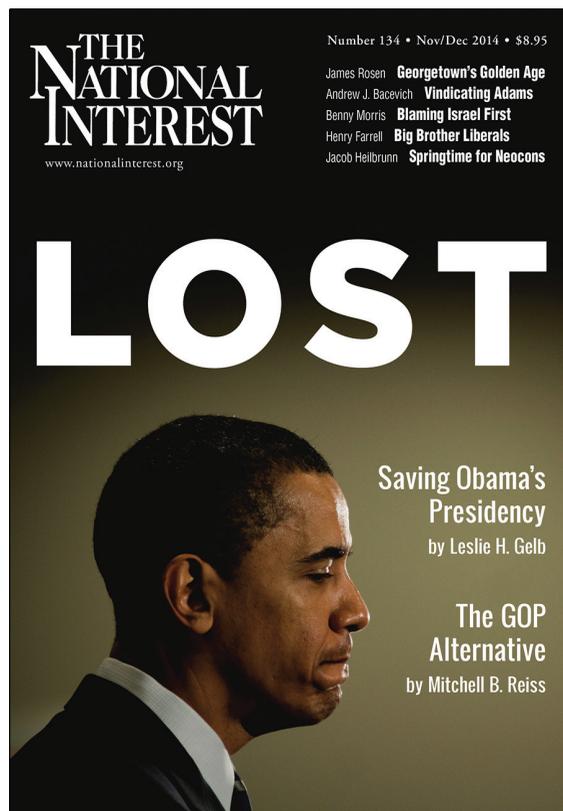


THE NATIONAL INTEREST

Number 134 • Nov / Dec 2014



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Big Brother's Liberal Friends

By Henry Farrell

It is strange that the Obama administration has so avidly continued many of the national-security policies that the George W. Bush administration endorsed. The White House has sidelined the key recommendations of its own advisers about how to curtail the overreach of the National Security Agency (NSA). It has failed to prosecute those responsible for torture, on the principle that by-gones should be by-gones, extending a courtesy to high officials that it has notably declined to provide to leakers like Chelsea Manning. The result is a remarkable degree of continuity between the two administrations.

Yet this does not disconcert much of the liberal media elite. Many writers who used to focus on bashing Bush for his transgressions now direct their energies against those who are sounding alarms about the pervasiveness of the national-security state. Others, despite their liberal affectations, have perhaps always been enthusiasts for a strong security state. Over the last fifteen months, the columns and op-ed pages of the *New York Times* and the *Washington Post* have bulged with the compressed flatulence of commentators intent on dismissing warnings about encroachments on civil liberties. Indeed, in recent months soi-disant liberal intellectuals such as Sean Wilentz, George Packer and

Michael Kinsley have employed the Edward Snowden affair to mount a fresh series of attacks. They claim that Snowden, Glenn Greenwald and those associated with them neither respect democracy nor understand political responsibility.

These claims rest on willful misreading, quote clipping and the systematic evasion of crucial questions. Yet their problems go deeper than sloppy practice and shoddy logic. For one thing, Wilentz, Packer and Kinsley are all veterans of the Clinton-era battles between liberals and the Left. Wilentz in particular poses as a latter-day Arthur Schlesinger, shuttling backwards and forwards between his academic duties and his political fealties. As for Packer, he has championed a muscular liberalism, pugnacious in the fight against moral purists at home and political Islam abroad. And Kinsley, a veteran of the wars over neoliberalism, has always been a contrarian with a talent for repackaging the common wisdom of the establishment as something edgy and counterintuitive.

Each has manacled himself to an intellectual identity forged in decades-old combat with the Left. Each, as a result, is apparently incapable of understanding the actual challenge that Greenwald and Snowden pose to American politics.

National-security liberals like Wilentz and Packer believe that America should be, and much of the time is, a defender of liberty both at home and abroad. A strong America secures liberties at home against

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America's enemies, while promoting those liberties internationally, often through military interventions. This leads them to argue for deference to the political institutions that propagate liberalism in both spheres. Kinsley does not express a coherent political philosophy so much as straightforward horror at the idea that rabble-rousers might decide what national-security information gets published.

