You Might Be Right - Polarization and the Constitution - Transcript

Yuval Levin: The small-r republicanism that underlies our politics begins from taking ownership of the country and its problems. These are our problems. These are my neighbors, these crazy people. They're fellow Americans, and if there's something to be solved here that's not getting solved, we have to think about what part we could play in solving it.

Marianne Wannamaker: Welcome to "You Might Be Right," a place for civil conversations about tough topics. Brought to you by the Baker School of Public Policy and Public Affairs at the University of Tennessee, with funding support from members of our Producers Circle. To learn more about how you can support our work, visit youmightberight.org.

The Constitution is at the center of some of our most divisive and polarizing political disagreements, from guns to abortion. But what if the Constitution is actually the solution to our challenges and not the source of our problem?

In this episode, our hosts, former Tennessee governors, Phil Bredesen and Bill Haslam, speak with Yuval Levin, senior fellow at the American Enterprise Institute and the author of a new book highlighting the Constitution's original purpose of facilitating constructive disagreement and negotiating resolution in a divided society. Could this 250-year-old document provide a roadmap towards a more unified country today?

Bill Haslam: I've been particularly looking forward to our guest today. Yuval Levin is the director of Social, Cultural and Constitutional Studies at the American Enterprise Institute. He founded the quarterly magazine National Affairs where he's still the senior – He's a busy man, you're getting ready to find out – still the senior editor. He's also senior editor for The New Atlantis, contributing editor at National Review and an opinion writer for the New York Times. His work focuses on law, regulation in the state of American social, political and civic life. He served in the Bush administration as a domestic policy advisor and executive director of the President's Council on Bioethics. He recently released a book, the American Covenant: How the Constitution Unified Our Nation -- and Could Again. Yuval was born in Israel and immigrated to the U.S. when he was eight with his family. He holds a B.A. in political science from American University and an M.A. and Ph.D. from the University of Chicago.
Yuval, welcome. We're really glad to have you with us.

Yuval Levin: Thank you very much for having me. Happy to be here.

Phil Bredesen: I'd like to know how many keyboards you wear out in the course of a year.

Yuval Levin: You know, I have a job where I just get to opine and I can't complain about that. So busy is a good thing.

Phil Bredesen: Good. I'm still looking for that to justify and–

Bill Haslam: Pennies for our thoughts.

Phil Bredesen: –not have to actually–

Bill Haslam: Yeah, exactly.

Phil Bredesen: –do anything else. Yeah.

I want to just start out, Yuval, with I think a lot of our listeners probably have not read your book, but it certainly has been a very influential voice in these debates we're having. Could you maybe just start out quickly with a capsule summary of what the basic argument is that you're making?

Yuval Levin: Yeah, thank you. So this book, American Covenant, which just came out in June, is really a reintroduction to the American Constitution for a divided time. It starts from the reality that Americans are and feel very divided from each other and that there's a sense of brokenness in our society, of frustration. A lot of that frustration is directed to the Constitution. We think of it as standing in our way of getting what we want, as slowing us down, holding us back, and therefore is really part of the problem, it's contributing to the intensity of our divisions. And the book tries to argue that that is just about exactly backwards, that in this moment the American Constitution is much more like the solution than the problem because it was intended to help a divided society hold together. It takes division and intense diversity as its premise and it tries to offer ways for differing factions to deal with each other, to confront the reality of each other's existence and therefore find ways to work together and act together.

And that a lot of the problems, the divisions we have now, have more to do with our failure to allow the Constitution to guide our public life than with the underlying structure of the system. The book does that by trying to introduce people to the history and logic of the Constitution and then work through all of its institutions, through federalism and Congress and the presidency and the courts, some of the institutions built up around it, the party system, the election system, and try to help people see how each of those is intended to help us come together and hang together.

And ultimately the book ends with a redefinition of unity itself, trying to draw out of the Constitutional system an idea of what unity actually means in a diverse society. So the book starts with a chapter called What is the Constitution? It ends with a chapter called What is Unity? And the idea is to use each of those to help people understand the other better.

Phil Bredesen: One follow up, it seems to me, I'm not an historian, but these issues of disunity seem to have been exaggerated dramatically over the course of the past generation. And what has been the change in American society which has permitted that to happen and the Constitution purposely be pushed into the background in the way that it has?

Yuval Levin: It's a very good question, an important question. I think in some ways it's overdetermined. The United States came out of a period in the second half of the 20th century

that was actually unusually cohesive. Coming out of World War II, out of the Depression, out of decades of mobilization, Americans had a very unusual degree of confidence in their leaders and in institutions. You look at Gallup data from that time, it's almost as shocking as the data now, but in reverse, where you find huge majorities of Americans expressing extraordinary confidence even in Congress, if you can believe it. We've lost that confidence and in some ways that's been a kind of normalization. Our attitudes now are more like the attitudes of 19th century Americans, but in some ways it's also been a function of a real dissolution and disillusionment in American life.

