

Civic Virtue, and Why it Matters

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[00:00:00] Jeffrey Rosen: I'm Jeffrey Rosen, president and CEO of the National Constitution Center, and welcome to We the People, a weekly show of constitutional debate. The National Constitution Center is a non-partisan nonprofit chartered by Congress to increase awareness and understanding of the Constitution among the American people. And in fulfillment of that inspiring mission, the National Constitution Center has a wonderful new collaboration with the Atlantic magazine. We've created the Battle for the Constitution. It's a website that features essays exploring the constitutional issues at the center of American life, representing scholars and thought leaders of all perspectives.

[00:00:42] Jeffrey Rosen: And this week, I'm joined by the authors of two recent great pieces on the site, Margaret Taylor and Adam White. We will discuss civic virtue and the state of the American Republic. What did the Founders understand civic virtue to be? How can citizens practice the habits of virtue, and what are its prospects in a post-impeachment, highly polarized society?

[00:01:12] Jeffrey Rosen: Margaret Taylor is a fellow in Governance Studies at the Brookings Institution and senior editor and counsel at Lawfare. Previously, she was the Democratic chief counsel and deputy staff director for the Senate Foreign Relations Committee, where she also served as deputy chief counsel. She was an attorney in the Office of a Legal Advisor at the US Department of State from 2003 to 2013. Margaret, thank you so much for joining.

[00:01:35] Margaret Taylor: Thank you so much for having me.

[00:01:37] Jeffrey Rosen: And Adam White is a resident scholar at the American Enterprise Institute and an assistant professor of law and the director of the C. Boyden Gray Center for the Study of the Administrative State at the Antonin Scalia Law School at George Mason University. He was previously a research fellow for Stanford's Hoover Institution and an adjunct fellow for the Manhattan

Institute. He's also a regular contributor to the Yale Journal on Regulation's Notice & Comment blog. Adam, it is wonderful to have you with us.

[00:02:05] Adam White: Thanks. It's great to be here.

[00:02:07] Jeffrey Rosen: Adam, let's begin with you. Your recent piece, *A Republic, If We Can Keep It*, on the Atlantic National Constitution Center, Battle for the Constitution website, argued that the government set up by James Madison and the other Founders requires a virtuous public as well as virtuous leaders, or the whole system will fail. Tell us how the Founders understood civic virtue on the part of individual citizens. And tell us about their now unfamiliar understanding of civic virtue as a form of self-mastery, or self-restraint?

[00:02:48] Adam White: Well, thanks, Jeff. Today, we're accustomed to thinking about constitutional structure as a substitute for virtue, and we point to phrases from the Federalist like James Madison saying, "If men were angels, no government would be necessary." But the argument I'm trying to make is that actually our constitutional structure itself presumes certain virtues among the people, and I point to different aspects of the writing and the Federalist itself and elsewhere to make that case.

[00:03:15] Adam White: Now, the framers, the Founding Fathers themselves, they lived in a world in which they recognized that certain virtues of self-mastery were necessary just in their own lives. And now, of course, there was no single sort of code of conduct that they all followed, but there's a reason why you see things like Benjamin Franklin's list of 13 virtues, like temperance and silence and frugality and so on, or George Washington who formulated a list of over a hundred virtues of self-restraint to guide his own life.

[00:03:46] Adam White: That entire generation, not everybody, but the leading figures often recognize that they needed to learn how to restrain themselves in their own daily life. And I think that is what informed their view of what we call Republican virtues now, namely those virtues that are necessary for a self-governing republic to function.

[00:04:05] Jeffrey Rosen: Thank you for mentioning Ben Franklin's 13 virtues. We The People listeners, check them out. You'll find them in his autobiography and online. As Adam said, they include temperance, silence, order, resolution. Franklin recommended that we all make daily checklists of how well we've

achieved these virtues. I tried it a few years ago. It's quite depressing, [laughs] I have to share with you, [laughing] but also very, very good mental habits. And amazingly, a Hasidic rabbi picked them up and founded a movement called Musar where he gave the Jewish version of it, and it's now a central part of the Jewish mystic tradition.

[00:04:40] Jeffrey Rosen: Margaret, this notion that we, as citizens, have a duty to practice virtues of self-restraint like humility and tranquility and sincerity is unfamiliar to us today. But you in your great recent piece in the Atlantic, *The Founders Set an Extremely High Bar for Impeachment* [sic], mention George Washington's farewell address where he warned against factions. "The common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it." Often, when we think of factions, we blame the parties themselves. But, clearly, Washington in making up a list of 100 virtues thought that we as citizens, as individuals, have an obligation not to think along factional lines, but instead to think for ourselves to restrain our own partisan factional impulses. Can you tell us more about Washington's understanding of self-restraint and virtue?

