

Essay – Episode or Epoch? Transatlantic Relations and Europe's Role in the New American Foreign Policy

By Bruce Ackerman

Suggested Citation: Bruce Ackerman, *Essay – Episode or Epoch? Transatlantic Relations and Europe's Role in the New American Foreign Policy*, 3 *German Law Journal* (2002), available at <http://www.germanlawjournal.com/index.php?pageID=11&artID=206>

[1] For those concerned with the future of Euro-American relations, patience should be the order of the day. It is perfectly possible that the Bush Administration will turn out to be a short-term aberration.

[2] Begin by recalling the circumstances under which Bush became President. The Gore-Nader coalition beat the Republicans by the same margin by which Red-Green beat Black-Yellow on September 22. And yet Black-Yellow won in the United States -- thanks to the precipitous intervention by the Supreme Court, whose opinion and decision was widely criticized in legal circles throughout the United States.

[3] Like Stoiber, Bush was a Southerner who had to convince the rest of the country that he was a moderate. And like Stoiber, he spared no pains in making this effort. He presented himself as "a compassionate conservative," "a reformer with results," and sharply distinguished himself from hard-right candidates like Steve Forbes.

[4] Foreign policy played almost no role in his campaign with Gore. In contrast to his Democratic opponent, Bush was an obvious novice in foreign affairs, and had no interest in emphasizing this fact. When he addressed foreign affairs, perhaps his most striking criticism surrounded Clinton's support for long-term "statebuilding" efforts in places like Kosovo. But these operations are much more modest than the long-term engagement that is the inevitable consequence of an American invasion of Iraq.

[5] Centrist at home, cautious abroad. And yet once the Supreme Court placed him in office, he immediately began pushing a far-right program. On the home front, he successfully used his razor thin majority in both houses of Congress to enact a massive tax cut program that largely benefits the top one percent of Americans. He quickly broke his campaign promises to control global warming by aggressively repudiating Kyoto. At the same time, he was vigorously fighting the international criminal court, and proceeded to renounce the ABM Treaty.

[6] Given his dubious electoral mandate, this sharp turn to the right was especially inappropriate. The American system of separation of powers depends on the mutual restraint of the competing branches. Otherwise, relations between the presidency, the Senate and the House can easily degenerate into an angry impasse. But from his first days in office, Bush showed no such restraint. He was determined to push his powers as president to the limit, and beyond, despite the fact that his opponent had won more votes from the American people.

[7] Soon enough, he began to pay a significant political price for overreaching. In response to his rightward turn, a centrist Republican Senator, Jim Jeffords of Vermont, abandoned his party, handing control of the Senate to the Democrats. The system of checks and balances was beginning to work, despite the efforts by the Supreme Court and George W. Bush to throw the government to the right.

[8] Then came September 11. The shock and pain in America was very real, and continues. Any American president - Gore as well as Bush -- would have struck hard against the Taliban in Afghanistan. But nobody supposes that Gore would have repudiated Kyoto or sought to attack Iraq despite Saddam's willingness to readmit the inspectors. To the contrary, he has just publicly criticized the president's course: "After Sept. 11, we had enormous sympathy, good will and support around the world. ... We've squandered that, and in one year we've replaced that with fear, anxiety and uncertainty, not at what the terrorists are going to do but at what we are going to do."

[9] At the present moment, it would be rash to conclude that the Bush Administration will actually succeed in destroying the basic framework of Euro-American collaboration that has sustained itself over the past two generations. To be sure, the short-term consequences of Bush's unilateralism will be very unfortunate. But it is essential to take the longer view: Europeans should have their eyes on the American presidential elections and ask themselves how their actions in the meantime can reduce the chances that the Bush doctrine will be ratified by a majority of the American people in 2004.

[10] Within this framework, Tony Blair's policy of steadfast support seems very questionable. I am entirely prepared to believe that he has acted effectively behind-the-scenes to temper some of the worst excesses of the Bush Administration. These short-term gains, however, have a longer run cost. They tend to legitimate the Bush doctrines of unilateralism in the eyes of the American people.

[11] It is the proverbial difference between one hand clapping and two hands clapping. Given Bush's obvious inexperience in foreign affairs, Blair's support gives the Administration's policies a great deal of credibility in the eyes of many Americans. If the highly sophisticated prime minister of our oldest and most trusted ally is willing to give his unstinting support, surely the president's invasion plans are plausible?

[12] In contrast, Schroeder's strong and principled opposition promises long-term gain at the cost of short-term pain. Make no mistake: the Bush Administration would have been quick to portray Black-Yellow victory as a sign that Germans had accepted the legitimacy of unilateral intervention in Iraq (however unfair this characterization may have been to the nuanced position of Stoiber). This would have greatly reinforced the Blairite message to Europe suggesting the wisdom of reluctant compliance with Washington's demands.

[13] In contrast, Schroeder's victory carries a very different message. Here was a man who had told his electorate to defeat him if he failed to reach his economic targets. Stoiber was simply asking the Germans to take the Chancellor at his word, but the electorate decided otherwise, largely on the basis of his position on Iraq. Despite the Bush Administration's anger, this German message of disapproval will make a difference, especially if it is sustained over the next difficult period.

[14] To be sure, some in America who will dismiss the significance of a German critique: "What right do the children and grandchildren of Nazis have to lecture us about the morality of war?"

[15] But there are others who will take a different view. If there is any people on earth who have learned the perils of hubris, it is the Germans. Perhaps they are too quick to detect this fault in others, having seen its disastrous consequences for themselves in the twentieth century. Nevertheless, their emphatic cautions deserve serious reflection. If they help sustain an ongoing European-wide critique of unilateralism, this will help frame America's own critical reflections about the Bush initiatives.

[16] The Chancellor's unconditional rejection of any use of force against Iraq under all conditions may well have gone too far. But he is right to insist the Europe should aim to do more than ameliorate President Bush's worst excesses. Instead, its leaders should insist that military action should only serve as a last resort, and only after the Americans convince the Security Council that Iraq poses a clear and present danger to the region. A European decision to passively accommodate to the facts of America's military power will tend to legitimate the Bush doctrine in the eyes of American voters when they make a fundamental decision in 2004.

[17] If Bush wins a second term, this will make his doctrines something far more significant than a passing aberration. It will convert them into a fundamental fixture of twenty-first century diplomacy, with devastating long-run consequences for all concerned.