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### July 31, 2017: On Liberal Arrogance

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Title: On Liberal Arrogance

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7/31/2017--Ross Douthat had a great column in the New York Times on Sunday, entitled [The Empty Majority](#). Douthat was raising the reasonable question, since the Republicans are so terrible, how come they control all three branches of the federal government and most State legislatures and governorships.

His answer was stark and convincing: "a party that's terrible at governing can still win elections if the other party is even worse at politics." Which, he concluded, the Democrats are.

And Douthat in a few lines explains what he means by terrible Democratic political practice: "Republican incompetence helps liberalism consolidate its hold on highly educated America ... but that consolidation, in turn, breeds liberal insularity and overconfidence (in big data and election science, in demographic inevitability, in the wisdom of declaring certain policy debates closed) and helps Republican support persist as a kind of protest vote, an attempt to limit liberalism's hegemony by keeping legislative power in the other party's hands."

Now, as those who have followed this blog and my work generally know, the confidence in election science I consider to be the highly anti-democratic side of liberalism. Liberals don't care about the will of the people anymore than do conservatives. That is a serious criticism.

But what about "declaring...policy debates closed"? Is that liberal arrogance?

Take two examples--one the reader knows about and the other more obscure.

The obvious example is global warming. Conservatives are forever criticizing liberals for declaring that there is no more to be said about global warming.

But this is not declaring a *policy* debate closed. It is declaring the fact of the matter pretty clear, at least in the absence of contrary evidence. The policy debate is what to do about global warming and I don't know anyone who thinks that matter is closed. You could do nothing and let the future take care of itself. You could adopt a market solution--aka, a carbon tax. You could extensively regulate.

But what are liberals supposed to do if someone wants to debate whether it is getting warmer? It's getting warmer globally. There is nothing to debate about that. It would be like debating yesterday's temperature. Of course I don't know that. I just read what the experts say. But why should I doubt temperature readings?

And what is a liberal supposed to do if someone says it's getting warmer but it's sunspots--or whatever. Or it is a natural cycle. Again, the experts have looked at this and concluded that the very likely reason for its getting warmer is more carbon dioxide in the atmosphere. After all, it has happened before with volcanic activity warming the Earth. And the greenhouse effect is well known for a long time.

It is not as if other causes were ever likely. When scientists overwhelmingly predict warming--in the 80's--and then it happens, it's probably because of the reason they cited.

Anyway, it's not usually counter argument, just assertion--it could be sunspots--or whatever. As the Monty Python skit put it, this is not argument; this is mere contradiction.

The obscure example is originalism as a method of interpreting the Constitution. I generally dismiss originalism as not a method at all and I have been criticized for the same liberal arrogance that Douthat is calling out.

But why should I debate something that calls itself a method, if it has no consistency? Why should I debate the merits of something that does not actually exist as if it were real? That makes originalism look better than it deserves to look.

My most recent example is the Trinity Church case of a few weeks ago. In that case, by a 7-2 vote, the Supreme Court held that the Free Exercise Clause required Missouri to let a church participate in a playground refurbishing government grant program. Justice Gorsuch, the self-proclaimed originalist, joined the majority opinion.

This expansion of the Free Exercise Clause could not be justified by reference to original meaning and the majority did not pretend to try to do so. And I have no problem with the outcome of the case.

But if an originalist like Gorsuch can do this, then I say originalism amounts to this: an originalist judge decides cases based on morality or policy preference--in this case protecting religious believers, a large part of the Republican base--and then only invokes history in order to overturn the New Deal. Originalism is just a cynical fraud.

Now why should I debate the merits of that as if it were on the up and up?

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Last column for awhile. Summer begins August 1.