

# Moctezuma's Manners

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**“I hate this country and this people”.** So said Graham Greene, the late celebrated British author, when he left Mexico City in May, 1937. This subjective viewpoint (and one, I should add, which suffered from many complexities) is not a normal reaction, including my own, to this fascinating, albeit sometimes frustrating, country. It was, in fact, Greene’s visit to Mexico that first sparked his interest in Latin America which only deepened over the years. His subsequent visits to countries such as Cuba, Paraguay, Chile and Panama would provide the inspiration for several successful novels, some of which were made into films, and which earned him world renown.

“Como México no hay dos” (there is no other country like México) is what Mexicans will tell you when they speak of their country that was ruled for hundreds of years by several cultures, including the Aztecs (Mexico) and the Mayas, before the arrival of the Spanish. A notary from Seville, who was fluent in Latin, Hernán Cortez was destined to conquer México. He met Moctezuma, the Emperor of Mexico, in November, 1519, and what became apparent to Cortez almost 500 years ago was the hospitality and impeccable manners with which the Spaniards were greeted. In fact, a typical phrase used by the Spanish in the 17th century would be: “as polite as a Mexican Indian” and to this day a traditional Mexican welcome to a stranger is “this is your house”, which, as readers will know, has become, with variations, an international expression of hospitality. Unfortunately for Moctezuma, the Spanish eventually not only took his house but his country as well.

Mexican business is imbued with a culture of courtesy coupled with a sense of dignity which existed long before the arrival of the Spaniards who, in fact, in the guise of Hernán Cortez, merely complemented it with the manners and customs of the Royal Court of Spain. Unfortunately, the unavoidable and increasing external influences have contributed to the erosion of Mexico’s traditional courtesy and manners, a phenomenon, it has to be said, that is being seen in other countries also and, in many instances, to a greater and not a lesser extent.

Nowhere is this erosion more apparent than in the financial services industry as many readers, I am sure, are fully aware of. Sub-standard business etiquette, like sub-prime mortgages, has taken its toll. The Society of Trust and Estate Practitioners in its new Code of Professional Conduct, published in September, singles out the issue by reminding its members that they should exercise both courtesy and consideration in the conduct of business. Adam Galinsky of the Kellogg School of Management at Northwestern University in the United States of America, believes that the last two years of economic blues which the world has endured has brought about an awareness of the importance of politeness in business; he has said that in times of crisis, with all the attendant uncertainty, “the best strategy is to be civil to everyone”. I commend Mr Galinsky’s sentiments, but surely civility should be a given, regardless of the financial climate and, anyway, isn’t being civil in business normally the best strategy?

Business is not the only casualty, with general social behaviour recording a politeness deficit as alarming in its own way as the US budget deficit and which manifests itself in numerous ways, with expressions of appreciation or consideration seemingly having no place in the scheme of things; in general discourse, for example, when Christian names are used on first contact to address people old enough to be the culprit’s grandfather.

Allied with this rougher edge to social behaviour during the last few years has been a shift from long-term financial planning, mainly by the middle class, to a grasping short-termism fuelled, to a great extent, by soaring real estate prices which became the launch pad for reckless spending on credit. The house of straw, however, only stood until an economic ill wind blew. This bankers' Bacchanalia, a festival of financial folly, would have been understood by Ayn Rand who, in her novel, "The Fountainhead", (as opposed to her oft – quoted "Atlas Shrugged") explored the themes of selfishness and greed that have led to so much wailing on Wall Street (no one imagined that the American dream was one you woke up from).

Consider the remarks made after Britain's industrial revolution by John Stuart Mill, a philosopher and economist, concerning Britain's growing middle class: "The virtues of a middle class are those which conduce to getting rich – integrity, economy and enterprise". As we have seen, integrity has also been a victim of this world recession and we have definitely strayed from the days when Adam Smith could observe that the prudent man should "not go in quest of new enterprises and adventures, which might endanger, but could not well increase, the secure tranquillity which he actually enjoys". Surrounded by today's financial despair, wise words indeed for today's muddled, rather than middle, class, some of whom perceive themselves as guests at the poker table where the cards are being played only by China and the US. It is a sad fact that the world's recession will, at the very least, see six million more Latin Americans slip into poverty.

One threat to a prudent man's "secure tranquillity" is the civil lawsuits which can force an innocent defendant who cannot find protection within his own system of justice to seek sanctuary beyond his country's borders. Nowhere on earth illustrates the point more than the United States of America and it was the late British judge, Lord Denning, in his 1983 judgment in the *Smith Kline & French Laboratories Ltd. v. Bloch* case, who put it best for me: "As a moth is drawn to the light, so is a litigant drawn to the United States. If he can only get his case into their courts, he stands to win a fortune. At no cost to himself; and at no risk of having to pay anything to the other side". More than 25 years have passed since that

venerable gentleman spoke those words and, sadly, things have only got worse. No wonder H. L. Mencken, curmudgeon and master of mot juste, once gave this perspective on the law: "The penalty for laughing in the courtroom is six months in jail; if it were not for this penalty, the jury would never hear the evidence".

Although tax evasion has been this year's big topic in the US, lawsuit evasion will remain one for many years to come for American businessmen. Most countries are proud of their legal system, and back in 1996 William Rehnquist, then Chief Justice of the US Supreme Court, declared America's courts a model for other countries; he also spoke of an independent judiciary as being "one of the crown jewels of our system of government". Yet jewels can be flawed and still sparkle.

Common sense and individual judgement are smothered under the weight of US laws: the government's Federal Register has over 70,000 pages of new rules every year; correspondingly, the proportion of lawyers in the workforce almost doubled between 1970 and 2000. Both the case for US Tort(ure) Law reform and the motives for lawsuit-sensitive Americans moving assets offshore to protect them has never been stronger. Perhaps you are one of the fishermen who has come across a particular five-inch fishing lure on the American market that has a three-pronged hook which comes with the written warning "Harmful if Swallowed". Clearly, some manufacturers are living on tenterhooks while selling other kinds. And pity American Christopher Ratte, a professor of archaeology, who bought his seven-year-old son a bottle of lemonade at a baseball game. Mistakenly, he was given a bottle of Mike's Hard Lemonade, which is an alcoholic drink, and when officials at the game noticed the boy sipping the drink they immediately rushed him to the hospital. Although the child was alright, he was placed in a foster home and a judge ruled that he could only return home if his father moved out. After several days of legal squabbling, the case was finally resolved and the family could get on with its life.

These 21st century trends, like fish hooks, are, indeed, hard to swallow. Today, unfortunately, Moctezuma's greeting, "this is your house", has taken on a new meaning: it is often how desperate homeowners greet lenders at the door.

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