EQUALITY ≠ EQUITY

BY TAL FORTGANG

A SYMPOSIUM ON CONTINETTI’S ‘THE RIGHT’

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EDITOR'S COMMENTARY

My Mother, Midge

JOHN PODHORETZ

COMMENTARY has had deep associations with many writers whose work has appeared in its pages across the 77 years of its existence. Joseph Epstein is nearing his 60th year as a contributor. The late Terry Teachout appeared in all but a handful of our issues from 1993 until his passing earlier this year. But the single writer who can truly be said to have been created, nurtured, taught, and brought to prominence by Commentary was my mother, Midge Decter.

Her first article in these pages was published in 1954, when she was 26. Her last was published in 2009, when she was 82. Across those 55 years, she authored 69 articles for Commentary on a breathtakingly varied range of subjects.

That could have been Dr. Strangelove, or the habits of the Kennedy family, or her own divorce, or the women’s liberation movement, or the gay liberation movement, or crime, or anti-Americanism, or even her temporary employment one year as a Christmastime clerk at a discount emporium in New York. In “A Good Piece of Goods,” from 1958, this daughter of a St. Paul dry-goods store owner explained what it meant to be a salesman. “When you stand behind a counter,” she wrote, “you have to have your own true and your own beautiful that have nothing to do with any other systems of judgment. Something sells, therefore it is beautiful, and sells at a proper percent of markup, therefore it is valuable.”

She was only 31 years old when she wrote this passage, but you can see in it Midge Decter in full—the observational brilliance combined with the sharp, stylish, looped prose that made it clear she was incapable of even thinking an obvious or clichéd thought.

And yet I must tell you this: My mother didn’t like her own writing. She found it mannered and excessively complicated and fussy. She attributed these supposed flaws to her own history as an autodidact who spent only a single year in college. She felt she wasn’t properly educated enough to write simply.

My mother was the most sensible person I’ve ever known. So how could she have developed this almost deranged opinion of her own prose, an inestimable glory of our age? I don’t have an answer, because in almost all other ways she was at peace with herself in a way few people are.

That quality of inner serenity is one of the reasons she was beloved, not only by me and my sisters and her 13 grandchildren, but by nearly everyone she ever worked with at the magazines and publishing houses and think tanks and record labels and activist organizations with which she was involved. She was a shoulder to cry on, a counselor to heed, a beacon to guide you.

A terrible thing happened to her once. Her mother, with whom she had had a relationship as fraught as her own relationship with her own children was not, disinherited her. For complicated reasons, my mother did not learn this had happened until her father’s death nearly two decades later. It was as though my grandmother had reached out from beyond the grave to slap my mother across the face for some imagined slight.

My mother, who could fall asleep as her head hit the pillow and not stir for eight hours, spent four sleepless nights trying to understand this blow from the grave. Then she cleared her mind. “I have decided,” she said, “that my life is a treasure.” And that was that. Really. It was. I’ve never seen the like of it.

Marjorie Rosenthal Decter Podhoretz loved her kids. She believed in what she did. And she had the truest meeting of the minds and hearts there could ever have been with her husband, my father. My mother left us on May 9 at the age of 94. She was in no pain when she passed. Her life was indeed a treasure. Because she was a treasure. A fathomless treasure.
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**Letters**
on the April issue

**Tech Commentary**

**James B. Meigs**
Can Elon Musk Save Twitter?
To the Editor:
It may be, as Eli Lake writes, that a renewed Cold War is inevitable and that free countries must adopt policies that reflect that reality (“The World Has Changed and We Must Change Along With It,” April). But we need to do so with our eyes fully open to the possibility that our standard of living will decline as a result. It is not just Russia and China that have benefited from integration into an open global economy. As Adam Smith would have predicted, Western democracies have gotten wealthier through their access to the products in which those two countries specialize: Russian oil and gas sold to Europe and relatively cheap Chinese-manufactured goods sold to North America. A world that coalesces into one trading bloc for democracies and another for autocracies may, from a Western perspective, be safer and morally sound, but it will also almost certainly be poorer.

Daniel Gormley
Toronto, Ontario, Canada

To the Editor:
Eli Lake’s approach to our handling of Russia, China, and others was excellent. In 1980, I returned from a Foreign Service assignment in Spain. I worked in the trade-policy section of the Foreign Agricultural Service, USDA, and I was amazed to hear staff ask whether the U.S. could maintain hegemony absent economic power. This was forward thinking.

Robert Knapp
Versailles, Kentucky

To the Editor:
The ideas in Eli Lake’s article constitute a radical change in our worldview, our business strategies, and the citizen’s perception of his role in a free society. It’s a new approach that changes almost everything that is vital to us—from our water supplies, to civil defense, to investment at home and abroad. We would do well to hear more arguments in support of this proposed change in personal priorities and national strategy.

John Connelly
Glen Allen, Virginia

June 2022
To the Editor:

I APPRECIATED Eli Lake’s article on what to do about Russia and other bad actors. It raised the discussion out of the realm of the near-sighted and into a broad vista of policy options. Lake presented a good long-term formula for fighting our adversaries.

Donald Gluck
Albuquerque, New Mexico

Eli Lake writes:

DANIEL GORMLEY is correct that a policy that curtails or ends trade with China, Russia, and other authoritarians will almost certainly shrink Western economies. This is why I think some trade can and should continue with these countries, and the kind of economic resilience I support should be done carefully over time to avoid as much economic disruption as possible. But we should also recognize that trade with Russia and China have economic downsides. The outrageous theft of intellectual property and technology by China is due in part to the willingness of Western corporations to submit to Chinese regulations when they establish subsidiaries there. European dependence on Russian natural gas has given the Kremlin a valuable weapon against our allies in the form of energy blackmail.

I thank Robert Knapp for the kind words on the essay. And I agree that it would be good to make some products in America again. Among these should be the components of cell towers and medical supplies. That said, I would hope that the market, and not heavy-handed government policy, would dictate these decisions.

I appreciate the thoughtful letters of John Connelly and Donald John Podhoretz, Editor
Abe Greenwald, Executive Editor
Noah Rothman, Associate Editor
Christine Rosen, Senior Writer

Bret Stephens, Contributing Editor
Eli Lake, Contributing Editor

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Gluck. I wrote the essay to spark a conversation about a new long-term strategy. And I look forward to hearing more constructive suggestions and objections to my thinking.

On Neoconservatism

To the Editor:

I WRITE TO thank John Podhoretz for making the rhyming connections between American withdrawals and the advances of evil men into a perceived vacuum (“Neoconservatism: A Vindication,” April). There is another parallel to be watched for and hopefully avoided: the abandonment (some might say betrayal) of U.S. allies when it is politically expedient to do so. That’s what happened, for example, in our forcing peace on South Vietnam, and it is shameful. The lesson here is that Ukraine should either be returned to the 2014 status quo ante or get full NATO membership.

Drew Gibson
Hometown withheld

To the Editor:

REFLECTING on John Podhoretz’s column on neoconservatism, it’s worth noting that Ronald Reagan showed the way 40 years ago by proclaiming “peace through strength.” That approach led to the collapse of the Soviet Union.

The obverse of that phrase is “war through weakness.” We saw this when Barack Obama drew a red line in Syria using disappearing ink, allowing Russia to take control of that country. More recently, Joe Biden re-created the Saigon withdrawal in Kabul, and America’s enemies took note. (A decade ago, Biden voted against taking out Osama bin Laden. He has been nothing but consistent.) Deterrence gave way to deference, and neoconservatism became a pejorative term. This change resulted in Russia’s deadly and destructive invasion of Ukraine. But neoconservatism’s plaque is being burnished once again. History is being relearned.

Fred Ehrman
New York City

Greenblatt is dividing the Jewish people at a time when we desperately need solidarity. I pray that there will be others in the high ranks of the ADL who will see through the mess that he has made and restore the ADL to its original mission. Thank goodness for the leadership of Rabbi Adam Wright, who is not afraid to call out what is happening and make sure that our Jewish community, as well the larger American community, is aware of all attempts to harm the Jewish people and the State of Israel.

Judy Ladden McDonald
Mountain Brook, Alabama

To the Editor:

AFTER reading Seth Mandel’s article on the ADL, I recalled working with the organization years ago, when it was the premier agency protecting Jews from anti-Semitism. It did stellar work in educating police departments and the FBI on how to keep Jews safe. Today, the ADL still educates police departments all over the U.S., but it is the tune of wokeism. All of the ethnic-studies, gender, and diversity programs have wiped the Jewish community from the intersectional slate. The woke define Jews as white and privileged and not entitled to “victim” status, or much of any status.

The ADL’s denial of real Jew-hatred in radical spaces on the left and among the jihadists and other malevolent forces places Jews in a dangerous position. Many Jews are unaware of this and continue to fund the ADL and their programs. But we are facing ever-increasing threats without the benefit of sufficient leadership.

Lucie Ramsey
Banning, California

Letters: June 2022
To the Editor:

CHRISTINE ROSEN nailed it when she wrote, “And as stories increasingly include emotional opinions about events rather than objective analysis, feelings are elevated over facts” (“I’m OK, I’m OK,” April). The elevation of feelings about the news over the news itself is so ubiquitous that once you start to see it, you can’t stop. On both morning and evening news shows, every story is concluded with an anchor’s emotional evaluation along the lines of “very disturbing” or “just heartbreaking.” It’s slightly amusing when, say, Gayle King does it because her reactions are often simply goofy. But from the mouths of others, it’s just an irritating new journalistic tic. What they think about a given story is not news.

Walter Cronkite had one personal reaction to news in his entire career, and that was when we landed on the Moon. Even when he announced the death of JFK, the most he did was remove his glasses and try hard not to let people know he was doing anything more than reading the news. It’s not that Gayle King isn’t Walter Cronkite; it’s that she’s clearly being ordered to be the anti–Walter Cronkite.

JONATHAN FALK
Rye, New York

Christine Rosen writes:

I APPRECIATE Jonathan Falk’s letter. The media’s embrace of overly emotional commentary and therapeutic language is both condescending and contributing to an erosion of trust.

This isn’t just journalists being lazy. The emphasis on emotion is also used to elevate subjective concepts such as “my truth” over objective facts, and to reward journalists who put their own ideologically motivated views at the center of their reporting, rather than setting them aside.

That’s fine for opinion writers, but the many ways in which this practice has infected straightforward news reporting is worrisome. It distorts the public’s ability to understand complex political issues. Assuming that most people aren’t as well informed or intelligent as journalists, those journalists condescend to readers and viewers by crafting a simplistic narrative. No wonder that people then question that narrative, find it ideologically blinkered or lacking in fact, and cease to trust media institutions.
ELON MUSK is a lot smarter than I am. Let's get that out of the way right up front. The serial entrepreneur has launched or reinvented multiple companies, taking bigger and bigger gambles each time. Somehow he keeps winding up on top, eventually becoming the world’s richest person almost as an afterthought. So when it comes to Musk’s acquisition of Twitter, I should probably just stand aside and assume he knows what he’s doing.

Musk does know what he’s doing, right? Right? I have to admit I have…qualms. First off, I’m glad he bought the company. While Twitter is a relative small fry among social-media giants, it plays an outsized role in spreading news and ideas. And, like so many once-neutral institutions, in the past few years Twitter has been colonized by a progressive clique that wants to regulate which ideas are permissible in our society. Although the company was founded to make it easier for people to share their thoughts, Twitter executives today seem more focused on shutting down the voices they don’t approve of. For our own protection, of course.

Musk says his main goal in buying Twitter is to turn it back into the politics-agnostic platform it was at the start. Even if he succeeds only partially, that would be a big win for the spirit of free speech. But is Musk ready to take on the new generation of woke activists who are manning the barricades inside the company he just purchased? For me, that’s qualm number one.

Musk is a child of the Internet’s free-wheeling, techno-utopian days, the late 1990s and early Aughts. His first start-ups were pure digital plays, including a groundbreaking online bank that eventually evolved into the payment giant PayPal. The Internet was a very different place back then, populated by quirky individualists and infused with a vaguely libertarian ethos. Silicon Valley culture prized helping people bypass ossified institutions and gatekeepers (like, say, banks!). Not coincidentally, this was also a time when non-elite outsiders—whether anime fans, teenage gamers, or, gasp, the kinds of conservatives not usually featured in the Wall Street Journal—suddenly discovered their voices. A thousand blogs bloomed. And bloggers started picking—and winning—fights with the New York Times, CBS News, and the rest of what quickly became known as the “mainstream media.” Musk was no conservative back then, mind you. He recently tweeted a meme suggesting he might be considered one today only because progressives have raced so far to the left that all the old live-and-let-live liberals suddenly find themselves lumped in with the right.

But Musk didn’t stay in the world of apps and digital platforms for long. When PayPal was purchased by eBay in 2002, he made a cool $180 million. He could have retired right then and spent his next few decades dating models and pop singers. (Actually, he does do that. But not only that.) Instead, Musk did something almost unheard of for a digital executive: He pivoted to the world of nuts and bolts. He launched—a co-host of the How Do We Fix It podcast.
he took over the tiny electric car maker Tesla, which wouldn’t stay tiny for long.

Let’s be clear about something: $180 million is a lot of money. But it’s not NASA money. It’s not GM or Toyota money. One of the left’s favorite putdowns of Musk is to say he’s the product of “inherited wealth.” It’s a version of the old “you didn’t build that” meme denigrating the accomplishments of entrepreneurs. In fact, Musk built his companies on a shoestring, even as he took on the global giants in aerospace and the automotive industry. Both his main businesses danced on the edge of the abyss for years. “I gave SpaceX and Tesla both a probability of probably less than 10 percent likely to succeed,” he once told a South by Southwest audience.

As the editor of Popular Mechanics, I met and interviewed Musk a couple of times during the days when Tesla and SpaceX were still considered upstarts. He didn’t strike me as an arrogant entrepreneur, but rather as someone painfully aware that his life’s work could go up in a flash. “I have this sort of feeling that something terrible could happen, like all our flights could fail and Tesla could fail and SpaceX could fail,” he told me. “So I feel fear quite strongly; I just proceed nonetheless.” The public doesn’t see that side of Musk. He makes revolutionary innovations look so easy that people don’t always grasp just how risky and improbable they are. But if building SpaceX was the only thing Musk accomplished in his life, he would still go down in history as a world-changing visionary—a Henry Ford or Gordon Moore or Akio Morita of spaceflight. His accomplishments at Tesla aren’t far behind.

With his purchase of Twitter, Musk is now back in the world of purely digital businesses. But times have changed. The old techno-optimism has faded, at least among the kind of people who want to work at social-media companies. At SpaceX and Tesla, Musk employs hard-driving, goal-oriented engineers. Those aren’t easy companies to work for, but almost everyone in them shares a sense of mission. They all know that if they screw up, rockets explode or cars crash. But what is the mission shared by Twitter employees? Outsiders have long suspected that Twitter’s internal culture must be akin to that of a Goucher College critical-stud-
Musk works with handpicked employees who chose to work for him and who share his vision. Now he is acquiring a company where, apparently, all 7,500 workers think he’s a Nazi. (OK, probably not all. But the ones who don’t hate Musk are keeping their heads down—as moderates often do when progressives kick up a ruckus.) Changing a deeply rooted corporate culture is always hard. As Megan McArdle notes, sometimes a CEO trying to overhaul a company must simply “nuke it from orbit,” firing almost everyone and starting over. But that’s not possible with a corporation this big. Musk will need to fire many, but he’ll have to win over the rest. That requires countless hours of face time with employees at all levels. Musk is known for many talents, but that kind of quiet patience isn’t one of them.

Some Twitter staffers have already announced their intention to leave; that’s good for Twitter and bad for the companies where they wind up. (“Please do not come work here,” the resolutely free-speech publishing platform Substack told them.) But it’s not the angrily departing employees who should worry Musk; it’s the quietly resentful ones who stay. It’s hard to run a business when your employees are throwing sand in the gears. At his other companies, Musk has his pick of top engineering and business talent. But he’ll have a harder time filling vital roles at his new acquisition. Progressives and their media allies won’t let up in their effort to declare Twitter beyond the pale. They’ll scrutinize Musk’s every move and try to prove every prominent hire is a crypto fascist. Many potential employees will opt to avoid that. Who wants to be the digital Brett Kavanaugh?

To some outsiders, fixing Twitter sounds simple: Just turn off those unfair algorithms! That’s not as easy as it sounds. A social-media platform without any moderation quickly turns nasty. Trolls take over and normal people tune out. So some algorithmic monitoring is needed to filter out violent threats, porn, spam, and the like. And then there are gray areas where human judgment is required. Musk will need moderators who share his techno-optimist tolerance for divergent opinions but who can sift out the truly abusive stuff. At a time when college students are being trained to see all viewpoints they don’t like as “literal violence,” those people will be hard to find.

Musk has floated a number of ideas that could make Twitter a nicer, more diverse place—and perhaps help the bottom line, too. When he announced the deal, Musk suggested he wants to “authenticate all humans.” Right now, some of the ugliest content comes from anonymous accounts and automated bots. Twitter could instead require every account to be tied to a confirmed email address or phone number. That step would reduce abuse even if users are not required to tweet under their own names.

He also wants to make the algorithms that control which tweets you see “open source.” Right now, Twitter—like Facebook, TikTok, and others—uses algorithms to boost the content it thinks will keep you most “engaged.” Critics say these algorithms tend to favor tweets that provoke the most outrage, which corrals users into angry ideological tribes. Giving users the chance to see how the algorithms work—or even to choose from a range of algorithm options—would do a lot to build trust. (And it might help keep Twitter engineers honest as well.) Musk has also suggested that Twitter could charge a subscription fee, at least for accounts with large numbers of followers. That would give the company a different kind of business model—one less dependent on the artificially goosed traffic numbers demanded by advertisers and more geared toward the conversations that users actually value.

This all sounds like a lot of work, doesn’t it? And that’s my final qualm. Like a lot of entrepreneurs, Musk can be a bit manic: He brings enormous intensity to his companies, but he also gets easily distracted. Every so often he’ll drop everything to work on some new brainstorm—the “Hyperloop” tube-train, a rescue sub for the kids trapped in that Thailand cave, digging tunnels to bypass L.A. traffic. Those might be cool or important projects, but he can’t do everything. Musk is also prone to flaky behavior. After he famously smoked a blunt on The Joe Rogan Experience, NASA ordered SpaceX to go through a mandatory review of its “workplace culture.” The incident could have cost the company its NASA contracts.

