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# Thoughts on Teresa Bejan's *Mere Civility*

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**Mere Civility: Disagreement and the Limits of Toleration.**
*By Teresa M. Bejan. Harvard University Press, 2017. Pp. 288. $45.*

There is much to admire in this book, especially as an antidote to some of the currently regnant ideas in the academic world, where liberalism has, in utter violation of its own deepest tenets, seemed intent upon translating itself into an elaborate rationale for intellectual and discursive repression.

For one thing, the book is fearless. This young author takes on some of the most prominent figures of the day—Martha Nussbaum, for example—and dispatches their arguments with a dispassionate swiftness and cogency (and, need I add, civility) that others can only envy.

For another, it rehabilitates the adjective "mere," which is too often used as nothing more than a dismissive or minimizing modifier (a "mere" dismissive modifier, as it were). Bejan reminds us that the word also once had a more robust sense. "Mere" in this sense referred to something pure, something without admixture, something foundational. That is in fact the original Latin sense of the word, *merus*, which carries overtones of genuineness and purity. There is also more than a hint here of the sense in which C.S. Lewis spoke of "mere Christianity," the lowest common denominator that links all of the confessions and sects and institutions that call themselves Christian, and eschews the *adiaphora* and incidentals of history that otherwise separate them.

Bejan's use of "mere" is reminiscent of the way that the word "able" is used in the United States Navy, where to be called an "able" seaman is to be praised. To be called "able" in an academic

letter of recommendation, however, is very nearly to be damned. Similarly, the pattern of decline in "civility," from the robust and resilient kind of toleration that Bejan advocates to the debilitating requirement that all disagreement and debate be rendered denatured and harmless, deprived of their passion, vigor, and—above all—of anything that could give offense.

As I've already indicated, Bejan's is not the civility desired by today's self-appointed arbiters of manners and speech, by chin-stroking public broadcasting pundits and other paladins of political etiquette, let alone by the militant pressure groups that are deplatforming speakers and wrecking campus discourse. Bejan rightly points out that the call for "civility" is often a genteel mask for the suppression of disfavored views. Her form of civility is something far tougher and occasionally rhino-hided, a mereness that is low but solid, whose toleration does not require empathy so much as it does a kind of deep respect for what her hero Roger Williams would call "soul liberty." She has sought to shed light on present debates by setting them aside to look at the debates of the seventeenth century over questions of religious toleration, a set of debates that bear much resemblance to our own era's contentions. Those debates seem to her to offer something of a distant mirror of our own time.

It may surprise some readers to discover that Williams comes out far better than Locke and Hobbes in these matters. Bejan makes a good case for him, without making the common mistake of nominating him to be the founding spirit of the American Civil Liberties Union. Williams was a strict separationist, in a way and to a degree that almost none of the Founders, including perhaps even Jefferson himself, were; but his separationism was grounded not in the fear that religion would corrupt politics, but the opposite fear, that religion would be corrupted by politics, and that the use of political institutions to coerce conscience and inhibit soul liberty was a perpetual temptation. It was not religious moderation but religious zeal that undergirded his perspective.

And yet Williams evinced a full-bodied toleration that puts the competition to shame. His example gives spine to calls in the

present day for greater academic and intellectual freedom, when the brandishing of tender sensibilities has become the weapon of first and last resort in the suppression of speech and of intellectual variety. We have good reason to be grateful to Bejan for bringing Williams's "low but solid" example before us and for advocating for a kind of "toughening up" as a necessary change in our current practices.

