



MAY: Starting in 2019, and until the recent change of administration, Peter Berkowitz served as Director of Policy Planning at the State Department. That's the government idea shop George Kennan established in 1947. Mr. Berkowitz holds a doctorate in political science and a law degree, both from Yale University. He was, and now continues, as the Tad and Diane Taube Senior Fellow at the Hoover Institution, Stanford University, where he studies, thinks, and writes about the principles of freedom of the American constitutional tradition, political ideas and ideologies, national security, Middle Eastern politics, pretty much anything he likes. Glad to be catching up with him so soon after his emergence from Foggy Bottom among other things to learn what impact his adventure in government has had on him. Glad you're catching up with us too, here, on *Foreign Policy*.

Foreign Policy Intro

MAY: So, Peter, welcome. Good to see you, if even only remotely, and get to talk to you. I mentioned that Policy Planning was established by George Kennan. If any listeners don't know who that is, I say, "Go look it up." I believe George Marshall, Secretary of State, asked Kennan to create a Policy Planning Department or staff, I guess, is the correct term. And I believe he instructed Kennan, "Avoid trivia." I guess what Kennan meant was that the strategic arm of the State Department should see the big picture and not get bogged down in day-to-day minutiae. So, is that right, and more importantly, is that possible?

BERKOWITZ: First Cliff it's great to be with you. I'm delighted to be having a conversation, as you suggested so soon after emerging from Foggy Bottom. Is that true about what the Policy Planning staff should do? For sure. Look, 8,000, 9,000 people work inside the Harry S. Truman Building, they staff regional bureaus that focus on regions of the world, they staff bureaus that focus on various functions like international organizations, science, technology, and so on. And these bureaus really do have to contend with the day-to-day challenges of international diplomacy that a great power like the United States confronts. They're always scurrying, anxious, dealing with the next crisis, putting out another fire. Somewhere, Secretary of State Marshall and George Kennan recognized you need at least a small group within the State Department who have both the privilege and the obligation to take a step back, see the bigger picture, think about for example, where are the policies that the United States has implemented? Where are they going well? What could we do to improve or enhance them? Where are they falling short?

Most people don't like to hear about that, including in federal bureaucracy. And what might alternatives look like? But not any old sorts of alternatives, the kinds of alternatives that are consistent with the intentions, the aims, the understanding of foreign policy challenges possessed by the present Secretary of State. So, it falls to the Policy Planning Staff, the current Policy Planning Staff, when I was Director, we had around 22 or 23 full-time members, to think through these kinds of questions. In a way, we're like the U.S. Supreme Court. The U.S. Supreme Court has neither purse nor sword. It doesn't control a budget, it doesn't control an Army. Embassies don't answer to us as they do to various Assistant Secretaries. We don't have budgets to dispense or withhold. We have only the power of our reasoning about affairs of State, and so it's our job, yes, to keep the Secretary informed about the big picture, no less than in Kennan State, to avoid trivialities.

MAY: Now, other notable directors of Policy Planning would include, and I'm picking and choosing here, Paul Nitze, Walt Rostow, Paul Wolfowitz, Peter Rodman. Zbigniew Brzezinski held the job and went on to become President Carter's National Security Advisor, and Antony Blinken held the job and now he's gone on to become Secretary of State. So, who of your predecessors did you find inspiring as you thought about taking this job?



BERKOWITZ: Well, as you suggest, I've had the chance to occupy a position that was occupied by many distinguished figures. But really and truly, I think all of us who have the opportunity serve as Director of Policy Planning operate in the shadow of Kennan. And it's partly because of how the office was founded, what inspired it. As you know, Cliff, some of our listeners probably already know, but it bears repeating, in February 1946, George Kennan, penned what probably is still today the most famous and influential document ever produced by a State Department official, the so-called "long telegram" in which he laid out the emerging Soviet challenge. And I suppose like many of my predecessors who are also successors to Kennan, one of the first things I did upon being named Head of Policy Planning was reread the "long telegram" and then reread the Sources of Soviet Conduct, which is, as you know, a *Foreign Affairs* article that followed the next year elaborating on the Soviet challenge, an emerging challenge.

