Review of *Mere Civility: Disagreement and the Limits of Toleration*

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*Mere Civility: Disagreement and the Limits of Toleration.*


This book seeks to answer the following core motivating question:

Although they ended up in very different places, Roger Williams, Thomas Hobbes, and John Locke began alike from a shared understanding of human nature as partial and proud. They therefore recognized a certain disagreeableness inherent in disagreement that inevitably placed pressure on the affective bonds between individuals. The possibility of toleration thus hinged for each on what would be required, ethically and institutionally, to render religious disagreement sufficiently “civil” to overcome its negative affective dimension (*Mere Civility*, p. 11).

Bejan’s well-written, incisive answer is a welcome contribution to the study of toleration, the history of political thought regarding religious disagreement, and our exceptional American political tradition toward toleration. I recommend the book highly. She analyzes each of these authors and the way they wrestled with the problems of uncivil speech and, in particular, incivility in religious speech.
Locke and, to a much lesser extent, Hobbes are the central figures in this debate. Whereas Hobbes ultimately suggests that we should not tolerate such disagreement (as uncivil speech threatens the kind of conformity that is necessary for successful governance), Locke argues that we should tolerate it. Doing so, as Locke contends, is a rational response for a range of familiar reasons. Individuals would consent to such toleration given that it occurs in the private sphere of conscience and not the public sphere of policy. Moreover, coercion cannot change beliefs, rather only outward practices.

Bejan is correct that political theory is often trapped between Locke and Hobbes. When contemporary liberal scholars speak of “gag rules” (Holmes), “conversational constraints” (Ackerman), or “public reason” (Rawls), they hearken back to Hobbes. Yet, in doing so, they are, as Bejan points out, not true “Hobbists” but proponents of “sincere civil charity.” They “deploy Hobbesian means in the pursuit of Lockean ends” (Mere Civility, p. 147).

I found this analysis of the relationship between Hobbes and Locke to be insightful. This struck me as an important contribution of the book: It traces the interesting way in which liberal scholars may reach opposite conclusions about regulating or censoring hate speech and how Hobbes and Locke inform that difference.

Obviously, the main charge of the book is that we need to look beyond the focus on Hobbes or Locke in thinking about uncivil speech. This is where Bejan’s book becomes more interesting, turning our attention to Roger Williams. Her use of Williams is original and provocative. In particular, it speaks importantly to the peculiar American tradition of free speech, one that is more robust than in any other liberal democracy.

Williams provides a fascinating, even jarring, undertheorized argument for tolerating religious speech, including religious insults or blasphemy. According to Williams, we should tolerate such speech, not for the ultimate goal of harmony or due to a commitment to rationality or civility in public life, but to the contrary, we must tolerate uncivil speech to permit evangelism. Religious reasons, not secular ones, underwrite Williams’s argument for toleration.
Williams rejects religious insult laws that would censor speech because of his “evangelical commitments to negative witness and to continued conversation with the unregenerate in the hopes of their conversion” (Mere Civility, p. 76). Bejan calls this justification for toleration “evangelical toleration.” In contrast to Locke, who justified his toleration with secular reasons, Williams does so on religious grounds. More importantly, and this is the motivating sting of the book, “Williams believed mere civility to be compatible with negative judgements, deep disapproval, and disgust” (Mere Civility, p. 80). That struck me as the crucial punchline of the book. The conventional view treats disgust and “deep disapproval” as incompatible with toleration. Drawing on Williams, Bejan turns this conventional view on its head.

Although most of the book is about religious incivility, Bejan seeks to bring her analysis of Williams to bear on our contemporary concern with regulating hate speech. This is where I want to focus my critical remarks. Throughout the book, religious insults are treated as type of hate speech. Just as some advocate for censoring insulting or degrading speech directed at those of a particular race, Bejan shows that, during the early modern era, there was a debate about censoring insulting or degrading speech directed at those of another religion. Placing her analysis in the cross hairs of contemporary debates over regulating hate speech, Bejan remarks that:

[E]fforts to impose and enforce civility legislatively are controversial in the United States in a way they are not in other “tolerant” liberal democracies. Jeremy Waldron and others have traced America’s peculiar permissiveness toward uncivil speech—exemplified in its unwillingness to adopt the hate speech and religious insult statutes embraced elsewhere—to a peculiar “First Amendment Faith” in which religious toleration and free speech go hand in hand (Mere Civility, p. 7).

Bejan, then, presents Williams as someone who may be a proponent of tolerating hate speech toward racial groups just as he
tolerates hate speech directed toward religious groups. That is, we should take the example of incivility in the religious context as a reason to consider tolerating its racial counterpart, or so Bejan’s argument suggests.

