Liberal Tolerance and Mere Civility

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

Liberal tolerance is under strain in mature liberal democratic nations where, only a few decades ago, it seemed not only secure but triumphant. Increasingly, we have little tolerance for those who do not share our political commitments, retreating into conclaves of the likeminded where our thinking is reinforced. Worse, those with whom we disagree are not only wrong but deplorable. Not surprisingly, our politics has grown increasingly uncivil, and public officials, from Hungary’s Viktor Orban to America’s Donald Trump, thrive on incivility. Indeed, such figures are seen as speaking for those who have been silenced in the name of tolerance and civility as these putatively liberal virtues are used in deeply illiberal ways to push conformity, silencing uncivil tongues in the name of dignity and respect.

Teresa Bejan’s *Mere Civility* steps into this mix and offers up Roger Williams as an unlikely hero. Williams, Bejan argues, offers a model of toleration and inclusivity that accepts our profound disagreements rather than masking over them with calls for “reasonableness.” Williams’s “mere civility” acknowledges that disagreement will be disagreeable, that we will be engaged in a battle of words, which is likely to include insult and invective, but we nevertheless will keep the conversation going. Such disagreement, in fact, is the mark of a healthy liberal democracy that seeks to preserve the twin tolerations: allowing both diversity in members’ identities and commitments and the disagreement that those identities and commitments inspire.
Elegantly and engagingly written, Bejan’s *Mere Civility* is particularly persuasive in recovering Williams as an important early modern thinker who also acted on his thought in helping create Rhode Island as a model tolerant society. Williams is perhaps more appreciated than Bejan suggests; after all, Martha Nussbaum recently made him the central thinker of her *Liberty of Conscience*, where he was also taken as a model we might learn from and imitate. Even so, Bejan brings Williams’s understanding of tolerance, civility, and religious disagreement into a compelling dialogue with the more dominant understandings drawn from Thomas Hobbes and John Locke. One of the great virtues of Bejan’s book is to remind us of early modern prohibitions against religious insult—“uncivil” speech and “persecution of the tongue”—that are strikingly similar to modern speech codes. Moreover, Bejan illustrates how these early speech codes were seen as essential to a regime of toleration, disentangling freedom of speech, liberty of conscience, and toleration, which, from our vantage, we tend to assume go together (even if comparative constitutional analysis suggests otherwise).

If Williams is an unlikely hero, Locke is an even more unlikely villain. And yet there it is: Lockean tolerance aims too high, calling for mutual charity, trust, and friendship (p. 139). Not only do Locke’s aspirations tend to force democratic speech into the elitist mode of a philosophy seminar or a Supreme Court opinion, but Locke’s “mutual toleration” was of a piece with silencing religious insult and calumny (p. 13). Bejan turns to the 1669 *Fundamental Constitutions of Carolina*, which held: “No person shall use any reproachful, reviling, or abusive language against the religion of any church or profession” (p. 46). Locke had a hand in drafting the *Fundamental Constitutions*. Whether they reflect his opinions is debated, but Bejan links Locke’s understanding to contemporary supporters of civility like John Rawls, whose insistence on mutual respect bears a striking resemblance to earlier efforts to achieve concord and harmony by ironing away fundamental disagreement. The result may be to exclude fellow citizens and turn civil discourse into a clubby chat of the already likeminded.
Williams, in contrast, offers an understanding of toleration and civility that does not require mutual respect, one that is more likely to preserve genuine differences of opinion. Williams, in fact, is perhaps best described as an “intolerant tolerationist” who engaged in evangelical speech aimed as his fellow citizens to show them the error of their ways. Williams did not necessarily respect, let alone deem as moral equals, those with whom he disagreed. Rather, Williams advocated “mere civility,” which above all else was a commitment to keeping the conversation going, engaging others no matter “how distasteful one found their convictions” (p. 74). For Williams, religious liberty included freedom of speech precisely because one had to be free to evangelize on behalf of the true faith. This required a culture that indulged religious disagreement; it was a “society bound together by mere civility, rather than concord.” But this also required individuals to develop “thick skin” because many of their most cherished beliefs were subject to criticism and insult in the civil space precisely because toleration was not approval.

Bejan’s careful and thoughtful analysis reveals Williams to be strident, moralistic, and obnoxious, offering a powerful rebuke to Nussbaum and James Davis, who have attempted to find in Williams a proto-multiculturalist with a genuine admiration for diversity rooted in mutual respect across deep differences. Indeed, Williams found the Quakers “uncivil” partly because they withheld their negative judgments of others, retreating from society altogether, engaging, essentially, only those with whom they already agreed. The parallels with Rawlsian “reasonableableness” are eerie.