So, I can say that those essays had direct and lasting impact on me. And one of the reasons, not only because they were so consequential in Kennan's day and because they set a standard, but because the summer of 2019 actually resembled 1946-1947 in at least one crucial way. A new challenge was coming into focus. I don't say it emerged, the Soviet Union did not emerge in 1946, it emerged several decades before. The Chinese Communist Party did not emerge in the summer of 2019; it's been operating for a long time. What was emerging was a recognition that in '46, that the Soviets represented the foreign policy challenge of the age for the United States and represent the threat to freedom of the age, free and open international order.

Similarly, we recognized in the State Department, but here I really must give the credit where credit is due, Secretary Pompeo recognized, and he reoriented the State Department around the recognition that the fundamental threat to a free and open international order in our age and therefore threat to freedom in the United States is the Chinese Communist Party. And so, Kennan provided a way of thinking about the challenge we face. And of course, the idea is not to mimic Kennan for us, the idea was to be inspired how he responded to his challenge to inform how we would respond to our challenge.

MAY: China's important. And I promise, I want to come back to that because I got a bunch of questions about China and your work there. But let me put that off for a second. Is that the job, the Director in particular, that a lot of people I imagine dream about and scheme about, and my impression is you are not such a person, that it's kind of fell into your lap unexpectedly. And you said, "Well, all right, I'll – " Am I correct in that? Am I telling tales out of school?

BERKOWITZ: You're not. During the first few months, I would joke with friends, "Yes, it's true. I'm living a dream as the Head of the Policy Planning Staff. The thing is, it's somebody else's dream." So yes, in the fall of 2018, I'd been minding my business or maybe other people would say "meddling in characteristic ways" as I was writing and teaching. In fact, I happened to be in Jerusalem in the fall of 2018, late summer 2018, when I got a call from the then Head of Policy Planning informing me that the Secretary of State was looking for a new member of Policy Planning who could advise them, in particular, on Israel. Israel is a country whose fortunes are close to the Secretary's heart. He's devoted to a strong and prosperous and free and Jewish Israel. And so, he was looking for someone who could keep him informed about the bigger picture.

I immediately responded, "That's great. Give me a weekend and I'll send you a list of 10 people." And the response I got back, to my surprise, was, "No, we'd like you." I said, "Well, I'm very flattered, but that's impossible." Three weeks later, I had agreed to do it for a year on a part-time basis. And so, I arrived in January of 2019, again, on a part-time basis, only to help keep the Secretary of State informed about issues surrounding Israel. And then we do not need to go into this. About seven months into my tenure as a part-time member, the then Head of Policy Planning was dismissed. And to make a long story short, the Secretary asked me if I would step in. I was already there, I'm older, I had my security



clearance, I was sort of the path of least resistance. And well, a few voices in my head said, “Are you out of your mind?” The voice that came out of my mouth said, “Sir, it would be an honor to serve.” And so, my portfolio expanded greatly in August 2019.

MAY: So, a question that I think a lot of people who are wonky enough to listen to this podcast would want to know, you were a political appointee, you had to work with people who make their careers in government bureaucracies to a great extent. There’s some tension in that relationship, no? Was it better or worse than you expected? How did that work out?

BERKOWITZ: I arrived at a troubled moment for the Policy Planning staff. So, I had my hands full and the team that I assembled, a great group of two wonderful deputies and an excellent Chief of Staff, it’s a young team, we had our work cut out for us putting just the Policy Planning Staff on an even keel. I think we managed to do that within a few months. And you have to understand that probably over 90% of the State Department, I think probably closer to 95%, is effectively permanent bureaucracy. I use that term in a descriptive way, in a neutral way. Meaning these are men and women who work in the State Department, not at the pleasure of the Secretary of State, they’re there before any new Secretary of State arrives, they will stay there after any particular Secretary of State leaves. On the Policy Planning staff, which has, as I said, maybe somewhere between 20 and 25 members, actually we had eventually a relatively high percentage of political appointees, maybe 25 to 30%. Meaning that still most of the Policy Planning team comes from within the State Department, Career Foreign Service Officers or Career Civil Servants.

The difference being Foreign Service Officers also serve overseas, Civil Servants stay in Washington. So inevitably, the Head of Policy Planning spends a fair amount of time working with career people, and then of course the bureaus, regional bureaus, functional bureaus, are totally dominated by career people. And it is fair to say; the newspapers reported on this, that tensions arose between some of the career people and Secretary Pompeo. But we have to understand the multiple dimensions of those tensions. Some of those tensions are just the inevitable function of bureaucracy. There are people who spend a big part of their lives working in these bureaucracies and then political appointees come in, usually in high elevated or supervisory roles. In other words, you have the tension between the careers who often have really on the ground expertise and political officials who sometimes don’t.