It's had to do I think with technological trends, it's had to do with economic forces and so, as I say, it's over-determined in some important ways, but where you might've found in the middle of the 20th century, every force and voice in American society pushing against a kind of conformity that had come out of those decades of war and depression telling people, "Be yourself," over and over. We live in a time now and the hunger Americans have is not for liberation from conformity. The hunger Americans have is for belonging, is for affiliation, for being part of something larger than themselves. People talk in terms of a concern about alienation, loneliness, isolation, despair. These are the problems of a people who are desperately in need of connection and belonging and I think the 21st century realities of American life are really distinctly different from what we might've thought of as our core public problems 50 and 60 years ago and have to be thought of in their own terms. We have to rediscover the case for solidarity in American terms.

Bill Haslam: I hear that and I hope you're right, but I also sense that, you can see it everywhere in our politics, there's a stronger sense of, "The other side's not just wrong, but they're evil and they're trying to ruin this thing that I love," and the idea of, you talk in your book a lot about the Constitution was written to form a more perfect union and it starts with the word we, but that we feels like it's gone away.

Yuval Levin: Yes.

Bill Haslam: So given that, and hoping that you're right there underneath that there's still some sense of desire for belonging, how do we get back to the idea that it's about forming a more perfect union, not beating the guy that I disagree with?

Yuval Levin: You know, in an odd way, the desire for belonging that is so powerful in American life now has been channeled in ways that as a practical matter have actually been divisive. The left and the right I think are both struggling for ways to speak in terms of belonging and of solidarity, but so far those have been pretty ugly ways. They've looked like identity politics, they've looked like nationalism, they've looked like ways of giving people something to belong to that actually separates them from other Americans. And I think in some ways at the heart of that is the very complicated notion of unity that defines the American political tradition, which says that, "To be unified doesn't mean that we agree about everything. Unity doesn't mean thinking alike. Unity means acting together and if we understand that it is possible to act together even when we don't think alike, then we can see how we can be one society despite our differences."

Those differences are not going away. Demographic and religious and cultural and ideological differences are never going to disappear. The question is how can we be one people given those differences and the approach of the Constitution to answering that question is that we need a set of institutions and political practices that allow us to act together on common problems even while we continue to disagree about some very important things.

So each of the institutions we have is intended to help us do that, to help us deal with each other, to help us come to negotiated accommodations, to help us act together without requiring us all to agree. And the desire for unity is channeled in a way that too often assumes that disagreement is disunity and therefore disagreement is a failure of cohesion. As long as we think that we will be divided because universal agreement is just not an option. If we can see that that's not really what unity requires in a free society, then I think we can find our way toward feeling less divided from each other.

Bill Haslam: Let me add a quick follow up to that. I mean, I'm stealing some of your words in your book, but how do we actually learn to act together when we don't think alike?

Yuval Levin: That's exactly the question the book is meant to draw, right. Because I think that that's actually the question that the Constitution aims to answer. How can we act together when we don't think alike? If politics is a realm of action that doesn't require agreement about everything all the way to the bottom and that's the case, no society has a politics of universal agreement. If everybody agreed we wouldn't need politics. Politics is actually there to deal with differences and so how do we act together when we don't think alike?

One way to do that is by negotiating, by beginning from what we each want and figuring out how we can get what we want by giving someone else something. That's what Congress is for. That's what the state legislatures are for. That's what a fair amount of our political life is for.

Another way is through competition, by putting people with different views and priorities into competition with each other and seeing what's more appealing to the public, seeing what can result in a better outcome for everyone. That's why a free market system is attached to our liberal democracy and always has been. It's why federalism works the way it does to allow states to address common problems in different ways at the same time and see what works better. That's why the party system works the way it does. We have competitive elections.

And there's also a way of acting together when we don't think alike by working through, what I call in the book, constructive tension, that is, allowing differences to persist. The American Constitution is actually built around this understanding that sometimes when you face a choice, a stark choice between two options, the way forward is actually to embrace both options in the ultimate outcome. The Constitutional Convention faced the question, "Should we empower the large states or the small states in designing the Congress?" And the ultimate solution they arrived at was, "Yes, let's empower the small states and the large states."

They had to face the question of whether the President of the United States should be an

elevated head of state like a king or should be a kind of glorified clerk who does what Congress says. And the solution was, "Yes, our president is an elevated head of state who is a glorified clerk." On paper, it's an impossible thing and the presidency in some ways is an impossible job, but the fact that it contains this contradiction in it actually ends up giving it flexibility, giving it the ability to shift its weight without losing its balance.

