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*in*FOCUS

QUARTERLY

America 250: Hope, Division, and Promise



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An Interview with Coach **BRUCE PEARL**

LETTER FROM THE PUBLISHER

Welcome to 2026 – the 250th anniversary of the independence of the world’s greatest country, the United States of America. I challenge you to find, if not a perfect country, then a better one. This issue of *inFOCUS Quarterly* takes a picture of our country: the outstanding, the good, the things that need improvement.

Don Feder, Roger Pilon, and the late Rabbi Lord Jonathan Sacks (z”l) consider our founding and our ability to improve as our citizens improve. To quote JPC Senior Director Shoshana Bryen from her review of Ilya Shapiro’s outstanding *Lawless: The Miseducation of America’s Elites*:

“The system worked. From slavery to no importation of slaves to no slavery in new territories to the Civil War – to Jim Crow – to Voting Rights to the Civil Rights Act, the LAW evolved. The question is rather how the PEOPLE evolved. There are still racists, sexists, antisemites, anti-Catholics, and anti-everything-else-ists, but the law is not on their side.”

Lori Lowenthal Marcus and the Deborah Project prove that victories are possible.

Elder of Zion highlights the importance of America’s commitment to free

speech. And its limits. DEI and other implanted left-wing ideologies are resulting in precisely the undermining of free speech that Elder and the rest of us prize.

Yisrael Medad looks at Christian antisemitism, and Eric Rozenman considers the perpetual Jew-hatred that was amped up during the Gaza war. Christine Rosen takes on social media’s effects on America’s younger generation.

Don’t miss Shoshana’s interview with Auburn University’s Coach Bruce Pearl for a heartening perspective on gratitude for the strength of American Jewish life, the support of Auburn University for his vocal pro-Israel and pro-Jewish activism, and the clear nexus of American religiosity and American political security.

If you appreciate what you’ve read, I encourage you to make a contribution to the JPC. You can use our secure site: www.jewishpolicycenter.org/donate.

Sincerely,



Matthew Brooks
Publisher



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FEATURING

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The World Should Celebrate America's Birthday

by **DON FEDER**

On July 4, 2026, America will be 250 years old. Our friends abroad should join patriots at home in celebrating the miracle that is the United States of America.

The idea that there is something unique about America can be traced back to the French historian Alexis de Tocqueville, that prescient observer of our infant republic, who explored the idea in his seminal work *Democracy in America*. He concluded that the success of representative government on these shores was based on the balance between liberty and order and the genius of Americans at forming voluntary associations.

De Tocqueville's classic was published in 1835, a little more than 50 years after our nation's founding. The intervening time has shown the wisdom of his insights.

In the course of history, 250 years may seem like the blink of an eye. In its Eastern and Western empires, Rome lasted 1,400 years. Egyptian civilization spanned three millennia.

By contrast, our history may seem like a ripple in the ocean of time. But think of all we've accomplished.

We fought and defeated what was then the greatest empire on earth to win our independence. We could hardly have been more outmatched militarily. At the outset, a highly trained, disciplined, and battle-tested army faced yeoman farmers with muskets. Our victory seemed to be divinely ordained.

We started with a vision set forth in the Mayflower Compact, later referred to as a shining city on a hill. We began forming a national identity before the

Pilgrims set foot in New England.

As historian Gordon Wood pointed out, America is a "creedal nation." Our ties aren't of race or ethnicity but shared values: "One nation under God with liberty and justice for all" – ten words from the Pledge of Allegiance which define us as a people.

God is an integral part of the American identity. To ask what England or France mean is absurd. They are countries whose people share a common language, history, and religion, though those distinctions are blurring.

But America means something. It always has. Our nation was originally

We adopted a constitution that was a model of self-government, a compact that protects individual rights by limiting the power of the state. In so doing, it gave citizens the greatest range for human expression and enterprise.

In his Farewell Address, Ronald Reagan described the uniqueness of our constitutional republic: "Ours was the first revolution in the history of mankind that truly reversed the course of government, and with three little words: 'We the People.' 'We the People' tell the government what to do; it doesn't tell us. 'We the People' are the driver; the government is the car. And we decide where

But America means something. It always has. Our nation was originally settled by religious dissidents: Pilgrims and Puritans in Massachusetts, Quakers in Pennsylvania, and Catholics in Maryland.

settled by religious dissidents: Pilgrims and Puritans in Massachusetts, Quakers in Pennsylvania, and Catholics in Maryland.

You'll find the meaning of America in our patriotic music – "Then conquer we must when our cause it is just, and this be our motto, in God is our trust." "Our fathers' God to thee, author of liberty." "God bless America, land that I love. Stand beside her and guide her through the night with a light from above."

This gave us a yardstick with which to measure our conduct as a people.

it should go, and by what route, and how fast. Almost all the world's constitutions are documents in which governments tell the people what their privileges are. Our Constitution is a document in which 'We the People' tell the government what it is allowed to do."

We fought Mexico in 1846 and gained half a million square miles of land. This followed the acquisition of the Northwest Territory and the Louisiana Purchase. By the middle of the 19th century, what started as 13 colonies clinging precariously to the Eastern seaboard

stretched from sea to sea.

We fought a civil war to abolish slavery and save the Union. More than 700,000 died in that conflict. Never has a people paid a higher price to rectify a tragic mistake.

In the next century, we launched a civil rights movement to ensure equality before the law.

By joining the Allies in the First World War, we tipped the scales toward the democracies and helped to end the awful carnage of trench warfare.

In World War II, we saved humanity from the twin horrors of Nazism and Japanese imperialism. Besides striking decisive blows for freedom in Europe and the Pacific, we became – in the words of President Franklin Delano Roosevelt – the Arsenal of Democracy.

After liberating Europe, we took not a square inch of its territory, other than what we needed to bury our dead. Instead of exploiting a continent lying in ruins, we rebuilt it through the Marshall Plan. Our generosity extended even to our former enemies, Germany and Japan.

In the post-war era, we sacrificed to stop the spread of communism in Europe, Asia, and the Americas. We may have lost the Vietnam War, but the “reeducation camps” and Killing Fields proved that our cause was just.

Today, America is standing forthrightly against Russian aggression and Chinese imperialism. Imagine where the world would be without our strength of arms and willingness to use them.

Since Sept. 11, 2001, we’ve fought rogue regimes and terrorist movements in the Middle East and elsewhere to the benefit of humanity. Now we’re fighting a narco-terrorist state in our own backyard.

In 2025, we saved the world from nuclear annihilation by bombing Iran’s reactor. You’re welcome, world.

We survived bank failures, the Great Depression, numerous recessions, fires, floods, hurricanes, blizzards, and the Biden presidency.

We set an example for emerging

nations in limited government and the protection of human rights.

We did not see our mission as spreading our form of government, but rather setting an example for others to follow, if they chose. In the words of President John Quincy Adams: “America ... goes not abroad, in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.”

After liberating Europe, we took not a square inch of its territory, other than what we needed to bury our dead.

From modest beginnings early in the 19th century, we led the world into the industrial age.

Inventions flowed from our workshops and laboratories, including the electric motor, incandescent light bulb, airplane, telegraph, telephone, television, microchip, personal computer, and Internet, not to mention life-saving drugs and medical procedures, including the polio vaccine, open heart surgery, and the cardiac pacemaker. You might say we ushered humanity into the modern age.

More than 70 percent of all Nobel Prizes have gone to Americans, a nation that has 4.2 percent of the world’s population.

America accounts for 32 percent of global liquid assets, which totaled \$67 trillion as of early 2024. We are also the leader in global trade - \$7 trillion in 2022.

We are home to 32 percent of the world’s millionaires – 5.7 million – and the largest number of billionaires on the planet. Most of this wealth wasn’t inherited but earned through investments or in the marketplace, lifting all boats.

Roughly 14 percent of those who emigrate worldwide each year come to

the United States, more than the next four top immigration nations combined. Some countries build walls to keep their people in. We build walls to keep out those who are trying to enter illegally. Legal immigrants are welcomed, witness the fact that we issue more than a million green cards each year.

We showed humanity that free markets and free minds are the keys to prosperity and liberty.

We pioneered entertainment, per-

fecting the art of motion pictures. By the 1930s, Hollywood came to symbolize cinema that was, at its best, both joyful and uplifting. In the past few decades, we’ve fallen from that height. But we still dominate the industry, with 87 percent of major studio releases produced in America.

The United States produces 16 percent of the world’s total energy supply. Our oil, coal, and natural gas keep the world running.

With the second Trump presidency, we have taken back control of our borders, rejected cultural Marxism, turned our backs on the anti-industrial green agenda, and fielded a military capable of miracles like last summer’s Operation Midnight Hammer, destroying much of Iran’s nuclear weapons program.

We are not the world’s policemen, though, from time to time, we are called on to be its fire brigade. When there’s conflict anywhere in the world that threatens international stability, the cry does not go up to “Send in the Swedes!”

Despite our remarkable success, America’s enemies — foreign and domestic — are legion.

Internationally, they include

totalitarians, authoritarians, and theocrats who hate the idea of popular sovereignty and civil liberties, ideologues who want to force their toxic isms on humanity, environmental Luddites who seek to repeal the Industrial Revolution, and internationalists – including the racists and warmongers who control the United Nations – who think they can undermine our sovereignty.

On the home front, a war against America has raged for more than half a century.

Marxism gained a foothold in academia in the 1930s. Today, its control is almost absolute, witness the antisemitic mobs rampaging on college campuses. Major corporations that have succeeded in the marketplace finance schools that push Marxism.

Revolution hit the streets of our cities with race riots in the 1960s and anti-Vietnam protests later in the decade. Now, Antifa and its political supporters are rioting to protect illegal immigration by fighting Immigration and Customs Enforcement's deportation efforts.

The Democrat Party's energized base has transformed it from the party of big government and welfarism increasingly into an anti-American coalition of Marxists, woke elitists, and terrorist sympathizers at war with everything that makes us great. They want to put boys in girls' locker rooms, pornography in children's libraries, and diversity, equity, and inclusion [DEI] in every aspect of American life.

Academia, public education, the legacy media, and liberal churches are inveterately anti-American and use their forums for tax-exempt indoctrination and agitation.

The flags of Mexico, "Palestine" and Iran fly in our streets, while the American flag is burned.

At every level, law enforcement is besieged. Judges think they can make the law. Congressmen and governors think they're the president. Cities and states think they can have their own immigration policy. And activists think they can

overturn laws they oppose with an anarchist veto.

The national debt is a seemingly intractable problem. In early November, the debt stood at \$38.1 trillion or \$111,683 for every man, woman, and child in America.

The national debt is now more than our annual GDP of \$30.3 trillion. We haven't had a balanced budget since 2001. Interest on the debt is currently 17 percent of the entire federal budget, several points higher than defense spending. Politicians lack the will to tackle the debt head-on and instead kick the can down the road.

Despite decades of the manifest failure of socialism everywhere in the world, voters just elected avowed socialists as mayors of New York (America's largest city and financial hub of the nation) and Seattle.

Despite decades of the manifest failure of socialism everywhere in the world, voters just elected avowed socialists as mayors of New York (America's largest city and financial hub of the nation) and Seattle.

These are unique challenges. Still, the patient is robust, and the prognosis is excellent.

The Democrat Party – the party that hates America – has never been more unpopular. Its once solid constituencies are melting away, including blue-collar workers and young black and Hispanic men. There has been a recent upsurge in patriotism among the young, reflected in increased military recruitment.

The forces of darkness may rule the streets of some cities, but the flame of patriotism burns bright in the hearts of most Americans, especially those who use their heads and hands to build, rather than carry protest signs and assault police and federal agents.

America has always been a project in the making, with challenges and obstacles on the road forward. But today's difficulties pale compared to those we confronted in the aftermath of the Civil War, during the Great Depression, and at the outset of World War II.

With all of our mistakes, try to imagine where the world would be without America. There would have been no shores of refuge for the oppressed masses of Europe in the 19th and 20th centuries. Without the United States, Nazism and communism might have triumphed. There would have been no one to liberate the death camps. The steady march of Islamic fundamentalism would have been unimpeded. The natural resources we developed would have stayed in the ground.

It's unlikely that another nation would have stepped forward to make

up the trillions in foreign aid we have contributed to assist development and improve living conditions in emerging nations.

Considering where we are and how far we've come in 250 years, our nation's birthday should fill us with hope for the future and a resolve to advance the great work of heroes like Washington, Lincoln, Theodore Roosevelt, and Ronald Reagan, and the generations that built this blessed land.

Never in the course of history has humanity owed so much to one nation. Take a bow, America.

DON FEDER is a columnist with The Washington Times.

America's 250th Anniversary: Triumphs, yet Troubles Ahead

by ROGER PILON

Two hundred fifty years ago, America was born. Our birth certificate, the Declaration of Independence, proclaimed a new order of the ages, *novus ordo seclorum*. Fifty years on, Thomas Jefferson, the Declaration's main author, would capture metaphorically the principle animating that seminal moment: "the mass of mankind," he wrote, "has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God." Yet have we, over the ensuing 200 years, not saddled ourselves with booted and spurred government riding us as the Founders would never have countenanced, at a price in liberties lost that they had pledged their lives, their fortunes, and their sacred honor to secure?

That is the troubling question before us as we celebrate our nation's 250th birthday. To be sure, we enjoy liberties today only hoped for at our founding. Slavery is long gone, at a terrible price, as are laws separating one race from another. The franchise has greatly expanded. And rights of speech, association, criminal procedure, and more are secure well beyond what they once were. But the limited government the Founders envisioned and the Framers instituted in our Constitution is today little to be found. Our governments reach nearly every corner of our lives, politicizing everything, leaving us at war over government's proper functions.

We hear often, for example, that our political leaders should come together to solve our problems, everything from health care to retirement, childcare,

education, housing, jobs, drugs, student debt, and more—problems that in truth are simply the personal problems of life. That faith in government is profoundly misplaced. Earlier Americans had little like it. They were concerned mainly about what government could do *to* them—see the Bill of Rights—not what it should do *for* them. They yearned to be free, not to be dependent on government. That is why so many came to America. Perhaps by recovering that basic understanding of the proper role of government we can reduce our divisions and reclaim our birthright, freedom.

In this celebratory year, therefore, we will have a much-needed opportunity to revisit and revive America's first principles, which today are too little taught, mistaught, and misunderstood by too many Americans. That was evident in a recent NPR interview when a political activist contended that "what Congress and the president need to do is

concern *du jour*, it hardly surprises.

To address this problem, there's no better place to start than with our founding documents. Accordingly, I'll begin with the moral, political, and legal vision implicit in the Declaration's sparse language, then briefly show how that vision was largely instituted in our Constitution as corrected by the Civil War Amendments. I'll then show, again briefly, how the Progressive Era's vision, instituted through the New Deal's constitutional revolution, fundamentally undermined the Founders' plan for liberty under limited government, giving us the modern redistributive and regulatory state that today politicizes so much of life.

■ The Declaration of Independence

Addressing "a candid World," the Founders' immediate aim in the Declaration was to justify their decision

Earlier Americans were concerned mainly about what government could do *to* them, not what it should do *for* them.

raise wages and lower prices." The constitutional—to say nothing of economic—confusion that comment reflects is breathtaking, yet it is all too common. With "affordability" the political

to declare independence. Toward that end, they set forth a theory of legitimate government and then demonstrated how far British rule had strayed from that ideal. But their argument served not simply

to discredit British rule; in addition, it set the course for future American government. Ever since, the Declaration's ringing phrases have inspired countless millions around the world, prompting many to leave their homelands to begin life anew in America.

Appealing to all mankind, the Declaration's seminal passage opens on

the equal rights of others to do the same. Drawing on the common law tradition of liberty, property, and contract—its principles grounded in “right reason”—the Founders thus outlined the moral foundations of a free society.

We institute government, the Declaration says, to secure our rights—our natural rights and the rights we cre-

There's a silver lining here, however. Because government entails manifold forced associations, especially as it expands over our lives, we arrive at an inescapable moral presumption *against* doing things through government, where force is inevitable, and a clear presumption *for* individual liberty, with the burden on those who would do things through government to show why they must be done there rather than left to the private sector where they can be done freely and hence in violation of the rights of no one. Government, in short, should be a *last* resort.