And then you have the political tensions. I think I am not speaking out of school in saying that federal bureaucracies tend to lean in a progressive direction. Now of course, it’s one’s professional responsibility to overcome or set aside one’s political preferences and help the Secretary of State and help the administration conduct foreign policy. And let’s just say that some members of the permanent bureaucracy are better able to rise to that challenge than others, but the friction undoubtedly created challenges for Secretary Pompeo and for all of us who were passing through the State Department.

MAY: Yeah. And my reading is that it was harder in this administration than in others, though it’s hard in all administration. I think for the President necessarily, particularly let’s be honest, particularly if the president is a Republican, to get a firm embrace of his policies and a commitment to implement them. You can comment on that, but also, you can just add this to it. I assume your takeaway is that it’s really important to have political appointees, that it’s necessary and essential if the President and his Secretary of State are going to do anything other than make speeches, because without them, the bureaucracy goes its own way.

BERKOWITZ: I think it’s, yes, Cliff that’s well said. It’s absolutely vital. Remember, at the end of the day, the State Department is a part of the Executive Branch. It is designed to reflect the will and the thinking and the priorities of



the President of the United States and his duly appointed people. It is true that there is a conviction – one can find the conviction within the State Department, that somehow the State Department is its own separate branch of government, that official U.S. foreign policy arises out of the deliberations and the writings of career officials, but that reflects a constitutional misunderstanding. So, in order for the State Department also to be democratically accountable, the President needs his or her team in place. That's entirely appropriate, just as we want civilians running the Pentagon.

MAY: All right, we'll move on to issues. We'll start with China, which you raised before and I said I had questions about that. And you talked about the parallel with Russia, then the Soviet Union. Here's the way it strikes me and tell me what you think. At the end of World War II, there were people who were optimistic, let's say, and thought, "Okay, we've been allies with the Soviet Union against Nazism, against fascism. We should stay allies now. There's no real reason we have to be enemies." And they were disabused of that notion over the next few years after the war, as they saw that the Soviet Union had ambitions and was going to essentially assert its authority over countries that we had hoped we had liberated from Nazism and stayed under totalitarian rule for a very long time. I think Truman got this, I think obviously Eisenhower in 1949. The Soviets exploded atomic weapon, so now also we've got that as a problem. So, he then comes up with containment and a strategy and how we're going to deal with what we now know as the Cold War.

With China, here's the interesting thing. Going back to the 1970s, on a bipartisan basis, we had all embraced this theory that as China gets richer, it's going to get more liberal, it's going to get more moderate, it's going to be our strategic partner, it's going to want to participate in the liberal international rules-based order, despite evidence over years and even decades. Very few people challenged this theory until this administration that – well not this administration, the Trump administration, as you say your Secretary of State, Mike Pompeo, also I would say, very much General McMaster as National Security Advisor, Matt Pottinger, the China expert on the National Security Council. They said no, this is not what's happening. China – we may see China as our emerging strategic partner. China sees us as an adversary arrival, somebody to best and beat. And we have to recognize this and figure out what to do about it. It shouldn't have taken decades to figure that out.

BERKOWITZ: Yeah, you're absolutely right. And you give an excellent summary of where things stood, how we got here. But we should also keep in mind, far seeing and acute people might have, and did, in 1917, '18, '19, in the 1920s and '30s said this new thing, Marxism, Leninism, it's totalitarian. Communism by its very nature destroys right and it can't produce in the way that free markets do. Kennan was writing three decades after the Russian Revolution. Now of course, lateness to recognizing the threat presented by the CCP is less defensible because we have the experience of the Soviet Union. Nevertheless, you are absolutely right about the last four decades, in which American foreign policy was animated by the hope, which finds much support in the political science literature that political liberalization follows economic liberalization.