I think over and over the American system gives us these ways of living with difference by finding accommodations and it's part of why the system is so frustrating to political theorists. Political scientists tend not to like the American constitution. They want a cleaner, kind of more European-style, more radical democracy parliamentary system 'cause the American system is just messy and I think that mess is the reason why it works. It's because not everything has to be resolved all the way to the bottom. We can remain a diverse society while also finding ways to be one society.

Phil Bredesen: I'd like to just explore with you a little more the fact of these differences. We, in our recent podcast, talked to the Lewis brothers who'd written a book about The Myth of Left and Right and they pointed out that many of the specific issues that we differ on now, in fact, have switched back and forth multiple times, immigration being an example and so on. And yet at the base of it, there just seems to me to be some differences in fundamental personality or the way you're wired in some way that lead people to different places on that spectrum. You're a prominent conservative theorist and so can you help shed any light on that for me as to what you think those differences might be that persists this dissonance?

Yuval Levin: Yeah, I like the Lewis brothers' book a lot, but I think that the idea that left and right are a myth isn't quite correct. The terms certainly are just invented and they're sort of useful in a modern way; they don't mean anything. But I do think that the politics of every modern society has been divided between two fairly coherent ways of understanding what a modern society is.
There's one way that begins from a sense of the human person that's rooted in Judaism and Christianity that says, "The human person is fallen, is imperfect, is prone to vice, left to ourselves, we're going to stray and fall apart, but we're also capable of tremendous things. We're created in a divine image and we're able to rise to great heights. The way to reach that potential is through moral formation and so we require institutions that will form us to be better than where we started, especially family and religion and education, but also politics and culture and the economy. The purpose of these institutions is ultimately to form human beings to be capable of freedom."

There's another way of thinking about the free society, and it's not crazy, though I do disagree with it, that says, "The human being is actually born free and ready to be free, but everywhere you look, human beings are held back by oppressive institutions that only serve the people in power and that essentially oppress people and keep them from being free. And the purpose of politics is to liberate people from those forms of oppression and to allow them to live as dignified equals."

I think both of these views have a lot going for them. There's some truth to each of them, but they do point in quite different directions. If you think that the human person begins fallen and in need of formation, then you think of politics as essentially pitting against one another the kind of forces of order and chaos, social order and social chaos, civilization and barbarism. That's very often the language of the right.

If you think people are born free but are oppressed by powerful people who just want things to work for them, then you think of politics as pitting against one another, essentially oppressor and oppressed, and that has very often been the language of the left.

This is not a new dynamic. It's been around at least since the age of revolutions, at least since the end of the 18th century. And I do think that it describes two coherent, sensible ways of thinking about modern political life and we've come to call these left and right. There's nothing about them that's inherently left and right and yeah, it's true, sometimes you can see them. Lincoln had this image of two men wrestling one another into each other's coats and sometimes Republicans and Democrats are like that. It's how we use that image. You sort of talk one another into each other's views and suddenly you see, "Well, I don't know, we used to be the immigration party and now you're the immigration party. How'd that happen?"

That does happen, but nonetheless, I do think that left and right, as we think of them now, do describe meaningful distinctions. There is a reason why our politics breaks down in this way and even in societies where there's not a two-party system, there generally tend to be two sides to contemporary political life. Just about every free society breaks down along these lines and you can find a coalition of the right and a coalition of the left. I don't think that's a coincidence. We shouldn't let it be too rigid. We shouldn't let it define ourselves in ways that keep us from thinking about whether we're wrong about something, but I think there is some underlying meaning to it.

Phil Bredesen: Both Bill and I have obviously given what we've done with our lives at this point, I think have tried to think about this, and it often has come up to me as in the transition from hunting-gathering groups to a modern society, part of what makes it possible to have a modern society is we give up certain amounts of freedom to be able to cooperate with one another in productive ways. And I've often thought that maybe the willingness or the comfort in giving up those individual freedoms was part of that access. Does that comport with your view of how this happens?

Yuval Levin: I think that's part of the story. I would say there's a communitarian version of both left and right. There are people on both left and who reject radical individualism and who do think that we have to give up something in order to be part of a larger society. And in a sense, the question in modern times, and I think in this way, the politics of modern democracies are different than the politics that preceded them. And there's a way that left-right as I'm describing them is a kind of modern phenomenon. There's an argument for freedom on the left and on the right, there's an argument for community on the left and on the right. These are both obviously very important things, but those are arguments are different on left and right, and I think the

difference comes down to anthropology in a sense. The difference comes down to whether the purpose of politics is liberation or moral formation. And as I said, there's a strong case for both.

