

## Conclusion

### *The Virtue of Mere Civility*

Take away, O ass! those panniers of airy nothingness; and speak, if you can, three words that have an affinity to common sense; if it be possible for the tumid pumpkin of your skull to discover for a moment anything like the reality of intellect.

—JOHN MILTON, *Second Defense of the People of England* (1654)

THIS BOOK BEGAN with the promise that the competing conceptions of civility put forward by Williams, Hobbes, and Locke might bring some sorely needed analytical clarity and insight to a contemporary debate stymied by the endless back and forth between proponents of civility and its critics. By today's standards, John Locke represents an altogether more civil and tolerant figure than that fundamentalist schismatic and purveyor of religious insult, Roger Williams. In dealing with other faiths, Locke urged always respect, ecumenical "indifferency," and an open mind; he condemned private intolerance itself and not just persecution.<sup>1</sup> Though he ultimately eschewed the legal proscription of religious insult, Locke never personally indulged in the epithets that came so easily to Williams, who routinely denied the name of "Christian" to those with whom he disagreed on points of the profoundest indifference. Reserving the right for sects to denominate themselves, Locke would not even identify Catholics by name when discussing the limits of toleration in the *Letter*; instead, he observed a civil silence and referred to them obliquely, analogizing the pope to the Ottoman mufti—and not to the Antichrist, as Luther and Williams had done.<sup>2</sup>

By contrast, in his intemperate zeal Williams referred to Catholics as "Anti-Christians," accused his fellow New English of "spiritual whoredom," and described the Americans as worshipping the "Divell" (BT, 92–93; Key, 210). Yet despite this evangelical shock and awe, he extended toleration to all of these groups, and to the intolerant, atheists, "rational" as well as "irrational"

Turks, and the Quakers besides. In this, the contrast between Locke and Williams could not be starker, and it demonstrates an important fact that both the proponents of civility and their critics too often overlook—namely, that an aversion to intolerance does not entail a commitment to inclusion. Nor, for that matter, does it entail a commitment to toleration—of difference or disagreement.

If Williams is the hero of this book, I fear that Locke must be its villain. Given their shared commitment to inclusion as the be-all and end-all of a tolerant society, one might expect partisans on both sides of the popular and scholarly debates about civility discussed in the Introduction to agree.<sup>3</sup> And yet today, while echoes of Hobbes and Locke abound, Williams's voice is conspicuously absent. This is true especially in political theory, where despite the pervasive sense of crisis, discussions of civility have remained oddly moribund since the 1990s. In that decade a wide range of theorists seized upon civility as an essential virtue of intellectual community, civil society, deliberative democracy, and even justice itself.<sup>4</sup> The close connection between civility and toleration as "hallmarks of liberal citizenship" in the face of deep disagreements about the good was—and still is—taken for granted.<sup>5</sup> The precise relationship between these "hallmarks," however, along with the concrete demands they place on individuals and society at large, remains frustratingly fuzzy.

Like their early modern ancestors, its modern proponents are usually much clearer when it comes to what they think civility rules out—whether threats of coercion, insults or other forms of "verbal violence," narrow-mindedness, or "dogmatic" appeals to authority or ideology. While many so-called civilitarians do not support legislation in the form of gag rules or speech codes,<sup>6</sup> others do by arguing that these forms of incivility pose intolerable threats to tolerant societies as such.<sup>7</sup>

When it comes to the particular conceptions of civility put forward by political theorists as the *vinculum*, the early modern resonances grow even more pronounced. For some, civil silence is key. Mark Kingwell describes civility as a kind of "pragmatic not-saying," "sensitivity," and "tact" that manifests in "a willingness *not* to say all the true, or morally excellent, things one could say."<sup>8</sup> Similarly, Bruce Ackerman stresses the importance of "conversational constraints" in dialogue, including bans on *all* assertions of superiority—of oneself or one's conception of the good.<sup>9</sup> (Hobbes's warning in *The Elements of Law* against the contumely of "unwanted counsel" comes immediately to mind.) The idea that conversation could continue

