

CLIMATE OF CONTEMPT: HOW TO RESCUE THE U.S. ENERGY TRANSITION FROM VOTER PARTISANSHIP

By David B. Spence
*Reviewed by Justin K. Ooms**

I. INTRODUCTION

Depending on one's pre-existing political and temperamental posture in approaching David Spence's *Climate of Contempt: How to Rescue the U.S. Energy Transition from Voter Partisanship* (*Climate of Contempt*), one might either see it as a high-minded call to rise above the current political climate for the sake of the terrestrial climate or as a naïve appeal for civility and mutual understanding that is doomed to fail in the contemporary world. Encouragingly or discouragingly, Spence's recommendations for breaking through the current political deadlock over climate and energy policy require no less than surmounting the hyper-partisanship of our present political moment. The reason for this is that, according to Spence, the current political divide on climate and energy policy has less to do with the discrete issues themselves than with deeper political antipathies and pathologies in which climate and energy policy are simply caught up (alongside any number of other areas of public policy). Thus, rather than recommending that the "climate coalition" (the term Spence uses for "the set of people across the political spectrum who are open to the belief that getting to net zero is a worthy and important policy goal"¹) go on the offensive and, where necessary, play dirty and aggressively so that the job gets done by any and all means (which threatens to exacerbate partisan antipathy, creating an equal and opposite reaction), Spence asks his readers to step back and work towards what he calls a "republican moment" in energy policy. By "republican moment," Spence means "times when particular political conditions happen to align fortuitously," when there is "a common understanding of the policy problem to be addressed, an apparent policy solution, and sufficient support among politicians and the public to match the solution to the problem."²

This approach to the problem, Spence argues, aligns with the way the American system was intended to function: "The designers of American liberal democracy wanted to make policymakers responsive to the decisions that an *informed, deliberate majority* would favor."³ In other words, given the structural checks on

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1. DAVID B. SPENCE, CLIMATE OF CONTEMPT: HOW TO RESCUE THE U.S. ENERGY TRANSITION FROM VOTER PARTISANSHIP 1 (2024) [hereinafter CLIMATE OF CONTEMPT]

2. *Id.* at 41-42.

3. *Id.* at 41 (emphasis added).

small or transient majorities (such as the counter-majoritarian features of American government like the filibuster and judicial review), fundamental policy change is ordinarily only possible to create *and sustain* when supported by a durable and deliberate majority.

Spence does in one or two instances “allow the mask to slip,” in that the frustration he voices against recent U.S. Supreme Court precedent⁴ makes clear he wishes on some level that developments in energy policy towards clean energy did not require such a “republican moment.”⁵ This notwithstanding, the overall thrust of the book, especially in the Introduction and Chapter 6, “Hope and Conversation,” point to a fervent and good faith view that working towards a “republican moment” in energy policy represents a worthy goal *in itself* and not simply one means among any number of others towards a good end.

The result is something of a Lincolnian appeal to the climate coalition to do the hard work of understanding and reconciliation with political opponents, even if they are not, at first, interested in participating in that work.⁶ In his second inaugural address, Abraham Lincoln, before the end of the American Civil War, expressed humility and hope for the future. In the most familiar and most-quoted line from that speech, he said, “With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in to bind up the nation’s wounds . . . to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.”⁷ Many of Spence’s recommendations can be seen in this quote, including that members of the climate coalition cultivate both an earnest desire to understand and empathize with political opponents as people and the intellectual humility and curiosity required to persuade and, one hopes, arrive at the optimal policy outcome, appropriately accounting for the necessary tradeoffs resulting from any policy decision.

II. A GRASSROOTS PROBLEM: AFFECTIVE AND NEGATIVE PARTISANSHIP BORN OF MUTUAL CONTEMPT

When examining why the climate coalition has thus far failed to score definitive victories in the energy transition debate, Spence, with reference to recent

4. *E.g.*, *West Virginia v. EPA*, 597 U.S. 697 (2022).

5. *CLIMATE OF CONTEMPT*, *supra* note 1, at 114-15, 129.

6. Since *Climate of Contempt* went to press in late 2024, the election and second inauguration of Donald Trump as president has no doubt made the book’s project seem either even more urgent or even more naïve. To the extent we have any hope of avoiding a continued downward spiral into tit-for-tat authoritarianism, however, I submit that we must lean harder into the book’s project of “Hope and Conversation.”