[00:05:36] Margaret Taylor: So I actually think that Washington and our Founders, they lived in a world where they were sort of dealing with these types of issues every day. And it was... I totally agree with Adam that when they set up our constitutional system this concept of civic virtue, I think, absolutely undergirds it. And I think that they themselves recognize almost the fragility of that, and that the system sort of wouldn't really work if that wasn't a feature of it. And I think what we're seeing more in modern life is that these types of characteristics are— some bad impulses maybe are not quite as restrained.

[00:06:28] Margaret Taylor: And so, what we see is a constitutional system that is being tested by actors in various parts of the government who, by their actions, sort of what I would call sort of intemperate or you know, just off the cuff sort of actions, are reminding Americans and scholars like us about the fragility of that system and how if actors within it don't act in accordance with civic virtue, it really exposes how a lot of things, I think, Americans thought were so a firm part of our political culture here really based on norms and not on laws.

[00:07:14] Margaret Taylor: I'll just say one of the questions that I get just in my personal life over the last three or more years even is gee, President Trump or someone else did this thing which I find offensive. How is it that we don't have a

law that prohibits it? I've heard that question so many times and the answer tends to go back to this notion of, well it has been part of our... The concept of our system that a president and other actors in our system would self-restraint in these ways such that you couldn't even really make a law to address the conduct.

[00:07:55] Jeffrey Rosen: Thanks very much for that observation that self-restraint on the part of government officials as well as individual citizens seems to be key to the success of the system, and the Founders didn't expect that law could step in when self-regulation fails.

[00:08:10] Jeffrey Rosen: Adam, one more beat on the intellectual and philosophical and spiritual roots of the Founders' conception of virtue. The word today connotes a religious background, the Old and New Testament. And when John Adams said that a system without virtue and morality and religion would fail, he had in mind a theistic conception of Christianity.

[00:08:34] Jeffrey Rosen: But the Founders were relying on other sources too, including the Stoics as well as Aristotle, who in his Nicomachean Ethics said that the good of man is exercise of his faculties in accordance with excellence or virtue. And they also relied on Blackstone, who said that, "Without using faculties of reason to know virtue, men could not achieve happiness or self-government and also could not unite to govern themselves personally or politically." So it's an unfamiliar intellectual history. Give us more a sense of the intellectual sources of the Founders' notion of virtue.

[00:09:12] Adam White: Well, I think you've identified the best and most important sources. The fact is that while religion plays an important part, and I'll get back to that in just a second, the Framers were looking back at a much deeper intellectual heritage touching on, as you mentioned, the classics, Aristotle and so on, more recent examples like Blackstone and his view of law. And, of course, the framers were, at least the ones who wrote the Constitution, were infused with their study of Locke and Montesquieu and others. Religion plays an important part, of course. You could largely take religion for granted in that era, even if it were predominantly among, you know, leading intellectuals, more of a deistic view.

[00:09:52] Adam White: I think the key though, whether it's both either religion or whether it's classical sources, the point is self-restraint with an eye to something beyond your immediate needs or wants, being able to recalibrate your own behavior in accordance to a higher goal. And in a way, that's what Republican

virtue would require, an ability to get along within the framework of slow, deliberative, conflict-ridden, Republican self-government, knowing that you needed to restrain yourself in the process for the sake of the process as a whole.

[00:10:29] Adam White: By the way, we keep throwing around words like self-government. In a way, it's a play on words, right? We're talking both about the people governing themselves through government. We're also talking about individuals governing their own daily life. It's not just a coincidence of words. It's two deeply interwoven themes and that individual self-government was necessary for the sake of public self-government, whether among the people themselves or a president or the courts restraining themselves, or legislators restraining themselves in a way in the course of governance, not just ambition counteracting ambition, though of course, that's important, but also in the process of measure of self-restraint, just as the people in government were self-restrained in their own lives, or at least they knew they should be.

[00:11:14] Jeffrey Rosen: Thank you very much for noting that important consonance between personal and political self-governance and the need for the political actors, as well as the people, to restrain their passions, to achieve a public reason and a good higher than themselves.

[00:11:33] Jeffrey Rosen: Margaret, let me ask you, has the notion of virtue itself become polarized or politicized? The sources that Adam cites in his great piece, including Chief Justice Roberts, whose wonderful report on the annual judiciary gave a great shout out to the National Constitution Center and our interactive constitution, and we're so grateful to the chief for that, as well as Justice Gorsuch, our current chair of the National Constitution Center.

[00:11:58] Jeffrey Rosen: These are more conservative voices. Progressives, by contrast today, often don't like calls for civility, and the word virtue seems to have a religious connotation. A recent piece on NPR by Karen Grigsby Bates talked about when civility is used as a cudgel against people of color and said that for many people of color, civility isn't so much a social lubricant as a vehicle for containing them, preserving the status quo.

[00:12:23] Jeffrey Rosen: The word virtue isn't one that progressives use much. Is there another phrase, self-mastery or self-restraint, that might resonate more with progressives, or have we lost an ability to agree about the importance of civic virtue?