Actually – well, that's the thesis. This was the hope that was embraced. We, in fact, in order to accelerate that inevitable tendency, we sought to engage China, welcome China into international organizations, and all the while the Chinese Communist Party is actually maintaining that we remain faithful to the principles of Marxism-Leninism as interpreted by Mao. We continue to do so. Our loosening of the economy, our overtures to the West should not be misinterpreted by the Chinese people. And we envisage a world in which as China slowly gains power, makes up for its century of humiliation at the hands of Western powers from roughly the beginning of the second third of the 19th century to the middle of the 20th century, we will develop our capacities so that one day Beijing will be where it ought to be, at the center of world order, which bears the imprint of socialism with Chinese characteristics. Now you ask, how did we miss that for so long? The answer is we didn't pay attention to what the Chinese Communist Party was saying about its aims and intentions. Moreover, we didn't look at what China was doing.



One example, a few months after I entered position as Director, I asked every member of the Policy Planning staff to produce a short memo, three to five pages on China's inroads, in your regional area or functional area. Every single member filled five pages with China's worrisome, dangerous inroads in his or her area, starting with the Indo-Pacific, but certainly moving through the Middle East, Africa, Europe, Western Hemisphere, the Arctic. You name it, and also within international organizations. So, we were also not looking at China's conduct. If we had been paying more attention to China's ideas though, the pattern of its conduct would have come into quicker focus. So, if I may, I'd like to have one other point.

Just as one result of Kennan's writings in '46 and '47 was to launch a concerted effort by the United States to tool up its diplomatic core, its security corps by training young people in Russian and Chinese and in the culture, in the history of the Soviet Union so it'd be better prepared to understand our arrival, our adversary. It seems to me, and as much as we are in a similar moment, even though China under the Chinese Communist Party is very different from the Soviet Union, it seems to me it is incumbent upon the United States to launch an effort like the one we did in the 1950s. We should be devoting significant resources. In the way that the FDD has sort of retooled, we the United States, we have to devote significant resources, increase our resources dedicated to training men and women in Mandarin, in the history, the greatest story and history of China, so that we're in a better position to understand the CCP's pronouncements and the CCP's conduct.

MAY: One thing I just want to highlight, and you mentioned it, the extent to which international organizations in which we invited China into these international organizations significantly, the WTO, the World Trade Organization, in fact brought them in as a developing nation, even though they're a very developed nation and they've retained that status, which has some advantages. The extent to which they have, I would argue, taken over these organizations and subverted them to a great extent, the Trump administration attempted to begin to address that didn't do so I think effectively in the end, I fear that the Biden administration is not going to. So, you take the World Health Organization, which is the most obvious example of an international organization whose mission has been subverted.

It's been taken over, I think to a great extent, by the Chinese Communist Party, by China's rulers. And so, it failed in this very important, critical time of this pandemic that came out of China. The Biden administration, I fear, is going to go back into the organization without demanding any reforms whatsoever. The UN Human Rights Council, subverted organization, not just by China, but not least by China. It doesn't promote human rights whatsoever. And rights are a discussion we're going to have in a minute. We're going to probably go back into it and say, "Oh, once we're incited, we can surely effectuate reform." Well no, we've tried that many times and we know we can't, and it's a problem because the international liberal rules-based order is increasingly becoming illiberal and operating under rules manufactured in Beijing and other authoritarian capitals. Again, I think the Trump administration people like yourself were cognizant of that and didn't in the end reverse that process. I fear the Biden administration is going to make believe that this is not a serious problem. We're doing just fine in these organizations.

BERKOWITZ: I share your concerns. As you know, Cliff, and we've talked about this, in November of 2020, the Policy Planning staff published a long paper, *The Elements of the China Challenge*. It has several purposes. One of the purposes was to summarize the ways in which the Trump administration had finally achieved a full break with the conventional wisdom. This had been happening for ten years. Various scholars had been writing on this. We could name easily 10, 15 people on a roll. And I do want to emphasize that yes, General McMaster, National Security Advisor McMaster presided over the publication of National Security Strategy in 2017. Matt Pottinger played an enormous role, presided over the publication of the *China Strategy Paper* in spring 2020. In Policy Planning, we tried, consistent with our mandate, as we already discussed, to step back, give the bigger picture.