So our politics is not going to resolve around an answer to this question. Exactly how you come to be on one side or the other I think is a real mystery. There's a great letter that Thomas Jefferson wrote to John Adams sort of asking himself, as he put it, "Whether men are born as Whigs or Tories," 'cause it seemed to him that they were. I think it came out of an argument with his own daughter who disagreed with him about politics and he just thought, "How could this happen?" And it is kind of a mystery, but I think the underlying fundamental difference, although it can't be allowed to define everything about our politics, does define some things. It does matter.

Bill Haslam: Let me kind of jump from there to this. I'm the Republican of the duo and there are many people that run in my party saying, "I'm going to be the constitutional conservative, if elected."

Yuval Levin: Hang on to your wallet.

Bill Haslam: Yeah, right. Yet one of the points you make is the Constitution is written in such a way because the founders were dividing everything from big state, large state to agrarian industrial to the North-South issues, it was written in such a way that compromise was demanded, that friction was part of the system. And compromise, I think in both parties, but I'll – always start with your own house, cleaning up first – has become a really nasty word in the political world today. I'd love to hear what you would say to folks who say, "I'm running as a constitutional conservative here and my job is to make sure we beat the other side."

Yuval Levin: Yeah. Yeah, I think one of the strengths of the American system, and a function of the fact that we have a written constitution, is that the rules of the game are separate from the substance that we argue about. And I'm a constitutional conservative too, but to me what that means is that there's a set frame for American political life that defines how our arguments should take shape. But what happens in those arguments has to be bargaining and compromise and accommodation, the assumption of the Constitution. And in this sense too, the American system is clearer I think on this point or maybe goes further than some of the other democracies in the world. In the parliamentary democracies in Europe, if you win an election, you basically win everything until next time, until you lose your majority, you control the government. The American system has never worked that way.

In our system, what you win when you win an election is a seat at the table, and what happens at the table is bargaining and negotiation with other people who also won elections. Our system does not allow narrow majorities to have a lot of power, and that's very frustrating if you're a narrow majority as every majority has been now for more than a generation. But it's extremely important because it recognizes an essential fact about democracy, which is that although majority rule is the only way to have a legitimate government, majority rule can be very dangerous to minorities, to minority groups and to individuals, and the American system tries to

empower majorities while protecting minorities. The only way to do that is to require narrow majorities to broaden, to build a coalition, to bring more people in, and that requires–

Bill Haslam: Can I stop you? I want to come back to that, that's required, but yet, we have a couple of cases that stand out in recent history where narrow majorities produce pretty consequential events – the Affordable Care Act, the Trump tax cuts were both passed with really narrow majorities. So I hear what you're saying, but does the system actually require that to be?

Yuval Levin: The Affordable Care Act was passed with 60 votes in the Senate. That's the biggest Senate majority we've had in my lifetime. So I think things can seem very controversial, but they happen when there are enough votes.

Now I do agree about the tax reforms, both in 2017 and actually in some ways all the tax bills of the 21st century, except the first one in '03, were passed through the budget reconciliation process. They were treated as though they were annual budgets. It's why they have to be renewed, while we're coming up on a renewal of a five-year budget reform. And I think that's not how our system is supposed to work. So absolutely, I do think that the tax reforms in the Trump years, also in the Obama years and the later ones in the Bush years, which were done through reconciliation, are a way of trying to sneak through our system a kind of narrow majority rule that is not how the system is meant to work and tax reform should have broad support if it's going to happen, as was the case for most of our history.

And I think the reason that matters is that when you're required to build coalitions, you're required to negotiate. The work of being a public official in the American political system is the work of negotiation. And we now have in Congress a lot of people who run for Congress saying, "I'll never give an inch," and I look at that person and think, "You're promising not to do your job." Or to pick on our own party again, when you have Republicans in the house throwing the Speaker out because he reached a budget deal with the Democrats, well, I'm sorry, that's the job description of the Speaker of the House.

So I think we have to realize that what we're electing these people to do is negotiate on our behalf, not act as if by winning an election they've made the other party irrelevant. That's not how our system works and it's not how it should work.

Phil Bredesen: So just to follow up on that, I mean, both Bill and I have lived in the world of it's nice to talk about these things, but you also get to do something on Monday morning about them. What's the path out of this? I mean, what has to change in American society or in who we elect or anything else?

Yuval Levin: I think to begin with, we have to recognize the way in which our system is not functioning now, and here again, I would start with Congress because I do think that Congress is the most broken institution in the American system at this point. There's a tendency, especially on the right now, to think about the excesses of the administrative state. There's a

tendency on the left to think about the courts doing too much. Both those things happen because Congress does too little, 'cause it's not willing to do its job.