Musk’s sardonic Twitter exchanges with the likes of Alexandria Ocasio-Cortez are fun for his followers. But tweaking political leaders isn’t a good habit for an executive who has to fend off government interference not just in the U.S. but around the world. Both Democrats and Republicans in Congress have big ideas about how to regulate social media. (Those ideas are almost all terrible.) The EU, Britain, India, and others are also cooking up restrictive new tech laws. Does Musk have the diplomatic skills—or the attention span—to talk them out of it?

Let’s hope so. At a time when our own government is launching a “Disinformation Governance Board,” we need media leaders who can’t be intimidated. Musk is certainly the man for that job. But we also need media executives who don’t accidentally give the enemies of free speech more ammunition. I’m not quite so confident about Musk’s ability to avoid that. All of which makes me want to say: Elon, please don’t screw this up. We need you.
The New Politics of Abortion

MATTHEW CONTINETTI

The JOURNALISTIC scoop of the decade may not have revealed as much as people assumed.
At 8:32 p.m. on the evening of May 2, Politico reporters Josh Gerstein and Alexander Ward broke the news that a Supreme Court majority had voted a few months before to overturn the Roe v. Wade decision and return abortion policy to the states. Moreover, in an unprecedented disclosure, their story contained Associate Justice Samuel Alito's 98-page draft opinion, dated February 10, in its entirety.

The staggering news left many questions unanswered. “It’s unclear if there have been subsequent changes to the draft,” Gerstein and Ward wrote. It is also unclear, as I write a few days after Politico’s bombshell, who was responsible for the leaked decision. Chief Justice John Roberts confirmed the authenticity of Alito’s draft, while also reminding the public that no ruling is final until the Court issues an official release.

The possibility remains that Alito’s opinion has been or is being changed. Also, since February, one or more justices may have switched votes to uphold Roe. No one knows. The best response to the Politico scoop, then, is to assume a posture of radical humility. Yes, there is a significant chance that abortion law in the United States soon will be subject to democratic procedures and accountability for the first time in a half century, but we do not know for sure. And we have no inkling of how such a change might affect American politics.

Yet humility is not exactly in fashion these days. Democrats and pro-choice Republicans are convinced that the end of a judicially enforced right to abortion throughout the duration of a pregnancy will give President Biden’s beleaguered party a fighting chance in this year’s midterm elections. If the Alito majority holds, this argument runs, a campaign that was shaping up to be a referendum on Biden’s handling of the economy, the border, crime, and education will turn into a choice between candidates who want to preserve “a woman’s right to choose” and candidates who want to “punish women and take away their rights to make decisions about their own bodies.” (The quotes come from Vice President Harris.)

Not long after Politico’s story was published, House Speaker Nancy Pelosi and Senate Majority Leader Chuck Schumer released a joint statement condemning Alito’s draft opinion as an “abomination” and vowing to codify Roe into federal law. Democrats dusted off the charges of a “Republican war on women,” last used during the 2012 campaign, as well as its debate over coverage for contraception in taxpayer-subsidized health-insurance plans. The progressive left warned that the Court’s next targets were precedents upholding rights to same-sex marriage, access to birth control, and even interracial marriage—despite Justice Alito’s unequivocal statement that his opinion applies to Roe alone and that abortion is unique because unlike other hot-button issues it involves the taking of a human life. Other analysts noted that Republicans seemed more

Matthew Continetti is a senior fellow at the American Enterprise Institute and author of The Right: The Hundred Year War for American Conservatism (Basic Books).

Commentary
interested in condemning the leak of the decision than in defending its substance. Perhaps that meant the GOP is uncomfortable with, and worried about fallout from, a post-\textit{Roe} world.

Not without reason. Polls show that Americans oppose a Supreme Court reversal of \textit{Roe v. Wade}. “Americans appear to be simultaneously pro-life and pro-choice,” write my American Enterprise Institute colleagues Karlyn Bowman and Samantha Goldstein. While recognizing that abortion involves killing a human being in the womb, Americans also tell pollsters that the decision to obtain an abortion is a personal one best left to the mother. While supporting the legality of abortion in the first trimester of a pregnancy, Americans also say that they would restrict or outlaw abortion in the second and third trimesters.

Navigating this complicated terrain is a difficult exercise for anybody, much less a politician. In 2012, Republicans lost winnable Senate seats in Missouri and Indiana because the party nominated candidates who frittered away their futures and a GOP majority on egregious and ridiculous discussions of “legitimate rape.” Ten years later, with congressional majorities in its grasp, the party does not want to make the same mistake.

There is no telling how a candidate will behave under the pressure of a campaign. But it is worth noting that the blunders in Missouri and Indiana happened while \textit{Roe} was still the law of the land. Pro-life and pro-choice politicians have bungled the issue of abortion before and during the \textit{Roe} era. It would be silly to think that all of them will handle the topic with the suitable combination of sensitivity, delicacy, and clarity now.

Furthermore, having spent decades seeking to overturn \textit{Roe} and reduce the number of abortions performed in the United States, Republicans would be aloof, feckless, and hypocritical if they downplayed or abandoned the pro-life cause on the verge of its great triumph. Democrats would take the offensive. And the animosity between the populist grassroots and what remains of the Republican establishment would grow.

Just as the \textit{Politico} leak may have been less revelatory than it first appeared, the political fallout from a reversal of \textit{Roe} may be less than the chattering class imagines. I was among the pundits who argued that Texas governor Greg Abbott threw the Democrats a lifeline in September 2021 when a law he had signed went into effect, banning abortion after a fetal heartbeat is detected around five or six weeks. Abortion effectively has been banned in Texas ever since. Yet the political backlash has been negligible. Glenn Youngkin won in Virginia, Republicans came close to unseating New Jersey governor Phil Murphy, and Governor Abbott is on a glide path to reelection. President Biden was unpopular in averages of polls prior to the \textit{Politico} exclusive. He remained unpopular after it.

\textbf{Democrats hope that, after \textit{Roe}, abortion rights will vault to the top of voters’ concerns.}

Maybe. But it is just as likely that voters will care more about rising inflation and a declining standard of living than the status of abortion law in places where they do not live. The media, after all, can focus on only one issue at a time. Will the Democrats be able to sustain public outrage at the Supreme Court and the pro-life Republicans over five months, or will we be talking about something else, something completely off the radar screen, in the final days before the midterm?

How the public judges the abortion debate depends a lot on the circumstances. Is the fight over restrictions early in a pregnancy, which puts pro-lifers at a disadvantage, or over late-term abortions, which puts the pro-choice side on defense? Is a candidate able to defend his or her position reasonably and intelligibly? Which faction seems more fanatical and threatening at a given moment? The answers to such questions will determine how great a price, if any, Republicans pay for a Supreme Court decision overturning \textit{Roe}.

The fact that such questions are unanswerable is precisely the point. The rough and tumble of electoral politics, the unpredictability, contingency, randomness, and muddled compromises associated with legislative wheeling and dealing, will all be part of the new politics of abortion when and if the issue returns to the public square. Where it belongs.\textgreater

\textbf{June 2022}
Whose Norms Are They, Anyway?

CHRISTINE ROSEN

IN EARLY MAY, Politico reporters Josh Gerstein and Alexander Ward broke the news that the landmark 1973 abortion ruling Roe v. Wade was likely to be overturned by the U.S. Supreme Court later this year. Their reporting was based on the leak of a complete copy of a draft majority opinion written by Justice Samuel Alito that had been circulated among his fellow justices in February.

Within hours, protestors were congregating on the steps of the U.S. Supreme Court and Democratic officials were racing to the microphones to express their outrage about the possible end of Roe. Notable for its absence was any mention by Democratic leaders and their allies in the mainstream media of something they have been harshly critical of Republicans for violating in recent years: norms.

In fact, a narrative quickly emerged among the mainstream media suggesting that any concerns about how norms might have been violated by this unprecedented leak were merely efforts to avoid dealing with abortion rights.

Brian Stelter at CNN embraced the misdirection effort immediately, writing in his Reliable Sources newsletter the evening the story broke, “Let’s be very clear that the mysterious nature of the leak—rather than the dismantling of women’s reproductive freedom and bodily autonomy—is so very Washington. Process over substance. Horse race over issues.”

Leftist media critic Dan Froomkin couldn’t believe that anyone even thought the leak worth writing about. “How,” he asked, “could the most esteemed editors of our leading national publications decide, upon learning that Roe v. Wade is presumably about to be repealed, that the most important second-day story is ‘Roberts directs investigation into leaked draft’?”

Kasie Hunt of CNN agreed, criticizing Senate minority leader Mitch McConnell for calling the leak “an attack on the independence of the Supreme Court.” McConnell, declared Hunt, “focuses on the leak here instead of the draft opinion itself. This is in no small part because he knows absolutist stances on abortion are unpopular and make it harder for Republicans to win elections that will put/keep them in power.”

There were exceptions to this narrative. SCOTUSblog, which covers the Supreme Court the way ESPN covers sports, noted, “It’s impossible to overstate the earthquake this will cause inside the Court, in terms of the destruction of trust among the Justices and staff. This leak is the gravest, most unforgivable sin.”

But most of the mainstream media sided with the approach of veteran media analyst Jack Shafer, who characterized the leak as a necessary blow to an institution that “depends on the press to fetishize the mystery of the temple.” Shafer argued in Politico that the leak was warranted because Congress has effectively punted its duty to legislate on abortion, giving the Court that power.

Christine Rosen is Commentary’s senior writer.

Commentary
power for nearly 50 years. “Would Congress scream murder if one of its bills under consideration leaked to the press? Of course not. Its draft legislation gets aired all the time,” Shafer wrote. “The leak has obviously dinged the Supremes’ legal supremacy for the moment. They will recover. But the upside of the leak is grand. The public has gained a new awareness of where a court majority plans to take the nation after a half-century of legal abortion.” He noted that the leak also had a possible political motivation: “Getting a two- or three-month preview of that plan in a midterm year straight from the horse’s pen amounts to a journalistic coup of the highest order. The government works to keep you in the dark. The press to shine the light. Heaven bless the press.”

Should we bless a press that celebrates the destruction of norms when it suits their political views but sanctimoniously scolds their political opponents when it does not? This Supreme Court leak made transparent something else in addition to the inner workings of the Court: It revealed yet again just how ideologically homogenous and partisan the mainstream media’s views are when it comes to abortion, and how willing they are to celebrate the violation of norms when it suits their cause. When CBS News reporter Kate Smith was covering the confirmation hearing of Justice Amy Coney Barrett, she frequently injected her political views into her reporting. In late April, she left CBS to become Planned Parenthood’s first ever “senior director of news content” and called the leak of the Alito opinion “braver than anyone I know!” (She also offered “a big, hearty f–k you to everyone who said I was overreacting by saying this could happen.”)

A great example of the way abortion causes media to abandon any pretense of balance was provided by the Denver Post, which interviewed activists only from abortion-rights groups such as Planned Parenthood, instructed its female readers to avoid “crisis pregnancy” centers that might suggest alternatives to abortion, and included information about how readers could donate money to pro-abortion groups—all in an ostensibly straight news story.

This ideological monoculture in the mainstream media leads to some remarkably tin-eared reporting. NBC News reporter Yamiche Alcindor offered the following thoughts while standing outside the abortion clinic in Mississippi that is at the center of the Supreme Court case: “While conservatives are celebrating the possible end of Roe v. Wade, some women here tell me they feel ‘gutted,’ ‘devastated,’ and ‘like someone has died.’ Like someone has died indeed.

Although we don’t yet know who was responsible for the leak, it’s more likely than not that it was someone with a political motivation. As the Wall Street Journal noted, “the end of April is the customary if unofficial date inside the Court for changing a vote, so the leak shortly after that date suggests the motive is to ramp up the outside pressure.” The media’s near-universal support for unlimited abortion rights allowed them to avoid examining the short- and long-term effects of the erosion of trust within the Supreme Court that the leak will cause. If strategic leaks from inside the Court become a regular occurrence, it wouldn’t merely affect politically volatile issues such as abortion. Many cases that come before the Court have a direct impact on the nation’s commercial and financial industries. Leaks that help bad actors game the markets or undermine the rule of law could have serious long-term consequences.

As well, reporters focused on signaling their support for abortion conveniently ignored the norm-violating statements of Democratic Party leaders that undermine the legitimacy of the Court. U.S. House Speaker Nancy Pelosi and Senate Majority Leader Charles E. Schumer described conservative members of the Court as “in no way accountable to the American people.” Representative Jamie Raskin called them “handpicked and gerrymandered by theocrats and autocrats.” (When asked about the leak, President Joe Biden’s press secretary and soon-to-be MSNBC employee Jen Psaki claimed the president “doesn’t have a particular view” on whether the leak was harmful.) Meanwhile, abortion activists have posted conservative justices’ home addresses online and security will be stepped up to protect them after new threats.

Cultures are created by the willingness of those who participate in them to follow certain rules, both written and unspoken. Reporters who decry norm violations only when the other side commits them understandably create a culture of mistrust in journalism. Worse, they fail to realize that protecting the Court’s institutional norms is even more crucial at a time of political extremism and polarization in the other two branches of government. The media that celebrate their destruction are making things worse—and giving us a new definition of hypocrisy along the way.»

This Supreme Court leak revealed yet again just how ideologically homogenous and partisan the mainstream media’s views are when it comes to abortion, and how willing they are to celebrate the violation of norms when it suits their cause.
ON MAY 6, 2022, Israel's Independence Day, the Temple Mount was opened to Jews for the first time in 11 days. Jewish visitors, calmly and proudly walking into the sacred space, were hurried through the site by police. Their efforts to sing the national anthem and hoist the Israeli flag were quickly curtailed by Israeli police. The patriotism and reverence on display inspired the pride and respect of many.

But to one minister of the current government, Jews such as these are a menace. In an interview several days earlier, the Labour Party's Diaspora minister, Nacham Shai, blamed the tensions at the site on one group, and it was not Hamas. No, it was the Jews of Israel, in his view, who had the gall to seek to visit Judaism's holiest site; even worse, in his view, was that some had violated the “status quo,” according to which Jews can visit, but not pray, at Judaism's holiest site.

“There are a lot more Jews who are going up to the Temple Mount. There are some that stop on the way and pray, which was forbidden,” Shai said in an interview. He added: “There is a certain escalation, a certain deterioration. Also, with the status quo. They opened the Mount and let more and more Jews go there. The price that we will pay later, all of us, will be huge.”

This ascription of blame to the Jews of Israel is a calumny. As David Weinberg has noted, the fact is that “the so-called status quo on the Temple Mount in Jerusalem has long been dead. It has been violated repeatedly in recent years by radical Palestinian and Islamic actors who have turned the mount into a base of hostile operations against Israel, instead of protecting it as a zone of prayer and peace.” Indeed, events immediately prior to May 6, during a period in which Israel had acquiesced to Jordanian demands and barred Jews from entry, proved Weinberg’s point. A PLO flag hung from the Dome of the Rock for 10 days. On April 27, on the eve of Holocaust Memorial Day, an assembled crowd that had purportedly come to the Mount to worship on Ramadan at the Al Aqsa Mosque chanted “Khayber ya yehud,” a battle cry against Israelis referencing an Arab war against Jews in the seventh century. On April 29, Israeli police were forced to close the site as rioting “worshippers” threw stones and firecrackers at the Jews praying at the Western Wall below.

All this reveals that the questions of Jewish presence on, and the right to pray at, the Temple Mount are bound up with the very issue of Israel's right to exist itself. To understand why, we must journey back to the last time in history that a government sought to prevent traditional Jewish prayer, and the singing of “Ha Tikvah,” at a sacred site.

In 1942, Menachem Begin arrived in British Mandate Palestine. At that time, only a narrow alley in front of the Western Wall was available for Jewish prayer, but even then certain rituals were banned. And at the conclusion of Yom Kippur, the British would arrest—and club—Jews who sought to sound the shofar or sing “Ha Tikvah.” To Begin this was intolerable:

Meir Y. Soloveichik is the rabbi of Congregation Shearith Israel in New York City and the director of the Straus Center for Torah and Western Thought at Yeshiva University.
What our ancestors refused to tolerate from their ancient oppressors, even at the cost of their lives and freedom—is tolerated by the generation of Jews which describes itself as the last of oppression and the first of redemption. A people that does not defend its holy places—that does not even try to defend them—is not free, however much it may babble about freedom.

Begin’s group, the Irgun, regularly smuggled shofars into the site, resulting in their arrest. There were those, however, who argued that the concession to British demands was necessary for interfaith amity. Thus Begin described how “among the Jews themselves there were unexpected allies who, in snobbish pretence of ‘progress,’ argued that a few pedigree cows were worth more than all these stones.” But that “progressive” political posture, he noted, only makes sense if the stones are devoid of holiness, a possibility belied by the stones themselves:

But the ancient stones themselves refute the nonsense of these pathetic “progressives” who try to impress foreigners with their “freedom from old fashioned prejudice.” These stones are not silent. They do not cry out. They whisper. They speak softly of the house that once stood here, of kings who knelt here once in prayer, of prophets and seers who here declared their message, of heroes who fell here, dying; and of how the great flame, at once destructive and illuminating, was here kindled....The testimony of these stones, sending out their light across the generations.

Begin’s point is at once simple and profound, and what he wrote about the Western Wall is all the more true about the top of the Temple Mount itself, the site of “the great flame” and “the house that once stood” on that site. Are the stones silent or are they not? Is there still a profound Jewish connection to this site or not? If these stones are not silent, if they still whisper, “sending out their light across the generations,” how could a Jew possibly visit the sacred without being moved to prayer? And if the stones of the Temple Mount are indeed dead, silent, no longer linked to a living Judaism—if reverence for them is mere “old fashioned prejudice”—then it makes sense to allow Jewish visitors as mere tourists, uttering nary a word, their silence paralleling those of the stones themselves. But then, why is the Western Wall itself a site of Jewish longing, and why should Jerusalem itself be of importance to Jews?

The question of what the Temple Mount embodies is bound up with the identity of the Jewish people, and of the State of Israel. Norman Podhoretz has suggested that the quest to divide Jerusalem is an attempt to assault the “scandal of Jewish particularity,” the notion that Jews have a unique destiny linked to one land on the earth. In the Bible, this “scandal” is made most manifest on the Temple Mount, where a universal God is described as choosing one mountain, among one people, as His eternal dwelling place.