Snowden and his companions have shown that national-security liberals' arguments for deference rest on false assumptions. The truth is that not only are America's overseas interventions problematic by themselves, but they are also increasingly undermining domestic liberties. Intelligence efforts that are supposed to be focused abroad turn out to have sweeping domestic consequences. It's impossible to distinguish intelligence data on domestic and foreign actors. Security officials in various countries can work together across borders to circumvent and undermine domestic protections, actively helping each other to remake laws that restrict their freedom of operation. And at home, officials can use these new arrangements to work around and undermine civil rights. This commingling of domestic and international politics is complex and poorly understood. It helps explain why national-security liberals have such difficulty in comprehending—let alone refuting—Snowden's and Greenwald's arguments.

Three specific articles have played a central role in the liberal counterattack against Snowden and Greenwald. In January, Wilentz wrote a lengthy essay for the *New Republic*, lumping Snowden and Greenwald together with Julian Assange as purveyors of "paranoid libertarianism." In its June issue, the British magazine *Prospect* published an article

by Packer, which cited Wilentz in support of the claim that Greenwald and Snowden were Manicheans and zealots. That same month, Kinsley's review of Greenwald's recent book, *No Place to Hide*, appeared in the *New York Times Book Review*, denouncing Snowden as a romantic with a martyr complex, Assange as a narcissist and Greenwald as a revolutionary wannabe.

Each of these pieces filters Snowden and Greenwald through a different distorting lens. Wilentz likes to think of himself as a muscular New Deal Democrat, protecting the legacy of liberalism (and, not incidentally, the politics of Clintonism) from both the Left and Right. On the one side, he has spent decades battling New Left historians who are suspicious of U.S. power. On the other, he has defended an ideal of Jacksonian democracy against the American Right's fear of the state. Hence, it is unsurprising that Wilentz should view Greenwald and Snowden—the one a left-wing skeptic of American foreign policy, the other a libertarian skeptic of the state—with unabashed horror. What is rather startling, given Wilentz's prominence as a writer and historian, is the absence of a coherent argument to structure and discipline his detestation.

To begin with, Wilentz claims that the paranoid libertarians' true agenda has largely been ignored by the media. The "leakers despise the modern liberal state, and they want to wound it," he writes. He treats Greenwald's claim that the NSA and the U.S. government more broadly are deliberately destroying privacy as compelling evidence that the leakers have given up on reform from the inside, and are intentionally attacking something "much larger," by "showing that the federal government has spun out of control" and "destroying the public's faith in their government's capacity to spy aggressively on our enemies while also protecting

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the privacy of its citizens.” Wilentz apparently sees Greenwald and Snowden, quite literally, as enemies of the state. By attacking the NSA, they are undermining faith in the federal government and hence, Wilentz intimates, in liberalism itself.

The greater part of Wilentz’s essay is an exhibition of horrors from the past lives and careers of Greenwald, Snowden and Assange. Unfortunate statements are excavated from their native circumstances for dissection and display. Reconstructed personal philosophies are eviscerated, stuffed and carefully posed in lifelike dioramas. Dubious assertions and intimations of guilt-by-association add color, if not quite verisimilitude, to the artfully constructed scenes.

The whole exercise in amateur taxidermy has the rhetorical purpose of stitching two very different claims together, creating the illusion that they are naturally conjoint. The first is that Wilentz’s antagonists are enemies of the “modern liberal state.” The second is that they are enemies of the “national security state.” The first, obviously, is rather more likely to worry liberal readers than the second. However, Wilentz’s evidence largely concerns the second. He eschews logical argument in favor of a superficially impressive accumulation of quasi-relevant details about his antagonists’ personal histories, which appear intended to suggest connections where none exist.

The resulting artificial monstrosity, like P. T. Barnum’s Feejee Mermaid, doesn’t hold up on close examination. Bits fall off if you poke it at all hard. If Wilentz’s underlying

thesis—that it’s profoundly illiberal to oppose government spying—were expressed in seven words rather than seven thousand, it would be so obviously ridiculous as to be unpublishable in a serious magazine. A more scrupulous presentation of his opponents’ actual words might hurt his case nearly as badly. When Wilentz quotes Greenwald on the NSA’s radical agenda, he fails, for example, to inform the reader that Greenwald goes on, in the same interview, to suggest that we need to have the discussion about government spying “out in the open,” allowing us

as citizens, instead of having this massive surveillance apparatus built completely secretly and in the dark without us knowing anything that’s going on, [to] be informed about what kinds of surveillance the government is engaged in and have a reasoned debate about whether that’s the kind of world in which we want to live.