There, in a nutshell, is the moral and political argument for *limited* government, which Thomas Paine stated succinctly: “Government, even in its best state, is but a necessary evil; in its worst state, an intolerable one.” And Churchill: “Democracy is the worst form of government, except for all the others.” Democracy is not an end, only a means. Liberty is its end. To ensure that, a constitution is required.

■ *The Constitution*

Having recently overthrown oppressive British rule, the Constitution's Framers were not about to impose oppression on themselves. Guided by the

Government is thus twice limited: by its end, to secure our rights; and by its means, which require our consent.

a crucial point: “We hold these Truths to be self-evident.” Grounded in reason, “self-evident” truths invoke the long tradition of natural law, which holds that there is a “higher law” of right and wrong from which to derive human law and against which to criticize that law at any time. Moral reasoning, accessible to all, not political will, is the foundation of our Nation.

But if the Founders' vision is derived through reasoned argument, liberty is its aim. Thus, the cardinal moral truths are these: “that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.”

We are all equal in the fundamental sense that no one has natural rights superior to those of others. We are born with those rights; we do not get them from government—indeed, government gets its powers from us. And our rights to life, liberty, and the pursuit of happiness imply the right to live our lives as we wish, provided only that we respect

ate as we live our lives. But the powers government needs for that must be derived from our consent if they're to be legitimate. Government is thus twice limited: by its end, to secure our rights; and by its means, which require our consent.

There is a practical problem here, however, for the consent the Declaration requires for government's powers can never be more than imperfect. Invariably, we get majorities, and minor-

Because government entails manifold forced associations, especially as it expands over our lives, we arrive at an inescapable moral presumption against doing things through government, where force is inevitable, and a clear presumption for individual liberty...

ities who haven't consented. How, then, can the majority justify imposing its will over the minority? It cannot. Indeed, minorities well understand the tyranny of the majority.

Declaration's limited government principles, they crafted a federal government strong enough to secure our rights against domestic and foreign oppression yet not so powerful or extensive as to be



The U.S. Capitol Building in Washington, DC.

oppressive itself. Toward that end, their document authorized governmental powers, then checked and balanced those powers. Thus, it divided powers between the federal and state governments, leaving most power with the states: federalism. And it separated powers among the three branches of the federal government, pitting power against power.

The Preamble establishes the basic political principle: “We the People,” for the purposes listed, “do ordain and establish this Constitution.” Thus, all power comes from us. And in the first sentence of Article I we see that all legislative Powers “*herein granted* shall be vested in a Congress.” By implication, not all such powers were granted. In fact, in Article I, section 8, we find that Congress has only 18 such powers or ends. Finally, that doctrine of enumerated powers is reiterated explicitly, as if for emphasis, in the Tenth Amendment, the final member of the Bill of Rights: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are

reserved to the States respectively, or to the people.” And the Ninth Amendment, an obverse of the Tenth, reads: “The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.” In sum, the Constitution creates a government of delegated, enumerated, and thus limited powers.

Thus, the basic picture that emerges is no different than the one that emerged from the Declaration. We all have rights to pursue happiness as we plan and live our lives, with government there to secure those rights and do the few other things we’ve authorized it to do.

The Constitution was not perfect, of course, nor have we ever conducted ourselves perfectly under it. Thus, the Framers knew that its oblique recognition of slavery, made necessary if there were to be union, was inconsistent with the Declaration’s principles. Most hoped that the “peculiar institution” would wither away over time. It did not. It took a brutal civil war and the ratification of

the Civil War Amendments to end slavery and incorporate at last the great principles of the Declaration, thus bringing the states under the Bill of Rights, which could not have happened originally.

But as Reconstruction petered out and new ideas came to the fore, America’s constitutional ethos began slowly to decline. Indeed, by 1900 we could find the editors of *The Nation*, before it became an instrument of the modern left, lamenting the demise of classical liberalism. In an editorial entitled “The Eclipse of Liberalism,” they surveyed the European scene, then wrote that in America, too, “recent events show how much ground has been lost. The Declaration of Independence no longer arouses enthusiasm; it is an embarrassing instrument which requires to be explained away. The Constitution is said to be ‘outgrown.’”

■ **Progressivism**

Progressives were social engineers hailing from the elite universities of the Northeast. They were animated by

ideas from abroad: British utilitarianism, which had supplanted natural rights thinking; German theories about good government, like Bismarck's social security experiment; and homegrown theories about democracy and pragmatism. Undergirded by the new social

limited government. In 1938, from whole cloth, it bifurcated rights as either fundamental or nonfundamental, then created a bifurcated theory of judicial review, leaving economic liberties largely unprotected from legislative and administrative mischief. Finally, in 1943, it au-

moral vision, the Constitution was written to discipline not only the officials we elect but we the people. When we fail to understand or appreciate that, ineluctable consequences follow. Increasingly, we have demanded ever more goods and services from government, nowhere authorized by the Constitution. Worse still, we have refused to pay for them through current taxation, so we borrow. Today, service on the federal debt exceeds defense costs while entitlement programs continue to increase our out-of-control debt, which stands at this writing at over \$38 trillion. This cannot end well.

We are well down this undisciplined, irresponsible road. In recent years, the Supreme Court, our most disciplined branch, has taken important steps toward disciplining the political branches and the administrative state, but thus far it has only chipped away at the problem. As the weakest branch, "with neither purse nor sword," as Alexander Hamilton wrote, the Court can do little more without causing chaos. In truth, it falls to Congress to address the larger problem. But for that to

The Constitution was not perfect, of course, nor have we ever conducted ourselves perfectly under it. Thus, the Framers knew that its oblique recognition of slavery, made necessary if there were to be union, was inconsistent with the Declaration's principles.

sciences, they constituted a heady brew urging government planning to address all manner of perceived social and economic problems.

During the early decades of the 20th century, progressives operated mostly at the state level where courts often rejected their efforts as inconsistent with the Constitution. During Franklin Roosevelt's first term, however, things came to a head, especially after the Supreme Court rejected several of his New Deal schemes, prompting him, shortly after his 1936 landslide reelection, to unveil his infamous scheme to pack the Court with six new members. Uproar followed throughout the nation. Nevertheless, the Court got the message. There followed "the switch in time that saved nine" as the Court began effectively rewriting the Constitution—without the benefit of a constitutional amendment.

It did that in three main steps. In 1937, it eviscerated the doctrine of enumerated powers, thus opening the floodgates to the modern redistributive and regulatory state: so much for the Constitution's authorization of only

thorized Congress to delegate ever more of its legislative powers to unelected bureaucrats in the Executive branch where today most of our law and regulations are created: so much for democratic con-

It was a triple-play, guaranteed to give us massive government, the politicization of virtually everything, and a war of all against all for the spoils.

trol of government. It was a triple-play, guaranteed to give us massive government, the politicization of virtually everything, and a war of all against all for the spoils.

■ **What Is to Be Done?**

Those outcomes were predictable and predicted. In fact, they were not unknown to the Founders, as the *Federalist* will show. Drawing on the Declaration's

happen, it falls to us, the people, to grasp the nettle, recognize the problem, and act. What better time to start that than in this year when we will be celebrating America's birth and the freedom that enables us to do so.

ROGER PILON is a senior fellow in the Cato Institute and the founding director emeritus of Cato's Center for Constitutional Studies.

Contracts and Covenants

by RABBI LORD JONATHAN SACKS (z"l)

Editor's Note: In 2017, the American Enterprise Institute awarded its Irving Kristol award to Rabbi Lord Jonathan Sacks. His speech was a defining moment for understanding the long, solid, and essential relationship between the United States and Israel.

Friends, these are really tempestuous times. A few months ago, I asked a friend in Washington, "What's it been like living in America today?" And he said, "Well, it's a little bit like the man standing on the deck of the Titanic with a glass of whiskey in his hand, and he's saying, 'I know I asked for ice, but this is ridiculous.'"

We've seen the emergence of what I call a politics of anger. We have seen the culture of competitive victimhood. We have seen the emergence of identity politics based on smaller and smaller identities of ethnicity and gender. We've seen the new politics of grievance.

We've seen the silencing of free speech in our universities in the name of safe spaces. Just a few weeks ago, Balliol College, Oxford, the home of three prime ministers, of Adam Smith, of Gerard Manley Hopkins, barred a Christian union from having a stall to recruit new students on the grounds that a mere presence of a Christian in a group of students could be construed as a microaggression.

We have seen public discourse polluted by fake news and the manipulation of social media. Not by accident did the Oxford English Dictionary choose the word that we would remember from 2016 as "post-truth." And we've seen the reemergence in the West, certainly in Europe, of the far right and the far left. And today, according to the rather

expert survey that Bridgewater Capital did recently, populist politics throughout the West has been measurably at its highest level since the early 1930s.

Hegel said that modern man has taken to reading the daily newspaper in place of morning prayer. Today, when you finish reading the daily newspaper, you need morning prayer. And all this is serious. Richard Weaver once said, "The trouble with humanity is that it forgets to read the minutes of the last meetings." And so, for anyone who actually remembers history, the politics of anger that's emerged in our time is full of danger – if not now, then certainly in the foreseeable future.

And although this is affecting the whole of the West, I want tonight, for reasons which will become quite clear, to focus my remarks on you and the United States of America. And the reason is that I want to give an analysis that the late Irving Kristol would have understood because a love of Judaism was absolutely central to his life. And because he knew that in America, democratic capitalism

was done under the strictest possible secrecy because God forbid the prime minister should read the Bible. And he once turned to me and said, "Jonathan, how come your book is more interesting than our book?" And I replied, "Prime Minister, obviously, because there's more politics in our book than in your book."

■ "Appoint us a King"

So, I want to just look at one little element of biblical political theory, which I think is unique and which shows remarkable relevance to the situation we're in today. And I want to begin at a strange point, at a key moment in political history in biblical Israel.

The people came to Samuel and said, "Appoint us a king." Samuel got really upset because he thought the people were rejecting him, and God said, "That's nothing. I'm even more upset they're rejecting me." They sound very much like two Jewish mothers sitting together discussing their children. But God said to Samuel, "Spell out what hav-

The market is about the creation and distribution of wealth. The state is about the creation and distribution of power. But a covenant is about neither wealth nor power, but about the bonds of belonging and of collective responsibility.

had its roots in the Judeo-Christian heritage, specifically in the Hebrew Bible.

We often think of the Hebrew Bible as simply a religious book, but it is actually a political text. I used to study Bible with Tony Blair in 10 Downing Street when he was prime minister. It

ing a king will actually mean. He'll seize your sons, your daughters, your produce, your land, i.e., taxes, and if they're still willing to pay the price, give them a king," which is what happened.

And the commentators were all puzzled by this, and rightly so, because



Rabbi Lord Jonathan Sacks. (Photo: Eliot VanOtteren / American Enterprise Institute)

does the Bible approve of kings or not? If it does, why does God say that they're rejecting Him? And if it doesn't, why did God say give them one if they ask for it? And the reason the biblical commentators were puzzled is that by and large, they weren't political scientists. But, actually, the meaning of that narrative is very simple.

■ **Contracts and Covenants**

What happened in the days of the Prophet Samuel is precisely a social contract, exactly on the lines set out by Thomas Hobbes in *The Leviathan*. People are willing to give up certain of their rights, transfer them to a central power, a king, a government, which undertakes to ensure the rule of law internally and the defense of the realm externally. In fact, *One Samuel*, Chapter Eight, is the first recorded instance in all of history of a social contract.

But what makes the Hebrew Bible unique and really fascinating and makes it completely different from Hobbes and Locke and Jean-Jacques Rousseau

is that this wasn't the first founding moment of Israel as a nation, as a political entity. It was, in fact, the second because the first took place centuries earlier in the days of Moses at Mount Sinai, when the people made with God not a contract but a covenant. And those two things are often confused, but actually they're quite different.

In a contract, two or more people come together to make an exchange ... In a contract, you make an exchange, which is to the benefit of the self-interest of each. And so, you have the commercial contract that creates the market and the social contract that creates the state.

A covenant isn't like that. It's more like a marriage than an exchange. In a covenant, two or more parties, each respecting the dignity and integrity of the other, come together in a bond of loyalty and trust to do together what neither can do alone. A covenant isn't about me. It's about us. A covenant isn't about interests. It's about identity. A covenant isn't about me, the voter, or me, the consumer, but about all of us together. Or in that

lovely key phrase of American politics, it's about "We, the People."

The market is about the creation and distribution of wealth. The state is about the creation and distribution of power. But a covenant is about neither wealth nor power, but about the bonds of belonging and of collective responsibility. And to put it as simply as I can, the social contract creates a state, but the social covenant creates a society.

■ **Founding the United States**

Biblical Israel had a society long before it had a state, before it even crossed the Jordan and entered the land, which explains why Jews were able to keep their identity for 2,000 years in exile and dispersion, because although they'd lost their state, they still had their society. Although they'd lost their contract, they still had their covenant. And there is only one nation known to me that had the same dual founding as biblical Israel, and that is the United States of America, which had its social covenant in the Declaration of Independence

in 1776 and its social contract in the Constitution in 1787.

And the reason it did so is because the founders of this country had the Hebrew Bible engraved on their hearts. Covenant is central to the Mayflower Compact of

his design for the great seal of America the Israelites following a pillar of cloud through the wilderness. It is why Lincoln called Americans the “almost chosen people.” It is what led Martin Luther King on the last night of his life to see

in liberty.” And we can now say exactly what has been going wrong in American life in recent times and indeed throughout Europe.

But, in America, the social contract is still there, but the social covenant is being lost. Today, one-half of America is losing all those covenantal institutions. It’s losing strong marriages and families, and communities. It’s losing a strong sense of the American narrative. It’s even losing *E Pluribus Unum* because today everyone prefers *pluribus* to *unum*. In place of the single collective identity, you find a myriad of ever-smaller identities, local ones based on gender, or whatever it is next week.

Instead of a culture of freedom and responsibility, we have a culture of grievances that are always someone else’s responsibility. Because we no longer share a moral code that allows us, in Isaiah’s words, to “reason together,” in its place has come something called emotivism, which says, “I know I’m right because I feel it.” And as for those who disagree, we will shout down or ban all those dissenting voices because we each have a right not to feel we’re wrong.

A covenant isn’t about me, the voter, or me, the consumer, but about all of us together. Or in that lovely key phrase of American politics, it’s about “we, the people.”

1620. It is central to the speech of John Winthrop aboard the *Arbella* in 1630. It is presupposed in the most famous line of the Declaration of Independence.

Listen to the sentence. See how odd it might sound to anyone but an American. “We hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain inalienable rights.” Those truths are anything but self-evident. They would have been unintelligible to Plato, to Aristotle, or to every hierarchical society the world has ever known. They are self-evident only to people, to Jews and Christians, who have internalized the Hebrew Bible. And that is what made G. K. Chesterton call America “a nation with the soul of a church.”

Now, what is more, every covenant comes with a story. And the interesting thing is that the Hebrew Bible and America have the same story. It’s about what Lincoln called a new birth of freedom or, by any other name, what we know as an exodus. The only difference is, in America, instead of the wicked Egyptians, you had the wicked English. Instead of a tyrant called Pharaoh, you had one called King George III, and instead of crossing the Red Sea, you crossed the Atlantic. But it’s OK. As a Brit, I want to say, after 241 years, we forgive you.

But that is why Jefferson drew as

himself as Moses and to say, “I’ve been to the mountaintop, and I have seen the Promised Land.”

■ *Losing the Covenant*

Why does this matter to America and to the American Enterprise Institute? Because America understands more clearly than any other Western nation that freedom requires not just a state, but also and even more importantly a society, a society built of strong

“We hold these truths to be self-evident...” Those truths are anything but self-evident. They would have been unintelligible to Plato, to Aristotle, or to every hierarchical society the world has ever known.

covenantal institutions, of marriages, families, congregations, communities, charities, and voluntary associations.

Alexis de Tocqueville rightly saw that these were the buffers between the individual and the state. What was essential to democratic freedom, he thought, was that the exercise of responsibility and families and communities was in his lovely phrase our “apprenticeship

And because half of America doesn’t have strong families and communities standing between the individual and the state, people begin to think that all political problems can be solved by the state. But they can’t. And when you think they can, politics begins to indulge in magical thinking. So, you get the far right dreaming of a golden past that never was and the far left yearning for a utopian future

that never will be. And then comes populism, the belief that a strong leader can solve all our problems for us. And that is the first step down the road to tyranny, whether of the right or of the left.

synagogue or a real community, you have real friends, not just Facebook friends. And now, Facebook itself is beginning to realize this.