in the absence of such self-discipline is “childish,” argues Thomas Nagel; it “represents a misunderstanding of the mutually protective function of conventions of restraint, which avoid provoking unnecessary conflict.”<sup>10</sup> These modern Hobbesians stress the common-sense notion that civil dialogue requires a willingness to mind one’s own business, bite one’s tongue, and avoid certain topics.<sup>11</sup> Arguments in favor of public reason constraints on democratic deliberation, what John Rawls described in *Political Liberalism* (1993) as a “duty of civility,” reflect a similar intuition.<sup>12</sup> Citizens can and will continue to differ in their comprehensive doctrines (within the bounds of “reasonableness”); however, they should not bring up those differences in the course of public disagreement on matters of basic justice or constitutional essentials. If “good fences make good neighbors,”<sup>13</sup> then neighborliness also demands that we keep hopelessly controversial discussions about fundamental premises off of the agenda.

Hobbes’s hope for “difference without disagreement” achieved through virtuous discretion appears to be alive and well.<sup>14</sup> Nevertheless, the predominant spirit in contemporary political theory is that of John Locke. While the civil silencers emphasize the negative dimension of civility as self-restraint, these theorists stress its “affirmative and positive” dimension as the communication of mutual respect.<sup>15</sup> Sarah Buss has pointed to the “expressive function of manners”: “By behaving politely, we are, in effect, ‘saying’ something to one another” and “acknowledg[ing] one another’s special dignity.”<sup>16</sup> Other theorists employ the language of recognition to describe a similar phenomenon. Following Oakeshott, Richard Boyd defines civility as “the mutual recognition of others as our moral equals,”<sup>17</sup> while Robert Pippin argues that the “daily ritual” of civility acknowledges their “equal status as free agents within a cooperative enterprise.”<sup>18</sup>

For these modern Lockeanes, conversational civility is integral to the stronger social and civic bonds called for by theorists of political liberalism, as well as their republican and communitarian critics. In this, their emphasis on a minimal form of consensus on certain moral and political *fundamenta* as the key to social solidarity and cohesion recalls the low-church latitudinarian approach to toleration in the *Letter*. For some, like Stephen Carter, the Christian resonances of this positive conception of civility as a source of communal solidarity, even charity, are unapologetic. “Civility,” he argues, “is the sum of the many sacrifices we are called to make for the sake of living together . . . as a signal of respect for our fellow citizens, marking them as full equals, both before the law and before

God.” Hence, we must “learn anew the virtue of acting with love toward our neighbors . . . [and] the genuine appreciation for each other on which a successful civility must rest.”<sup>19</sup>

Even for ostensibly secular liberals like Rawls, however, the language of harmony and social concord used to express their hopes for civility confirms that they, too, envision a tolerant society characterized by something more than *tolerantia*. Rawls’s discussion of the difference between a “mere *modus vivendi*” and the “social concord” achieved through overlapping consensus on a political conception of justice in *Political Liberalism* reads like a twentieth-century gloss on Locke’s letter to Limborch.<sup>20</sup> Although Rawls links the concord of a “well-ordered society” conceptually and historically to the “gradual acceptance of the principle of toleration” in Europe after centuries of religious warfare,<sup>21</sup> what he describes is something much closer to comprehension: a liberal polity, the stability and harmony of which reflect that “everyone accepts, and *knows that everyone else accepts and publicly endorses*, the very same principles of justice.”<sup>22</sup>

In making his own case for conversational civility as essential to the public goods of inclusiveness and “assurance” in *The Harm in Hate Speech*, Waldron appeals to Rawls’s definition of a well-ordered society directly.<sup>23</sup> Civil interactions are how we know “that everyone accepts” our equal dignity as an acknowledgement of our status as members of society in good standing.<sup>24</sup> While Waldron justifies laws against hate speech and religious insult on the grounds that such assurance is especially valuable to the most vulnerable, a similar emphasis on civility’s affective importance can be found among the civil silencers. In his defense of gag rules, Stephen Holmes insists that, “by tying our tongues about a sensitive question, we can secure forms of cooperation and fellowship otherwise beyond reach.” Here, Holmes defends discussion bans on the same grounds that their early modern supporters did; he even cites Bodin’s praise for the king of Muscovy as an epigraph.<sup>25</sup>

