



Deliberation and Democratic Norms in America

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[00:00:00] Tanaya Tauber: Welcome to Live with the National Constitution Center, the podcast sharing live constitutional conversations and debates hosted by the center in person and online. I'm Tanaya Tauber, the senior director of Town Hall programs.

[00:00:17] Tanaya Tauber: In today's polarized political climate, how can Americans foster constructive conversations and compromise across the political spectrum to address the nation's most pressing issues? In this episode, we explore the roots of America's political divide, various strategies for overcoming partisan gridlock, and how and why to engage in difficult discussions to secure the future of democracy.

[00:00:42] Tanaya Tauber: Joining the conversation is Ronnie Janoff-Bulman, psychologist and author of *The Two Moralities: Conservatives, Liberals, and the Roots of Our Political Divide*; Matthew Levendusky, political scientist and author of *Our Common Bonds: Using What Americans Share to Help Bridge the Partisan Divide*; and Kenji Yoshino, legal scholar and author of *Say the Right Thing: How to Talk About Identity, Diversity, and Justice*. Thomas Donnelly, chief content officer at the National Constitution Center moderates.

[00:01:13] Tanaya Tauber: This program was streamed live on June 13, 2023. It is made possible through the generous support of Citizen Travelers, the nonpartisan civic engagement initiative of Travelers.

[00:01:24] Tanaya Tauber: Here's Tom to get the conversation started.

[00:01:29] Thomas Donnelly: Thank you for joining us, Ronnie Janoff-Bulman, Matthew Levendusky, and Kenji Yoshino.

[00:01:35] Kenji Yoshino: Thanks so much for having us, Thomas.

[00:01:37] Ronnie Janoff-Bulman: Yes, thank you.

[00:01:38] Thomas Donnelly: Excellent. Let's start with you, Ronnie. Your book frames our challenge around America's two moralities. Can you talk a little bit about what those two moralities are, and what they could teach us about the roots of our nation's political divide?

[00:01:51] Ronnie Janoff-Bulman: Yes, I'd be happy to do so. Thank you.

[00:01:52] Ronnie Janoff-Bulman: I would like to sort of start by just asking those here to consider the very challenging possibility in light of our present poisonous politics that there are moralities that underlie both liberalism and conservatism; that is that they're both morally based and reflect concern, genuine concern for the country. I am not claiming... I want to say upfront, I am not claiming that those who wield and weaponize those moralities are moral. I mean, certainly The Big Lie and its proponents are not, a group I'd call moral.

[00:02:28] Ronnie Janoff-Bulman: So, what are the two moralities. They are based in the most fundamental distinction in psychology and motivation, approach and avoidance, approaching the good, avoiding the bad. When applied to the moral domain I identified two distinct moralities. These are natural forms of morality. One is a proscriptive morality that is based in avoidance, and really focus on the should not, so things we should not do. The other is a prescriptive morality focused on the things we should do and that approaches the good as opposed to avoiding the bad. The prescriptive morality really is about providing for the well-being of others. Proscriptive morality is about preventing or... Harm to others. Okay? Protecting others from harm.

[00:03:13] Ronnie Janoff-Bulman: Now, what I should say is that we are dealing with the interpersonal domain, one-on-one relationships and so forth. Liberals and conservatives don't differ in that domain, it looks like. Not harming and helping is what we're talking about. And liberals and conservatives both believe in not harming and helping and, in fact, these are highly correlated in the interpersonal domain.

[00:03:33] Ronnie Janoff-Bulman: I do wanna also point that these are actually quite different. It might seem, on the face of things, that these are the same thing. I ask you to perhaps consider toddlers. Toddlers who refrain from taking other's toys are engaging in proscriptive morality, refraining from doing... you know, harming

others. It is not the same as, we should not believe it the same, as sharing your toys with others. Toddlers who share toys with others are engaging in prescriptive morality. These are not the same thing. And just as an aside, I should mention that developmental psychology has shown it's much harder for children to learn to share than it is to refrain from taking other's [laughs] toys.

[00:04:13] Ronnie Janoff-Bulman: But in that domain, the interpersonal domain, liberals and conservatives are both... Would have pulled both kinds of behaviors, both moralities. When we get to the collective domain, that's the domain of politics where we're talking about group-based moralities. We start seeing that proscriptive and prescriptive morality diverge. One is favored by liberals, one is favored by conservatives.

[00:04:35] Ronnie Janoff-Bulman: Now, most generally, liberalism is booted in a prescriptive morality, social justice, that is focused on providing for the wellbeing of the nation's constituents. Conservatism is rooted in a proscriptive morality which is really intended to protect or protect the nation from harm, from internal, external threats. More generally, maintaining stability is part of this proscriptive morality. Proscriptive morality is very restrictive. Prescriptive morality is very enabling.

[00:05:10] Ronnie Janoff-Bulman: If you take these two forms of morality, you can start seeing mapping differences, for example, in the psychological attributes of liberals and conservatives in the laboratory where liberals are very high on openness, psychological openness, comfort with novelty; and conservatives are very high on threat sensitivity. Okay? Look at political messaging, they also break down along these two dimensions where fear sells very well on the right, hope and optimism sell very well on the left.

[00:05:38] Ronnie Janoff-Bulman: And finally, the last thing I just want to say is that the policies that are promoted or favored on each side follow directly from these two moralities, I think. I shouldn't overstate the case clearly. [laughs] I recognize that, but if you think about what liberals will in... Focus on the economic domain when they are interested in the intervention of government that is spending on safety nets, entitlements, expenditures for health education, welfare. These are all about providing for the public good.

[00:06:12] Ronnie Janoff-Bulman: Now, the economic domain is a domain where we're talking about distribution of resources. To no surprise, that's where

liberals focus their hopes for a government intervention and regulation. Now, the right, in looking at those expenditures really asks for, cries out for a limited government. Not very happy about those expenditures, typically. Of course there... to argue for limited government when the right obviously is also engaging or interested in government intervention, just in a very different domain, typically a social domain, the exception being defense spending typically again, where it shows the desire for protecting the nation. But conservatives focus on the social domain where they believe that traditional family roles, socially-defined roles, strict norm adherence are essential bulwarks, I suppose I should say, against the personal gratification that they believe will engender the instability of the nation.

