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Disinterestedness, Judis style

On partisan non-partisanship.

Consider the blindfold you still see on the figure of Justice at many courthouses: it's meant, of course, to suggest the impartiality of the process that unfolds within: a government of laws, not men. The scales justice holds weigh truly, without prejudice. Similarly, newspapers and other organs of public enlightenment: Are they not—at least, should they not be—monuments to impartiality and disinterested judgment?

It's pretty to think so. But in "Neutralized," a long threnody about "the demise of impartial institutions" in the April 7 issue of *The New Republic*, the journalist John Judis manages mostly to illustrate how interested, i.e., how partial, claims to disinterestedness can be. Not that we dispute the importance of the ideal of disinterestedness: indeed, we have often in this space lamented its loss in colleges and universities where politics has increasingly trumped scholarship and the classroom has been transformed into a laboratory to further not knowledge but a particular social agenda.

What Mr. Judis manages in this elegy for impartiality is an almost comic display of *parti pris*. He begins with a recent trip to Chicago where, much to his relief, the Illinois Supreme Court found for Rahm Emanuel in the controversy over whether he met the residency requirement to run for mayor. In doing so, Judis explains with satisfaction, the Court "acted disinterestedly." After all, two members of the three-man lower Court panel that had ruled against Rahm Emanuel owed their jobs to one of Emanuel's opponents in the election. How could they have acted impartially?

But isn't that precisely what we expect of judges? And why is it that in every contemporary example Mr. Judis adduces, the action is disinterested, impartial, and just plain virtuous when it tilts left, but is evidence of corruption and influence-peddling when it goes the other way? Perhaps there was left-wing bias in the past, he acknowledges. But "what's disturbing about the present," he concludes, "is that a significant percentage of conservatives now refuses to accept the [*New York Times*] as a trustworthy news outlet, or the courts as a vehicle for simply analyzing the Constitution, or think tanks like Brookings as a reasonable source of research."

Question: Does John Judis really believe *The New York Times* is a “trustworthy news outlet”? We’d say it can be trusted to supply the news John Judis expects to hear. But does anyone really believe its news reporting is free from systematic left-wing bias? Even the paper’s public editor admitted as much. As for the Courts, Mr. Judis seems to believe that they are “simply analyzing” (we suspect he means “applying” or “interpreting,” which is not quite the same thing) the Constitution only when the results of their analysis goes the right, i.e., the left, way. Mr. Judis mentions the Constitutional challenges ObamaCare has faced in many states. These, he believes, are evidence of “legal obscurantism.” Will disinterestedness survive? “The next big test,” he writes, “will be the Supreme Court’s ruling on Obama’s health care plan. If the court rejects the plan on the kind of spurious grounds that its opponents have endorsed, then it will have abandoned its historic commitment to disinterestedness. And American democracy will be in very big trouble.”

Gosh. If the Court votes my way, it is a virtuous, impartial, disinterested institution. But if it votes the other way, the very foundations of democracy are under siege. The *Reason* magazine blog had a tart and we think unanswerable response to John Judis’s ideological plea to move beyond ideology. “Judis,” *Reason*’s Matt Welch writes,

might want to read his own magazine—ObamaCare cheerleader Jonathan Cohn, who disagrees with the Commerce Clause objection, nonetheless characterized it this way: “Like many good constitutional arguments, the argument can be put a lot more simply: If the government can penalize you for not buying insurance, can it also penalize you for not buying a television or a GM car?” Not so obscure, that.

This is ultimately why the disinterested mediators of John Judis’ fantasy life have been consistently bleeding mindshare for a half-century now. In their exalted role as patriotic arbiters of public policy and policemen of discourse, these allegedly impartial clergy have made predictable and alienating errors in judgment. All it takes is being on the wrong side of one argument to see just how paranoid and derisive centrists can be toward people who disagree with them.

Matthew Arnold argued that the ideal of disinterestedness—of “keeping aloof from what is called ‘the practical view of things’”—was a prerequisite for just criticism and, ultimately, for liberal democratic culture. We believe Arnold was right. But John Judis’s partisan brief on behalf of non-

partisanship illustrates an important obstacle to its achievement. It is this: The Progressive mentality begins with a presumption of its own unassailable virtue. It imputes the imprimatur of disinterestedness to its own limited, often very partial, very interested judgments. Its view of the world, it assumes, is simply the way things should be. It's those who deviate from that Weltanschauung who are "political" and disturb the pleasing "disinterestedness" of the progressive consensus. It is nice work if you can get it, but John Judis reminds us how one-sided such self-appointed paragons of virtue can be.

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