Now to the specific point you're making about China within international organizations, in the long part two of the paper, *The Elements of the China Challenge*, we focused on their conduct, and our job was to document, actually to take what various members of the Policy Planning staff had shown inroads, CCP inroads, in their functional areas and lay it all out. And so, among other things, we have discussion of China's schemes of economic co-optation occurring in every region of the world. And we have a short discussion of the ways in which China has very steadily been burying its way into our organizations, incorporating them insidiously in our view, Chinese standards, Chinese norms – I shouldn't say Chinese. You always have to distinguish between them. Chinese Communist Party norms, Chinese Communist Party standards, Chinese Communist Party goals, ways of thinking about domestic politics and foreign affairs.

And this is profoundly destructive. And I mentioned the paper because one of our purposes was to sort of set down a marker and crystallize the state of our knowledge in the fall of 2020 about China's conduct. So that State Department document, and it's a State Department document, can serve as a kind of touchstone. This is what we knew by the fall of 2020 about the CCP's intentions, malign, and the CCP's efforts to achieve an increasing hegemony around the world on behalf of an agenda hostile to freedom.

MAY: Right. Okay. All right. You've mentioned freedom. And I was going to ask you this question, but I think I know your answer. The other topics, the other issues about which you thought bigly while you were in this job, just tick them off. Go ahead.

BERKOWITZ: Well, that I thought bigly about? There's only – China, in a way, defined our thinking. Now I want to emphasize this, but that didn't mean turning our backs on the rest of the world, because to take on the China challenge is to take on China in every region of the world. So, if for example, we're thinking about what the United States can do to promote educational and cultural exchanges with Africa, that's very important, but we would think of that also in terms of the China challenge. When we think about strengthening the transatlantic relationship, at least on the Policy Planning, our thought was the China challenge does not render our historical relationship, our shared values with Europe as less significant. It renders it more significant because of the scope, the magnitude of this challenge. So almost all the issues that we dealt with were in one way or another connected to China, but really there was only – the other very big project that we took on – Policy Planning was, as you know, the Commission on Unalienable Rights, which was housed within Policy Planning for which I served as Executive Secretary.

MAY: And that's exactly, my leading question was meant to lead you there. You mentioned freedom. China has a very different view of freedom and its value and of human rights and of civil rights and other rights. And so, this was something you took on. And it's very interesting and also, it was troubling because you and the Secretary came under withering criticism before you had said a word about rights and what you were going to do. Before you put together the Commission, before you issued a report, they were scandalized by the idea that you would go back to basics, which is, I think what you were trying to do by speaking of unalienable rights.

Unalienable rights, obviously the phrase used by the founders, and this is, it seems to me usually important and easily justifiable America, as far as I know, correct me if I'm wrong is the only nation in the world whose creation was justified based on a concept of rights. Rights that Americans believe, or at least, I guess we used to believe, that no government has the ability to grant, but that every government has an obligation to secure or guarantee for its citizens.

And yet, for you to reiterate this and think about this and talk about this, this was considered – I wrote a column about it myself. There were those – and I would say, not just people, what we call the human rights establishment just went crazy with anger and bitterness over this, that you were going to take on such a thing.



BERKOWITZ: Two illustrations of your point. One, I think it was within two weeks of Secretary Pompeo's announcement that he was forming this commission. Something like 250 human rights organizations former political officials, 99% of did serve in the Obama administration or Clinton administration. Professors, journalists sent an open letter to Secretary Pompeo, still available online in which they demanded that he immediately dismantle the commission whose membership had not yet been named, and use the taxpayer money that was going to be devoted to the commission. I can tell you it's a public number. I think our budget was something like \$250,000. You should know that the State Department's annual budget that year 2019, I think was in the neighborhood of \$51 to \$52 billion. I think this is 0.0005% of State Department's budget. Any case, we should be dismantled, should start all over because we were bound to cause great damage to the cause of human rights.

I, as Head of Policy Planning and Executive Secretary was summoned to Capitol Hill. I think I made five visits in my last visit, a Congressman. I met four or five representatives in one member's office. And one Congressman leaned across a narrow table and said to me something like, "You and your Secretary of State have no idea the harm you are causing to human rights. You have no idea how you're playing into the hands of the Russians and the Chinese." Well, what did he mean by that? He meant something like this. He said, "The very mandate of your commission is mixing up two things. One is universal human rights. The second is America's national traditions. Only harm could come by America looking to its national traditions and thereby, encouraging other countries to look to their national traditions to defend human rights."