It is just this that many seek to assault, denying the Jewish link to the land by seeking to ensure that the Mount remain devoid of Judaism if not of Jews. Begin similarly described the motivations of those who attempted to limit the sounding of the shofar and the singing of “Hatikvah” at the Wall: “Living testimony to a glorious past? A charter of rights hewn in ancient stone? Precisely for these reasons must the stones of the wall be taken from the Jews.” Thus a study of Jewish history reveals that the debate about Jewish rights in ancient Jerusalem, now as then, is linked to something larger: whether the Jewish reverence for this site, and the expressed longing for all that once occurred there, is mere “superstition,” or whether such faith is reified by the very stones that whisper still.

In the days before the May 6 Jewish pilgrimage, the newspapers of Israel, from the right-leaning Israel HaYom to the leftist Haaretz, published a poll revealing that at least 50 percent of Jewish Israelis believe that Jews should be allowed to pray on the Temple Mount. By the end of Independence Day, around 1,000 Jews had ascended to the Temple Mount, four times as many as those who had ascended on the last Independence Day before the pandemic. They were celebrated online by another minister of the government, Ayelet Shaked, heightening the contradictions in this coalition regarding a matter central to Israel’s identity. One fact is clear: The ancient stones are not silent, and the argument over the Temple Mount has only begun.

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WO DAYS BEFORE the 2020 election, then–vice presidential candidate Kamala Harris shared a short video on social media endorsing the radical but increasingly commonplace idea of “equity.” Narrating over an animated depiction of two people climbing a mountain, Harris explained why “equality,” long accepted as our highest aspiration for race relations in America, is not good enough. “Equality suggests, ‘Oh, everyone should get the same amount,’” she says over an image of a white person starting at ground level while a black person climbs out from a ditch. “The problem with that: Not everyone is starting out from the same place.” Equality does not remedy past injustices but perpetuates them. Equity, by contrast, “means we all end up at the same place.” In the video, the black person joins the white person at the top of the mountain as “Biden-Harris 2020” descends from the heavens.

Harris’s flippant suggestion that in an ideal society “we all end up at the same place” was a clear signal to progressives just before the election: The next Democratic administration was prepared to adopt the new lingo and substantive goals of the diversity, equity, and inclusion industry. Just a few decades after a critical mass of Americans accepted the civil-rights movement’s argument for equality—based in equal treatment rather than equal outcomes—they have been told that their efforts have been for naught. Equality of opportunity is now considered insufficient at best,

Tal Fortgang, a law student, is a 2021–22 Kraut-hammer Fellow at the Tikvah Fund.
a nefarious way to perpetuate existing disparities at worst. Equity, similar-sounding enough to ride equality’s coattails, admits that progressives want what conservatives have long been reassured they do not: radical equality of outcomes, as defined by progressives, of course. And the Biden-Harris campaign considered the idea popular enough to release a video endorsing it 48 hours before Americans would head to the polls.

They were probably on solid footing to think so, at least regarding young progressives. The distinction between equality and equity is a staple of social-justice education, ubiquitous in preschools and graduate schools alike. One well-known graphic (promoted by institutions ranging from American University to Paper Pinecone, a directory for preschools) has been particularly influential. It features three individuals of varying heights at a baseball game, trying to watch from beyond the outfield fence. At first, each of the three are standing on identically sized boxes, so the tallest one can see the game easily, the middle one can just barely see it, and the shortest can’t see anything. This, we are told, is “equality.” Everyone is on a level playing field, which disproportionately privileges the already advantaged and fails to help the disadvantaged.

Equity, we learn, entails redistributing the boxes. The tall individual now stands on the ground, and the short one enjoys the boost of a second box. All can see over the fence. Equity, to its supporters, begins from the assumption that there are people with different natural strengths and weaknesses, and it suggests that rather than treating all people equally—that is, neutrally—it is better to try to account for what advantages and disadvantages an individual faces as we decide how to distribute resources.

But another graphic popular among social-justice advocates has come to supplant the baseball car-
toon, presaging the linguistic and conceptual battles ahead. This one features a fruit-bearing tree. The tree is crooked, so most of its fruit falls on one side. On that side stands one person, who enjoys the fruit dropping auspiciously at his feet. On the other stands a bewildered person holding his arms out, waiting for fruit to fall, but none does. This is “inequality.” In the next image, we see “equality,” or “evenly distributed tools and assistance,” whereby both people have ladders of equal height. The tree’s tilt still advantages one person, though. “Equity” comes next, with “custom tools that identify and address inequality.” The less-fortunate person gets a taller ladder and equal access to the fruit. But what is most notable is that equity is not the resolution. “Justice” is when the tree has been pulled into an upright position with pulleys and planks, “fixing the system to offer equal access to both tools and opportunities.”

At first blush, this idea of justice—inasmuch as one accepts that justice is a concept that applies at the societal level—is not controversial. Everyone wants more just laws and social customs. But the fact that equity is the penultimate step, a temporary achievement of what is meant to be our permanent social condition, illuminates precisely what is at stake here, where our national discourse on race and inequality is headed, and why we should be vigilant in pushing back against left-wing claims about justice. Just as their equity is not your equality, neither is their justice your justice. Though Harris tried to clarify that “there’s a big difference between equality and equity,” not everyone has gotten the memo—or is willing to be upfront about it. This is particularly troubling when equality/equity conflation shows up in White House publications. On President Joe Biden’s first day in office, he issued an executive order declaring that “the Federal Government should pursue a comprehensive approach to advancing equity for all.” Moreover, “because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments and agencies...must recognize and work to redress inequities in their policies and programs.” Equal outcomes are the goal, and those crooked trees must be pulled into place to “embed fairness” permanently. Yet the very first section of the EO reverts to familiar terrain. “Equal opportunity is the bedrock of American democracy,” it begins. “By advancing equity across the Federal Government, we can create opportunities for the improvement of communities that have been historically underserved.” Note the switch. The White House is trying to have its cake and eat it too, speaking the language of the progressive vanguard while maintaining a patina of equality-based respectability. It does so by eliding the difference between a system in which everyone can end up at the same place—what most Americans call equal opportunity—and a system in which everyone does end up at the same place.

Why are progressive Democrats afraid to go all in on equity and justice? Why the reliance on word tricks, conflation, and infantilizing pedagogy? Perhaps they see the myriad problems in the theory behind equity, its execution, and its implicit premise of how society operates—all of which Americans continue rightly to reject. At its best, equity is about using resources efficiently so that all citizens can reach their potential. (The Biden administration posits that “closing racial gaps in wages, housing credit, lending opportunities, and access to higher education would amount to an additional $5 trillion in gross domestic product in the American economy over the next 5 years.”) On that
charitable interpretation, the devil is in the details: Who decides to take the box from the tall person at the baseball game? Who decides which short person receives it? What happens if the tall person does not wish to cooperate? Above all, how do we know when the task of equity is complete? Ibram X. Kendi, the leading proponent of equity-based “anti-racism,” has an answer. He suggests that any and all inequities between racial groups must be the result of racist policies and therefore that we will enjoy a post-bigotry society when all groups are not just treated the same but are the same in every measurable way. Inequity per se is the enemy, and that may mean cutting some groups down if raising others up is not feasible. This is what New York City’s former mayor Bill de Blasio had in mind when he sought to eliminate gifted-and-talented programs in city schools.

One clever graphic artist has conveyed the nightmare of such thinking in a response to the baseball-watchers cartoon. Next to the “equity” pane with its three contented fans, there is an additional pane dubbed “Equity in Reality.” In it, three equally short torsos have had their legs sawed off. In our world of imperfect people and limited resources, equity embraces what Winston Churchill dubbed the “inherent virtue of socialism”: the equal sharing of misery.

ADMITTEDLY, WE CAN read only so far into ideological cartoons. But they are uniquely revealing in this case because progressive activists have a view of society that is, in broad terms, cartoonish. We are led to believe, in the original baseball graphic, that differential access to “viewing the game” is as arbitrary as the dispersal of height in a population. No choices, past or present, have affected the inequalities in need of remedies. And the requisite number of boxes for all to see over the fence is already there. Everything we need to rectify the unfairness is at hand—if we simply had the will to do so. The idea that resources must come from somewhere, that the people producing resources need some incentive to do so, is anathema to the equity worldview.

This reflects trendy progressive orthodoxy, which holds that the attributes that tend to create wealth, power, and bourgeois success are “socially constructed” and morally arbitrary. Witness the bizarrely racialized set of “characteristics of whiteness and white culture,” as propagated by institutions such as the National Museum of African American History & Culture, which in 2020 claimed that punctuality, po-

**Commentary**

**IF EQUITY REMEDIES ALL NATURALLY OCCURRING INEQUALITIES, CORRECTING FOR NATURALLY OCCURRING HUMAN DIFFERENCES NECESSARILY BECOMES A CENTRAL PART OF THE QUEST FOR SOCIAL JUSTICE. MERELY TROUBLESHOOTING INEQUITIES WITH ‘TOOLS’ THAT ADDRESS THEM (WHICH WOULD BE BAD ENOUGH) JUST KICKS THE CAN DOWN THE ROAD.**
govern its environment, largely organic rather than constructed. It *emerges* as people make choices about how they want to live, what they value, and where they like to spend their money. Just as a tree grows crooked for its own reasons—the sunlight is better in one direction, enabling it to bear more fruit for all—human society emerges in a particular place, at a particular time, largely owing to chance but also in part to innumerable individual choices. And just as the tree grows with imperceptible wisdom, maximizing sunlight and access to nutrients, the free society grows with norms and rules conducive to its flourishing. Punctuality and politeness, for instance, emerge as valued norms not arbitrarily or as a result of white supremacy, but because they conduce to cooperation and shared prosperity.

Social-justice advocates’ failure to see wisdom embedded in an emergent free society displays a myopic ingratitude for the fruits of the equality regime they wish to uproot.

When these advocates demand justice, they advocate ignoring or outright rejecting the underlying logic of allowing people to act freely. They necessarily demand coercion and compulsion because freedom necessarily yields inequalities. Each time they encounter a tree growing in a peculiar manner, they conclude not that it has grown that way for imperceptible or inarticulable reasons but that it grew arbitrarily or even for evil purposes. And if we simply *willed* it to grow differently, we could fulfill our vision of how everyone ideally ought to behave.

Of course, a tree twisted out of its natural shape will not reach its full potential. Deprived of whatever gain its particular pattern of growth had achieved, it will no longer bear the very fruit that made it the object of interest in the first place. To make the metaphor concrete, forcing free people to utilize their talents and make decisions in ways that align with an abstract view of social justice is bound to jeopardize the very bad enough) just kicks the can down the road.

Moreover, a view of justice fundamentally biased against the proposition that things are as they are for good reasons leads only to perpetual revolution. Every generation will perceive new, subtler imperfections in the tilt of the tree and the inequities it yields. Whatever is inherited by the next generation remains just as suspect as whatever was just overthrown. The tree of social justice is refreshed frequently by the blood of those who simply wish to live freely.

**UNDER THE EQUALITY REGIME, MODERN AMERICA REMAINS THE PLACE YOU WOULD PROBABLY LIKE TO LIVE IF YOU HAD TO CHOOSE A COUNTRY AND ERA FROM ALL OF HUMAN HISTORY. IT HAS EMERGED, ESPECIALLY OVER THE LAST CENTURY, PEACEFUL, PROSPEROUS, AND REMARKABLY TOLERANT. TO PUT ALL THAT IN JEOPARDY FOR AN EXPERIMENT IN RADICAL EQUITY WOULD BE CRIMINAL.**

As the Biden-Harris capitulation to the equity project shows, it is far from inevitable that these ideas remain on the fringes or fizzle. Defending the equality regime requires vigilance against social-justice Trojan horse-play wherever it arises. Pressing on equity’s weaknesses can keep it at bay.

First, everyone advancing equity, on the theory that equality entrenches preexisting power structures, must be made to confront its Jewish problem—and known as its Indian problem, Filipino problem, or Nigerian problem. Some ethnic groups, even though they look, sound, and in many ways act different from the
white majority, have managed to show on a mass scale that in America, disadvantage is not destiny. Starting from poverty, lacking in resources, skills, and cultural acclimation, many millions of immigrants (and especially their children) have found simple equality sufficient. Today, dozens of ethnic minority groups boast higher levels of education and income than white Americans do. As an empirical matter, it is far from clear that equality entrenches inequity.

Similarly, advocates of equity must reckon with the logical conclusions of the position that all inequity is unfair. We must force them to confront the silliness (and racism) of believing that our social and economic norms—such as rewarding politeness—are either racialized or arbitrary. There are indeed disparities between racial groups, in education, income, incarceration rates, and more. But to lay those all at the feet of an unfair system would suggest not only that certain racial minorities are incapable of being polite, but also that we live in fact in an Asian- or Jewish-supremacist country, as those two groups have found outsize success in the United States. Purely as a matter of diagnosis, the anti-equality movement falters badly.

It does even worse on prescriptions. Defenders of equality would do well to insist that the equal but inequitable society is the fairest and freest that humans can achieve. It is fairest because it focuses on removing barriers to opportunity rather than trying to do the impossible task of making people whole through totalitarian policy. The equality regime does not prevent the talented from using their abilities to produce what the public demands. Instead, it rewards those who can improve others’ lives in proportion to their contributions. It is freest because it does not aim to twist the organic tree; it sees wisdom in the freely taken actions of the many. Most of all, it recognizes that trying to reshape social behaviors in service of abstract ends causes freedom and prosperity to wither.

Our tree of liberty should be a source of pride. Just as it is miraculous that trees can grow through rusting bicycles and decaying warehouses, we should see our own free society’s growth, despite free societies’ tendency to devour themselves, as a miracle, too. Though we tend to take it for granted, it is remarkable that a country of 330 million people who enjoy radical freedoms of speech, religion, and assembly is generally safe and prosperous. Though diversity and inequality can corrode social bonds and lead to war of all against all, we Americans tend to get along.

Under the equality regime, modern America remains the place you would probably like to live if you had to choose a country and era from all of human history. It has emerged, especially over the past century, peaceful, prosperous, and remarkably tolerant. To put all that in jeopardy for an experiment in radical equity would be criminal—not least because an absence of peace and prosperity is worst for those on society’s margins. Contra the social-justice movement’s claims, and those of its devotees in the Biden-Harris administration, justice is better conceived of as neutrality, consistency, and dedication to preserving a free society’s delicate order.

If equality was good enough for Frederick Douglass in 1865, it should suffice today. “What I ask for the negro is not benevolence, not pity, not sympathy, but simply justice,” Douglass told the Massachusetts Anti-Slavery Society. “The American people have always been anxious to know what they shall do with us. . . . I have had but one answer from the beginning. Do nothing with us!”

Douglass chose a telling metaphor for his vision of justice for newly liberated slaves: “If the apples will not remain on the tree of their own strength, if they are worm-eaten at the core, if they are early ripe and disposed to fall, let them fall! I am not for tying or fastening them on the tree in any way, except by nature’s plan.”
An Experiment in Ordered Liberty

Could Elon Musk’s Twitter takeover be a landmark moment for speech?

By Tara Helfman

PITY THE TWITTERING classes. They have been in the grip of a moral panic ever since Elon Musk first signaled his interest in buying the social-media platform. The self-appointed censors of the Twitterverse may soon be stripped of the greatest power one can wield in an information society: the power to silence objectionable viewpoints. In an attempt to justify their own relevance, these censors and their supporters are arguing that free speech on Twitter could do irreparable harm to society at large. Giving users license to post whatever they please will turn the platform into a virtual dystopia seething with hatred, extremism, and misinformation, they fret. Worse still, it will turn the real world into an actual dystopia—“a brave new nightmare,” as former secretary of labor Robert Reich recently put it.

Really? If we are to take Musk at his word, he has no intention of turning Twitter into a free-speech free-for-all. Responding to what he termed “the extreme antibody reaction from those who fear free speech,” Musk tweeted the following: “By ‘free speech,’ I simply mean that which matches the law. I am against censorship that goes far beyond the law.”

It must be noted that under American law, free speech is not unbounded speech; so if Twitter were to use the law as a guide, free speech would not mean unmoderated tweets. The First Amendment allows enormous latitude for free expression—but it also recognizes categories of unprotected speech such as true threats, defamation, blackmail, child pornography, and incitement to imminent violence. All these categories have ascertainable definitions under the law. And

Tara Helfman is of counsel at the law firm of Ellis George Cipollone in Washington, D.C. The views expressed in this article are her own.
although there are always hard cases, the law offers objective standards by which to determine whether speech is protected.

Twitter users’ chief complaints about the platform’s speech policy is that it is vague and applied in an arbitrary way that leads moderators to silence either too much speech or too little speech. Twitter’s current rules on hate speech are a perfect illustration. Users are prohibited from engaging in “hateful conduct,” which is defined as speech that “promotes[s] violence against or directly attack[s] or threaten[s] other people on the basis of race, ethnicity, national origin, caste, sexual orientation, gender, gender identity, religious affiliation, age, disability, or serious disease.” In principle, this rule seems unobjectionable. In practice, it is unworkable. For example, if a tweet makes a user feel uncomfortable, does that make it threatening? Does a tweet criticizing a religious precept fall within the category of hate speech if it makes a reader feel that his beliefs are under attack? And if one believes that offensive speech is by definition a form of violence, the policy means whatever the offended user, the wary moderator, or the outraged Twitter mob feels it does.

The term “hate speech” has no legal definition and, for that reason, it is a problematic basis on which to regulate expression. However, existing First Amendment doctrine does give us clarity. A speech policy that closely follows the contours of the law would enable Twitter to moderate hateful speech without curtailing freedom of expression. To be sure, as a private enterprise, Twitter is not constrained by the First Amendment in the same way that government actors are. But if Elon Musk is serious about making Twitter an online forum for free speech, he couldn’t find a more workable blueprint for moderating content than the First Amendment.

Consider the following prohibitions, which would be consistent with First Amendment jurisprudence. Instead of prohibiting speech that “promotes violence,” Twitter could use the rule of Brandenburg v. Ohio as a guide: It could prohibit users from advocating the use of force in a manner that is both directed to incite the use of force and is likely actually to incite the use of force. Similarly, it could prohibit users from making what the law calls “true threats.” True threats are serious expressions of an intent to commit an act of violence against an individual or group such that the individual or group would reasonably fear the threatened violence.

