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The EDITORIAL PAGE

The Indian EXPRESS

FOUNDED BY
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

PIERCING THE VEIL

Transactions red-flagged to US financial watchdog point to important gaps in India's regulatory architecture

A NONONGOING INVESTIGATION by *The Indian Express* in collaboration with 109 media organisations in 88 countries teamed up with the International Consortium of Investigative Journalists and BuzzFeed News has revealed how financial transactions by Indian citizens and firms have been red-flagged to the top US financial watchdog, the Treasury Department's Financial Crimes Enforcement Network (FinCEN), for possible money laundering, financial fraud or drug dealing. These cross-country investigations are based on suspicious activity reports (SARs) by compliance officers in financial institutions, on transactions that involve clients with high-risk profiles, or past brushes with the law. The sheer scale of the revelations raises troubling questions: To what extent are the Indian investigative agencies aware of these suspicious transactions that involve Indian citizens and firms? Considering that 44 Indian banks, both public and private, have been named, did these banks report these particular transactions, and flag them to the Financial Intelligence Unit-India (FIU-IND)? Given their cross-border nature, was the banking sector regulator—the Reserve Bank of India—also notified about them? Considering the seriousness of the allegations—the details of banking transactions indicate round-tripping, money laundering or dealings with shell companies—are they under the lens of the investigative agencies in India?

The suspicious activity reports (SARs) are documents filed by financial institutions, from banks to money exchanges and security brokers, to US authorities to report suspicious transactions. Such transactions have to be reported within 30 days of occurrence. While they themselves are not evidence of illegality, the SARs nonetheless serve as signals to alert regulators and authorities regarding possible irregular activities—any form of dirty money, potential money laundering activities, terror financing or transactions that raises suspicion. The files allude to at least \$2 trillion being flagged as possible evidence of money laundering or other criminal activity between 1997-2017. Considering that international banks have, during this period, been warned and heavily fined by regulators for failing to inform them of suspicious transactions or for letting "dirty money" slip through, their continued occurrence, despite apparent checks and balances in the system, is worrying.

This *Indian Express* investigation follows other probes such as the Swiss Leaks in 2015, the Panama Papers in 2016, and the Paradise Papers in 2017, all of which have served to pierce the veil of secrecy surrounding cross-border capital flows by Indian firms and citizens. Considering that in most of the cases uncovered in this investigation, the domestic branches of Indian banks were used to either receive or remit funds, the revelations signal a continuing laxity in the current regulatory architecture in India. This raises grave questions over not just the investigative agencies but the entire regulatory apparatus. The government needs to address the gaps.

THE WRONG ANSWER

Proposal to impose guidelines on digital media raises important questions. It would constrict freedom of expression

THE SUDARSHAN TV courtroom drama continues, with the Supreme Court seeking the Centre's views on regulating media. In its reply, the government urged the court to restrict itself to the matter at hand—the false and socially inflammatory content of the 'Bindas Bol' programme—and not lay down any further guidelines for the entire mainstream media. So far so reasonable. But if the court wished to go beyond that point, the government added, it should begin with digital media. This is problematic on several counts. The first step towards regulation is licensing. Digital media is the only form of public communications permitted to operate without a licence, and has used this freedom to proliferate its influence. The government sees its influence as a problem, since unrest can be triggered by viral internet communications much more easily than by print or television programming. But using an umbrella term like "digital media" is problematic, too, since it covers a variety of media, from social media and websites to personal blogs. Should a citizen's blog be subject to licensing, or her tweet-line? Such an interpretation of digital media would severely constrict the freedom of expression.

Besides, if virality is perceived to be the problem, media producers are incapable of inducing it themselves. Sudarshan TV needs the accelerators of Google, YouTube and Instagram, and the social supercolliders of Facebook, Twitter and WhatsApp. This is a discrete issue, which has nothing to do with media creators, and should be addressed separately. The parliamentary standing committee on information technology is already engaged with social media companies. Deepening that process would urge them to invest more in network integrity and put the brakes on the virality of problematic content.

Content creators are subject to the very same laws that govern legacy media. For instance, libel is libel, whether it is committed online or offline. So the periodic urge to bring digital media under a licensing regime must be viewed with suspicion. During Smriti Irani's tenure at the Information and Broadcasting Ministry, a committee was set up to examine the question of regulating digital news media. Nothing came of it, following resistance from the industry. An extra hazard is involved in news, since all legacy media, even radio stations, have a strong internet presence. Regulating the digital side would amount to adding a layer of regulation to the whole enterprise, by the back door. Over the years, it has been generally agreed that the media should regulate itself and there are already many—too many, in fact—IPC sections that serve to threaten, chill or punish. In a democracy, the media doesn't need another set of constraints.

JUSTICE FOR EQUALITY

Both as lawyer and US Supreme Court judge, Ruth Bader Ginsburg furthered equality before law, and of opportunity

IN 1960, US Supreme Court judge Felix Frankfurter was instrumental in denying a young lawyer a job as a supreme court clerk—he refused to work with a woman. In fact, Ruth Bader Ginsburg found it hard to find a job at any prestigious law firm, despite being a graduate of both Columbia and Harvard law schools. Since then, her journey, both as a lawyer and a Supreme Court judge, was marked by milestones, each another step towards equality before law, and of opportunity. Her death last week has sparked a political storm—defying convention, President Donald Trump and Republicans in the US Senate are trying to nominate and confirm her successor, a conservative jurist in all likelihood, in an election year.

As a lawyer for the American Civil Liberties Union, Ginsburg led the charge in a series of cases that guaranteed greater gender equality, including equal pay and abortion rights. As a judge, she was known as much for her judgments as her dissenting opinions. In *United States v. Virginia*, Ginsburg wrote the majority opinion, which ended the Virginia Military Institute's men-only admission policy. In *Rust v. Gore* in 2000, her eloquence then was substituted with the impact of brevity. She wrote, simply, "I dissent".

Unlike in India, there is no retirement age for an American Supreme Court judge. It may appear, then, that if Trump succeeds in appointing a conservative replacement for Ginsburg, many of the principles she fought for could be under threat. The antidote to that pessimism may lie in some of the tributes to her. Photos of girls and young women dressed as Ginsburg for Halloween, or a school function have flooded the internet. Thanks in large part to her lifetime of work, they will find it a lot easier to follow in Ginsburg's footsteps.



PRATAP BHANU MEHTA

THE INDIAN PARLIAMENT is quickly moving from being the custodian of the dignity of legislation to being a site for the acclamation of authoritarianism. Admittedly, Parliament has had an uneven history, sometimes rising to its democratic mandate; at other times, debasing itself. But it is the events of the last few days—any guide, the Indian temple of democracy will continue to be ground into the dust. It is important to understand two contexts that frame the current crisis.

The first is the context of Parliament itself. Three simple procedural matters are the cornerstone of parliamentary practice. The first is Question Hour, which was unnecessarily suspended, using the pandemic as an excuse. Even in taking that decision, the Speaker did not accede to the demand for a division. The second is referring bills to committees. Past governments have taken the short cut of not referring bills to standing committees. But it is good legislative practice to let committees have a close look at bills and suggest amendments. This can be done in a time-bound manner. It is increasingly the case with important pieces of legislation that they are neither referred to committees, nor are they being fully debated in Parliament. The third and most important is "division." If a member of a House asks for a division of votes, the Speaker must grant it. The Speaker can refuse under some circumstances, but even then he has to take something like an informal headcount vote before refusing division.

The second context is substantive. The government has an ambitious agenda. There are three bills relating to agriculture that have occasioned serious protests. There are three far-reaching pieces of legislation pertaining to labour reform. This is not the occasion to discuss the merits of these bills. But each of these bills can be improved and crafted in ways that make them more the object of consensus. But it is exactly this short-sightedness that the government wants to shut circuit.

On Sunday, the bills pertaining to agriculture were debated. What does the deputy chairperson do in the Rajya Sabha? After the debate, he refuses a division. This is a trav-

Railroading the bill

Betrayal of procedure in Parliament is not just about technicalities. Deference to process builds trust

The bills pertaining to the APMC can be defended. A lot of the farmers' legitimate fears have less to do with the text and more with the context: The fear that, in a fiscal crunch, MSP will be rolled back or procurement curtailed. There is genuine uncertainty over what private procurement will mean. Will it mean greater corporate power over farmers, possibly unhealthy monopolies or duopolies? Will they be harder to negotiate with than a state monopoly? These questions require less of a resolution in a bill, but trust in a government's overall trajectory. Similarly in the case of labour, can a government be trusted that hastily rushed ordinances, and whose bills contain clauses that negate any protection for workers?

esty of Parliament. It is railroading a bill through, not on its merits but on the sheer dint of power. The government has a majority. What would it have lost if it had paid some due deference to form, by allowing more deliberation in a committee? By allowing a division we would at least record in when each member of Parliament stood on a question of monumental importance. It is unlikely that the bill would have been stopped.

Previous governments have also ridden roughshod over federalism. But the simple point is that referring it to a committee could have at least allowed the exploration of other possibilities. It is also possible that in the case of the APMC, a more creative solution could have been found for concerns of the states, like an opt-out clause for them. Given that the government has the numbers, its parliamentary strategy is not simply to win. It is to show that it can pretty much do anything with impunity. Predictably, unruly behaviour by the Opposition followed. But when impunity is procedure, insolence will follow.

This column ("Don't call it reform," E, May 12) has highlighted huge stakes in labour reform. The government has introduced three pieces of legislation. Some of the content is worth pursuing, but some clauses are frightening. For instance, one of the bills, the Occupational Safety, Health and Working Conditions Code 2020 has lots of detail. We need to examine whether it fulfils the twin objectives of both protecting workers and being compliance-friendly at the same time. This is not an easy circle to square. But what raises suspicion is Clause 127. It states, for example, that "the appropriate government may, by notification, direct that all or any provisions of the Code or the rules or regulations thereunder shall not apply in relation to any establishments or class of establishments." Further, it states that "where the state government is satisfied in the public interest that it is necessary to create economic opportunities and employment activities, it may by notification exempt and subject to such conditions as it may think fit, any new factories or class of factories from all or any of the provi-

sions of this code..." In short, the Labour Safety Code gives blanket powers to any state government to suspend the code!

There is an irony here. Federal flexibility is a tool deployed when convenient. We seem to not want to give it to states when it comes to farmers. But we give it to them, in the most unrestrained manner possible, when it comes to the interest of capital against labour. The common thread here seems to be that the hurried interests of corporate India take precedence over farmers and labour, rather than a well negotiated social contract between all three. Perhaps there is a good argument to be made here. But that is precisely the point. More discussion and nuance would have built more trust.

A lot of the success of these bills depends on trust and consensus. The bills pertaining to the APMC can be defended. A lot of the farmers' legitimate fears have less to do with the text and more with the context: The fear that, in a fiscal crunch, MSP will be rolled back or procurement curtailed. There is genuine uncertainty over what private procurement will mean. Will it mean greater corporate power over farmers, possibly unhealthy monopolies or duopolies? Will they be harder to negotiate with than a state monopoly? These questions require less of a resolution in a bill, but trust in a government's overall trajectory. Similarly in the case of labour, can a government be trusted that hastily rushed ordinances, and whose bills contain clauses that negate any protection for workers?

So the betrayal of procedure in Parliament is not just about technicalities. Some deference to process can build trust because it is a sign of a government that listens. At least on the APMC this was a possibility. Let us hope on labour bills there is more reasoned deliberation. Parliamentary practice will not be able to knit an enduring social contract between labour, capital and farmers if it does not inspire confidence. We are on the road to being an oligarchy.

The writer is contributing editor, The Indian Express

LET'S DEFINE THE CORE

Basic structure doctrine is vague, open to interpretations of individual judges

AANKHI GHOSH

A TOWERING name in India's legal history, His Holiness Kesavananda Bharati, passed away last week. His name is synonymous with the famous doctrine of basic structure propounded by the Supreme Court, which continues to be venerated by judicial minds and is currently applied in significant cases.

The crux of the doctrine lies in fixing the extent of amendatory powers exercised by Parliament. The doctrine holds that there are certain implied limitations on Parliament's amending power although these are not explicitly mentioned. It was held that Parliament cannot touch certain parts of the Constitution that are fundamental to democracy, even with the consent of electoral supermajorities at the Centre and states as well as by following the procedure established by law. In the absence of any certainty as to what the "basic structure" consists of and only vague parameters to deduce the same, it is left to the wisdom of the SC judges to decide upon it on a case to case basis.

The aim of the judiciary behind propounding this doctrine was understandably to save democracy from the hands of a tyrannical few and pre-empt a dictatorial onslaught on fundamental rights. This laudable aim was defeated within two years of the judgment when Indira Gandhi pulled India into an abyss by suspending all fundamental rights. The judiciary that was expected to save democratic ideals, by applying weapons such as the doctrine of basic structure, failed the citizens completely.

The basic structure doctrine was coined

The introduction of Article 15(5) necessitated even private unaided educational institutions to implement reservations. However, it exempted minority institutions, even if government-aided, from the policy. This was certainly not the intention of the framers of the Constitution. All this begs the question: Which static constitutional principles is the basic structure doctrine trying to protect, when the Constitution has been amended 104 times?

in 1973—it has been applied prospectively—by which time crucial elements of the original Constitution had already been compromised. In the intervening period of the adoption of the Constitution in 1950 and the country's first election in 1951, several crucial fundamental rights were ravaged with a tearing urgency vide the First Amendment—the rights to property and free speech and expression were heavily diluted. Since the basic structure has now frozen Part III of the Constitution as it stood on the date of delivery, these valuable aspects of democracy cannot now be debated by Parliament, let alone be altered while the doctrine prevails in the judicial books.

Even after the birth of the doctrine, the structure of the Constitution has been regularly tweaked to accommodate judicial ideology and morality. Newer features have been constantly added to this premium list that is "basic", giving them the immunity that the basic structure enjoys. The Right to Education was introduced by the 86th amendment in the form of Article 21A. A policy decision such as this involves significant public expenditure and has serious political and electoral ramifications such as the financial viability of running low-cost private schools. The provision may require discussions regarding certain modifications and consequent amendments to suit the country's changing needs. However, its position in the Fundamental Rights chapter has placed it out of Parliament's reach.

The amendment of Article 15 in 2006

was another major jolt to the Fundamental Rights chapter that surprisingly passed the Supreme Court's basic structure review. The introduction of Article 15(5) necessitated even private unaided educational institutions to implement reservations. However, it exempted minority institutions, even if government-aided, from the policy. This was certainly not the intention of the framers of the Constitution. All this begs the question: Which static constitutional principles is the basic structure doctrine trying to protect when the Constitution has been amended 104 times?

The Court fairly recently relied on the basic structure to strike down the 99th constitutional amendment act, which sought to set up a National Judicial Accountability Commission to replace the appointment of judges by the Collegium system. This, despite the Bill being passed by two third majorities of both Houses of Parliament and 20 state legislatures.

The doctrine has put the judiciary in the exact position of unlimited power that it sought to prevent Parliament from occupying. It is certainly important for the Constitution to have certain non-negotiable principles but the same must be narrow and comprehensively identified. In the quest to protect democracy from the hands of elected parliamentary representatives, it is unacceptable to place it entirely in the hands of an unelected judiciary.