[00:07:14] Ronnie Janoff-Bulman: So let me stop there. Hopefully that makes some sense. [laughs]

[00:07:17] Thomas Donnelly: That's a terrific framing for the discussion. So, thank you so much for laying it out, at least. You know, some of the framework that you lay out in your book about the two moralities, look at you Matthew Levendusky, you approach the political environment from the perspective of a political scientist. And one of your main areas of focus throughout the book is on the challenge of affective polarization. Can you talk a little bit about what that is, why it's increased so much in recent years, what are its consequences, and maybe also take a beat... one of the insights I love in your book, is maybe take a beat on the importance of people's misperceptions to your account of aversive polarization.

[00:07:53] Matthew Levendusky: Sure. So, thanks everyone for joining us.

[00:07:55] Matthew Levendusky: So, affective polarization is this idea that even if people agree on the issues they might still disagree with one another. So, if you look at a lot of work that you have done in surveys, people certainly have moved apart on the issues, but ordinary voters haven't diverged as much as elite politicians have. But what makes ordinary voters quite remarkable is the sense in which ordinary Democrats and Republicans now report as opposed to even 15 or 20 years ago that they increasingly really dislike people from the other side. They don't want to talk with them even about apolitical topics like sports or pop culture. They don't wanna be their roommates. They don't wanna work with them. So, there's the, affective polarization is sort of this term that political scientists use for sort of partisan animosity between Democrats and Republicans.

[00:08:52] Matthew Levendusky: And so this has a lot of consequences for that kind of political sphere. So, in terms of not just the candidates who hold support, but their support for lots of things about norms and support for compromise but also then in the social sphere, right, so the kind of relations we have with one another. So, that's partly why political scientists have been very, you know, concerned about it because it affects lots of different parts of our lives.

[00:09:20] Matthew Levendusky: And so, the work that I feature in my most recent book, *Our Common Bonds*, is about trying to reduce that animosity. So, I would like to begin by saying it's not possible to eliminate the animosity, and there's no quick kinda fix for this. There's not like one weird trick that gets rid of this. This is about taking small steps that are going to change things maybe a little bit on the margin.

[00:09:43] Matthew Levendusky: But one of the themes I press in the book is that people actually pretty dramatically misperceive the other... Those from the other party, right, on a lot of different dimensions. So, their demographic attributes, how much they support compromise, right, their aversion to political violence. So, Democrats and Republicans tend to think that they take the most kind of... you know, if you ask, they tend to take the kind of stereotypical view of the other party when, in reality, that's based on a very extreme and unrepresentative person.

[00:10:21] Matthew Levendusky: The kind... just to use a very, you know, kind of simple example, the kinds of people we see ranting about politics all the time from the left and the right on Facebook or Twitter aren't very representative of what most other ordinary people are like. But when you ask people to bring to mind, you know, "Oh, what do you think about when you think about a Democrat or Republican?" they tend to bring up that sort of very dramatic very extreme sort of exemplar because it's very vivid and easy for them to think about. So, part of what I try to do in the book is to use some strategies to get people to think about people who are more kind of ordinary and more representative parts of the party to give them a more representative sample of what the other party is actually like.

[00:11:07] Thomas Donnelly: Thank you so much for that, Matthew, giving it the perspective of the political science, this challenge of aversive polarization and turning to you now, Kenji Yoshino. You're a law professor, legal scholar. You've written a new book with David Glasgow called *Say the Right Thing*, really addresses the challenge of engaging in civil discussions around issues of identity. I mean, maybe say a word a little bit, if you can, about where you see those issues

connecting with some of these broader themes that we're seeing in Ronnie and Matthew's work. And also your book is, you know, I think, refreshingly practical rather than theoretical. So, let me also place on the table some of the principles that you talk about on how to engage practically in conversations about identity especially with people with whom we disagree.

[00:11:51] Kenji Yoshino: Yeah, wonderful. So it's such a pleasure to be with my colleagues here. And I am a little bit abashed because my book is, as you say, not meant to be a high concept book, but rather as like a screwdriver or a toolkit that we hope that people will put into use immediately after reading it. But really background of this is, I think, I should set the table by noting that I don't really come to you today as a law professor, you know, that I really come to you as a diversity and inclusion specialist. I always thought of the laws setting the floor for kind of civil norms and civil society. And I got into diversity and inclusion work because I thought that that really was the work of culture that needed to be built above the floor because laws and meet acts and... can only do so much for us. A lot of these conversations or interactions across race or gender or sexual orientation or disability are so kind of fine-grained and nuanced that we think that conversations are a much better way of approaching it than the law.

[00:12:46] Kenji Yoshino: Now, I should also note that I wistfully long for the days when I thought of law as a floor above which diversity and inclusion was built because, increasingly, we're seeing that law is now the ceiling that's being dropped down on the enterprise of diversity and inclusion whether that's Supreme Court cases on affirmative action that we're all waiting for or the don't say gay bills or the anti-critical race theory bills that are popping up around the country. So this may actually return to a legal conversation either, you know, in this session or later on in my career but this particular enterprise is really an attempt to think about this as an intervention on diversity and inclusion ground.

[00:13:23] Kenji Yoshino: So, it came actually from a place of great hope. You know, one of the things that we have seen changed dramatically in the way that we talk across our differences in this country is the rise of allyship. So, the political writer, Matthew Yglesias, who, I don't think styles himself as being particularly interested in diversity and inclusion, wrote a really insightful piece looking at the policy as a whole saying that what he sees is different in this particular moment is what he calls the great awakening, and I use the word woke as he does there in the original positive sense rather than in the more distorted contemporary pejorative sense.

[00:13:59] Kenji Yoshino: And what he meant by that is that the great awakening is a movement in which people are stepping in to be allies. So, what's different about this particular moment is that non-Black people are going in numbers to Black Lives Matter rallies. Men are going to the Women's March on Washington and, again, in significant numbers. Straight and cisgender individuals are sticking up for the LGBTQ+ community. Able-bodied individuals are stepping up for people who have disabilities. And so, across a number of domains, we actually see an uptick in the rise of allyship.