These prohibitions establish objective standards by which to characterize speech. Applying them to specific cases may be challenging, but difficult decisions are better than arbitrary ones.

Does this mean that privately owned social-media platforms are required to uphold the First Amendment in moderating online content? The courts have yet to decide the issue, and Congress has yet to develop a policy that moots the question. Until they do, Elon Musk has an opportunity to conduct an experiment in ordered liberty that could serve as an example to other digital platforms—and to civil society more broadly. To be sure, it would be a bold experiment, but for as long as Section 230 is on the books—this element of the Communications Decency Act of 1996 treats the platforms not as publishers but more like telephone switching hubs—it mitigates some of Musk’s legal exposure by offering a safe harbor to Twitter and platforms like it, shielding them from liability for “good faith effort[s] to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected.”

At first glance, this may well sound like much ado about 280 characters or less. But the struggle over free expression on Twitter mirrors in many ways the retreat from free expression and open inquiry underway in America’s elite institutions—in universities, in the professions, in corporations, and in research institutions. The retreat began in the academy, where the postmodern critique of reason and objectivity reached its apotheosis in the critical theorists’ elevation of “lived experience” to an altar once consecrated to the pursuit of truth. To the crits, reason is an instrument of structural oppression rather than intellectual liberation; discourse and debate are raw power reduced to public performance; and “personal truth” is the sole truth (even though some truths are weightier than others on the cosmic balance of intersectionality).

All of this would be purely academic, so to speak, were it not for the fact that a powerful bureaucracy has emerged on campuses in tandem with these ideas to censor, police, and punish utterances that make
listeners feel marginalized, offended, or “unsafe.” Take, for example, the rise of Bias Response Teams, which encourage students to report anonymously on speech that may be offensive, hurtful, or discomforting so administrators can respond with direct intervention and discipline. Or consider the definition of “sexual assault” and “sexual violence” that has been ascendant since it was first introduced in a 2014 model campus survey developed by Rutgers University with the support of the United States Department of Justice. The survey asks students to report incidents of “sexual assault” and “sexual violence,” defining the terms as “refer[ring] to a range of behaviors that are unwanted by the recipient and include remarks about physical appearance, persistent sexual advances that are undesired by the recipient, threats of force to get someone to engage in sexual behavior, as well as unwanted touching and unwanted oral, anal or vaginal penetration or attempted penetration.” The breadth of this definition is breathtaking. A catcall—or even a clumsy compliment—is in the same class as rape. It is little wonder, then, that a recent Brookings study revealed that an alarmingly high percentage of students believe that violence is an appropriate response to offensive speech.

Young adults conditioned to view disagreeable speech as a form of harm no less egregious than physical blows become young professionals who import this outlook into the workplace, the marketplace, and the political arena. They respond to challenging ideas and offensive speech precisely as they did while in school: with an appeal to censorship, punishment, and, ultimately, ostracism. Worst of all, they come to see free speech as a threat to individual well-being rather than as a necessary precondition for liberty.

We may not yet have seen the full effect of these authoritarian impulses on our politics, but there is no environment in which they are more easily indulged and more grotesquely amplified than social media, where it is possible to summon an outraged mob with a tap or a click. To be sure, Twitter is not alone in this regard. But Twitter’s demographics are unique among social-media platforms in that, according to a recent Pew poll, the majority of its users are younger, more highly educated, more affluent, and more liberal than the U.S. population as a whole. It is therefore little coincidence that the company’s hate-speech policy looks a good deal like the sort of speech codes one is likely to find on any number of college campuses.

It is here that the debate over free speech on social media reveals an even deeper fissure in America’s political culture. Even though similar percentages of Democratic and Republican Twitter users report that the tone of discourse and the trustworthiness of information are serious problems on the platform, there is a striking disparity between the two groups’ views of online censorship. Fifty-nine percent of Republican users polled by Pew find it highly problematic that Twitter restricts the visibility of certain posts, while only 17 percent of Democrats shared that view. And while 61 percent of Republican users reported that banning users was a major problem, a mere 6 percent of Democrats agreed.

This disparity may well be a matter of ideological creep, as the same intellectual forces that are destroying open discourse and free inquiry in our educational and cultural institutions gain traction online in spaces dominated by the progressive left. Or it may be a function of an authoritarian impulse in human nature. After all, the crits did not invent censorship. In all likelihood, both forces are at play.

Whatever the case, as Americans question the value and utility of free speech—and as digital natives come to trust in and rely on censorship to shield them from ugly, offensive, or hateful ideas—a recommitment to the First Amendment is vital. Elon Musk may not have set out to become a First Amendment warrior when he decided to acquire Twitter, but he certainly has thrown down the gauntlet. He may well find that orthodoxy and authoritarianism are more intractable than the laws of physics. However, if anyone is up to the challenge of defending people’s freedom to speak their mind and promoting their capacity to think for themselves, he’s the one. ❯

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An Experiment in Ordered Liberty: June 2022
In Asia, Israel Must Choose Wisely

The Jewish state has far better potential partners than China

By Daniel J. Samet

For ages, Jews looked east in search of Zion. Now that they have Zion, they are looking east ever still. Israeli leadership now views Asia, with its expanding markets and increasing global influence, as a crucial foreign-policy interest. While Israel has long prioritized ties with the Western world, for the past few years, the Jewish state has sought out a range of partners in the Pacific. As Israel’s then–Minister of Economy Naftali Bennett simply stated in 2015, “we’re moving to the East.”

The move is eminently defensible on its face. To treat Asia, which will account for more than 50 percent of global GDP by 2040, as anything other than a land of potential geopolitical and economic opportunity would be foolish. The more Israel trades with Asian countries, the more it will prosper.

What Bennett, now Israel’s prime minister, did not foresee was the full spectrum of challenges and hiccups that might slow Israel’s Asian pivot. The greatest and most lamentable of these is the justifiable
American concern over Sino-Israeli ties. As Arthur Herman wrote in Mosaic, the problem is “whether and how [Israel's] relationship with China could become a dependency.” Such a circumstance “would impose on Israeli national security a new kind of vulnerability, one very different from the challenges it has faced successfully in the past.” When it comes to Israel's dalliance with China, suffice it to say that Thomas Sowell’s quip that there are no solutions—only trade-offs—is as true as ever.

Getting a better trade-off will depend on how successfully Israel woos Asian countries other than China, whose depredations abroad and human-rights violations at home ultimately make it a wanting partner. In the summer of 2021, Jerusalem took a commendable step forward on the moral front in supporting a measure at the United Nations Human Rights Council calling on China to let outside observers into Xinjiang, where it is reported that more than 1 million Uyghurs have been detained, abused, and worse. But a few months later, allegedly under pressure from the Chinese, it did not sign on to a joint statement that said much the same. A country that embodies the sentiment “never again” should not stay silent as Beijing carries out a genocide against untold numbers of Uyghurs. Surely there are other folks in the neighborhood with whom Israel can do business without compromising its morals.

The main contenders here are India, Japan, and South Korea. Despite their many differences, these three countries are democracies with dynamic economies, and they, too, would benefit from deeper ties with the Jewish state. What's more, they are three of the most important players in the world's most important region. Casting its lot with these nations, as opposed to China, is a far better bet for Israel, and one that Israelis can make and still sleep soundly.

A SIA WAS ONCE something of an afterthought in Israel's foreign policy. For decades, Israel focused on nearby countries. Notwithstanding its relationship with Washington, Jerusalem sought partners closer to home. Europe, with its enduring economic and political clout, figured prominently in the minds of Israeli strategists, as did nearby states such as Turkey and pre-revolutionary Iran. Complementing this Mediterranean-oriented approach was engagement with sub-Saharan African countries such as Ethiopia.

To be sure, the Jewish state did not try to make enemies outside Europe and the Middle East. It even had notable ties to countries such as Australia, Burma, and the Philippines. On the whole, however, the region just was too far afield and not consequential enough to demand the attention and resources of a small, developing country with a glut of challenges in its own neighborhood.

Jerusalem today has become much less provincial. According to the Ministry of Foreign Affairs, Israel today maintains official ties with 160 countries and has 107 diplomatic missions. Besides the countries mentioned above, Israel today has diplomatic missions in Vietnam, New Zealand, and Singapore, to name a few. India, according to the United Nations, will become the world's most populous country by 2027. And it has become a cornerstone of Israel's regional strategy. The two countries may seem like natural partners. Both are multiethnic democracies surrounded by majority-Muslim nations. But the current warm relations between Israel and India are a relatively recent development. In the historical record, one finds few examples of Israel-India collaboration and, in fact, finds significant tensions.

When India was itself a newly independent state, it voted against the 1947 UN Partition Plan. Nationalist hero Jawaharlal Nehru had clamored for the partition of India into a majority-Hindu state and a majority-Muslim one but did not support the partition of Palestine. Why not? Nehru threw in his lot with the Arab bloc for reasons of realpolitik. Irrespective of its never-ending feud with Pakistan, New Delhi wanted good relations with the Muslim world. For many of these countries, being friendly to Israel was beyond the pale. Indian politicians also feared that embracing Israel might put off their Muslim compatriots at the ballot box.

Although Nehru recognized Israel in 1950, India kept the Jewish state at arm's length throughout the Cold War. Much of this had to do with the prevailing dynamic of superpower politics. India was one of the leading voices in the Non-Aligned Movement, a group of countries formally allied with neither the United
States nor the Soviet Union but that often sided with the anti-Israel Soviet sphere. Among the Non-Aligned Movement’s members were relatively new nations such as Egypt and Indonesia that viewed the world as one anti-colonial struggle in which Israel was another imperialistic oppressor. India hewed to this line, though not as ardently as some other countries.

The end of the Cold War, however, brought an end to that arrangement. Not only did the two countries open mutual embassies in 1992, but official high-level contacts between the two nations began to increase. Israeli President Ezer Weizman visited India in 1997, while Prime Minister Ariel Sharon followed suit in 2003. Indian Prime Minister Narendra Modi notably met Benjamin Netanyahu in New York City in 2014 before coming to Israel three years later. Modi, who called his trip “ground-breaking,” became the first Indian prime minister to visit the Jewish state. Netanyahu returned the favor the following year. Both heads of government acted like pals on Twitter, where Modi called Netanyahu his “dear friend,” and Netanyahu similarly referred to his “great friend” Modi. As prime minister, Bennett has kept up the chumminess, letting Modi know that he was “the most popular person in Israel” during the UN climate summit in November 2021. There is surely the will on both sides to keep expanding ties.

One way to do so lies in the security realm. Israel has been as keen to sell India weapons as India has been to buy them. From 2016 to 2020, when India accounted for 9.5 percent of arms imports worldwide, Israel was the country’s third-largest weapons supplier. India’s defense industry has been hard at work providing India with reconnaissance equipment, small arms, and munitions, as well as missile-defense systems. Further consolidation of the defense relationship came at a joint working group meeting in Tel Aviv in October 2021, where the two countries agreed to design a 10-year road map to strengthen defense cooperation.

Both Israel and India are democracies threatened by radical Islamic terrorism. Beyond weapons sales, intelligence-sharing has proliferated among the two in recent years. According to Uzi Arad, former national security adviser under Netanyahu, this has been a “mutually beneficial” enterprise for Israel and India. Although it would be premature to call defense cooperation an alliance, New Delhi and Jerusalem have made significant strides in this area.

The same is true of economic relations. Bilateral trade between the two nations reached nearly $3.4 billion in 2020, the most recent year for which such data are available. India has become Israel’s third-largest trading partner in Asia and its seventh-largest worldwide. Gems and chemicals make up the lion’s share of bilateral trade, augmented by a surge in the exchange of consumer goods such as high-tech wares and communications systems.

At a joint appearance in Israel last fall, Foreign Minister Yair Lapid and Indian Minister of External Affairs Subrahmanyan Jaishankar disclosed that their two countries would undertake free-trade talks in hopes of concluding a pact by mid-2022. During his remarks, Lapid hailed India as “a very important ally.” If the free-trade talks lead to a deal, expect bilateral trade to keep growing. Israeli firms should be eager to access India’s massive market, and Indian ones should seize the opportunity to access Israel’s much smaller but more advanced market.

This is not to say that Israel-India relations are without challenges. For one, doing business in India is not easy. Even given the size of its economy, would-be investors in India may be deterred by the country’s seemingly endless red tape. To alleviate these concerns, Modi’s government has pared back the regulatory state and is actively courting Israeli investment.

One worrying obstacle to deeper cooperation is India’s connection to Iran. The two countries have often had amicable relations over the past few decades, and since Ebrahim Raisi became Iran’s president in 2021, New Delhi has made a concerted effort to get into his good graces.

Don’t count on either the Iran factor or the Indian bureaucracy slowing down Israel-India cooperation. The benefits still outweigh the drawbacks: Each side can delicately pursue its respective interests without imperiling the other’s. If Netanyahu’s line that India and Israel are “a marriage made in heaven” proves true, then New Delhi and Jerusalem will have come far since the founding of the Jewish state.

But what should give promoters of the relationship the most pause is Modi himself. Under his lead-
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ership, India is less democratic than it was just a few years ago. The ruling Bharatiya Janata Party (BJP), in addition to championing legitimate Hindu nationalist concerns, has derided Muslims as a threat to Indian unity and passed discriminatory laws against them. Elsewhere, Modi has been gung-ho to crack down on operations by NGOs and the free press. Freedom House, whose yearly Freedom in the World Report measures democratic development, has downgraded India from “Free” to “Partly Free.” Shouldn’t those who protest Israel’s dealings with China also protest its dealings with India? How can Israel, whose NSO firm has reportedly sold its Pegasus spyware to India, provide such technology to a government with a tenuous respect for human rights?

The questions are fair and worth wrestling with. But let’s dispel any sort of moral equivalence between totalitarian China and democratic India. No one in the former has the right to vote. The latter has universal suffrage. China represses ethnic and religious minorities on a massive scale. India is home to more than 2,000 ethnic groups that, despite democratic backsliding under the BJP, enjoy a degree of pluralism unthinkable in China. Doing business with New Delhi is not the same as doing business with Beijing. And for all Modi’s faults, he won’t be around forever. Septuagenarians often don’t govern for very long, especially in democratic systems. For the time being, India’s record of illiberalism isn’t enough to warrant torpedoing the relationship.

Japan is a different story altogether. As regards Israel-Japan ties, the moral questions are scarcely there. Now far removed from its imperial past, the Land of the Rising Sun is today a vibrant democracy and an upstanding neighbor. Japan does not prey upon countries nearby. Nor does it curb the rights of its own citizens.

Relations between Israel and Japan date back to 1952, shortly after the Allies handed back sovereignty to Tokyo and the Jewish state won its independence. Unlike non-aligned India, Japan became a treaty ally of the United States following World War II and pursued a foreign policy that was largely congruous with Washington’s—except when it came to Israel.

Tokyo kept its distance from Israel for decades. A much-reduced strategic player on the world stage, Japan saw the Middle East through the lens of energy, not geopolitics. By the 1970s, its economy (then the second-largest in the world) had grown exceptionally reliant on imported oil. Israel could not offer Japan anything in that regard, but other countries in the region could. Once Arab states in OPEC imposed an oil embargo against the United States and its allies following the outbreak of the Yom Kippur War in 1973, Tokyo sided with the Arab world in public pronouncements. It stopped short of boycotting Israel, but commercial ties suffered nonetheless.

It was only in the 21st century that relations thawed. The changing strategic outlook in the Middle East and elsewhere made Tokyo see the utility in cozying up to Jerusalem. No longer did dependence on Arab oil mean shunning the Israelis. Tokyo reckoned that Arab petrostates would no longer go to the mat for the Palestinians in defiance of Israel, whose growing economic power the Japanese wanted to engage. Japan shed its qualms about bettering relations. It could not steer clear of the desert’s tech titan anymore.

Growing person-to-person contacts reflect this new environment. In 2014, Netanyahu made an official visit to Japan during which he met with Prime Minister Shinzo Abe and Emperor Akihito. The following year, Abe made a visit to Israel—the first by a Japanese prime minister since 2006. Though his next trip was marred by the unfortunate presentation of dessert in a shoe during a meal at the prime minister’s residence in Jerusalem, a flight of fancy that offended Abe, the Japanese premier’s visit in 2018 proved more substantive. According to press reports, the two leaders discussed the Palestinian issue, Iran’s nuclear program, and other matters of shared interest, including direct flights between Israel and Japan.

Economic ties are front and center. Tokyo and Jerusalem have floated the idea of a free-trade agreement for years, though talks have yet to yield something concrete. Bilateral trade is still relatively modest. Investment, however, has already seen significant progress. In 2020, Japanese companies invested a record $1.1 billion in Israel, up 20 percent from 2019, and 11.1 percent of foreign investment in the Israeli high-tech sector comes from Japan.

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nese investors must park their wealth somewhere, so why not Israel?

Commercial interests explain why both countries want to do business with each other. Japan is home to a population of more than 120 million, it has the world's third-largest economy, and it has leading industries in automobiles, semiconductors, and electronic goods, among others. In some ways, Israel is a scaled-down Japan: Both countries are democratic and have high-income market economies with an industrious, highly educated workforce. A nation as innovative as Japan would seem a natural friend for the “start-up nation.” From Israel's perspective, the more it is able to engage the world's third-largest economy, the better.

Defense ties between the two are currently negligible, if not nonexistent. That could soon change. In 2019, the two countries signed a memorandum of understanding on defense cooperation at the Japanese ministry of defense. “We have brought Israel-Japan relations to an all-time high,” Netanyahu said after the ceremony. That remark must have had more to do with relations in general, not defense relations in particular. Japan's overriding security challenges come down to China. Israel's do not. Jerusalem cannot commit a proportionate share of its resources to the region at a time when Tokyo is pursuing its “Free and Open Indo-Pacific” strategy. As far as terrorism is concerned, Japan is in much less danger than Israel and plays a much smaller role in the Middle East's security landscape. Absent a convergence of strategic interests, Israel and Japan may believe that there's little reason to cooperate significantly on defense.

This might be a missed opportunity. Israel and Japan have a shared interest in blunting North Korea’s nuclear technology. North Korea poses a clear and present danger to Japan, which, after South Korea, is the country most threatened by Pyongyang’s aggression. It also poses a threat to Israel. As Jay Solomon has documented in Tablet, North Korea has been an active patron of Iran's and Syria's nuclear-weapons programs. Israel may not be in the crosshairs of a North Korean nuclear strike, but the possibility of Kim Jong Un and company helping hostile states or non-state actors get the bomb is a serious concern of Israeli defense planners.