I want to challenge that symmetry. Religious insults about a religious minority (which are the focus of evangelical toleration) strike me as qualitatively different from hate speech about a racial minority. And once we recognize this, I surmise Williams’s argument of evangelical toleration, as presented by Bejan, provides us grounds for censoring racial hate speech rather than tolerating it.

There are, of course, similarities between hate speech directed at a religious minority and hate speech directed at a racial minority. Both are offensive, hurtful, and intolerant. Both may invoke discriminatory slurs or invectives to insult or stigmatize. Both posit a particular viewpoint that is hostile to a vulnerable group of people. But these surface similarities belie fundamental differences, differences that make it difficult to apply the book’s argument about toleration to racial hate speech.

There are at least two core differences between religious insults and racial insults that suggest we ought to treat these kinds of incivilities very differently. The first concerns the relationship between the perpetrators of the hate speech and their victims. In the case of religious hate speech, the possibility of conversion underwrites this relationship. This is central to Williams’s idea of evangelical toleration.

The Bloudy Tenet insisted that “next to the saving of your own souls (in the lamentable shipwrack of Mankind) your taske (as Christians) is to save the Soules . . . of others.” (BT, 5, p. 65). In order to do this, one must “not onely be patient” and “earnestly and constantly pray for all sorts of men” whether “Jewes, Turkes, Antichristians, [or] Pagans,” “but [also] endeavor (to [one’s] utmost abilitie) their participation of the same grace and mercy” in fellowship with Christ. All must be tolerated because all were potential converts. He that is a Briar, that is, a Jew, a Turke, a Pagan,
an Antichristian to day, may be (when the Word of the Lord runs freely) a member of Jesus Christ tomorrow (*Mere Civility*, p. 65).

Religious insults then are not simply or only about offending or hurting their victims. This offense is undertaken in order to convert, in order to make someone a “member of Jesus Christ tomorrow.” Conversion is the ultimate goal.

This is not the case with racial hate speech. Certainly, the purveyors of racial hate speech seek to convert their white co-ethnics to their viewpoint or way of thinking. Using offensive or derogatory language may be a way to achieve that goal. But the important relationship at issue here is between these purveyors and the victims of the hate speech. This relationship is not one where the ultimate goals is conversion. Those who engage in racial hate speech obviously don’t seek to convert their victims to their favored race. The idea of conversion is inapplicable to race. You can’t change your race! The nature or logic of racial hate speech is not to convert racial minorities but simply to demean, ostracize, or, even worse, silence and erase them. This is because this kind of hate speech is not about changing its victims in some fundamental way but simply about marking them as inferior. There is no ultimate goal beyond silencing or erasing. And if that’s true, Williams’s religious underpinning for toleration seems to disappear in the case of racial hate speech.

Second, and relatedly, whereas religious insults still affirm a commitment to human equality, racial hate speech does not. As Bejan perceptively notes, Williams’s evangelical toleration assumes that those who are on the receiving end of uncivil speech are capable of conversion. Even if they are not Christian today, they can share in the “same grace and mercy” tomorrow. In directing uncivil speech toward religious minorities such as Jews, Turks, and pagans, Williams is still affirming their equality, that is, their membership in the human race and their potential to share in the fellowship of Christ. The perpetrators of religious hate speech view their victims as belonging to the same human family. It is that potential for equality that underpins Williams’s argument for toleration.
Racial hate speech, in contrast, rejects this commitment to equality. Uncivil speech directed toward racial minorities does not assume that we are all equal. It explicitly denies such equality, treating people of color as intrinsically inferior. Racial slurs and invectives are distinctively harmful, precisely because they reject the idea that a certain racial group is part of the human community. Those neo-Nazis and White Supremacists who marched in Charlottesville, Virginia, sought to make clear that racial minorities are not and never can be part of their white community. They are not seeking to bring such individuals into their fold, to expand the relevant community as Williams sought to do with the kingdom of Christ, but rather to keep them categorically out. It’s an entirely different kind of incivility, one that is not about inclusion but exclusion. Put simply, it seeks to erase, often with the specter of violence, its victims rather than embrace them.

If we take Williams’s argument for evangelical toleration seriously as Bejan presents it, perhaps we should not tolerate racial hate speech. For even as Williams professed contempt and disgust for those of other religions, his religious insults assumed a theory of conversion and, more importantly, a commitment to human equality. Although he may have disapproved of those who followed another religion, his incivility towards them treated them as part of the human race. He did not deny their humanity, for he saw in them the possibility of conversion. This is why Williams defends “unrestricted evangelical liberty as essential to free exercise” of religion (Mere Civility, p. 170).

Put provocatively, if we accept Williams’s argument for tolerating religious insults, grounded in the possibility of conversion and a commitment to human equality, perhaps we should reject it in the case for tolerating racial hate speech. The fact that the book raises this asymmetry even though it does not explicitly endorse it is another indication of its argumentative value.