[00:14:32] Kenji Yoshino: And the puzzle that David, my wonderful executive director at my center and co-author on this book, were puzzling over is why if there's so much good intent out there, do people find trouble sort of closing on having good conversations? Why don't we see more effective allyship out there if the will, right, for... To be an ally is so significant as Yglesias and others have documented? And when we actually talk to people about this, we heard one refrain over and over, and we saw it in the literature too, which is I'm actually terrified, right, of saying the wrong thing, hence the title of our book. But the notion was "I'm gonna hurt somebody that I really care about," or in a more self-interested way, "I'm terrified that I'm gonna get canceled because the culture has become so punitive that I'm going to step out of these conversations altogether even though I would love to be in there." Right?

[00:15:24] Kenji Yoshino: In terms of the book, I'm happy to unpack any of these principles. We really just try to provide seven principles that we think will be good guidelines for people in order to surmount that fear and to step into the conversation. So, the seven principles really quickly are avoiding the four conversational traps, so four unproductive behaviors that we see people engage in over and over again. The second and third chapters are about building resilience and cultivating curiosity, resilience and curiosity being the cardinal virtues of what we call identity in conversation, conversations about... And across our identities. The fourth and fifth chapters are about how to disagree respectfully and how to apologize authentically. So, these are the two challenging landing pads for a conversation, if you and I agree, Tom, as then no further action is required, but sometimes I'm gonna mess up and I need to apologize. At other times, in the name of my authenticity and integrity, even if I'm here to be your ally, I'm gonna need to express my disagreement with the position that you've just taken. So, we're trying to get people to think about how to do that with minimal damage to the relationship.

[00:16:26] Kenji Yoshino: And the sixth and seventh principles are about how to address the affected person in these ally relationships, and then finally how to address the source of non-inclusive behavior, the person who's done the harm because perhaps the most innovative part of our model is that we believe that allyship involves also being an ally to the source of non-inclusive behavior not just to the person who's been hurt, the affected person.

[00:16:47] Kenji Yoshino: And then finally I get to go last, so I get to tie in this... these concepts to my eminent predecessors in this conversation. So when I think about how this might tie in with Ronnie's work, which I find incredibly illuminating, I wonder, and this might actually be a question for you, Ronnie, if part of the reason why we see the kind of outcry against cancel culture on the right is not just about sort of substantive priors. About, you know, I think diversity and inclusion is kind of an overreach on the part of minorities, on the part of women, on the part of the civil rights movement, you know, what have you. So there might be that substantive concern, I think, that's often the way we think of the left/right divide, and diversity and inclusion.

[00:17:28] Kenji Yoshino: But it might be sort of, refracting it now through the two moralities lens, something that speaks to proscriptive or as opposed to a prescriptive, a kind of prohibitory notion of like, I really resent the fact that I have to be so afraid in these conversations as somebody's coming into it from the right. And so, it might not just be that I have substance of priors against the conversation but actually something that we hear over and over again from opponents of diversity and inclusion which is this is a thought police, I'm being told what to say, and what to think, and I really resent that. So, it may be a kind of methodological objection as well as a substantive one.

[00:18:04] Kenji Yoshino: And then with regard to Matthew's wonderful work on the Common Bond and sort of trying to advert to a higher level of generality and sort of affirm our kind of common humanity right, I'd also love to hear about the kind of good and the bad ways of doing that, right, because one of the things that we talk about in our work is the dangers of up switching too quickly, right. So, this is, and I'm sure Matthew that you would excoriate this, but the movement that is too fast from like Black Lives Matter to All Lives Matter, like why can't we unify around our common humanity rather than talking about race relations? And so, we criticize that in our book as a form of deflection, right, that when somebody gives you a concern at a certain level of generality and a diversity and inclusion conversation, please don't sort of up switch.

[00:18:45] Kenji Yoshino: So, Mark Lilla's book, you know, which is a really thoughtful book in many ways that I think has been rightly criticized on this ground of saying let's set aside the differences that are balkanizing us—this is the *Once and Future Liberal* book—and reclaim liberalism as citizens, but that doesn't actually do that much good if you're trying to have a conversation about sexual assault saying let's invert to this higher level of generality of humans who are against sexual assault rather than actually meeting the concern where it lies and all of its sort of gendered aspects. Right?

[00:19:14] Kenji Yoshino: But in another sense, my book is actually deeply in love with this notion of trying to find this universal register because we really do think of allyship as something that is way, way, way beyond the zero-sum game. Allyship is something that we all think that we, as human beings, can give and receive because, as human beings, we all have some cluster of advantages and some cluster of disadvantages. It's wrong to think that some of us are kind of categorically disadvantaged, and others are categorically advantaged or privileged. We're all gonna have some mixture but that, to me, is like a feature rather than a bug of this analysis because it suggests that if all allyship means is leveraging your own advantages in support of others who don't have those same advantages in a particular context, that means that we can all give allyship where we happen to have those advantages, and we can receive allyship where we lack them.

[00:20:03] Thomas Donnelly: Excellent. Thanks so much, Kenji. You make my job easier too by placing additional questions on the table for Ronnie and Matthew.

[00:20:10] Thomas Donnelly: Maybe we'll return to you, Ronnie. And one, I'll give you the opportunity to... if you'd like to respond to Kenji's query along the lines of cancel culture. But we also have I think a really interesting question in the chat from a member of our audience. It says, "Dr. Janoff-Bulman, I understand your model and find it fascinating. When it comes to group behavior, how does one's preference for prescriptive or proscriptive moralities develop in a person?" So sort of the origins?

[00:20:35] Ronnie Janoff-Bulman: Gee [laughs]... The... Okay. So, this is a large question in psychology, actually in political science too, where do we get our political ideologies from. As many of you may know, there's a branch of psychologists now who believe that these ideologies or political orientations are inherited. They're biological. I'm not one of those people, but I do think things start perhaps quite young. There are interesting papers actually, researched by

[inaudible 00:22:22], for example, where they explored children's behaviors and orientations towards others when children were very, very, very young toddlers, preschoolers, and looked at the political outcomes 20 and 30 years later. And you find some interesting connections and threads there, where children who are more anxious and less open... I mean, these map onto the same or it's the same psychological attributes in adulthood, do become more proscriptive or prescriptive.