The writer is a Supreme Court advocate

SEPTEMBER 22, 1980, FORTY YEARS AGO

ANDHRA CONG DRAMA THE ANDHRA PRADESH cabinet held a half-hour meeting, the first in 30 days, but not before a day of high drama. First the 15 dissenting ministers abstained from the Cabinet meeting at 10 am and later attended one in the evening on instructions from Congress (I) high command. It is believed that the embattled Chief Minister of Andhra Pradesh M Chenna Reddy informed the high command of the dissenters' abstention. It was a moment of irony for the dissenters who had this morning demonstrated their resolve to continue their fight against the CM. But one telephone call from Delhi

and they walked back into the cabinet. Political observers were not sure what to make of the day's developments.

ORISSA FLOODED THE MAHANADI RIVER breached its embankments at four places in Banki subdivision of Orissa's Cuttack district. The Malouini river has also breached its embankments at Puri district. Official records put the death toll in the current floods at 203.

PILGRIMS DEFIANT THOUSANDS OF PEOPLE congregated at Puri to have a dip at the holy sea on the aus-

picious occasion of Baram Dwadasi Day, ignoring repeated warnings over the Cuttack station of the All India Radio of widespread disruption of road and rail communication by floods.

PLAY GOES ON THE INFORMATION AND Broadcasting Minister Vasant Sathe has failed in his campaign to stop Vijay Tendulkar's play, *Ghasiram Kotwal*, from being staged at an international theatre festival in Berlin. The government has decided to let the theatre group participate in the festival against the wishes of Sathe as well as the Shiv Sena.



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THE IDEAS PAGE

UN and the new multilateralism

Current political fragmentation may augur poorly for India's upcoming two-year tenure at UNSC. But it could also be opportunity to restructure Delhi's traditional approach to UN



RAJA MANDALA
BY C RAJA MOHAN

THIS WEEK OUGHT to have been a moment of celebration for the United Nations — the 75th anniversary of its founding. But the pandemic has robbed the UN of all cheer. In a normal September, world leaders would be zipping through New York City creating innumerable traffic jams and running into each other in the UN lobby.

Thanks to the corona crisis, hardly any president or prime minister is showing up this year in New York, which is also one of the worst-affected cities in the United States. Even President Donald Trump, a native of New York, is not travelling in from nearby Washington. He will address the UN, like many other world leaders including Prime Minister Narendra Modi, through pre-recorded video statements. The missing buzz at the UN is arguably less important than the fact that the coronavirus has exposed the structural weakness of the system that was set up amidst the ruins of the Second World War. Put simply, the UN has been unable to respond effectively to the once-in-a-century global crisis triggered by the coronavirus.

At the UN Security Council, China blocked a serious discussion on the origin and sources of the crisis. While the World Health Organisation did move a bit in that direction, the US was not satisfied with the outcome and walked out of the forum.

Those who view the UN through the realist prism are not surprised. If you cut through the collectivist rhetoric of the UN, it was meant, by design, to be a concert of great powers who had a permanent seat in the Security Council. In other words, cooperation among the great powers was the precondition for its success in the security arena.

Barring a brief decade after the collapse of the Soviet Union, collective security has been hard to come by. During the Cold War, Washington and Moscow were at each other's throats and the UNSC was deadlocked. During the brief unipolar moment of the 1990s, post-Soviet Russia was willing to acquiesce to the sweeping US agenda for global security. China, which was getting its internal act together after the Tiananmen uprising of 1989, was feeling its way around multilateral institutions and avoided any challenge to the US and West.

All that began to change in the first decade of the millennium, when Russia and China began to offer resistance to US dominance. By the dawn of the third decade, the conflict between the US on the one hand and China and Russia on the other has become full-blown. To make matters more complicated, the West itself is divided. Despite the enduring post-war alliances, there is a growing divergence between Washington and its European partners on many global issues.

Some of the differences between the US and the other powers will be very visible this week on the Iran question. Although he has

walked out of the nuclear deal with Iran, Trump wants to continue the UN sanctions on Iran. Other powers, including the US's allies in Europe, are not willing to follow the American lead on this.

The discord between the US and its European partners underlines the problem with viewing the world through the traditional East-West prism. Nor is it useful to think of the debates in the UN as a contest between the US and the rest. The US has never been more divided within itself on global issues as it is today. Rejection of post-war multilateralism and post-Cold War globalism is at the heart of Trump's "America First" foreign policy. Trump's Democratic rival in this year's presidential election, Joe Biden, wants to put multilateralism at the very heart of his administration's foreign policy. If Trump argues that multilateral institutions have not served America's interests, Biden insists that multilateralism is the most sensible means to pursue US interests. Biden has promised to re-join the nuclear agreement with Iran, albeit with new conditions, put the US back in the global coalition to limit climate change, and return to the WHO.

If you are a pessimist, the current political fragmentation augurs poorly for India's two-year tenure at the UNSC starting next January. If you are an optimist, this is an opportunity to restructure India's traditional approach to the UN. And if you are an activist, there are huge possibilities for enhancing India's multilateral standing.

To succeed, though, Delhi must come to terms with a number of propositions. First, it should shed the illusion, cultivated since the 50th anniversary of the UN in 1995, that the expansion of the permanent membership of UNSC, with or without veto, is within reach. UNSC reform is unlikely to happen soon.

Second, India's own experience during the Cold War points to the fact that the UN is a lot more than the Security Council. While the UNSC was dysfunctional, India developed a multilateral agenda of its own — from decolonisation and disarmament to a new international economic order — and mobilised considerable political support for it. Not all of India's efforts were successful during the Cold War, but the past underlines the possibilities for shaping the global discourse in the present.

Third, while promoting big ideas is exciting, Delhi can't lose sight of the basic rela-

tionship between national interest and multilateralism. The primary objective of India's present multilateralism must be to ensure its territorial integrity, especially at a time when China and Pakistan have mounted a massive effort to internationalise the Kashmir issue.

The question is not merely about playing defence, but also leveraging multilateralism to serve India's interests. In the last few years, Delhi has worked mechanisms like FATF to make pressure on Pakistan to stop supporting cross-border terrorism in India.

On both the issues of terrorism and Kashmir, China, once viewed as India's natural partner in the multilateral arena, has turned out to be the problem. The US and the West, traditionally viewed as part of the problem, are now helping India fend off the security challenges in the multilateral arena.

Fourth, beyond the issues of peace, there is the big challenge of protecting India's prosperity amidst the unfolding economic, technological and environmental disruptions. The rules governing all these areas are now up for a significant overhaul. As India learnt from its 1970s experience with the nuclear non-proliferation regime, once the rules are set, it is rather hard to change them.

Fifth, in writing the new rules and reshaping the global order, India needs to strengthen its recent turn to a more dynamic coalition building. While reclaiming its role in the Non-Aligned Movement, Delhi has also joined the European alliance for multilateralism. India also knows that much of the new rule-making is likely to take place outside the UN. That is where India's new engagement with the US on building like-minded coalitions acquires much significance.

Finally, Delhi can't hope to expand its international influence on the cheap. India's share in the UN budget stands at 7.7 per cent. The shares of China, Japan and the US are at 8, 10 and 22 per cent respectively. Raising Delhi's contribution to at least one per cent might convince its partners that India is serious about pursuing a more vigorous multilateralism.

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WHAT THE OTHERS SAY

"The Taiwan Straits is by no means a place that separatists can act recklessly. If Taiwan authorities try, they will definitely be met with the mainland's military solutions." — GLOBAL TIMES, CHINA

Power to new-age farmer

Farm Bills will give farmers greater choice. Opposition must rise above partisan politics



BHUPENDER YADAV

In 1947, when India gained Independence, the urban-rural income ratio was estimated to be 2:1. That ratio now stands at about 7:1. The decline came even as farm production grew to the point that India became self-sufficient in food production and also kept exporting some food crops. For 60 long years, governments kept ruling in the name of poor farmers and ensuring that they remain stuck in poverty.

Even as India attained surplus growth in agro commodities, our policies remained anachronistic and did not factor in the variety of post-production activities. No thought was given to processing, value-addition or marketing, and trade of farm produce to make the Indian farmer self-sufficient. Less than 5 per cent of India's food and agriculture produce is processed in contrast to over 50 per cent in developed countries.

Over 50 per cent of India's population, directly or indirectly, depends on agriculture, which contributes about 12 per cent to GDP, a fact that our budgetary allocations have chosen to gloss over in the Congress era of governance. Public investment in agriculture has been below 5 per cent resulting in low capital formation and low private sector investments, leading to poor agri-infrastructure. No policies were drafted to allow farmers to market their produce and earn the profits that an open, competitive market would have allowed them to make.

It is against this backdrop that the government has pushed for the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill, Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill and Essential Commodities (Amendment) Bill. Together, these three pieces of legislation will create a system in which farmers and traders can sell and buy agri-products outside the mandi. The bills provide for a system that encourages intra-state trade and reduces transportation cost. The Bills formulate a framework on agreements that allow farmers to engage directly with agri-business companies, exporters and retailers for services and sale of produce. All this will be achieved by giving the hard-working farmers of India access to modern technology.

India's agricultural markets restrict farmers from selling directly to retailers and getting the right price for their produce. Also, the existing system forces farmers to pay undue commissions. The Opposition has misled informed people saying the Bills open the road for corporates to exploit farmers. In fact, these pieces of legislation bring uniformity into contractual farming rules and provide a framework for trade agreements on farm produce. Farmers cannot be forced to enter

into any agreement. They will be free to choose who they want to sell their produce to and a regulatory framework will protect them.

Concerns over contract farming are also misplaced. Contract farming is not anti-farmer by its nature. As much as 66 per cent of poultry business in India is under contract farming. Once contract farming is mainstreamed, agribusinesses will be able to pool farmers, invest in their land and make the latest agri technology available to them. The Bills are part of the Narendra Modi government's investment in the sector. Some sections have raised the fear that this will compromise on food security. They must know the Food Corporation of India will continue to stock essential commodities such as wheat and rice, ensuring that India's food security isn't hit. Also, traditional mandis will stay. The proposed pieces of legislation will only remove trade barriers and add digital trading of farm produce.

A lot of misinformation is being spread about the Minimum Support Price (MSP). A fear psychosis is being created amongst farmers by telling them that with the passage of the Bills, MSP will be done away with. Parliament has repeatedly been assured that MSP will stay. Those opposing the bills have either not read them or are just worried that an empowered farmer doesn't fit into their scheme of vote bank politics.

During 2009-2014, the budget allocation for agriculture increased by a meagre 8.5 per cent. From 2014-2019, the Modi government created 2,000-plus Farmer Producer Organisations (FPO) and 10,000 more are in the works with a budgetary allocation of Rs 5,000 crore. Over 1,000 agri start-ups, driven by young technology graduates, have been created and over 20,000 agri clinics have been made possible by agriculture graduates. None of this can grow if reforms don't happen.

India has given the new-age farmer internet access. Nobody should now try to stop this empowered farmer from using the same internet to access markets to sell his produce. The Modi government will do everything to empower this new-age farmer; we owe this to the people who feed us. I hope the Opposition will rise above partisan politics for this cause.

The writer is national general secretary of BJP and Rajya Sabha MP



LAKSHMI PURI

The future comes too soon and in the wrong order. "It is our moral responsibility not to destroy the future but to shape it." — Alvin Toffler.

THE PANDEMIC IS hurting the world into a Technology 4.0-transformed "future of work" much earlier than anticipated in the ILO's Centennial Declaration of 2019. India's global significance in mastering the future of work through technology-adaptive and high-productivity human capital employing the largest global cohort of 820 million youth is huge. Along with declining fertility rates and women's empowerment, this could yield a large demographic dividend of high growth rates for decades, despite short-term shocks.

Government policies and labour markets must sustainably manage the Fourth Industrial Revolution triggered "gale of creative destruction" in employment. Otherwise, India could suffer from mass unemployment, precarious, informal and migrant work with deepening social inequalities and poverty, leaving millions behind.

Indian civilisation has valued "work as worship". The four Vedic purusharthas — Dharma, Artha, Kama, and Moksha — are re-evaluated through decent work for all. Work serves family, community and national purpose and is an engine of economic growth, social welfare and equality.

The potential of capital-labour substitution and digital, agri-tech, ecosystem software/AI/automation-mediated work will upend 100-year-old ideas of work and employment. The ILO warns that the future may

The future of work

We need to plan for Tech 4.0-driven creative destruction in employment

not hold enough jobs for everyone and 428 million workers in low middle-income countries like India may not find new jobs.

In 5-10 years, 10 per cent of human jobs will be substitutable and 50-70 per cent of jobs could be partially automated. Two-thirds of jobs in developing countries including India are susceptible to automation. India is entrenched in the age economy of digitally-enabled part-time, freelance, zero hour, flexible and temporary work in global digital factories and marketplaces. Long-term employment or spatially-bound infrastructure is being replaced, creating "digital day-labourers". Tech Economy 4.0 "transformers" in India's world of work include robotics, AI, the Internet of Things, cloud computing, supply chain 4.0, 3D printing, big data, digital payments, retail, health, education and professional services. These have found accelerated, irreversible and job-displacing application due to COVID-19.

WEF/ILO studies indicate a medium-term job neutral transition of Tech 4.0 work if managed well. Short-term "job churn" involving downstream/low-skill job redundancies and upstream, new tech job creation is expected. When nearly 10 million job seekers enter the labour market every year. As farm, manufacturing and public sector jobs shrink, India needs 90 million non-farm jobs in 10 years.

The most-affected labour jobs intensive sectors include textiles, finance, construction, hospitality, travel, tourism, media, e-commerce, digital, agri-tech, ecosystem software/AI/automation-mediated work will upend 100-year-old ideas of work and employment. The ILO warns that the future may

tail sector, the largest employer of lower skill youth, is job shedding as e-retail accelerates and human jobs in logistics, warehousing and delivery services are being robotised. The Indian ICT sector, another major employer, is susceptible to AI/robots replacing workers in its major IT export markets.

The "great growing engine" of technological change need not cause a train wreck of productive jobs. We could steer to four powers of possible destinations or Char Dham. To meet labour market needs, potential skill gaps must be closed through the NEP and comprehensive training infrastructure. Universal access to lifelong learning, for skilling, reskilling and upskilling, and establishment of a skills bank will generate large-scale, quality jobs.

Sunjoy Dham involves transformative investments in multi-stakeholder ecosystems to empower the youth and women through future-of-work transitions. It is imperative to foster institutions, job-rich sectors and MSMEs, close the rich-poor, rural-urban and gender gap in access to high-quality digital and physical infrastructure and tools. Enhanced Wi-Fi-network smartphones and mobile fluency for India's AI/hi-tech developer community and

a reinforced and updated startup ecosystem is required. New regulations covering business structures, fiscal and taxation policies, corporate accounting standards and reporting practices are essential.