7. *Lincoln’s Second Inaugural Address*, NAT’L PARK SERV., <https://www.nps.gov/linc/learn/historyculture/lincoln-second-inaugural.htm> (last updated Apr. 18, 2020). The post-Civil-War United States fell far short of the vision Lincoln had for it (and no one knows whether, had Lincoln survived to guide it, things may have turned out differently). Ultimately, a “republican moment” 100 years in the making and not unlike those referenced by Spence was required to overcome centuries of systematic legal segregation and degradation of African Americans in the United States when the U.S. Congress passed and President Lyndon B. Johnson signed the Civil Rights Act of 1964.

scholarship, broadly rejects explanations that rely on regulatory capture and/or direct (utility or fossil fuel) industry lobbying.⁸ The alternative he favors is an explanation that takes seriously the effects of affective and negative partisanship. He describes affective partisanship as “more of an expression of group identity than an expression of policy preferences or a governance philosophy.”⁹ Negative partisanship, in turn, is described as partisanship “focused on preventing the other party from realizing its goals.”¹⁰ Taken together,

[a]ffective, negative partisanship offers incentives for GOP politicians to oppose Democrats’ policy objectives even if they are popular. Opposing the other party’s initiatives is a way of pleasing negative partisans, *regardless of the content of those initiatives*. Thus, negative partisanship makes it risky for Republicans who previously supported carbon taxes or cap-and-trade regimes to partner with Democrats in support of those initiatives.¹¹

Perhaps more problematically, it is harder and harder to break through the *contempt* underlying this affective and negative partisanship. As Spence explains, citing Pew researchers, “Liberals and conservatives are divided over more than just politics. Those on the opposite ends of the ideological spectrum disagree about everything from the type of community in which they prefer to live to the type of people they would welcome into their families.”¹² This means that “Democrats and Republicans encounter one another less frequently” in person.¹³ It also means that, because of the nature of the online world of social media and even traditional media shifting to accommodate itself to the contemporary world requiring click generation,¹⁴ Democrats and Republicans are far more likely to encounter the most extreme version of each other’s positions when they do.¹⁵

Lost in all of this is any real sense of complexity and any room for discussion of necessary and/or reasonable tradeoffs (the subject of Chapter 5 of *Climate of Contempt*).

III. A GRASSROOTS SOLUTION: CULTIVATING TRUST

Climate of Contempt puts its finger on what may be the central issue of politics today (or at any time, perhaps): trust. It is axiomatic that no one person has the time, the interest, or the mental bandwidth to fully investigate, understand, and reach an independent conclusion on each and every political issue for themselves.¹⁶ As a result, each individual person must necessarily “outsource” the investigation and evaluation of many (if not most) of those issues to others.¹⁷ This is true even where individuals follow Timothy Snyder’s advice, repeated by

8. See, e.g., CLIMATE OF CONTEMPT, *supra* note 1, at 65-74.

9. *Id.* at 118.

10. *Id.*

11. *Id.* (emphasis in original).

12. CLIMATE OF CONTEMPT, *supra* note 1, at 118-19.

13. *Id.* at 119.

14. See *id.* at 132.

15. See *id.* at 131-132; see also *id.* at 136.

16. See CLIMATE OF CONTEMPT, *supra* note 1, at 207.

17. See *id.* at 158 (noting that “‘people outsource their political positions to their communities,’ such that their issue positions are virtually unchangeable through reasoned argument”).

Spence, to “[s]pend more time with long articles” and “[s]ubsidize investigative journalism by subscribing to print media.”¹⁸ The choice must still be made — Which long articles? Written by whom? Published by which print media? In each case, the issue quickly becomes one of *trust* in the person(s) to whom that investigation and evaluation is outsourced.

This issue is most salient when considering the status of expertise in the current political economy, against the backdrop of misinformation. That leads to what are perhaps the most perceptive pages in the book, where Spence includes the following lines:

When scientific truth does confront false belief online, truth tends to prevail *if* a trusted member of the online group understands and embraces that truth and tries to dispel the false belief within the group. . . . [S]ocial pressure helps attractive falsehoods endure, and only in-group experts have the credibility to correct mistaken beliefs online.

. . . .

[E]xperts can use their in-group influence either to support norms of actively open-minded thinking or not to support them. They can feed partisan tribalism or dampen it. To some of us, that power implies a responsibility for experts to be accurate, objective, circumspect, and complete when speaking publicly within the domain of their expertise. . . . Arguably, when experts speak publicly . . . , their first duty is to educate, which implies a duty not to mislead. Experts can take to Twitter/X . . . to place a thumb on the scale of one point of view or the other, but if they do so in ways that omit or misrepresent parts of the full story, they are betraying a trust relationship with the unseen audience.

. . . .

