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## GOOD RIDDANCE, BORIS JOHNSON

His resignation could make it easier for Theresa May to reach a more reasonable agreement on Brexit.

Britain's foreign secretary and its chief Brexit negotiator caused quite a stir when they resigned within 24 hours because they considered Prime Minister Theresa May's Brexit proposal too accommodating to Europe. But if her government weathers the resulting storm, their departures could help resolve the tortuous divorce negotiations with the European Union, which are approaching crucial deadlines.

This crisis took shape after Mrs. May summoned her ministers to her official retreat at Chequers on Friday and hammered out what she called a "responsible and credible" proposal far short of the clean break she previously mooted.

Not surprisingly, Mrs. May's chief Brexit negotiator, David Davis, a proponent of a "hard Brexit," quit on Sunday, along with his deputy. The greater shock came on Monday, when the flamboyant foreign secretary, Boris Johnson, followed suit.

The resignations immediately set off speculation about more defections, the potential fall of Mrs. May's government and even new elections. All that could happen. But it is doubtful that hard-line Brexiteers in Mrs. May's Conservative Party can muster the 48 votes that party rules require to force a vote of confidence, much less the votes needed to force her into a leadership contest (in which Mr. Johnson would be a potential candidate).

Deliberately or not, therefore, Mrs. May called the hard-liners' bluff at Chequers. Now if she survives the ensuing storm, she will no longer have to please Tories who ideologically oppose adherence to all of the union's laws and regulations. That does not mean an agreement with the union is imminent or easy. Mrs. May's new package is still far from anything the union can accept. And the hard-liners will not relent.

Yet an injection of common sense is welcome in a political fray that has defied all warnings, many of them from industries, of the enormous damage that would come from a break with the European Union, and especially of an abrupt and uncontrolled break. It raised the possibility of an extension of the Brexit deadline, and, among ardent opponents of a break, even hopes of a new referendum (rejected, for now, by Mrs. May).

"I can only regret that the idea of #Brexit has not left with Davis and Johnson," tweeted Donald Tusk, the president of the European Council. "But . . . who knows?" A slight uptick in financial markets suggested a similar glimmer of hope.

## WHY BREAST-FEEDING SCARES TRUMP

It comes down to public health abroad could hurt American companies' profits.

The push by United States delegates to the World Health Organization to water down or scrap a simple resolution meant to encourage breast-feeding in underdeveloped countries was many things — bullying, anti-science, pro-industry, anti-public health and shortsighted, to name a few.

But it was not surprising. In fact, it's just one of several recent examples of the administration's zeal for badgering weaker countries into tossing public health concerns aside to serve powerful business interests. The baby formula industry is worth \$70 billion and, as breast-feeding has become more popular in more developed countries, it has pinned its hopes for growth on developing ones.

As The Times reported Sunday, the resolution in question stated, simply, that breast milk is the healthiest option for infants, and that steps should be taken to minimize inaccurate marketing of substitutes.

President Trump's contention on Twitter Monday, that women need access to formula because of malnutrition, defies both science and common sense: the overwhelming balance of evidence tells us that breast milk is the most nutritious option for infants, by far.

Unethical marketing practices on the part of formula makers is a longstanding and well-established problem that has contributed to a decline in breast-feeding in low-income countries. As of 2015, less than 40 percent of babies younger than six months old were being breast-fed in developing countries. Doubling that proportion could save hundreds of thousands of lives.

Of course, for certain families, formula can be essential. But it is also nutritionally inferior to breast milk in every way. Among other things, it contains none of the antibodies available in a mother's milk. In the developing world, those shortcomings can be far more devastating to a child's health.

Ecuador was set to introduce this uncontroversial measure when the United States threatened "punishing trade measures" and a withdrawal of crucial military aid unless the country dropped it.

Common sense ultimately triumphed in this round of bullying, and the measure passed without much alteration — thanks, oddly enough, to Russia. But American officials are using the same tactics in other, similar situations, and there's still concern that they could succeed on those fronts.

Should American officials prevail in the current case, the outcome will be easy enough to guess: People will suffer. Industry profits will not.

# The Russia watcher's dilemma

Keith Gessen

Russia has been in the news a lot lately. You may have noticed. It invaded Ukraine, doped the Russian Olympic team, meddled in the American elections and apparently released a deadly nerve agent in the English countryside.

On top of all that, it seems to have cast a spell on our otherwise supercilious president, Donald Trump, causing him to throw caution to the wind and set up a one-on-one meeting with President Vladimir Putin in Helsinki, Finland, this month.

For someone like me, who has been writing and thinking about Russia for most of my life, the past few years have made for a strange experience. I read the news like everyone else and am horrified. Then I visit Russia and find myself conflicted and confused.