Samajik Nyaya Dham means ensuring a just transition through a new social compact among all stakeholders and a universal social protection floor. A human-centred and equity-based approach in future labour market policies and standards is needed. National and international systems for the governance of digital labour platforms, regulation of data use and algorithmic accountability must be evolved. Local and rural production, care and green economies and social and health services must be fostered as job generators.

Upakram Dham involves taking special initiatives enabling India to leverage the world's third-highest ICT workforce to pole-vault into Tech4 excellence. India's diversity, scale for neural net, data richness, huge base of engineers, mathematicians and coders of AI available or trainable at scale, and decent ecosystems in ICT metros are critical assets.

Following this Char Dham roadmap, we could avert the alarming prospect of a job-poverty future. We could ameliorate the gig economy insecurities and assure basic income, welfare and gender equality. India's ambition of sustainably transitioning to Tech4.0 future of work is recognised in PM Modi's Atmanirbhar Bharat.

The writer is former assistant secretary-general of the UN and deputy executive director of UN Women

LETTERS TO THE EDITOR

EMPOWER FARMERS

THIS REFERS TO the editorial, 'Bully & puppet' (IE, September 21). The initiative of the Modi government to bring about far-reaching reform in agriculture has run into rough weather, mainly over fears that this could spell the end of MSPs. The opposition to the Bills, particularly on trade, flows from the position, articulated by Punjab, that agriculture and markets are state subjects. There is evidence that mere liberalisation does not lead to private investment in new markets. If the Centre's intent is to strengthen competition, it should massively fund the expansion of the APMC market system, removing trade cartels, and provide farmers with good roads, logistics of sale and real-time information. Rather than opt for heavy centralisation, the emphasis should be on empowering farmers.

Sanjay Chopra, Mohali

A DEFEAT

THIS REFERS TO the article, 'The opening in Doha' (IE, Sep 21). The ongoing negotiations in Doha represent a defeat in the face of obscurantist forces. The Taliban will use the occasion to gain international respectability and utilise this "no peace no war" interregnum to militarily consolidate its ground position. When faced with that it is in a military position to do so, it will go back from all its commitments. The world must be ready for such an eventuality. After all, the Munich Pact had brought only a temporary respite. It did not prevent the WWII.

B Shubhadha, via email

BOTH SIDES

THIS REFERS TO the article, 'No country

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for Muslims' (IE, September 20). The author is factually incorrect in claiming that no temple was attacked. Shiv Temple in Moonga Nagar was vandalised and attacked by rioters. Also, almost 30 per cent of those killed were Hindus. It is unfair to say that only Muslims were targeted.

Harshil Mehta, Ahmedabad

REASONABLE CLAIM

THIS REFERS TO the report, 'NIA arrest nine in Bengal and Kerala, claims al-Qaida attack foiled' (IE, September 20). It seems West Bengal has turned into a safe haven for terrorists. Bangladesh-based Islamic extremist organisation JMB was proved to be behind Burdwan district's Khagragarh bomb blast that killed three people. Certain areas of Malda and Murshidabad districts are known to have turned ultra-sensitive in the security point of view. NIA's claims seem to hold water.

S S Palani, Nadia



A point of order

Parliament must not abridge right of MPs to take a stand in debates and votes

Rajya Sabha Deputy Chairman Harivansh's refusal to conduct a division of votes on two controversial pieces of legislation on Sunday, despite persistent demands from members, was unprecedented in its sheer brazenness. The Bills in question have been challenged on constitutional and practical grounds, but that is a different point. The rules of procedure regarding voting are unambiguous that if a voice vote is challenged, "votes shall be taken by operating the automatic vote recorder or by the members going into the Lobbies". Even if a single member demands a division, it is required to be carried out. Quite often, a division of vote is demanded even when the outcome is predictable, in order to bring on record the positions of parties and members on a particular bill. The explanation that members were not demanding a division from their seats and the House was not in order is disingenuous. To begin with, the disorder was triggered by the Chair's refusal to order a division. And curiously, the Chair went on to declare the Bills passed amid the din, this time unaffected by disorder. Significant amendments were sought and several parties had demanded that they be referred to a parliamentary select committee. The government's claim that it had the numbers to pass the Bills is dubious in the wake of the skulduggery it deployed for their passage. In any case, regardless of which side has the majority, procedure is sacrosanct and voting is the foremost tool of establishing parliamentary authority. It cannot be reduced to an act of benevolence by the Chair or the executive.

The chaos that followed in the Upper House, though not unprecedented, was unwelcome. Parliament is a deliberative forum and not a theatre for protest demonstration. Regardless of the provocation, the Opposition should have adhered to decorum while articulating its concerns. But, meaningful parliamentary discussions have become infrequent, and the voice of the Opposition is often ignored. Upper House functions have been significantly curtailed by the arbitrary labelling of money bills, which bypass it. The flat out denial of a division of votes was a new low in parliamentary history. Not stopping there, eight Opposition members were suspended for one week while notice for a no-confidence motion against the Deputy Chairman was rejected at the threshold by Chairman M. Venkaiah Naidu. Opposition parties have now petitioned President Ram Nath Kovind to not give assent to the two Bills passed by voice vote. There must be immediate efforts led by the executive to restore the effective and meaningful functioning of Parliament.

In the air

With more evidence of aerosol transmission, physical distancing and masking are crucial

The Centers for Disease Control and Prevention (CDC) is revising its guidelines to acknowledge the spread of the novel coronavirus through aerosols, and to point to inhalation of particles as a common way the virus spreads. A draft of the proposed changes to its recommendations, which was later withdrawn pending finalisation, confirmed that airborne particles can spread even by breathing, remain suspended in air and be inhaled and spread beyond six feet in certain enclosed settings. This comes after a body of evidence provided sufficient indication of aerosol (less than 5 microns) transmission, especially in closed settings with poor ventilation and after prolonged contact with an infected person. In February, researchers from the Wuhan Institute of Virology, in a paper published in *Nature*, first proposed airborne transmission. The paper also identified and characterised the novel coronavirus and confirmed the receptor to which the virus binds. The World Health Organization had, on July 9, acknowledged that the virus can be airborne in closed settings after an open letter by more than 200 scientists appealing to the medical community and national and international bodies to "recognize the potential for airborne spread of COVID-19".

Beginning with the cruise ship, *Diamond Princess*, large outbreaks have been documented in churches in South Korea and Singapore, prisons, old-age homes, ski resorts in Austria and even choir practice in a church in Mount Vernon, Washington, providing strong evidence of aerosol transmission in certain closed settings early during the pandemic. It is therefore bewildering that both WHO and the CDC refused to adopt the precautionary principle and caution people even while collecting data to confirm or refute that possibility. However, even in the absence of guidelines from the global bodies, many countries had on their own denied permission for certain enclosed settings to operate, thus averting innumerable outbreaks and cases. With aerosol transmission now being confirmed and its spread to distances beyond six feet also known, the only way to prevent infection till such time and probably even when vaccines become available is through universal masking. Timely cautioning by global bodies of an aerosol transmission possibility might have encouraged universal mask wearing early on, thus preventing thousands of cases. Universal masking can avert infections, and if infected, the amount of viral load one is exposed to will be less, thus leading to only asymptomatic infections or mild disease. Unlike *measles*, universal masking in another paper led to 8% of infections being asymptomatic. There have been similar results in other cases where universal masking was practised. With aerosol transmission now being established as a common way of spread in certain settings, the best way to avoid getting infected is by staying clear of crowded, closed settings that have poor ventilation.

Interpreting the India-China conversations

There is a divergence in views on both sides: India needs a plan to check Beijing's strategic objectives and ambitions



M.K. NARAYANAN

The ground situation in Eastern Ladakh shows little change; other than that, towards the end of August, India effectively thwarted an attempt by China to alter the *status quo* and take control of areas on the South Bank of the Pangong Tso. China's reaction was sharp, accusing the Indian Army of having "undermined the consensus reached" by the diplomatic and military talks. Several thousand troops of the People's Liberation Army, in the meantime, remain mobilised across the entire region.

Blunt exchanges

In the first statement made in Parliament (on September 15) on the situation on the Line of Actual Control (LAC) in Eastern Ladakh, Defence Minister Rajnath Singh lambasted China, stating that India was attempting to unilaterally alter the *status quo*, and that while India wanted to peacefully resolve the ongoing military confrontation, it was fully prepared to deal with any situation. China immediately rebutted the charge, blaming India for "violating" existing border agreements, and alleging that India bore responsibility for the recent situation. China observed that (the most important task for India is to) disengage on the ground as soon as possible, and take concrete action to ease the situation.

Earlier, on the sidelines of the Russia, India, China Trilateral meeting (RIC) in Moscow in early September, the Indian and Chinese Defence and Foreign Ministers had met to try and sort out matters. Mr. Rajnath Singh met his Chinese counterpart, Gen. Wei Fenghe on September 4, while the Indian and Chinese Foreign Ministers, S. Jaishankar and Wang Yi held a meeting on September 10. Given the precarious military situation in Eastern Ladakh, both meetings

had been invested with considerable significance. According to reports, Mr. Rajnath Singh, in his meeting, did not mince matters, putting the blame entirely on the PLA for its "aggressive actions and behaviour" in seeking to "unilaterally alter the status quo" in violation of all bilateral agreements. According to Xinhua, Gen. Wei is believed to have said "China's territory cannot be lost and the Chinese military is well determined, capable and confident to safeguard national sovereignty and territorial integrity". The blunt exchanges between the Defence Ministers did little to assuage the ongoing concerns.

There was considerably great anticipation about a possible breakthrough during the September 10 meeting. On the eve of the talks, India's External Affairs Minister had even been quoted as saying that the situation called for "deep conversation between the two sides at the political level", and India and China "needed to find an accommodation".

More illusion

What emerged from the talks, however, fell well short of expectations. Some preferred to see in the outcome an illusion of forward movement, where, even though the "Five Point Consensus" limited itself to urging the two sides to take guidance from "the consensus of their leaders on developing India-China relations, including not allowing differences to become disputes". The remaining points were confined to urging both sides to "continue to exchange agreements and protocols on China-India boundary affairs and maintain peace and tranquillity; give stay-in action on cross-border matters; reiterated the importance of the Special Representative Mechanism to maintain communications; and calling for the convening of meetings of the Working Mechanism for Consultation and Coordination on India-China Border Affairs (WMCC). Work on the border requirements, defence-building Measures to maintain and enhance border peace and tranquillity were shelved, to



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be considered after the situation eases. Neither the Joint Statement, (nor the respective notes issued subsequently) specifically or obliquely mentioned a return to *status quo* or to positions prior to the stand-off.

Confirmation of the wide divergence in views existing between the two sides were to be found in the contents of the separate notes circulated by the two sides following the meeting. China, for instance, claimed that the Indian side "does not consider relations to be dependent on the settlement of the boundary question". This, according to the Indian side, was very different from what the Indian External Affairs Minister had said at the meeting. The Chinese side was again dismissive of the tensions prevailing in India, claiming that "while ensuring its own rise", to him, the bottom line for the relationship seemed clear: peace and tranquillity must prevail on the border, if progress made in the last three decades was not to be jeopardised. One could well ponder over the fact whether this dictated his approach during the talks, or his long discussion with his Chinese counterpart, in which the most conspicuous omission was the lack of any mention of restoration of the *status quo* as of April, as the starting point for any new round of diplomatic negotiations.

Strategic thought

It is tempting to view the Jaishankar-Wang Yi interaction, as reflecting implicitly the contrasting strategic thought processes that are to be found in Kauliyas's Arthashastra and Sun Tzu's *The Art of War*. The two Foreign Ministers seem to be engaged in their own way – to reflect the influence exerted on their thinking by these two texts; on how to deal with paradoxes

and on the prosecution of seemingly contradictory approaches to ensure success. While restraint and moderation, as well as a balanced attitude to the use of force, are recurring themes in both texts, there are clear divergences when it comes to methodologies to be employed. For Sun Tzu, strategic positioning is critical to obtain a strategic advantage. All warfare, according to Sun Tzu is based on deception, and deceiving the opponent. While Kauliyas emphasises the significance of both power and morality, Sun Tzu seeks to subdue the enemy without fighting and resorting to attacking the enemy's strategy as the best option. For generations, China's leaders have imbibed and adhered to Sun Tzu's maxims, and Wang Yi seemed to have employed this tactic.

In the extant circumstances, the dilemma that India's External Affairs Minister probably faced was how best to achieve a *modus vivendi*, without compromising India's position and foreclosing all options with China, short of war. Unlike his opposite number, Mr. Jaishankar was possibly a prisoner of a separate set of beliefs, for in his own words, the challenge India faced is to "manage a more powerful neighbour while ensuring its own rise". To him, the bottom line for the relationship seemed clear: peace and tranquillity must prevail on the border, if progress made in the last three decades was not to be jeopardised. One could well ponder over the fact whether this dictated his approach during the talks, or his long discussion with his Chinese counterpart, in which the most conspicuous omission was the lack of any mention of restoration of the *status quo* as of April, as the starting point for any new round of diplomatic negotiations.

Dealing with China

Understanding Chinese motives are difficult at any time. At present under Chinese President Xi Jinping, the relationship has become more volatile. Driven by his notion of the "Community with a shared future for Mankind" Mr. Xi's, and

Chinese intent today, is to achieve great power status, and still more to ensure acknowledgement of its status by other countries. Unsettled, but obvious, is that countries such as India should accommodate China's rise, and not cavil at this or pose a challenge to it.

Increasing resort to confrontational politics, in substance as well as in style, aggravates this situation further. Combined with constant references to superior capabilities, it creates a psychological impact on China's thinking, viz., an exaggerated respect for their own strengths – including military – and a willingness to go to any extent to ensure its self-respect. Defusing tensions demands patient diplomacy, but it is not a character trait that Mr. Xi demonstrates. Even less, he shows a willingness to moderate ambition or take a step backward.

New Delhi must reach out

India needs a carefully drawn-up plan as also an effective strategy to deny Beijing its immediate objectives, including its determination to establish regional dominance. In this context, India must reach out to its neighbours, and even countries beyond, warning them about falling into the trap of allowing alluring prospects of both economic cooperation and military support for the maintenance of peace, to cloud their thinking. It might well be the case that the current regime in China may be manufacturing crises to play to a domestic audience, in part due to economic compulsions, but India needs to be alert. In the long run, India must be prepared militarily and otherwise to keep a check on China's burgeoning ambitions. It also needs to take care to see that China does not exploit the present pandemic to deepen its influence in India's neighbourhood, as is patently evident from reports of China's eagerness to gain access to China's coronavirus vaccine to several countries of Asia and Africa.

M.K. Narayanan is a former National Security Adviser and a former Governor of West Bengal

With China as backdrop, New Delhi's Moscow watch

The evolving global order makes it difficult for them to pursue fully convergent policies; a long-term view is essential



HARSH V. PANT & NAVEETHA KAPOOR

As India-China tensions along the Line of Actual Control continue to escalate, India decided to pull out of Russia's Kavkaz 2020 (or the Caucasus 2020) military exercises (September 15-20), where it was scheduled to participate alongside other Shanghai Cooperation Organisation (SCO) member states. While COVID-19 was cited as the official reason, it was the situation on the border with China that most likely prompted this decision.