[00:12:37] Margaret Taylor: So I... I'm interested in your question because, to me, you know, what civic virtue means depends on what type of political order or society one is aspiring to create. So, for example, for someone who feels that something unjust is happening it is virtuous to push back on that, to protest, to raise your voice. And maybe, it's more virtuous to do it in an unrestrained way [laughs] than a restrained way if the injustice that you're encountering requires that. And that is the obligation that you have as a responsible member of the society.

[00:13:29] Margaret Taylor: And so your question, has virtue itself become politicized, I think the answer to that question is yes because it depends on entirely on sort of what types of acts do people think are virtuous or not. And so, I guess, for me, the word virtue isn't like particularly useful until you fill it with something that is concrete and that you can have some sort of more solid reference to what is the goal that one is trying to achieve. What is the type of political order that one is trying to create?

[00:14:10] Jeffrey Rosen: Adam, there's no necessary dissonance between notions of self-mastery and active protest. And when Ralph Waldo Emerson defined the American idea in the Atlantic, he defined it as emancipation, man thinking for himself, independence, a willingness to master passions in order to achieve a higher spiritual purpose, which was entirely consistent with vigorous dissent and rebellion. And Emerson drew more on Eastern sources, like the Bhagavad Gita, in talking about the need for spiritual self-mastery that would allow men and women to think entirely for themselves. So if you were trying to make a case for the continued relevance of the American idea defined as self-mastery that could appeal to liberals as well as conservatives, how would you make it?

[00:15:13] Adam White: Well, for starters, I would never suggest that virtue, even the Republican virtue I'm talking about, is the exclusive province of the conservative circles in which I tend to run. I think that virtue is a strong theme on both sides of the aisle, even look no further than modern policy debates over environmental and social governance in corporations. This is a deeply moralistic policy agenda infused with virtue. Virtue isn't, you know, the mono- the solely owned property of one side or the other, and I don't... And certainly don't mean to suggest it.

[00:15:46] Adam White: I'd say that in today's day and age looking at both conservatives and progressives, the way I would begin with this is defining civility, not in terms of the civility to shut others up, demanding that others be civil and

silent in the face of you doing whatever you wanted to. But the view of civility I have in mind is the one that Gorsuch sketches out in his recent book, *Justice*. Gorsuch, it's a civility in which we restrain ourselves not to stifle disagreement, but to facilitate disagreement. Knowing that we're gonna disagree deeply over issues small and large, the question is what's the way to make those disagreements the most productive for the sake of policy?

[00:16:28] Adam White: And I do think that there's bipartisan appeal in calling for a kind of virtue or civility in which we open ourselves to persuasion, or at least believe that persuasion is even possible to understand that through a legislative process, there needs to be debate and compromise or at least some sort of process, and that our basic framework of government requires this. This is why Madison says in *Federalist 55*, talking about the House of Representatives, if we don't have some basic virtues, he doesn't say what, but I think they're the kind of virtues we're talking about today, he says, well, then, we should just give up on Republican government. Nothing less than the chains of despotism will allow the government to restrain the people.

[00:17:10] Adam White: And so I think we have to look at a virtue of self-restraint, always self-restraint, not restraining others, and that any discussion of this virtue has to begin with ourselves, not trying to shut others up, not even trying to shut ourselves up, because as Margaret rightly mentioned, oftentimes, we're filled with passionate zeal for all of the right reasons. The question is just how do we hold ourselves to the standard of modulating that zeal to ensure that our contributions to public discourse and public policy are not just passionate and not even primarily passionate, but they're ones of reason which is why Madison would always draw this distinction between the public passion and the public reason. We understand passion is inevitable and it's often a good thing, but it has to be directed towards reasoned disagreement.

[00:17:59] Jeffrey Rosen: Thank you for noting the importance of civility as a value that liberals and conservatives can converge around, the importance of disagreeing without being disagreeable, and having politicians restrain themselves to separate their passions from their reason.

[00:18:18] Jeffrey Rosen: Margaret, you wrote about a post-impeachment world, and there was, of course, a dramatic moment in the impeachment trial when Mitt Romney appealed to his own conception of what God required to separate his own partisan passions from his constitutional reasons and to reach a constitutional result

that diverged from his partisan interests. Why is that so unusual? Today, you've worked in government. You talk to members on both sides of the aisle who often say in private that they're unable to do what Romney was able to do because of the push of partisanship from social media and the party system. So tell us about, in practice, why that ideal of separating reason from passion seems so rare today.

[00:19:07] Margaret Taylor: It was in my opinion, a true and actual act of political courage that Senator Romney showed there. And I think he's sort of... He was the exception. And I think what it did was kind of show that because he's so exceptional, I do think it's sort of laid bare what could be going on with sort of the rest of the Republican senators there. So it was a very interesting moment.