[00:21:36] Ronnie Janoff-Bulman: Parental behaviors are quite important. Parents who actually say, "Don't do that, don't do that, don't do that," and focused on traditional parenting like obedience and so forth, proper behavior, put strict boundaries around children, are more likely to have children that are proscriptively oriented than parents who tend to be what are called egalitarian parents in the psychological literature. So, there's some temperamental differences. There are parental differences.

[00:22:04] Ronnie Janoff-Bulman: Where you go to school, you know, the... your peer groups matter. Your teachers matter. I mean, the whole socialization process makes a difference. Where you live matters. You know, the geographical sorting of people is we self-sort, but you also are raised in neighborhoods where you might meet people. In rural areas, you may never see people unlike yourself that you might only see white Christian Americans in many parts of America which might make a difference.

[00:22:30] Ronnie Janoff-Bulman: I think there... it's a fascinating question that is... and the answer is so multi-determined is what I should say that, and there's not a straight strict path. The other thing I should say is all of us... What's fascinating about this, all of us rely on both proscriptive and prescriptive morality. You know, most of us don't wanna steal, and cheat, and lie, and we wanna be good neighbors, and helpful friends. And so, it's not as if... I mean, and what's fascinating is that, in each of us, is a balance of proscriptive and prescriptive morality when we're dealing with interpersonal relationships.

[00:23:04] Ronnie Janoff-Bulman: What's fascinating to me is that these sort or break down and diverge in the group domain. It's as if the balance we have often as individuals ends up being representative of a balance in society where, basically, half of the cult, half of our society votes in more conservative ways and half in more liberal ways. And folks that are interested in social evolution might argue that there's some advantage adaptively to a society that actually focuses on both protecting and providing. That I think is a conversation perhaps for another day.

But I think it's something to bear in mind, why do these diverge in our culture now. Now, that's not necessarily the same when I've worked with some folks in China. It looks like these moralities are, even at the group level, they coexist within an individual. So we are talking about US politics here.

[00:23:57] Ronnie Janoff-Bulman: I do wanna back up, and I found Kenji's comment so interesting, and I'm gonna actually bypass the cancel culture prescriptions at the moment, but I do think what's so fascinating in this movement towards greater allies is it doesn't happen in the political realm at all. We clearly are not greater allies in the political. If anything, we've gotten more polarized. Okay? And there's an interesting question there, why there, and not in other forms of diversity.

[00:24:27] Ronnie Janoff-Bulman: So, I would like to make the case that, again I'm like a little kid with a hammer and going after the same nails, but I would like to make the case that much of that is due or attributable to the fact that these ideologies are morally-based. And one thing we do know from social psychological research is that moral convictions are very, very different from other kinds of attitudinal convictions. They arouse much stronger emotions. They are regarded as facts and absolute. There's no continuum of right or wrong. If I'm right, you're wrong. If you're right, I'm wrong. Right?

[00:25:03] Ronnie Janoff-Bulman: When we are, there's greater intolerance of those with different moral orientations, moral perspectives such that if you bring people into a laboratory, and have them discuss a moral issue and they disagree, the people will literally push their chairs further apart, physically. Okay? And when it comes to groups that differ on either politics or a moral issue, what you find is that identity is based not solely on in-group love, which is what most social identities are based on, but they are e- it is equally determined by out group hate, and that is a very distinctive feature of morality. And so we have these moral convictions and, of course, historically if we think about this, you know, when I was young, very many... right yes. Many many years ago, you know, we had Jacob Javits, Nelson Rockefeller, these were Republicans. These were moderate liberal Republicans. We had Strom Thurmond, and Lester Maddox as Democrats. This 1964-65 Civil Rights Act and Voting Rights Act started shifting the realignment of the parties and conservatism and liberalism.

[00:26:15] Ronnie Janoff-Bulman: So, I said over decades, and actually Matthew would know much more about this than I do as a political scientist, but over

decades we now have a situation where morality, moral orientation and party are absolutely aligned. Liberal Republicans, conservative Democrats, those are extinct species. They don't exist in our political world, or we don't see it very often. And so you have these moral convictions which are different from other kinds of convictions, and you have parties that are totally aligned with these distinct moral convictions, which gets us polarized and leads us to not want to be allies. I mean we are not... it's not that people are terrified as in other domains about having a dialogue. It's that people don't want to, they're not motivated to talk to others differently from them, typically. I mean, obviously, there are exceptions. And I should apologize upfront, as a social psychologist, I'm painting with very broad brush strokes, okay, and not lots of detail.

[00:27:17] Thomas Donnelly: So, Ronnie's placing on the table some of our divergence by morality, by parties, and, obviously, Matthew Levendusky, with your new book, *Our Common Bonds*, you argue that even in our hyperpolarized and partisan age, Americans do share certain common bonds that can bring down partisan animosity. I think, not surprisingly, some members of our audience might be a bit skeptical of that argument given the nature of our political environment. You yourself take this on head on in the first chapter of your book which you title *Is Overcoming Division a Fantasy?* Can you please just introduce our audience to some of the common bonds that you have found in your research? And then also, from them, what are some of the strategies that we can use to decrease partisan animosity? As you said upfront, you're not calling for us saying that there's a silver bullet that we're going to get rid of partisan animosity or anything like that, but what are some of the things that we can do to lessen partisan animosity?

[00:28:09] Matthew Levendusky: Sure so the things that we talk about, we think about kind of three different buckets of things. So, one is a set of kind of common identities that people share. And so one of the things I always like to remind people when we think about this that, you know, politics, in some ways, is a very weird domain. So when you're in the political world, you maybe... you're thinking as like a Democrat or Republican. But for most people, if you just ask not political scientists, right, but if it's just like ordinary people, how important are different identities to you? And you can pick from like a long list. Very consistently the same sorts of things come off the top and so like what are your most important identities? It's their identity as a spouse, as a parent, as a partner. These sorts of core things that form the formation of our life.