LAC issue and Moscow's role New Delhi's decision has led to questions about the possible impact of deteriorating India-China relations on the India-Russia partnership. Earlier in June, the Russia-India-China Foreign Ministers meeting, convened at Moscow's initiative and coming days after violent border clashes that led to the death of 20 Indian soldiers, ended without an official communiqué. It is hardly surprising that ongoing conflict between two prominent members, and both close partners of Russia, has given rise to concerns about its impact on India-Russia ties.

But this is only one side of a complicated story. Moscow has been playing a quiet diplomatic

role during the recent border clashes without actively taking sides. India's Russia engagement has remained steady and Defence Minister Rajnath Singh visited Russia in June for the 75th Victory Day parade. He was in Moscow again in September to attend the SCO Defence Ministers' Meeting, which also formed the setting for the bilateral meeting with his Chinese counterpart. These visits saw, if this is the case, the continuation of the India-Russia defence relationship alongside the promise to accelerate certain supplies based on the requirements of the

The September visit coincided with the biannual Indo-Russian naval exercises, INDRA, in the Andaman and Nicobar Islands, in the strategically crucial waters of the Indian Ocean. India's External Affairs Minister S. Jaishankar attended the online BRICS foreign ministers' meeting on September 4 and also travelled to Moscow for the SCO Foreign Ministers meeting (September 9-10). In fact, in November, India will host the SCO Heads of Government Meeting.

Forums are crucial

The multilateral forums are important as they foster continued India-Russia cooperation at the bilateral and multilateral levels. While increasingly divergent foreign policies of its members pose challenges of agenda-setting and overall scope, it also underscores that at this moment of flux, countries such as India and Russia are keeping their options open. India was to have hosted the Quad foreign ministers meeting, but the



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venue is likely to be now shifted to Tokyo. So alongside this, if this is the case, the continuation of the India-Russia defence relationship alongside the promise to accelerate certain supplies based on the requirements of the

Mr. Jaishankar has noted that we live in a 'curious world' where one cannot view engagement with different parties as a 'zero-sum game'. As a result, worsening India-China ties or a burgeoning China-Russia relationship does not automatically mean a breakdown of the India-Russia strategic partnership. In fact, India and Russia have spent the past few years strengthening their partnership, particularly since the 2018 Sochi informal summit. From substantive defence engagement to regional questions in Central Asia, Afghanistan and West Asia, a conversation with Moscow remains an important element of Indian foreign policy.

India and Russia are pragmatic players looking at maximising their strategic manoeuvrability, which understandably has led them to align with different powers based on their respective geopolitical positioning. Both recognise the value of having a diversified portfolio of ties. This is not to deny that external events will have no impact on the part-

nership. But in order to understand this, one cannot see the India-China clashes in isolation.

China-Russia ties

In fact, a more aggressive China is a result of its rise that has led to a change in the existing balance of power. It is this systemic change that is likely to produce a long-term shift in India's posture, prompting it to take tougher, decisive positions. It is the combination of a changing regional order, closer Russia-China ties and India's alignment with the United States and other like-minded countries to manage Beijing's rise that has the potential to create hurdles for India-Russia cooperation in the Asia-Pacific.

While India would like to secure Russian support in this changing Asian regional order, the latter has seen China become its key partner as relations with the West have hit a new post-Cold War low since 2014. This has led to a qualitative improvement in its ties with Beijing as the superpower looks to partner with a strong, external player that can balance the West. The U.S. policy towards Russia has further pushed the latter towards China, strengthening the rising power, to the detriment of both India and western interests. While Russia has acknowledged that the Indian and Association of South-east Asian Nations concepts of the Indo-Pacific do not include the aim of containment of another power, it has been critical of the American conception of the region that in its strategy classifies China as a revisionist power.

India on its part has sought to include Russia in its vision of the Indo-Pacific that does not see the region as a strategy or as a club of limited members. In fact, Prime Minister Narendra Modi during his 2019 visit to Vladivostok contextualised the cooperation in the Russian Far East as a 'confluence of the Eurasian Union on one side and the open, free and inclusive Indo-Pacific on the other' in an effort to bridge the strategic visions of a changing regional order, closer Russia-China ties and India's alignment with the United States and other like-minded countries to manage Beijing's rise that has the potential to create hurdles for India-Russia cooperation in the Asia-Pacific.

A world split into two blocs would be detrimental to the interests of both New Delhi and Moscow – squeezing the space available for hedging – and that makes it imperative that seeming contradictions in their respective policies are managed pragmatically while taking a long-term view of the strategic partnership. Although the evolving global order makes it difficult for India and Russia to pursue fully convergent policies, it does not preclude the bilateral relationship from retaining its relevance. The strategic space both provide to each other is critical and only underscores the need to insulate their bilateral relationship from the vagaries of the international system.

Harsh V. Pant is Director of Research at the Observer Research Foundation (ORF), New Delhi and Professor of International Relations at King's College London. Naveetha Kapoor is a Junior Fellow at the ORF

LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Contentious Bills

Two pieces of legislation passed in the Rajya Sabha on Sunday, amidst ugly scenes, have left an indelible imprint as far as the functioning of our parliamentary system is concerned (Page 1, "Amid fierce protests, Rajya Sabha passes two farm Bills", September 20). First, what is baffling, is what the immediate necessity was in having these Bills tabled in the midst of a pandemic.

Second, agriculture is a State subject and the government did not take the pains to consult the real stakeholders, especially farming organisations. Further, when the Opposition was on sending these Bills to a select committee, this was a genuine demand that could have been considered. Again, while passing these Bills, the government did not think it fit to listen even to the dissenting voices.

The procedure adopted by the Deputy Chairman to "Sustain" by States in order not to adhere to democratic norms and are a stain on our democracy.

S.K. KHOSLA, Channarayana

When the said Bills are perceived to be anti-farmer, the Opposition members have adopted an adamant and intolerant attitude? People gave a mandate to the government hoping that

people's interests would be looked after. The Prime Minister talked of inclusiveness in governance. Where has this gone?

D. SETHURAMAN, Chennai

Service conditions

The details about four jawans of the Assam Rifles was sad to read in the newspaper. "Torture not firing, China border deaths in 1975, recalls veteran", September 20. Even sadder is this: that

personnel of the Assam Rifles are not recognised as "Sainik" by States in order to extend them ex-servicemen facilities, though this 185-year-old paramilitary force has been under the operational control of the Indian Army and fought many battles in pre and post-Independent India. The Assam Rifles is a paramilitary force under dual control (Ministry of Home Affairs and the Ministry of Defence), but its personnel, both retired and

serving, do not get the benefits of the Defence Ministry, which they are working under. On the contrary, the Special Frontier Force is under the operational control of the Cabinet Secretariat and the Ministry of Defence, and categorised as a paramilitary force. It has been granted facilities on a par with the Indian Army. V. TULSI NAR, Nellore, Andhra Pradesh



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Dilution without adequate deliberation

It is important that there is wider scrutiny and public discussion on the labour bills



M.R. MADHAVAN

On September 19, the government withdrew three Bills related to labour laws and replaced them with new ones. These Bills make significant changes to regulation of labour and the employer-employee relationship in several ways. India has a complex regime of labour laws, and several committees have recommended simplifying and rationalising them. Last year, the government introduced four labour codes as Bills to replace 29 existing laws. These Codes deal with regulation of wages, occupational safety and health, social security, and industrial relations. The Code on Wages was passed by Parliament last year. Over the last few months, the Standing Committee on Labour presented its reports on the other three Bills. It is these three Bills that the government has replaced and introduced in the Lok Sabha.

Major changes

There are several aspects of these Bills that differ significantly from the earlier Bills. Let us call the new Bills as the 2020 Bills to distinguish them from the 2019 Bills that were examined by the Standing Committee and subsequently withdrawn.

First, the 2020 Bills raise several thresholds. The Factories Act of 1948 defines any manufacturing unit as a factory if it employs 10 workers (and uses electricity) or 20 workers (without using electric power). These thresholds are being raised to 20 and 40 workers, respectively. The Industrial Disputes Act of 1947 requires any establishment employing over 100 workers to seek government permission before any retrenchment; the threshold has been raised to 300, with the government empowered to raise it further through notification. These changes have been debated for over two decades but were not proposed in the 2019 Bill. The Industrial Employment (Standing Orders) Act of 1946 requires employers to formally define conditions of employment under them if they have at least 100 workers. The 2020 Bill has increased this threshold to 300



WORKERS

workers. Second, they provide the government with the power to exempt establishments from any or all of their provisions. The Code on Occupational Safety, Health and Working Conditions specifies leave and maximum work hours, requires health and safety norms including adequate lighting and ventilation and welfare measures. It subsumes 13 Acts including the Factories Act. The 2020 Bill allows the State government to exempt any new factory from its provisions in the interest of increased economic activity and employment generation. Given that every new factory would lead to incremental employment, this gives wide discretion to the State government to exempt new factories from basic safety and welfare norms. Note that the Factories Act permitted such exemption for a limited period of three months only during a "public emergency".

Third, there are some changes related to contract labour. The 2019 Bill was applicable to establishments which employed at least 20 contract workers and to contractors supplying at least 20 workers; these thresholds have been raised to 50 workers.

The 2020 Code prohibits the employment of contract workers in any core activity, and specifically permits employment in a specified list of non-core activities including canteen, security and sanitation services.

Fourth, the 2019 Bill on Occupational Safety allowed the government to prohibit employment of women in undertaking operations that could be dangerous to their health and safety. The 2020 Bill removes this power to prohibit employment and instead allows the government to require employers to provide adequate safeguards.

A shift in approach

All the three Bills (both the 2019 and 2020 versions) also show a major shift in approach from the earlier laws. Many essential features of the law are no longer specified in the Codes but have been delegated to be prescribed by the government through Rules. Examples of delegated items include setting the thresholds for application of various social security schemes, specifying safety standards and working conditions, and the power to increase the threshold for establishments that have to seek permission before retrenchment. An important question is whether such features should be hard-coded in the Acts.

Another important issue for consideration is whether there should be relaxations for small enterprises to reduce their compliance burden.

One may argue that some matters such as safety standards should apply to everyone while others that provide job security could be based on the size of the firm. The Occupational Safety Bill (which prescribes safety standards and maximum work hours) exempts small establishments from its purview while the Industrial Relations Bill applies to all.

These three new Bills were introduced on Saturday, and the Business Advisory Committee of the Lok Sabha has allocated three hours for them to be discussed and passed this week. Together, these Bills have 411 clauses and 13 schedules, and come to 350 pages. The provisions of the Bill affect every person working in India and every employer, and address complex issues. It is difficult to believe that Members of Parliament, who are attending Parliament every day including weekends, have had the time to read and understand the implications of the various provisions of the Bill. As discussed above, the Bills also have several key changes from the 2019 Bills that were examined by the Standing Committee. Therefore, it is important that there is wider scrutiny and public discussion on these Bills. They should be referred to the Standing Committee. After all, a complete revamp of labour laws should be done only after due deliberation.

M.R. Madhavan is President of PIS Legislative Research, New Delhi

India and the Abraham Accords

Israeli foray into the Gulf could disrupt the politico-economic architecture India has built with the GCC



MAHESH SACHDEV

The White House ceremony on September 15 marking the formal normalisation of Israel's ties with the United Arab Emirates (UAE) and the Kingdom of Bahrain has created a significant inflection point in regional history and geopolitics. Indeed, it helped ring in the Jewish new year (Rosh Hashanah 5781) last week with some extra cheers!

Two new friendships

The two Gulf states have, thus, joined Egypt and Jordan which had their peace treaties with Israel in 1979 and 1994, respectively. Still, several nuances make the September 15 reconciliation different. For one, the UAE and Bahrain do not have any territorial dispute with Israel, nor have they ever been at war with it. Although formally committed to an Arab consensus over a two-state resolution of the Palestine cause, these two countries have steadily, albeit furtively, moved towards having substantive links with Israel in recent years. Hence, the 'Abraham Accords' entered with the UAE and Bahrain are 'peace-for-peace' deals without any physical quid pro quo by Israel. Multiple drivers are likely to spur the two new friendships to grow faster and deeper than the 'cold peace' Israel has had with its two Arab neighbours. Externally, Israel, the UAE and Bahrain share the common threat perception of Iran against the backdrop of the ongoing diminution of Pax Americana in the region. Internally, while all three have their respective hotbeds opposing this reconciliation, these seem manageable. They are relatively more modern societies which share the overarching and immediate priority of post-pandemic economic resuscitation. They have lost no time to set up logistics such as Internet connectivity and direct flights to pave the way for more active economic engagement. If these sinews evolve, other moderate Arab countries are likely to join the Israel fan club.

Israel's detente with Egypt and Jordan did not have any major impact on India as our ties with them were relatively insignificant. However, now India has stronger, multifaceted and growing socioeconomic engagements with Israel and the Gulf countries. With over eight million Indian diaspora in the Gulf, remitting annually nearly \$50 billion, annual merchandise trade of over \$150 billion, sourcing of nearly two-thirds of India's hydrocarbon imports, major investments, etc.,

it is natural to ask how the new regional dynamic would affect India.

Implications for India

Geopolitically, India has welcomed the establishment of diplomatic relations between the UAE and Israel, calling both its strategic partners. In general, the Israel-Gulf Cooperation Council (GCC) breakthrough, the wider moderate constituency for peaceful resolution of the Palestine dispute, easing India's diplomatic balancing act. However, nothing in West Asia is monochromatic. The Israeli-GCC ties may provoke new polarisations between the jihadi fringe and the mainstream. The possibility of the southern Gulf becoming the new arena of the proxy war between Iran and Israel cannot be ruled out, particularly in Shia pockets. India would have to be on its guard to monitor and even pre-empt any threat to its interests in the Gulf. Even more important for India is to manage the economic fallout of the Israel-GCC synergy. With defence and security cooperation as a strong impetus, both sides are ready to realise the full potential of their economic complementarity. The UAE and Bahrain can become the entrepôts to Israel's exports of goods and services to diverse geographies. Israel has niche strengths in defence, security and surveillance equipment, air defence, solar power, horticultural products, high-tech, gem and jewellery, and pharmaceuticals. Tourism, real estate and financial service sectors on both sides have suffered due to the pandemic and hope for a positive spin-off from the peer-to-peer interactions. Further, Israel has the potential to supply skilled and semi-skilled manpower to the GCC states, particularly from the Sephardim and Mizrahim ethnicities, many of whom speak Arabic. Even the Israeli Arabs may find career opportunities to bridge the cultural divide. Israel is known as the start-up nation and its stakeholders could easily fit in the various dry-free incubators in the UAE.

Israeli foray into the Gulf has the potential to disrupt the existing politico-economic architecture India has carefully built with the GCC states. India has acquired a new regional footprint, particularly as the preferred source of manpower, food products, pharmaceuticals, gem and jewellery, light engineering items, etc. Indians are also the biggest stakeholder in Dubai's real estate, tourism and Free Economic Zones. In the evolving scenario, there may be scope for a profitable trilateral synergy, but India cannot take its preponderance as a given. It needs to keep its powder as dry as the shifting sands of the Empty Quarter.