It seems that many modern civil silencers are, like Waldron, not true Hobbesians but proponents of sincere civil charity who are nevertheless willing to deploy Hobbesian means in the pursuit of Lockean ends. While Rawls and Waldron insist that the *fundamenta* on which reasonable comprehensive doctrines converge—with reasonableness being defined as a commitment to fair principles of cooperation—are procedural, not substantive, it is clear that the importance of overlapping consensus for them, as for Locke, is *affective* as well as cognitive. Sincerity in civility thus spells the difference between a *modus vivendi* and the mutual confidence of a “moral conception

. . . affirmed on moral grounds” without which “citizens could easily fall into bitterness and resentment.”<sup>26</sup> Gutmann and Thompson’s search for “more reliable criteria for recognizing, or at least good grounds for suspecting, insincerity” is similarly motivated: “Although the principles [of civic magnanimity] refer to the way that opinions are held and expressed, their object is not mainly a matter of style or rhetoric but, rather, of attitude and conduct as manifested in public actions.”<sup>27</sup>

Despite small differences in emphasis, all of these theorists take advantage of the conceptual minimalism of civility as nothing out of the ordinary and well within reach. And yet, time and again, they set the deliberative bar quite high, placing constraints not only on the manner in which fundamental disagreements are conducted but also on what kinds of disagreements can take place, where, and with whom.<sup>28</sup> The “attentive listening” requirement of most contemporary theories of civility affords an illustrative example. As Philip Selznick describes it, this requires more than taking turns, but actually recognizing the validity of opposing views and a willingness to revise our own, a quality of “open-mindedness” stressed by deliberative democrats as well.<sup>29</sup> If civility implies a respect for others as “free agents in the pursuit of self-development,” yet with whom we disagree on issues spanning the spectrum of seriousness, then that respect should not only afford them the space in which to strive but also extend to the results of that striving—to their “conscientious commitments,” too.<sup>30</sup> Once again, the issue is assurance: “Our sense of our own value, as well as our self-confidence, depends on the respect and mutuality shown us by others. . . . [Thus] by publicly affirming the basic liberties, citizens in a well-ordered society express their mutual respect for one another as reasonable and trustworthy, as well as their recognition of the worth all citizens attach to their way of life.”<sup>31</sup>

Yet in their robust conceptions of civility, these modern Hobbesians and Lockians also reproduce the normative problems of their predecessors. The latter, especially, present a demanding ethos of civility as a way to heal the wounds of a dismembered polity, but at the cost of a moralizing emphasis on sincerity and the contemptuous exclusion of anyone unwilling or unable to submit to its rigors.<sup>32</sup> As agonistic critics of public reason and deliberative democracy have long argued, the exclusionary potential of these theories arises from the suggestion that truly civil disagreement can take place only between good faith partners committed to a just social order—that is, those who subscribe to the relevant moral principles *already*.<sup>33</sup> Under the auspices

of “civility,” these theorists follow their early modern forebears in drawing up a list of *fundamenta* (mutual respect, reciprocity, recognition) and then proposing to “civilize” disagreement by demanding others affirm it—and then complain about their lack of conformable complaisance when they do not.

The problem seems to be that, like Locke, these theorists take an elite, and frankly elitist, standard of civil discourse appropriate to particular formalized and limited conversational contexts—a philosophy seminar, a legislative chamber, the Supreme Court, or an “ideal speech situation”—as paradigmatic for civility, and then apply it to others where the rules of civility are more nebulous. In this rarified and restricted vision of civil conversation in a tolerant society, only sufficiently reasonable and gentlemanly evangelists (such as themselves) can take part.<sup>34</sup> Rather than continuing the conversation, such a robust conception of civility more often serves to banish the wide swath of one’s co-citizens that one finds less than reasonable or morally respectable from the conversation. The end result is a Bodinian colloquy in which the key to harmony is the fact that the participants are identical in all respects but one.<sup>35</sup>

I shall return to these criticisms—and theorists’ possible responses to them—below. For now, it would seem that bringing historical perspective to bear on contemporary debates simply confirms the contentions, if not the suspicions, of civility’s critics who call attention to its power to stigmatize others as backward or barbarous and so preclude their participation in political and social life.