Calls for “reasoned debate” among informed citizens are the stuff of standard liberalism, not paranoid libertarian rants. For whatever reason, Wilentz declines to mention these and other similar quotes, behaving more as an inquisitor than a public intellectual.

George Packer’s indictment of Snowden and Greenwald is better structured than Wilentz’s, and by far better written. Perhaps no writer alive is as skilled as Packer at conveying an air of weary and hard-won rectitude in a world of ethically ambiguous choices. It is un-



fortunate that this moral aristocratism is so deplorably misemployed. If anything, Packer’s article is more actively misleading than Wilentz’s.

Like Wilentz, Packer views Snowden and Greenwald in the context of his own decades-long battle against the Left. However, Packer’s animus is subtly different. Long before Snowden’s revelations came out, Packer excoriated the American Left for its “coy relativism,” accusing the American tradition of “political dissidence . . . at least since Thoreau” of having a “sneering contempt for average American life and a sentimental insistence that reality simply fall in line behind enlightened feelings.”

Packer sees the American Left as irresponsible and naive, preferring to congratulate itself for its illusory moral purity rather than confront the difficult questions of how to use American power to advance the cause of liberalism. As an alternative, Packer has proposed a robust American liberalism that embraces

the complexities of modernity and is unashamed to prosecute the international fight against “political Islam” and “all people who fear and hate the modern democratic world, with its fluidity, its openness, its assertion of the individual’s freedom and of human equality.”

This understanding of politics harks back to Max Weber’s emphatic contempt for those who prize the purity of “ultimate ends” over the true political ethic of “responsibility,” under which politicians do morally dubious but pragmatically necessary things to advance their causes. Unlike most realists (who have also been affected by Weber’s ideas, as filtered through Hans Morgenthau), Packer believes that there is substantial scope for America to rework the world according to liberal ideals. First, however, American liberalism has to overcome two internal challenges—liberals’ own pusillanimity and the broader tendency to abstain from the grind and compromise of everyday politics.

Hence Packer describes Snowden as an “American type” in the tradition of Thoreau, who follows his conscience “regardless of where it takes him.” Packer quotes Snowden as saying that when driven to it, “you realise that you might be willing to accept any risk and it doesn’t matter what the outcome is.” For Packer, this is proof of Snowden’s political absolutism. He says, “Not caring about the outcome is what Max Weber, in ‘Politics as a Vocation,’ called ‘the ethic of ultimate ends,’ in contrast with ‘the ethic of responsibility.’” However, Packer does acknowledge that without “this ethic” and “the uncompromising Thoreauvians who wear it as a badge of honour,” Americans might never have known about mass surveillance.

Nonetheless, Snowden’s “distrust of institutions and hostility to any intrusion on personal autonomy place him beyond the sphere in American politics where left and right are relevant categories.” Instead, Packer describes Snowden as exemplifying a libertarianism that “tends towards absolutist positions, which grow best in the mental equivalent of a hermetic laboratory environment,” and which is “often on the verge of rejecting politics itself, with its dissatisfying but necessary trade-offs.” This libertarianism reflects Greenwald’s views too, “though not completely.” While Packer acknowledges that Snowden and Greenwald have made some important findings, he describes them as anti-institutionalist ideologues (Greenwald is a demagogue with a “pervasive absence of intellectual integrity”) whose pursuit of radical individualism has marginalized them from ordinary democratic debate.

To be sure, Greenwald is a bit of a bruiser, with a litigator’s eye for facts and arguments that promote his own cause while discrediting his opponent’s (which is another way of saying that, from a Weberian point of view, Greenwald is

not a scholar but a politician). Perhaps, then, Packer’s patrician disdain can in part be forgiven. What is quite unforgivable are Packer’s own dubious standards of argument, which are starkly at odds with his *de haut en bas* style of ethical condescension.

Packer plainly misrepresents Snowden. He is wrong to claim that Snowden’s statement that the outcome doesn’t matter fails Weber’s test of political responsibility. Snowden is not saying that he doesn’t care what happens as a result of his actions. He is saying (as the previous sentences, which Packer doesn’t quote, make emphatically clear) that he doesn’t care what happens *to him*. From a Weberian perspective (in which the true political actor derives the meaning of his vocation from his service to a cause), this is more admirable than problematic.