I think you'd get very broad agreement that Congress is dysfunctional, but under that agreement there is actually a disagreement about what Congress is not doing, what function it's not performing. I think there's a natural sense that when Congress isn't working, what it's not doing is it's not passing big legislation, we're not doing anything about the fiscal problems or the environment or whatever it is that you think is most important. I think what Congress is failing to do is facilitate cross-partisan bargaining and negotiation.

Now, that's why we're not passing big legislation, but we have to see that that's the underlying problem because if you think the basic problem is we're not passing big bills, then you want Congress to be more efficient. You want to empower the leaders more, let them move. You want to end the filibuster, you want to make it easier to get things passed.

If you think what Congress is failing to do is facilitate cross-partisan bargaining, then in some ways you want Congress to be less efficient. You want more of the work to go through committees. You want more of the work to happen through these kind of strange bedfellow coalitions. You love the filibuster, and I do love the filibuster, because that's what forces the parties to work together when they only have narrow majorities.

And I think by beginning from seeing the problem in that way, we can see when it comes to Congress to begin with, that what would be required to fix this problem is to first understand the purpose of the institution and then help people see that bargaining, negotiation, coalition building, frustrating as it is, that's the purpose. That's what we're not doing now.

Bill Haslam: But it's been, again, I'll keep picking on our party, but I think it's true of both or my party, it's true of both. You talk about facilitating cross-party negotiations, but I don't know that we have so much of a leader problem as we do a follower problem. The voters, I think in the Republican –actually, I think in both parties – don't really want cross-party negotiations. So ultimately the representatives are going to vote, going to do what the voters want. How do we change that?

Yuval Levin: So who are the voters, right? I think that's a question to which the answer is also changed in the 21st century. If you ask members of Congress now who are your voters, they will talk about their primary voters. And it's true, primary voters don't want bargaining. Primary voters are the 10% or so of Americans who are most intensely engaged in politics and least want to see any kind of ideological compromise or bargain reached. The fact that our system begins every election cycle by asking them, by asking, let's just say the craziest people in America, "What do you want?" means that we end up with a system that only satisfies the craziest people in America. And one of the ways in which we have to think about helping the Constitution work better is by helping our electoral system work better. And I think at this point, the primary system is a very poor fit for American political culture.

It wasn't always, primaries are not new, but when you combine the kind of polarization and sifting of the population that we've seen with primaries as a mode of candidate selection, what ends up happening is the parties fall apart. They've given up their core function to really an almost random selection of people who happen to show up on election day and the system gets populated by people who don't want it to work and whose understanding of what they need to do is not what it requires of them.

So I talk about this a lot in the book. I think that there's a need for a reform of our party system that has to begin by moving beyond primaries. I say beyond because I don't think we can go back to the pre-primary candidate selection methods, but we have to think about how to help the parties choose people for office who would be both more broadly appealing and more interested in doing the work assigned to them in the system.

Phil Bredesen: And the way to do that is?

Yuval Levin: Well, so I think we have to experiment because we don't know the answer an experiment's what you do when you don't know the answer. But I would say one thing worth trying is something like ranked-choice primaries. I wouldn't support ranked-choice general elections because I think those do tend to weaken the parties and we need the parties, but ranked-choice primaries allow the parties to look for broadly appealing candidates.

There's an example of this in the Virginia Republican Party in 2021 looking for its candidate for governor, for reasons that had really more to do with COVID than with anything we're talking about. They decided they needed to have a ranked-choice convention, and they ended up with a candidate who would not have won a regular primary, in Glenn Youngkin, but who was very able to win a general election in a purple state.

I think there's a lot for both parties to learn from that. Frankly, there's a lot to learn from the weird situation we're in now, where the Democratic Party looked at its presidential candidate, said, "Well, this person's never going to win. Let's put somebody else in." And the Republicans are standing on the side saying, "Can they just do that?" And yeah, the answer is yes. Your job is to win elections. Ask yourself, "How do we win general elections?" Not, "What do the craziest people in our coalition want?"

Bill Haslam: So you said something real quick that is worth explaining more. You said, "We need the political parties."

Yuval Levin: Yes.

Bill Haslam: Tell us why we need the political parties.

Yuval Levin: This is a hard-earned lesson in the American political tradition. So if you listen to the framers of the Constitution, they really didn't want political parties and they hoped that we might have a politics without parties. And then the system got going, the Constitution was

ratified, and immediately those same people started to form political parties because they realized that there needs to be some way to organize political action before people are elected to office. And very quickly, and every democracy has found this, you need to have some form of sort of extra-constitutional organization, essentially private groups, but whose job it is to organize a coalition and allow it to select winning candidates and then allow it to govern, allow it to operate. The insight of the American system is that this can also help people form the habits they need to build coalitions in government.