Of course, complaints about civility as a “civilizing discourse” that silences dissent have their own early modern resonances.<sup>36</sup> In recent analyses of the stifling and stultifying tyranny of “bourgeois respectability,” one can recognize a more tempered version of the radical Puritan critique of civility as a ploy to persecute righteousness and godly zeal.<sup>37</sup> Randall Kennedy has argued that civility is “just a genteel way to mask the inevitable tensions and antagonisms of democratic society,” one that “foster[s] a crippling crybabyism” while marginalizing already marginal voices.<sup>38</sup> Michael Walzer insists that civility is actively hostile to true civic virtue in the form of uncompromising challenges to an unjust status quo.<sup>39</sup> These modern critics, like their early modern counterparts, argue that the “silver alarms” of dissent always appear uncivil to those privileged by existing arrangements. Calling for

civility is simply an effective way of indulging one's intolerance of dissent while hiding it from others—and, more importantly, from oneself.

Far from being tantamount to justice, as Kingwell claims, on this view civility serves only to protect existing injustices—status differentials and social hierarchies—while stifling the legitimate, often disruptive demands to destroy them. In her critique of Richard Rorty, Rebecca Comay argues that “exhortations to ‘civility’ . . . serve above all to legitimate the exclusion of marginal or dissident voices from the conversation [and] the appearance of open pluralistic debate may more often mask the monolithic interests of the dominant power group.”<sup>40</sup> According to such critics, calling for civility is not just “strewing flowers on a dead corpse,” as the Puritan preacher Thomas Watson once put it, but interfering with the autopsy when a violent pollen allergy was the real cause of death.

It may be tempting to dismiss these criticisms as hypocritical or unrealistic. After all, theorists who deny that civility is a virtue generally rely on the fact that their opponents do not. While they critique them into oblivion, the norms of academic civility make it possible for them to argue and to have their voices heard. Yet the modern revivals of Hobbesian civil silence and Lockean civil charity noted above suggest that while these critics may be wrong about their opponents' motives, they are right about the logic of repression implicit in their theories of civility. There may be important differences between Hobbes's endorsement of discretion to the point of dissimulation and Locke's demand for sincerity in civil as well as spiritual worship; nonetheless, both strategies—suppression, on the one hand, and exclusion, on the other—are on display in contemporary debates. Here, proponents' defense that the consensus demanded by civility is procedural, not substantive, cuts little ice. George Gillespie's adverbial redefinition of heresy and Richard Allestree's accusation of incivility against atheists for their indifference to the “offensiveness” of their discourse to believers both demonstrate how easily the manner of disagreement is reduced to the fact, thereby “cutting off” those one deems as beyond the pale from the conversation—and on ostensibly procedural grounds.<sup>41</sup>

And yet in highlighting the abuses, modern critics—like the early Quakers—often lapse into defenses of incivility that downplay or deny its harms. As Williams, Hobbes, and Locke knew quite well, deep disagreements about the good are inevitably fraught, but the alienation and upset attendant on uncivil disagreement is often a conversation-stopper, a signal for vulnerable or unpopular minorities to retreat, and an invitation for everyone to withdraw to the more enjoyable give-and-take of their own like-minded

conversational communities. There is a reason that *agreeable* is a synonym for pleasant. Nevertheless, this retreat only exacerbates the disagreeableness of disagreement when it inevitably occurs, thus strengthening the impression that deliberation is only possible, let alone productive, when limited to those who agree already on the fundamentals. The familiar “chilling” of debate, the ideologizing of differences, and the balkanization and resegregation of tolerant societies evident today is the inevitable result.

If civility describes the conversational virtue that makes it possible to keep disagreements going, no matter how fundamental, it would seem that both sides of the contemporary debate—both the proponents of civility and its critics—are themselves guilty of *incivility*. After all, accusing others of civilizational imperialism or perspectival “privilege” and thus promoting *ad hominem* from a logical fallacy to a knock-down argument is its own, very effective way of shutting down debate. Because some calls for civility function as self-serving defenses of the status quo, does that mean that all must? The uncharitable interpretation of its proponents' failure to acknowledge their implicit quest for commonality is that accusations of incivility are too useful a tool to bludgeon the downtrodden with to bother explaining what one means. A more charitable reading, however, is that their commitment to toleration and inclusion makes modern proponents of civility understandably hesitant to speak too definitively about what they have in mind.

