Mere Civility Symposium Reply

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It is an honor to be read favorably by scholars whom I admire, and to be subjected to their incisive critiques. All recognize *Mere Civility* primarily as a work of historically informed political theory, rather than intellectual history proper, and so their criticisms focus on the implications of my argument for contemporary politics. Let me preface my response with some general comments about my method.

In addition to being the first to note the debt to C.S. Lewis in my title, Wilfred McClay offers a pithy and perspicacious encapsulation of my method, which “sheds light on present debates by setting them aside” and presents the past as “a distant mirror of our own time.” This type of historical approach to present controversies may risk esotericism in its quest for a fresh perspective (see George Thomas’s footnote on my footnotes). Still, it offers a few distinct advantages.

First, my chosen method highlights the complex interplay between political theory and practice, a complexity often neglected by political theorists, who treat the causal arrow as going only one way. Yet this historical approach allows us to see how different practices have informed our deceptively familiar theories, in this case of early modern toleration. Roger Williams offers a particularly clear example, having practiced toleration on terms of mere civility among the Native Americans and his fellow evangelical sectarians in Rhode Island for years before ever putting his pen to paper. Sonu Bedi describes his argument for tolerating uncivil religious speech as “undertheorized,” but this is perhaps the point. As I argue in the conclusion, an exclusively theoretical approach systematically risks distorting one’s perspective on questions of...
civility and toleration especially, which always implicate the practical conditions of coexistence. Williams’s experiences in Rhode Island, I contend, falsify not only the claims of his contemporaries about concordia, but many modern theorists’ pet assumptions about the constitution of a tolerant society, too. A deeper engagement not only with intellectual, but social and cultural history, of the kind I pioneer here promises to broaden theorists’ horizons and highlight the limitations of our perspective as we probe the boundaries of the possible.

Second, my historical method foregrounds the ethical, thus enabling a productive play with exemplarity at odds with the legalism and moralism that often dominate discussions of toleration and civility in political theory. One might, as my readers do, dispute the attractiveness, if not the plausibility, of a tolerant society on Williams’s model. But my method relies on rendering him exemplary without making him respectable, as recent commentators like Martha Nussbaum and John Barry have done. Adopting such an unlikely exemplar (an uncivil evangelical Christian) is one way of breaking out of the “clubby chat of the already likeminded,” in Thomas’s excellent phrase, that sometimes characterizes our discipline. Political theorists are, after all, human beings, and, as such, they are not unique in finding the company of the like-minded more agreeable than the alternative—or indeed, of recognizing this clubbiness only when they themselves begin to feel excluded.

If all first books are exercises in autobiography, it is for my readers to guess why I find a “strident, moralistic, and obnoxious” drama queen (as Thomas puts it) like Williams so attractive. But in a field that has come to rest heavily on occasional cameos by stock figures of the theoretical stage, such as the “tolerant racist” to test our intuitions, there is something perversely satisfying—not to mention important—about resurrecting flesh-and-blood historical actors who challenge or explode those intuitions. And so, a counterintuitively historical and exemplary approach can offer an alternative to esotericism, simultaneously opening up space for critical reflection on contemporary questions that feel uncomfortably pressing and close, while relieving the theorist of the constant
Mere Civility Symposium Reply

worry that her conclusions land her on the purportedly right side of the issue with her co-partisans. There may be, as McClay suggests, “something artificial” in jumping from the seventeenth century to the twenty-first. Still, I think these benefits make up for it.

Nevertheless, the normative conclusions reached by such a method are generative, not prescriptive, and I am pleased to see that my readers take them in that spirit. McClay and Thomas worry about the sources of solidarity in a tolerant society built on nothing more than mere civility, while Bedi presses a disanalogy between modern (mostly racial) hate speech and early modern religious insult to argue that a Williams-inspired position, in fact, militates against tolerating the latter. I shall consider each objection in turn.

While McClay and Thomas, on the whole, agree that Williams presents a productive, if not attractive, alternative approach to present problems, both suggest that he—and I—fall into the trap of valorizing disagreement itself in the manner of theorists of agonistic democracy. Such a position assumes the stability of a liberal democratic constitutional order while undermining the possibilities of its renewal, naively ignoring the fact that “too much disharmony is unbearable,” and that something must hold us together while our disagreements pull us apart. In my account, that something is civility as an answer to what I call the “second question of toleration” (Mere Civility, p. 152): How much must we share to make our differences bearable? Thus, mere civility does not deny the importance of the question. It does, however, locate the answer in virtuous practice and epistemic humility, rather than in any particular cognitive commitment or creed, while denying the impartiality of any one person or perspective in answering it.

McClay suggests I neglect the illiberal institutions that support liberal institutions—although I do say a bit about that notoriously medieval institution, the modern University—and thus embrace the hyper-individualist voluntarism of Williams’s theology at the expense of an appreciation of the unchosen in social and political life. But here, Williams’s essential, as opposed to simply
jurisdictional (Locke), distinction between the spiritual and the civil is paramount. Civility belongs to the virtuous duties (“offices”)—not the rights—of the latter, and so, much like piety, it sits uneasily with the impoverished moral language of modernity in which the only creatures of concern are individuals. Williams’s civility depends on a kind of status-quo bias in the civil sphere that assumes (at least provisionally) the goodness of the given. I describe this in chapter 5 as the inevitable “conservatism of civility-talk” (p. 152), which is as crucial to mere civility as any other kind. But it is for this reason, too, that I am careful not to conflate my own theory of civility with a theory of justice or democracy. Rather, I start by assuming the existence (and goodness) of liberal institutions—and of continued disagreement with those who do not.