[00:19:41] Margaret Taylor: I think, you know, our political culture right now, in varying ways, seems to be rewarding confrontation and party loyalty and punishing compromise and cooperation among our political leaders. And I do wonder how that sort of ends. Do we reach a turning point where something like what Mitt Romney did becomes more sort of the norm or is he kind of like the last gasp of this notion of separating... as you said, separating your sort of party views from what you're constitutional... you think your constitutional duties are.

[00:20:31] Margaret Taylor: And just focusing on the issue and the impeachment, and I say this in the piece, it seems like when a sufficient number of senators are willing to accept an argument that using the power of the presidency to leverage a foreign government to smear a domestic political opponent to influence the outcome of a presidential election is a mere policy disagreement and not an impeachable abuse of power, which is what the president's team argued and what a lot of the Republicans sort of rested on to justify the acquittal vote, I do think that Americans have to ask themselves what that means. And you know, is that consistent with what our Founders were seeking to establish as our political order and whether Americans really have embraced the factionalism and the party loyalty that the Founders feared?

[00:21:28] Jeffrey Rosen: Adam, what did you make of Mitt Romney's speech and his vote? How do you think it's being perceived on the conservative side separately from the partisan reaction to it? And what do you think the prospects are for politicians on both sides of the aisle to separate their political from their constitutional views in the future?

[00:21:51] Adam White: Well, it's always risky. Questions like this are always risky because while I'm a conservative Republican I also just agreed with Senator Romney on the merits of the decision. And so my view of Senator Romney's action's, of course, colored by my view of the merits of the case. That said, I think the key point with Romney's vote and his explanation for his vote was his focus on the oath. He recognized that in swearing that oath to do impartial justice, he was undertaking this public obligation, one that he was then, by honor and by his... as he explained in his case, his commitment to his God and his faith, he was duty bound to undertake.

[00:22:30] Adam White: It comes close to what Benjamin Franklin identified as the virtue of resolution, to resolve to perform what you ought, the ought being defined outside of you. With the senators, one of the challenges throughout that trial, and I actually wrote about it right before the Senate trial even began, I said, "There's a danger in saying that the senators needed to transform themselves from senators into jurors, because that lets the senators off too easy in the other things that they do." The whole reason why the Senate itself was committed, was entrusted with this power to try impeachments, was that it was a body of statesmen, not judges. The framers did not give impeachment trials to courts for a reason, and they didn't give it to the House for a reason.

[00:23:14] Adam White: They gave it to the Senate because the Senate, as an institution, was supposed to embody certain values and undertake its work in a certain way. And I think Senator Romney, throughout the trial, really recognized this and tried to do impartial justice, understanding what that meant in the context of a senator as opposed to, say, a criminal juror or others.

[00:23:36] Adam White: But the oath was the key moment, I think, for him that focused his mind. It's hard for me to get into the mind of any other senators, Republican or Democrat. And I assume that there were... that some of them on both sides of the aisle did their jobs better than others, and some were in uniquely difficult positions, and I don't begrudge them for either voting... for not voting the way I would have preferred.

[00:23:58] Adam White: But Romney, I think by focusing on the oath, really put his finger on this idea of self-restraint and exemplified the kind of statesmanship that the Founders were hoping for not just in an impeachment trial, but in the work of the Senate more generally.

[00:24:14] Jeffrey Rosen: Yes, indeed. The oath was tremendously important to Romney. He said, "As a Senate juror, I swore an oath before God to exercise impartial justice. I am profoundly religious. My faith is at the heart of who I am. I take an oath before God as enormously consequential."

[00:24:33] Jeffrey Rosen: Margaret, in an age where that kind of open religiosity in public life is rare and where many public officials in their performance of their duties don't focus often on the seriousness of an oath, how realistic is it to expect that kind of separation of reason from passion of partisan views from constitutional judgments in, say, the presidency? And let's talk about the presidency without talking about the current president, in particular. But we've not heard presidents talking, as George Washington did, about the importance of separating reason from passion for a long time. So how realistic is it to imagine presidents acting in that way in the future?

[00:25:19] Margaret Taylor: Well, I think that what, and I know you said not to necessarily talk about this presidency, but I think this presidency has actually highlighted and shows in some sense, in my opinion, how actually virtuous and adherent to the oath of office they took that at least our modern presidents have been.

[00:25:42] Margaret Taylor: So before this presidency, I don't... the oath was kind of like this thing that presidents got up, and they were on the step of the Capitol, and the chief justice was there, and they administered the oath, and it was sort of just sort of the ceremonial thing and it's broadcast on television, and it's a moment for the country. But I'd be hard pressed to find someone who was really looking at a president George W. Bush or President Clinton or President Obama or George H.W. Bush to like really make sure that they really were taking that oath seriously.

[00:26:20] Margaret Taylor: That's not how people thought of it because it was just a part of becoming president, a part of the presidency itself that Americans, I think, have expected and sort of required the president in taking that oath that it be a serious one, and there's just really no question about it.

