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Ambivalent Anti-Americanism

The ironies of exported culture

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PROBLEM-SOLVING COURTS represent one of the most interesting and important innovations in the contemporary legal world. Over the past two decades, community courts, drug courts, mental health courts, domestic violence courts, and a range of other specialty, problem-oriented courts have been developed in the United States and exported internationally. These new specialty courts (of which there are now more than 1,600 in the U.S. alone) represent a significant departure from the adversarial model, which has long been the central and defining feature of common law criminal courts. Problem-solving courts are generally characterized (especially in the

United States) by the close and ongoing judicial monitoring of defendants, a multidisciplinary or team-oriented approach, a therapeutic or treatment orientation, the altering of traditional roles in the adjudication process, and an emphasis on solving the problems of individual offenders—hence, the umbrella term, “problem-solving,” that has emerged to describe this new breed of courts.

At a 1999 conference in Miami a group of individuals involved in the international development of problem-solving courts—including representatives from Canada, Scotland, Australia,

England, Ireland, and the United States—discussed, among other topics, concerns about “American cultural imperialism.” The Scottish representative, who had been promoting drug courts in Scotland for three years, offered the following anecdote to illustrate the anti-American attitudes that had sometimes frustrated his promotional efforts:

I was meeting with a director of social work, who has responsibility for the probation service and the second largest authority in Scotland. He says, “I’ll meet you in Starbucks down in Glasgow,” and he came in with these Nike trainers and his Levi’s jeans and the rest of the American designer gear, and he said to me, “Of course, American ideas just don’t work in Britain.”

The irony of the Scottish social worker denouncing American ideas while at the same time fully embracing American products is indicative of a larger social reality. That is, globally one finds a kind of ambivalent anti-Americanism, where citizens in other countries say they don’t like American ideas and the incessant infusion of American culture into their societies, yet they simultaneously admire and readily consume American technology and cultural products. British journalist Jonathan Freedland notes the “screaming contradiction” of attitudes toward the U.S. “We simultaneously disdain and covet American culture,” Freedland writes, “condemning it as junk food even as we reach for another helping—a kind of binge-and-puke social bulimia.”

One of the most interesting findings in the Global Attitudes Project conducted by the Pew Research Center reveals a similar sort of ambivalence toward the U.S. globally. The Project’s 2002 survey of citizens in over 40 countries around the world found that Americanization, or the spread of “American ideas and customs,” is overwhelmingly viewed as a negative development. Not surprisingly, this is particularly pronounced in the Middle East, where a majority in every Middle Eastern country says “it’s bad that American ideas and customs are spreading” to their country. Concerns about the processes of Americanization, however, are not limited to the Middle East. Even among America’s traditional allies in Western Europe and Canada, at least 50 percent of those surveyed in each national group viewed negatively the spread of American ideas and customs.

Since the 2002 survey, such concerns have only intensified. The 2007 Pew Global Attitudes survey reported that in 37 of

46 countries over half of those surveyed viewed the processes of Americanization as a bad thing. Negative views about the spread of American ideas and customs, for example, increased in Canada from 54 percent in 2002 to 67 percent in 2007 and in Britain from 50 to 67 percent. Survey findings reveal growing anti-Americanism on a range of other questions as well. The 2007 survey, for example, found that majorities in all but a handful of African countries believe that U.S. policies increase the gap between rich and poor countries. Majorities in most countries, moreover, dislike American ideas about democracy and believe that the U.S. promotes democracy to serve its own interests. Thus, it seems that many would agree with the perspective of the Scottish social worker that American ideas don’t work (or are not welcomed) in their country.

Also like the Scottish social worker, however, negative views about the spread of American ideas and customs do not necessarily translate into a rejection of American cultural products. The same surveys find that a majority of people in most countries around the world admire the United States for its advances in science and technology and like American popular culture. This is particularly the case in Canada and Western Europe. In the 2002 survey, for example, 77 percent of Canadian and 76 percent of British respondents said they “like American music, television, and movies”; and approximately the same percentages said they “admire the United States for its technological and scientific advances.” Thus, the survey report offers the following paradoxical conclusion: while “large proportions in most countries think it is bad that American ideas and customs are spreading to their countries,” there is also “near universal admiration for U.S. technology and a strong appetite for its cultural exports in most parts of the world.” In a number of interesting ways, importers of American problem-solving courts exhibit the same contradictory attitudes toward the United States. That is, they worry about American cultural imperialism, even while they import and embrace what is undeniably an American-grown legal innovation.

The primary way that importers of American problem-solving courts reconcile these seemingly incongruous attitudes is to emphasize the process of adaptation or indigenization. An Irish judge, who has himself been openly critical of the behavior of many American judges, puts it this way: “In the natural order of things, you tailor the program to what suits you best. Not because you think there’s anything wrong with the American system—but all you’re saying is, we’re three



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thousand miles away from you, we have a different culture, etc. And we've just got to tailor that, put up the cuffs, and make the suit fit us." Likewise, a pioneering Canadian judge, who is very conscious of anti-American sentiments in Canada, told an audience of mostly Americans: "We want to use what you've done well, ignore what you haven't done so well, and adapt the model into our own local use."

There is, then, the common belief that the American-grown legal product can be stripped of its unattractive American qualities and adapted to suit the needs of a local legal culture. If we understand law to be "a concentrated expression of the history, culture, social values and the general consciousness and perception of a given people," as do such legal comparativists as Mary Ann Glendon, then disentangling law from its cultural roots may not be as easy as importers of problem-solving courts seem to think. Peter Berger raises a related point when he argues that when "Mexicans eat *hamburguesas* they

are consuming whole chunks of American values 'in, with, and under' the American hamburgers." The same could be said of problem-solving courts. It is as naive to believe that a process of domestication will fully extricate Americanism from imported problem-solving courts as it is to think that placing a McDonald's restaurant in an old Tudor building will somehow negate the unseemly qualities of American fast food culture.

In both cases, importers of American products are arguably bringing on board more of American culture than they realize or would care to admit. A deeper appreciation of the cultural embeddedness of American-grown products, legal and otherwise, might help importers reduce the ambivalence in their attitudes toward the U.S.—urging them either to better resist the very things they say they so emphatically dislike or perhaps to admit that they dislike them less than they are usually willing to acknowledge. ■