We've always had these two, almost always had, these two very broad messy parties that don't quite make sense. How do these people hang together? Why is the Democratic coalition such a bizarre combination of people? How are Republicans a bunch of capitalists and Christians? There is an underlying reason. I do think as I said before, left and right makes sense, but the American system has had just two parties for a very practical reason, which is that the electoral college requires you to win an absolute majority of electors and if there's more than two serious candidates for president, the election's likely to go to the House. They learned this the hard way in 1800 and 1824, and our political system organized itself into two broad coalitional parties. I think broadly speaking, this has been good for us. There are ways in which a multiparty system is better, but generally speaking, I think our two-party system helps us and I think we need stronger parties. The irony of the study of parties is that strong parties as institutions actually reduce partisanship. They reduce partisanship because they have to win elections and if the Democratic Party has to win elections in the South and in the Northwest, it's just going to be less radical than it otherwise would be, and the same, of course, for Republicans. So when the parties are stronger, our politics is less polarized and divided.

We live in a time of very weak parties. I would say we live in a time of two minority parties at the same time, and we therefore have a very polarized and divided politics.

Phil Bredesen: It's interesting you say that because one of my experiences when I got involved in politics and elected was, speaking for Tennessee, sort of, how weak the Democratic Party was. I mean, it's almost beside the point what they thought and did. Elections were very much run by individuals and their coalitions, and that seems to be very different than a couple generations before that in America. Is that a fair observation?

Yuval Levin: And it's happened in both parties. Absolutely. Our politics is much more a matter of kind of independent contractors now, and I think broadly speaking, it's been bad for us because, again, it frees people of the need for coalitions and coalitions restrain our politics in some very important ways. So I think we've lived in a time of unusually weak parties. We've also lived in a time that's unusual for being 50/50 for a very long time. We've not had a majority party in American politics really since the 1990s and that's not the usual story in America. So that's part of what's happening here too.

Bill Haslam:I was also struck by something that you said in the book that cynicism is not the answer, which I would agree with, but one of the interesting things you said was because you've been involved in government and I think you said really two things. Number one, they're not

organized, they don't do their job well enough to have the sort of conspiracies that a lot of people think happen. And I always think that, too, where it's the Kennedy assassination or whatever–

Yuval Levin: Yeah. Who's keeping this secret? Right. I've never met that person.

Bill Haslam: Yeah. I've never seen government be able to do that at all.

Phil Bredesen: Once I got involved in the government, I was sort of like completely removed any thoughts for conspiracy, there's no–

Yuval Levin: Absolutely.

Phil Bredesen: –possibility of having–

Yuval Levin: It's totally my experience and both of you have had a lot more experience in politics than I have, but in working for a Speaker of the House and then working for a President, it just becomes impossible to believe that anybody's got a nine-step plan for how this is going to work and you're just a pawn and they don't know what's going to happen that afternoon and they're just trying to survive the week. So in that sense, I think conspiracism is a function of ignorance about politics, but I would say even more than that, I think cynicism in general is naive. Cynicism assumes that people have external motives that have nothing to do with what they're arguing for in politics.

What I've always found is people basically believe they're doing the right thing. Some of them are really wrong about that, but they do believe they're doing the right thing. They're not actually cynical. They're obviously exceptions to this here and there, but generally speaking, I think if you approach politics with a cynical lens, you're going to miss a lot of what's most important to understand. And cynicism, I think, is just not sophisticated about politics, it's naive about politics.

Phil Bredesen: When one speaks about this polarization and inability to compromise, one of the things that's often brought up is that the structure of American society, first of all, is different from that and from a lot of countries in that there's no ethnic basis to it. Americans – it's not like you're French or Japanese or Chinese or something. And so one of the unifying attributes of society is missing. And then, second of all, society has changed so that we also lose those other unifying things. I mean, organized religion is less of a factor today than it has been in most of our history. I think in the post-World War II, just this pride in and trust in America carried us for a couple of decades beyond that, then maybe the Vietnam War punctured it. Do you see it in those terms? Is that lack of a unifying principle a part of the problem?

Yuval Levin: Yeah, I think that makes sense. I would say it points me in a couple of directions. I do think there's a way that Americans have always overestimated how divided we are. You'll find people saying, "Well, I have nothing in common with somebody in California who's this lefty in San Francisco." If you spend just a little time outside the United States and then you run into

an American somewhere, it takes you five seconds from a mile away to know that that person's an American and the two of you have a huge amount in common. We easily vastly underestimate how united we are.