Now, I asked this Congressman that whether he was familiar with the 1947, 1948 UN report, that was supervised by the French Catholic philosopher Jacques Maritain. He said, "No." I said, "Well, allow me to inform you that it actually adopts exactly the approach to the Universal Declaration of Human Rights that you are now decrying." "What do you mean?" He said. Well, when the Universal Declaration of Human Rights was being contemplated, Maritain in the UN actually convened intellectual scholars, philosophers from all over the world, including Muslims, Hindus, Chinese, to answer the question, was it possible? Was it feasible to draft a document that different peoples and different nations could sign – a document, sorry. Listing human rights that people from different nations and civilizations could all embrace. And here was the conclusion of the symposium. Yes, it's reasonable to hope that there is a small core of basic principles that diverse peoples and nations can affirm, but it is unreasonable to expect that diverse peoples and nations will reason to these core principles like no torture, no slavery, no arbitrary detention, arrest and exile.

It was unreasonable to expect that they would all reason to them in the same way. It would be unreasonable to expect everybody would invoke Locke, Montesquieu, Cicero, the Bible. But it was not unreasonable to help the different peoples and nations turning to their own traditions would find distinct, moral, philosophical, religious resources." In other words, what the United States was doing, what this independent commission was doing at Secretary Pompeo's request was exactly what was envisaged by those who drafted and originally supported the universal declaration, looking to our traditions to support the commitments that America took on in 1948, voting in favor of the universal declaration. And as we point out in the report of the commission, which came out as you know, in July of last year, we see our report as not only effort to inform our fellow citizens, but as an invitation to peoples and nations around the world to look to their own traditions.

And if I may just mention one more point. This congressman's accusation to me, actually, betrayed misunderstanding of Russia and China and a condescending attitude toward them. His implication was, that any Russian who looks to the Russian tradition or any person in the People's Republic of China who looks to China's tradition will only find authoritarianism, but this of course is not true. The Russian tradition is rich and varied. Chinese civilization is rich and varied. It is possible to turn to these traditions and find resources for affirming the rights that are laid out in



the Universal Declaration of Human Rights. That justification will differ from the one we produce, which as you said, is grounded in America's Declaration of Independence and our belief that the purpose of government is to secure unalienable rights. But we have every confidence that other nations will find their own resources in their own way to affirming the idea that begins, which is the point of departure for the Universal Declaration of Human Rights. Its human beings are born equal in dignity endowed with inherent and inalienable rights, as the UDHR says in its first article.

MAY: So, it would be comforting to think that the only reason there was this anger and outrage at the formation of the commission, and then after the commission issued its report was that there was simply a misunderstanding. They hadn't read enough. They hadn't listened to your lectures. If they had, they would have all been happy about it. I got to tell you, Peter, I think it's insufficient. I think there's much more to it than that. I think there are those, and I guess I have to say mainly in the left, who absolutely repudiate the concept of rights being the claims an individual gets to make against the state. That the state can't intrude on my life in these ways.

That they rather have a notion that anything that the government of course, grants rights, that's who does so. And they can grant any right they want. And they want to be able because it's convenient for them to confuse and conflate our rights, such as freedom of speech, with what one might call an entitlement, a social good. Something you might want to provide for everybody in the country, but that doesn't make it a right in the sense that the founders understood it, in the sense that you and I understand it. But by you're saying that, you're contradicting what they want to do and their power. Maybe you can – first of all, do you disagree with me? And second, can you say it better than I just have?

BERKOWITZ: I don't know if I could say it better than you can, but I agree with you and how. After all, what prompted Secretary Pompeo to create the commission? I wasn't privy to any such conversations, but I strongly doubt President Trump summoned the Secretary of State and said, "Mike, you know what we need at the State Department? We need a Commission on Unalienable Rights." Really, the impetus for the Commission on Unalienable Rights came from the Secretary himself. It stemmed from his perception, that rights that are inherent in all persons, this idea is deeply rooted in the American tradition at the very foundation. And yet, it's in a state of crisis. Why is it in the state of crisis? In significant measure Cliff, for the reason you just identified. There's a confusion out there that somehow all rights are human rights. Or there's a cynical effort out there to transform debatable political preferences into claims of rights.

Because of course, if you have a political preference or a policy for which you have reasons and arguments, well, you and I can debate that in the public sphere. But if you can re-characterize your policy preference as a right, a human right. Well, a human right is universal, objective and necessary and to object to a human right is immoral. So there have been, and one can see this for decades, a battle out there in the public sphere to transform debatable policy preferences. I don't say they're wrong, but debatable, to inarguable rights claims.