I must offer several additional thoughts, however. I hope that the first of these will not seem as if I am criticizing the author for failing to write the book I wanted her to write, which is always an unattractive and ungenerous position for a reviewer to take. But there is something a little artificial about restricting one's range of subjects to a trio of seventeenth-century figures and then leaping across the centuries to the present day. To understand the parlous state of speech and civility in the present day, one has to give some attention to thinkers and actions in the intervening years—which include, among other things, the entire history of the United States. I kept waiting for the name of John Stuart Mill to appear in the book, and it never does. That's perhaps an important omission. No one, I suspect, has made a more influential case for free speech and presumed a standard of mere civility that more closely resembles that of Williams. But I should have liked to see whether the author agrees—particularly since Williams most assuredly would not share the epistemological assumptions of Mill, who saw free speech as an important element in the search for truth. If there is a follow-on to this fine book in the works, I hope it will deal with this modern liberal evolution of the idea. Is there a reason why Williams is a better model for us than Mill? Now *that* would be a blockbuster of an argument, and one I'd stand in line to read.

But I do want to register a demurral, one that probably applies as much to Mill as to Williams. In both cases, there is a neglect of the role of formative institutions in producing the conditions for a free society. I am speaking here preeminently of marriage and the family, institutions within which we are not merely individuals, but are bound together by ties of natality, filial devotion, memory, and unchosen mutual obligations. The social and political order is more

than an arena of debate; indeed, debate over matters of great public moment must draw upon sources of affiliation and relatedness that are themselves presupposed. Liberal institutions need the formative influence of illiberal ones—and a family with minor children is an illiberal institution—to be successful in achieving their own goals. The forms of relatedness to others that are a natural part of our lives in community are absolutely essential to any form of civility worthy of the name.

Civilization requires a certain inertia. To live in a state of perpetual debate, and to hold consensus as an unachievable ideal, is not to live at all. It means living a stunted common life, one that can never really get started. It means that we cannot remember anything, cannot commemorate anything, cannot have a real and ongoing public life. Too much disharmony is unbearable.

I also think the book may give too much attention to talk and too little attention to the fact that political life means more than merely deliberating together or talking to one another. Far more than those things, it means acting together. There is a bit too much of an assumption here (see page 166) that talking perpetually about the things that divide us will bring us closer together. Is there really any evidence that this is so? Certainly Roger Williams's lonely and checkered career offers no encouragement in this regard.

Nonetheless, *Mere Civility* performs a great service in reminding us of this great man of the American past, a peculiar man whose strange career and stranger manner of expression have made us misunderstand him and misread his import. Teresa Bejan was fortunate to fall under his influence, and we are fortunate to have her thoughtful book as the residue of her reflections upon him.

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# Liberal Tolerance and Mere Civility

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**Mere Civility: Disagreement and the Limits of Toleration.**
*By Teresa M. Bejan. Harvard University Press, 2017. Pp. 288. $45.*

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.[1] 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.[2] 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.[3] 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 "reasonableness" 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

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."[4]

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.[5] 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.[6] 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."[7] Bejan herself captures this understanding of Locke, which "would encourage citizens to cultivate indifference towards

their differences."[8] 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.[9]

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.
2. Martha C. Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Religious Equality* (New York: Basic Books, 2008).
3. James Calvin Davis, ed., *On Religious Liberty: Selections from the Works of Roger Williams* (Cambridge: Harvard University Press, 2008).
4. Jeremy Waldron, *The Harm in Hate Speech* (Cambridge: Harvard University Press, 2012), p. 213.
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).

6. George Thomas, *The Founders and the Idea of a National University: Constituting the American Mind* (New York: Cambridge University Press, 2015), p. 102.
7. Thomas Jefferson, *Notes on the State of Virginia* (Chapel Hill: The University of North Carolina Press, 1982), p. 161.
8. Teresa Bejan, "Evangelical Toleration" *Journal of Politics* 2015; 77 (4): 1104.
9. Waldron, *The Harm in Hate Speech*, 219. See George Thomas, "Religious Liberty, Same-Sex Marriage and Public Accommodations," *Perspectives on Politics* 2018; 16(1): 58–72.

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

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**Mere Civility: Disagreement and the Limits of Toleration.**
*By Teresa M. Bejan. Harvard University Press, 2017. Pp. 288. $45.*

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.

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# Reply to My Critics

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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 risks systematically 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

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 disanalogy 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 minorities "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 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.