Packer furthermore cuts off this purportedly damning quote just before Snowden clarifies why he leaked the documents. In the original interview, Snowden says:

If you realize that that’s the world that you helped create, and it’s going to get worse with the next generation and the next generation, who extend the capabilities of this sort of architecture of oppression, you realize that you might be willing to accept any risk and it doesn’t matter what the outcome is *so long as the public gets to make their own decisions about how that’s applied* [italics added].

Far from rejecting democratic politics, Snowden states that his actions were intended to provide the public with information that had been hidden from it, and choices that had been taken away (a point he has stressed in subsequent interviews). By cutting off the quote, Packer encourages the reader to infer that Snowden doesn’t care about the consequences of his actions

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for American democracy, and is instead burnishing the mirror of his own moral rectitude. Perhaps Packer believes that this misleading truncation represents Snowden's true beliefs better than Snowden's own words. If so, he should have quoted those words in full, explained why he believes them to be untrue and allowed the reader to decide.

Michael Kinsley's aristocratism is more straightforward. He does not object to leaking so much as to these particular leakers. They are not, apparently, the sort of chaps to whom one ought to entrust such sensitive political decisions.

In his review, Kinsley argues that not only can we not trust Glenn Greenwald with decisions over the disclosure of information, but we shouldn't trust journalists or publishers either. While Kinsley acknowledges that the Snowden revelations were a "legitimate scoop," which revealed criminal behavior by the NSA, he argues that governments have to have the "final say" over which information gets published in democracies.

This apparently straightforward argument became more tangled as Kinsley responded to attacks by Margaret Sullivan, the public editor of the *New York Times*, and Sue Halpern in the *New York Review of Books*. As he has responded to these critics, it has become increasingly clear that his views are incoherent and muddled—less interesting for the questions they address than for those they avoid.

He agrees with his critics that certain

previous leakers like Daniel Ellsberg and Neil Sheehan shouldn't have been imprisoned, and claims that leaks in the public interest should always be retrospectively protected. He declines to explain what the public interest is, or to discuss exactly when journalists should be sent to jail and when they should be allowed to leak, claiming that the question is "complicated and I have other things to do" (perhaps his conjecture is too large to fit between the margins of the *New York Times* website). Kinsley does suggest, in his response to Halpern, that at least one class of journalists can be relied on to do the right thing with sensitive information—trusted friends of Michael Kinsley like "Bart Gelman [*sic*]," who has indeed done excellent journalism. The "other characters in this drama," such as Snowden and Greenwald, "not so much."

Kinsley's objection concerns what a member of the British ruling classes might describe as Greenwald's and Snowden's lack of soundness. He clearly believes that neither Greenwald nor Snowden has the right disposition to make good choices in ticklish situations. In Kinsley's eyes, Snowden has the "sweet, innocently conspiratorial worldview of a precocious teenager," while Greenwald possesses the same personality type as Robespierre and Trotsky.

This obsession with personality means that Kinsley's review of Greenwald's book has remarkably little to say about its actual topic (NSA surveillance). Instead, he devotes most of his jejune essay to the far more urgent topic of the relationship

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between journalistic ethics and Greenwald's purported fanaticism, paranoia and self-obsession.

His arguments are both beside the point and dubiously sourced. For example, Kinsley claims that the fact that Greenwald and his fans can express their views without being punished "undermines his own argument that 'the authorities' brook no dissent." This might have been a respectable debating point if Greenwald's book had not discussed the repeated harassment and detention of his colleagues Laura Poitras and Jacob Appelbaum by immigration officials, apparently in retaliation for the high crime of annoying U.S. authorities. Similarly, Kinsley sneers at Greenwald's indignation at David Gregory, who asked Greenwald why he shouldn't be prosecuted as a criminal. The continued efforts of U.S. prosecutors to redefine the politics of leaking so as to indict journalists as well as their sources suggest that Greenwald had every right to be worried and angry.

No doubt Greenwald is not overly modest, subtle or generous to his opponents. Yet this is beside the point. Greenwald makes a strong case that the advent of the Internet has made mass surveillance far easier and more dangerous than in the past, and he provides mountains of well-documented evidence to support it. And Kinsley?

Rather than responding to this case, he prefers to pretend that Greenwald is a paranoid pseudorevolutionary, and goes on to pick a fight over journalistic ethics. In Kinsley's account, Greenwald's

personality flaws and obsessions explain why he is frightened by ubiquitous online surveillance. Hence, there's no need to worry about whether he is right.