And part of the task of the Commission on Inalienable Rights was to distinguish between human rights. The rights you get just because you're a human being, and those other rights. We can call them civil rights, political rights. We can call them, there's another kind of right, an entitlement. Something that through legislation, perhaps we say the government is obliged to provide for all citizens. We distinguish between those, let's call them now positive rights, the right a government can grant you, from those human rights, which are everywhere and always valid, even though governments trample on them. Let me give you one example so everybody understands. Under certain circumstances, the constitution provides people in the United States the right to a trial by jury. That's a constitutional right, created by our charter of government.



They don't do it that way in Europe. This is not to say that due process isn't protected. But in Europe, in the continental system in general, in criminal trials, there's thought to be better ways of securing due process for all than jury trials. So, the jury trial is a right granted by the American constitution. We don't say Europe is violating rights because they don't provide trial by jury trials. Although I must say sometimes a European say that we're violating human rights by providing jury trials, but not to confuse things. The point is some rights are provided to everybody by government. They are contingent. They needn't be in place. But human rights, the rights laid out in the Universal Declaration of Human Rights or in our tradition specifically, unalienable rights. Those are the rights again, as you nicely said at the very beginning, whose existence is not owed to some action by government, but rather whose existence obliges government to refrain from certain kinds of actions.

MAY: Okay. So, I've got two more questions, one related, and it's a hard one, but you recently wrote a very interesting piece called *Reclaiming Common Ground: Racism, Kendi and the Capitol Riot*. And the reason it's really very related to this is because one way to look at the United States is we're the country that, as I mentioned earlier, as you discussed, that established that human rights are the obligation of our government and really every government to secure.

And that doesn't mean we have done it perfectly or even well, it means we believe that this is the obligation. But no other nation that I know of was created on that basis. And I don't think there's any other nation that exists for that purpose. And instead what you have largely, I think dominating the campuses now, increasingly dominating the campuses is the idea that that there are no worse offenders of human rights than the United States, that we are based on systemic violations of human rights. We didn't come up with a system for securing them. We didn't come up with concepts of human rights. We are a society that should be in full-time repentance, because we're worse than anyone else. And I have to say, as somebody who's spent time in a lot of different countries in the world, student in the Soviet Union, as a foreign correspondent in Africa, the U.S. has many sins, but there's no other country I know of that can say, look, we've done a better job on this than you have. So, in a way there's a parochialism to this to say that because human rights have not achieved all we'd like them to achieve in the United States, whatever that is, that therefore we should say we're the worst. And by comparison, everybody else is better than we are.

BERKOWITZ: Yeah. I'm in full agreement with you. We are witnessing a kind of slander of the United States being incorporated into the conventional wisdom, including on campus. I consider the 1619 project at the *New York Times* to have contributed to this. Our report came out in mid-July. So, really amid the riots that were peaceful protests, which deteriorated into violent riots. So, result of the death, the killing of George Floyd, and many people at that time were asking, where does the United States get off championing human rights, publishing such a report amid these riots.

And in a brief prefatory remark, but elsewhere in the report we wrote that we must always distinguish between liberal democracies that fall short of their principles. That's all liberal democracies. And regimes that repudiate the very idea of human beings being born equal in dignity and possessing inherent and inalienable rights. Yes, we have always fallen short, that the country was founded, you could say partly in sin by giving legal sanction to slavery, but as you said, we are for sure the first nation ever anywhere on the planet that was founded explicitly founded on the basis of a universal principle that was applicable to all human beings everywhere. We should be quick to add that doesn't mean that the United States has the right or even the obligation to bring freedom everywhere else. We certainly have an interest and we have an interest in championing it. That's a separate matter.

A second point, and it's very important. Aristotle says in the politics effectively, "That all serious study of politics is comparative politics." It's important to know what your regime stands for. It's important to appreciate how your regime



falls short. But you can't properly evaluate you're inevitable falling short of your regime's principle, unless you see how other human beings organize themselves, the advantages and disadvantages of other forms of government, or the advantages and disadvantages of other kinds of democracies or oligarchies, or for that matter, monarchies and tyrannies.