There is much to be gained from Williams’s example—particularly a willingness to keep conversing with those with whom we disagree. I am more skeptical of Bejan’s contention that Williams is a model—a hero in her self-styled drama—for understanding how best to navigate profound disagreement in a pluralistic liberal democracy. Nor do we require a villain. And I doubt very much the villain should be Locke. I wonder, in fact, if Williams’s understanding of civility and toleration is as different from Locke’s understanding as Bejan makes it out to be. She may be too quick to read Locke as a sort of proto-Rawlsian.
Williams’s understanding of civility requires citizens to acknowledge the authority of the magistrate that governs “their bodies and goods” and to obey the civil law (p. 57). Civility, in this sense, is “the same in all parts of the World” and is not unique to Christianity; it does not depend on Christian virtue (p. 61). So civility, independent of religion, can form the bond to unite us on civil topics without also requiring an egalitarian or respectful view of your fellow citizens’ religious belief. Mere civility belongs to man as man and can provide a common floor. Civility is extended to others in the civic sphere, and is altogether separate from “godliness” or what is good for the soul. If we are but civil, religious differences pose no threat to the body politic. It is only when we conflate the two, when we try and turn something that is “mere civility” into something more exacting, that we threaten civil peace. Williams thus tolerates things he finds abhorrent. Here again, Bejan reveals the deeply problematic nature of Nussbaum’s interpretation of Williams as a kind of proto-Kantian liberal. Bejan’s Williams embraces “evangelical toleration.”

And it is this “evangelical toleration” that makes him a hero. Yet many of the features of Williams’s view of civility bear a striking resemblance to Locke’s argument for toleration in the Letter. The distinction between civil things and spiritual things—bodies and goods against the soul and worship—rests on a distinction between civil and theological authority. This sounds like the very essence of Locke’s Letter. It is even institutional in a jurisdictional sense—with theological authority separate and distinct from civil authority. To be sure, Williams preceded Locke by nearly fifty years. For Bejan, Locke’s great misstep comes because he thinks tolerance is not minimalist, but places ethical demands on citizens. Following Jeremy Waldron, Bejan casts Locke’s “duty of toleration” as requiring “Charity, Bounty, and Liberality” across religious differences, so that “Equity” and “Friendship” must “always be mutually . . . observed” (p. 130). Most importantly, individuals must “forgo all ‘rough Usage of Word or Action’” (p. 130). Bejan links this understanding of Lockean tolerance with his possible endorsement of Article 97 of the Fundamental Constitutions of Carolina, which
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prohibited speech critical of religion. Locke thus would not only limit speech to protect tolerance, but cultivates an understanding of tolerance that demands that we respect our fellow citizens’ belief. As Waldron puts it, “there is a specific duty—perhaps even a legal duty—to refrain from rough usage of word,” because “the duty of toleration is bound up with a general duty of charity, civility, and good fellowship.”

This is a powerful reading of Locke. I wonder, however, if it overplays his prudential arguments aimed at persuading his contemporaries. Locke’s appeal to Christian charity is an effort to get different Christian sects to accept toleration and the jurisdictional separation of power between civil and theological authority. One of the virtues of Bejan’s book is resituating us in the early modern world and showing how it was profoundly different from our own. If we situate Locke in this fashion, we should recall that religious liberty and even minimal toleration were not widely accepted among different Christian sects. So what Mark Lilla dubs Locke’s “masterpiece of political rhetoric” may best be understood as an effort to engage those who think their religion demands persecution rather than toleration. Certainly, in what he dubbed the “American Theatre,” James Madison sought to persuade his fellow citizens that Christianity demanded religious liberty, confining theological authority to the arts of persuasion. Such appeals are consistent with a more minimalist reading of Locke. Still, Bejan has laid down a powerful challenge: taking up Locke’s corpus on toleration, she situates a robust view of civility—and trust—as central to his view of toleration, which might also require prohibiting speech to enforce civility. I will leave this to the Locke scholars.

Yet whatever the particulars of Locke’s thinking, a more minimalist reading of tolerance might seek to cultivate indifference rather than invective. If I can again turn to an American influenced by Locke, this move is surely at work in Thomas Jefferson’s insistence that “the way to silence religious disputes, is to take no notice of them.” Bejan herself captures this understanding of Locke, which “would encourage citizens to cultivate indifference towards
their differences.” This understanding acknowledges that disagreement will be a permanent feature of liberal democracy, but it also seeks to downplay disagreement in a pluralistic society by making us less concerned about our different opinions. Bejan makes a powerful case that sincere “mutual respect” is not only too demanding, but it can lead to its own forms of intolerance. Yet she may overplay this demand. Even Waldron, a central foil of Bejan’s, offers a view of dignity that is aimed at the “ordinary routines and transactions of everyday social life.” It is about having the “shops and exchanges open” to all regardless of opinions, which is more akin to sociability than “shimmering Kantian” dignity.

I share Bejan’s skepticism of silencing speech in the name of civility, but I wonder if indifference is preferable to Williams’s evangelism. Liberal tolerance of this sort can rest on “mere civility” without prohibiting persecution of the tongue, while also not inviting it. The last thing our world needs is more invective.

Notes
1. Bejan distinguishes between toleration, which suggests living with something one doesn’t care for, and tolerance, which has more positive connotations of acceptance (pp. 16, 47). Whether it is tolerance or toleration, which I use more interchangeably, what is most crucial is acceptance of others’ rights and a willingness to interact with them in the civic space. I do not think this requires tolerance in Bejan’s sense, although toleration may well lead to tolerance as she characterizes it.
5. Mark Lilla, The Stillborn God: Religion, Politics, and the Modern West (New York: Knopf, 2007), p. 97. Let me be clear, however, that I do not think this means we must read Locke as an atheist. He could very much be appealing to fellow Christians. Indeed, Bejan buries a great line in a footnote along these lines: “The determined insistence of many Straussians aside, not everyone clever in the seventeenth century was an atheist” (p. 222).