Here, Thomas intimates that I am unfair to Locke, who is not the villain I make him out to be. That is surely right (still, I do not think we can make too much of the Williams-esque arguments in the Epistola and its kitchen-sink case for toleration). Nevertheless, Williams maintains a consistency in the jurisdictional division between civil and spiritual community that Locke, who notoriously waffles on whether the civitas is a voluntary association or not, does not. This suggests to me that the difference between their accounts is not simply contextual or contingent.

Moving away from religion, McClay and Bedi draw attention to Mere Civility’s (largely implicit) argument about free speech. McClay notes critically the exclusion of John Stuart Mill from my narrative (what we in the business call a conspicuous absence) and wonders whether Williams really represents an alternative. I think he does, for reasons related to the nexus of issues raised incisively by Bedi. While the book does not advocate for more insult and invective, as such, it does argue that so-called fundamental disagreements are particularly disagreeable (p. 2) and hence are practically inseparable from incivility and perceptions thereof. Mere civility thus acknowledges certain forms of religious insult as uncivil, yet as a virtue of listeners as well as speakers, it insists that members of a tolerant society, in order to maintain its tolerant and inclusive character, must tolerate this uncivil speech.
Bedi accepts this argument in the case of religious insult but not other kinds of hate speech. Specifically, he insists on a disanal-ogy between racial hate speech and the early modern religious insults I canvass in the book (e.g., puritan, devil-worshipper, Antichristian), which were arguably evangelical utterances aimed at the conversion of the insulted. As such, Bedi argues, they accept moral equality as a premise and constitute, perhaps perversely, an acknowledgement of the recipient’s humanity. The same cannot be said of racial hate speech, the only potential converts of which are the speakers’ “white co-ethnics” in the audience as she seeks to “demean, ostracize, or even worse, silence and erase” racial minori-ties “by marking them as inferior.”

There is a lot to unpick here. Bedi is right that my broader civil libertarian argument would seem to rely on a problematic race–religion analogy that I (and many liberals) inherit from Rawls—although I’ll note that an identity politics of race can indeed fit my model of a fundamental disagreement when grounded in a standpoint epistemology that insists on the distinctive and differential epistemic status of social groups. Similarly, I think Bedi overstates the inclusive nature of religious insult in the case of non-proselytizing faiths and racialized religious identities. Even in the supposedly easy case of mutually anathematizing evangelical Protestants, the power of persecution of the tongue to define and sharpen distinctions between groups can, as Locke pointed out, serve as a dehumanizing prelude to violence (p. 119). Even Roger Williams thought there was a difference between calling someone a devil-worshipper and a devil himself (p. 206 n. 76).

Nonetheless, I welcome Bedi’s distinction. Too often in legal and theoretical debates, the broad category of hate speech is used precisely to efface and obscure distinctions, both running together different kinds of difference and reducing the badness of uncivil speech to its (inherently arguable) motivations or the ostensibly offensive manner in which it is expressed. On Bedi’s account, the problem of racial hate speech is not its hatefulness but rather the effects of its inegalitarian and exclusionary propositional content in the world—content that would presumably (although Bedi does
not specify) be equally objectionable if expressed in Thomas’s indifferent and coolly measured arguments.

In turning our attention from verbal taboos to social meanings, Bedi follows feminist and critical race theorists like Rae Langton and Mari Matsuda in adopting an Austinian language of “speech acts” that situates the harm in hate speech not in its illocutionary aspect (the intentions of the speaker), but in its perlocutionary consequences. Again, according to Bedi, “the nature or logic of racial hate speech is . . . simply to demean, ostracize, or . . . silence and erase [racial minorities] . . . there is no ultimate goal beyond [this]” (my emphasis). But speech, including racial hate speech, is complicated, and Bedi implies that what is really decisive in making speech hate speech is not the words themselves, the propositional content, or even the audience, but who is speaking, namely, someone ethnically white (it’s not clear whether it is whiteness that matters principally, or being in the ethnic majority).

While I am willing to accept this as an account of what makes racial hate speech morally and politically abhorrent, I find such a principle difficult to square with the legal principles of formal equality and impartial enforcement. (Although it is nice to see that Bedi does not seem inclined, as many academic proponents of hate speech restrictions do, to carve out an academic freedom exemption, i.e., an exception in our own case.)

And so we return to Williams’s objections from the impossibility of impartial enforcement and the psychology of dissent. Justifying unequal treatment in the name of equality will always be fraught, and a prudent legislator must be wary of the forces of reaction identified by Thomas.

Still, there is another, intriguingly non-prudential argument for freeing speech to be found in Williams, an ontological one that, I believe, gives him the edge over Mill’s teleological account. While Bedi reduces speech to action, and Mill’s theodicy equates it with thought, Williams recognized both aspects while insisting on the ontological distinctiveness of “the Word” as something that eludes or transcends both belief and deed. This ontology of the Word as spirit—and a connected ethical ideal of parrhesia, as the free and
frank speaking of truth to power—opens up the possibility of thinking the problem of uncivil speech anew, outside the increasingly prosaic and constraining Millian framework bequeathed to modern liberals.

But that, as McClay suggests, is an argument for another day.