It means – and forgive me for say-

safe space there is one in which we give a respectful hearing to views unlike our own. That is what a safe space actually is.

We need people willing to stand up and say, rich and poor alike, we all have a collective responsibility for the common good. And we need a culture of responsibility, not one of victimhood, because if you define yourself as a victim, you can never be free.

We have to have people who have the courage to get up and say that earned self-respect counts for more than unearned self-esteem. And we have to say the fundamental truth that is at the heart of the Hebrew Bible and of American politics, that the state exists to serve the people. The people don't exist to serve the state.

Friends, those are the values that made America great. And they are still what make America the last best hope of freedom in a dark, dangerous, and sometimes despairing world riven by those who fear and fight against freedom.

Friends, you have been so generous to me tonight. The American Enterprise Institute has given an award to someone who is not American, not terribly enterprising, and in the words of the great philosopher Marx – I mean, of course,

We believe ... in free speech on campus because ... the only safe space there is one in which we give a respectful hearing to views unlike our own. That is what a safe space actually is.

■ *Renewing the Covenant*

But there is good news, which is that covenants can be renewed. That's what happened in the Bible in the days of Joshua and Joseph and Ezekiel and Josiah and Ezra and Nehemiah. It happened in America several times. Nations with covenants can renew themselves, and that has to be our project now and for the foreseeable future. We need to renew the covenant, which means standing with Robbie George [*Editors Note: Prof. Robert P. George, director of Princeton's James Madison Program in American Ideals and Institutions and past board member of the American Enterprise Institute*] and friends and strengthening marriage and the family. It means rebuilding communities.

And I don't know if you noticed, significantly just recently, Mark Zuckerberg changed the mission statement of Facebook from connecting friends to building communities. And, of course, you need communities if you are ever to have friends. A British medical charity, called Macmillan Nurses, did a survey six years ago, in 2011, and it came up with the discovery that the average Brit between the ages of 18 and 30 has 237 Facebook friends. When asked on how many of those could you count in an emergency, the average answer was two.

When you belong to a church or a

ing this – but it means teaching every American child the American story without embarrassment. Because you and I remember what people forget – namely, the distinction made by George Orwell between nationalism and patriotism. Nationalism is about power. Patriotism is about pride. Nationalism leads to war. Patriotism works for peace. We can be patriotic without being nationalistic.

It means enlisting not just our cultural heroes but our children and grandchildren's cultural heroes. You know why

We have to have people who have the courage to get up and say that earned self-respect counts for more than unearned self-esteem.

we have grandchildren: because they tell us how these [smartphones] things work. And they have icons, and we need to find their peers of stage or screen or sports who are willing to say, we believe in *e pluribus unum*. We believe, like the University of Chicago, in free speech on campus because we believe that the only

Groucho, not Karl – I'm not yet ready to be an institution.

Therefore, let me, as an entirely unworthy outsider, beg you, don't lose the American covenant. It's the most precious thing you have. Renew it now before it's too late.

Thank you.

Israeli Genocide?

The World is Wrong. Again

by ERIC ROZENMAN

“Everything that needs to be said already has been said. But since no one was listening, it must be said again.”—Andre Gide, 1947 Nobel Prize laureate for literature.

The original blood libel, the accusation that Jews kidnapped and murdered Gentiles to use their blood in religious rituals, began among Greeks in antiquity. It led to massacres of Jews in the Middle Ages, pogroms in the 19th century, and was revived by Nazis in the 20th century.

Yet it was not only false, it inverted reality. The Torah commanded the Israelites to shun the practice of some of their neighbors and not consume animal blood. This requirement was elaborated in the laws of kashrut, including draining and salting kosher meat.

But the libel endured. Why not, since it proved so useful against those Jews, a stiff-necked little minority that infuriatingly insisted God chose it to bring ethical monotheism to mankind? Like a periodically active volcano, it erupted during times of social stress. Once, such time and place was late czarist Russia. During murderous antisemitic hysteria in the 1890s, Asher Ginzburg (his Hebrew pen-name was Ahad Ha'am—"one of the people") wrote that "every Jew who has been brought up among Jews knows as an indisputable fact that throughout the length and breadth of Jewry there is not a single individual who drinks human blood for religious purposes." Therefore, "let the world say what it will about our moral inferiority: we know that its ideas rest on popular logic, and have no real scientific basis."

Ginzburg asserted that the blood libel stood as "the solitary case in which the general acceptance of an idea about ourselves does not make us doubt whether all the world can be wrong, and we [the Jews] are right, because it is based on an absolute lie, and is not even supported by any false inference from particular to universal."

Ginzburg was mistaken. The 20th and 21st centuries have demonstrated numerous cases in which the Jews, or the Jewish state, have been right and "all the world," or at least large chunks of it, wrong. These include but are hardly exhausted by claims that Jews control international finance, run the world's communications media, helped start World Wars I and II to profit from them, concocted the HIV-AIDS virus to attack their enemies, that Israel murders Palestinian Arabs to transplant their organs into Jewish recipients and that Zionism—the multi-ethnic Jewish

justification for Jew-hatred, the resumption of massacres, and ultimately the annihilation of Jews and their state. In doing so, the libel of Israeli genocide of Palestinian Arabs caps the contemporary antisemitic catechism. This dogma merges the old Bolshevik charge of Zionist imperialism, Soviet/Arab League allegation of racism, and contemporary leftist and Islamist slander of the renewal of an indigenous people on part of their ancient homeland as its opposite, Jewish settler-colonialism.

This fall, Ireland elected Catherine Connolly president. She believes Israel and the West should not have "any say about Hamas," which she endorses as a "fabric of Palestinian life," in a post-war Gaza government. As for the Oct. 7, 2023 Hamas-led Palestinian massacres in Israel, Connolly instructs that "history did not start on 7 October" but with "many, many atrocities committed by the Israeli government through their army."

The 20th and 21st centuries have demonstrated numerous cases in which the Jews, or the Jewish state, have been right and "all the world," or at least large chunks of it, wrong.

people's national liberation movement—is racism.

Today, the charge of "genocide" against Israel and its supporters for the war against Hamas and its allies refreshes the blood libel. It provides renewed

■ *They Cry 'Genocide'*

Dissecting Connolly's rise, Brendan O'Neill wrote in Spiked-Online that "she has become the patron saint of Ireland's cult of Palestinianism. ... It's difficult

to overstate the extent to which Ireland has been consumed by the religious fervor of Israelophobia.” In the Irish parliament, “they are hell-bent on seeing that dastardly Jewish nation be arraigned for ‘genocide’—so much so that the Irish government proposed that the International Court of Justice ‘broaden its interpretation of what constitutes the commission of a genocide’ in order that Israel might finally be found guilty of that crime.”

In the United Kingdom, Jew-hatred mainstreamed by a leftist-Islamist alliance in reaction to Israel’s war in the Gaza Strip has resulted in Jewish emigration. Tunku Varadarajan, a fellow at the American Enterprise Institute and New York University law school’s Classical Learning Institute, focused on the genocide charge in a *Wall Street Journal* commentary: “That one word, more than any other, is killing the Jewish way of life in Britain.”

On Yom Kippur, October 2, a British Muslim drove his car into worshippers outside a Manchester synagogue, then attacked them with a knife, killing one. Police gunfire killed a second Jew before killing the attacker. *Times of London* columnist Melanie Phillips told Varadarajan that the assault “took place against the backdrop of two years of demonization, incitement and intimidation directed at the Jewish community. ... [T]his has been orchestrated by a Muslim-Far Left alliance with now almost daily street demonstrations that feature chants to destroy Israel, kill Jews, and ‘globalize the intifada.’ ... [T]hese mobs are allowed to rule the streets with the police doing virtually nothing.”

A day later, Associated Press reported that an estimated two million Italians took to the streets in a 24-hour general strike “in solidarity with Gaza” and to support a self-described international aid flotilla of 40-plus ships attempting to break Israel’s blockade of the Strip. Called by major Italian trade unions, the strike turned out marchers in more than 100 cities.

After intercepting the flotilla, Israel asserted that it carried no humanitarian aid. “It was never about bringing aid to Gaza. It was about the headlines and social media followings,” said a police spokesman. Exactly, so more such flotillas reportedly were planned, additional acts in the theatrical, even ritualistic campaign to save Palestinian Arabs from “genocide.”

In the United States, also early in October, the National Education Association (NEA)—the country’s largest teachers union—sent its nearly three million members a Middle East

... “the Irish government proposed that the International Court of Justice ‘broaden its interpretation of what constitutes the commission of a genocide’ in order that Israel might finally be found guilty of that crime.”

map that erased Israel. Part of NEA’s “Indigenous Peoples Day” (Columbus Day) instructional material, the graphic labeled the Jewish state, Judea and Samaria, and the Gaza Strip as “Palestine” in English and Arabic. The materials in the mass emailing were also linked to anti-Israel websites.

NEA deleted the links after objections, first from the StopAntisemitism organization. A statement from the teachers’ union said it dropped the third-party material from its own website and condemned the “deeply offensive” content. Yet last June, NEA released its handbook of priorities for the coming school year that expunged Jews from the Holocaust. Instead, the handbook called for promoting International Holocaust Remembrance Day by “recognizing more than 12 million victims of the Holocaust from different faiths, ethnicities, races, political beliefs, genders,

and gender identification, abilities/disabilities, and other targeted characteristics.” The handbook also falsely alleged Israel was founded by “forced, violent displacement and dispossession.”

■ **Big Apple Votes Marxist-Islamist**

Late in October, thousands attended a New York City rally for Zohran Mamdani, the Democratic Party nominee who would be elected mayor days later. Mamdani co-founded a Students for Justice in Palestine chapter while in college. He has said support for the

anti-Israel boycott, divest, and sanction (BDS) movement by the Democratic Socialists of America attracted him to the party. After the 2023 massacres, Mamdani repeatedly labeled Israel’s war against Hamas in the Gaza Strip a “genocide.”

The Big Apple’s mayor-elect personifies the “red-green” alliance of convenience. During the campaign, he would not repudiate the “globalize the intifada” slogan—that is, kill Jews wherever they are—of Hamas’ supporters. In *Commentary* online in late October, Seth Mandel noted that at an anti-Israel, antisemitic demonstration in New York in 2023, Mamdani claimed “in New York City, you have so many opportunities to make clear the ways in which that struggle over there [against Israel] is tied to capitalist interests over here.”

One of the speakers at Mamdani’s late October rally was US Sen. Bernie



Israeli soldiers and supporters attend the funeral of late Israeli hostage soldier Hadar Goldin in Kfar Saba, Israel, on Nov. 11, 2025. (Photo: Abir Sultan/UPI)

Sanders (I-VT). Last summer, Sanders falsely declared that Israel “literally starved the people of Gaza,” (In fact, at the time, more than 100,000 trucks with humanitarian aid had entered the Strip after Oct. 7, 2023) and won the support of 26 Democratic colleagues for his proposal to ban certain US weapons sales to Israel.

While New York elected Mamdani mayor, Seattle voters chose Katie Wilson to lead their city. A self-described socialist, she, too, has accused Israel of genocide.

How are the charges of genocide and related claims like starvation fundamentally false, like the original blood libel?

Polish-Jewish lawyer Raphael Lemkin, whose family perished in the Nazi-led Holocaust of European Jewry, coined the term in his 1944 book, *Axis Rule in Europe*. Growing out of the

post-World War II Nuremberg trials of Nazi war criminals, the Genocide Convention was adopted by the United Nations General Assembly in 1948. The convention does not include a legal definition, but characteristically covers an inherent intent to destroy, in whole or in part, a national, racial, ethnic, or religious group as such.

Just as Jewish law forbids consumption of animal blood, Israel’s policy never intended the genocide of Palestinian Arabs. In practice, the opposite. Israel seized the Gaza Strip and West Bank (Judea and Samaria) from illegal Egyptian and Jordanian occupation, respectively, during the 1967 Six-Day War. The estimated combined Arab population of the territories then totaled roughly one million. In 2021, the US State Department put the figure at close to five million. That figure may be “greatly inflated,” according to

at least one critic. Regardless, post-’67 Israeli policy in the territories, including electrification, water and sewage connections, and medical clinics, likely contributed to significant Palestinian population growth.

In fact, the genocide charge sticks to Israel’s enemies. The war in the Gaza Strip has been against would-be genocidaires. Hamas’ 1988 charter called for the destruction of Israel, an Islamic theocracy over it, the West Bank and Gaza Strip, and the annihilation of the Jews. Hamas, Palestinian Islamic Jihad, Popular Resistance Committees, and civilians from Gaza killed nearly 1,200 people in Israel on Oct. 7, 2023, and kidnapped 251 others. It was the biggest one-day mass murder of Jews since the Holocaust, and Hamas politburo member Ghazi Hamad promised many more by the U.S.-designated terrorist group.

■ Reality, Anyone?

According to John Spencer, chair of urban warfare studies in the Modern War Institute at the US Military Academy at West Point, Hamas spent 20 years preparing Gaza for war. It stored weapons in mosques, schools, and residences; installed combat positions throughout civilian areas; and placed command posts under hospitals. It spent more than \$1 billion building 350 miles of tunnels to shield itself, but not non-combatants. Each such act violated international rules of war. So did every launch of the tens of thousands of rockets from the Strip at Israeli civilian targets.

Spencer noted Hamas's use of Gaza's non-combatant population in a "human shield/human sacrifice" strategy. The IDF, on the other hand, "implemented more measures to prevent civilian harm than any military in the history of urban war."

Among other actions, it sacrificed the element of surprise by warning civilians with phone calls, text messages, and leaflets in Arabic to vacate target areas.

No matter. Images of widespread destruction in Gaza necessitated by Hamas' militarization of the Strip, and general news media parroting of unverifiable casualty figures from the Hamas-dominated Gaza Health Ministry, helped turn Western public opinion and governments against Israel. This furthered the Islamists' goal of a stalemated war that would leave them in power and "genocidal" Israelis isolated.

By Oct. 9, 2025, when the ceasefire and Israeli hostage-Palestinian prisoner release mediated by the Trump administration took effect, Hamas and its Western echo chamber claimed 67,000 fatalities in the two-year war. Proof of genocide?

The Gaza Health Ministry number likely counted all Gazans who died during those 24 months. This would have included thousands who perished from natural causes, those who died when terrorist rockets fell short (as much as 20 percent of launches), and all those murdered by Hamas and its allies while

attempting to flee terrorist-controlled areas, reach humanitarian aid confiscated by Hamas, or perceived by the jihadis as opponents.

Regardless, accept the Hamas Health Ministry's number. Accept then too the IDF estimate that it killed at least 22,000 terrorists. Subtract the latter figure from the former. That leaves 45,000 non-combatant deaths, or a ratio of roughly one combatant killed for every two non-combatant fatalities. Col. Richard Kemp, who commanded

Images of widespread destruction in Gaza necessitated by Hamas' militarization of the Strip, and general news media parroting of unverifiable casualty figures from the Hamas-dominated Gaza Health Ministry, helped turn Western public opinion and governments against Israel.

British forces in Afghanistan in 2003, has pointed to United Nations' estimates of one combatant killed for every nine non-combatants in all post-World War II conflicts. Kemp noted that estimates for allied forces in Iraq were 1:3, and in Afghanistan between 1:3 and 1:5. In Gaza, the IDF ratio ranged from 1:0.6 to 1:2, he said. But Hamas fights "from within the civilian population" and "deliberately tries to force the IDF to kill as many of their civilians as possible." As a result, a credulous (when not Jew-hating) world "turns on Israel and falsely condemns it."

The genocide malediction against Israel and its backers, like the blood libel before it, inverts reality to enable the repetition of that crime. As British novelist Howard Jacobson observed, "when, for the sheer irreligious hell of it, we begin withdrawing fellow-feeling from Jews, upturning the moral universe and declaring them guilty of what was done to them, this impiety shows itself first as thinking

the unthinkable, then as saying the unsayable. It is impossible not to ask—how long before we do the undoable?"