[00:26:40] Margaret Taylor: And so I think in this era that we're in right now, it's fascinating to me how much people are having recourse to oaths themselves, and talking about oaths and what they mean. And I do think that for the Founding

Fathers, oaths were very important. It was a way for leaders to sort of have this performative action where they publicly stated their fidelity to these ideas.

[00:27:10] Margaret Taylor: And I think I feel like in the time that we're living in now, I understand better actually why the Founders thought oaths were so important and really elevated them in, you know... And we've sort of been so virtuous in modern times in politics, which may seem like a contradiction. But in a sense, it is because we've sort of taken that oath for granted. And I don't think going forward, we will be taking it for granted. And I know I personally will actually be looking for every president going forward, seeing how they say that oath, seeing whether I think they mean it because I think that, that is a question now in my mind as we've seen this presidency sort of unfold.

[00:27:54] Jeffrey Rosen: And as you say oaths were tremendously important to constitutional law at the time of the founding, at the heart of the Fifth Amendment is the belief of the unfairness in requiring the accused to testify under oath and to face the cruel trilemma of eternal damnation for perjury, of imprisonment for contempt, and of self-incrimination. And that's why accused and witnesses were not permitted to testify under oath until well into the 19th century.

[00:28:27] Jeffrey Rosen: Adam, what's your understanding of the significance of oaths in restraining religiously minded public officials in the future? And then more broadly, your thoughts on the presidency. Obviously, it's not only this president who's been subject to the temptations of courting his base when it comes to social media and a highly polarized electorate. So do those forces make it unrealistic to expect presidents to exercise the virtue that Washington embodied or not?

[00:28:57] Adam White: Jeff, that point about juries is actually fascinating. I've never [laughs] heard that before. And it's very interesting. I mean, obviously, I know it's in the Fifth Amendment, but the story you told is fascinating. I agree totally with what Margaret said about the importance of the oath. Y- recall just 10 years ago, a little more than 10 years ago, when there was that hiccup as Chief Justice Roberts was stating the oath for President Obama to swear, they actually went and redid the oath afterwards, just because they knew how important it was. Even though it was behind closed doors, admittedly, with some cameras, they knew the profundity of the oath requirement needed it- necessitated a do-over.

[00:29:35] Adam White: The thing about the oath and the thing about the president's duty to take care that the laws are faithfully executed and other sort of unilateral responsibilities in Article II of the Constitution, is that they depend on self-restraint, all the things we've been talking about. There's a lot of lawyers and law professors out there, much smarter than me, who try to construct precise legal rules about what the oath or the take-care clause entails, what that means for the president to faith- to take care of the laws are faithfully executed. It's an interesting word, by the way, faithfully executed.

[00:30:05] Adam White: And the idea that courts could somehow enforce this in a meaningful way, I'm doubtful about all of that 'cause I think it sells the Constitution short by not recognizing that there are some parts of the Constitution and constitutionalism that just require the occupant of the office himself or herself to restrain himself or herself.

[00:30:26] Adam White: Now, in the current media environment, social media and everything, of course, that all works against us, all of us who are on social media. I'm on Twitter, I shouldn't be. And I recognize that in that environment, it just brings out the worst of all of us. It certainly goes against Benjamin Franklin's notion of the virtue of silence, and we all should follow that when it comes to social media. But it just makes... There's already enough pressure acting against all of us when it comes to exercising these virtues of self-restraint, and social media just makes everything worse in addition to sort of the 24/7 news cycle and the entire communications and political environment in which we expect our office holders to be statesmen. And maybe that's why we don't expect them to be statesmen anymore. The environment makes it too difficult.

[00:31:14] Jeffrey Rosen: You're absolutely right that social media and Twitter, which I'm on too, violate several of Franklin's 13 virtues. [laughing] We have temperance, silence, order, let all things have their place, industry, sincerity-

[00:31:29] Adam White: [laughs]

[00:31:29] Jeffrey Rosen: ... use no hurtful deceit, [laughs] moderation, avoid extremes, tranquility, be not disturbed at trifles. Y- we'll leave out chastity, but definitely humility-

[00:31:37] Adam White: [laughs]

[00:31:37] Jeffrey Rosen: ... imitate Jesus and Socrates.

[00:31:39] Adam White: Yeah.

[00:31:39] Jeffrey Rosen: It's a walking violation of almost all 13 of them. And that because that notion of self-display, of egoistic bids for attention, is the opposite of the setting aside the ego so that you can restrain yourself and serve the common good and higher purpose that Aristotle and Socrates and Jesus and the wisdom literature had in mind.

[00:32:03] Jeffrey Rosen: So Margaret, how concretely can we get this back? Let's begin with citizens, because we all have the ability to embrace these virtues in our own lives more than we can affect the behavior of others, as the wisdom literature inspires us. There's a rich happiness literature, our mindfulness literature, that talks about the importance of practicing this kind of self-mastery on a daily basis, either through the wisdom traditions or through other methods, and it's all crucially important advice for individual happiness. So is it... Are we now beginning to understand through this discussion that this kind of individual self-mastery is not just a matter of personal happiness, but a public duty that we have as well?