Energy-transition politics would improve if more online experts were to focus on making sure their followers understand the whole truth about policy issues, including the ideas and evidence that challenge their preferred policies or beliefs.¹⁹

As the underlined portions of the above paragraphs indicate, credibility and trust are the most critical assets in any discussion aimed at persuasion. If people perceive even a legitimate expert as selling them something, hiding something, oversimplifying something for rhetorical advantage, or behaving in any way underhanded, that credibility is surrendered. Damage is, unfortunately, also done to the concept of expertise in itself, as we have observed of late. This means, among other things, that it is not enough to simply earn credentials to gain credibility, particularly with those whom the climate coalition may seek to persuade.

Instead, as Spence lays out most completely in Chapter 6, the most effective solution is also the harder one: relationship-building through “conversations that are aimed not at victory, but at progress.”²⁰ Spence acknowledges the difficulty of this approach: “No doubt a persuasive strategy based on iterated, bilateral, in-person conversations across ideological boundaries sounds slow, uncomfortable and even futile to some readers.”²¹ But he insists it is also as likely to succeed as any other “long game” strategy, including the IRA: “If prospective members of

18. *Id.* at 163.

19. *Id.* at 159–160, 162 (second emphasis added).

20. CLIMATE OF CONTEMPT, *supra* note 1, at 203 (cleaned up).

21. *Id.*

the climate coalition encounter the increasingly serious disruptions of a changing climate *while* having frank but respectful *ongoing* conversations about climate and energy with people they know and trust, that ought to hasten the growth of the climate coalition.”²² Furthermore, “The encounters are ‘valuable in themselves’ because conversations that preserve the relationship build trust.”²³

Thus, as already mentioned in the Introduction to this review, Spence’s prescription for moving the climate policy forward is the same as the prescription for the American political climate: “This analysis suggests the need for a different approach to growing the climate coalition, one that strengthens liberal democracy as it counteracts propaganda.”²⁴

IV. CONCLUSION

To those who might regard *Climate of Contempt* as naïve utopian fancy yearning for unreachable political sanity and who might prefer to follow more aggressive, political-cultural-norm-busting approaches in pursuit of a goal that is simply too important to leave to the ordinary (long) political process of persuasion, I humbly offer a gentle warning against well-intentioned myopia. Winston Churchill is known to have said that “democracy is the worst form of Government except for all those other forms that have been tried from time to time.”²⁵ Democracy, as envisioned by Spence, is simply the hard work of building informed, deliberate, and durable majorities that can result in “republican moments.” Falling into the trap of treating the key policy contentions of today as *the* existential issue justifying the weakening or destruction of norms and institutions (as those on the right who urge co-belligerents to “know what time it is”²⁶) risks undermining the political structures through which the policy contentions of tomorrow can be peaceably and productively resolved.

Of course, doing the hard work of achieving a “republican moment” requires *time*, in some cases decades or, in the case of the “republican moment” resulting in the Civil Rights Act, a century. Thus, those who view climate policy in far more existential ways will likely be unpersuaded by Spence’s appeals. To them, he offers the hope that (1) “the most pessimistic of the earlier climate scenarios . . . look increasingly unlikely”; (2) “the climate and energy-transition models on which we rely today describe only possible futures,” and that “[m]eanwhile, technological advancement continues”; (3) “‘net zero by 2050’ is an aspirational goal[,] . . . not the do-or-die scientific imperative of worried imagination” such

22. *Id.* at 204 (emphasis added); *see also id.* at 211 (“[T]he kind of engagement that truly persuades others is iterative.”).

23. *Id.* at 212 (emphasis added); *see also id.* at 216 (“Bonding is about establishing familiarity and trust” (emphasis added)).

24. CLIMATE OF CONTEMPT, *supra* note 1, at 203.

25. *The Worst Form of Government*, INT’L CHURCHILL SOC’Y (Feb. 25, 2016), <https://winstonchurchill.org/resources/quotes/the-worst-form-of-government/>.

26. See Jonathan Chair, *The Authoritarian Right’s Code-Phrase: ‘Do You Know What Time It Is?’*, N.Y. MAG.: INTELLIGENCER (Nov. 3, 2023), <https://nymag.com/intelligencer/2023/11/o-you-know-what-time-it-is-post-liberal-conservative-authoritarian-code-phrase-trump.html>; *see also* CLIMATE OF CONTEMPT, *supra* note 1, at 159 (“Polarized views create a sense of urgency about political outcomes, which is amplified by ideological and social media and then reflected in mainstream media” (emphasis added)).

that “[c]limate progress is a continuum, not a cliff”; and (4) “the climate coalition can reasonably hope that the popularity of its political project will pay off in ways that we cannot now foresee.”²⁷

Whether this proposed solution is perceived pessimistically as effectively impossible or optimistically as a chance to solve two problems for the price of one may be moot, as both problems are arguably simply necessary for the broader American body politic to solve.

27. CLIMATE OF CONTEMPT, *supra* note 1, at 235-36.