



## The Embarrassing Intellectual Dishonesty Of Michael Anton's Conservative Critics

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In July, former National Security Council spokesman Michael Anton published an op-ed in the Washington Post titled “Citizenship shouldn’t be a birthright.” Its thesis was simple: the 14th Amendment to the Constitution has been misinterpreted to justify the concept of “birthright citizenship”—the idea that any individual born on U.S. soil automatically becomes an American citizen, regardless of the legal status or national allegiance of that person’s parents. This was never intended by the authors of that amendment.

Anton’s simple and coherent argument was met with predictable shrieks of outrage from the Left, who view any concept of citizenship less inclusive than the lyrics to “The Internationale” to be little more than crypto-fascism.

these attacks were, they were not surprising. What was somewhat surprising, however, were the the equally unseriously bromides launched at Anton by his ostensible allies in the conservative movement. Though superficially these arguments diverged from one another, they shared three primary characteristics; stupidity, incoherence, and intellectual dishonesty.

The best place to start when examining these criticisms is probably Alex Nowrasteh’s mercifully short essay in the American Conservative: “Birthright Citizenship: An American Idea That Works.” Nowrasteh starts out by regurgitating many of the trite assertions Anton had already convincingly dismantled—in particular, the definition of legal “Jurisdiction” in the original amendment. He eventually comes to the actual crux of his “argument” (such that it was) namely that ending birthright citizenship was a grave evil because it would make the assimilation of the children of individuals who are in the United States illegally much more difficult.

Of course, in proposing this, Nowrasteh is doing little more than attempting to beg the question, as he is assuming the inherent desirability of the very thing under debate, namely the issue of whether the children of people consciously violating the law of the United States by entering it illegally have any claim at all to citizenship, no less to cultural “assimilation.”

To say this was a sophomoric error on Nowrasteh’s part would be an insult to sophomores. But maybe it’s foolish to expect too much from an employee of the Cato Institute, an organization

that treats open borders as a matter of religious conviction, and whose “intellectual” influences are derived primarily from the thought of extreme anarcho-capitalists like Ayn Rand and whose concept of a deep and serious discussion of ideas involves organizing events with names like “Libertarian Lessons From Burning Man.”

The second notable contribution to the shrill chorus of Anton-directed hatred originated from The Federalist’s David Marcus, who called Anton’s argument “a disgrace” and attempted to claim that it had its origins in a “pathetic fear of difference.” Whatever Anton’s true motivations for writing the article might have been, Marcus asserted, “he does not make them clear.” The insinuation, of course, being that Anton is not only a xenophobe but also, more sinisterly, an ethnonationalist attempting to abandon core American values (which for Marcus, oddly enough, includes eagerly welcoming all of the world’s poor into its borders, among other things) in favor of some kind of bizarre neo-white supremacy.

The attempt to paint Anton’s position as ethno-nationalist unfortunately has become a common theme among people who should know better. However plausibly this claim may be applied to some dark corners of the right, it is absurd and slanderous to apply it to Anton.

The truth—which may seem ironic from the vantage point of those ignorant enough to accuse Anton of being an ethno-nationalist—is that Anton’s conception of citizenship, based as it is in the American and ultimately, Roman, tradition is a powerful rebuke not only to the conception of stateless and atomized neoliberals advocating for open borders but also to the very knuckle dragging ethno-nationalists for whom Anton is dishonestly accused of carrying water.

If we look at Anton’s own conception of citizenship, which is based upon his close readings of the American Founding, we see a very different picture than the one painted by his “conservative” critics; critics who obviously never actually read with comprehension the work of the man they are attacking.

One of the the best places to start looking to understand Anton’s conception of American citizenship is in his brilliant review of Thomas G. West’s *The Political Theory of the American Founding* in the June 2018 edition of *The New Criterion*. In it, Anton joins West in defending the Founding from its varied and eccentric critics, left and right.