[00:32:52] Margaret Taylor: I definitely think so. And in my view, you know, how do we get it back? I guess what I would say is our political leaders and other leaders in our communities need to be modeling these behaviors themselves every day. And one of the sort of values and principles that I live by is integrity. And what integrity means to me is I am in- like an integrated person. So I'm not one person in one setting, a different person in a different setting, and not an integrated person. So it also means honesty, of course.

[00:33:34] Margaret Taylor: And so I guess from my perspective, having worked in government my whole life as a person who thinks that government is important, that it can do... if it's functioning right, it can do good things for people and lift people up. And I think included in that is how are our leaders modeling these characteristics for America.

[00:33:58] Margaret Taylor: And I think I underestimated the importance of that up until sort of our... the current time we're living in and how important that was because if you do not have people in government who are modeling these characteristics, it is taken as a green light with people in their normal lives to do

the same thing. And this goes back to this whole discussion or sort of somewhat rhetorical sort of back and forth about like, is this a president or is this a leader who you'd want your child to to be like. And that's really the question that people are asking is, "how are our leaders modeling themselves in leading the people?"

[00:34:40] Jeffrey Rosen: Adam, I found it quite moving when Margaret just said that integrity is a virtue that she tries to live by and that informs her conception of her role as a citizen, as well as a human being. So I'm gonna ask you the same question. What are the values that you live by personally? How do they inform your notions of your role as a citizen? And what do we do in a world where models of integrity and virtue, which the Founders took for granted when they... when Washington had performed for his troops Joseph Addison's *Cato*, a Tragedy, for an example of heroic resistance to the tyranny of Julius Caesar, when those sort of examples seem in short supply?

[00:35:24] Adam White: Well, I... it would probably be a mistake for anybody, or at least for me, to say these are the ways in which I keep myself virtuous. The... I think the important thing is I know how unvirtuous I am, [laughs] and I know what I need to live up to.

[00:35:36] Adam White: For me, personally, that comes in no small part from my religious faith, my own... I'm a Catholic. I know not everybody is, but that's what I am. And so, obviously, first and foremost, my moral views and a lot of my ethical views come from that. But, of course, from so many of the other guide stars that we've discussed today, the framers, the best coaches and teachers in my life, family, and so on, it's this mix of influences that we would wanna have in our day-to-day lives.

[00:36:05] Adam White: At the end of my Atlantic essay, I mentioned and I... Actually, this came out of a discussion with my editor at the Atlantic, I'm grateful for Rebecca Rosen's contributions to this, focusing on things like coaches, teachers, and other day-to-day influences that help teach these virtues just in our own daily life, so that we can then bring them to bear on... in our public life. And, of course, actually Margaret was exactly right, that we need to look not just at these sort of small influences, but we need to, and the framers I think expected statesmen to lead by example as well.

[00:36:40] Adam White: And so you get this, at different moments in time, either the people demanding greater Republican virtue out of their leaders or the leaders

leading by example and trying to elevate the people as well. The problem... Maybe this is the problem today, is that when you don't have either side of that equation present, well, then it becomes sort of a downward spiral. We've tiptoed around the Donald Trump issue a little bit here. I wanna say one thing though, that there's a danger in talking about this so much with respect to President Trump that we're gonna define... Going forward, we're gonna define what we expect just out of clearing the very, very low Trump bar.

[00:37:20] Adam White: And I think the danger here is that while President Trump and many things he's done has exposed some of the fault lines and the frailties of our system, and we need to now correct for those things, I think that we need to demand much higher than to not just repeat some of the mistakes of style and substance that President Trump has made but rather to aim for the greater standards that we were discussing earlier, the standards of the Founders and other sort of great leaders throughout our American history. And it's not that this was all lost a long time ago.

[00:37:52] Adam White: We can point to more recent leaders in our own time, whether it's Eisenhower or Dr. King or other leaders, Billy Graham, Pope John Paul. Any of these modern leaders, we've had them for a long time. It's just we haven't always sort of followed their example in the way we could.

[00:38:10] Jeffrey Rosen: Thanks for mentioning the relevance of leaders today who inspire us to master our passions for talking about the importance of coaches, and for the call-out to Rebecca Rosen, the superb editor of the Battle for the Constitution website that the Atlantic and the Constitutional Center are sponsoring. No relation, but she does honor to the Rosen name, [laughing] and she's a superb example of helping all of us be our best selves in our writing.

[00:38:41] Jeffrey Rosen: Margaret, back to the question of whether this question of virtue itself has become polarized, we've... Adam just mentioned his religious faith. Attorney General Bill Barr gave a speech in October at Notre Dame at the Center for Ethics at the University of Notre Dame, where he said that the Judeo-Christian moral standards are the ultimate utilitarian rules for human conduct and that religion helps promote moral discipline within society. He seemed to be suggesting that without embracing traditional theism of the Judeo-Christian stripe, the virtue that the framers required was impossible.