Mahesh Sachdev, a former Indian Ambassador, is President, Eco-Diplomacy and Strategies, New Delhi

Beginning of the end?

The end to Belarusian independence vis-à-vis the EU and Russia could spell the end of Lukashenko

GABRIELLA SUBRAMANIAM

The embattled Belarusian President's charm offensive aimed at his Russian counterpart over a month after mass protests broke out against him following his August 9 re-election has paid off splendidly for him for now. It is, however, an open question how Alexander Lukashenko's views on deepening ties with Russian President Vladimir Putin will play out given his zealous assertion of national sovereignty versus Mr. Putin's vision of closer integration.

At their meeting held in the Black Sea resort town of Sochi, Mr. Putin pledged a \$1.5 billion loan to Mr. Lukashenko. He also said he would uphold his promises of security and joint military exercises "practically every month" for a year. In recent days, Mr. Lukashenko has addressed the Russian leader as an "elder brother" and praised him as a "friend in need". More significantly, Mr. Lukashenko has portrayed the popular unrest in Belarus as a test run for eventually overthrowing Mr. Putin.

Change in stance

These remarks imply that Mr. Putin's moves relating to Minsk are no less an act of self-interest. They are also a tacit allusion to the international fallout from the Kremlin's systematic suppression of dissent, illustrated by the poisoning of Russia's most prominent opposition leader, Alexei Navalny, in August.

Days before his meeting with Mr. Putin, Mr. Lukashenko asserted that he would not heed demands from the street for his resignation, insisting that the protesters would destroy the country. All of this is a marked change in tenor from the early phase of the unrest, when Mr. Lukashenko appeared desperate, pleading with Moscow for military assistance against what he then described as an external threat. When he addressed domestic audiences, the autocrat of 26 years, who in 2004 pushed through a constitutional referendum that scrapped presidential term limits, and swore on other occasions that he would die rather than give up power, had even referred to calls from countries in the region for him

to hold fresh elections.

Notable through this tumult was Russia's conspicuous overall silence, as also the focused target of the protesters demanding Mr. Lukashenko's exit. While Mr. Putin made known his readiness to deploy the police to quell the unrest if requested, the Kremlin was reluctant to risk any action that might turn the anti-Lukashenko tide against Russia. The recent shift to a more assertive stance is plainly a reflection of a seemingly weakening opposition under a sustained crackdown since the controversial polls.

Treatment of opposition leaders

In the run-up to the election on August 9, a number of prominent candidates were imprisoned or barred from the contest, action that unwittingly united the people against the brutal regime. In the wake of the disputed victory of Mr. Lukashenko for the sixth time, an opposition leader was abducted, others were forced to flee the country, or forcibly deported. Most prominent of them is Svetlana Tikhanovskaya, who fled to Lithuania after running against Mr. Lukashenko, when her husband Sergei, a YouTube star, was imprisoned on sedition charges months before the poll. Earlier this month, two opposition leaders were deported to Ukraine and a third was detained by authorities when she tore up her passport to avoid being forced to cross the border. The opposition coordination council has just one member remaining in Belarus with her liberty intact, the 2015 Nobel laureate, Svetlana Alexievich.

Paradoxically, as fatigue sets in among the protesters, Mr. Lukashenko's political options at home have also narrowed. A potential price for the recent package Moscow has offered could well be to breathe life into a 1997 Treaty on the Union between Russia and Belarus that envisages common legal and immigration policies.

The end to Belarusian independence vis-à-vis the European Union and Moscow could spell the end of Mr. Lukashenko.

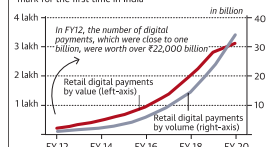
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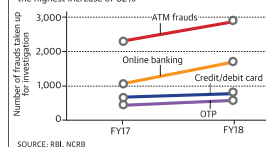
DATA POINT

More cards, more fraud

1. DIGITAL RISE | In FY20, the number of new retail digital payments breached the 30 billion mark and the value of such transactions went past the ₹3 lakh billion mark for the first time in India



2. FRAUDS RISE | In FY18, 6,885 cases of cyberfraud were taken up for investigation, a 35% increase from the previous year. Frauds related to online banking recorded the highest increase of 62%



While the use of digital systems (credit cards, debit cards and national electronic funds transfers) has risen significantly, there has also been a concomitant increase in cyberfraud targeting digital users. Conviction rates for cyberfraud have been low. The complexity of the crimes committed could be a reason. By Vignesh Radhakrishnan, Sumati Sen and Nareesh Singaravelu

3. RARE CONVICTIONS | At the end of FY18, about 64% cases were pending police investigation; only 16.2% of OTP frauds were charge-sheeted. Also, 95.9% cases were pending in courts; not one case ended in a conviction

Fraud type	Police charge sheeting rate	Police investigation pendency rate	Court conviction rate	Court case pendency rate
Credit/debit	32.1%	65.8%	0%	97.9%
ATM	42.2%	64.8%	16.7%	97.2%
Online banking	30.3%	66.3%	0%	96.2%
OTP	16.2%	64.2%	0%	95.9%
All	35.6%	65.5%	14%	96.2%

4. CASH IS STILL THE KING | While digital payments have increased, cash continues to be the most preferred mode of transaction. The currency in circulation to GDP ratio increased to its pre-demonetisation level of 12% in FY20 from 12.2% a year ago



The Hindu

FROM THE ARCHIVES

FIFTY YEARS AGO SEPTEMBER 22, 1970

Luna-16 bringing moon rock

The Soviet unmanned spaceship Luna-16 is returning from the moon, bringing samples of moon rock. Tass, the Soviet news agency, announced to day [Moscow, September 21]. The achievement in re-launched an unmanned probe from the surface of the moon through remote control from the earth marks a space first for the Soviet Union. Luna-16 landed on moon yesterday and began sending back scientific information. The Luna-16 blast-off from the moon comes 14 months after American Apollo-11 astronauts made the first successful take-off from the moon. Luna-16 scooped up samples in the area around the sea of Tranquillity using an electric "probe" which bored to a depth of 350 millimetres, Tass said. The samples were then transferred by means of a manipulator to a container in the spacecraft and hermetically sealed. After the landing of Luna-16 on the moon a complex of technological operations was carried out.

A HUNDRED YEARS AGO SEPT. 22, 1920

Juvenile offenders

(From an Editorial)

The juvenile offender presents one of the hardest problems of modern thought. Criminologists have envisaged him from all points of view and worked out uncertain hypotheses. The courts when they have him before them administer a sort of justice which falls in most cases to be either preventive or reformatory. What the courts do is to punish crime and how best to protect the innocent and wean the guilty back into goodness are questions to which in spite of laborious research, a conclusive answer has not been obtained. Some light is thrown on the subject by a report of the Juvenile Organisations Committee issued by the Board of Education in England. The committee examined the return of various juvenile courts and came to the disturbing conclusion that, in the case of theft, perhaps the commonest form of juvenile crime, poverty was not the primary incentive. About seventy per cent of the juvenile thefts examined by the committee were found to be devoid even of the excuse of poverty; and reason was found to justify a surmise that many a child turned thief at his parents' instigation or with his complicity. Another noteworthy circumstance that inspires a boy to crime is the love of adventure – a quality which under proper direction might easily run into channels far healthier than house-breaking or shop-breaking.

Opinion

Consider the virus's point of view

The career of the coronavirus so far is, in Darwinian terms, a great success story.

David Quammen

No sensible person can dispute that Covid-19 is a great tragedy for humanity — a tragedy even in the ancient Greek sense, as defined by Aristotle, with the disastrous ending contingent on some prideful flaw in the protagonist. This time it's not Oedipus or Agamemnon. This time it's we who are that cocky protagonist, having brought disaster on ourselves. The scope and the devastation of the pandemic reflect bad luck, yes, and a dangerous world, yes, but also catastrophic failures of human foresight, communal will and leadership.

But look past that record of human failures for a moment, and consider this whole event from the point of view of the virus. Measure it by the cold logic of evolution: The career of SARS-CoV-2 so far is, in Darwinian terms, a great success story.

This now-notorious coronavirus was once an inconspicuous creature, lurking quietly in its natural host: some population of animals, possibly bats, in the caves and remnant forests of southern China. The existence of such a living hide-out — also known as a reservoir host — is logically necessary when any new virus appears suddenly as a human infection.

Why? Because everything comes from somewhere, and viruses come from cellular creatures, such as animals, plants or fungi. (A viral particle isn't a cell; it's just a strip of genomic instructions enclosed in a protein capsule — a message in a bottle.) A virus can only replicate itself, function as though it were alive and abide over time if it inhabits the cells of a more complex creature, like a sort of genetic parasite.

Generally, the relationship between virus and reservoir host represents an ancient evolutionary accommodation. The virus persists at a low profile, without causing trouble, without proliferating explosively, and in return it gets long-term security. Its horizons are modest: relatively small population, limited geographical scope.

But this guest-host arrangement is not impermutably stable, or the end of the story. If another

sort of creature comes in close contact with the host — by preying on it, by capturing it or maybe only by sharing the same cave — the virus might be jostled from its comfort

zone and into a new situation: a new potential host.

Suddenly it's like a gaggle of rats that jump ashore from a ship onto a remote island. The virus might thrive in this new habitat, or it might fail and die out. If it happens to thrive, if by chance it finds the new situation hospitable, then it might establish itself not just in the first new individual but in the new population.

It might discover itself capable of entering some of the new host's cells, replicating abundantly and getting itself transmitted from that individual to others. That jump is called host-switching, or by a slightly more vivid term, spillover. If the spillover results in disease among a dozen or two dozen people, you have an outbreak. If it spreads countrywide, an epidemic. If it spreads worldwide, a pandemic.

Imagine again that gaggle of rats on a previously rat-free island. To their

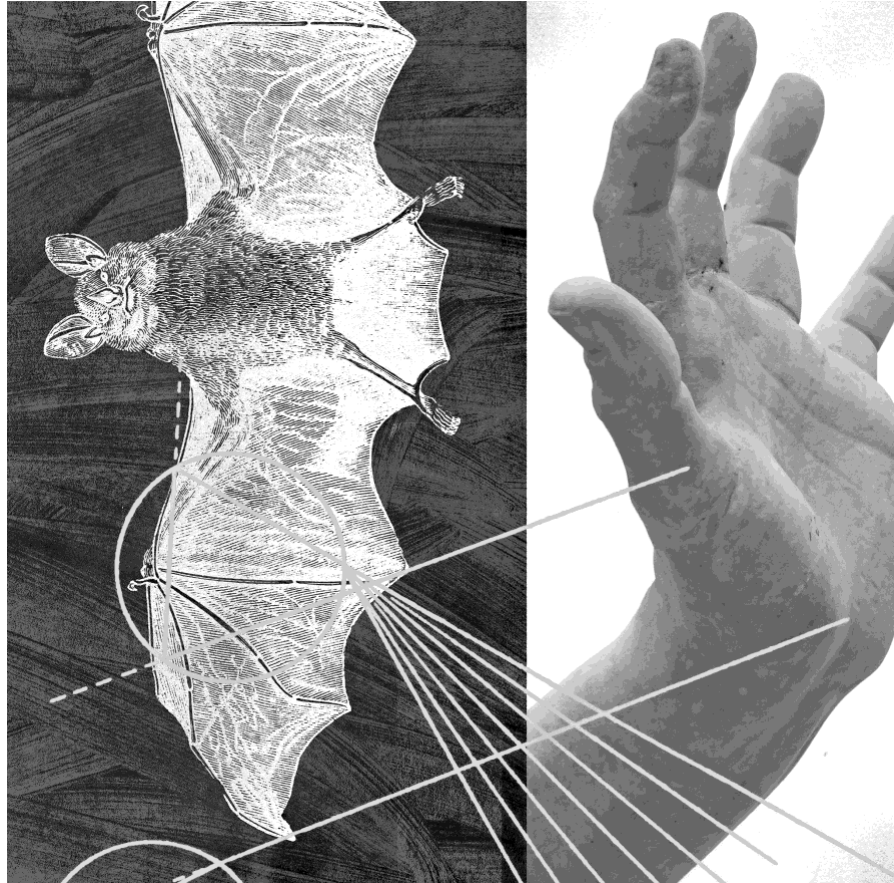


ILLUSTRATION BY LEIGH WELLS. PHOTOGRAPH BY GETTY IMAGES

delight, they find the island inhabited by several endemic species of birds, naive and trusting, accustomed to laying their eggs on the ground. The rats eat those eggs. Soon the island has lost its terms and its rails and its dotterels, but it has an abundance of rats.

Over time, the rats also acquire the ability to dig lizards out of their hiding places amid rocks and logs and eat them. They develop an improved agility at tree climbing, and eat eggs from birds' nests up there, too. Now you might as well call the place Rats Island. For the rats, this is a tale of evolutionary success.

If the remote island of habitat is a

human being newly colonized by a virus from a nonhuman animal, we call that virus a zoonosis. The resulting infection is a zoonotic disease. More than 60 percent of human infectious diseases, including Covid-19, fall into this category of zoonoses that have succeeded. Some zoonotic diseases are caused by bacteria (such as the bacillus responsible for bubonic plague) or other kinds of pathogen, but most are viral.

Viruses have no malice against us. They have no purposes, no schemes. They follow the same simple Darwinian imperatives as do rats or any other creature driven by a genome: to extend themselves as much as possible

in abundance, in geographical space and in time. Their primal instinct is to do just what God commanded to his newly created humans in Genesis 1:28: "Be fruitful and multiply, and fill the earth, and subdue it."

For an obscure virus, abiding within its reservoir host — a bat or a monkey in some remote region of Asia or Africa, or maybe a mouse in the American Southwest — spilling over into humans offers the opportunity to comply. Not every successful virus will "subdue" the planet, but some go a fair way toward subduing at least humans. This is how the AIDS pandemic happened. A chimpanzee virus now known as SIVcpz passed from a single

chimp into a single human, possibly by blood contact during mortal combat, and took hold in the human. Molecular evidence developed by two teams of scientists, one led by Dr. Beatrice H. Hahn, the other by Michael Worobey, tells us that this most likely happened more than a century ago, in the southeastern corner of Cameroon, in Central Africa, and that the virus took decades to attain proficiency at human-to-human transmission.

By 1960 that virus had traveled downriver to big cities such as Leopoldville (now Kinshasa, the capital of the Democratic Republic of Congo); then it spread to the Americas. QUAMMEN, PAGE 11

Trump's Mideast diplomatic deal: triumph or travesty?

The president said the treaty marked "the dawn of a new Middle East." But will it be more peaceful than the old one?

Spencer Bokart-Lindell

The United Arab Emirates and Bahrain became the third and fourth Arab nations to establish formal diplomatic relations with Israel last week, a development President Trump and Prime Minister Benjamin Netanyahu of Israel said would herald a new dawn of Middle East peace. In a White House ceremony, the three countries pledged to open embassies and establish other new diplomatic and economic ties, in exchange for which Mr. Netanyahu promised to freeze his plans to annex portions of the West Bank.