The genocide libel against Israel and its supporters will not be defeated by Holocaust education. Leftists, the far right, and Islamists often confiscate Jewish history to make Palestinian Arabs "new Jews" and Jews "new Nazis." "Anti-hate" education may not avail either, in some cases reinforcing bigotry.

A decade ago, Robert Wistrich, director of Hebrew University's Vidal

Sassoon International Center for the Study of Antisemitism, wrote "Antisemitism and Jewish Destiny" for *The Jerusalem Post*. He argued that Israelis and diaspora Jews needed "to rediscover, redefine and reassess their Jewish identity, core Jewish values and the depth of their own connection to the Land of Israel as well as their historic heritage." In what he called their "essential and relentless fight against antisemitism," Jews had to be "worthy of the scriptural promise that 'the Torah will come forth from Zion and the word of the Lord from Jerusalem.'"

At bottom, this is what our enemies fear and what can defeat them.

ERIC ROZENMAN, former communications consultant for the Jewish Policy Center, is author of *Jews Make the Best Demons: "Palestine" and the Jewish Question, on which this article draws in part, and, most recently, The David Discovery, A Novel of the Near Future.*

Influencing Jewish Life

An *in*FOCUS interview with Coach BRUCE PEARL

Coach Bruce Pearl recently stepped down as head coach of the Auburn University men's basketball team, although he remains affiliated with the university. He will be a basketball commentator for TNT Sports and CBS. In 2022, *The Algemeiner* named Coach Pearl one of 100 people positively influencing Jewish life, and he has been an outspoken supporter of Israel in its war against Hamas. *in*FOCUS Quarterly Editor Shoshana Bryen spoke with him recently.

***in*FOCUS: LET'S JUMP RIGHT IN – WHY ARE YOU DOING THIS?**

Coach Bruce Pearl: Number one: I love my country. I love this country. This country saved my family from the pogroms and from the Holocaust.

My grandfather came here when he was 11 years old in 1929, and he brought his three younger siblings. He became a citizen at 32. And he told me that day was the greatest day of his life.

He made sure that I understood that whatever was to happen moving forward, this country saved our family from certain death.

So, the rest of my life, I'm going to be willing to die for my country in service, if that's what's required or asked—or continue to do things, whether it be in education, teaching, working with young people, graduating student athletes, or taking athletes to Israel—to make our country better and stronger.

At the same time, I love my ancestral Jewish homeland. At the same time, we are running out of places in the world where you can live as you can live in this country.

A strong US–Israel relationship has never been more important, because this country has been a place where the diaspora has been able to live and work and achieve and contribute. But even today, when that opportunity is being challenged on both the left and the right, Israel as a lifeboat for the Jewish people is real.

■ *The Maccabiah Games*

iF: YOU WERE INVOLVED WITH THE 2009 MACCABIAH GAMES.

Coach Pearl: I had wanted to coach for Maccabi USA for my whole career. But I was in Division II [*Ed. Men's college basketball grouping*] until 1992. I guess I had to wait my turn. I had to earn it.

iF: BUT YOU DID, AND IT PAID OFF FOR THEM.

Coach Pearl: When people ask, “Coach, rank your championships,” a gold medal in Israel ranks right up there. I took 13 Jewish boys to Israel, and they came home 13 Jewish young men with a much better understanding of their own faith and of how important the state of Israel is to us.

■ *Zionism, Ancestral Homeland, and Social Media Attacks*

iF: YOU CALLED ISRAEL YOUR “ANCESTRAL HOMELAND.” PEOPLE MISINTERPRET THAT. WHY DO YOU THINK ZIONISM—THAT UNDERSTANDING OF OUR ANCESTRAL CONNECTION TO THE LAND OF ISRAEL—BOTHERS PEOPLE SO MUCH? WHY DO PEOPLE THINK THAT IF YOU'RE A ZIONIST, YOU'RE NOT A GOOD AMERICAN?

Coach Pearl: I don't understand it. I get attacked on social media all the time about my advocacy for Israel, to the

point where they say, “Look, if you love it so much, if you want to talk about it so much, just go live there.”

iF: AND YOU SAY?

Coach Pearl: Nothing. One thing I don't do is respond on social media. I read, I learn, I post, I repost, but I don't respond. I have no dialogue, I never have, and I don't plan on it.

My response is to be the best American I possibly can be.

I was never very comfortable with the whole “chosen people” thing, but it's right there in the Bible. Therefore, I have to live, work, perform, teach, father, and donate to a higher authority. I answer to a higher authority. I answer to God as a Jewish man. I don't answer to anybody on social media.

And so, the contributions that I can make as an American in the area of education—we have graduated 51 student-athletes in 11 years at Auburn (maybe the most in college basketball)—are me doing my job, in service to our country.

The Bruce Pearl Family Foundation has given millions of dollars to cancer patients in Alabama—not to research, but to patients — through about 10 facilities across the state. We pay for medication or treatment they can't afford, or, if they're out of work and they can't make a mortgage payment, we help.

In addition, we have given over a million dollars to Children's Harbor through our foundation. In other words, I feel a responsibility as a Jewish



Coach Bruce Pearl helps cut down the net after the Tigers defeated Michigan State in the Elite Eight round of the 2025 NCAA Men's Basketball tournament. (Photo: Mike Zarrilli/UPI)

American—because this country saved my family's life—to give back.

■ America, Race, and Opportunity

iF: YOU SAID OF FORMER PRESIDENT OBAMA, “I GET SO FRUSTRATED WHEN I HEAR WHAT A TERRIBLE COUNTRY WE ARE OR HOW RACIST WE ARE AND HOW THIS IS NOT THE LAND OF OPPORTUNITY FOR EVERYBODY.” HE’S NOT THE ONLY ONE HOW DO WE MAKE THE CASE THAT WE ARE NOT A TERRIBLE COUNTRY; WE ARE NOT A RACIST COUNTRY?

Coach Pearl: We are not. Despite the incredible increase in antisemitism right now on both the left and the right, three Jewish basketball coaches coached in the [college championship] Final Four this year: Todd Golden, Jon Scheyer, and Bruce Pearl.

Don't tell me this isn't the greatest country in the world and the land of opportunity.

My point with President Obama is

simply this: too often, everything was about race. Too often, the message that I felt like President Obama was sending to my players was, “You can't do this because you're Black.”

I don't want my players to work at Chick-fil-A. I want them to own five of them. And I want them to believe—yes, there are obstacles. There were obstacles to my being a Final Four coach. There were universities in this country that weren't going to hire me because I was Jewish. Fine. There are others that would.

There are players and families that won't play for me because I'm Jewish. Fine. But there are others that would. These are not roadblocks; they are obstacles.

No, we're not perfect, and we've got work to do. But we're still the greatest country in the world and the land of opportunity for everyone.

One of the reasons many people who are Democratic Socialists are also antisemitic is that they hate the fact that American Jewry has done so well in a capitalistic, free-enterprise democracy like the United States.

The laws of this land made it possible for anyone to achieve – which was not true when this country was founded. But, in fact, our founders left religious persecution to find freedom and a new way. Why Jews? theology, history, and community.

iF: WHY JEWS? ITALIAN IMMIGRANTS WERE MOSTLY POOR PEOPLE FROM SOUTHERN ITALY. AND IT'S NOT JUST CHRISTIANS AND JEWS. PEOPLE FROM INDIA HAVE THRIVED. PEOPLE WHO FLED VIETNAM. THE HATERS DON'T HATE ITALIANS. IRISH PEOPLE LEFT THE POTATO FAMINE; THEY MADE IT HERE. WHY US?

Coach Pearl: There are some fundamental foundations in historic fact and in the establishment of Christianity that place the Jews on one side, and then Jesus and the disciples and the creation of a new theology for the Gentiles on the other, in Christianity.

As a basketball coach who is

constantly trying to bring people together, I look at it differently.

Well, God doesn't break a Covenant. God has a Covenant with the Jewish people. That Covenant doesn't just go away with the birth of Jesus. It is grafted in.

To me, that connects us to other people. I'm a coach. I'm trying to bring people together. In other words, as a

Republicans are going to turn their back on Israel. I do not think they're going to turn their back on the Jewish people.

■ ***The Ministry of Coaching***

iF: YOUR FOCUS AS A BASKETBALL COACH HAS BEEN BRINGING IN YOUNG MEN AND HELPING TO MOLD THEM INTO ADULT MEN.

No, we're not perfect, and we've got work to do. But we're still the greatest country in the world and the land of opportunity for everyone. President Obama is an example of it. And I think American Jewry is an example of it.

coach bringing people together, I want to celebrate Jerusalem, where Abraham was, where he was willing to sacrifice Isaac, where they had Ishmael. Abraham is the father of all nations. That connects us.

■ ***Are We Going Backwards Theologically and Politically?***

iF: YOU AND I GREW UP 50+ YEARS AGO, BEING ACCUSED OF KILLING JESUS. BUT MY KIDS NEVER HEARD THAT. ARE WE FALLING BACK INTO A THEOLOGICAL RESURGENCE OF THOSE PEOPLE? ARE WE GOING BACK TO OUR CHILDHOOD?

Coach Pearl: Yes, we are. We are absolutely heading back into those times.

The Democrats gave up. The Democrats and those on the left gave up the fight to not tolerate antisemitism in their party. There is a percentage that chose to support Hamas and Israel's enemies, and I think in many ways the Democrats have given up.

What we're seeing right now, however, is that the Republicans are in debate, and there is a war [in the party] going on right now. I do not think the

THEY COME IN AT 17 OR 18 WITH WHATEVER EXPERIENCE THEY HAVE, AND THEY COME OUT AS ADULTS. WHAT DO YOU SEE WHEN YOU GET THEM?

Coach Pearl: This is the ministry of coaching, and this is why coaches do what we do.

We may love the sport, we may love to compete, we may love "the thrill of victory" and hate "the agony of defeat"—but we do what we do because of this ministry: to see things in young people that they don't see in themselves.

You can coach them as hard as you love them. And if you love them and you care about them, you discipline them, you hold them to account, you prepare them for life and its challenges, you teach them how to handle adversity, you teach them to make sacrifices for the betterment of the team, you teach them not to be jealous of another man's success.

And for me, you do it while we're calling on God and giving God the glory. We ask God, "What would You have us do today and every day? How would You have me lead?"

I have a real responsibility when it comes to coaching. I've got to win championships to keep my job, I get that. But graduating young men, taking them to Israel on a summer tour rather than the Bahamas, and making better Christians out of my Christian players—taking them to the Jordan River where John baptized Jesus, taking them to the Western Wall, taking them to the Holocaust Museum—in other words, we're teaching and preaching while we're doing this.

Those decisions have an impact on my young people. We have Bible study. I have a Christian pastor on my team. I'm not trying to "proselytize" Jewish kids. I'm just trying to help my Christian players have a better understanding of their own faith.

■ ***Faith, Identity, and Auburn's Atmosphere***

iF: WHEN THEY COME IN AND HAVE A JEWISH COACH, ARE THEY WITH YOU EMOTIONALLY? DO THEY SAY, "WAIT A SECOND, THIS IS SPORTS AND CHURCH IS SUNDAY"?

Coach Pearl: Nope. That's why they come to play for me.

There are kids who wouldn't be comfortable with that. Just like there might be some places that wouldn't hire a Black coach. That's just how it is. But there are other places that would.

When you come and play for Bruce Pearl, you understand that faith and family are the foundation of our program.

Some parents say, "You know what? We're not going to Auburn because Bruce Pearl is on social media and all he's doing is talking about his support for Israel. I want my kid in the NBA and that has to be the whole focus."

Well, then you're better off going somewhere else. But guess what? Our kids have gone to the NBA, too. And our kids have won championships, and our kids have graduated. And yes, they will have an opportunity to be in Bible study.

iF: GENERALLY, IS THE ATMOSPHERE AT AUBURN GOOD FOR JEWISH STUDENTS, GOOD FOR PEOPLE LIKE YOU WHO WANT TO PROMOTE THE CONCEPT OF RELIGIOSITY IN PEOPLE'S LIVES?

Coach Pearl: It is wonderful. The two most popular Jews in Alabama are me and Jesus. It is wonderful, okay?

Because they embrace the Jewish roots of their Christian faith, and for the most part, they support Israel and believe in Genesis – “Those who bless Israel will be blessed, and those who curse Israel will be cursed.” They believe that.

The SEC [Southeastern Conference] and the southeastern part of this country are receiving an enormous number of students. We have 65,000 students applying for 5,000 spots at Auburn.

■ *Israel and Facts on the Ground*

iF: YOU'RE MAKING A DISTINCTION BETWEEN THEIR CHRISTIAN LOVE OF JESUS—WHICH STEMS FROM ROOTS IN OUR BIBLE—AND A KIND OF POLITICAL IDEOLOGY THAT SAYS ZIONISM IS BAD.

HOW DO YOU DEAL WITH THE CONCEPT THAT SOME OF THESE KIDS TAKE THEIR CHRISTIANITY, AND ON THE ONE HAND EMBRACE THAT, AND ON THE OTHER HAND SAY, “YOU CAN'T HAVE AN ISRAEL, YOU CAN'T HAVE A JEWISH STATE,” OR “ISRAEL COMMITS GENOCIDE,” OR “ISRAEL STARVES PALESTINIAN BABIES”?

Coach Pearl: Go with truth. Take the claim of “genocide.” There were about 160,000 Arabs living in Israel back in 1948. Today, there are 2 million Israeli citizens who are Arab. There are 2 million Palestinians living in Gaza, and there are 2 million Palestinians living in Judea and Samaria. That's 6 million.

So, it's just not true.

The fact is that Israel and its Arab citizenry are a great example of the diversity, religious tolerance, and

acceptance and opportunity for all – Arabs, Christians, and Jews; just like in this country. But that is not the case in the Arab world. That is not the case in [the parts of] Judea and Samaria where Palestinians govern. That is certainly not the case in Gaza.

So, you simply point out the facts. How can there be a woman who cares anything about women's rights who would not be supportive of Israel versus the Islamic extremist world?

And yet, that's what it is.

■ *Young People, Social Media, and the American Dream*

iF: DO KIDS TALK TO YOU ABOUT THIS—PARTICULARLY SINCE OCT. 7, 2023? DO THEY WANT TO KNOW? OR GO THE OTHER DIRECTION: ARE THEY SO IMMERSSED IN SOCIAL MEDIA THAT THEY DON'T HAVE THE RIGHT QUESTIONS TO ASK?

Coach Pearl: There are Christians and Jews who want to know.

The students that I think have the strongest faith—who are in Bible study, going to church, and for Jews, the ones

is not as easily and readily available to 22- to 31-year-olds. Interest rates are high. Home prices are through the roof. The average first-time homebuyer is 40; 25 years ago, it was under 30.

Young people are vulnerable right now—vulnerable to, “Whose fault is it?” And the Jews and Israel are always going to be looked at as the haves, the winners.

iF: PART OF ME THINKS IT MAY BE A GOOD THING THEY ARE NOT SO FOCUSED ON ISRAEL AND THE WAR, BECAUSE MAYBE THEY'RE LESS SUSCEPTIBLE TO PALESTINIAN PROPAGANDA. ON THE OTHER HAND, IF YOU ARE INVESTED AND DO WANT TO KNOW, ONE OF TWO THINGS WILL HAPPEN TO YOU: EITHER YOU'LL COME TO COACH PEARL AND LEARN SOMETHING, OR YOU'LL GO TO SOCIAL MEDIA AND HAVE YOUR HEAD FILLED WITH GARBAGE.

Coach Pearl: Correct. And it goes back to “Free Palestine.” Who wouldn't want Palestine to be free? I mean, who wouldn't want a free United States? Who wouldn't want a free Palestine? It's just

You go there and you see with your own eyes the diversity, the color, the freedoms, the beauty, how much Israelis love the land and are so blessed and grateful to be back in their ancestral Jewish homeland.

who do Shabbat and belong to Hillel—they really want to know. They want to ask questions. They want to learn about it.

But there is a segment of our population that's not in church, not in synagogue, and they don't care. And this is what we're finding right now, especially the danger with our young people.

Right now, for the first time in many, many years, the American dream

that they want it free of the Jews, to either kill them or eliminate them or scare them away.