[00:39:26] Jeffrey Rosen: Of course, progressives, secular people, people of different faiths disagree strongly. Wa- do you agree or disagree? And if you were trying to make a case for the possibility of virtue that didn't rely on traditional theistic standards, in addition to the exemplars and coaches that we already talked about, what would you point to?

[00:39:46] Margaret Taylor: Well, I mean, I would just remind ourselves that our Founders did think that it was important to separate the state from religion. So just going back to that notion, I do agree that there was this sort of undergirding notion of the Judeo-Christian tradition that, of course, informed what they did, how they thought about things, et cetera.

[00:40:09] Margaret Taylor: I guess I would say is it's... You know, there are a host of religions around the world that promote virtue as a central feature of their... of the faith. And I think we run into a problem here in this country which is founded on the notion of valuing religious freedom, separation of church and state. We run into a problem when we presume that people who are exercising other religions sort of aren't able to participate in the same way in American democracy. I think that is problematic.

[00:40:50] Margaret Taylor: And so I guess what I would say is that to my mind, the concept of democratic representative government and self-government itself is a guidepost and a lodestar for how people of vastly different religious faiths and/or atheists or whatever can look to the structure of the constitution, how the Founders thought about how self-government should work. And that itself, to my mind, is our touchstone here in America rather than a sort of slavish devotion to the Judeo-Christian tradition.

[00:41:36] Margaret Taylor: And I... Again, I do think that the Founders, of course, were from that tradition, but I do think that they recognized that there are other sources of virtue. And they created one themselves in putting together this novel form of government in the form of the US Constitution.

[00:41:56] Jeffrey Rosen: Adam, can you share your thoughts on the Barr speech and respond to Margaret's thoughtful observation that Jewish and Christian religions have no monopoly on emphasizing the importance of self-mastery in order to serve higher spiritual goals and the public good and that from the Stoics to Aristotle to the Bhagavad Gita and the Tao Te Ching to Eastern religions, all of the wisdom traditions have similar councils.

[00:42:25] Adam White: Yeah. Now, of course, a Republican Attorney General speaking at Notre Dame is clearly my home team. [laughs] so I'm... Needless to say, I believe in the Catholic faith. And I think it's correct. But the fact is with respect to the issues of governance that we're talking about, yes, of course the Constitution is not an exclusively Christian document or an exclusively Judeo-Christian document. It's one for a pluralistic, self-governing society in which people are different. And without speaking to any particular faith or philosophy, because I wouldn't purport to speak on behalf of any of them, no of course there's any number of faiths that instill the sorts of virtues that we're talking about here today.

[00:43:07] Adam White: I think one key to Attorney General Barr's remarks in Notre Dame is the importance of religious liberty, but not just religious liberty. It's the importance of our government, both at the state level and the local level but, most importantly, the federal level, leaving space for different societies, different sub-parts within a society, to organize their lives.

[00:43:30] Adam White: Religious freedom is so important because it leaves space for these... for churches and religious faiths to inculcate values even when those values aren't our own. But more than that, it's leaving space for civil society to do things. One of my worries, as you mentioned at the introduction, I study and write on the administrative state, one of the worries I have about modern administrative government is the way that it just creeps so thoroughly into all aspects of our lives and tries to regulate us at such a minute level, it risks sometimes crowding out the space we need for people to learn to govern themselves and for different parts of our community to offer their contributions to a society.

[00:44:13] Adam White: And so while I wouldn't agree with Barr saying that our country is exclusively Judeo-Christian, of course that's just not right, I do think he was onto something when he talked about the need to leave space for religion and other sort of the little platoons of our life to contribute to the formation of people.

[00:44:32] Jeffrey Rosen: Thank you for that. Thank you for reminding us of the centrality of religious liberty and freedom of conscience to the Founders' conception of civic virtue. It's fascinating that the natural law philosophers like Francis Hutcheson of the Scottish Enlightenment believe that my thoughts are not voluntary. They're the product of my reason interacting with my external experiences. And because I cannot choose or entirely control my own thoughts, I

can't alienate to you or anyone else the power to control them. And that's why the New Hampshire Constitution of 1784 lists conscience as an example of an unalienable right, a right in its very nature unalienable 'cause no equivalent can be given or received for it.

[00:45:22] Jeffrey Rosen: Margaret, we want to leave our We The People listeners with sense of the prospects for renewing this crucial notion of personal and political self-mastery in an extraordinarily polarized age. If you had to list two or three prescriptions to heal a divided America and help all of us to achieve personal and political self-mastering, what would they be?

[00:45:50] Margaret Taylor: So I'm actually gonna focus on one branch or one area of our civic life which is the media. I do think that one major change in America that has happened over time is, obviously, we get our information and our news from a whole diverse set of sources. As many have noted, people tend to gravitate towards those sources that reinforce what they already think.