The Founding defends not merely the “rights of Englishmen” but the natural rights of all men, Anton observes—regardless of race, ethnicity, or socioeconomic class. That’s the exact opposite of the ethno-nationalist position, which reserves “rights” only for those within one’s own ethnic or racial “volk.”

Anton goes so far as to excoriate those critics on the Right who criticize the American Founding and its assertion of the equal natural rights of human beings which, in their view, leads to both socialistic leveling and the implicit rejection of the uniqueness of American citizenship in favor of an abstract universalism. To this Anton retorts.

The idea is elegantly simple: all men are by nature equally free and independent. Nature has not—as she has, for example, in the case of certain social insects— delineated some members of the human species as natural rulers and others as natural workers or slaves. (If you doubt this,

ask yourself why—unlike in the case of, say, bees—workers and rulers are not clearly delineated in ways that both groups acknowledge and accept. Why is it that no man—even of the meanest capacities—ever consents to slavery, which can be maintained only with frequent recourse to the lash?) No man may therefore justly rule any other without that other’s consent. And no man may injure any other or infringe on his rights, except in the just defense of his own rights. The existence of equal natural rights requires an equally natural and obligatory duty of all men to respect the identical rights of others.

As Anton points out, however, this observation also does not logically lead to the abstract, universalist and, in some ways, crypto-Trotskyite pretensions of neoliberals, for whom America is but one giant stage upon which deracinated and identity-less individuals act out their own private desires through market transactions.

Rather, for Anton, as well as for the founders themselves, the, very real people, traditions, religions, customs, and physical geography of America itself serve as a check upon the dangerous temptation of radical philosophical abstraction. While natural rights are philosophically true and valid in all places, at all times, this does not mean one should abandon the particularity of each individual nation’s social compact in order to pursue universal citizenship, as Anton explains:

The equal natural rights of all men do not demand or imply world government or open borders. To the contrary, a social compact without limits is impossible, a self-contradiction. A compact that applies indiscriminately to all is not a compact. If—as the founders insist—mutual consent is an indispensable foundation of political legitimacy, then the political community must be invitation-only. Moreover, the same “Laws of Nature and of Nature’s God” that endow men with inalienable natural rights similarly entitle the nations of the world to a “separate and equal station” with respect to other nations.

Hence Anton’s opposition to the errors of constitutional interpreters who have thrown their weight behind concepts like birthright citizenship, which is one step away from an abstracted and borderless “universal citizenship” that ignores the prerogatives as well as the consent of the pre-existing community which comprises the American social compact.

This rejection of this kind of universalism is buttressed by Anton’s robust understanding of citizenship, which, contra both the libertarian and progressive intellectual currents of the past century that have conspired together to reduce American citizenship to a state of being in which individuals ignore the common good in pursuit of their own perceived individual or group interests, is active and robust. It demands that citizens, while being fully endowed by nature and nature’s God with equal rights, also adhere to their natural obligations to the common good. This stance requires active participation on the part of the citizen however, suggesting that the normal pattern of contemporary American mass democracy in which a minority of its eligible voters roll out of bed every four years and pull a lever for a candidate whose policies they are mostly familiar with through the monologues of cable news hosts, is less than desirable.

Anton’s robust citizenship of obligation and the common good, buttressed by the natural right theories of the founders, which he is presently working against desperate odds to revive, is,

ironically enough, the only thing on the Right that is standing in the way of the crude and stupid ethno-nationalism his conservative critics so rightfully fear.

Without the guidance of thinkers like Anton, politics in the United States, on both the Left and the Right, increasingly will degenerate into a kind of micro-tribal identity game from which there will be no winners. The only way to avoid this fate is to support him in his attempt to reforge an active citizenship in which all Americans can participate, this will mean drawing clear boundaries between citizens and non-citizens, as well as making the acquisition of citizenship itself a much more costly and difficult endeavor.

Though drawing these distinctions between citizens and non-citizens may simply be too much for Anton's sentimental and simple minded critics, these critics should remember that the alternative to this enterprise will be far worse, as it will involve erecting a new set of borders, but this time within the Republic itself.