[00:29:00] Matthew Levendusky: The next set tends to be things like for people who are members of a religion or different kinds of identity groups, at that point many people, you know, ascribe and attach a lot of value to, but one of the things that tends to be very low on the list is, you know, oh, my identity as a Democrat, as a Republican, as an independent. It's a very small number of people who put those high. And to be honest, people who do, they're very weird on like a lot of dimensions, right, because politics actually isn't all that important for most people. And so I think, sometimes, with the kinds of people who like to engage in these sorts of conversations, it's important to remember that we're not normal. And that's a normative judgment, one way or the other, but just a reminder that for most people, political identities are not kinda the center of their lives. Actually, that's probably a good thing, right, because people have a lot of other important things to be doing with their lives.

[00:29:51] Matthew Levendusky: One of the other kind of really interesting things in the experiments that COVID killed is about sports fandom. So it turns out that, because sports fandom is very rooted in geography, there are a lot of people for every single team who are both... across all sports leagues who are both Democrats and Republicans. Right? And my... the experiment, actually going to run in the spring of 2020, in that strange time before, you know, March 2020 and afterwards happened, was to bring Democrats and Republicans who were Phillies fans together and have them watch some Phillies games right, and use that as like a bridge to then having a kind of political conversation to see if that would help reduce animosity.

[00:30:32] Matthew Levendusky: But, more constructively, actually building on... what some of the folks the other concept said, is that I think actually the single most important thing that when I do these sorts of insights to tell people, is the most valuable thing I learned writing the book was listen more than you talk, right, because deliberation can actually be a very effective tool for overcoming this. But I think a lot of people think about deliberation as like, "Oh, I'm going to explain to them why they're wrong," right, where they're people on the other side. But it turns out, actually, because we don't actually have a very good understanding of what people actually think, in part because of these issues around different kind of conceptions of morality and different kinds of values in sorting and lots of other factors, that the most valuable thing you can do is listen, because all the work we have on kind of group dynamics and group persuasion suggests that understanding has to come a long way before persuasions.

[00:31:29] Matthew Levendusky: So, even if your goal is ultimately to persuade other people, you have to be genuinely willing to listen and hear where they are in a conversation and understand their point of view, and then that, in of itself, has a lot of value, that one of the things we found was we did a set of discussions, is that, yes, you can... If you get people at a constructive setting and they talk you can reduce the gaps between people, on their issue positions which is important, but actually the bigger shift is just that people kind of better understand the other side. They sort of have a more of a sense of what they're, you know, what the other side, why they think what they think. I think that's actually, in some sense, the most important, like, practical thing that I try to give to people.

[00:32:14] Thomas Donnelly: Excellent. Thank you so much, Matthew. And that, actually, follows into one of my favorite chapters in your book, Kenji, which is the chapter where you talk about the principle of the importance of disagreeing respectfully. Can you talk about... What do you mean by that? Why is it important? Why is it so hard to have these conversations around issues like diversity and identity with people with whom we disagree. And if there are any really one... Another thing I love about your book is it has so many great concrete examples. Is there anything in the book that are especially powerful that bring out that principle? I'd love for you to share it with the audience.

[00:32:48] Kenji Yoshino: Yes, thank you. So it's one of my favorite chapters as well. We struggled mightily over it as you can imagine. I think the most important thing about that chapter, and here I'm not talking about disagreements sort of generally, but we're talking about disagreements about identity in particular. So it's a kind of subset of the kinds of concerns that Matthew was raising. But I hope it's nonetheless helpful to think about some sort of tips and tricks, you know, in this domain.

[00:33:14] Kenji Yoshino: And the main one that we have is to locate yourself and your conversation partner on what we call the controversy scale. So, we actually think that, oftentimes, when people have disagreements, they miss each other because they don't understand the difference in their subject positions. So if you think about a controversy scale going from least controversial to most controversial, some things that might be on the less controversial side would be things like tastes, then one step over might be facts. One step over might be policies, then values, then at the final, outermost extreme, equal humanity. So the most controversial would be if one or both parties feel like their equal humanity is somehow being called into question and being put on the table.

[00:33:58] Kenji Yoshino: So, as we move along that spectrum, just to give some examples to, you know, sharpen our intuitions about this, if you and I are disagreeing about say our favorite flavor of ice cream, our favorite sports team, or our favorite Netflix show, that's unlikely to be controversial. And oftentimes, we may be able to kind of razz each other, and get closer to each other. It's not just Phillies fans, but it's if I... we were rooting for two different sports teams. We might actually not come to fisticuffs. We might actually come... become closer by having that kind of friendly rivalry.

[00:34:30] Kenji Yoshino: We move over to facts, things might get a little bit hotter, but if we're really talking about journalistic facts, like who did what, when, where, and why, as opposed to debates over values by proxy under the rubric of facts, like kind of alternative facts. We're still okay if we're talking about those journalistic facts. As things get hotter towards policies or values, I think the conversations get more intense and they get most intense of all, as I mentioned, when one or both parties feel like their equal humanity is called into question.

[00:34:57] Kenji Yoshino: So, what we sort of observe is that, oftentimes, people are just at different points on the spectrum, and they don't sort of realize that they're at different points in the spectrum. So, one party might feel like they're making argument purely out of policies or values, whereas the other person might feel like their equal humanity is somehow being called into question. And our advice is don't try to go over to where the other person is because there's a kind of hubris in thinking that you can do that at all. Our life experiences are sufficiently different that, particularly if you're on the more kind of advantaged side, it might be difficult to imagine your way into the life of a distant other. That project is always gonna be fraught and incomplete. But what we do advise you to do is to acknowledge the other person's subject position and to say I understand that, for me, this may be an issue of policies or values but, for you, it may be an issue of equal humanity. And I'm going to try and respect that. As we have this conversation, to the extent that I fail at that, please sort of remind me that I can do better.

