions”* (p563). *“It was not only that the Middle East was a region of proud and ancient civilizations, with beliefs deeply rooted in the past, but also that the changes Europe proposed to introduce were so profound that generations would have to pass before the changes could take root”* (p560). *“The disputes go deeper still: beneath such insoluble, but specific, issues as the political future of the Kurds or the political destiny of the Palestinian Arabs, lies the more general question of whether the transplanted modern system of politics invented in Europe – characterized, among other things, by the division of the earth into independent secular states based on national citizenship – will survive in the foreign soil of the Middle East”* (p563-4).

He concludes that this *“Explains the characteristic feature of the region’s politics; that in the Middle East there is no sense of legitimacy – no agreement on rules of the game – and no belief, universally shared in the region, that within whatever boundaries, the entities that call themselves countries or the men who claim to be rulers are entitled to recognition as such”* (p564). He points to the Western tendency to underestimate the Arabs. He quotes T E Lawrence at the Cairo Conference of 1922 *“my own ambition is that the Arabs should be our first brown dominion and not our last brown colony”*. And this from the classically pro-Arab ‘Lawrence of Arabia’. Fromkin notes en passant that T E Lawrence was turned into Lawrence of Arabia by an American theatrical entrepreneur who made a fortune by creating a romantic but misleading stage show. This played to audiences around the world and reinforced misleading stereotypes in the public mind. Fareed Zacharia, the best commentator on the current state of American foreign policy, told the BBC in February 2004 that he feared for a US that remained the most powerful state on the planet, but because it was also the most distrusted, would *“lack the legitimacy to use its power effectively”*.

Wiser voices around George Bush have already initiated a “course correction” in US foreign policy from the high point of its naive aggression in the first months after September 11th. However election years are not traditionally the ideal time for calm policy making. John Kerry, when asked in October 2003 what kind of foreign policy he would pursue were he to be President, replied that he would want one which “the world would respect, which would produce a safer world and which would advance

the cause of humankind". Having worked with John Kerry on environmental matters in the Global Legislators Organisation for a Balanced Environment (GLOBE), I have a high regard both for his integrity and for his courage. He alone has the opportunity to drag the world away from the obsession with 'security anxiety' that has been used to trump all other policy imperatives. The recently suppressed Pentagon document indicating that climate change would induce more security threats to American interests than Bin Laden and his organisation should be seized upon. There can be no security without environmental stability. John Kerry embodies the double legitimacy of a distinguished war record and a senatorial track record of concern for the environment. America and the world need both.

This is not the month on which to write of developments in the European Union. I remain an optimist that the tragi-comedy of the Rome Summit will be corrected by Irish diplomacy. It is worth remembering that 95% of the work of the Convention on the Future of Europe is uncontested. No doubt the endlessly flexible European Union will have a new Parliament, a new Commission and a new Constitution by this time next year. It will however be the work of some years to re-establish the legitimacy of the European venture in the minds of the newly enlarged electorate of a Europe that stretches from Shannon to Vilnius. In which context, am I alone in thinking that there is a strange void where preparations for the June European Elections would normally be found? Parliament seems strangely overshadowed by the constitutional in-fighting of the autumn and hardly seems ready to take these great issues to the political barricades. Of course there are the normal minor signs of an approaching election. The usual unseemly row between Parliament and Council over MEP's expenses. An emerging, and probably inflated, fight over toys in chocolate eggs, which seeks to turn an isolated act of improper lobbying into a pre-election campaign for tighter controls. The atmosphere of drift is surprising given that Parliament stands on the verge of completing the historic expansion of its powers over both legislation and the budget. Let us hope that contact with the electorate, at a time when most of Europe's governments are unpopular, will re-invigorate the European Parliamentary spirit.

Despite all the excitement amongst the political classes on both sides of the Atlantic, it sadly remains true that half the American people will not vote in November. Sadly less than half of Europe will cast their ballots in June. Public participation in the making of our laws remains a serious concern for without such involvement political systems lack legitimacy. Such legitimacy rests to a greater extent than is usually realised on a deep public understanding of how the process works. March 2004 will see the last of Alastair Cooke's "Letters from America". At 95 years of age and after 50 years of Letters from America, the supreme political communicator is bowing to the inevitable. Born in the back streets of Salford in 1908, he became for the English speaking world the great interpreter and illuminator of American democracy. Let us hope that somewhere in Europe there is a similar figure, with pen poised, able to take on the immeasurably more difficult task of explaining Europeans to themselves.