Israel might be reluctant to sell advanced weaponry to Japan, however, for fear of antagonizing China and jeopardizing cooperation with that country. But intelligence-sharing is another matter. A 2018 cybersecurity-cooperation pact signed by Israel and Japan lays the groundwork for exchanging much more sensitive information. If and when threats evolve, this architecture could expand to cover issues outside the Korean Peninsula.

There is, also, another, more familiar problem. Like India, Japan is close to Iran. Tokyo has historically relied on Tehran to supply much of the oil powering its economy. Iran has pressed Japan to defy U.S. sanctions on Iranian oil exports, including during a visit by Abe in 2019. Before the Trump administration reimposed those sanctions in 2018, Japanese imports of Iranian oil had bounced back, though far below their pre-sanctions high. Israeli national-security officials will be justifiably cautious about sharing intelligence with Japan. But Iran cannot arrest the broader growth of Israel-Japan relations.

SOUTH KOREA also has a troubled history with Israel. In 1962, Israel and South Korea established official diplomatic relations. This came after years of informal ones, when the Jewish state supported South Korea and U.S.-allied forces during the Korean War. This was the start of significant relations between the two countries. But like Japan, South Korea voiced support for the Arab states throughout the 1970s. Under Foreign Minister Moshe Dayan, ostensible budgetary limitations led Israel to close its South Korean embassy in 1978, which proved a geopolitical misstep. Economic ties ground to a standstill in the wake of the decision, and the embassy would not reopen for another 14 years.

After a long stasis, ties have become markedly better. In May 2021, Seoul and Jerusalem signed a free-trade agreement, making South Korea the first Asian country to do so with the Jewish state. The agreement should increase bilateral trade, which totaled roughly $2.4 billion in 2020. It will pay dividends in terms of the South Korea–Israel relationship while showing other countries that Israel can strike a deal with one of the world's richest countries. South Korea, after all, boasts the world's 10th-largest economy and industry giants such as Hyundai, Kia, Samsung, and LG.

Economics is not the only thing drawing Israel
The State of Israel’s handling of its relationships with India, Japan, and South Korea may be a harbinger of even more breakthroughs in the region.

and South Korea together. South Korea is a stable democracy in an increasingly unstable corner of the globe. Eager to defend itself against the regime in Pyongyang, Seoul has purchased Israeli weapons in the past few years. Notable sales include the Oren Yarok radar system and the Harpy UAVs, the latter being the same drones Israel tried to sell to China before U.S. lobbying killed the deal. Prior to purchasing trainer aircraft from Italy in 2012, Israel considered opting for South Korean T-50s instead.

Efforts at joint weapons development have also gotten off the ground. An agreement between Israeli and South Korean aerospace firms signed in October 2021 paves the way for cooperation on drone technology. Relatedly, following proposals to acquire the Iron Dome from Israel, South Korea recently moved to build a system modeled on it.

A GOOD FOREIGN POLICY looks to the future, not just the present and past. Israel’s handling of its relationships with India, Japan, and South Korea may be a harbinger of even more breakthroughs in the region. Jerusalem has pushed to normalize ties with Indonesia and Malaysia, albeit to no avail quite yet. A bigger Israeli presence in Asia might give Jakarta and Kuala Lumpur all the more reason to start anew with Jerusalem. “East is East, and West is West, and never the twain shall meet,” reads a famous Rudyard Kipling poem. What’s happening in the Middle East and the Far East suggests otherwise.●
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Denying Jewish Identity Is the Epitome of Anti-Semitism

Radical politics is forcing a false and wicked choice on American Jews

By Royee Zvi Atadgy

The far-right nationalist tells me I'm not white. The progressive liberal tells me I am. The former explicitly wants me dead; the latter wants me to strip away any allegiance to myself as a Jew in favor of claiming a privilege that goes only so far.

So which is more sinister? In People Love Dead Jews, Dara Horn makes a distinction between two kinds of anti-Semitism, represented by two major Jewish holidays: Purim and Hanukkah. With Purim anti-Semitism, Horn explains, “the goal is openly stated and unambiguous: Kill all the Jews.” This is the anti-Semitism you can see clearly. It’s the anti-Semitism of Haman and is similar in content to what the Nazis advanced: “We want to kill you because you are Jew-
ish.” That kind of anti-Semitism is indeed terrifying, and it has led to millennia-long trauma, including the Holocaust and numerous pogroms. More recently, we see it among the white nationalists and in the sharp rise in anti-Semitic violence, including the 2018 mass shooting at the Tree of Life synagogue in Pittsburgh.

But the other type of Jew-hatred—“Hanukkah anti-Semitism”—is less overt and harder to parse. “The goal is still to eliminate Jewish civilization,” Horn writes. But it may be achieved “while leaving the warm, de-Jewed bodies of its former practitioners intact.” Today, Hanukkah anti-Semitism is couched in nominally noble pursuits such as social justice, civil rights, freedom of the oppressed, and the intersectional movement. This kind of anti-Semitism, promoted by the Hanukkah villain Antiochus, doesn’t outwardly encourage Jew-killing. Instead, it tells Jews to hide or erase their Jewishness by disavowing their practices, history, unique identity—and, especially in recent years, Israel—in favor of assimilating into a larger culture. It’s the anti-Semitism that says, “Go ahead and be Jewish, but don’t make a fuss about it.” As Hellenistic Jews tried to integrate elements of Greek culture into their lives, traditional Jews pushed back, leading to the eventual Maccabean revolt against the Seleucid Empire, from 167 to 160 B.C.E.

But the desire to blend into the surrounding population can be seen at various points in Jewish history. There is perhaps no example more illustrative of this than the practice of foreskin restoration—or epispasm. In ancient Greco-Roman culture, intact genitals were seen as beautiful, masculine, and ideal. In the first century c.e., under Roman rule, Jewish men in the gymnasia—where exercise was done in the nude—felt an enormous pressure to reverse their ritual circumcisions to avoid stigma in a society that viewed an exposed glans as vulgar and indecent. Roughly 2,000 years later, some European Jews sought foreskin restoration to avoid Nazi persecution. And in Russia during the Soviet Union, the practice of circumcision was forbidden—as were most religious practices—leading most Russian Jews at the time to forgo the tradition to avoid discrimination, or to risk the procedure by way of clandestine underground networks of mohels.

Hanukkah anti-Semitism continues to be problematic for today’s Jews, especially those living in the United States. While most American Jews espouse liberal values, their access to those circles where such values are championed has come at a cost. No longer do we feel pressured to reverse circumcisions, but we are more insistently being told to whitewash ourselves or be whitewashed by society without our consent. With progressives increasingly conflating the Jewish people with whiteness in their postmodern power rubric, American Jews find themselves stuck with nowhere to turn when faced with white supremacists who want them dead.

Days ahead of the D.C. Dyke March in 2019, its organizers banned the Jewish pride flag. They claimed that the rainbow flag, which included the Star of David, was reminiscent of the Israeli flag and thus a symbol of apartheid, colonialism, and ethnic cleansing—all of which go against the supposedly queer values of anti-Zionism. The same thing happened two years earlier at a march in Chicago. Somebody should have told the organizers that the Star of David, in addition to its use as a symbol of “violent nationalism,” was used to identify Jews in Nazi Germany, and it often adorns the pine-box caskets of our dead. Keep in mind that such gatekeeping makes up just one aspect of the effort to deny Jews the intersectional umbrella and its supposed protections.

In the Black Lives Matter movement, it is common to find anti-Israel rhetoric that sometimes rises to the level of blunt anti-Semitism. Temple University professor Marc Lamont Hill was fired by CNN in 2018 over his repeatedly wishing for a Palestine “free from the river to the sea,” a call to arms for the erasure of Jews in Israel, often issued by terrorist groups. And there is the ugly and false assertion swirling within BLM circles, more pronounced since the murder of George Floyd, that the Israeli military trains American police in methods to brutalize black people with choke holds and other inhumane tactics.

Today’s American Jews are ever more insistently being told to whitewash ourselves or be whitewashed by society without our consent.

In an effort to sanitize views such as these, the deceptively named progressive activist group Jewish Voice for Peace hosted a Zoom panel in 2020 called “Dismantling Anti-Semitism: Jews Talk Justice.” Among those included on the panel were Hill and Michigan’s Representative Rashida Tlaib, who has trafficked in anti-Semitic slurs and claims that shadowy people “behind the curtain” are making “money...off of racism,” and “they do it from Gaza to Detroit.” Where, one wonders, were the Jewish, let alone peaceful, voices?
Jewish particularism is still frequently loathed within a universalist worldview. That animosity has led to wide-ranging conspiracies regarding Jewish power.

At the heart of the Hanukkah story is the assertion of Jewish particularism in a universalist world. The Tenth of Tevet—a minor fast day in Judaism, observed about a week after Hanukkah—marks the Jews’ early confrontation with a universalist worldview. In the third century B.C.E., King Ptolemy II oversaw the forceable translation of the Hebrew Bible into the Greek Septuagint and placed it in the ancient version of the Library of Congress. By moving the Hebrew Bible out of the house of study and into the library, Ptolemy sought to position it as nothing more than another book, thus rendering Jewish particularism a non-threat in a polytheistic world.

And what is the nature of our particularism exactly? It is the Jewish tradition of monotheism, plurality, tolerance, debate, reading, education, creativity, justice (tzedek), and mercy (hesed). If these themes sound familiar, it’s because they form the basis of Judeo-Christian and Western thought. All of these highlight what is at the root of our particularism—a search for the different, unique, or exceptional in order to create or celebrate or represent something incomparable or of special quality.

It’s no surprise, then, that Jews are vastly overrepresented in the fields of science, math, literature, music, philosophy, psychology, medicine, finance, and law. A tradition of and primary focus on study and education in the average Jewish household has led to remarkable contributions to society, with Jews accounting for at least 20 percent of the 900 awarded Nobel Prize laureates in all fields.

Jewish particularism is still frequently loathed within a predominantly Christian, universalist worldview. That animosity has led to wide-ranging conspiracies regarding Jewish power and influence. While white supremacists classify black, Asian, Arab, and Hispanic people as subhuman races, they seem at the same time to classify Jews as a superior and superhuman one, a coven of covert puppet masters capable of controlling the levers of power through media, banking, politics, and film. Representative Ilhan Omar’s tweet in 2012 accusing Israel of “hypnotizing” the world rests on just such anti-Semitic tropes.

These theories are found in the words of anti-Semites on both the left and right. During the Charlottenville rally, white supremacists chanted, “Jews will not replace us,” and those words were taken to be in protest of the literal replacement of white people by Jewish people. That seems hard to believe in a country where Jews constitute just 2.4 percent of the population. In reality, the slogan’s deeper meaning is rooted in replacement theory—which asserts, among other things, a Jewish plot to usher in the unbridled immigration of Mexicans and other minorities in a bid to muscle out white dominance.

In progressive circles, critical race theory and postmodernism categorize Jews as white because of the same power dynamic that makes white supremacists suspicious of Jews. Borrowing from allegorical and religious thought, progressive anti-Semites label Jews not as victims or inheritors of generational trauma, but as wealthy assimilated capitalists in America and genocidal nationalists in Israel. The biblical story of David and Goliath has been reappropriated in largely atheistic circles to cast the Jew as Goliath in a world where power mediates all human relationships. By classifying Jews as white, progressives see no need for Jews to be protected or defend, as they are part of a sinister white hegemony.

Leveraging their own views of the Jew, ideologicals on both sides turn to either conspiracy theories or binaries that intentionally strip away nuance and context from complex situations, such as the Israeli-Palestinian conflict, and instead assert false but clean moral imperatives about right and wrong.

It’s no wonder, then, that so many American Jews feel themselves in a kind of political purgatory where they are caught in an impossible choice between an increasingly radical left and an increasingly radical right.

In a bid to embrace progressive movements, American Jews who identify as liberal sometimes join anti-Israel causes such as the boycott, divest, and sanction (BDS) campaign, which puts them at the forefront of the attack on Israel. Their hostility for the Jewish state is frequently depthless, based on little or faulty information. They’re not likely to have much of a personal understanding of Israel; most American Jews have never been there. But in thinking about what motivates them to sign on to BDS, one must consider the pressure that American Jews are under. The gatekeepers of the movements that dominate their landscape don’t exactly give Jews the latitude to be proud of Israel. They offer instead an all-or-nothing approach to social justice, in which Jews who sincerely care about and support minority rights and liberal causes must simultaneously deny their support for a Jewish homeland.
Moreover, in order to gain access to these spaces, Jews must now “own” their supposed whiteness and repent for the privileges and supremacy therein. It matters not at all that history shows our ancestors—some of whom are still-living Holocaust survivors—have been victimized, exiled, and systematically murdered for centuries as a race, religion, and ethnicity. While we haven’t struggled in America the way that black people have struggled, we nonetheless sympathize and march in support of them. While our immigration stories are very different from those of, say, Hispanic peoples, we nonetheless advocate for a compassionate immigration process overall. To belittle or discount wholesale historical Jewish struggles simply because many of us present as white ignores a haunting history. We have recently seen just how readily this history can be discarded.

In January, Whoopi Goldberg claimed on the View that the Holocaust “wasn’t about race” and was instead an instance of “whites fighting each other.” This idiotic statement fails to note that Hitler specifically cast Jews as a vermin race fit for extinction. It also places Jews in the postmodern categorization system that lumps us in with a white-supremacist structure that tried to eliminate us from the earth. Goldberg’s views on race as a matter of skin color reveals a narrow, American-centric worldview. In countless examples, from the Uyghurs to the Armenians to the Jews of Eastern Europe, skin color was hardly a determinant when it came to racist attitudes and murderous aims. Given her non-apology and doubling down, Goldberg seems to have no qualms about how she feels. She is simply privileges black struggles and being intentionally obtuse about the Jewish ones she knows so little about.

Goldberg’s comments show precisely the harm and ignorance of ideas such as critical race theory. Categorizing people into “white” and “non-white,” “powerful” and “powerless” based on skin color doesn’t get you very far in your analysis. The world is vastly more complicated than CRT advocates know. So, too, is American history. When woke activists claim that Jews, because some of us are light-skinned, are part of the pernicious white-supremacist superstructure, they advertise a comprehensive ignorance of Jewish suffering. It wasn’t so long ago that colleges had rigid quotas for Jews, and to be a Jew on campus was an uneasy proposition. Housing discrimination for Jews and other minorities through RRCs (Racial Restrictive Covenants) date back to 1916. And moving up in corporate settings was long notoriously difficult for Jews in America. These overt or subtle anti-Semitic practices show a clear American pattern of grudging acceptance of Jews in “white spaces.”

That said, there’s no doubt that the United States remains the most prosperous and welcoming home for Jews outside of Israel. But while many of us pass as white, that doesn’t make us white in the eyes of those who relish the idea of another Holocaust. Consider one reason why many of us, especially Ashkenazi Jews, seem to pass. While we have white skin, we are socially conditioned not to make a fuss about our Jewish identity. This manifests in a host of ways. In a heartbreaking compromise, we render ourselves virtually indistinguishable from whites—namely the country’s majority Protestant population—to fit in. We tuck our Star of David pendants under our shirts or leave them at home; we think twice about flying an Israeli flag or putting a mezuzah on our doors, and we refrain from wearing a kippah in public. All of these are ways of stripping signifiers of Jewish identity and nullifying us in society.

No matter the strides we’ve made in the post-WWII era, being too proud can invite vitriol, even in the land of the free. And while suppression of our Jewish identity may seem trivial for the most secular among us, religious Jews live under a different level of threat entirely. The Orthodox in New York have become easy and frequent targets of anti-Semitic hate crimes, as their dress and way of life stand out among the surrounding communities.

The idea of Jews as white is further challenged when we look at demographic data. Some 44 percent of Israelis have Sephardic or Mizrahi origins, with family emigrating from countries such as Morocco, Tunisia, Yemen, Algeria, Spain, Iraq, and Ethiopia—in other words, what progressives see in any other context as “brown people.” Are these dark-skinned Jews oppressors, too, even if they come from Arab countries?

Many leftists would rush to point out that more than half of Israelis are Ashkenazi Jews from Eastern Europe or Russia, and therefore white. Yet even my “white” European ancestors hid from Nazis, were persecuted, lawfully denied certain rights, relegated to a handful of jobs, stripped of their citizenship after leaving for Israel, and barred from higher education. It

While many American Jews pass as white, that certainly doesn’t make us white in the eyes of those who relish the idea of another Holocaust.

Commentary
wasn't until just before my parents' marriage that my Moroccan father knew for sure that my Polish mother was actually Jewish. With a family of “Catherines” and “Evas” and “Annas,” it was hard to pin down her matri-lineal Judaism. As with many Polish Jews, her family lived under an unspoken directive: Be Jewish inside the home and Polish outside of it.

This past year, Jews were assaulted in Los Angeles, New York, and various European cities. Efforts to decry anti-Semitism have fallen on deaf ears as social media have overwhelmingly pushed inflammatory rhetoric, bias, and incomplete narratives that often cross the line from critiques of the Israeli government to outright Jew-hating. But no one sucker punches a Jew in Brooklyn over the plight of the Palestinians. No roving mobs ask diners outside a sushi restaurant in California who among them is a Jew because the mobs condemn the Netanyahu government. Not everyone is simply criticizing Israel, but there's no shortage of anti-Semites who cite problems with the Jewish state as an excuse for their generations-old bigotry.

In a twist that is as absurd as it is wicked, Hanukkah anti-Semitism thrives on downplaying the threat of Purim anti-Semitism. It is perhaps incorrect to say that one is more harmful than the other. Like many of today's extreme ideologies, they are interdependent. If you're hated for being a Jew, you're supposed to suck it up because you're white. Anti-Semitism remains what it's always been: the bigoted hatred of Jews, regardless of justifications and theories. And to find oneself caught between ancient and rival forms of that hatred is a sure sign that one isn't white.
Continetti’s History of the American Right: A Symposium

Matthew Continetti, our Washington Commentary columnist, has just published his long-gestating book, The Right: The Hundred-Year War for American Conservatism. We published an essay by Continetti reflecting some of the themes in the book in last month’s issue. This month, in lieu of a review, we asked seven prominent editors and thinkers on the right to read and comment on Continetti’s volume and his interpretation of the history of American conservatism. Their responses appear on the following pages, in alphabetical order.
PETER BERKOWITZ

SINCE THE crystallization of a self-consciously conservative movement in post–World War II America, conservatives have been wrangling about conservatism’s meaning. The wrangling suggests the futility of the quest for the “true conservatism.” It also points to the benefits of focusing on the balancing of freedom and virtue that unites—despite their frequent failure to realize it—most of those who think of themselves, and deserve to be thought of, as conservatives.