[00:35:55] Kenji Yoshino: So, you asked for an example. And I have a very personal one of this where, and prior to 2015, you know, I was on one position, and then after 2015 I was in a different position. And I'll explain what I mean by that. Prior to 2015, which is the date that the Supreme Court made...viewed same-sex marriage to be a constitutional right and made same sex marriage the law of the land. Prior to that date, I would sort of tour the country in my constitutional law

professor capacity having these debates with individuals who opposed viewing the constitution to protect same-sex marriage. So, I would be in these debates with them including, I think one at the National Constitution Center.

[00:36:30] Kenji Yoshino: In green room after green room, and prep call after prep call, my party's opposite, my conversation partners would say, "We understand, Kenji, that you're a gay man, you're in a same-sex relationship, this may be personal to you so, you know, so far so good, but please leave all of that aside when you get up on the stage because we wanna have this as a debate as an issue of constitutional law, and we think that it's kind of special pleading to bring in your personal circumstances." And I remember thinking after I heard this like kind of a drum beat like, "Of course, like I get where you're coming from. I'm not gonna go up on the stage and sort of talk about, you know, my feelings or my biography. What's relevant here is the constitutional law arguments. But I just thought if you had just sort of done a kind of five degree tweak in the way that you approach this conversation, it would have done yourself so much good and our relationships so much good, and I don't think it would have deprived you of any substantive argument."

[00:37:22] Kenji Yoshino: So, if you'd been able to come into that sort of green room and say, "You know, Kenji, I understand that you have a personal stake in this," and then along the lines of what I was saying before, "We view this as an issue of policy, but this may land on you as a very personal issue. We're gonna be trying to be respectful of that, and we just want to acknowledge that we may be in different places with regard to this," that would have made all the difference in the world.

[00:37:45] Kenji Yoshino: Now, easier said than done, right? So I'm by no means sort of criticizing these individuals for failing to take that step. I'm just saying, "You know, I think it is a helpful step to take where you can," and I've learned how hard it is in a post-2015 world where now the people I'm debating on these stages are people who want exemptions from non-discrimination statutes that would force them to celebrate same-sex weddings in their view. So the people of faith like the Christian baker, and the masterpiece cake shop case, we have a case before this in court now of a Christian web designer who's asserting a free speech claim in Elenis versus 303 Creative case. In those kinds of circumstances, there's a law of general applicability, that's a civil rights statute that says you can't discriminate on the base of sexual orientation, and these individuals are saying, I want some kind of what I

call a right of first refusal, refusal under the First Amendment, either free exercise or, you know, free speech clause from that.

[00:38:33] Kenji Yoshino: So, in debating those individuals, my priors on this are really clear, which is that those exemptions should not be awarded. I think it would make a Swiss cheese over civil rights laws if they were, but that doesn't mean that I can't recognize that the shoe is kind of on the other foot now. The law now favors me, and when I'm in debates with these individuals, I can argue with them as a matter of policy, but it's also incredibly helpful if I can hopefully, completely genuinely say to them, you know, I'm gonna argue this is a matter of policy, but I understand, for you, this is a, you know, this strikes at your equal humanity, that you feel like this is about whether you can live out your faith in the public sphere. And if I can just say that, that changes the conversation dramatically because the other person feels sort of seen and heard in the conversation. And again, I don't feel like when we get up on that stage that I've deprived myself of any substantive argument simply because I've recognized their humanity in the debate.

[00:39:29] Kenji Yoshino: So, that's disagreements... there are a couple of other points on disagreements but, if I may, I'm gonna just do a little tag here, you know, on curiosity because I'm so intrigued by what Matthew was saying about the importance of listening.

[00:39:42] Kenji Yoshino: One of the great events that I... my favorite events at my center was when Sherrilyn Ifill, the former president of the LDF, came, and we just had a kind of fireside chat, and I asked her what cases she wanted decided differently by the Supreme Court in the domain of race, and she had such a wise, characteristically thoughtful answer, where she said it's less about any particular case than it is about a mindset where she said, justices are not arrogant people, where they know that they don't know something, they're very, very humble. So, they'll appoint a special master if it's a social media case, and they know that they just don't know enough about this domain. They'll do their own research. They'll get their clerks to do research. They'll read amicus briefs really carefully. She says, what I object to is that when it comes to race, they think they kind of know it, just because they've lived in a multicultural, multiracial society, that they believe that they somehow osmotically absorbed everything that they need to know about race. And she's essentially saying, I wish that they would approach this with the same kind of radical humility that they approached the kind of social media type cases where they know that they don't know something.

[00:40:49] Kenji Yoshino: And in our book chapter on curiosity, we say the most helpful kind of hack that we can think of comes not from the social sciences, where we kind of, as amateurs—so I say this very kind of carefully with Ronnie in the room—we look at a lot of social science in this domain as kind of amateur sort of armchair social scientists. But the people that we found most helpful in the curiosity chapter were actually the philosophers. There's an epistemologist in particular named Kristie Dotson who says that whenever you're in an identity conversation, put yourself in a nuclear physics seminar. And what she means by that is, you know, I think of myself as a decently smart person, but I know that if I were in a nuclear physics seminar, I would listen totally differently to Matthew's point of like, even if I'd done all the reading, even if I was listening really carefully, I would kick the tires and everything that I thought I understood, I'd take really good care to listen very attentively and share very tentatively, right. And I think that that posture of radical humility is worth its weight in gold in these diversity and inclusion conversations.

[00:41:51] Kenji Yoshino: So, it's not just about disagreement. It's also about cultivating your own curiosity in these conversations. I may, as a male ally, talking about an issue of gender think, "Well, I have a sister. I have a mother. I have lots of female friends, you know, I got this." But in point of fact, a much more helpful starting position would be for me to say, "I know nothing. This is a nuclear physics seminar. I need to be really, really careful."

[00:42:11] Kenji Yoshino: And for those of you who know- knowing the NCC crowd, you're probably all like nuclear physicists as undergrad majors. So, if that's the case, I just want you to pick some, I think Dotson's point is just pick some body of knowledge that totally intimidates you. So it might be literary theory or some other arcane body of knowledge. But if that's a baseline, we're likely to get much further precisely because, as Matthew was saying, we're much more likely to listen.

[00:42:33] Thomas Donnelly: Excellent. Thanks so much for that, Kenji. We place the importance of curiosity on the table of disagreeing respectfully.