Rather than engaging with their opponents, civility's critics usually end up substituting their own conception of what kinds of conversation—and conversationalists—are respectable members of a tolerant society and which must be “cut off.” Thus, by condemning any and all calls for civility as irredeemably exclusionary, intolerant, and unjust, its modern critics exacerbate the dynamic of exclusion they blame on their opponents. Like the failed Colloquy of Poissy, the discussion falls apart before it can get off the ground. Participants on both sides respond by anathematizing their opponents (as “civilitarians” or “postmodernists”) and redouble their commitment to conversing only with those they can be confident will share their views, nursing the hope that “every man who loves his country [holds] in his inmost heart: the suppression of half his compatriots.”<sup>42</sup>

It seems that, once again, we are at an impasse. Yet here historical perspective allows us to say much more about the relationship between civility and toleration than we could when we began—and to suggest a possible way forward. In the first place, civility captures an important element of the “horizontal”

aspect of toleration as a social practice and interpersonal relationship between individuals.<sup>43</sup> As such, it describes how the members of a tolerant society should speak to each other and, more importantly, how they should *disagree* about the fundamental questions that divide them most deeply. In addition to its ethical dimension, civility also designates social norms or conversational constraints that exist independently of and external to the virtuous individuals that follow them. It thus relates to toleration as a “vertical” matter, as well, as one of the social or institutional arrangements structuring the expression of fundamental difference. Whether enforcement of the norms of civility should be left to self-restraint, social pressure, or legal sanction will remain a subject of dispute. However, one’s answer to this question will affect one’s views on where the limits of toleration lie.<sup>44</sup>

Here the close connection between manners and membership assumed by seventeenth-century tolerationists and contemporary “civilitarians” alike is key. As the minimum standard of behavior needed to keep a disagreement going,<sup>45</sup> a call for civility thus necessarily raises a question of toleration—or rather one question in three parts: (1) how much difference can we bear, (2) how much must we share in order to make that difference bearable, and (3) where should we draw the line? Civility attempts to answer the second question implicitly. It says that we must share *this*, at least, to preserve a sense of community in diversity, whatever “this” the speaker has in mind: a norm of conversation, a consensus on the fundamental principles of politics or morality, or a vision of social life. In the midst of a heated argument, a call for civility is thus a call for restraint on the basis of something *shared*, a common ground or a conversational standard the speaker believes to be binding on all parties despite their differences—and whether they recognize it or not.

The inherent, vexing conservatism of civility-talk noted by its critics—whether in politics, religion, or academia—arises from the difficulty of determining what the *vinculum* between the members of a tolerant society can, or should, be. As an implicit answer to the second question, a call for civility suggests that there exists a particular way of doing things that is good because it is “ours,”<sup>46</sup> while refusing to explain why or where it comes from—or, for that matter, to acknowledge that the call is itself a solid indication that some of “us” deviate. The importance of having a shared way of doing things—as a precondition of predictability, mutual expectation, and trust—is obvious. Without it social life in tolerant societies, especially, would be impossible. Yet while modern proponents of civility, even as they

“celebrate” diversity, acknowledge the second question, if only implicitly, their critics seem to suggest that it is uncivil even to raise it.

In being able to avoid asking and answering this second question of toleration directly, we enjoy a luxury that the participants in the early modern toleration debates described in previous chapters did not. But because of this, studying their appeals to civility in historical context makes it possible for us to recognize the ineliminable element of repression stressed by civility’s modern critics, while also saying something more. As Roger Williams’s disagreements with John Eliot and the Quakers illustrate, all civilizing discourses are not created equal. Some may well be indispensable. Williams’s great insight, derived from his experience of founding a tolerant society under conditions lacking precisely the stability and “assurance” modern liberals argue is essential for toleration, was that while social life requires common ground, it requires much less than we think. This is because our judgments of in/civility are inevitably *partial*—to ourselves and to our sect.<sup>47</sup>

Recognizing the partiality of our judgments, as Williams well knew, does not free us from the responsibility or necessity of making them. Nevertheless, it does teach us that whatever we do, we must not make the mistake of imposing and enforcing our partial judgments of civility as impartial standards on others. While men like Cotton, Eliot, or even Locke drew the limits of toleration with reference to civility, Williams knew from experience that one always runs up against the limits of what one finds acceptable or offensive long before one exhausts the diversity of peoples, practices, and views. As we ask and answer all three questions of toleration today, we must be careful not to conflate our answers to the second question with our answers to the third. A tolerant society cannot pick and choose its materials and remain tolerant for very long.