I was born in Moscow in 1975, in what was then the Soviet Union, and came to the United States with my family when I was 6 years old. We moved to the Boston area and lived with some friends from back home, the Moshkeviches. Then, with some help from a local charity, we were able to rent a place of our own.

My parents loved Russian culture, Russian literature, Russian films, but they did not like Russia, at least as it was then. They did love America — for its freedom and its plenty. People we knew told the story of the Soviet immigrant who burst into tears the first time she saw an American supermarket with its mind-boggling abundance. They did not tell the story to laugh at the immigrant; they told it because they felt the same way. How could a place have so many brands of mayonnaise? So many different fruits? So many kids' cereals?

As for me, I wanted to fit in. Month by month, year by year, I shed my Russianness; as Chekhov once said about his serf parentage, I squeezed my Russianness out of myself drop by drop. My parents had left, and that was that. We were Americans now.

My mother died of cancer when I was a senior in high school. She was a literary critic who focused on Russian literature and had been in our family the person most attached to Russia. Her death could easily have severed our Russian connection; instead, for me, it did the opposite. I decided as a college freshman to take classes in Russian history and literature as a way of staying connected to her somehow. I was going to do it for a semester and then move on. This was the early 1990s, just after the Soviet Union collapsed; getting a spot in the Russian history and literature seminar was not exactly difficult.

But instead of moving on, I stayed. Before I knew it, I was off to Russia for my junior year abroad. As soon as I graduated, I started writing about Russian culture and politics and translating Russian texts.

It seemed I had arrived too late. By the time I started publishing on Russia,



A subway car in Moscow, where more than 20 new stations have been opened since 2009.

the Boris Yeltsin era had collapsed in ignominy and Mr. Yeltsin himself had been replaced by a small gray ghoul named Vladimir Putin. Interest in Russia declined, then cratered. For years the only reliable way to sell an article about Russia was to focus on someone who had been killed or arrested, or to find some other creative way of underscoring how evil Mr. Putin was.

I remember an editor emailing me in 2009 to ask if there was any truth to the story that Mr. Putin preferred Dostoyevsky to Tolstoy. I was perplexed. A quick Google search revealed that a desperate colleague had, in fact, produced an article about how the Tolstoy estate at Yasnaya Polyana was being neglected, surely the result of some nefarious Putinist plot.

**The heightened focus on my native country was good for business. So why did I feel so bad?**

And then, in 2014, Russian forces invaded Crimea. Interest in Russia soared. After the 2016 election, it soared even further.

That was depressing. It was depressing because the Russian invasion of Ukraine led to thousands of deaths, and it was also depressing because of what Russia would now inevitably become: a pariah among nations, locking itself into Fortress Russia, fearing the world around it.

I was depressed, too, by the news coverage in the United States, especially postelection. It almost entirely neglected the long history of American meddling in the internal affairs of

many, many countries, including Russia itself. Some of it was perfectly understandable anger at Russia's role, however marginal, in electing Mr. Trump; but much of the Russia talk threatened to crowd out an examination of all the other reasons Mr. Trump was elected.

As for me, as a Russia watcher, it was good for business. At the university where I teach, I got the green light for a new class on Russia, and students even signed up. This would not have happened a few years earlier. So why did I feel so bad about the whole thing?

Perhaps it is simply this: Having lived in Russia, I know in my bones how complicated a place it is. Living in Russia is not a nonstop exercise in getting arrested, tortured, shot. People go about their lives. They buy groceries, look at their phones, go on dates, get married. They go to work in the morning, look for parking, try to get to the gym. They tell jokes. And in the meantime, yes, people are getting arrested; some are being tortured; some are being killed.

In Moscow last spring, I experienced this cognitive dissonance all over again. I hadn't been there in a few years, and I was surprised by the changes I saw. There were many more subway stations — since 2009, the city has opened more than 20 new stations. In that same time, New York, to great fanfare, has opened three.

There were numerous new coffee shops, affordable small restaurants and people bustling about. No one would mistake it for Paris, but still, the city would have been barely recognizable to someone transported there from, say, 1998.

At the same time, as soon as you

turned on the television, there it was: total paranoia about NATO bombers; aggressive, ill-informed arguments about geopolitics; bad movies about World War II. The political atmosphere is poisonous. Mr. Putin is in charge for six more years and has convinced himself and those around him that the country would collapse if he left. Russia has entered another dark period in its history, and there is no end in sight.

But if there's one thing we have learned in the past year and a half of the Trump presidency, it's that people do not exist in the political atmosphere constantly, or even most of the time. On Facebook and Twitter they may; while watching cable news they do. The rest of the time, though, most of us are able to do other things.

That's not necessarily good — in times of emergency, it's bad. But it can't be an emergency all the time, not even in Mr. Trump's America, not even in Mr. Putin's Russia. There are many aspects of Russian life, Russian thought, even Russian politics, that are not under the purview of Vladimir Putin.