Will the deal actually make the Middle East more peaceful, and what does it mean for Palestinians, whose leadership has condemned it as a betrayal? Here's what people are saying.

TRUMP'S MIDDLE EAST PLAN COULD BOOST THE REGION

For years, it has been widely known, if not publicly acknowledged, that Israel and the U.A.E. cooperate extensively in security, energy and trade affairs. Many foreign policy analysts maintain that what finally pushed the countries to bring their relationship out into the open was a shared fear of aggression from Iran, which commands a network

of military proxies in multiple countries. As Madeleine Albright, a former secretary of state, and Stephen Hadley, a former national security adviser, argue in Politico: "The U.A.E.'s historic decision reflects its heightened alarm at Iran's disruptive activity throughout the region. A growing alignment between Israel and the Gulf States could do much to deter future Iranian adventurism and possibly lead to an eventual reduction in tensions."

But the Times columnist Thomas Friedman doesn't see military interests as the only reason for the deal. He argues that many moderate Sunni Arab states have recognized the urgent need, born of the collapse of oil prices and the surge in their youth populations, to diversify their economies and trade relationships.

"I can't predict how it will all play out, but when the most technologically advanced and globalized Arab state, the U.A.E., decides to collaborate with the most technologically advanced and globalized non-Arab state in the region, Israel, I suspect new energies will get unlocked and new partnerships forged that should be good for both Arab-Israeli and Jewish-Muslim human-to-human relations," he writes.

"In my view, anything that makes the Middle East more like the European Union and less like the Syrian civil war



From left, President Trump, President Mahmoud Abbas of the Palestinian Authority and Prime Minister Benjamin Netanyahu of Israel.

is a good thing."

And in the view of the Times columnist Bret Stephens, it may even be a good thing for Palestinians. Palestinian leaders have rebuked Bahrain and the U.A.E. for forfeiting what they view as a key source of leverage against Israel in the push to end its occupation of the West Bank and blockade of Gaza. But Mr. Stephens argues that decades of

failure to resolve the Israeli-Palestinian conflict have revealed the futility of that strategy. Reversing its order by normalizing Arab-Israeli ties first, he says, could be what finally creates the conditions for Palestinian statehood.

That view is shared by Ghalib Al-Omari, a former adviser to the Palestinian negotiating team. If Egypt and Jordan are any indication, he argues,

Arab countries that normalize relations with Israel are more effective partners to Palestinians, not only because they can hold direct talks with Israel, but also because they enjoy more credibility in the international community than countries seen as hostile to a Jewish state.

"In a region that is accustomed to things only getting worse, this is a rare piece of good news," he writes. "The international community needs to capitalize on its momentum, and Arab and international friends of the Palestinians need to urge them to use this opening to explore ways of resuming Palestinian-Israeli talks within a wider regional context."

"TRUMP 'PEACE' DEALS FOR ISRAEL, U.A.E. AND BAHRAIN ARE SHAMS. THEY BOOST OPPRESSION, NOT AMITY"

Dissenting from the mainstream American foreign policy consensus, Trita Parsi, the executive vice president of the Quincy Institute for Responsible Statecraft, argues that the deal had very little to do with the danger posed by Iran, which he contends the United States and Israel have exaggerated for decades to serve politically unpopular ends.

"What binds Israel, Saudi Arabia, and the U.A.E. together is not so much the threat from Iran but the threat of the BOKART-LINDELL, PAGE 11

OPINION

The New York Times

INTERNATIONAL EDITION

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RUTH BADER GINSBURG'S LEGACY

In the rearview mirror, the victories of a trailblazing feminist. On the road ahead, the threat of an entrenched and powerful minority.

Justice Ruth Bader Ginsburg, who died Friday at the age of 87, will forever have two legacies.

The one Americans could be focusing on right now is the one of legal trailblazer: Justice Ginsburg, the second woman ever to be appointed to the Supreme Court, paved the way for women's equality before the law, and for women's rights to be taken seriously by the courts and by society.

As an attorney she argued, and won, multiple cases at the Supreme Court in the 1970s, eventually persuading an all-male bench to apply the 14th Amendment's equal protection clause to sex-based discrimination. On the court, she continued to point the way toward greater equality in opinions like *United States v. Virginia*, which held unconstitutional the Virginia Military Institute's policy of refusing to admit women. "Inherent differences between men and women, we have come to appreciate, remain cause for celebration," Justice Ginsburg wrote for a 7-to-4 majority, "but not for denigration of the members of either sex or for artificial constraints on an individual's opportunity." It was sweet revenge for someone who had once been rejected for jobs at top New York law firms, and denied a clerkship on the Supreme Court, because she was a woman.

The other legacy of Justice Ginsburg's that the country is now urgently forced to confront is the cold political reality that she died in the final weeks of a presidential campaign, at a moment when President Trump and Mitch McConnell, the Senate majority leader, appear to be dead-set on replacing her with someone who would obliterate much of the progress she helped the country make.

The court now faces a serious crisis of legitimacy. Senate Republicans, who represent a minority of the nation, and a president elected by a minority of the nation, are now in a position to solidify their control of the third branch of government. The Supreme Court, with another Trump appointee, could stand as a conservative firewall against the expressed will of a majority of Americans on a range of crucial issues.

The cynicism of the political moment stands in sharp relief against Justice Ginsburg's idealism. She faced down multiple bouts of cancer and other health emergencies during her tenure on the bench. Through it all, she never wavered in her commitment to the court as a vehicle for a more just and more equal America. She was a dogged, tireless fighter — it was easy to imagine she might live another 20 years, battling back whatever came at her. Of course, we knew better.

Defending her decision not to retire when President Barack Obama could have picked her replacement, she said, "There will be a president after this one, and I'm hopeful that that president will be a fine president." She never anticipated President Trump, whom she called a "faker" during a 2016 interview. She shouldn't have said it, but she was right.

Everyone who cares about the integrity of the nation's highest court has been dreading a moment like this — the death of a justice as Americans are already casting their ballots in the most contentious and consequential presidential election in living memory. The future of the court now rests in the hands of Mr. McConnell, the man who has done more damage to the court's standing than perhaps anyone in modern American history.

With Mr. McConnell's help, President Trump has already filled two seats on the court with hard-right ideologues. The first, Neil Gorsuch, is a justice solely because of Mr. McConnell's obstruction, on false pretenses, of President Obama's nomination of Merrick Garland. The second, Brett Kavanaugh, was a highly contentious nominee with a long, troubling record in government that Mr. McConnell hid from the American people. And that was before Mr. Kavanaugh faced credible allegations of sexual assault.

Throughout the Trump years, Republicans have shown little willingness to place principle above party, or to place the long-term interests of the nation above short-term political victories. But perhaps a few Republican senators will take the quickened pulse of the nation and consider the case to postpone resolving Justice Ginsburg's replacement.

Justice Ginsburg, who was Jewish, died on the eve of Rosh Hashana, the Jewish new year. Fittingly, it is a day when Jews look backward and forward, reflecting on what has passed, and preparing for what is to come. Justice Ginsburg's death marks the end of her long battle on behalf of equality for all Americans. Others must now carry that fight forward.

The evangelicals battling QAnon

Sarah Posner

are proliferating in white evangelical circles, even as many of the people sharing the content may never even heard of QAnon.

Warren Throckmorton, an evangelical who is a psychology professor at Grove City College in Pennsylvania, says the Q-adjacent claims he has seen on social media relate broadly to the notion that the president "is being unfairly maligned." Evangelicals are drawn to these posts, Dr. Throckmorton added, because they reinforce their belief that Mr. Trump is under attack. "It's a way of trying to justify their support for the president," he said. "Anything that makes Donald Trump look honest or compassionate or good, they'll spread, without checking out where it comes from, who posted it, who the source is."

Some leaders are trying to save their flocks from the lure of the online conspiracy theory.

Mr. Brown, an evangelical who has served as a volunteer pastor himself, knows all too well that pastors have little time to tumble into an online labyrinth of convoluted Q theories. So he wrote an explainer on QAnon's ever-evolving machinations, cautioning readers that as Christians, they must "reject the movement's fanatical and dangerous messages."

Some of QAnon's dizzying pileup of false claims — that the Covid-19 pandemic is overstated or even nonexistent, for example — have been embraced by Trump fans, Republican congressional candidates and the president himself. Mr. Brown and others say they

But one thing we can say about Q is that he, she or they are highly unoriginal, mining conspiracy theories as ancient as the anti-Semitic blood libel. If you've been around the corners of evangelical America as I have, it's apparent that Q is at least a student of, and perhaps an adherent of, the conspiracies that have long permeated conservative evangelical culture.

Many QAnon posts and merchandise feature a Bible verse that is popular among white evangelicals, 2 Chronicles 7:14: "If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land."

In the evangelical world, this verse means that God will heal America of abortion and human trafficking, which is often described as "modern-day slavery." In the QAnon world, it means God will free America of the satanic densities of the "deep state" who are running a global child sex-trafficking ring. In both worlds, Mr. Trump is under siege. And online, the two worlds are converging.

There are also connections between QAnon and end-times prophecies. In the mid-20th-century version of this scenario, before Jesus returns, believers will be raptured to heaven and will be spared a period of tribulation, during which the Antichrist will attempt to rule via a "one world government" and force people to



MICHAEL DEFRIO

adopt the "mark of the beast." Over the decades, many technological and governmental innovations, like grocery store bar codes, Social Security numbers and vaccines (including a potential coronavirus vaccine), have been suspected of being such "marks of the beast." The United Nations and the European Union have been derided as precursors of that "one-world government."

Some white evangelicals speculated about whether Barack Obama was the Antichrist, or just a "sign of the times." Of course the point was not to actually determine, definitively, whether the first Black president was the Antichrist. The point was to make people wonder aloud about it or post about it on social media.

Long before QAnon mystified journalists with its special brand of nonsensical permutations, end-times prophecies were full of speculation and inconsistencies. That didn't stop them from engaging followers in an incessant quest for meaning and certainty — a form of entertainment and diversion from reality.

Even as one prophecy is proved wrong, or doesn't pan out, the broader theory is pliable enough to survive. Evangelicals are told to study their Bible. QAnon adherents are told to do their own research. Any needed adjustments keep things exciting, as if one is living in a perpetual cliffhanger upon which nothing less than the outcome of a cosmic battle between good and evil rests.

And that brings us to the Clintons. During Bill Clinton's presidency, the Rev. Jerry Falwell Sr. sold conspiratorial pseudo-documentaries about the Clintons through his television program, "The Old Time Gospel Hour." The first, "Bill Clinton's Circle of Power," which by 1994 had sold more than 100,000 copies, accused Mr. Clinton of being connected to assaults and murders of political opponents. The sequel, "The Clinton Chronicles," was shown in churches across the country.

An Arkansas journalist, Gene Lyons, has described it as a "near-delusional concatenation of preposterous falsehoods and conspiracy theories" that "presented the then-president (and his wife) as an embezzler, drug smuggler and serial killer."

That October 2017 "drop" that kicked QAnon off? It read: "HRC extradition already in motion effective yesterday in several countries in case of cross border run." Other tenets of QAnon: Hillary Clinton should be arrested ("Lock her up"); she will try to escape (because, like her husband, she is a wily criminal); and she and her cabal are out to get President Trump. He beat her

POSNER, PAGE 11



MICHAEL DEFRIO

A Middle Eastern mirage



Roger Cohen

Age curtails impetuosity. The U.A.E. and Bahrain don't have to worry about public opinion. Saudi Arabia, as custodian of Islam's holiest sites, does. Namely, the views of some 1.8 billion Muslims across the world, as well as those of its own population.

Saudi conservatives, jihadis and Iran would jump on any Saudi-Israeli normalization, Ali Shihabi, a Saudi political analyst, told me. The kingdom, as author of the Arab Peace Initiative of 2002, has a particular attachment to it even as other Gulf States have destroyed its premise: that a statehood deal for the Palestinians should precede any normalization of relations with Israel.

So much for that thought. So much for the Palestinians. They were scarcely mentioned at the White House ceremony. The Palestinians have overtaken the Kurds as the most tired cause in the Middle East, some achievement. The Arab Spring, so called, no longer gives a damn.

The Arab Spring, even aborted, put an end to the diversionary tactics of despotic Arab leaders. The problems of Middle Eastern states lay at home — in gross incompetence, brutality and corruption — not with Israel's oppression of the Palestinians.

Still, there's something rotten in the peace choreography of Trump, Jared Kushner, Ambassador David Friedman et al.

Yes, it's a good thing that two more Arab states have normalized relations with Israel, after Egypt and Jordan. They're small, peripheral, and were never at war with Israel. Still, it's some-

thing positive on Rosh Hashana; the more Jews and Arabs mingle, the better.

It's also positive that Prime Minister Benjamin Netanyahu suspended plans, widely viewed as illegal, to annex part of the West Bank. That's where we are. Getting Israel not to violate international law is notched up as an achievement. Netanyahu also did not insist the U.A.E. and Bahrain recognize Israel as a Jewish state — perhaps the most ludicrous demand Israel ever made of the Palestinians.

Yet this cannot mask the fact that Israel's problems are not with the U.A.E. or Bahrain (normalization surfaced an existing web of relations), but with the Palestinians over the division of the land between the Mediterranean Sea and the Jordan River. For all the pious sentiments in the agreement about resolution of the Israeli-Palestinian conflict, the reality is that Trump, Kushner, Friedman et al. have treated the Palestinian national cause with contempt. Their peace plan released earlier this year made a mockery of Palestinian statehood. It offered near carte blanche for Israel.

The Trump administration has no interest in history. Therefore, it cannot understand that the Palestinian struggle is a historical one, as that of the Jews for a homeland was. The Palestinians will not be bought off, a concept foreign to Trump. No Palestinian leader will accept anything resembling the Trump-

Kushner plan.

Talk of the Palestinians being pressured now into folding betrays a fundamental misunderstanding of the Palestinian psyche. Peace, the one that matters, has not been served by this administration; and some 6.5 million Palestinian Arabs in Gaza, Israel and the West Bank are not going away. The status quo can offer lulls, but not dawns.

The Palestinians have contributed to their own humiliation. You cannot talk about elections and not hold them without being viewed as unserious. The Palestinian Authority, established as part of a deluged peace process, is a collection of undemocratic has-beens. Mahmoud Abbas, the Palestinian leader, sits atop a house of cards that does little or nothing for the Palestinian people. One day it will collapse. Feeble, corrupt leadership has allowed Palestinians to be sold down the river.

From an American president who makes a mockery of science and medicine on a daily basis, and whose rule has been an exercise in stirring up racial and ethnic conflict, that's grotesque.

Trump is about mirages, not new mornings. His October surprise could include an American military clash with Iran that serves to strut Trump's stuff; and, just maybe, that risky Saudi gift to its benefactor in chief.

OPINION

Clean Power, No Thanks to Al Gore



INSIDE
VIEW
By Andy
Kessler

Here's a fun game. Ask an environmentalist about the Paris climate agreement. OK, now ask if he's for nuclear power, which has zero carbon emissions, at which point he'll usually stare at his shoes and mumble something about high costs.