Early on—and despite a shared antipathy to Communism—social conservatives disavowed limited-government conservatives. Sometimes limited-government conservatives agreed to agree, denying that, as classical liberals, they belonged within the conservative movement.

At National Review, William F. Buckley Jr. brokered an uneasy truce. His big tent yielded a synthesis that stressed the mutual dependence of individual freedom secured by limited government and the virtues taught by traditional morality.

Later, the disaffected Cold War liberals who adopted the title “neoconservative” brought to the conservative movement a determination to reform rather than abolish the New Deal social safety net and a confidence that American diplomacy and military power served America’s interests and advanced American ideals. Over the last half-century, the conservative movement has viewed the original neoconservatives and their heirs with suspicion, embraced them as vital allies, and denounced them as traitors to the cause.

Considering this fractious history, one might reasonably suppose that conservatism in America is less a doctrine with clear and distinct premises from which principles and policies can be neatly deduced and more a family of arguments about the inherited beliefs, practices, and institutions that, amid changing circumstances, Americans should make a priority of fortifying and transmitting.

Unfortunately, this big-tent sensibility is not the one chosen by the newest claimants to speak for “true conservatism.” Among the preeminent “national conservatives” and “common-good conservatives” are accomplished scholars, influential intellectuals, and, not least, acerbic polemicists. They show a keen eye for the arrogance, hypocrisy, and rage to control the lives of others that afflict America’s elites—in the media, K–12 education and the universities, large corporations, Hollywood, and the federal bureaucracy. However, contrary to Edmund Burke’s sage warnings, “national conservatives” and “common-good conservatives” tend to define conservatism in terms of a single principle and to comprehend an unruly political reality through the lens of abstract concepts. These tendencies—coupled with their apocalyptic tone, hankering for dramatic change, scorn for wide swaths of their fellow citizens, and determination to purge conservative ranks of those who fail their new litmus tests—promote divisiveness in the face of the urgent need for the variety of conservatives in America to find common ground.

Matthew Continetti provides a better approach. A top commentator on politics and ideas, Continetti accomplishes in his new book what few scholars teaching political science at American universities these days have the training or temperament to pull off: a well-researched, lucidly presented, and evenhanded history of the debates over ideas and policy that have typified conservatism in America from before it became conscious of itself as a movement through to Donald Trump’s presidency.

Continetti stresses that the conflict between populism and elitism that came to the fore with Trump reflects a recurring tension in American conservatism. Indeed, the alliance between conservative intellectuals and ordinary people extends back to Burke. In response to the French Revolution, the great 18th-century British statesman insisted that the ordinary Englishman’s inherited appreciation of freedom, rights, and the moral virtues was superior to, and needed to be protected from, the revolutionary ideas about forcing people to be free emanating from Paris. Conservative intellectuals have made common cause with the people ever since, including limited-government conservative Friedrich Hayek, traditionalist Russell Kirk, synthesizers Buckley and Frank Meyer, and neoconservative Irving Kristol.

The blending of populism and elitism, however, does not reach the heart of the matter.

In the final pages of The Right, Continetti embraces what he calls “an American conservatism.” Yet matters are not so simple as he suggests at the conclusion of his complex book, since the proper interpretation of the American heritage is just what is at issue among conservatives.

Because the conservatism that Continetti favors revolves around “America’s founding documents” and “the American tradition of liberty those charters inaugurated,” it is more precisely called a constitutional conservatism. Such a conservatism focuses not on
abstract concepts but on preserving and improving America's concrete form of limited government and its material and moral preconditions. A constitutional conservatism secures the freedom that individuals, their families, and their communities need to cultivate the virtues and engage in democratic politics.

Peter Berkowitz is the Tad and Dianne Taube Senior Fellow at the Hoover Institution, Stanford University. From 2019 to 2021, he served as director of the Policy Planning Staff at the U.S. State Department.

ANDREW FERGUSON

One of the rules they teach you in book-reviewing class at the journalism night school is never to use the puffed-up cliché “magisterial” unless you’re reviewing a multivolume work of systematic theology or a tome by Gibbon, who hasn’t released anything fresh in ages. Yet no other word will do to describe Matthew Continetti’s achievement in The Right. He seems to have read everything, digested everything, and pondered everything having to do with 20th-century American conservatism, variously defined. He has gleaned the essential strains and arranged them into the definitive story (another rule: use the word “narrative” only with a gun to your head) of what we’ve come to call the conservative movement. In Continetti’s sure, picturesque style, the story is pushed along by a charming and sometimes horrifying cast of characters: journalists, historians, cranks, scholars, warriors, cranks, social scientists, gentleman farmers, businessmen, philosophers, cranks, economists, divines, publicists, cranks, con artists, and even the occasional visionary. And cranks. There are some cranks in here, too, with a lot of overlap.

For the conservative movement and its fellow travelers—if you’ll forgive the expression—it has always been thus, as Continetti shows. The nutter temptation is perennial. “Every so often the Right embraces a political leader who pulls it to the political fringe,” Continetti warns us at the beginning of the odyssey. “From Tom Watson to Henry Ford, Father Coughlin to Charles Lindbergh, ... Ron Paul to Donald Trump, these tribunes of discontent have succumbed to conspiracy theories, racism, and anti-Semitism.”

Tribunes of discontent require discontented followers, needless to say, and the tribunes have found them in abundance, ready and willing, among the ranks of the right. They coexist with, often live in the shadow of, undeniable excellence, even greatness. A political tendency that lionized William F. Buckley Jr. and Tom Wolfe also made room for Pat Buchanan and Westbrook Pegler. Ronald Reagan sprang from the same loam as George C. Wallace. A movement that absorbed the genius of Thomas Sowell and Irving Kristol showered the rewards of mammon on Laura Ingraham and Dinesh D’Souza. High-flown disputes about fusionism at the Philadelphia Society gave way to the combination clown show and confidence game of CPAC. Somehow the bookish people who appreciate Walker Percy fit in the same space, however uneasily, with those pimply-faced boys who thrilled to Ayn Rand. It’s been a big tent.

The tent, Continetti suggests, is now in tatters (though he is too conscientious a historian to predict the scraps will never be sewn together again). Exploring how such a political and cultural movement managed to survive as long as it did raises questions of definition and intellectual genealogy. “The right”—the term, not the book—has always been less a category than a family resemblance. Sometimes the resemblance is remote, the apple falling far, very far from the tree, but the resemblance is real, and it has been essential to conservatism’s political success. All political movements flirt with cranks at the fringes; indeed, it is usually the wild, barely contained energy of activists on the periphery that puts the “move” in “movement.” If the right has failed, consumed by its cranks, then it’s on account of those whose job it was to channel and guide the activist energy into politically plausible and civically healthy forms. Blame them, not the cranks.

Another rule they teach in book-reviewing class is don’t fault the author for not writing the book he didn’t intend to write. Was the decline inevitable? Is there something in the conservative tendency itself—a decadent nostalgia, maybe, or a corrupting cliquishness, or an incurable alienation from the churning of the commercial republic—that contains the seeds of its own political demise? Such questions are beyond the ambit of Continetti’s magisterial (yes!) work of synthesis. But from now on, anyone who dares to address them will need to take The Right as the unavoidable point of departure.

Andrew Ferguson, formerly a Commentary columnist, is the author of Land of Lincoln.
JONAH GOLDBERG

One of the most valuable things Matthew Continetti does in his invaluable book is show how much of what we see in this chapter of American conservatism is not new. This is fitting. After all, the phrase “there’s nothing new under the sun,” while not literally true, is poetically as close to the essence of the conservative temperament as one can get. And, again, Continetti shows, he doesn’t tell. This follows another conservative insight: “Example is the school of mankind, and he will learn at no other,” declared Edmund Burke.

So, as Continetti shows, American conservatism has internally struggled with and fought over nationalism, populism, demagoguery, elitism, establishmentarianism, racism, theocracy, and the corrupting power of ambition, fame, and political influence, for a very long time. Many of the arguments made from today’s self-styled New Right are, in fact, very old—even if, as is often the case, those arguments are new to those making them. Indeed, there have been many “New Rights”—at least one per generation—since the beginning of Continetti’s tale.

For instance, it remains to be seen whether today’s “post-liberals” are the avant-garde of a movement whose time has come or whether the banner they march under should have a flaming asterisk emblazoned on it as they achieve immortality as yet another footnote to a story they never authored.

Still, while the ideas may be old, the circumstances are new. Continetti, rightly, does not argue that history is repeating itself; it is merely rhyming with different notes we’ve heard before, and with perhaps a bit more populist percussion than is healthy. For Continetti, the past is prologue to the now. He judiciously identifies the echoes of the Joseph McCarthy and George Wallace eras in Donald Trump’s—both in Trump’s political persona but also in the cult of personality that built up around him. But McCarthy and Wallace were never president. And America has never had a president like Donald Trump and hopefully will not have one again.

Continetti’s book is not simply an intellectually literate finger-wagging explanation of “this is how you got Trump.” But The Right does propel the reader in that direction. And that is an immensely useful contribution. It does, however, leave one wondering, what about when this moment ends? Continetti is a bit like John Hanning Speke tracing different streams and tributaries in his search for the source of the Nile in the form of Donald Trump. And while time may flow like a river, that’s where the metaphor ends. Because Trump is not the end of the story. The present may be the result of the past, but the present often changes the past. For instance, in the 1960s, the most important year of the 20th century was arguably 1917, when the Bolshevik Revolution was born. History, it seemed, was on the USSR’s side. The Soviets launched the first space satellite, put the first man in orbit, and had the first man to walk in space. Leading economics textbooks insisted, well into the 1980s, that the Soviet economy was, if not our equal, then close to it. After 1989, the importance of 1917 shrank in the rearview mirror, and a lot of excellent books were downgraded from works of definitive, even subtly prophetic, history to historical curiosities. Khrushchev’s “We will bury you!” went from frightening plausible prologue to historic hubris almost overnight.

If the next Republican president is not a return of the most recent one, Trump will still loom large in the story of the hundred-year war for American conservatism, but his importance will surely recede. And if that next president is a more traditional conservative, the Trump era may seem more like a fascinating chapter in a very different story, or even a long and peculiar parenthesis in a more familiar story. In other words, it’s possible that The Right will end up as less a definitive history of conservatism and more a definitive history of the events that led to the moment we’re in.

I venture this not in the spirit of criticism but of hope. Continetti cannot be faulted for seeing the past through the prism of the now. Indeed, one of the major points of the book is to remind the reader that the meaning of conservatism was always contested by different factions of intellectuals—and politicians. There was never a single definition of conservatism that bound the various tribes that marched under its flag. Rather, it was always a moveable feast of argumentation, marked mostly by the ebb and flow of partial victories and partial defeats.

That lesson should buoy the spirits of those who fear that what we long knew as conservatism is “over” or “dead.” It should also serve as a caution for those who confidently celebrate this death. The cause will die only when the last of the remnant who hold it dear give up on keeping it alive. As T.S. Eliot said, “if we take the widest and wisest view of a Cause, there is no such thing as a Lost Cause because there is no such thing as a Gained Cause.” It’s arguments for as far as the eye can see.©

Jonah Goldberg is editor in chief of The Dispatch.
AMERICAN conservatives have long internalized a kind of potted history of the modern right. It’s a story so often repeated that its edges have been softened, its creases smoothed, and its tensions turned into familiar plot points. Like so many stories our country now tells itself, it begins in the wake of World War II, reaches its peak around 1990, and paints the past two decades as an era of decline.

That story has many virtues, but strict historical accuracy is not one of them. And by now, as a rising generation on the right struggles to conceive of our society’s future, the story’s deficiencies have become serious practical problems. They mislead some younger conservatives into imagining that the right was largely unaware of its internal tensions until recently, so that its efforts to reconcile classical liberal commitments to individual rights with a traditionalist pursuit of the common good have been futile or naive. This leaves conservatives rejecting their inheritance because they fail to grasp what it offers them.

If the American right is to recover its bearings, it will need a fuller history of itself. And now at last it has one. Matthew Continetti’s *The Right* is a brilliant synthesis of political and intellectual history, and it captures several themes essential in this moment.

By beginning in the 1920s, and not the 1950s, Continetti highlights the inadequacies of any conception of American conservatism as intended to conserve a mid-century cultural consensus. The right has always been engaged in a more complicated project than that—one that began well before the 1920s, of course, but that comes into sharp relief if you take up its story when the Republican Party decided it would not be a progressive party but a defender of both traditionalism and individualism. This leaves conservatives rejecting their inheritance because they fail to grasp what it offers them.

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Telling the story this way also enables Continetti to avoid the other classic pitfall of most histories of the right: His book is not all about Ronald Reagan. The Gipper’s rise and triumphs are well told in *The Right*, but they are not its primary subject. Reagan was exceptional, and by the sheer force of his personality he managed to subdue for a time the tensions that have otherwise always riled the right. The reemergence of those tensions in his wake has felt like a repudiation of Reagan’s achievements, when really it should illustrate their magnitude. But the post-Reagan right resembles the pre-Reagan right. And by grasping that, Continetti is able to explore crucial continuities, make some sense of the Trump era, and gesture toward potential future paths.

This also lets the reader draw some valuable analogies between our past and present. Above all, it suggests that contemporary conservatives should seek to learn from the 1970s—which in terms of constructive intellectual ferment emerges in this book as the most important decade of the past century for the right.

America entered the ’70s in manic chaos and experienced that decade as a breakdown of social order and national self-confidence. The right was in disarray then, too, and in ways that ring with echoes of our time, right down to bitter feuds between Catholic integralists and libertarians. And yet conservatives emerged from that decade armed with ideas that would revitalize the American project—defeating stagflation, crime, and urban decay at home and relegating an evil empire abroad to the ash heap of history.

We identify those triumphs with Ronald Reagan, too. But though he ultimately embraced the ideas that won some crucial battles, Reagan did not invent them. They emerged from a concerted intellectual effort to resist the despair to which conservatives are always prone and instead approach the country’s future in a confident spirit of repair, making the most of the failures of the left, of converts to the cause of the right, and of the powerful combination of traditionalist communitarianism with the market-minded ethic of competitive trial and error.

Analogies have their limits, of course. And we are not reliving the 1970s. But studying our history can help us see the ways in which our country does sometimes repeat its errors, and so help us seek solutions to new problems that are rooted in timeless truths. That, after all, is how conservatives always work to conserve what matters most.

Yuval Levin is director of social, cultural, and constitutional studies at the American Enterprise Institute.
HERE’S NO mistaking the specter haunting Matthew Continetti’s excellent, sweeping new history of American conservatism. Donald Trump gets his first reference on page 3, and his final one on page 414, the next to last of the text.

There’s a natural tendency now to rifle through the conservative past looking for the seedbed of the Trump phenomenon, a little like Richard Weaver locating the ultimate source of the decline of Western civilization in the nominalism of the 14th-century philosopher William of Ockham.

I found myself reading the book with an eye to who was most prescient about the potential power of the party taking a Trump-like turn. Maybe William Rusher, the esteemed late publisher of National Review, pitching a new conservative party in the mid-1970s? As Continetti describes it, this party would find its political base in the Old South, rapidly growing West, and blue-collar areas of the North. “It would conceive of itself,” he writes, “as an oppositional force, antagonistic to all aspects of the eastern establishment, Republican and Democrat, liberal and conservative, cultural and economic. It would unify the supporters of Ronald Reagan and George Wallace.”

Or Kevin Phillips, the protean political writer and historian? Writing in a symposium in Commentary in 1976, he set out the different ethos and goals of the New Right. “There are conservatives whose game it is to quote English poetry and utter neo-Madisonian benedictions over the interests and institutions of establishment liberalism,” Phillips wrote. “Then there are other conservatives—many I know—who have more in common with Andrew Jackson than with Edmund Burke. Their hope is to build a cultural siege-cannon out of the populist steel of Idaho, Mississippi, and working-class Milwaukee, and then blast the Eastern liberal establishment to ideo-institutional smithereens.”

Of course, there’s Patrick J. Buchanan himself. He told Fred Barnes in 2006 that if he ran for president again, his message would be: “Secure the borders, stop exporting jobs, and bring the troops home.”

For my money, though, the prize has to go to the radical libertarian Murray Rothbard, who explain-
This worldview has now been given new life by Donald Trump, who has more power, even now, than Welch could have dreamed of. Trump began his ascent in GOP politics by promoting birtherism and currently is promoting wild-eyed fantasies about the 2020 election. Conspiratorial thinking, often an exaggerated form of distrust of the establishment, is a particular populist temptation. As Continetti writes, clearly mindful of the contemporary parallels, with clear resonance, “Birchers were drawn not only to Welch’s anti-Communist message but also to his description of a world where sinister elites were behind everything that had gone wrong in the country.”

The dual task for conservatives now is to do everything in our power to stop a descent down the rabbit hole of anti-fluoridation-type obsessions in the name of fighting the country’s corrupt elite, while engaging with populists and nationalists who have thoughtful, if excoriating, critiques of the prior conservative consensus. What must be resisted is the impulse to take our ball and go home—the Benedict Option for disheartened conservative intellectuals and writers—because forces on the right that have long been on the losing side of intramural fights are now in the ascendency.

In this, as in much else, there are no permanent victories or defeats. The hundred-year war goes on.

Richard Lowry is editor in chief of National Review.

Tevi Troy, a frequent contributor to Commentary, is a presidential historian and former White House aide.

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IT HAS BEEN said that although Americans honor Jefferson, we live in Hamilton's country, a mighty industrial nation with a strong central government. A similar formulation applies to the foreign policy of the United States, which has kept with Hamilton's vision of a great republican empire. But even as American power and prestige have swollen in the world, Jefferson's desire to safeguard democracy at home by abjuring ordinary realpolitik has never quite been banished in the American ideology.