So what is it like for a longtime Russia watcher? I guess it's like having your favorite obscure band become famous for some stupid act, like destroying a hotel room — the hotel room being, in this case, the postwar global order. But I don't know. I never really had a favorite obscure band. Russia was the closest thing I had to an obscure interest. I was a fan of their early albums — "Late Socialism," "Pere-stroika," "Deindustrialization" — but everyone listens to them now.

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# A liberal's case for Brett Kavanaugh

Akhil Reed Amar

The nomination of Judge Brett Kavanaugh to be the next United States Supreme Court justice is President Trump's finest hour, his classiest move. Last week the president promised to select "someone with impeccable credentials, great intellect, unbiased judgment, and deep reverence for the laws and Constitution of the United States." In picking Judge Kavanaugh, he has done just that.

In 2016, I strongly supported Hillary Clinton for president as well as President Barack Obama's nominee for the Supreme Court, Judge Merrick Garland. But today, with the exception of the current justices and Judge Garland, it is hard to name anyone with judicial credentials as strong as those of Judge Kavanaugh. He sits on the United States Court of Appeals for the District of Columbia Circuit (the most influential circuit court) and commands wide and deep respect among scholars, lawyers and jurists.

Judge Kavanaugh, who is 53, has already helped decide hundreds of cases concerning a broad range of difficult issues. Good appellate judges faithfully follow the Supreme Court; great ones influence and help steer it. Several of Judge Kavanaugh's most important ideas and arguments — such as his powerful defense of presidential authority to oversee federal bureaucrats and his skepticism about newfangled attacks on the property rights of criminal defendants — have found their way into Supreme Court opinions.

Except for Judge Garland, no one has sent more of his law clerks to clerk

for the justices of the Supreme Court than Judge Kavanaugh has. And his clerks have clerked for justices across the ideological spectrum.

Most judges are not scholars or even serious readers of scholarship. Judge Kavanaugh, by contrast, has taught courses at leading law schools and published notable law review articles. More important, he is an avid consumer of legal scholarship. He reads and learns. And he reads scholars from across the political spectrum. (Disclosure: I was one of Judge Kavanaugh's professors when he was a student at Yale Law School.)

**It is hard to name anyone else to the U.S. Supreme Court with such strong judicial credentials.**

But an "originalist" judge — who also cares about what the Constitution meant when its words were ratified in 1788 or when amendments were enacted — cannot do all the historical and conceptual legwork on his or her own.

Judge Kavanaugh seems to appreciate this fact, whereas Justice Antonin Scalia, a fellow originalist, did not read enough history and was especially weak on the history of the Reconstruction amendments and the 20th-century amendments.

A great judge also admits and learns from past mistakes. Here, too, Judge Kavanaugh has already shown flashes of greatness, admirably confessing that some of the views he held 20 years



SCOTT J. FERRELL/CONGRESSIONAL QUARTERS, VIA GETTY IMAGES

**Judge Brett Kavanaugh is President Trump's nominee for the Supreme Court.**

ago as a young lawyer — including his crabbed understandings of the presidency when he was working for the Whitewater independent counsel, Kenneth Starr — were erroneous.

Although Democrats are still fuming about Judge Garland's failed nomination, the hard truth is that they control neither the presidency nor the Senate; they have limited options. Still, they could try to sour the hearings by attacking Judge Kavanaugh and looking to complicate the proceedings whenever possible.

This would be a mistake. Judge Kavanaugh is, again, a superb nominee. So I propose that the Democrats offer the following compromise: Each Senate Democrat will pledge either to vote yes for Judge Kavanaugh's confirmation — or, if voting no, to first publicly name at least two clearly better candidates whom a Republican president might realistically have nominated instead (not an easy task). In

exchange for this act of good will, Democrats will insist that Judge Kavanaugh answer all fair questions at his confirmation hearing.

Fair questions would include inquiries not just about Judge Kavanaugh's past writings and activities but also about how he believes various past notable judicial cases (such as *Roe v. Wade*) should have been decided — and even about what his current legal views are on any issue, general or specific.

Everyone would have to understand that in honestly answering, Judge Kavanaugh would not be making a pledge — a pledge would be a violation of judicial independence. In the future, he would of course be free to change his mind if confronted with new arguments or new facts, or even if he merely comes to see a matter differently with the weight of judgment on his shoulders. But honest discussions of one's current legal views are entirely proper, and without them confirmation hearings are largely pointless.

The compromise I'm proposing would depart from recent confirmation practice. But the current confirmation process is badly broken, alternating between rubber stamps and witch hunts. My proposal would enable each constitutional actor to once again play its proper constitutional role: The Senate could become a venue for serious constitutional conversation, and the nominee could demonstrate his or her consummate legal skill. And equally important: Judge Kavanaugh could be confirmed with the nine-tenths something Senate votes he deserves, rather than the fiftysomething votes he is likely to get.

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