Eighty percent of the Bible was written about things that took place in Judea and Samaria. So, where is this Palestinian state going to be?

I say things like: “Let's talk about Bethlehem.” We sing beautiful Christmas songs about Bethlehem. We

know that's where Jesus was born. We know there was a very large Christian population in Bethlehem—80, 85 percent—before the Oslo Accords.

Then what? Israel gave Bethlehem to the Palestinian Authority. “You guys have Bethlehem, 20 minutes away from Jerusalem, it's yours. You can govern it.” What happened to Bethlehem? It's now 90 percent Muslim. There are so few Christians living there now. Why? Because they were run out.

■ **US-Israel Education Association and Athletes for Israel**

iF: YOU CHAIR THE US-ISRAEL EDUCATION ASSOCIATION, AND YOU'RE INVOLVED IN ATHLETES FOR ISRAEL. TELL US ABOUT THEM.

Coach Pearl: The US-Israel Education Association has been around since 2011.

Our founder, Heather Johnston, was visiting Israel with her husband, a Christian minister, and saw many Russian immigrants. She saw how they were dressed, obviously bringing all their belongings, very little money. She began to study where they're going to live and where they're going to go, and what they're going to do.

And God spoke to her and said, “This is going to become part of your ministry.”

She started taking congressional leaders to Israel in 2011. She had never met a congressman before. She didn't have anything in the political realm. But she said, “The United States government has got to be a great friend of Israel. This democracy in the midst of all this chaos in the Middle East is important.”

At the time, in 2011, Israel's Iron Dome [anti-missile defense] was being developed. She was able to get then-Rep. Eric Cantor (R-VA) and a few other congressmen to meet with the prime minister. When the congressmen learned more about what Iron Dome could be, they increased the budget four times, and helped Iron Dome get born, and save lives.

Fast forward to 2025. Our organization has been taking congressional leaders and their families to Israel. We take them to Hebron. We take them to Judea and Samaria. We take them to Ariel.

Because we are not a lobby and we are a 501(c)(3), we were able to do that.

And we don't just take them over there. We take them to Hebron, where they have met the sheikhs of Hebron, who are right now in discussions about trying to leave the Palestinian Authority, join the Abraham Accords, and become part of Israel.

And she [Heather Johnston] teaches the Abrahamic covenant to these congressional leaders. They don't just go over there and do the politics. They go over there and have a spiritual journey.

Then, Athletes for Israel: I took my team to Israel five years ago and met Daniel Posner, the founder of Athletes for Israel.

When you ask anybody, “What can we do? How can we help?” The answer is: People just need to come visit. Bring others to visit. Let them see for themselves.

And that's what happens. You go there and see with your own eyes the diversity, the color, the freedoms, the beauty, and how much Israelis love the land and are so blessed and grateful to be back in their ancestral Jewish homeland. They see it, they experience it, they feel it—and then they want to go back, and bring others.

By bringing athletes to Israel, we're expanding our tent. We're bringing campus leaders—who are athletes—to gain their own understanding.

We brought Arizona and Kansas State to Israel and to Abu Dhabi in a celebration of the Abraham Accords a few years ago. I helped get Yousef Al Otaiba, the ambassador from the United Arab Emirates to the United States, to support that program.

This summer, Athletes for Israel is taking Auburn back. We hope to be taking Michigan, Ohio State, Maryland women, and we took Yeshiva University last year.

iF: DOES ATHLETES FOR ISRAEL TAKE PROFESSIONALS AS WELL?

Coach Pearl: They've taken pros. Amar'e Stoudemire, Ray Allen, and others.

■ **Leaving Auburn (Sort Of) and What's Next**

iF: NOW YOU'VE LEFT AUBURN.

Coach Pearl: I'm staying in Auburn. I'm still here. I'm just not coaching the basketball team.

And part of the reason is that my son Stephen Pearl is now a coach. Also, I've been doing this for 30 years. I want to teach and preach and do other things—including TV. I'm on television with Turner Sports and CBS right now. I want to be able to do what we're doing right now.

iF: HOW DO YOU SEE YOUR MISSION FOR THE REST OF YOUR LIFE?

Coach Pearl: The rest of my mission is to be a better husband, a better father, a better grandfather. To get closer and spend more time with the Lord, and in prayer.

And Auburn deserves a lot of credit. I don't know many universities that have coaches who are as vocal about their love of this country and their support for the State of Israel and the fight against antisemitism.

Auburn allows me to do that because I'm expressing my opinion. These opinions and views are mine, not Auburn's, and they helped create that separation.

iF: THAT'S A GREAT PLACE TO STOP, BECAUSE YOU GAVE A REALLY RINGING ENDORSEMENT OF AN IMPORTANT UNIVERSITY—NOT JUST IN SPORTS, BUT AN IMPORTANT UNIVERSITY. PEOPLE HAVE TO KNOW THAT IT'S NOT ALL COLUMBIA AND HARVARD AND NASTY SCHOOLS AND ANTISEMITISM AND PALESTINIAN FLAGS.

Let's Talk About Campus Free Speech and Ethics

by ELDER OF ZIYON

The *New York Times* published two letters in October that perfectly capture the incoherence at the heart of our free speech debates. One lawyer argued that campus speech disruptions matter less than government crackdowns on dissent. Another writer pointed out that protecting white supremacist Richard Spencer at the University of Florida cost more than \$600,000 in security, roughly equivalent to a year's tuition for one hundred students, and free speech does not justify this expense.

Meanwhile, another *Times* article profiled pro-Palestinian activists who feel chastened after intense backlash to campus protests. Some wear masks to demonstrations, worried about job prospects. One Palestinian-American student said simply, "I am scared to talk about Palestine, and I'm Palestinian."

Everyone claims their speech rights are under assault, yet somehow everyone also seems to be silencing everyone else. Campus speakers require small armies for protection. Protesters face professional blacklisting. Students fear expressing their identities. Administrators cave in to political pressure from all sides.

We have lost the ability to distinguish between protecting speech and protecting speakers, between civil disobedience and coercion, between the right to protest and the right to silence others. This is not a free speech crisis. It is an ethics crisis.

I am writing a book that argues that a secularized form of Jewish ethics is exactly what the world needs today. These

are exactly the types of thorny questions that a cohesive ethics framework can help answer, and where today's existing ethics frameworks fall woefully short.

■ *An Ethics Crisis*

Consider how *The Times* article on anti-Israel protests systematically conflates different categories of action. Some students participated in peaceful protests. Others occupied buildings, blocked access to classes, and harassed Jewish students. The article treats these as points on a single spectrum of "protest activity" and "civil disobedience" rather than fundamentally different kinds of acts. But the ethical obligations around speech are not identical to the obligations around

buildings or blocking access to facilities. These are forms of power assertion, not discourse. The article quotes Tyler Coward of the Foundation for Individual Rights and Expression expressing concern about threats "both from the government and from within the university itself that are really damaging the climate for open debate."

But notice what is missing: any discussion of threats from protesters themselves to open debate and free inquiry. When students chant slogans that make Jewish peers feel unsafe, occupy buildings, disrupt classes, and prevent normal university operations, they are exercising power to silence others. Calling it "resistance" does not change its nature.

We have lost the ability to distinguish between protecting speech and protecting speakers, between civil disobedience and coercion, between the right to protest and the right to silence others.

physical obstruction and intimidation. You may have the right to express unpopular views. You do not have the right to prevent others from accessing their workplace, attending their classes, or moving freely through public spaces.

When activists shut down bridges and train stations, they were not engaging in speech. They were using their bodies as weapons to coerce compliance. The same applies to occupying campus

The article quotes activists with wistfulness: "We spent a year thinking about what went wrong. We thought we'd all get arrested, and then everyone would rise up and stop the United States from aiding Israel." This is remarkably revealing. These activists did not think they were participating in conversation. They thought they were sparking revolution. They believed disrupting normal university operations would force others



Anti-Israel demonstrators gather set up an encampment at Johns Hopkins University in Maryland in 2024. (Photo: Robyn Stevens Brody / SIPA)

to see the world as they did and join their cause. This is not the mindset of people engaged in persuasion. It is the mindset of people engaged in coercion.

■ **Weaponizing Rights**

Civil disobedience in the tradition of Martin Luther King, Jr. involved accepting punishment as part of bearing moral witness. Modern campus protesters seem shocked that their actions carried consequences. They occupied buildings and blocked access, then expressed outrage that universities suspended them or withheld degrees. They engaged in tactics designed to impose costs on others, then claimed victim status when they themselves faced costs. There is a coherent ethical framework for protest that crosses legal boundaries: accepting responsibility for the breach, making the moral case so compelling that the punishment itself becomes persuasive, and maintaining nonviolent discipline. What we saw on many campuses was different: attempts to impose costs without bearing them, to

disrupt others' lives while claiming immunity, to silence opposing views while demanding protection for one's own. That is not about exercising rights. It is about weaponizing rights.

The proper response to these thorny questions is not whataboutism. If politicians or campus administrators go too far to penalize valid protests, then that should be called out as unethical as well. The underlying error is treating ethical evaluation as comparative rather than categorical. An act is either ethical or not based on its own merits, not based on whether something worse exists elsewhere. The whataboutism defense reveals how thoroughly rights language has corrupted our moral reasoning. We cannot acknowledge that our side might have done something wrong without feeling we have conceded the entire argument. We have lost the ability to say: "Yes, what we did was problematic, but it does not rise to the level of what they did, and both can be true simultaneously."

Then there are competing obligations that transcend simple questions of free speech rights.

■ **Competing Obligations**

When the University of Florida hosted Spencer in 2017, security cost more than \$600,000. Spencer's organization paid about \$10,000 to rent space. The university paid the rest. One *Times* op-ed argues universities should "proudly pay for as much security as is necessary" to protect free speech. But this misses the fundamental question: is spending the equivalent of one hundred students' annual tuition to protect one speaker a sound allocation of university resources?

This is not primarily a free speech question. It is an institutional ethics question. Universities have finite resources and multiple obligations: educating students, supporting research, maintaining facilities, providing financial aid. The reflex to frame every campus controversy as a free speech issue

prevents us from asking whether universities should be required to host any speaker regardless of cost.

But there is a deeper problem. If people understood the line between speech and coercion, we would never reach the point where threats to peace are so dangerous that half a million dollars in security becomes necessary. Police are needed to protect against violence, not against nonviolent protest. When security costs reach this level, something has gone catastrophically wrong with our civic culture.

■ **Who Incites Whom?**

The massive security requirement reveals one of two ethical failures. Either the anticipated protesters do not understand that disrupting an event through force or intimidation crosses from protest into coercion—in which case our educational institutions have failed to teach basic civic ethics—or the speaker's own words constitute incitement that predictably provokes violence. If Spencer's rhetoric itself incites violence or constitutes threats, then he has disqualified himself as a legitimate campus speaker regardless of First Amendment protections. Universities are not required to provide platforms for speech that crosses from persuasion into incitement. The question is not whether Spencer has a legal right to speak some-

“Does this speech serve truth-seeking or does it incite harm?” we ask only “Is this legally protected speech?” These are different questions requiring different kinds of reasoning—ethical versus legal—and conflating them leaves us unable to resolve the dilemma.

Perhaps the most complex issue involves career penalties. Should students face professional consequences for political activism? *The Times* profiles students “worried the blowback has been so severe that the American belief in civil disobedience to achieve political ends has been eroded.” Jewish ethics offers more nuance than rights language allows. Human dignity suggests people should not face professional ruin for expressing political views, particularly on matters of conscience. But truth-seeking and institutional integrity suggest organizations have legitimate interests in evaluating whether prospective employees' publicly expressed views are compatible with the organization's mission.

The distinction matters. If a student participated in peaceful protest, wrote opinion pieces, or engaged in lawful advocacy, punishing them professionally seems vindictive and wrong. But if they participated in tactics that violated others' rights, engaged in harassment or intimidation, or celebrated violence, then organizations are justified in con-

from Columbia because of how it handled demonstrations. This seems like collective punishment, penalizing students who had no control over administrative decisions. But business figures discouraging employers from hiring specific activists who crossed ethical lines are making individual judgments about specific conduct. That is categorically different. The principle is not “never let politics affect employment decisions.” It is “distinguish between lawful political expression and conduct that violates ethical obligations toward others.”

■ **Restrictions on Campus Speech**

The Times article notes that “some states have tried to put new restrictions on campus speech that are testing the limits of the First Amendment.” A judge blocked a Texas law that would “forbid protest activity at public universities during nighttime hours and would limit noise, among other restrictions.” But noise ordinances are not a free speech issue. Every municipality has noise ordinances restricting how loudly you can play music or set off fireworks, particularly at night. No one considers this a grave threat to liberty. We accept that your right to make noise ends where it creates unreasonable burdens on others' ability to sleep, study, or enjoy their property.

Why should protest be different? To say that protests can violate others' rights while late-night wedding receptions cannot is to twist free speech in ways that make it run roughshod over other rights. The entire idea of competing rights muddies the waters of what is permissible or not. The Bill of Rights allows owning guns, that does not mean one can practice shooting at 2 AM. Rallies with megaphones are no different. The ethical principle is proportionality. Your right to express political views does not override others' right to access their workplace, attend their classes, or move through public spaces. When protest tactics impose costs on people who are not the targets and who have no power to address the

Modern campus protesters seem shocked that their actions carried consequences... They engaged in tactics designed to impose costs on others, then claimed victim status when they themselves faced costs.

where, but whether a university or other institution has an ethical obligation to facilitate it.

The problem is that we have lost the conceptual framework to make these distinctions clearly. Instead of asking

considering that behavior relevant to employment. This is not about punishing political views. It is about evaluating character and judgment.

The article mentions federal judges declaring they would not hire law clerks

protesters' grievances, those tactics cross ethical lines.

All of this confusion reveals the bankruptcy of rights-based frameworks for resolving complex social conflicts. When everyone claims absolute rights

offensive. But tactics that prevent others from hearing speakers, accessing buildings, or conducting normal business cross ethical lines. The test is not whether the cause is just but whether the tactics respect others' equal standing as moral agents.

Universities are not required to provide platforms for speech that crosses from persuasion into incitement. The question is not whether Spencer has a legal right to speak somewhere, but whether a university or other institution has an ethical obligation to facilitate it.

and no one acknowledges competing obligations, we get paralysis punctuated by power struggles. What we need is a coherent ethical framework that acknowledges multiple legitimate interests and provides principled ways to balance them. Start with core values: truth, dignity, mutual responsibility, preventing harm. These are not competing rights that cancel each other. They are complementary obligations that create conditions for human flourishing.

Here is one suggested framework applied to campus controversies.

- **On controversial speakers:** Universities should protect unpopular views, but are not obligated to subsidize unlimited security costs. Rescheduling for safety is not censorship. Refusing to spend \$600,000 on security for one speaker is reasonable resource allocation.

- **On speaker obligations:** Anyone invited to speak should be willing to engage in dialogue, not just broadcast monologues. Speakers who refuse to take questions are not participating in the academic enterprise. They are using campus facilities as platforms for propaganda.

- **On protest tactics:** Peaceful protest, including walkouts and symbolic demonstrations, should be protected even when

- **On professional consequences:** Students should not face career penalties for lawful political expression, even when unpopular. But organizations are justified in considering whether students' publicly expressed views or actions suggest poor judgment or unwillingness to respect others. The distinction is between penalizing political identity and evaluating character.

When everyone claims absolute rights and no one acknowledges competing obligations, we get paralysis punctuated by power struggles

- **On institutional obligations:** Universities must protect students from harassment regardless of political content. When protests create environments in which Jewish students fear attending class, the university has failed. When administrators suspend students for peaceful sit-ins while ignoring harassment of minorities, they have abdicated responsibility. The standard is not ideological neutrality but functional integrity: can all students pursue education without fear?

- **On the difference between speech and incitement:** Calling for illegitimate violence, even in coded language, is never acceptable. Chanting "Globalize the Intifada" or "By any means necessary" are calls to violence that cross the line from free speech into incitement.

This framework will not eliminate controversy. Hard cases remain hard. But it provides structure for reasoning through conflicts that honors multiple legitimate concerns rather than treating every issue as a battle between absolute rights.