[00:42:40] Thomas Donnelly: And just returning to you, Ronnie, I mean your book really does provide us with a framework for understanding why and how we disagree across important moral dimensions, and important policy dimensions. I mean, how do you see that this understanding can help us address our nation's political divide, if at all? What's kind of realistic to pull from this work and how those conversations might help to bridge the political divide, and sort of what is

unbridgeable, or how do we sort of think about the practical payoff down the line, the challenges, and sort of what is realistic to address and what is not realistic to address?

[00:43:17] Ronnie Janoff-Bulman: Yeah [laughs] great question. And I really don't... My book is not at all practical. I love Kenji's book for its practical value, and I guess what I would like to... what I would hope for, okay, is perhaps how how I should frame it, is that in reading this it might help lower the temperature just a little bit. And Matthew actually said earlier that we have to go in these teeny, small steps; I think that's quite right in that we demonize each other and part of that, a major part of that is we demean each other's motives. If we understand where people are coming from and, again, as Kenji's saying and as Matthew was pointing, we need to listen to find out where people are coming from, that we might be able to begin to detoxify our politics a bit.

[00:44:04] Ronnie Janoff-Bulman: Now, I do think getting people to the table is the tough thing here. It's just we know that contact... Look, to get antagonists together, I mean traditional social psych would say "Provide some major challenge or problem that has to be solved together." in this day and age, it would take something mammoth, you know, sort of AI subjugating humans, an attack on the country. We wouldn't wanna go there hopefully. We want not to go there. But it's also possible.

[00:44:35] Ronnie Janoff-Bulman: I'm gonna put... maybe submit a little note of optimism, which is not like me, so let me... [laughs] I think in this day and age, it's also somewhat possible to make an argument that things could get so extreme. This is not a positive vision initially, but that things could get so extreme, that the threat to democracy could be so great, that we will begin to see the left and the non-MAGA right coming together to solve or reclaim the democracy.

[00:45:08] Ronnie Janoff-Bulman: I think we have seen some of this, little, little bits of this. Trump lost his election. The 2022 midterms, actually were not a red wave. The Big Lie lost. I think there's a possibility that the more extreme the Republican Party gets... And by the way, I should comment that when we think about the polarization, the extremity in actuality, according to the Global Party Survey, the Democrats have remained a very mainstream politically liberal party. The Republicans have moved very much to the extreme position. This is Global Party Survey, by the way. It's based on 2,000 international experts presumably from both sides. Our Republican Party now is akin to the nationalist parties of

Poland and Hungary, for example, according to these Global Party Surveys. So we are actually seeing a movement in the party. Now, again, as Matthew's book points out quite beautifully, that doesn't mean the voter is more extreme, but the political elites that are running the party are actually quite extreme, are more and more extreme.

[00:46:22] Ronnie Janoff-Bulman: So if we... We know that both liberals and conservatives, Democrats and Republicans both say they care a great deal about maintaining our democracy. Each side sees the other side, again, the misperception as not care— as threatening our democracy. To the extent that we really start seeing the democracy being threatened, it's possible the left and the right—the non-MAGA right—can come together somewhat and work together. I mean, I think that's the... I have some minimal optimism that that might happen over time. I do think that when it comes to morality, we are... contact is the answer. Again Kenji's book sort of... in terms of telling us how to disagree respectfully is all about how to be with one another respectfully. I think the contact is superbly important, but to get people to want to have the contact, to have the dialogue, we've got to somehow convince people that this is not going to be the most unpleasant experience in your life. You're not going to get in there and hate each other.

[00:47:27] Ronnie Janoff-Bulman: Again, going to the common bonds that Matthew talks about, and I like to think about this a bit as the Liz Cheney effect. You know, I probably disagree with Liz Cheney on virtually every political issue, and I think most liberal people on the left probably do disagree with her on many issues. But I think many on the left would be happy to sit at a table with Liz Cheney and talk about governing and how to move forward because they actually believe that she's a person of integrity. Now, that's a sort of an interesting... it encapsulates the importance of how we view each other's morality in terms of moving forward.

[00:48:05] Ronnie Janoff-Bulman: I'm gonna stop here though because I think Matthew and Kenji have much better practical plans for how to do this, and I don't. [laughs]

[00:48:14] Thomas Donnelly: Excellent. Well, thank you, Ronnie. And yeah, let's move over to Matthew and... I mean, we've heard a few different times in this discussion about a general sense that people don't love having political discussions with people they disagree with. They try to steer clear of them. But I mean, one of the most powerful findings in your book is the overall importance of cross-party

dialogue, and also when you actually get people together to discuss things, they're capable of doing it, they may even enjoy doing it. Can you talk a little bit about some of the... your research that underlies those findings, the magnitude of the findings you find as to how important cross-party dialogue can be for decreasing partisan animosity? And then projecting forward, is there any way to scale up what you've learned at the experimental level up, you know, to a higher level, whether it's local level, state level, national level?

[00:49:03] Thomas Donnelly: I'm reminded of my old mentor, Bruce Ackerman's old book, *Deliberation Day*, his idea of us getting together before elections and reasoning together about the election across party divides to try to have a good deliberative discussion. Just curious you know, what we could pull from your book and cross party dialogue more broadly.

[00:49:22] Matthew Levendusky: Sure. So I think that they were exactly right that this is an important part of the process, right, and that one of my favorite papers in this area, it's by Dorison, Minson and Rogers, and what they show is that they... It's basically, they ask people, they tell them that we're gonna have this like sort of little discussion with someone you disagree with, and they said, "Oh, my god, this is gonna be terrible. I'm gonna hate this. It's gonna be, like, the worst thing ever." And they go do it, and they're actually like, "Oh, that actually was fine. It was, you know, like, okay, maybe it wasn't my favorite thing ever, but it actually was way less bad than I thought it was."