Throughout this book, I have sought to show that there is a peculiar virtue—and value—in the understanding of mere civility developed by Roger Williams. Whereas Hobbes and Locke learned about civility in the drawing room, Williams experienced it on the frontier. In his quest for the minimal conditions of social life and unmurderous coexistence, his crucial contribution was not a proto-multiculturalist celebration of diversity, but rather the insight that the commonality needed to sustain a tolerant society could be much more minimal and superficial than traditionalist defenders of religion as the *vinculum societatis* supposed.

The conclusion at the heart of his conception of mere civility—that civility and spiritual goodness must be different standards—seems obvious. And yet it was *this* separation between the standards of civil and spiritual belonging, and not the more familiar one between church and state, that represented the real revolution in early modern toleration arguments. It made Williams's plea for toleration on behalf of "Antichristians" and "Pagans" alike possible, as well as Locke's declaration that "neither *Pagan*, nor *Mahumetan*, nor *Jew*, ought to be excluded from the Civil Rights of the Commonwealth" (LCT, 58–59). Of course unlike Locke, Williams did so while knowing he would have to live in close quarters with those Pagans and Antichristians on terms of equal liberty thereafter.

Whereas Hobbesian civil silence sacrificed disagreement for the sake of diversity and Lockean civil charity sacrificed diversity for the sake of productive disagreement, mere civility sought to balance the two. And yet in the contemporary theoretical debates about civility and toleration dominated by Hobbes and Locke's successors, Williams's distinctive voice is nowhere to be found. The reasons for this are not difficult to discover. The radical and inclusive form of toleration that modern readers find most attractive in his works is inextricably linked with the feature that makes them most uncomfortable—namely, the evangelical aspect of mere civility as a conversational virtue consistent with believing others to be damned, as well as *telling* them so. The ridiculous contortions to which his modern-day revivers subject him, especially when it comes to his relationship with the American Indians, reveal the depth of their discomfort with this fact. In nominating Williams as a precursor to Kant and Rawls, Martha Nussbaum not only denies that he ever appealed to his "religious commitments" in making the case for toleration, she also insists against much evidence that it was only "a respectful curiosity about the varieties of humanity" rather than any missionary aspirations that led him to "lodge with them in their filthy, Smoakie holes [and] gaine their Toung."<sup>48</sup>

In their eagerness to revive Williams as a forgotten "First Founder," scholars often present Williams as a stepping-stone to Locke, virtually identical but for the unnecessary and unfortunately long-winded bouts of biblical exegesis.<sup>49</sup> In this, the recent efforts by Nussbaum are no different. As we saw in Chapter 2, both she and James Calvin Davis insist that the civility Williams envisioned as the bond of tolerant societies was unquestionably more than "mere" and intimately bound up with those ideas of "fairness" and "respect" that "continue to be central to the best work in recent political

philosophy in the Western tradition."<sup>50</sup> And yet the Williams presented in these accounts is almost unrecognizable, suspiciously stripped of the spiritual exactingness and occasional bigotry that made the unprecedented liberality of his toleration in Rhode Island so striking.

The reasons for this, I suspect, are the same as those that have led political theorists to overlook the obvious genealogical and conceptual relevance of the early modern wars of words described in this book. In their search for civility—what Lawrence Cahoon calls "the thing liberalism forgot"<sup>51</sup>—commentators generally ignore the cesspools of religious insult, anonymous anathemas, and pamphlet outrage that characterized the early modern debates about religious toleration described above in favor of more edifying conversational contexts. While many locate its origins in the civic humanist circles of Renaissance Italy and England,<sup>52</sup> other political theorists and historians pass over the seventeenth century entirely in order to seek civility in the more polite and enlightened eighteenth-century circles of the European Republic of Letters.<sup>53</sup> Even in their broadsides against civility as a civilizing discourse, its critics generally neglect early modern toleration in favor of highlighting civility's aristocratic or bourgeois origins, culminating in the perfection of the distinction between barbarism and civilization in justifications of Western European empire.<sup>54</sup>