The real free speech crisis is not that controversial speakers face protests. It is that we have lost the ability to distinguish between speech and conduct, between discourse and coercion, between protecting expression and subsidizing disruption. A university committed to truth would say: we welcome vigorous disagreement, but we insist on intellectual honesty. We protect speech, but we do not subsidize security circuses. We honor protest, but we prohibit coercion. We evaluate ideas based on their correspondence to reality, not their political

valence. We hold everyone to the same standards of ethical conduct.

That is not censorship. That is integrity. And it is exactly what our universities and our society desperately need.

Elder of Zion *has been writing about Israel, the Arab world and antisemitism on his blog since 2004. He is author of "Protocols: Exposing Modern Antisemitism" and "He's an Anti-Zionist Too! Cartoons by Elder of Zion."*

The Devil, Tucker Carlson and Friends

by YISRAEL MEDAD

Antisemitism is the ultimate lurking hate. It waits, not always patiently, for any and all opportunities to emerge. It might go into remission; nevertheless, it will be primed to take advantage of any social, economic, and political moment that permits its invasion of the discourse of the day, seeking to influence the agenda and the outcome. Humans need to hate as much as they need to love, and Jews are the ultimate target of animosity. That is so because of the breadth of the purported justifications for that hate, which are theological, financial, racist, and social elements that play a role in the insertion of Jew-hatred into politics.

A great battle has developed in the ranks of the conservative movement, and it is focused on the Jews. For years, nay, for decades, Israel has been exploited as a substitute target going back to the pre-state years as well as the early days of the State of Israel. The US State Department, primarily, served as the well of dislike that provided anti-Zionist policies even in Woodrow Wilson's day.

In those years, however, the dislike of Jews per se, rather than policies and positions, was quietly spoken in hushed tones. Rafael Medoff has illustrated this with President Franklin D. Roosevelt and the diary entries of President Harry S. Truman. Of course, there were Henry Ford and Father Coughlin, and their very public antisemitic propaganda efforts. Today, however, something else has emerged, something that is seeking to interlock a nebulous, run-of-the-mill dislike of Jews with a distinctly religiously-defined hatred within the body politic.

Jonathan Chait observed, in a September piece in *The Atlantic*, that

while “a movement dedicated to restoring traditional culture ... is not inherently doomed to devolve into anti-Semitism,” he sees the post-liberal American right has been inadvertently “destroy[ing] the guardrails that restrained antisemitism.” He pointed to Yoram Hazony's words at a National Conservatism conference, sponsored by the Edmund Burke Foundation.

And then, he went dark and dank, retelling his “favorite story ever.” It is the story of Jesus showing up in Jerusalem and “talking about the people in power.” And “they just go bonkers. They hate it. And they become obsessed with making him stop. ‘We’ve got to shut this guy up.’”

Carlson then becomes literary and declares, “And I can just sort of picture

Are Jews and Zionism facing an infection of xenophobic nationalism that possibly can be debated and argued, or is it a theological hatred that cannot be properly checked?

Hazony had complained he was “pretty amazed by the depth of the slander of Jews as a people that there’s been online” in recent years. He accepted there would be legitimate disagreements over American foreign policy toward Israel, but his concern was something darker. “The left has long gone into a rabbit hole of hating Jews,” he said. “I didn’t think it would happen on the right. I was mistaken.”

■ Carlson Emerges

And while that hate on the right had mostly been racist, blood-based, nationalist, and of a fear of being “replaced,” in a link to the immigration issue, a theological foundation has come forward. Tucker Carlson's appearance at the funeral for Charlie Kirk was an outstanding example.

“God is here, and you can feel it,” Carlson opened. “Charlie was bringing the Gospel to the country,” he continued.

the scene in a lamplit room with a bunch of guys sitting around eating hummus ... And there's always one guy with a bright idea, and I can just hear him say, ‘I’ve got an idea. Why don’t we just kill him? That’ll shut him up.’”

To whom was Carlson referring in the minds of the millions who heard his words on that broadcast, live and then archived? Who were those “guys eating hummus”? Were they Romans? Were they Jews? And taking into account the assertion that Israelis did not create hummus, were they Arabs?

Truthfully, though, the more important question is why did Carlson weave into his remarks an unmistakable religious confrontation? One possible factor is that the first news from Turning Point USA, the organization Kirk founded, was his last book. It is an expansion of his adoption of the Jewish Biblical injunction

to rest on the Sabbath day. As Charlie said, “Every Friday night, I keep a Jewish Sabbath. I turn off my phone, Friday night to Saturday night.”

I trust he is not being visited by demons over that.

If Carlson, a declared Episcopalian, could have been upset about that devel-

Tucker Carlson repositioned that theme into an attack on Israel and America’s political support, as well as Christian support for Israel. His guest was Rev. Dr. Munther Isaac, a Lutheran pastor in Bethlehem and a well-known pro-Palestine propagandist some refer to as “the high priest of antisemitic Christianity.”

Already in Mandate times, the theme of a “peaceful coexistence of Muslims and Christians in Palestine” was a central plank in opposition to Zionism.

opment, a converted (since April 2024) Catholic, Candace Owens, can be well understood to meld into her political commentary a strong and assertive religious element. “Israel’s Star of David symbol is a hexagram of a cultic nation.” “Israel assassinated John F. Kennedy” and is a “demonic nation.” She disparaged influencer Debra Lea as “a satanic Zionist”, thereby echoing the words in Revelations 3:9 “Where Jews, who are liars, are of the synagogue of Satan?”

■ **Religion or Politics**

Are Carlson and Candace Owens—with their numerous followers—and others promoting a rhetorical messaging that employs a specific Christian identity to foment anti-Israel feelings rather than a simple political orientation? Are they seeking, subliminally, to reframe an antisemitic narrative to advance policies of nativism and isolationism? Why dress up their secular agenda in Christian anti-Jewish traditions? Why dredge up religious biases?

Are Jews and Zionism facing an infection of xenophobic nationalism that possibly can be debated and argued, or is it a theological hatred that cannot be properly checked?

In April 2024, in a program ostensibly advocating for Palestinian Christians,

Carlson would repeat the maneuver with Agapia Stephanopolus, a Greek Orthodox nun, on Aug. 11, 2025. She spewed forth lie after lie about the reality in Israel and Judea and Samaria.

Are these figures invited for their wisdom or for their appearance as religious authority figures?

Anti-Israel and anti-Zionist propaganda has been taking an ugly form as if a specific tenet of “Christian” faith is being violated and has already spilled into anti-Jewish agitprop. This has been markedly developing ever since Hanan Ashrawi declared in 2001 that “Jesus was a Palestinian” (although I recall her at the 1991 Madrid Conference using that phrase in my presence at a press conference). Then came the “Christ at the Checkpoint” conferences that began two decades ago, as well as the publishing of the 2009 Kairos Document. Pitting Israel and Zionism as enemies of Christians in the Holy Land has been nurtured. Dexter Van Zile then of the Committee for Accuracy in Middle East Reporting and Analysis (CAMERA) saw the problems in 2013.

■ **History**

What should not be neglected is that already in British Mandate times, the theme of a “peaceful coexistence of

Muslims and Christians in Palestine” was a central plank in the opposition to Zionism. It is a fact that the first Muslim-Christian Association was founded in Jaffa in May 1918. J. M. N. Jeffries, writing in Great Britain’s *Daily Mail* on Feb. 8, 1923, played the Christian angle to malign Zionism: “It is revolting that a Christian country such as Britain is should turn the Holy Land into the domain for free-thinking Judeo-Slavs ... our statesmen, fresh from sermons in the chapels of Wales, hand over the country of the Redeemer to infidels.” In 1948, there was the Christian Union of Palestine statement denouncing the United Nations’ partition plan while promoting violent resistance.

Another factor is the evolving Christian-Palestinian theology. An academic review article this year, in Hebrew, in the Van Leer Institute’s “Theory and Criticism,” provides an excellent, if sympathetic and very uncritical, overview of the ideas of Jamal Khader, Geris Khoury, Raheb Mitri, Rafiq Khoury, and others. They have been turning Second Temple history around, creating a new form of replacement thinking and a reidentification of the personage of Jesus.

And it is working for them. For many of the uneducated who have been targeted, Jesus is no longer Jewish but Palestinian. For example, the Latin Patriarchate of Jerusalem posted a tweet on October 25 noting the “Solemnity of the Virgin Mary, Queen of Palestine and the Holy Land.” If anything, she could be referred to as a “Queen of Judea,” a geopolitical term that appears 47 times in the New Testament. In Matthew 2:1 Judea is noted as the birthplace of her son.

A “Palestinian liberation theology” has been fashioned and been coupled with decolonization and couched in terms of ideological linguistics, such as indigeneity. This approach accepts and pushes all the historical myths and political untruths of raw Arab propaganda, as well as the classic disputational rejection of Judaism that Nahmanides experienced in 1263 in Barcelona, while cloaking it all in a false faith framework of exclusionism.

Jews and Judaism are erased from the picture, including the Jewishness of Jesus, while classic twisted antisemitic tropes and formulations are offered in substitution—such as Christ and the church are the “true Israel” and true “covenant people of God.” The Bible, the Crusades, the Inquisition, and the Holocaust are either misrepresented or missing to a large extent in this theology. A new identity of a Palestinian Christian has emerged.

■ **Targeting Evangelicals**

All this is targeting the significant and crucial influence, justly so, of the Evangelical movement, which is pro-Israel and based on the roots of the Restoration movement that emerged in the 1580s. The American connection was strengthened by the meeting of Hebron’s emissary, Rabbi Raphael Chaim Yitzchak Karigal, who in 1773 visited Ezra Stiles, president of Yale College, who became a supporter of Jewish restoration and knew nothing of a “Green Line” or an occupation, but rather, as in Acts 1:8, Judea and Samaria.

It is on this centuries-old background that US Ambassador to Israel Mike Huckabee scoffed at an attack from Tucker Carlson, who accused him of being “seized by this brain virus” of Christian Zionism. Senator Ted Cruz (R-TX), former National Security Adviser John Bolton, GOP strategist Karl Rove, and former President George W. Bush were presented by Carlson as examples of people he dislikes “more than anybody” for their staunch support of Israel. Ambassador Huckabee was pithy, tweeting, “Somehow, I will survive the animosity.” Cruz felt it necessary, when addressing Jewish Republicans, to admit, however, that antisemitism is “an existential crisis in our party.”

There is a problem. A *Wall Street Journal* article suggested “the right has a racism problem ... the racism is concentrated in a faction of MAGA’s online leadership. They call themselves ‘America First.’ If they succeed in making racism respectable again, they will be the ruin of America.”

Georgia’s Rep. Marjorie

Taylor-Greene (R-GA), Tucker Carlson, Steve Bannon, Candace Owens, and Nick Fuentes are mentioned. They are trying to “hijack [Charlie] Kirk’s Turning Point USA movement to advance racist conspiracy theories into the mainstream.”

The questions recently directed at Vice President J.D. Vance, Glenn Beck, and others at TPUSA events attest to this campaign. The Heritage Foundation’s Kevin Roberts debacle, in which he declared the organization’s support for Carlson [but opposition to Jew-hatred] is more evidence of the struggle being waged with dog-whistling terms like the

A “Palestinian liberation theology” has been fashioned
and coupled with decolonization and couched in
terms of ideological linguistics, such as indigeneity.

“globalist class” and a “venomous coalition” serving “someone else’s agenda” becoming acceptable texts.

■ **The Islamists**

There is another factor at play. The state of Christians and Christianity in the Islamic Middle East is worrisome, to say the least. Yet very little do we hear about this from the new antisemitic, anti-Zionists of America First. Is the alliance with jihadi Islam the new coalition, as author and film-maker Dinesh D’Souza said recently to syndicated radio host Mark Levin? Is Carlson’s agenda path dangerous in that it is driving a wedge between the most natural of political partners to maintain Western values, Jews and Israel?

As Israeli historian Benny Morris observed, in line with the essence of the Convergence Theory, individuals with shared traits and grievances, even if from opposite poles, come together in a crowd, bringing their pre-existing tendencies and motivations. Have Muslim and Christian antisemitism converged with an anti-Jewish prejudice to fuel the Free Palestine

protests across the West?

Is a normalization of Jew-hatred acceptable on the right to please a new ally in the sand dunes?

The right-of-center conservative nationalist camp of America faces a choice. Will a revived centuries-old Christian-based hatred of Jews corrupt and taint the country’s politics? Will the appeal to God guide their thinking and actions, as when Tucker Carlson declared that his critics, including author and commentator Ben Shapiro, support Israel “because of the thrill they feel killing their enemies, the God-like power they imagine they have

when they extinguish human life. That’s the whole game for them”?

There are those, both Jews and Christians, faithful to Zion, many multitudes of them, who are working to stem this evil tide. But more attention and more effort must be invested. Even as staunch an ally of Israel as the late Charlie Kirk was unsteady about rejecting alliances with the anti-Israel activists in his milieu.

It is a crucial front in the battle for Jerusalem as much as it is an internal reckoning within the traditionalist political camp in American, and European, politics.

It cannot be ignored and must be a battle waged.

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The Legal Battle Against Antisemitism in Education

by LORI LOWENTHAL MARCUS

As the legal director of The Deborah Project, I use legal tools to fight the spreading surge of antisemitism in public education. In the two years since Oct. 7, 2023—the modern period of Jew-hatred normalization—the vilification of Jews and the Jewish State has spread from the college campuses to high schools and even down to pre-K classrooms. This has occurred in the presence of, and even been promoted by, public education professionals. We’re still in the beginning stages of Jew-hatred indoctrination; if we fight hard and don’t cut corners, we can win. If we try to appease those intent on indoctrination, and those content with allowing it to fester and grow, we will lose. And then it really will be time for Jews in America to flee.

■ What We’re Seeing

One of my clients was a 12-year-old Israeli-American boy. When he first entered middle school in the fall of 2023, he was brutalized by classmates for months. His family, he was told repeatedly, were “baby killers” and that his people were committing genocide. A classmate also announced in the cafeteria that “nobody likes the Jews.” The school and the administration held lots of meetings and even developed a “safety plan” for this boy: he could leave the room to get his phone and call his parents to come get him if he was being tormented. Who cares about stopping the assaults or ensuring his free access to education? But even the safety plan was ignored when he tried to implement it. And nothing more was attempted to stop the trauma

being inflicted on this 12-year-old boy in a suburban school district.

Toward the end of the school year, a group of boys surrounded a 12-year-old Israeli-American. They demanded that he get down on his knees and apologize for being a Jew. That’s right, in 2024, in America, this is what middle school boys came up with. Again, there was no intervention by any “grownups.” The boy was left to fend for himself. And then, on the last day of school that year, some of these same bullies tackled the boy, pulling his pants down in the school yard. Twice. Is there a more potent humiliation for a pre-teenage boy? And once again, the school did nothing effective. There were meetings, yes, but action? No.

In another case, a ninth-grade teacher, riffing on a student’s answer to her that his grandfather hid from the Nazis during World War II, decided it was a good time to tell the class that she knew some Holocaust jokes. Most of the students encouraged her.

We are learning, once again, and it is painful, once again, to know that we are expendable. To those of us whose fathers told us that during the Holocaust, “no one cared about us,” we—I—now must acknowledge that what they said was true: they didn’t care, and they still don’t care.

“How do you get 10,000 Jews into a Volkswagen?” she asked. Her answer: “Put them all in the ashtray.” In this same district, a teacher told a student he could tell she was Jewish because of her nose.

And yet another teacher, this one of world history, began describing the October 7 conflict to his class by talking about the invasion of Gaza by *Israel*. One client in this district was forced to put false answers on her quizzes, such as that Israel set up checkpoints so that they could prevent Arab men from getting to work, and that Palestine was created by the UN in 1947. She wrote those things knowing they were wrong—she would have failed the test otherwise—and knowing that her classmates learned those points “as facts.”

These are just a few of the many and varied cases we have at The Deborah Project.

■ Fighting Back

It is good to be fighting back, using legal skills to fight in the only way we can. We Jews in America, and all Jews throughout the world, are grappling with something none of us could have imagined we would confront anywhere ever again. Sure, we all knew that lots of peo-

ple don’t like Jews. But now Jew-hatred is being taught in public school districts, on college campuses, on podcasts, and in the streets. Its normalization has spread from ugly pockets on the left, and it is

now being openly expressed by very public figures on the right. We are learning, once again, and it is painful, once again, to know that we are expendable. To those of us whose fathers told us that during the Holocaust, “no one cared about us,” we—I—now must acknowledge that what they said was true: they didn’t care, and they still don’t care.