America enjoys a preeminence unrivaled by the greatest empires in history, but its status as the indispensable component of world order is not well understood or appreciated by its own people. The Jeffersonian principle (admittedly more honored by Jefferson in the breach than in the observance) of opposition to concentrated power and its vigorous use in the world continues to hold sway in the upper echelons of American society. No less a figure than President Biden channels it when he declares that America should lead not by its power but by its example.

The contemporary lurch away from the centrality of power in foreign policy is risky because geopolitical rivalry among nations is such a resilient feature of the international system. In view of China's increasingly assertive foreign policy under Xi Jinping and Russia's determination to acquire a renewed sphere of influence by force, to say nothing of the unsleeping quest of North Korea and Iran to acquire nuclear weapons, the reality of rivalry seems destined to persist.

This fierce jockeying for power and advantage, and its implications for America’s role in the
world, is the subject of two recent rich and compelling works of history. The first of these is Michael Mandelbaum’s *The Four Ages of American Foreign Policy*. It covers the full sweep of U.S. engagement in the world from our humble origins as 13 colonies stretching along the Atlantic coast to the global colossus we know today—the theme throughout being one of “expansion and ascent.”

Mandelbaum, who teaches international relations at Johns Hopkins University, offers an original and accessible framework for understanding the history of U.S. foreign policy. This chronological structure divides this part of the American story into four distinct periods defined by the constant accretion of American power: “weak power to great power to superpower to hyperpower.”

On both the noble and unsavory aspects of America’s encounters with the rest of the world, *Four Ages* ably demonstrates that the country has exhibited both continuity and change. The changes in U.S. foreign policy, Mandelbaum notes, derive from our increasing international power over the course of 250 years. The continuity arises from characteristic features of American society that have been present, and politically potent, since the birth of the republic: a missionary impulse to spread liberal ideas and institutions, the use of economic instruments to clear obstacles to their advance, and democratic input from interest groups to help determine the form of U.S. foreign policy.

The growth of the new republic’s influence is well described by Mandelbaum, but his otherwise meticulous narrative contains the questionable assertion that America’s rapid ascent “did not come about deliberately.” It’s long been commonplace to assume that the United States, having been forged in a rebellion against an imperial master, could never become an empire in its own right. Despite his acknowledgment that the patriots of 1776 “were not challenging the principle of empire,” Mandelbaum seems partial to the idea.

But the historical record tells a different tale. To George Washington, the United States was an “infant empire,” and even Thomas Jefferson, with his usual sense of contradiction, spoke fondly of an “empire of liberty.” But it was Alexander Hamilton who foresaw the potential power of his adopted homeland—a “Hercules in the cradle”—with the most acuity. He referred to the United States—in the opening paragraph of the first of *The Federalist Papers*—as “in many respects the most interesting... empire...in the world.” Hamilton looked forward to the emergence of a “great American system, superior to the control of all trans-Atlantic force of influence, and able to dictate the terms of connection between the Old and the New World.”

It was such attitudes about the necessity of mustering the American republic’s latent power and embracing the imperial vocation that helped it avoid being the Chile of North America—a long littoral strip between the mountains and the sea. America’s consistent and somewhat ruthless expansion westward, exploiting native vulnerabilities and foreign rivalries to conquer a huge expanse of territory, marks one of the greatest self-conscious imperial initiatives ever contemplated and completed.

The expansion of American power on the continent and eventually across the seas was the culmination of a deliberate design to make the world more conducive to American ideals and interests, but it lunged forward in fits and starts. Even a statesman like John Quincy Adams—“no nineteenth-century American had a greater commitment to territorial expansion,” in Mandelbaum’s view—was reconciled to forgoing national power, even national survival, if the hideous slave power corrupting America’s republican virtue could not be vanquished. Only after the Civil War did the United States begin to lay claim to the status of great power (a term that became common in the 19th century), even if Americans’ profound reluctance about international engagement delayed the transformation a bit longer.

America’s accretion of power in this second age of U.S. foreign policy permitted greater involvement on the international scene. Territorial expansion, political consolidation, and economic dynamism were essential to playing a larger global role. But notwithstanding America’s decisive, if belated, en-
try into the First World War, this growing stature was not translated into fearsome military might until fascism and militarism almost conquered the world before Pearl Harbor. In the long interregnum, the United States asserted dominance over the Western Hemisphere but was resigned to a policy of “offshore balancing” in the wider world. This strategic muddle was the result of an almost schizophrenic approach to foreign affairs that will seem distinctly contemporary to modern readers. Two recurring features of American diplomacy—across the ages—have been an insular focus on “nation-building at home,” to use modern argot, combined with robust international activism to tame a disorderly world.

By the end of World War II, the United States had fully transitioned to superpower status. The third age of U.S. foreign policy would be defined by “the contest of systems” that broke out between the United States and the Soviet Union. This bipolar struggle was as much ideological as geopolitical, a rivalry between two antithetical ways of organizing economic and political activity, and radically different aspirations for global order.

Here, though, Mandelbaum omits a crucial point. America’s postwar grand strategy to assert Pax Americana wasn’t a response to a specific threat—say, the rivalry with Soviet Communism. Rather, it was intended to prevent a general breakdown of world order—the tragedy that had just befallen humanity and from which the civilized world had been lucky to escape. As much as the Red Menace eventually helped to accustom the American public to global leadership, it was the traumatic experience of a collapsing civilization that conscripted American power in the world.

This is not a trivial matter, considering how many Americans today construe their nation’s deep global engagement as a residual role initially fashioned by the Communist challenge. When the Berlin Wall fell, most Americans greeted the triumph over the evil empire as sufficient reason to relinquish the unusual burden of global leadership and return to “normalcy.” This mood coincided with the fourth age of U.S. foreign policy—what a French foreign minister dubbed “hyperpuissance.”

The preponderant post–Cold War position of the United States made it a Goliath, to employ a term Mandelbaum has used before, but at this “unipolar moment” the governing class decided only, as Mandelbaum writes here, “what its foreign policy would not be.” In short, there would be no retrenchment for the undisputed hegemon. Owing as much to inertia as anything else, Washington doubled down on its global commitments and far-flung military garrisons to keep the sea-lanes open and to deter or punish aggression. Despite occasional bouts of hand-wringing at home and abroad, this informal imperium became normal for American society and offered a welcome sense of reassurance to a host of otherwise vulnerable allies from the plains of Eastern Europe to the lines of confrontation in East Asia.

IT IS THAT longstanding but historically anomalous arrangement that is now at risk from revisionist great powers. A fifth age of U.S. foreign policy beckons in which the American hegemon—until recently defied by middling recalcitrant regimes from Slobodan Milosevic’s Serbia to Saddam Hussein’s Iraq—now confronts the more menacing prospect of ferociously illiberal and belligerent empires guided by the explicit ambition to bring down the liberal order.

Repelling the designs of these authoritarian great powers will require a dose of “applied history,” which is where the second book under review comes in. Hal Brands’s The Twilight Struggle examines the last time the United States engaged in a protracted global rivalry against a totalitarian superpower with an eye toward finding the proper strategic footing in an era of great-power competition.

In telling the tale of the West’s Cold War triumph, Brands, a professor at the Johns Hopkins School of Advanced International Studies, begins with the oft-misunderstood strategy of containment. The fulcrum of this ever-changing doctrine was the recognition that, as a dying Roosevelt warned, America could not survive “as a happy and fertile oasis of liberty surrounded by a cruel desert of dictatorship.” After manifold Soviet provocations...
including the blockade of Berlin and the invasion of Korea, few sentient beings could doubt the grim future that lay ahead if the United States were to retreat back into isolation and keep its strategic defenses “at the three-mile limit in American waters,” to recall journalist Walter Lippmann’s formulation.

The highly charged atmosphere of the Cold War dictated that the United States dramatically expand its traditional definition of national interests. No one grasped this need for a “strategic revolution” in foreign policy better than Dean Acheson. Henceforth, America could protect its own security, Truman’s secretary of state explained, only by defending those “who believe the way we do” and wish to “continue to live the way they want to live.” Maintaining the strength and cohesion of the free world, Acheson elaborated, “requires that we take no narrow view of our interests.” Rather, those interests needed to be conceived “in a broad and understanding way so that they include the interests of those joined with us in the defense of freedom.”

Brands posits that this diagnosis rested on three insights that upheld America’s patient but taxing Cold War strategy. First, “peace did not require appeasement and victory did not require war.” Instead, as George Kennan argued, Soviet expansion could “be contained by the adroit and vigilant application of counterforce at a series of constantly shifting geographical and political points.” Second, if the West remained vigilant, time was not the Kremlin’s ally. The Soviet Union was “externally formidable” but beset by “internal weaknesses”—the futility of the command economy, a sullen and oppressed population, and a brutal and sclerotic political system—that would sap its power over time. Third, the non-Communist world could attain a prosperity and vigor that would consistently elude the Soviet empire.

Over two generations, the resilience of the free world was demonstrated by this “milieu strategy” that sought to build a global environment of freedom to gradually thwart Soviet influence. The creation of what Acheson called “situations of strength” in strategic regions more often than not proved impregnable to Soviet subversion; the internal contradictions of the Communist system helped speed its imperial overstretch; and the West’s economic dynamism and cultural allure brought excruciating pressure to bear on Moscow that eventually felled the Soviet Union itself.

But what distinguishes The Twilight Struggle isn’t Brands’s historical examination of the Cold War, searching though it is, so much as his refined mining of its lessons for our own era. This is not to say that Brands casts the renewal of great-power competition as Cold War II. He admits the important “dissimilarities” between the contest for supremacy in the second half of the 20th century and today’s circumstances—the world is not nearly as prostrate as it was in 1945, for starters—but he also detects fundamental parallels. Just as with the U.S.–Soviet duel, the serious military rivalries among today’s great powers contain the following elements: “the blend of geopolitical and ideological tension, the challenge of managing fractious coalitions, the painful dilemmas of deterrence and defense.”

In an absorbing conclusion, Brands offers a bevy of proposals that merit close attention at a time when China and Russia have begun to practice discrepant forms of totalitarianism at home and pursue determined expansion abroad. No such list would be complete without recognizing the abiding necessity of power, the importance of strategic patience, and the intangible value of keeping the ideological high ground.

In Brands’s assessment, American Cold War policies generally “responded to the transformative aims and insatiable insecurity that made Moscow dangerous, but also to the deep-seated weaknesses that made it manageable.” This mingled audacity and prudence was a potent strategic blend that allowed the West to remain a viable coalition and avoid both capitulation and annihilation in the middle of confrontation with a formidable adversary. In present circumstances, this experience would seem to counsel the vigorous arming of Ukraine in its resistance to Vladimir Putin’s aggression while trying to avoid a shooting war between NATO and Russia.

Another applicable lesson from the past is the obligation of the

U.S. Cold War policy mingled audacity and prudence in a potent blend that allowed the West to remain a viable coalition and avoid both capitulation and annihilation in the middle of confronting a formidable adversary.
The most salient lesson of all is that the Cold War forced Americans to understand geopolitical struggle as what Brands calls a “way of life.” Like the bygone Cold Warriors, we’d do well to realize that the high costs and dangers of prolonged competition in the international arena were “the alternative to the greater misery of a world in which hostile ideologies and hostile powers were once again ascendant.”

In a Cold War maxim that deserves to be better remembered, Acheson claimed that “the pattern of leadership is a pattern of responsibility.” As Brands shows, this enlightened understanding of national self-interest was the linchpin of success in the last twilight struggle, and the one on which the fate of freedom will be determined in the twilight struggles to come.

Where The Four Ages of American Foreign Policy provides a masterfully conceptual framework for coming to grips with past U.S. foreign policy, The Twilight Struggle addresses the urgent challenges America faces in the impending fifth age. And with brigand empires on the march, such insights have arrived not a moment too soon. 

A Smoldering Emba

Rethinking Sex: A Provocation
By Christine Emba
Sentinel, 224 pages

Reviewed by
Naomi Schaefer Riley

NF THE TRUMP right pays short shift to the idea of democratic solidarity and mutual advantage in the global order, the left remains in thrall to a Jeffersonian dream of a world that has moved beyond power. The leadership and the rank and file of both parties thus seek a more modest and solvent foreign policy that neglects essential components of the distinctly American global leadership that remains instrumental to the defense of the free world.

United States to reaffirm its post-war project of building a strong, cohesive community of democracies. Brands puts considerable stress on this point. As Communist forces surged on both sides of the Iron Curtain, America retained its military edge but steadily diluted its own advantage in key institutions (for example, the International Monetary Fund and the World Bank and even NATO) to make it a more appealing harbor for weary nations in the free world. By taxing itself (not always without complaint about free-riding allies) and enlisting others in common effort, Washington ensured that its fragile and frightened partners came to regard it as an “empire of trust.”

On this score, Brands does not miss the opportunity for some polemical jousting. He indicts the Trump administration, which abandoned the futile hopes that the People’s Republic of China would be a “responsible stakeholder” in an American-led world, for combining this “overdue emphasis on great-power competition with an overwrought disdain for the liberal order America had built.” One need only recall Donald Trump’s reckless trade wars against traditional allies, which he justified by declaring the European Union a strategic foe, to see the force of this.

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I N A recent New York Times advice column, a reader wrote to inquire whether to renew a lease with a roommate who has exhibited “some troubling behavior.” The roommate shoplifted from a department store and registered on a website for men looking to be “sugar daddies.” The columnist, Philip Galanes, responded by saying, “Shoplifting is wrong, obviously.” But, he added, “personally... I am

Naomi Schaefer Riley is a senior fellow at the American Enterprise Institute and a senior fellow at the Independent Women’s Forum. Her new book is No Way to Treat a Child: How the Foster Care System, Family Courts, and Racial Activists are Wrecking Young Lives (Broad- dier Books).

unwilling to make harsh judgments about his choices around sex and dating without a fuller understanding of the situation or his perspective on it.”

The willingness to make judgments about petty theft but not prostitution is a sign of the times, as Christine Emba writes in her clear-eyed Rethinking Sex: A Provocation. Emba, a 30-something Washington Post columnist who grew up in an evangelical home, has experienced a certain amount of puzzlement at the way her peers and the adults instructing them talk about sex: “Nonconsensual sex is always wrong. But the inverse is tricky. Is consensual sex always right?”

Emba’s countercultural answer is “Not necessarily.” She asks: “Can consensual sex be damaging to an individual, to their partner, to society? Absolutely. It’s hard to look at the woes of our sexual marketplace and say that we’ve got it figured out. Consent is a fig leaf, and it’s falling off.” But the young women and men she interviews for this book—and the friends and
acquaintances whose experience led her to this topic—cannot seem to grasp what has gone wrong. They have bad, hurtful, damaging, and depressing sexual encounters, but because the parties involved are consenting adults, they find themselves unable to articulate the problem.

In one of the more extreme examples, a young woman confesses to Emba at a party that she is dating a guy who is “funny, smart, handsome, with an impressive job.” The only problem? “He likes choking me during sex?” The question mark is hers—she can’t figure out whether it’s even a problem. Though she doesn’t enjoy it, she asks Emba: “I mean, what do you think? Is that okay?” It never ceases to amaze what a half-century of female empowerment hath wrought.

But even the women who are not having their oxygen flow restricted during sex are also pretty unhappy. One woman describes a one-night stand she had with a guy before they both left for overseas trips: “I think I was into it in the moment, and, like, you know, sex is great and everything…. But then afterward I was like, ‘It probably would have been a lot, like, easier if I hadn’t.’ You know what I mean? I don’t think that that was necessarily a great move.” She is quick to reassure Emba, “It’s not like I was in love with him. It’s not like I was heartbroken. But it’s a challenge for me sometimes…. I don’t know if it was really best for my emotions.”

The fact that women don’t enjoy casual sex—certainly not nearly as much as men do—seems to come as a surprise to these women, who feel that they should be having sex with men to whom they are not attached so they can be “living in the moment.”

Emba finds that men are not necessarily happy with the current situation either, though they are not as unhappy with it. But they, too, want meaningful relationships, families, and children. And the current environment is not very conducive to those goals.

Emba reports results from a recent Pew Research Center poll: “Nearly half of Americans say that dating has gotten harder for most people over the past ten years—with the actual dating population—the 15 percent or so of adults who are single and looking for a committed relationship or even just casual sex—saying that they are dissatisfied with their dating life…. Fully half of single adults have given up on looking for a relationship or dating at all.”

The sex recession, as it is has come to be called, is in part because of a dating recession. A 2017 poll by the Economist found that more than 1 in 4 men thought that asking a woman to go for a drink would “constitute sexual harassment.” Emba is right to note that because we have removed so many of the boundaries and customs around dating and sex, people are overwhelmed. “We don’t know where things will stop—so we’re afraid to start at all.”

Suggesting that boundaries around sex might be a good thing is a form of transgression for Emba’s Washington Post audience. The book’s jacket cover calls the book “part searing examination, part call to arms,” but the tone is less primal scream than pleading whisper. Emba asks whether we could all just maybe agree that a fetish for, say, cannibalism, even if it doesn’t actually result in hurting people, might actually be a problem. “This is an example of a disordered, objectively vicious desire, and we should say so,” she writes. “Frankly, not every preference needs to be indulged.” I would venture to say that for most of the country, this one need not even be spoken, let alone indulged.

It has become more acceptable for mainstream commentators to question the ubiquity of pornography in the modern world. Earlier this year, New York Times columnist Nicholas Kristof went on a crusade against online porn, though he focused largely on the nonconsensual videos that pervade the Internet. It is also now okay to question the objectification inherent in such videos. But Emba echoes earlier commentators such as Mark Regnerus, who in his 2011 book written with Jeremy Uecker, Premarital Sex in America, noted that pornography is having real-life effects on what new variations men and women expect from each other during sexual encounters. Choking is among them.

How the progressive audience for Emba’s work will take such judgments remains to be seen. The fact that she fails to go along with the gender-is-a-social-construct line will surely shock them: “As our own experiences make clear, our biologies and our biographies come with us into the bedroom…. Women remain women, with all of the physical characteristics, structural constraints, and social programming that come with our gender. And men remain men.”

Exactly which boundaries we should reinstate, though, Emba is less certain. She assures the readers that having fewer casual sex encounters does not mean that she is advising that people wait until marriage. And though she mentions several times the harms of the “purity culture” in which she was raised, the criticisms are fairly vague and the victims of such culture—if there are any—are nowhere to be found in the book.