By contrast, the seventeenth-century debates explored in the preceding chapters dealt with religious questions and modes of argumentation that the more "Enlightened" participants in the eighteenth-century civil society debates (into which Hobbes and Locke are often subsumed) could agree to be profoundly uncivil.<sup>55</sup> Hence conversational virtues recovered from these contexts do little more than confirm the prejudices shared by modern proponents and critics of civility alike against religious "dogmatism," "enthusiasm," and evangelical "zeal" as fundamentally at odds with inclusion. Modern liberals worry that the theologically intolerant, whose contempt for others' contrary commitments must lend a worryingly fractious heat or the chill of distrust to all social relations, are inevitably uncertain partners in the preservation of liberal institutions. Their postmodern and postcolonial critics, on the other hand, see evangelism as a stalking-horse for empire, and conversion as an instrument of oppression.<sup>56</sup> Despite their many disagreements, partisans on all sides appear motivated by an unspoken agreement with Rousseau: "It is impossible to live in peace with those we regard as damned."<sup>57</sup>

Which of these historical origins a modern commentator will emphasize—whether *civilitas*, *politesse*, or civilization—usually depends on where she sits on the question of whether civility is or is not a virtue. And yet all are notably secularizing stories that depict civility, like toleration, as a matter of waiting for enlightenment or battle fatigue to kick in. Only then can civil conversation triumph once and for all, and our “civilizing” tendencies give way to a more progressive stance. Similarly, when commentators refer to the reemergence of religion as a site of fighting words—and swords—in the modern world as *la revanche de Dieu*, they suggest that religious fervor is an atavistic impulse at odds with the brave new political and technological conditions under which we live.<sup>58</sup> Yet the preceding chapters show that this combination of technology and sectarian zeal is neither paradoxical nor novel. Our current crisis of civility is simply the most recent efflorescence of an older phenomenon, one that shaped many of the ideas and institutions that we, as citizens of modern liberal democracies, take for granted.

Despite the intervening chasms of time and cultural distance, the early modern wars of words—and often swords—confronting Williams, Hobbes, and Locke feel eerily familiar. In the expanding, post-Reformation public sphere, the interminable, anonymous, and increasingly acrimonious pamphlet controversies—like a quickly degenerating comment thread on even the most sober of Internet blogs—took on lives of their own as incubators of fantastic forms of contumely, both verbal and visual. John Milton’s complaint about the “tumid pumpkin” of the distinguished classicist Salmatius’s skull or the “Water Poet” John Taylor’s scatological illustrations of the “Swarme of Sectaries and Schismatiques” and the “Rusty, Rayling, Ridiculous, Lying Libell[er]” (i.e., the Puritan preacher Henry Walker) who defended them as Satan’s issue were products of the same environment.<sup>59</sup> While many writers, including Hobbes and Locke, boasted of being above the fray, no one was immune—as the former’s comparison of the Savilian Professor of Geometry at Oxford to a farting horse or the latter’s four *Letters on Toleration* and two *Vindications of the Reasonableness of Christianity* attest.

To modern ears, the insulting denominations or “animal skins”—such as “Pratlingstants” or “Antichristians—with which persecutory tongues cloaked their opponents in the seventeenth century can sound harmless and charmingly antiquated. Yet much like today, this exchange of volleys in the war of words took place under a constant cloud of possible violence. Guy Fawkes proved that the threat of Catholic terrorism was real enough, and this incident fueled a devastating cycle of “Anti-Popery” that lasted well beyond the

unjust executions of the Popish Plot hysteria and is nevertheless celebrated in England to this day.<sup>60</sup> Nor were Protestant sectarians the “sober and sensible” (to borrow Locke’s phrase) mainliners of modern experience. As we saw in earlier chapters, many viewed deliberate acts of social disruption—some even armed rebellion—as sincere demands of conscience. While an earlier generation of Marxist historians sought to turn rebels like Thomas Venner, the leader of a 1661 Fifth Monarchist uprising in London that killed over forty people, into proletarian proto-revolutionaries, recent experience has made it easier to acknowledge them as the righteous holy warriors and spiritual aristocrats they claimed to be.<sup>61</sup>

Early modern thinkers thus faced many of the theoretical and practical challenges characteristic of our contemporary crisis of civility, and they converged on the same question in response: what will keep us together when our fundamental disagreements push us farther and farther apart? In the midst of all the mudslinging, radical defenders of toleration like Williams hit upon the innovative—and, frankly, absurd—notion that the virtue of *civility* might resupply the *vinculum societatis* the warring tongues had cut asunder. It is here, in the chaotic contestations over the meaning of civility as the answer to a seventeenth-century question about religious toleration, that its notoriously manifold connotations converged.