And now, the biggest marker of the normalization of Jew-hatred, of course, is that New Yorkers elected a mayor who not only openly hates Jews and the Jewish State, but who has virtually no managerial skills or budgetary experience. It isn’t as if he had a stellar background, and he happened to hate Jews. No, Zohran Mamdani is just photogenic, telegenic, a snake oil salesman, and it appears to be a bonus, not a disqualifier, that he’s an unabashed Jew-hater.

No one reading this article will be surprised by how bad things are. But what is essential to know is that there are ways to fight back; we do not have to be those “Jews with trembling knees” that Israeli Prime Minister Menachem Begin disdained when he rebuked then-Senator Joe Biden, who had threatened to withhold US aid.

In the now more than two years since we’ve found ourselves in this legal battle, we’ve learned an enormous amount about which legal fora are likely to yield a worthwhile result, and which are disappointments that burn through energy, resources, and time—none of which we can afford.

■ *A Legal Primer*

Let’s start with a short legal primer, legal facts every Jew dealing with antisemitism in education should repeat as mantras. First, in virtually every federal district court in the country, it is the law that public school teachers do not have free speech rights in their classrooms or when otherwise acting in their official capacities as teachers. That’s right, repeat it over and over to yourself and then repeat it clearly and distinctly to anyone who tells you otherwise, whether that’s

your child’s teacher, the superintendent of your school district, or the local teachers’ union.

The impassioned claim by progressive activists shrieking about teaching “their truth” or claiming they are being censored—they’re wrong, you’re right. A big factor in winning this worldwide

... public school teachers do not have free speech rights in their classrooms or when otherwise acting in their official capacities as teachers.

war against the Jews is refusing to back down. Refuse. Stand firm. This arrow in our quiver was placed there by the US Supreme Court.

And what about the argument that the fighting Jews are stifling the deity of free speech by seeking to limit what can be said about Jews? How dare we claim that calling for the world to murder the Jews in their midst is hate speech? Well, boys and girls, that train left the station long ago. When Congress passed the 1964 Civil Rights Act and created “protected classes” against whom certain threats and insults would violate the law, we impinged upon an important right to uphold another one. And it didn’t end there.

A few decades later, sexual harassment became punishable by law through a focused and defiant series of lawsuits. Those lawsuits eventually carved out an area of law proscribing certain kinds of crude, sexist, and sexual remarks and behavior in the workplace. The argument that whole categories of speech, which may be subjectively perceived differently by different people was not sufficient to overcome the creation of a revised legal landscape. And so it must go with threats against and attacks on Jews.

To make a showing in today’s climate of antisemitic harassment in education, two threshold questions must be overcome:

1. Given that most but not all antisemitism is currently cloaked in anti-Zionism, we must show that anti-Zionism is frequently used as a dog whistle for Jew-hatred, and that Zionism is an integral component of Judaism. That isn’t easy for most non-Jews, and even many Jews, to understand.

2. The federal statute that outlaws discrimination in education—Title VI of the Civil Rights Act of 1964—does not include religion in its list of protected classes. We have had significant movement addressing the second problem, which has folded what otherwise would be considered religion for harassment purposes into two categories that are protected: ethnic identity and shared ancestry. This has slowly emerged from opinions issued by the US Department of Education, and courts have begun to recognize this as well.

■ *Where Zionism Fits*

What about anti-Zionism? Is Zionism merely a political position, as claimed by so many folks demanding that Zionists be barred from student organization positions, or as teachers, or as school board members? Or is Zionism fundamental to Judaism? If the latter, attacking Zionists should be subject to anti-discrimination law. This is the battle that is currently center stage in the legal war against Jew-hatred.

It is the battle over protecting Zionists/ism in which the many noxious “As a Jew Jews” play an outsized role. The “As a Jew Jews” (“AAJJ”) are people of Jewish ancestry for whom being Jewish is only of interest when they can flash their “Jew card” to add heft to



Demonstrators gather near Columbia University in New York City on the second anniversary of the October 7 attacks. (Photo: Robyn Stevens Brody/Sipa)

their criticisms of other Jews or Israel. Most AAJJ do not participate in Jewish life and certainly do not feel a connection to Israel, the Jewish State. We have had defendant college presidents blithely dismiss Jewish students suffering from antisemitic trauma, particularly after Oct. 7, 2023, by pointing out that she has “other Jews” for whom Israel and Zionism are unimportant—or worse.

We have sought to overcome this argument in two ways: first, by listing all the times and manners in which the practice of the Jewish religion invokes Zion (Israel): in its thrice daily prayers, every major Jewish holiday, the Jewish calendar, the Jewish liturgy, and in its Jewish religious customs, such as breaking the glass at the end of a Jewish wedding, and ending every Passover seder with the phrase, “Next Year in Jerusalem!”

The second step to defeating the charge that anti-Zionism is not a form of antisemitism is to point out how absurd it would be to claim that because not all Christians attend church services every Sunday and not all Jews attend Shabbat or daily services, those rituals should not be considered integral elements of Christianity and Judaism. It is hard to imagine even the current crop

of Jew-haters claiming that it isn’t antisemitism to attack people for attending Sabbath services. And the vast majority of Jewishly-identified Jews who virtually never attend Shabbat services would be outraged to hear it suggested that attacking the observant practices of Judaism would not constitute antisemitism.

Interestingly, the two times we’ve put the pages-long examples of how central Zion is to Judaism in a legal complaint, the federal court judges (neither of whom were Jewish) were incensed. But we will continue with this effort because this is the central fact: Zionism is inseparable from Judaism, and as such, deserves legal protection.

■ On the Path

Despite the many difficulties, recourse to the law is the only way to protect minorities in the United States and we are heartened by the knowledge that so many other groups—blacks, gays, working women—have had to tread the same hostile path strewn with initial failures and then small progress, and eventually entering that solidified location in the legal landscape of protection for minorities that our system of justice proudly affords.

We are aware that we are operating in two very different fora: the judicial courts and the court of public opinion. The more information we can put into our public documents and the more the general public learns about the various points we are raising, the greater the tide toward a general acceptance of these threshold matters. This is another reason litigation is so important. The arguments we make in one case can be absorbed and spread exponentially.

Of course, an additional factor in our favor now is that we have a sympathetic ear in the executive branch—we haven’t had that for most of the past few decades, when the scourge of antisemitism had been slowly bubbling up to the surface. We also now have sympathetic federal legislators who see it in their interest to press these issues. We must learn to work with these people and help them help us.

Our enemies have been in this march against us for at least 50 years. The attacks on Israel and on Zionism are simply a resurgence of the “Zionism is racism” canard pushed by anti-Western forces, which have been operating to spread these ideas for decades, and which gained a victory in the United Nations in 1975, only to lose it in 1991. We, by contrast, are just now arriving on the battlefield.

We are now where the NAACP Legal Defense Fund was when it was founded in 1940. We have a long road ahead of us to persuade the courts and also the public that Jews and their commitment to Israel are entitled to legal protection—not because we are above criticism, but so that (1) no government-funded teacher can denounce them on their paid time and (2) every Jew is entitled to an environment free from harassment about these issues.

LORI LOWENTHAL MARCUS is director of *The Deborah Project*, a public interest law firm dedicated to representing Jews facing antisemitic discrimination on K-12 and college campuses.

Do Social Media Platforms Have Civic Responsibilities?

by CHRISTINE ROSEN

Private companies such as Meta (which owns Facebook, Instagram, and WhatsApp), Twitter, Snapchat, and the like are clearly not traditional civic institutions. They have users, not citizens; they offer terms of service, not rights; users have no duties to the platform beyond the surrender of their time and attention; and technology companies have great leeway when it comes to content moderation and censorship of users who violate those terms of service. They are for-profit businesses, not institutions devoted to the public good.

And yet the language of civics often infuses discussions of the power and impact of these platforms, and the leaders of these companies often invoke civic virtues to define their missions (and craft a more compelling public-relations narrative). “People see Twitter as a public square, and therefore they have expectations that they would have of a public square,” Twitter’s Jack Dorsey told *Rolling Stone*. He later expanded that assessment, arguing, “Twitter is the closest thing we have to a global consciousness.” Elon Musk repeated the public-square claim during his bid to acquire the platform: “Free speech is the bedrock of a functioning democracy, and Twitter is the digital town square where matters vital to the future of humanity are debated.”

Such invocations of the public square or the town square by the founders of technology companies are not necessarily disingenuous, but they are misleading. These executives use familiar language about civic values even as

their platforms at times allow or encourage behavior that actively undermines those values.

Consider a speech that Facebook founder Mark Zuckerberg delivered at Georgetown University in 2019. The speech made news thanks to Zuckerberg’s announcement of the creation of the Facebook Oversight Board (on which John Samples has served and wrote about in *Social Media and the Appearance of Corruption*), but the speech was also notable as an extended example of a style of Big Tech civic rhetoric that is becoming more common.

In it, Zuckerberg positioned himself as a champion of many fine American principles, most notably free expression.

Unlike a physical public square, the social media public square is neither contained nor truly public.

“I’m proud that our values at Facebook are inspired by the American tradition, which is more supportive of free expression than anywhere else,” Zuckerberg said. He added,

More people being able to share their perspectives has always been necessary to build a more inclusive society. And our mutual commitment to each other—that we hold each others’ right to express our views and

be heard above our own desire to always get the outcomes we want—is how we make progress together. . . .

People having the power to express themselves at scale is a new kind of force in the world—a Fifth Estate alongside the other power structures of society.

Zuckerberg’s invocation of a “Fifth Estate” is meant to imply that, like the “Fourth Estate”—a phrase typically used to describe the press and its important role as a watchdog and check on the powerful—digital platforms perform their own important function in democracy and do so as an equally powerful institution of accountability.

But the Fourth Estate’s position as a social force for good is built on public trust—a trust that has eroded dramatically in recent years. As declining rates of public confidence in the Fourth Estate suggest (only 16 percent of Americans have “a great deal/quite a lot” of confidence in newspapers, and only 11 percent have “some degree” of confidence in television news), the Fifth Estate of social media platforms that Zuckerberg envisions is modeled on a decaying cultural institution.



Social media companies have experienced similar declines in public trust. When Gallup polled Americans in 2021 about which sources of information they trust the most, only 17 percent of Americans age 15–24 said they trusted social media, despite being heavy users of the platforms, and only 12 percent of those over age 40 said the same. (Doctors, by contrast, were trusted by 61 percent and 58 percent of those same age groups, respectively.)

And Zuckerberg’s use of the language of civic engagement, like that of the leaders of other large technology companies, sometimes rests uneasily alongside his goal of enhancing the reputation and profits of Facebook—a fact he only occasionally and obliquely acknowledges. Zuckerberg noted:

But even American tradition recognizes that some speech infringes on others’ rights. . . . A strict First Amendment standard might require us to allow terrorist propaganda, bullying young people and more that almost everyone agrees we should stop—and I certainly do—as well as content like pornography that would make people uncomfortable using our platforms.

It’s perfectly reasonable for a business to make profit its priority; this serves shareholders and contributes to free enterprise more broadly. Businesses regularly engage in image management as well, through advertising and publicity campaigns that emphasize a company’s values and goals.

But the use of civic language by large technology platform companies is doing additional work in this context. McDonald’s, for example, serves as a kind of de facto civic space in many small towns in the US. When Chris Arnade was working on his book, *Dignity: Seeking Respect in Back Row America*, he visited more than 800 McDonald’s restaurants.

I began to see that all across the country, the McDonald’s restaurants were in fact community centers. In towns where things are really dysfunctional, where government services are failing and non-profits and the private sector are failing to help people, McDonald’s is one of the few places that still is open, still has a functional bathroom, and the lights are on.

And yet the McDonald’s CEO does not regularly boast that his restaurants

represent a Fifth Estate, in part because his focus is on promoting his company’s product and how it makes a customer feel (“You deserve a break today” and “I’m lovin’ it,” for example).

Social media platforms take pains to avoid promoting that you are their product; your attention is the commodity in which they traffic and from which they profit. Lofty rhetoric about free expression serves the dual purpose of downplaying that fact while burnishing the image of the social media company.

This works well to a point; what Instagram influencer wouldn’t feel good about her life choices after hearing that her makeup tutorials are in fact contributing to civic health? But it can lead to difficulties when lofty principles clash with the realities of how people behave online.

Unlike a physical public square, the social media public square is neither contained nor truly public. It is individually tailored to each user’s preferences. Everyone might be on the same platform, but we don’t all participate in the same virtual space. Algorithmically refined content creates not a public square, but a space more akin to a virtual yard. You can let others play in your yard (and the neighbors will definitely yell at you if you make too much noise), but it does not

function virtually in the same way that physical civic spaces traditionally do.

In addition, the designers and monitors of virtual “public squares” like Facebook and Twitter, who claim to want to “write policy that helps the values of voice and expression triumph around the world,” as Zuckerberg states, have also demonstrated a tendency—either intentionally or not—to define politics and expression in ways that align with their own political values. Zuckerberg said as much in his Georgetown speech: “When people don’t feel they can express themselves, they lose faith in democracy and they’re more likely to support populist parties that prioritize specific policy goals over the health of our democratic norms.” Whatever your feelings about populism, it has a long history in American democratic politics; for Zuckerberg and his ilk, however, invoking populism as a danger is a way to signal opposition to political movements with which they disagree (voters who supported Donald Trump, for example) while retaining their platforms’ image as a politically neutral space.

I have singled out Zuckerberg and Facebook not only because Facebook (and Meta’s empire more broadly) is the dominant social media platform but also because some of Facebook’s actions lately belie Zuckerberg’s soaring civics rhetoric.

Appearing on Joe Rogan’s podcast in August 2022, Zuckerberg acknowledged that in the lead-up to the 2020 election, Facebook actively censored news stories related to Joe Biden’s son Hunter and the existence and contents of a laptop that belonged to him. Zuckerberg told Rogan:

Basically the background here is the FBI I think basically came to us, some folks on our team, and was like “Hey just so you know, you should be on high alert. We thought that there was a lot of Russian propaganda in the 2016 election. We have it on notice that basically there’s about to be

some kind of dump similar to that, so just be vigilant.”(Twitter placed an outright ban on sharing the story, blocking users from linking to it.)

In this case, the social media platforms were wrong; the laptop story was not a Russian disinformation campaign. It was true. By the time the ban on saying so was lifted, however, the election was over.

It was not the first time the Biden administration has publicly encouraged censorship of controversial issues in the digital “public square.” When Rogan’s podcast featured questions about COVID-19 vaccinations that quickly spread on social media, for example, the Biden administration sent US Surgeon General Vivek Murthy onto MSNBC to scold Big Tech. These platforms are “the predominant places where we’re seeing misinformation spread,” Murthy said, and they “still have not stepped up” to promote only approved public health information. “This is

We should stop using the language of civic responsibility to describe platforms that have demonstrated little intention of promoting civic virtues.

not just about what the government can do,” Murthy said. “This is about companies and individuals recognizing that the only way we get past misinformation is if we are careful about what we say and use the power that we have to limit the spread of misinformation.” Similarly, in May 2021, Facebook ceased censoring stories related to the claim that the COVID-19 virus might have originated from the Wuhan Institute of Virology. “In light of ongoing investigations into the origin of COVID-19 and in consultation with public health experts, we will no longer remove the claim that COVID-19 is man-made or

manufactured from our apps,” Facebook announced.

The timing of Facebook’s about-face suggests it had little to do with its sense of civic responsibility and everything to do with politics. It coincided with the Biden administration finally acknowledging that a lab leak might be a possible cause for the origin of the virus—something many observers had been arguing (and been censored for arguing) for some time.

As these examples suggest, if social media platforms can be said to be practicing civic responsibility at all, it is a reactionary civics, one driven more by fear of potentially negative public relations (or threats from sitting administrations to further regulate the platform) than by a sense of obligation or responsibility.

Can platforms be moved away from reactionary civics to a sense of responsibility, absent the threat of further regulation? Many creative policy and governance proposals have explored

this question, including many of the reports of my colleagues in the Digital Governance Project.

