

My friend and colleague Steve Bainbridge is [out with a new article](#) on “Corporate Lawyers as Gatekeepers,” which, if you are interested in corporate law, you should read (Steve is one of the country’s most distinguished scholars in the field). But what piqued my interest when he sent it to me was his offhand remark that he is sending it out electronically to “reduce my carbon footprint.”

I couldn’t resist. I responded, “Your CARBON footprint? You pinko liberal fellow-travelling wimp!! Resign your Republican Party membership now!”

And [neither could he, responding](#):

It is possible to believe in anthropomorphic climate change AND believe that it is not an excuse for blowing up the size of government. To the contrary, it’s an argument for eliminating both the market AND the many regulatory distortions that mean people don’t pay a carbon price that includes all relevant externalities. Government’s role should be to eliminate any true externalities that rise to the level of causing a market failure and then get out of the way and let the market solve the problem.

Here’s where it gets interesting. Steve is completely right: it is indeed possible to have a coherent and realistic conservative policy on climate change. (I wouldn’t agree, but that’s a different issue). The problem is that the current Republican Party refuses to have one. I wrote back:

That’s a totally fair position. Now all you have to do is persuade a single member of the House Republican Conference or the Senate Republican Caucus, or any Republican power broker, of that...

And here’s where it gets *really* interesting. Steve’s response:

When you convince any leading national Democratic politician that life begins at conception and that the law ought to at least take that into account in balancing the interests, I’ll take a crack at it.

Foul! Belief in the existence of anthropogenic climate change and belief that human life begins at conception are two different categories. I responded:

It seems to me that there is a fundamental difference between a scientific fact (anthropogenic climate change), and a philosophical position (human life invested with human rights begins at conception). Now, you could say two things about this:

1) Scientific “fact” is itself a philosophical position, and that is true. And if someone wants to take the view that scientific determinations concerning the natural world have no more reason to be called “facts” than any other philosophical position, then they can do that. Postmodernists do that. I don’t, and I would be **very** surprised, to put it mildly, that you do.

2) The better analogy, I would think, is for you to say, “I will take a crack at persuading a single member of the Republican Caucus that anthropogenic climate is true if you will take a crack at persuading any leading national Democratic politician to support a revenue-neutral carbon tax.” Your position is that there is such a thing as a genuinely conservative climate policy, and I agree. But I think that I would win that one going away, because I could find *lots* more Democrats to support a revenue-neutral carbon tax than you could find Republicans to support the existence of anthropogenic climate change.

But Steve wasn’t buying it. He counter-offered with another challenge:

How about this: You agree to try persuading Obama, Pelosi, and Reid to unconditionally support renewing the Bush tax cuts for people earning > \$250K per year. No deals, no quid pro quo. And you only have to persuade 3.

This last one was something of a joke, obviously. But it does point to a real problem for modern conservatism, and thoughtful conservatives like Steve. Their party simply rejects the overwhelming scientific consensus on the greatest environmental problem that the planet has ever faced. Nothing comes close to that. And while there may be profound differences between the parties on philosophical issues, off the top of my head I can’t think of any issue, at least since the Second World War, where one major party has made it an article of faith that it simply rejects *on principle* such an overwhelming scientific consensus.

The only thing close is evolution, and once again, it represents the Republican position that as a matter of principle, it simply will not listen to scientists. Note that I stacked it against myself: I offered that he could persuade *any* member of the House Republican Conference, and he could only counter with “any national prominent Democratic politician.” And he still couldn’t do it.

The only things that Steve could respond with were, well, issues of moral belief: 1) human life invested human rights begins at conception; or 2) cutting taxes for people making more than a quarter of a million dollars a year is the right thing to do or will cause economic growth (the latter really being an article of faith: in my view, it’s really more a philosophical position concerning just distribution of social wealth).

Now, to be clear, like any intelligent person, Steve *does* believe in the existence of anthropogenic climate change. But he could not respond with an example of equally anti-empirical belief from Democrats. That tells you a whole lot about the differences between the parties. No wonder Steve is such a curmudgeon.