But it may make readers feel more as if Emba is staking out a middle ground if she is willing to criticize such conservative evangelical strictures. The other comfort for them will be her criticism of capitalism’s influence on sex and dating.
“Today, dating can seem more like a competition than an attempt to build a relationship or form a connection,” she writes. “Which makes sense. The capitalist ideal that has formed our understanding of ‘independence’ tends to preclude connection and solidarity in favor of the possibility of private gain. The fierce privacy and optionality that we idolize can tend toward dehumanization and alienation, and there is no outside mediator to appeal to when things don’t seem quite right.”

It is not clear what system Emba would prefer people live under when they’re dating. In another era, of course, there were others looking out for the interests of the young—families, mostly—and they would help make choices. Those choices prioritized private gain over human connection. But the gain would be for the family or the tribe.

The problem is not that there is a sexual marketplace. There has always been a sexual marketplace. But as researchers such as Regnerus point out, the rules of that marketplace have changed significantly. Women are giving away the milk, so men don’t have to buy the cow. Women are not getting much short-term pleasure out of it. Nor are they achieving their long-term goals of committed relationships with families.

Individual women could—and should—take up Emba’s advice to think about sex beyond the terms of consent. They should think of sex as “meaningful.” They should understand, as Emba has come to understand, that “I don’t owe anyone access to my body. I don’t have anything to prove. If there’s something there in a potential relationship, it will still be there—and may even grow clearer, more defined for waiting.” Our daughters and granddaughters should know this and know that such an approach may well make them happier. At the very least, Emba will help them understand why the current approach is making them unhappy.

But individual women do not exist outside of that larger marketplace. And so short of placing themselves in an environment—a community—that thinks about these matters differently, theirs will be an uphill battle.

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**Original Citizens**

*The Original Meaning of the 14th Amendment: Its Letter and Spirit*

**By Randy E. Barnett and Evan D. Bernick**


**Reviewed by Michael M. Rosen**

T HE NOTION that constitutional and statutory language should be interpreted according to how it was publicly understood at the time of enactment has become such a mainstream view that even a legal progressive like Ketanji Brown Jackson paid obeisance to its importance during her confirmation hearing. It is therefore surprising that a text as important to American political and legal affairs as the 14th Amendment—often referred to as our Second Constitution—has not been the subject of a book-length analysis from such a perspective until the publication of *The Original Meaning of the 14th Amendment.*

Georgetown’s Randy Barnett and Evan Bernick of Northern Illinois University have here produced a superb, persuasive treatment of the 1868 constitutional amendment, focusing their energies on three sections of the text—privileges or immunities, due process of law, and equal protection of the laws. They set out to offer “a theory of the 14th Amendment’s original public meaning that honors the text and history” and to “articulate a novel strategy for implementing... ‘the gem of the Constitution’ in a way that is faithful to the goals of those who fought to make it law.” On both fronts, they succeed in rendering into plain yet elegant prose the arcane, jargon-filled legal concepts that otherwise suffuse the literature.

Barnett and Bernick begin by devising a sensible methodology. First, they strive to determine the original public meaning of a provision on the basis of its “letter,” or plain meaning. But if or when that plain meaning proves elusive, they identify the publicly accessible function or spirit of the provision. Finally, they interpret the provision in a manner consistent with its letter and designed to implement its function or spirit (or the broader function or spirit of the legislation or Constitution as a whole).

They then tackle the second paragraph of the Fourteenth Amendment, which declares that “no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.” Marshalling evidence from contemporaneous legal, political, and journalistic sources, they conclude that civil rights “that protect the pre-political natural rights of all persons,” such as public schooling and jury service, were enshrined...
in the amendment at the time of its ratification and represent a fixed “floor.” Other rights, such as universal adult suffrage, fell under its ambit later and represent a “ceiling” that, over time, can be raised.

The authors provide ample support for their thesis by tracing the evolution of civil rights from pre-revolutionary discussions of abolition through the vigorous debates of the Civil War and into the fraught deliberations of the Reconstruction Era. After the Civil War, legislators and legal scholars frequently sparred over whether a state was obligated only to ensure comity, i.e., guaranteeing a citizen of another state the rights to which she was entitled in her home state, to enforce only the rights enumerated in the first eight amendments to the Constitution, or to vindicate all fundamental rights possessed by all American citizens.

How can we determine the point at which a later-derived, typically political right becomes sufficiently entrenched to merit constitutional protection? Barnett and Bernick suggest that once citizens in a supermajority of states have enjoyed such a right for at least a generation, it “ought to be presumptively a privilege of U.S. citizenship.” This formulation represents a helpful middle ground between living constitutionalists, who never met a faddish, recently discovered “right” that they didn’t want to enshrine as fundamental, and jurists such as Antonin Scalia, who derided the privileges-or-immunities clause as “the darling of the professoriate.” (Robert Bork deemed it a mere “inkblot” and “dead letter.”)

The authors next interpret the amendment’s third paragraph—“Nor shall any State deprive any person of life, liberty, or property, without due process of law”—to require that lawmakers ground their legislation in factual analysis and that courts apply appropriate burdens of proof in examining the substance of those measures to determine whether a legislature has overstepped its bounds. This concept differs subtly but crucially from the modern notion of “substantive due process,” which seeks to identify “substantive rights deserving of heightened judicial protection” and has mushroomed into a catchall for flavor-of-the-month entitlements. It also expands upon the more limited interpretations promulgated by some contemporary originalists who favor, for example, restricting its reach to enjoin the retroactive application of criminal punishment.

Barnett and Bernick ground their analysis in precedent, including a 1798 case in which Supreme Court Justice Samuel Chase proclaimed that “an act of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority,” along with similar pronouncements from Chief Justices John Marshall and Roger Taney alike. They find that “due process of law” requires courts to police and curtail legislatures’ occasional trespasses on citizens’ fundamental rights.

Finally, the authors turn to the equal-protection clause, which forbids each state to “deny to any person within its jurisdiction the equal protection of the laws.” They believe this requires state governments to enforce equal-protection rules, including against private actors, and imposes a “duty to provide people with equal access to the remedial processes of the courts.” During congressional discussions about the amendment in 1866, Democrats insisted it apply only to federal legislation, but Republicans, led by Representatives John Bingham of Ohio and John Mann of Pennsylvania, persuasively maintained that the equal-protection principle encompassed a responsibility “to see to it not only that the laws are equal, affording protection to all alike, but that they are executed, enforced.”

However, Barnett and Berwick argue, the equal-protection-of-the-laws clause has not been and should not be understood as a general matter to prohibit racial, religious, or gender discrimination writ large. It only forbids unequal treatment of the law. Instead, they channel the “antisubjugation spirit” of the clause to define it as providing “an equality in the protection of civil rights that are adjacent to natural rights.” For instance, they contend that both the 2009 federal hate-crimes statute and the 1994 Violence Against Women Act can be justified on grounds of the equal protection of the laws, and they chide the Supreme Court for engaging in an “erroneous textualist and originalist interpretation” of the clause when it struck down parts of the latter.

Ultimately, through their careful, measured analysis of the 14th Amendment, Barnett and Bernick showcase the richness and texture of public-meaning originalism in an accessible manner that even die-hard legal progressives should respect, if not necessarily adopt. Their sensitive treatment of privileges, immunities, due process, and equal protection highlights how even distinguished originalists can and do disagree on precisely how to interpret and construct rules of legal decision-making, thus underscoring both the suppleness and importance of the originalist approach. The methodology Barnett and Berwick apply to the 14th Amendment nobly and meticulously seeks to ensure that we “systematically and adequately protect rights that can be derived from a theory of human nature and the conditions under which human beings can flourish in society with others.”

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Politics & Ideas : June 2022
CONTINUED FROM PAGE 56  the way for everyone. The leadership teams at Comcast, Disney, Paramount, Sony, and everywhere else aren’t looking at Netflix and thinking, Hah! They’re thinking, Uh oh.

Netflix invented the streaming business. It developed the necessary technology to efficiently stream packets of video across the Internet. But more important, it developed the creative and economic models required to make content and charge for it. Netflix was ground zero for streaming services like the lab in Wuhan was ground zero for you-know-what. So it’s only logical that it will get hit first when the business model turns sour.

But for the past five years, the entire entertainment business has been on a spending jag—paying anything for talent, anything for showrunners, anything for content. Studios mapped out multiple streaming services and multiplexed offerings with tiered pricing. They built castles in the sky made up of wishful thinking about how much the consumer would pay for monthly entertainment, and how loyal that consumer would be to something they lazily slapped a “plus” on. Everyone came to the superspreader streaming event.

It was a race to see who could get the “first-mover advantage”—who could sign up the most subscribers—so it didn’t really matter, went the logic, how much the company spent now. They would earn it all back later. So, sure, hire Ted. Hell, hire two Teds!

What happens now?

According to Warner Bros. Discovery CFO Gunnar Wiedenfels, “2022 will undoubtedly be a messy year.”

Especially for most of the people listed in that triple-wide contact booklet, which now serves as an artifact of a bygone boom time, like a 1928 Duesenberg or a Lehman Brothers duffel bag. Cost-cutting, when it comes, comes for the easy stuff first, which is very bad news for the Two Teds—I’m sorry, fellas, if you’re reading this—and for vanity production companies for minor celebrities.

On the corporate side, the rest of 2022 will be messy, too. Netflix, after losing nearly 70 percent of its value, is suddenly a takeover target or a merger partner. It’s a free radical, floating around the entertainment-industry ecosystem. And that makes everyone in the executive suites nervous because mergers and buyouts mean that some people get rich, of course, but also that a lot of C-suite people lose their jobs. The contagion won’t stop at the Teds.

Some big deals are coming. Disney, for instance, is not shy about making large acquisitions. After all, it’s gobbled up Marvel and 20th Century Fox. Why not Netflix? Folding its existing streaming service, Hulu, into Netflix makes good cost-cutting sense. Comcast could do the same.

In both of these instances, the existing shareholders of the acquiring companies might not be concerned by the cost of the transaction because they’d also be acquiring two pretty talented executives—Reed Hastings and Ted Sarandos—at a time when the current management of Disney and Comcast seems a little flat-footed.

What about Paramount? In many ways, this would be a better outcome. A merged Netflix-Paramount would have it all: a movie studio, a robust streaming service (Paramount+ could easily be folded into the Netflix side), and, especially, a popular broadcast network in CBS that would allow the company to promote its content cheaply and widely across the network. There are persistent rumors that the company has plans to sell or spin off the CBS unit—this would be a mistake, in my opinion—but if so, it’s a perfect opportunity for some enterprising dealmaker to build the media company for the 21st century.

Netflix combined with a newly free CBS, which combined with smaller studio Lionsgate, would create the perfect balance of streamer, broadcaster, and producer.

There are lots of other possibilities, of course. Rupert Murdoch, for instance, may decide that at 91 years old he’s tired of owning a broadcast network and put Fox Broadcasting up for sale. Sony may revive efforts to combine with another company. Some of the newer media companies such as Snap and Roku may join the fray. But what will certainly happen now is Hollywood doing what it does best, which is to panic.

For the next year or so, the production contact list will return to four manageable pages and media executives will be distracted by dealmaking and corporate intrigue. It will be the perfect environment, in fact, to make some interesting television shows and slip them on the air when the people who usually try to stop that sort of thing—development executives, bureaucrats, Teds—are too busy worrying about the next big takeover. Sometimes, messy is good.

Commentary
A FEW MONTHS AGO, I was helping a friend who was producing a pilot for a big streaming service.

When I arrived to hear the cast read the script on the first day of production, I was handed the production contact list, which is usually four stapled pages containing the phone and email contact information for everyone involved in the production.

This production was too swollen, apparently, to be contained on four pages. I was handed a thick saddle-bound booklet, with multiple entries for each of the key principal participants: two networks, two studios, the production company based at one of the studios, the female star's production-company staff, her management company's development-staff list, and the rest of the production personnel. It was the size and heft of the student directory at a medium-sized liberal arts college.

Later, back in the writer's room, as we were about to begin the rewrite, there were two guys I didn't know. This was also unusual. When you volunteer to help out on a friend's pilot, you usually end up working with a lot of former colleagues.

"Hi, I'm Rob," I said, extending my hand to the two strangers.

One of the guys looked mildly alarmed. "I'm Ted," he said.

"I'm also Ted," the other one said.

I made a mild joke about the coincidence of the Two Teds and we shook hands, but they never said what they were doing there.

I pulled my friend aside. "Hey, what's with the Teds?"

He shrugged. "I don't know," he said. "They work for the network? Or maybe they're producers? Or with one of the companies?"

"Can I ask them?"

“No.” my friend said, “Don’t make waves. Leave the Teds alone.”

I never learned who the Teds were, or why they were there. They didn’t pitch any jokes or story fixes. They didn’t say anything at all that I can remember. It's highly likely that they didn’t know why they were there either. I suppose I could have combed through the production contact book looking for Teds, but that seemed like a lot of work. I mean, it was a pretty big book.

I thought of my two mysterious Teds recently when Netflix, once the mighty and invincible giant of streaming television, announced that it had hit severe financial headwinds. This year has been a parade of bad news for Netflix: For the first time ever, its subscriber base has shrunk. It lost 200,000 subscribers in the first quarter of the year and expects to lose another 2 million by the third. Its stock has lost nearly 70 percent of its value, which has inspired a class-action lawsuit by shareholders. Coming attractions include mass layoffs, trimmed-back production slates, and a price war with its growing list of competitors.

They’re feeling jittery all over town. Just through the Cahuenga Pass, in Burbank, the newly installed management of the newly named Warner Bros. Discovery shuttered its news-streaming service, CNN+, barely four weeks (and $300 million) after its launch. Its ad-supported cable properties, TNT and TBS, have cut back on unscripted production orders and new development initiatives.

And it’s just the beginning.

Put it this way: If you’re an executive at a large media company, the day that Netflix announced it was shrinking—not slowing, not hitting a plateau, but shrinking—was like the day in February 2020 when someone on the television told you that 60 people had checked into the hospital with something called Covid-19. You knew something bad was on.

Rob Long has been the executive producer of six TV series.

HOLLYWOOD COMMENTARY

It’s Going to Be a Messy Year

ROB LONG

continued on page 55
The Israel Apartheid Lie

Contrary to all facts, Israel’s enemies maliciously accuse the Jewish state of South African-style discrimination against Arabs. Why do they tell this obvious lie?

Despite Israel’s exemplary civil rights record and its laws protecting all ethnicities and religions, colleges still host Israel Apartheid Weeks and some critics insist Israel is or will become an apartheid state. The truth quickly exposes the malign motives of these accusations.

What are the facts?

Apartheid in South Africa was enforced by dozens of laws that restricted where citizens of color could live, work, congregate and go to school—even whom they could marry. None of these laws—nor any like them—exists or ever has existed in Israel. How could this bizarre “Israel Apartheid” calumny spread so pervasively in Western academies and mainstream media? The answer is The Big Lie—the Nazi propaganda principle, recognizing that when a falsehood is repeated often enough, it becomes accepted as truth. Even former President Jimmy Carter—no friend of Israel—titled his book, “Palestine: Peace or Apartheid.”

What was South African apartheid?

“Apartheid,” the Dutch-Africaans term for separation, was the social order of the former South Africa. It meant that the Black majority of the nation, as well as the so-called Colored, were kept strictly apart in all aspects of life. White domination over the native population was fundamental. For instance: Non-Whites had to carry a “passbook.” Passbook infringement could lead to deportation to one of the Bantu “homelands.” Blacks and Coloreds were kept from a wide array of jobs. Black-White sex was a serious, jail-time criminal offense. Hospitals and ambulances were strictly segregated. Whites enjoyed free education until graduation. Not so for Blacks, whose education was strictly limited by the oppressive “Bantu Education Act.”

By law, no mixed sports were allowed. Park benches, swimming pools, libraries, and movies were strictly separated. Blacks were not allowed to purchase or imbibe alcoholic drinks. This is only a small, partial list of the many abusive indignities that non-Whites suffered under the South African apartheid regime.

Israeli Equality. Even to hint that Israel practices apartheid is outrageous and hateful, since the exact opposite is the case. Not a single apartheid practice applies to Israel. Israel is by far the most racially mixed and tolerant nation in the entire Middle East. Israeli Arabs, who are about 20% of Israel’s population, enjoy, without exception, the same rights and opportunities in all fields as their Jewish fellow citizens. The total equality of all Israelis is assured in Israel’s founding document. All non-Jews—which means primarily Muslim Arabs—have full voting rights. At present, 13 Arabs sit in Israel’s Knesset (parliament), one of Israel’s Supreme Court judges is Arab, the Israeli Defense Forces (IDF) has Arab generals. Arabs are represented in Israel’s diplomatic service all over the world. Homeownership is higher for Arabs than Jews. Arab students study in all Israeli universities. All children in Israel are entitled to subsidized education until graduation, with no restrictions based on ethnicity or religion. In short, Muslim Arabs and other non-Jews are allowed everything that Jews are allowed—everything that non-Whites were not allowed in apartheid South Africa. These facts should shame anyone who accuses Israel of apartheid.

But, yes, there is one difference: Jewish Israeli men and women are obligated to a multi-year stint in the IDF or community service; For Arab Israeli citizens, this service is voluntary.

Separation from Palestinian Arabs. Some critics accuse Israel of segregation because it prevents Arab Palestinians who live in Gaza or the disputed territories of Judea and Samaria (aka the West Bank) from freely entering Israel. This of course is absurd. Arab Palestinians are citizens of the Palestinian Authority, not of Israel, and some 95% have never set foot in Israel. While Israel allows 85,000 Palestinian workers into its territory daily, Israel controls its borders strictly, just as the U.S. does.

What’s more, Israel has many times offered to cede its territorial rights in the West Bank to the Arab Palestinians for a state, but they have refused all offers, instead continuing terrorist and missile attacks against Israeli civilians, including Israeli Arabs.

Time to stop the Big Lie about apartheid in Israel.

Too many people have been duped by the hateful language of Israel’s enemies. In fact, Israel is a beacon of freedom and enlightenment in the Middle East. It’s time for fair-minded people—and mainstream media—to broadcast the truth about Israel . . . and forcefully reject the apartheid label. Those who demonize Israel with this falsehood fully deserve the label of anti-Semitism.

YOU DESERVE TO KNOW THE TRUTH...

Time to stop the Big Lie about apartheid in Israel.

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Facts and Logic About the Middle East
P.O. Box 3460, Berkeley, CA 94703
James Sinkinson, President
Gerardo Joffe (2nd), Founder

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