[00:46:18] Margaret Taylor: And that diversity will continue. What I guess my prescription would be is that those in the media who are commanding a large audience need to themselves exercise restraint and have a sense of civic virtue. And that is something that I think has been lost over time. I cast my mind back to when I was a child. And most Americans were getting their news from three or four networks that exercise some amount of editorial control and responsibility and had, my sense is that they had a sense of this idea of restraint and civic virtue. I fear that is not the case anymore.

[00:47:07] Margaret Taylor: In particular, I'm looking to outlets like Fox News, other conservative media outlets. There are some of these sort of crazy lefty outlets out there as well. So I think that is the place where people are forming their views. They're getting intake into how they view things. And those people need to act in a responsible way. And when people let go of the idea of there being truth and there being something we can discern as a lie or as truth, then we've lost.

[00:47:40] Jeffrey Rosen: Thank you very much for that very practical suggestion for reminding our leading journalists and media figures of the great responsibility they have for shaping civic discourse. And this is a good chance for me to thank We The People listeners for taking the time to listen to great outlets like this one which take the time to unite people of disparate point of views for respectful and civil dialogue and also for reading sites like the Battle for the Constitution that the

Atlantic and the Constitution Center have convened for that very purpose. Adam, last word to you, if you had to give one or two suggestions for reviving self-mastery and civic virtue in a polarized age, what would they be?

[00:48:25] Adam White: Well, Margaret's point was terrific. And so I wanna echo that. But since she said that, here's two others. First, I think all of us need to—put it this way, as important as the national debates are, important as the stakes that are being raised in our politics on a day-to-day basis, I think one of the most important things we can do is take a step back and think about these things in our own daily lives, ways that we ourselves could model the behaviors that we're demanding and that we're seeing our elected leaders falling short of modeling themselves. We always fall short of these standards ourselves.

[00:48:58] Adam White: And so the first thing we can do is try to fix our own way of life and then hope that others follow suit. Second, and this is a great challenge in a political arena, at a moment when people on all sides of the aisles are reaching for whatever power they might have or their political coalition might have and exercising it as aggressively as possible for the sake of countering others, I think we need to think more about self-restraint. I think it's precisely when your political coalition has power, that's the moment at which you're able or you're in a position to model these virtues that you demand of others.

[00:49:32] Adam White: There's always a risk that you're... what I'm describing right here is unilateral disarmament. But, of course if we're talking about self-restraint, the only time it really matters is when you're in a position to restrain yourself. You're restraining yourself from doing something you'd otherwise want to do.

[00:49:47] Adam White: And so, whether it's the presidency, the courts, parts of Congress, or other institutions, look where your coalition has power, and think through ways that they might restrain themselves for the good as a whole. And then last, but certainly not least, read my colleague Yuval Levin's recent book, *A Time to Build*, where he talks about how to think about things from an institutional perspective and allow ourselves to be formed by institutions rather than changing those institutions to suit our own ends.

[00:50:18] Jeffrey Rosen: Thank you so much, Adam White and Margaret Taylor, for a rich, inspiring, and deeply wise discussion of the need to resurrect this crucial value of self-mastery and civic virtue in our personal as well as our political lives

and for giving us some practical suggestions about how we can do that. Adam, Margaret, thank you so much for joining.

[00:50:43] Adam White: Thanks, Jeff. Thanks, Margaret.

[00:50:44] Margaret Taylor: Thank you, Jeff.

[00:50:49] Jeffrey Rosen: Today's show was engineered by Dave Stotz and produced by Jackie McDermott. Research was provided by Anne Corbett, Lana Ulrich, and the Constitutional Content Team. Homework of the week, first of all, check out the Battle for the Constitution website at the Atlantic. You can find it on the Atlantic site. And then, if you want some serious homework, check out Franklin's 13 virtues. You can find them anywhere, including at thirteenvirtues.com. And follow his program of seeing how well you do every day and making Xs next to the ones where you fall short. And as I said, it's a daunting project, but it really concentrates the mind. And I won't ask you to tell me how you did, because it's something best done with a friend, actually. That was Franklin's suggestion, but it's really worthwhile and very inspiring.

[00:51:39] Jeffrey Rosen: Please rate, review, and subscribe to We the People on Apple Podcasts, and recommend the show to friends, colleagues, or anyone anywhere who's hungry for a weekly dose of constitutional debate and self-improvement. And always remember that the National Constitution Center is a private non-profit. We rely on the generosity of people from across the country who are inspired by our nonpartisan mission of constitutional education and promoting civil, virtuous, self-governed debate. You can support our mission by becoming a member at constitutioncenter.org/membership or give a donation of any amount to support our work including this podcast at constitutioncenter.org/donate. On behalf of the National Constitution Center, I'm Jeffrey Rosen.