"The biggest problem with nuclear power," activist Bill McKibben of 350.org told *Technocracy*, is that "it's really expensive." Al Gore, who sounds more and more like a revivalist preacher, told Reuters last month, "They've priced themselves out of the market. Electricity from nuclear power plants is by far the most expensive in the world," while the cost of renewables "is continuing to go down."

That's funny, because in 1994 the Clinton-Gore administration canceled research funding for the Integral Fast Reactor, which sure could have helped us down the learning curve to lower-cost carbon-free electricity today. The U.S. has constructed a tiny handful of new nuclear plants in the past four decades. Yes, the same folks who fought nuclear energy tooth

and nail are now complaining that it's too expensive—like saying they're orphans after killing their parents. I mention all this now because earlier this month, and almost miraculously, the Nuclear Regulatory Commission approved the design and issued a final safety evaluation report for a Small Modular Reactor, or SMR, by NuScale based in Portland, Ore. NuScale's design, funded by engineering firm Fluor and the U.S. Energy Department, joins six other federally approved designs. But it's the first that looks as if it can scale and reduce costs.

Nuclear energy took a leap toward being cost-effective. Yet the green lobby hasn't noticed.

In most nuclear fission reactors, uranium pellets are sealed in metal tubes known as fuel rods. These rods are submerged in water along with control rods that usually contain cadmium or boron, which absorb neutrons. When the control rods are removed, released neutrons cause a fission chain reaction, splitting atoms and releasing heat. This heats the water, which circulates through a heat exchanger with a separate water stream, producing steam to turn an electricity-generating turbine. The NuScale reactor is smaller—only 65 feet tall and 9 feet in diameter, with much

installed below grade. It has a really small core, 1/20th the size of larger reactors, and, importantly, it comes with passive safety features. Using buoyancy, water circulates internally without pumps. Motors lift the control rods such that if electricity is lost, gravity drops them back into the core, stopping the reactor. Safety first.

Each SMR can generate 60 megawatts of power, and a dozen can be linked together at one site. California's recent blackouts were from a shortage of 4,000 megawatts of power, so only six SMR groupings could have solved the problem, carbon free.

Because NuScale reactors are so small and modular, they can be manufactured in factories rather than custom-made on site. Hopefully that reduces costs over time. At about \$3 billion, "NuScale's first plant offers a competitive overnight capital cost in comparison to large gigawatt nuclear facilities," CEO John Hopkins tells me about their 12-module 683-megawatt (net) plant. "As subsequent NuScale plants are built, our already competitive cost will continue to decrease." The first potential customers are utility companies in Utah with rollout beginning in the mid-2020s, though some prospective buyers have dropped out.

As for climate change, I'm somewhat in the Bjorn Lomborg camp: The world is warming and that might even be man-made, but the remedies are a waste of societal wealth and wouldn't make

much difference, and the money is better spent improving quality of life for earth's population. So let's spend productively.

Remember, there's no energy solution without extraneous costs. Hydroelectric dams are ugly and hurt salmon. Wind turbines gore golden eagles. And utility-scale solar takes up lots of space, 5 to 10 acres per megawatt. One NuScale cluster on 30 acres replaces 11 square miles of solar panels.

NuScale is not alone. Bill Gates has reportedly invested \$500 million or more in TerraPower, which started in 2006 and was hoping to build SMRs in China before Trump trade tensions put the kibosh on those plans.

No one likes nuclear bombs and nuclear accidents—the industry needs a marketing makeover. The HBO series "Chernobyl" was haunting but overblown. How about some rebranding? Instead of nuclear, call it carbon-free heavy metals. No? Maybe particle power? Quark spark? Anything but nukes.

Either way, this sets up a great test. Joe Biden has promised to spend \$2 trillion on clean energy and "achieve a carbon pollution-free power sector by 2035." If there is a Biden administration and it doesn't encourage the rollout of nuclear power, then, like Messrs. McKibben and Gore and other alarmists, that's proof they're not really serious about climate change. So what is their agenda?

Write to kessler@wsj.com.

BOOKSHELF | By Philip Terzian

The Road To Camelot

JFK: Coming of Age in the American Century, 1917-1956

By Fredrik Logevall
(Random House, 782 pages, \$40)

John F. Kennedy poses a problem for historians and chroniclers of American politics. He was a man of good looks, unquestioned charm and public eloquence. He was the Harvard-educated son of a wealthy New England financier, a decorated veteran of World War II and, not least, an acclaimed author of two books: a volume on foreign policy, written while he was still a college student, and a Pulitzer Prize-winning bestseller, produced while he was recovering from spinal surgery and a subsequent near-fatal infection. Kennedy was a shrewd member of the House and Senate, and his calculated rise to power was both swift and historic.

In 1960 he became the youngest person ever elected president of the United States and the first (and, so far, only) Roman Catholic. But, as every schoolboy knows, the best-known feature of the Kennedy presidency is that it was ended, in a ghastly tableau, toward the end of the third year of his single term when he was shot to death by a left-wing malcontent in Dallas. Whatever promise his brief tenure may have heralded was extinguished, leaving few tangible remnants. As his faithful acolyte Arthur M. Schlesinger Jr. lamented, it was as if Franklin D. Roosevelt had been struck down in 1935, before the full flowering of the New Deal or World War II.

Nevertheless, in the immediate aftermath of his death, the challenge of concocting a legacy for our 35th president was quickly met. Kennedy had been a favorite among journalists and what we might call the cultural and intellectual caste in America; and he was, of course, a Democrat, though a somewhat unconventional one. So the man described, in 1965, by the British journalist Malcolm Muggeridge as "the easy-going, amorous, rather indolent and snobbish, amiable and agreeable American patrician of whom the late President's intimates used sometimes to speak" had been transformed, by the end of the decade, into the Prince of Camelot, the lost leader of the better angels of our nature—a revered figure.

To be sure, in due course, the image has been revised and to some degree downgraded; but the mythology has been resilient. When Kennedy died, in 1963, the previous presidential assassination 62 years earlier—of William McKinley (in 1901)—seemed like antiquity; by contrast, JFK remains very much with us.

Fredrik Logevall, a diplomatic historian at Harvard, is aware of Kennedy's "larger-than-life status." But, he explains, "few serious biographies... have been attempted, and there exists virtually no full-scale biography, one that considers the full life and times and makes abundant use of the massive archival record now available." He may well be right, although it's hard to think of many presidents more voluminously chronicled than Kennedy.

In this account of his political apprenticeship, JFK is depicted as intellectually adventurous, personally appealing—and ambitious.

But fair enough: In "JFK," the first installment of a projected two-volume biography, Mr. Logevall takes Kennedy from his origins to age 39 and his debut as a national politician at the 1956 Democratic National Convention, where, in the last genuinely contested balloting at a party conclave, he came within a handful of votes of winning the vice-presidential nomination. "To recapture him," Mr. Logevall writes, "one must examine him when he was young and untired, still finding his way in his large and competitive Irish Catholic family and in the world, still learning what he was about."

Does the author succeed? He certainly shows Kennedy to be, early on, less assured and worldly-wise than he became by the time he entered politics. He records as much as may possibly be known about the Kennedy episodes in Kennedy's life and career. He reminds us of his brilliant and diabolically ambitious father, Joseph P. Kennedy, whose wealth and world-wide connections afforded his more subtle and judicious son an enviable front-row seat at the mid-20th century—as well as plenty of money and timely assistance. Kennedy's chronic ill-health, also recorded in startling detail: periodic episodes of weight loss, high fever, debilitating pain, physical delicacy and melancholy—not all of it attributable to the Addison's disease that went undiagnosed until surprisingly late in life.

In his broad interests and extended apprenticeship, JFK comes across as the most intellectually adventurous, certainly the most personally appealing, member of the famous quartet of Kennedy brothers. Jack's Harvard thesis, subsequently published as a slim volume titled "Why England Slept" (1940), was constructed with considerable assistance from well-placed enablers and pushed onstage by his father's contacts and promotional skills, a process repeated for the (largely) ghostwritten "Profiles in Courage" (1956). But it's difficult to imagine Joe Jr., Bobby or Teddy embarking on similar projects.

And yet, in the long run, Mr. Logevall labors a little too strenuously to persuade readers that Kennedy was more than the product of his family's privilege and his own ambition and modest talents as intellect and interpreter of the world. The facts of his evident sexual appeal are repeated, and repeated again, with undue emphasis; his undergraduate insights and gathering worldview in office are recorded in admiring adoration. "JFK" is replete with testimonials to his special qualities, yet nearly all of them are post-mortem assessments from the Kennedy circle. ("There was a basic dignity in Jack Kennedy, a pride in his bearing," says one of his longtime aides.) His coterie of intimate male friends contained a revealing quantity of toadies, hangers-on and partners in pleasure. Not surprisingly, they have fond memories of Jack.

The legend, in other words, has been as hard for Mr. Logevall to penetrate, much less overcome, as for any of his predecessors in biography. One comes away from "JFK" suspecting that, the more detail we have of this truncated life, the less majestic it will appear to posterity.

Mr. Terzian, a contributing writer at the *Washington Examiner*, is the author of "Architects of Power: Roosevelt, Eisenhower, and the American Century."

Peru and Brazil: Stay Home and Starve



AMERICAS
By Mary
Anastasia
O'Grady

History suggests that humans learn as much, or more, from flops as from successes. It follows that Covid-19 lockdown policies present a teaching moment. In Latin America the lessons go well beyond the domain of infectious diseases to the realm of all-out government failure.

Let's acknowledge that coronavirus statistics are far from perfect. Weak public-health systems in the region make it difficult to measure rates of infection and fatalities accurately. And that's if the truth is even an objective.

In Cuba's police state, data can't be taken any more seriously than the regime's claims in March that similar health care made travel restrictions unnecessary. The truth leaked out when Italian tourists began to get sick and were sent to dismal island hospitals.

Even if Cuba had no Covid-19 deaths, totalitarianism would remain morally reprehensible. Most governments in the region seem to agree and have stopped short of the Cuba-style terror to eliminate dissent.

On the other hand, when the Covid-19 panic hit, some countries experimented with repression like, not for days or weeks but for months. This has caused enormous economic pain for those who

could least afford it. The disease spread and death tolls have spiraled away.

This isn't out of the ordinary. Large informal economies persist in the region because the rules to operate in the formal economy are oppressive. The Covid-19 lockdowns were more of the same. They envisioned a tidy stay-at-home world comfortably divorced from the reality of most people's lives.

Peru's lockdown has arguably been the most draconian. Practically all business were ordered to be closed alongside a stay-at-home mandate. The government centralized all deliveries making it almost impossible for charitable organizations and companies to help the needy. President Martín Vizcarra put the military on the streets to enforce his decree.

A lockdown may save lives during a hurricane or similar events of limited duration. But after a couple of weeks this use of power to contain Covid-19 became an abuse of power. The economically secrete obeyed but probably wouldn't have gone out anyway. For most everyone else Mr. Vizcarra's order was equivalent to mandating extreme hardship.

Large numbers of Peruvians who had migrated to Lima to work and who live hand to mouth found themselves without income. Many decided to return home. Since public transportation had also been curtailed, thousands set out on journeys of hundreds of miles,

on foot. Others camped out on sidewalks waiting for a ride.

Elsewhere there were long lines to cash government subsidy checks or shop. So infections spread and Peru became one of the 10 hardest-hit countries in the world.

Brazil's federalism left lockdowns up to the states. But governors who told people to stay home didn't save lives either because Brazilians, like Peruvians, knew that hiding under bed until April 2021 wasn't an option. The government's "cure" was worse than the risks.

Politicians in both countries imposed harsh restrictions people couldn't obey.

"A Postcard from Brazil," written anonymously from Espirito Santo and posted on Toby Young's "Lockdown Skeptic" website, captures the popular sentiment in Brazil.

"The first few weeks of the lockdown went as scripted" but two months in, all bets were off. "The world's most sociable culture didn't take well to being isolated. Hand to mouth workers weren't going to wait and see if they would starve to death before being allowed to work again. Most people, even if they posted differently on Instagram, decided the lockdown was over."

Did health officials in Peru or Brazil consider, even for 30

seconds, the upshot of what they prescribed? Obviously not.

Alexis de Tocqueville wrote in "Democracy in America" that laws work only "when a power superior to society manages to impose them over many years, or by their perfect harmony with the mores, habits and civilization of the people. In this last case, the laws are only the conspicuous and legal manifestation of a pre-existent fact."

Tocqueville saw what too many politicians still miss: The rule of law grows out of the norms and values of the governed, not from the palace. Months of lockdown were completely at odds with what it means to be human. In Pennsylvania, plaintiffs went to federal court to challenge the state's strict lockdown. Last week federal judge William Stickman IV ruled that the governor's closing of "non-life-sustaining businesses" was tantamount to "determining who could work and who could not, who could earn a paycheck and who would be unemployed—and for some, which businesses would live, and which would die. This was truly unprecedented."

Most of Latin America have such incentives to rely on when politicians bully them. But their yearning for freedom is no different. As the anonymous postcard from Brazil reports, "most people here are going about their life. They called a lockdown and nobody came."

Write to OGrady@wsj.com.

From 'Torches of Freedom' to 'Mask Breath'

By Bob Greene

The Ice Breakers mints television commercial is likely making Edward Bernays—the visionary of U.S. marketing—smile in approval from the heaven of sales wizards.

You might have seen the commercial, which begins as if it were a public-service announcement advocating the wearing of masks. The face of a masked woman appears, with admiring words about her carefulness.

Then the message abruptly shifts, and the real point of the commercial kicks in: "How about a mint before you mask. Because mask breath? It's real."

Bingo. The manufacturer of Ice Breakers, the Hershey Co., has, in the tradition of Edward Bernays, reacted to unanticipated world events by coming up with a new phrase to sell an existing product in need of a boost.

Most of us probably assumed the only fiscal beneficiaries from recommending Ice Breakers would be mints makers. But Hershey's—facing an industrywide sales slump as people began to stay home—understood that if fewer men and women were

Edward Bernays's technique for selling cigarettes comes back in an ad for mints.

worrying about having unpleasant breath that might offend nonexistent office colleagues, there had to be another way to persuade them that fresh breath still matters. The answer was "mask breath." It struck a chord: People were becoming all too familiar with their own breath inside those masks. Ice Breakers made the phrase a sales

concept of its own.

Which brings us to Bernays, hailed in his obituary as the "father of public relations." Born in Vienna in 1891 and a nephew of Sigmund Freud, Bernays moved to the U.S. and became the pioneer of using psychological spins to increase business for corporate clients.

The apex of his career came when George Washington Hill, president of the American Tobacco Co., approached him in the 1920s with a problem: Cigarette sales were strong with men, but women were reluctant to smoke outside their homes. Smoking in public by women was seen as a sign of loose morals. Many feared the stigma. Hill realized that a potential market for his cigarettes was being lost.

Bernays came up with the solution. On Easter Sunday in New York City in 1929, he quietly paid a group of women—he wanted them to look like debutantes—to slip into the

annual Easter Parade down Fifth Avenue smoking cigarettes. He had the women proclaim that in the dawning era of female independence and voting rights, they were smoking as a sign of emancipation. The items in their hands—this was the genius part of Bernays's scheme—were not mere cigarettes, but "torches of freedom." The analogy with the Statue of Liberty was calculated.