There's also a tendency in the American character, and it's actually one of the things we have in common, to think that we're always on the verge of total collapse and breakdown. Americans have always thought, "This is the last generation. There's no way we can sustain this. It's all collapsed. We've lived through a decline." Our national anthem is not a song about how beautiful or glorious our country is. It's a song about barely surviving the night. The flag was still there. This is the great thing. We've always lived with this sense of, "We're just not going to make it." And that's certainly a part of our sense in this moment.

But I also think that this peculiar diversity we have and the lack of an underlying ethnic unifying base also is not new and is part of the American character in a way that we should take account of. And I think the Constitution does. I often find myself arguing with political scientists who will say the system they have in Norway is much more representative and also much more stable than ours. And I just think, "Well, we are not Norway. And the fact that we could even have this conversation where we compare the United States to Norway is a function of how successful our constitutional system is."

The United States is much more like India and Mexico and Brazil, the vast diverse, crazy democracies. That's what we are, but we're much better governed than the rest of them because of our constitutional system. And it's precisely because it recognizes how diverse we are and takes for granted that we are not going to agree in a broad way about fundamentals, and therefore we need a system that lets us live with this diversity and that lets us hang together despite of it.

Bill Haslam: So when I go to speak to people who aren't focused on politics 24 hours of the day, their main response to the current situation is just, "I'm frustrated and exhausted and kind of a pox on both of their houses." You talk a lot about Madison's impact on the Constitution, what would Madison say to those folks who are like, "I'm just over the whole deal"?

Yuval Levin: I think that the instinct to just say, "This whole thing is corrupt and crazy and I don't want anything to do with it," is understandable somewhat in this moment, but you can't see yourself as an observer of your own society. And I think that's where Madison would begin. The Republicanism, the small-r-republicanism that underlies our politics begins from taking ownership of the country and its problems. These are our problems. These are my neighbors, these crazy people. They're fellow Americans, and if there's something to be solved here that's not getting solved, we have to think about what part we could play in solving it. And I think a lot of Americans who are just tired of this want to sort of separate themselves from the work of addressing the problem. And in a way that's also the problem we find with some of our political leaders, is they want to treat themselves as observers and commentators rather than saying, "This is my problem to deal with."

You find a lot of people in Congress now, they'll start a podcast. Rather than be involved in what's happening in the room where people are negotiating, they'll run outside to find a camera and say, "You wouldn't believe what's happening here." And I want to say to them, "Well, I don't know. You're in your 18th term in the House, aren't you what's happening here?"

The sense that you can separate yourself from the work of being a citizen and from the work of self-government, I think it's just a mistake. And even if it's understandable and even if you want to say, "Well, a pox on both their houses," there's only one house and we live in that house and if there's a pox on that house, then we're in trouble. So I do think that's the wrong attitude to have. It begins from the sense that, "This has nothing to do with me," and that beginning is the wrong start.

Phil Bredesen: Doesn't that ultimately point back at the people who are electing these people? I mean, what these representatives are doing are responding to the incentive structure that they see and you get to stay in the House and collect a salary and be respected and stuff, if you are careful about not transgressing certain lines and the like. I mean, is there any hope, is there anything you can say to the public at large to get them really to ask more of their elected representatives in terms of addressing these issues?

Yuval Levin: I think this is the problem that we so often don't want talk about in a democracy, which is politicians are not simply leaders. Politicians basically do what voters want, and the people who are doing this thing that's driving you crazy, they're doing it because a lot of people want them to, and maybe you want them to. So I think to begin with, we do have to ask ourselves as citizens, "What are we demanding? What are we expecting? What are we asking for?" That does mean being more selective in who you vote for and who you're willing to support, even in your own party. It's something a lot of us have had to come to terms with in the 21st century, I know I have. Where just having an R after your name is no longer enough to get my vote. There has to be a sense that the business you're in is in fact the business of American self-government. There's no getting away from the fact that it's ultimately up to the broader American public to have the right expectations.

I don't have a simple recipe for getting there. When I ask myself, "What can I do?" Part of it is just writing a book that tries to help people think about what the Constitution is and how they should function as citizens. I am not under the illusion that that's going to have a transformative effect on our country. It's just the intersection of what I can do and what seems like it ought to be done.

I think we all need to think about how we can take responsibility for the fate of the country and it would help if more people in our politics spoke to the public in those terms. But that's much easier said than done. I don't have to run for office so I can stand here and say, "Members of Congress should take responsibility and pick fights with their own party and all of that."

Phil Bredesen: I really liked your formalism earlier, the approaches of saying, "These are our problems." I mean, just that change of view 'cause I mean, that's what I see in talking with

people, which is–

Yuval Levin: Absolutely.