So, the slander being directed against the United States, that we are systematically racist, that is racist to our core, it seems to me is based upon a deformation of American history. America was not found in 1619. America was not founded – the Declaration was not written and the Constitution was not created in order to preserve slavery, to justify slavery. It seems to me, any reasonable understanding of American history would reach the conclusion that our history is best understood as successive efforts to understand better and realize and practice the founding promise of the rights inherent in all human beings, from the successful struggle to end slavery, Abraham Lincoln's recovery of the Declaration of Independence. The efforts to win the right to vote for women. Martin Luther King's role, the Supreme Court's role in winning civil rights for African-Americans. And successive struggles always are either explicitly invoking the principles of the Declaration of Independence or believing themselves to repudiate them are actually still invoking those principles of individual freedom and to an equality.

MAY: One more question that you've that you sparked for me when you talk about individual freedom. So, the founders saw rights as inhering in the individual. What you hear increasingly, not least on the campuses, is a sort of echo of Marxism where rights don't inhere in the individual, rights inhere in groups and different groups have different rights. In strict Marxism-Leninism, that meant the proletariat had rights. The aristocracy, the bourgeoisie, the kulaki, the rich peasants, they have no rights whatsoever. Different groups, but again, the same concept of, right, that you don't have rights as an individual. You have rights as a member of a group only. That strikes me as dangerous.

BERKOWITZ: It strikes me as dangerous as well, and we should have emphasized, this is not only contrary to the principles of America's founding principles and constitutional government. It's contrary to the principles of the Universal Declaration of Human Rights. The Universal Declaration of Human Rights starts with the individual. Rights in the first place are endowed in individuals.

Now, if we respect a person, we have to respect the institutions that form him. So, the Universal Declaration of Human Rights certainly recognizes that quite explicitly, the family as the essential social unit and insists that every person has the right to a nationality, but that's the right that still, it's grounded in a person. So, go back to an earlier question, Cliff, one of the reasons that our commission's work was denounced even before we began, because it was said that our purpose was to strip women and the LGBTQ community of their rights.

Nothing could be farther from the truth, but that having been said, the subject of our report was actually neither women's rights nor LGBTQ rights. Or for that matter, it also wasn't – the focus of our report wasn't Muslim rights or Christian rights or Jewish rights. The focus of my report, however, embraced all those people. On every page, I think, we affirm that our particular subject and the subject of unalienable rights, the rights of all members of the human family. In other words, that means without regard to your religion, without regard to your race, without regard to your ethnicity, without regard to your sexual orientation or gender. Our subject was those rights you get just because you're born a human being. In other words, we didn't want something – Our subject was not what has as an empirical matter divided this country so much. Identity politics, and the idea that rights are parceled out on the basis of group.

Our subject matter was the rights that you get, just because you're a person. And we should say, I can't help throwing this in, without realizing it, so many proponents of identity politics are really arguing in a vein that really is crystallized in the thought of Karl Marx. Who after all was it that emphasized the idea that societies always have been



divided into an oppressed class and an oppressor class. That's one proposition, but the follow-up proposition is this. The oppressed class is wiser and sees political reality more clearly, and is endowed with greater, Marx said, prerogatives. So, really the division of American society into identity groups really goes along a single line, oppressor and oppressed class. There's one oppressor class. Everybody else is some kind of oppressed class. And the more oppressed you are, the greater are your rights, privileges, and prerogatives. This is extraordinarily dangerous. And for the sake of that civic concord, that actually is essential to not only protecting rights at home, but certainly to defending America's interests abroad, I think we would be well advised to do everything we can to return to our founding understanding of the unalienable rights in every person.

MAY: All right. My final question, here. Your successor as Director of Policy Planning is Salman Ahmed. His background includes stints at the National Security Council. It also, I believe, 15 years at the UN. I just want to know; did you leave a letter for him? And if so, can you tell us what it said?

BERKOWITZ: I did not leave a letter for him, but we had a long conversation shortly after he became Director. And I guess over the course of that hour, I gave a long, meandering, somewhat convoluted exhortation to avoid trivia.

MAY: Peter, it is great to see you, wonderful to talk to you. I'm very delighted and maybe relieved to know that your adventure in government has left you no worse for wear. And thank you all, everybody who is also listening. I hope this was as interesting, edifying, and enjoyable for you as it was for me. Join us again here on *Foreign Podicy*.

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