[00:50:00] Matthew Levendusky: I think that gets back to the fact that people tend to think about, so if I'm on the left, I tend to think like, "Oh, I'm gonna be debating with someone who's like a... you know, dyed in the wool kind of MAGA, Trump on 2020, sort of person. If I'm on the right, I'm gonna be doing with someone who's very concerned with all these sort of issues around social justice." Yes, there are... will be strains of both of those things in a conversation, but that's not gonna necessarily be what you're going to encounter in an actual sort of conversation that you would have with someone from the other side. And so that... Look, this is... Again, it's not gonna have a huge effect. And people, I think the bigger effect is in getting people to understand that like, okay, they have a legitimate basis, right, they have some moral values and moral convictions that underlie this. It's not just the bias and prejudice.

[00:50:51] Matthew Levendusky: So let me just give a couple of things that I like to think about as, like, practical tips of how to do this. So, one is that this doesn't

have to be super high stakes. Like, you can try just doing small things like having small conversations with people in that way, especially if they don't go well. It's kind of just a small stakes, like little thing, and it might take you a little bit of time to get the hang of doing it.

[00:51:16] Matthew Levendusky: And the other thing I say is that, I think listening is really important but when you ask questions, ask questions in a way that are trying to maybe find some commonality rather than difference. So, let me give a concrete example of that. And so, I think if a Democrat meets with a Republican, a bad kind of question to start with would be like did Trump actually win the 2020 election, 'cause it's gonna just kind of reify lots of people's partisan positions. But maybe a better question would be what's something that, you know, insert political leader from your side, does that have really disappointed you or you really thought that they shouldn't have done, or maybe what's something where you actually agree with someone from the other side, like I would say a Liz Cheney or Bernie Sanders or whomever that might try to open up some more interesting space for conversation.

[00:52:08] Matthew Levendusky: So, there's a great book Political Issue wrote a book on listening, right, and they said that the kind of key part about listening is listening for ways in which you might build bridges. And to be clear, that doesn't mean that you accept that people are going to disabuse someone else's humanity or that you have to reject your own sense of values. That's not at all the case. But you maybe try to find what points there are. There might be some divides you can't bridge but there are gonna be some that can be.

[00:52:37] Thomas Donnelly: Excellent. So, thank you so much for that practical advice Matthew Levendusky, tied to our really big topic about deliberation and democratic norms in America. Unfortunately, we're running out of time in this superb discussion. And so, we'll give the last word here to you Kenji. And I mean, maybe if you could... you've talked a lot about sort of the practicalities of your book, some of the how tos, some concrete examples. Just projecting out more broadly, I mean, what do you see as being some of the positive consequences for deliberation and democratic norms if more people adopted the principles that you're talking about here, and then I'll also just place in the table one question that I like from the chat by Nielsen which said, "Why is it so very hard for political advocates to admit to any validity at all of an opposing view? How can we reward open-mindedness instead of intransigence?"

[00:53:26] Kenji Yoshino: Yeah it's a wonderful question and a great place to end, I think. And I think I can also draw on what Ronnie and Matthew were both saying earlier in saying that one of the best frames of thinking about, you know, political discourse or diversity and inclusion, you name it, is the psychologist, Dolly Chugh, talking about the 20-60-20 rule, where she says, "Let's take it in the diversity and inclusion context." 20% of people are sort of diehard advocates of D&I, 20% are diehard opponents, and 60 kind of are in the movable middle. Right? And I think that one of the things that I've heard repeatedly in this conversation is that there are people who we should not really actually dignify, right, with engagement, so that one of the things that she points out in a really hard-headed way is be really careful before you put someone in that sort of stuck 20%. But once you put them there, leave them alone because you're not gonna persuade them. You're just gonna waste all that energy banging your head against that table, and your energies are much better directed towards that middle 60%.

[00:54:20] Kenji Yoshino: So, if you think about that distribution, I think it makes some sense of what Matthew was saying earlier, just saying that oftentimes, we have these avatars of who our opponents are, and someone who belongs at one of the two extremes rather than, you know, in the middle of the conversation. So, my hope is that, to your question, Thomas, is that if we can actually evolve the ways in which we converse with each other, we can actually capture that middle 60%, and sort of move it over to our side rather than to the other side with regard to the values that we care about.

[00:54:47] Kenji Yoshino: And the thing that Chugh says is even when you're talking to somebody in the stuck 20%, because they've drawn you into a debate or what have you, realize that you're not persuading them to give up their commitments against D&I any more than they're convincing you to give up your commitments to... or their opposition to diversity and inclusion any more than they can convince us to give up our commitment to diversity and inclusion. You're really talking to the people who are listening in from the sides who belong to that middle 60%.

[00:55:12] Kenji Yoshino: And then finally, in response to the question that was asked with regard to why are we so unwilling to admit mistakes, I think a large part of it is that if you view the other side as being completely comprised of that stuck 20% and your side as being comprised of that 20%, of course you're not gonna admit to error because it's a pitched battle. Right? You have to decide whether to smite or to empathize. And if the two groups are just those two polar extremes,

then all you can do is to smite. But the hope is, once you make the descriptive claim that most of the people are in the middle, which I heard Ronnie and Matthew both to be saying, and that there's a huge appeal to that middle, maybe that can actually soften the conversational norms with regard to how we approach each other, make us more willing to make mistakes, make us more willing to say I was wrong, make us more willing to be open to perspectives other than the ones that we are most comfortable with. And I think therein lies, you know... again I don't wanna be overly pollyannaished about this, but therein lies I think the hope for the future of democratic dialogue.

[00:56:11] Thomas Donnelly: Excellent. I think that's a great way to end this discussion. So, Ronnie Janoff-Bulman, Matthew Levendusky, Kenji Yoshino, Town Hall friends, thank you so much. See you again soon.

[00:56:21] Ronnie Janoff-Bulman: Thank you, Thomas. And thank you, Matthew and Kenji.

[00:56:23] Kenji Yoshino: Thank you, Thomas.

[00:56:23] Matthew Levendusky: Thank you.

[00:56:26] Ronnie Janoff-Bulman: [laughs]

[00:56:29] Tanaya Tauber: This episode was produced by John Guerra, Lana Ulrich, Bill Pollock, and me, Tanaya Tauber. It was engineered by the National Constitution Center's wonderful AV team. Research was provided by Colin Thibault, Rosemary Lee, and Lana Ulrich.

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