Phil Bredesen: –"This is not my problem. This is something you have created because you're an evil person."

Yuval Levin: This comes to me from a very personal place and I tell this story at the end of the book. I am an immigrant. I was born in Israel and my family moved here when I was eight. I became an American citizen when I was 19 at the federal courthouse in Newark, New Jersey. And the judge who gave us the oath gave a little speech, which at the time I found very confusing and frustrating. He didn't talk about George Washington and Abraham Lincoln. He said, "From now on you have to talk about America in the first person plural." And all these new immigrants were kind of looking at each other like, "That wasn't on the test." I literally didn't know what it meant.

Phil Bredesen: What's that again?

Yuval Levin: And he explained it and he said, "You have to talk about our country and use the words we and our, and there's a tendency that immigrants have to talk about America and say, 'Them.' That ends today," he said. And I think all of us, not just immigrants, but everybody needs to hear that message, which although I didn't grasp the importance of it at the time, in a sense, the career I've had has been all about trying to make that more possible.

To think of ourselves in terms of we and us, to take seriously the fact that the Constitution does start with the word we and that it is our responsibility at the end of the day is very, very hard to do now. We're all inclined to function as commentators. Social media encourages this. The way in which our political culture works encourages that. And it's very important that we see that we're not just observers. We're not just pundits, we're Americans. This is our problem and therefore it's up to us to do something about it.

Bill Haslam: Yuval, one of the things that when I listen to you talk about whether it's seeing ourselves as we, and there's only one house and it's our house, is there's a fundamental humility that seems to underline your arguments, which is incredibly refreshing to me. In that spirit, this podcast takes its name from Howard Baker saying that, "Always remember the other person might be right." Can you think of an example for us where you realized you didn't have it right? That the other side of the argument was right?

Yuval Levin: Yeah. There are a lot of things. One that we've talked about in a sense, if you had asked me 10 years ago about ranked-choice voting, I would've said, "That's just some clever idea that Democrats use to elect even more leftist people in Oregon." I've changed my mind about that because the reality of the world has forced me to ask, "What can we do about this?" And to listen to some people who I had frankly dismissed and think, "You know what, that actually does add up." And in this kind of political reform space, I think there's a lot of need for

that, for both sides to hear each other.

I also had the experience in my life of changing my mind about the death penalty as a younger person, becoming persuaded really by talking to a good friend that the death penalty is wrong, which I had always thought of myself as thinking it was necessary in some circumstances and for a variety of reasons, really by just listening to someone who I started out thinking was wrong and ended up thinking was right, changed my mind. And I think it's an experience we all should go through exactly for that humility, because what do I know?

Phil Bredesen: Thank you very much. This has been great.

Yuval Levin: Thank you.

Bill Haslam: Yuval, we really do appreciate it. Your view of how the Constitution is not the problem, but can be the answer, I personally put a lot of hope behind, so thank you very much.

Yuval Levin: Thanks very much.

Phil Bredesen: Well, Bill, I think we have just been in the presence of a really smart guy.

Bill Haslam: Every now and then you know when you're intellectually overmatched and that's it. But–

Phil Bredesen: Even two-on-one, we couldn't–

Bill Haslam: Exactly. But I do, like I said, where we ended the idea that the Constitution was designed for a divided people, it's not the problem. That's not the problem. And I think it can be the answer because it is also designed to almost necessitate negotiation and compromise, and we have to get away from that being a bad thing.

Phil Bredesen: Well, I think the founders, I'm not an accomplished historian, but I think understood that these differences in worldview were going to persist over time. It's just like people are wired differently by their backgrounds and I'm sure probably their genetics to look at things and we have to find ways to mold that into a cohesive society that can solve problems. Somehow we've lost that. I mean, it's just that now there's a sense of, "The other side is wrong, and my job is to convert everybody to make society work the way I think it should."

Bill Haslam: Well, it's even strongly. It's not to try to convert their side, it's try to smash the other side and to knock them into oblivion.

Phil Bredesen: Sort of a forced conversion. I thought it was really interesting and helpful to me and his talking about having a first-person plural in his swearing-in and that we have to see this as our problem is I think that's something, and frankly, you and I, when we're around talking with groups, I think ought to emphasize that.

Bill Haslam: And that's a great place, I think, to end is when he said, "What you can't be, you can't see yourself as an observer." You're not. You've got an oar on the boat as well. And all of us have to see ourselves as not observing, but actually trying to do something to make certain that we do work toward a more perfect union.

Phil Bredesen: Well said.

Marianne Wanamaker: Thanks for listening to "You Might Be Right." Be sure to follow on Apple Podcasts, Spotify, or wherever you listen to your favorite shows. And please help spread the word by sharing, rating and reviewing the show.

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