Kinsley here exemplifies a broader problem. Halpern has observed that Kinsley and other critics of the leakers like to focus on Greenwald's and Snowden's purported personal flaws rather than the issues that motivated them to act. Put differently, Kinsley, Wilentz and Packer have a hard time distinguishing between personality and politics. Each apparently believes that Greenwald's and Snowden's radical political beliefs show them to be paranoid demagogues, while their paranoid demagoguery demonstrates the worthlessness of their radical beliefs. This circular reasoning allows them to circumnavigate the difficult question of whether Snowden and Greenwald might be largely right, and what this might mean for liberalism.

In short, Wilentz, Packer and Kinsley are a dismal advertisement for the current state of mainstream liberal thought in America. The fundamental problem is not that they're disagreeable to their opponents (who can certainly be disagreeable themselves). It isn't even that their unpleasantness is hypocritical (although it surely is). It is that the unpleasantness and hypocrisy conceal an intellectual void. When the screen of misrepresentations, elisions, prevarications, misleadingly curtailed quotes, historical grudges and ad hominem attacks is removed, there is nothing behind it.

This absence is all the more depressing because Wilentz, Packer and Kinsley are

probably as good as it gets. There are no prominent national-security liberals who have done better—and a few who have done worse, lapsing into baroque conspiracy theories. Their failure is not simply a personal one. It's the failure of an entire intellectual tradition.

Why do national-security liberals have such a hard time thinking straight about Greenwald, Snowden and the politics of leaks? One reason is sheer laziness. National-security liberals have always defined themselves against their antagonists, and especially their left-wing antagonists. They have seen themselves as the decent Left, willing to deploy American power to make the world a happier place, and fighting the good fight against the knee-jerk anti-Americans.

This creates a nearly irresistible temptation: to see Greenwald, Snowden and the problems they raise as antique bugbears in modern dress. Wilentz intimates that Greenwald is plotting to create a United Front of anti-imperialist left-wingers, libertarians and isolationist paleoconservatives. Packer depicts Greenwald and Snowden as stalwarts of the old Thoreauvian tradition of sanctimonious absolutism and moral idiocy. Kinsley paints Snowden as a conspiracy-minded dupe and Greenwald as a frustrated Jacobin.

Yet laziness is only half the problem. A fundamental inability to comprehend Greenwald and Snowden's case, let alone to argue against it, is the other half. National-security liberals have enormous intellectual difficulties understanding the new politics of surveillance, because these politics are undermining the foundations of their worldview.

Since September 11, 2001, surveillance has been quietly remaking domestic politics and international relations. The forces of globalization, which rapidly

accelerated during the 1990s, made travel, trade and communication far easier and cheaper between the advanced industrial democracies and a key group of less developed countries. The 9/11 attacks exposed the dangers of interdependence. Domestic-security agencies sought—and usually got—vastly expanded resources, allowing them to implement new forms of large-scale data gathering, analysis and sharing. The risks and opportunities of interdependence also led them to work together across borders in unprecedented ways. Not only was it far easier and cheaper than ever before to gather information on how ordinary members of the population were behaving and communicating with each other, but it was also far easier and cheaper to share this information across countries. It is hard to overstate the importance of these data-sharing arrangements. The current U.S. ambassador to the European Union describes the post-Snowden difficulties that have cropped up in data sharing as the single most important issue in the current transatlantic relationship.

What is difficult—and often effectively impossible—is to draw a clean separation between domestic and international flows of information. National laws in areas such as spying, policing and access to cryptography have usually drawn sharp distinctions between the kinds of things that the state could do with the information of citizens and the information of foreigners. These distinctions were deliberately weakened after September 11 to make it easier for law-enforcement authorities and foreign intelligence agencies to work together. Yet even without these changes, new communications technologies, such as the Internet, made it more difficult to distinguish the information of citizens from that of foreigners. Unsurprisingly, security agencies have often sought to take

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advantage of these ambiguities.

The result has been both a vast cross-national expansion of surveillance and a promiscuous commingling of information on citizens and foreigners. Spying, which used to be expensive and focused on individuals and small groups, now gathers extensive information about the communications patterns of entire populations, sifting vast seas of data for politically or economically relevant information. Cooperation and information sharing between different countries' intelligence and security agencies have expanded enormously. The confusion of domestic and foreign information makes it harder for intelligence agencies to distinguish the two, and very tempting to use the ambiguities to extend their grasp as far as possible.