It worked. The torches of freedom carried by the modern women in the parade received news coverage worldwide. The stigma evaporated. Women began smoking openly in public, and cigarette sales soared.

Edward Bernays died at 103 in 1955. Will his guerrilla style of salesmanship ever fade away? Don't hold your mask breath.

Mr. Greene's books include "Chevrolet Summers, Dairy Queen Nights."

OPINION

REVIEW & OUTLOOK

Breaking Judicial Norms: A History

Senate Minority Leader Chuck Schumer is widely reported to have told his Democratic colleagues on Saturday that “nothing is off the table for next year” if Republicans confirm a Supreme Court nominee in this Congress. He means this as a threat that Democrats will break the filibuster and pack the Court with more Justices in 2021 if they take control of the Senate in November’s election.

So what else is new? Democrats have a long history of breaking procedural norms on judges. While packing the Court would be their most radical decision to date, it would fit their escalating pattern. Let’s review the modern historical lowlights to see which party has really been the political norm-breaker.

• **The Bork assault.** When Ronald Reagan selected Robert Bork in 1987, the judge was among the most qualified ever nominated. No less than Joe Biden had previously said he might have to vote to confirm him. Then Ted Kennedy issued his demagogic assault from the Senate floor, complete with lies about women “forced into back-alley abortions” and blacks who would have to “sit at segregated lunch counters.” Democrats and the press then unleashed an unprecedented political assault.

Previous nominees who had failed in the Senate were suspected of corruption (Abbe Fortas) or thought unqualified (Harold Carswell). Bork was defeated because of distortions about his jurisprudence. This began the modern era of hyper-politicized judicial nominations, though for the Supreme Court it has largely been a one-way partisan street.

No Democratic nominee has been borked, to use the name that became a verb. Even Justice Sonia Sotomayor, whose left-wing legal views were obvious upon her nomination, received a respectful GOP hearing and was confirmed 68-31 with nine GOP votes. Justice Ruth Bader Ginsburg was confirmed 96-3, Stephen Breyer 87-9, and Elena Kagan 63-37.

Democrats, meanwhile, have escalated to character assassination. Clarence Thomas was unfairly smeared on the eve of a Senate vote and barely confirmed. Democrats accused Samuel Alito of racism and sexism for belonging decades earlier to an obscure Princeton alumni group.

Democrats promoted the uncorroborated claims of women accusers against Brett Kavanaugh from his high school and college years. Sen. Sheldon Whitehouse undertook a deep dive into Justice Kavanaugh’s high-school yearbook. This treatment has become the real Democratic Party “norm.”

• **Filibustering appellate nominees.** It’s mostly forgotten now, but in George W. Bush’s first term Senate Democrats pioneered the use of the filibuster to block nominees to the circuit courts. That was also unprecedented.

Miguel Estrada was left hanging for 28 months before he withdrew, though he had support from 55 Senators. A 2001 Judiciary Committee memo to Sen. Dick Durbin was candid in urging opposition to Mr. Estrada because “he is Latino” and couldn’t be allowed to reach the D.C. Circuit Court of Appeals lest he later become a candidate for the Supreme Court.

Democrats also filibustered or otherwise blocked appellate nominees Priscilla Owen, Janice Rogers Brown, Charles Pickering Sr., Henry Saad, Carolyn Kuhl, William Pryor, David McKeague, Richard Griffin and William Myers, among others.

Trump, TikTok and Crony Capitalism

President Trump on Saturday gave his blessing to a deal that would give U.S. investors including Oracle and Walmart majority ownership of the Chinese social-media app TikTok while allowing it to continue operating in the U.S. Maybe the deal will protect national security as the Trump Administration claims, but it reeks of corporate cronyism that will damage the U.S. government’s credibility and reputation for free-market rules.

To rewind the tape: Mr. Trump last month ordered Chinese social-media company ByteDance to divest TikTok after the federal Committee on Foreign Investment in the U.S. (Cfius) determined the app posed a national-security risk. ByteDance in 2017 acquired the Chinese video app Musical.ly, an early version of TikTok that was popular with U.S. teens.

Cfius could review the deal retroactively because ByteDance never sought its approval and TikTok collected reams of U.S. user data including IP addresses, geolocation-related data, browsing and search history, and cookies. This is especially worrisome because the Chinese government can compel Chinese companies to turn over data in their possession.

While Microsoft had been discussing a deal with ByteDance to acquire TikTok’s operations in the U.S., the President’s investment order spurred a government-moderated auction. U.S. venture funds with minority stakes in ByteDance then went searching for a tech company that might pass muster with the Trump Administration to put forward a competing bid.

Enter Oracle, whose co-founder Larry Ellison is a prominent Republican donor and CEO Safra Catz worked on the executive committee for the Trump transition team in 2016. Venture fund Sequoia Capital’s global managing part-

This violation of norms was stopped only after the GOP regained the majority and threatened to change Senate rules. A handful of Senators in both parties then negotiated a deal to vote for nominees except in “extraordinary circumstances.” Republicans did not unilaterally break the filibuster for judicial nominees.

• **Breaking the filibuster for appellate nominees.** That norm-breaker was executed by Democrats in 2013, led by then Majority Leader Harry Reid with the enthusiastic support of Barack Obama. Democrats rewrote Senate rules in mid-Congress, on a party-line vote, to add three seats to the D.C. Circuit. The goal was to stack that court with liberals who would rubber stamp Obama’s “pen” and “phone” regulatory diktats.

Those liberals have done that numerous times, while sometimes blocking President Trump’s deregulatory rule-makings. But the political cost has been high, as we warned at the time. Harry Reid’s precedent allowed GOP leader Mitch McConnell to do the same when Democrats tried to filibuster Neil Gorsuch. The GOP majority can now confirm Mr. Trump’s next nominee with 51 votes.

Urged on by the progressive media, Democrats are now vowing that they’ll break the 60-vote legislative filibuster rule to add two, or even four, new Justices to the Supreme Court next year for a total of 11 or 13. But they have already been saying this for months. Barack Obama gave the green light when he used John Lewis’s funeral to call the filibuster a “Jim Crow relic.” Never mind that as a Senator he endorsed a filibuster of Mr. Alito. Mr. Whitehouse and four colleagues explicitly threatened in an amicus brief that the Court would be “restructured” if Justices rule the way way.

Republicans could surrender and not confirm a nominee, and Senate Democrats would still break the filibuster. Court packing would then become a sword hanging over the Justices if they rule contrary to the policy views of the Senate left. Leader Schumer need not resist because he is quaking at the prospect of a primary challenge from Rep. Alexandria Ocasio-Cortez in 2022.

Contrast this Democratic record, and now this court-packing threat, with the GOP record. In 2016 Mitch McConnell and his colleagues refused to confirm Merrick Garland and said the voters should decide the issue in the election. Mr. Schumer had previously vowed the same standard in the final years of George W. Bush. Mr. McConnell essentially made a political bet by putting judicial philosophy and the Supreme Court at the center of the 2016 campaign.

Judges were also on the Senate ballot in 2018 after the Kavanaugh ugliness. The GOP gained two net seats. The use of their elected Senate power now to confirm a nominee would be a wholly legitimate use of their constitutional authority. They should not be cowed by Democratic threats from confirming a nominee. Democrats have shown they will do what they want with Senate power no matter what Republicans do now.

What Republicans should do is let the voters know about the Democratic filibuster and court-packing plans, and make them a campaign issue. Democratic Senators and candidates should have to declare themselves not merely on Mr. Trump’s nominee but on the filibuster and court-packing that Mr. Schumer has now told the country will be on the table.

Under the deal brokered by Treasury Secretary Steven Mnuchin, who chairs Cfius, Oracle and Walmart will get a 20% or so stake in the restructured TikTok Global, which will have majority U.S. ownership, be based in the U.S. and supposedly hire 25,000 Americans.

Oracle will house TikTok data on its U.S. servers, a big win for its fledgling cloud business that is trailing Amazon, Microsoft and others. It will also review TikTok’s algorithms and code to ensure U.S. user data doesn’t get lifted by the Chinese.

Walmart CEO Doug McMillon will get a seat on the new TikTok Global board. Bloomberg reports that Walmart is also seeking a commercial partnership that would allow it to advertise and perform other transactions on TikTok’s platform. So both Oracle and Walmart will be better positioned to compete with Amazon, one of Mr. Trump’s least-favorite firms.

The new TikTok Global will also seek a U.S. IPO within the next year that would allow U.S. funds to monetize their stakes. The \$5 billion that the IPO is expected to raise will supposedly fund education, though the details are fuzzy. This capital increase is supposed to stand in for the fee Mr. Trump previously said Treasury should get for underwriting the deal.

Economic statisticians may cheer all this, but it sure looks to all the world like U.S. government meddling that rewarded political allies. Cfius was established to protect national security, not to be used as leverage to steer investment to certain companies. Better to ban TikTok outright than negotiate a deal that the French would be proud of.

LETTERS TO THE EDITOR

Breaking Up or Better Regulating Big Tech?

In “The Misguided Antitrust Attack on Big Tech” (op-ed, Sept. 15), Phil Gramm and Jerry Ellig critique the continuing congressional antitrust investigations into big tech, calling them a “misguided” attempt to “destroy America’s premier companies.” They argue conservatives want to break up big tech to rein in censorship on social media and that progressives believe everything big is inherently bad, big tech included.

This simplistic and flawed analysis fails to consider the bipartisan instigator for these investigations, that big tech companies are using their market dominance to strangle competition at the expense of the American consumer. Monopolies and unfair practices, whether in international trade or domestic markets, threaten our long-term economic health. That is why the House Judiciary Committee’s Antitrust Subcommittee has spent the last year examining potentially anticompetitive practices across America’s growing technology sector.

The American economy is built on disruptions: Cable companies were disrupted by Netflix, hotels by Airbnb and taxis by Uber, to name a few recent examples. Each had a longstanding market-dominant position that was upended by innovative entrepreneurs who saw the potential for a new path forward and built billion-dollar companies. Monopolies prevent Americans from achieving this form of innovation, all while stifling competition. To maintain our global leadership in technological innovation and ensure a prosperous future, our economy must remain a dynamic and robust free market.

Big isn’t inherently bad and we should celebrate American success stories. However, when companies use their success as a bat to bludgeon smaller rivals, Congress must address the root causes of these inequities to

ensure the American dream remains attainable for all Americans.

REP. KEN BUCK (R, COLO.)
 Windsor, Colo.

The authors make a good case for not breaking up the tech companies, but the Justice Department is justified in forcing them to abandon their collusive behaviors, which are plainly anticompetitive. For example, it was reported earlier this year that NBC successfully influenced Google to exclude Zero Hedge and the Federalist from using the Google Ads program. While the First Amendment doesn’t prohibit a private company, such as Google, from censoring conservative speech, the Sherman Act does prohibit Google and NBC from colluding to deny their competitors or clients access to markets, as they did in that case. The best remedy isn’t a breakup, but they should be held to account. Perhaps they should be prosecuted criminally or sued for triple damages, or both.

DAVID PETERSON
 Orlando, Fla.

Messrs. Gramm and Ellig properly describe the unmeasured positive effect of big tech on GDP. An even greater mismeasurement is the positive tech effect on productivity. It has increased far more than the tools being used are capable of measuring. We should move slowly and thoughtfully before tampering with these gifts to our society.

MICHAEL SAIL
 Sunny Isle, Fla.

The debate isn’t about the economics of big tech, it is about censorship. If companies can build it bigger and better—fine, but don’t assume a right to censor freedom of speech.

SAM ASHENBERGER
 Beaverton, Ore.

Congress Must Help Our Local Governments

Regarding your editorial “Government vs. Private Covid Layoffs” (Sept. 15), your opposition to aid for state and local governments is at odds with the views of noted economists on both sides of the aisle who have made abundantly clear that failure to deliver aid to local governments will create a serious drag on our economy.

Current and former Federal Reserve chairs, including Jerome Powell and Ben Bernanke, have said the failure to address strains on local budgets will further stall our efforts to recover from the current downturn. Mr. Powell argued that “it will hold back the economic recovery if [states and localities] continue to lay people off, and if they can continue to cut essential services.” Mr. Bernanke noted that the budget gaps facing state and local governments “cannot be closed by austerity alone.”

Moody’s Analytics Chief Econo-

mist Mark Zandi warned that: “If lawmakers don’t quickly pass another sizable rescue package that includes help to state and local governments . . . the economy will suffer another downturn—a so-called double-dip.” A new analysis by the American Enterprise Institute (AEI) found that combined shortfalls in state and local government revenue streams are likely to reach \$240 billion for the current fiscal year alone. “The more state and local employees who are laid off, the higher the unemployment rate goes and the longer it takes to get the economy back to normal,” AEI’s Michael Strain has argued.

Congress should heed these dire warnings and deliver what state and local governments need to accelerate the national economic recovery.

CLARENCE ANTHONY
 CEO and executive director
 National League of Cities
 Washington

Climate Change, Bad Forestry and Wildfires

Regarding Holman W. Jenkins’s “Finally, Wildfire Sanity?” (Business World, Sept. 12): The precursor to the decimation wreaked by West Coast wildfires isn’t global warming primarily but reckless housing development in areas that never should have been developed in the first place, and it’s a failure of local government that this wasn’t stopped. I agree with Mr. Jenkins’s view that California Gov. Gavin Newsom’s reference to facing climate change head on is wrong-headed. And the statement made in the New York Times that “the mechanism driving the wildfire crisis is . . . the burning of fossil fuels like coal and oil” is equally misguided.

I think it’s a case of dueling rationales that pits one kind of human socioeconomic reality—construction and development—against an equally weighted reality—a tax on carbon; one to rein in the other. We need some kind of governor on conventional socioeconomic development which must be fair, balanced, rational and effective—like the carbon tax.

BOB KATZIN
 Southern Pines, N.C.

Farmers are held responsible for flatulent cows, oil companies for leaking greenhouse gases and fossil-fuel-fired utilities for emitting CO₂. Shouldn’t land owners and real-estate developers—even federal and state governments which own woodlands they are supposed to manage—be held responsible for the climate effects of wildfires? Where is the EPA?

JAMES LANGLEY
 Sugar Land, Texas

Gov. Newsom blames global warming for the wildfires along the West Coast. He doesn’t explain how the West Coast was selected for this disaster. If global warming were the culprit, then logic tells us that other forests in North and South America would have been similarly afflicted. And what of Europe, Asia and Africa? Do other countries and continents have a special dispensation to avoid this scourge?

It would be better to place the blame where it belongs: on states forbidding the clearing of underbrush and thinning tree growth. The greens’ insistence on letting nature flourish untrammelled by humans has costs they are now seeing, though they deflect blame because they believe their policies couldn’t be at fault. It’s a willful blindness that brooks no contradiction of the greens’ religious-like fervor.

ANTHONY ADOLPH
 Austin, Texas

Pepper ... And Salt

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“And those are some of the books I would have read if the internet had never been invented.”

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