I have a less technical suggestion: We should stop using the language of civic responsibility to describe platforms that have demonstrated little intention of promoting civic virtues. Despite the soaring rhetoric about the public square that people like Dorsey and Zuckerberg like to invoke, our behavior online is less about civic engagement than it is about enjoying an all-day, all-night, all-out brawl. It is time to abandon the idea that social media platforms serve as a kind of digital

commons or digital public square.

Experience has demonstrated that these platforms don't serve the public interest—at least not in any way the public can agree on. Why do we continue to insist they should? Meta is not the Fifth Estate, and Twitter is not our town square. Their scale and ubiquity in people's lives suggest we need something other than the language of civics to guide us in understanding them.

With Musk's acquisition of Twitter and his release of internal files and emails (the so-called "Twitter Files") to independent journalists who have documented how government officials used their power to advocate for the suppression of speech they did not like on the platform, social media companies' claimed devotion to the public interest appears even less robust than it did a few years ago. Indeed, at times, politically motivated censorship seems to have been Twitter's unwritten but eagerly followed policy, particularly regarding issues related to Hunter Biden or the COVID-19 pandemic. If a town square is assumed to allow for many voices to compete in open debate, time and time again Twitter proved itself unwilling to hold itself to that standard.

Many people who use these platforms already understand this, at least intuitively. Christopher Koopman and Will Rinehart at Utah State University, who have done extensive polling about Americans' attitudes of social media platforms, were struck by how many of their respondents in a recent survey rejected the idea that social media platforms acted as a kind of political town hall or public square:

In our recent poll, only 8 percent of voters completely agreed that social media is the primary channel for sharing their political beliefs with others. Only 16 percent even somewhat agreed. This means that for 76 percent of Americans, social media is not where they share political ideas. In fact, only 39 percent of Americans

feel comfortable sharing their politics online. Even more important, over two-thirds—68 percent—actively avoid political conversations online. (Emphasis in original.)

In addition, Koopman and Rinehart found that rather than promoting the virtues of the public square, social media platforms tend rather to encourage the vices of the coliseum: "Far from a public square, social media is largely a spectator sport when it comes to sharing political views. When politics does come up, people come to watch others duke it out, while working hard to avoid participating."

Indeed, if we think of Facebook and other social media platforms as mini-nation-states, we begin to see that their priorities are not in fact free expression but constant surveillance in service of maximizing ad revenue. That's fine for a business. But we should stop talking about them as civic institutions. And we should make it a priority to reckon with the scale and scope of their surveillance and its impact on the quality of information it enables, particularly when it comes to matters under political debate. As Elizabeth Losh argues in *Selfie Democracy: The New Digital Politics of Disruption and Insurrection*, "Masked by the appeal of greater direct democracy, both tech companies and authoritarian figures have amassed power largely through image management and opinion framing rather than through a true broadening of civic life."

We should also distance our politics from branding by these platforms. Barack Obama was the Facebook president, Trump was the Twitter president, and although Biden made feeble attempts to be the TikTok president, he thankfully outsourced his social media presence to his staff. But a bipartisan pattern has been established: When these platforms facilitate a politician's partisan goals, they are hailed as worthy and educational; when they challenge those goals, the temptation, as we have seen, is for the powerful to label inconvenient

stories "misinformation" and pressure platforms to censor. In other words, these platforms work most powerfully to influence, not to educate.

Influence on the scale exercised by social media platforms has significant political consequences. As Jamie Susskind argued in *Future Politics: Living Together in a World Transformed by Tech*:

Politics in the twentieth century was dominated by a central question: how much of our collective life should be determined by the state, and what should be left to the market and civil society? For the generation now approaching political maturity, the debate will be different: to what extent should our lives be directed and controlled by powerful digital systems—and on what terms?

These are important questions for elected officials and government regulators to answer. But they are also important for citizens to ponder. We now know that when discussion of social media platforms' impact turns to broad discussions of civic engagement or democracy, this redounds almost entirely to the benefit of the platforms, which can claim to be supporting "democracy" while sometimes doing some undemocratic things. Sweeping appeals to civic responsibility are all well and good, but the devil, as always, is in the details.

Unlike a physical public square, the social media public square is neither contained nor truly public.

We should stop using the language of civic responsibility to describe platforms that have demonstrated little intention of promoting civic virtues.

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Lawless: The Miseducation of America's Elites

review by SHOSHANA BRYEN

Editors Note: As this review was being written, public anger was growing over judges who had released people convicted of multiple crimes, including felonies, and who had then assaulted, maimed, and murdered innocent people on the streets of our cities. Irina Zarutskia, Roger Borkum, and Bethany MaGee are names you should know.

It's winter. It's cold and dark and driving is mostly a pain in the neck. Baseball doesn't arrive for months. You're looking for a warm, cozy book to read with your glass of wine. This is not it.

Ilya Shapiro's *Lawless: The Miseducation of America's Elites* is scary depressing. No – not scary AND depressing, it is so depressing as to be scary.

To properly appreciate it, go back and read his book *Supreme Disorder*. (Reviewed in the Winter 2021 issue of *inFOCUS Quarterly*.) There, he framed the problem of Supreme Court nominations as having become an “event” in which political proclivities determine the votes to seat – or not seat – a nominee.

From that review:

The selection and vote for a nominee becomes an event in a way it never had been before. And Justices are now understood to sit on the Court to advance policy – the policy of the political party that appoints them. The politician's temptation becomes planning on a Justice making policy for the country, instead of evaluating the constitutionality of measures enacted by the Legislative branch and

signed into law by the Executive.

It also allows Congress to evade its responsibilities by writing broad outlines of law, then commanding the Executive branch to write policy rules and regulations, when Congress should write laws, not hopes and dreams. (emphasis added)

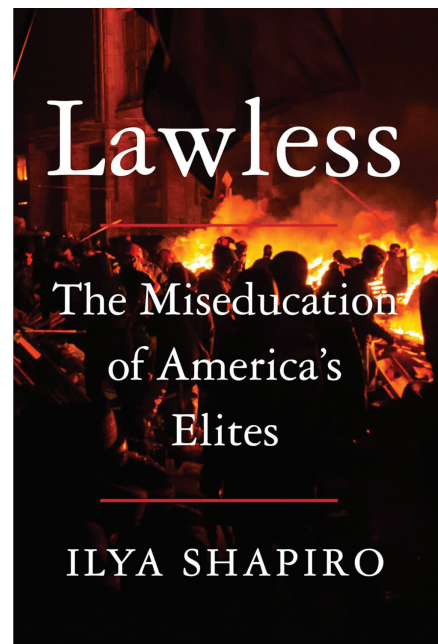
That is Volume 1 of America's legal problem. *Lawless* is Volume 2.

Shapiro traces the transformation of America's law schools, professors, and administrators – and therefore, current and future lawyers and judges – from upholders of American laws as passed by Congress to insidious inculcators of left-wing ideology. And, since “rule of law” is a fundamental principle of American governance, that ideology is likely to seep into every aspect of our lives as they enter the system, pass laws, and argue them in court.

It seeped into his life.

Shapiro is a senior fellow and director of constitutional studies at the Manhattan Institute and a member of the Jewish Policy Center Board of Fellows. He is a former fellow of the *Cato Institute* and editor of 11 volumes of the *Cato Supreme Court Review*. He has testified many times before Congress and has filed more than 500 *amicus curiae* “friend of the court” briefs in the Supreme Court. His J.D. is from the University of Chicago Law School.

All of this made him an excellent candidate for a professorship at Georgetown University Law School. And he was hired there. But a tweet (now X post) drew the wrath of the institution,



setting off a storm in his life and making him personally aware of the depths and severity of the punishment for violating diversity, equity and inclusion (DEI) rules and presumptions.

That is where *Lawless* begins.

The Introduction is crucial. It is a look at a) what he wrote, b) who was offended, c) the contortions of Georgetown Law, which wanted to get rid of him expeditiously and quietly, but failed. In the introduction, Shapiro gets to the heart of the book:

Law schools train future lawyers and politicians and judges, who are the gatekeepers of our institutions and of the rules of the game on which American prosperity, liberty, and equality sit Law students who police their professors' microaggressions and demand the "deplatforming" of "harmful" speakers will eventually be on the federal bench. Even before that, they'll be occupying positions of authority... It would be a disaster for the American way of life to have future generations of lawyers think that applying the law equally to all furthers white supremacy, or that the strength of one's rights depends on one's level of privilege – or that due process and freedom of speech protect oppressors and perpetuate injustice.

There you have it. As Rabbi Hillel said, "All the rest is commentary." Necessary commentary.

■ The Importance of Argument

Chapter One explains why law schools, more than medical schools or business schools, are essential to the future functioning of the American constitutional republic. There are dozens of examples of people chastised, fired, or otherwise forced out of positions. Fear of losing clients, discomfort with certain views, and general cancel culture are all pushing law firms to narrow the scope of the people they hire, making law schools

more inclined to do the initial winnowing of candidates and staying away from controversial topics. This is antithetical to the traditional role of law schools, which is to teach future lawyers and judges how to *argue* their points.

And that is the larger point. Law schools and American society in general are unwilling to argue their points. To do so requires not only knowing YOUR side of the argument but also understanding the rationale on the other side – whether you agree with it or not. It is often enough these days to base one's own argument on feelings unsupported by facts. And never mind what the other guy thinks.

Georgetown University implemented an "institutional learning outcome." All students should graduate with an "ability to think critically about the law's claim to neutrality and its differential effects on subordinated groups, including those identified by race, gender, indigeneity, and class."

Whether through ignorance, laziness, or feelings of innate superiority, this leads to demands rather than conversation, fiat rather than compromise, and an inability to understand that your own argument might be wrong. It also leads, often, to violence.

In public life, it impedes passing specific legislation grounded in American law, and explains why Congress is so often willing to pass "feels right" legislation, relying on the executive bureaucracy to fill in the points. It accounts for judges who ignore the law as written in favor of their own idea of what laws there should be and how laws should be applied.

Chapter Two is entitled, "The

Online Mob Takes No Prisoners." Enough said. But read it for the deep dive into Shapiro's personal, horrifying, and ultimately life- and career-altering situation. Chapter Three, "Cancellation is About Power, Not Accountability," explains itself.

How did it happen? How did we get here? Chapter Five is the answer: "The Problem Isn't Just Ideology But Bureaucracy," in which enormous increases in administrative bureaucracy are shown to account for two major trends:

Increased power for non-professors and non-lawyers to embed DEI and their own personal proclivities in the curriculum.

Vast increases in the cost of law school shape the backgrounds of those who can attend – either because their families are wealthy or because the DEI administrative structure seeks them out.

■ Race Relations

Later chapters take on the role of race relations in America today, and a sense that the founding of our country was fundamentally flawed and racist – who could argue with wanting to get racism out of the system? But for those who have actually read the founding documents, it is clear that while there were racists, sexists, antisemites, anti-Catholics – and anti-everything-else-ists in America, the system itself contained the

mechanism for addressing those problems as, perhaps, people became wiser. It was an inherently optimistic system – nothing fixed in concrete, nothing at the whim of a dictator. (“No Kings” was the battle cry of the Revolution.)

Students and professors will be able to say what they think – and others can agree or disagree – without fear of punishment, harassment, or, in Shapiro’s own case, firing.

The system worked. From slavery to no importation of slaves to no slavery in new territories to the Civil War – to backsliding into Jim Crow – to Voting Rights to the Civil Rights Act, the LAW evolved. The question is rather how the people evolved. There are still racists, sexists, antisemites, anti-Catholics, and anti-everything-else-ists, but the law is not on their side.

Reality notwithstanding, George Floyd and the COVID pandemic imposition of government into every aspect of the lives of citizens reinforced the notion that fundamental changes had to occur in an inherently wicked system.

Georgetown University implemented an “institutional learning outcome.” All students should graduate with an “ability to think critically about the law’s claim to neutrality and its differential effects on subordinated groups, including those identified by race, gender, indigeneity, and class.” This, Shapiro notes, is a prescription for revolution – for ripping up America’s legal heritage along with its history. He cites South Texas University law professor Josh Blackman:

When a university empowers DEI to deem speech “harmful,” DEI will deem speech “harmful.” When a

university empowers DEI to designate space as “safe,” DEI will deem spaces as “safe.” When a university allows DEI to treat some people as “oppressors,” DEI will treat chosen people as “oppressors.” When a uni-

versity teaches students that “harmful” speech has no place on a campus, the students will take steps to prevent “harmful” speech on their campus. This protest was a direct byproduct of what students have learned for years.

This, by the way, is one of the best things about the book. Shapiro gives concrete examples and gives credit. Throughout, you will find journalists and professors who stood for the wrong (as well as the right) things, and examples of colleges and universities that did the same. The scope of underlying disgust of the DEI community with American history, principles, and law is scary depressing.

Is there Hope?

By the time you get to Chapter 13, you are likely ready to throw in the towel. Don’t. First of all, because, as Shapiro notes, “We’re stuck with them.” And second, because:

My beef here is not in the vein of debates between conservatives and liberals as a matter of law or policy. Instead, it is with those who reject the spirit of open inquiry, who argue that the foundation of our society

and its institutions is irredeemably corrupt to the point that it must be blown up and rebuilt.

To recreate the spirit of argument, Shapiro – and collaborators Christopher Rufo of the Manhattan Institute and Matt Beienburg of the Goldwater Institute – have a four-point plan.

- Abolish DEI bureaucracies
- End mandatory diversity training
- Stop political coercion
- End identity-based preferences

Taken together, the argument against arguing disappears. Students and professors will be able to say what they think – and others can agree or disagree – without fear of punishment, harassment, or, in Shapiro’s own case, firing. Congress has a role to play, the executive branch has a role, and so do employers, government and private. But after Fifth Circuit Judge James Ho announced his intention not to hire anyone from Yale because of the school’s illiberal policies, critics made their own list of points:

- It only hurts students
- It won’t change anything
- It is not appropriate for a federal judge
- It is attention-seeking
- It is hypocritical, embracing cancel culture

Well, says Shapiro – argue it out. And that’s the point.

We must embrace real diversity and celebrate the power of debate, dialogue, and disagreement. We must allow ideas to flow freely so our law schools and lawyers can realize their true potential. Nothing less than the health of our democracy is at stake.

Amen.

PS: Read the annotated appendices.

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■ *The Last Word ...*

A Ceasefire is not Peace

Nearly a dozen years ago, the 2014 Hamas rocket war against Israel ended in a ceasefire.

In the ensuing years, Israel and the US should have learned something about “ceasefires” as opposed to “peace.” President Donald Trump’s “peace plan,” however, has the flaw that every such plan has had (in the territories and in Lebanon): the failure of anti-terror forces to control territory and enforce the rules. Absent that, Hamas has reemerged and is rearming in Gaza.

I wrote in 2014:

Hamas rockets have, for the time being, stopped; the current cease-fire is holding. The tunnel threat... alleviated... rocket manufacturing facilities destroyed... arsenal used up; and Hamas achieved none of its strategic goals — not large-scale Israeli casualties or physical destruction... or the opening of border crossings. Israeli children have returned to school, and, after a brief dip, the Israeli economy is expected to grow.

Sound familiar? Keep going.

How do you defeat an armed ideological movement with a territorial base, if you are unwilling to fight in that territorial base?

Control of territory and the ability to subject one’s enemies to enforceable rules is the only known mechanism for ending, rather than managing, a war. Despite the Western propensity for “peace processes” and negotiations, it is hard (impossible?) to find a historical example of one side simply agreeing to give up its mission, arms, ideology, or interests without a forcing mechanism — military defeat.

We don’t like to talk about “winners” and “losers,” preferring to “split the difference” or find a “win-win” formula. But “peace” itself was defined by Machiavelli as “the conditions imposed by the winners on the losers of the last war.”

Oct. 7, 2023, brought about a change in Israeli thinking; a ceasefire is no longer enough. Hamas has to be disarmed and ripped out of the territory in a verifiable and enforceable manner. President Trump was there, once, calling for, “Hell to rain down on Hamas.” But now he appears to have changed his mind. Talk, negotiate, promise, offer, more talk, providing time for Hamas to rearm and reassert itself among the people of Gaza.

And Hamas is using the time.

– Shoshana Bryen
Senior Director