This expansion in collection and sharing has been driven by deliberate political action. One of the most troubling revelations from the Snowden leaks is that national intelligence agencies have secretly worked together to weaken restrictions on what they can and cannot do. As Snowden described the process in his testimony to the European Parliament:

One of the foremost activities of the NSA's FAD, or Foreign Affairs Division, is to pressure or incentivize EU member states to change their laws to enable mass surveillance. . . . [in] an intentional strategy to avoid public opposition and lawmakers' insistence that legal limits be respected, effects the GCHQ [Britain's equivalent of the NSA] internally described in its own documents as "damaging public debate."

More broadly, the vast expansion in information sharing and cooperation has created a tacit division of labor between different national spying agencies, in which State A may gather vast amounts of data on State B's population through surveillance, and vice versa, generating a form of universal coverage. While agencies usually formally decline to directly cooperate in gathering data on their own citizens, they may wink at foreign agencies' data-gathering efforts on their soil. Sometimes, they do not decline to cooperate. As Greenwald's book notes, the United States apparently shares raw unfiltered data on its citizens with Israeli intelligence.

The last thirteen years, then, have seen a quiet internationalization of the surveillance state. For sure, intelligence agencies are still reluctant to share their most prized secrets with other countries. Yet they have also created common data structures. Snowden was able to gather documents from the intelligence agencies of the United Kingdom and a few other countries because they systematically share Wikipedia-like databases with the United States and their other counterparts. No-fly lists and other documents are shared across countries with little accountability, but with enormous consequences for those whom they deliberately or accidentally target. Actors hoping to expand the security state tacitly coordinate their efforts with their counterparts overseas. America is at the center of this web of cooperation, which on the one hand secures it from political pressure to share information it does not want to share, but on the other presents

it with unprecedented opportunities to surreptitiously gather information on both the citizens of allies and its own citizens.

This vast expansion in international surveillance terrifies Snowden and Greenwald. Both acknowledge the inevitability (and, in Snowden's case, the desirability) of some spying, especially on hostile states. Both, however, fear the implications of increased spying for civil liberties within democracies, as these democracies' governments spy on their own citizens and on each other. Greenwald's rhetoric is uncompromising, but his actual political beliefs are squarely moderate-left liberal. Snowden is a libertarian on economic issues, but his understanding of the relationship between civil rights and national security is also perfectly compatible with standard liberalism.

Liberalism, if it is to stay genuine and relevant, has no choice but to engage with Snowden and Greenwald. The problems they identify have sweeping implications for the balance between security and liberty. When Greenwald says that the NSA wants access to everything, he is writing on the basis of the goals explicated in the NSA's own internal documents.

As the trio of Wilentz, Packer and Kinsley demonstrate, it will be especially difficult for national-security liberals to engage seriously with these problems. Most liberals assume a clear division between national politics, where we have strong rights and duties toward each other, and international politics, where these rights and duties are attenuated. National-security liberals, in contrast, start from the belief that we owe it to the world to remake it in more liberal ways and that America is uniquely willing to further this project and capable of doing so by projecting state power.

Snowden and Greenwald suggest that this project is not only doomed but also

corrupt. The burgeoning of the surveillance state in the United States and its allies is leading not to the international spread of liberalism, but rather to its hollowing out in the core Western democracies. Accountability is escaping into a realm of secret decisions and shadowy forms of cross-national cooperation and connivance. As Princeton constitutional scholar Kim Lane Scheppele argues, international law no longer supports national constitutional rights so much as it undermines them. U.S. efforts to promote surveillance are hurting civil liberties at home as well as abroad, as practices more commonly associated with international espionage are redeployed domestically, and as security agencies (pursuing what they perceive as legitimate goals) arbitrage the commingling of domestic and international data to gather information that they should not be entitled to.

It is possible in principle that national-security liberalism might renew itself. There are reasonable arguments to be made for increased cross-national cooperation and security; terrorists are as capable of arbitrating cross-national differences as security agencies. However, if those arguments are to be genuinely *liberal*, they will have to take account of the profound changes in international surveillance and their systematic consequences for individual rights.

The comfortable prominence of writers like Wilentz, Packer and Kinsley suggests that such a radical rethinking is unlikely. Their environment does not give them any incentive to reconsider their views. If Hillary Clinton runs and wins, the marketplace for fatuous ideas about security might expand even further into the realm of elected decision makers. Even if their brand of national-security liberalism is intellectually bogus, it will continue to have plenty of customers. □