In calling for “a bond of civility” as the key to toleration, Williams was under no illusions that a tolerant society would be a pleasant, harmonious, or particularly peaceful place to be. Yet throughout the Quaker disruptions and the conflicts between the Americans and other settlers over land rights that led to continual “brawling . . . in Mr Williams medow,” he strove always to conform his practice to his theory, and to preach what he practiced, in turn.<sup>62</sup> Because of this, Williams not only tolerated the groups he found most abhorrent—Quakers, Catholics, atheists—but granted them the “Soule Freedome” of evangelical liberty besides. In his efforts to build a tolerant society in the wilderness out of these less than ideal materials, Williams confronted the fragility of social order and did not flinch. The bond of civility he imagined was not so thin that it made no demands at all. Certain behaviors were unquestionably grounds for exclusion, as in the case of Richard Chasmore, caught *in flagrante* with his cows. And yet it was thin enough to accommodate a truly radical degree of difference—more radical, certainly, than that which perplexes us today.

Thus, while some commentators may continue to dismiss Williams as “the child of a theological age” and view his radical toleration as “paradoxical,” given his religious commitments, I have sought to show that this is exactly wrong.<sup>63</sup> The logic of *inclusion* inherent in his mere civility and evangelical toleration may seem counterintuitive to those who would rather celebrate difference and condemn contempt. Nevertheless, it is no paradox. A more Hobbesian approach that asks people to observe gag rules on contentious topics, or a Lockean request that people sincerely embrace their enemies as friends and brothers, either over- or underreacts to the very real differences between us. In a society committed to the twofold toleration of diversity and disagreement, mere civility offers the modest hope of living together with others, even those whom we find difficult, even impossible, to respect.

This is what makes Williams and his mere civility so interesting and, in the context of our own crisis of civility, I think a model worth reviving. Even so, many readers will not be convinced. For them, the *mereness* of mere civility—not even skin deep!—will remain sufficient grounds for rejection. Prone, as we are, to argument by adjective, political theorists generally employ the modifier *mere*—as in the familiar Rawlsian case of a “mere *modus vivendi*”—in order to indicate that a political, social, or ethical arrangement is falling short and to signal that more and better must be done.<sup>64</sup> As we saw in the Introduction, this is often the case with toleration. For example, Gutmann and Thompson reject “mere toleration” as a “principle of minimal moral content” in favor of an ideal of mutual respect that “demands more”—“a reciprocal positive regard of citizens . . . in the face of irresolvable moral conflict.”<sup>65</sup> The same goes for mere civility. While “merely” civil behavior “can be chilly indeed,” argues Selznick, “*truly* civil communication [requires] something more”: “An effort must be made to truly listen . . . to understand and appreciate what someone else is saying.”<sup>66</sup>

It would seem that a big part of the problem with “mere” civility from the standpoint of contemporary political theory is its close connection with “mere” toleration as the descendant of medieval *tolerantia*. As we saw in Chapter 1, the language of concord that runs like a red thread through contemporary political liberalism—in Waldron, as well as Rawls—expresses a Lockean hope for *concordia* that is willing to sacrifice diversity for the sake of harmonious disagreement. Yet Williams recognized, as Locke and his modern inheritors do not, that the tension between difference and disagreement was a permanent problem, one that could only be managed, never solved.

Hence in a tolerant society committed to disagreement as well as difference, discord—and mutual contempt—would be inevitable. As an outward conformity to the norms of civil worship, the virtue of mere civility lay in its ability to coexist with and even communicate our contempt for others’ most fundamental commitments while continuing the conversation.

As such, the absence of mere civility from contemporary debates is not surprising. Despite their differences, both civilitarians and their critics can generally agree that contempt is the enemy of the equal dignity and inclusiveness they view as essential to a tolerant society.<sup>67</sup> While the former try to eradicate contempt through their ever more robust conceptions of civility, the latter regard these civilizing discourses as the most insidiously contemptuous of all. Insofar as they valorize disagreement, these agonistic, deliberative, and public reason democrats are alike committed to the idea that it is possible to separate contempt and condemnation, and so to criticize another’s beliefs as foolish, mistaken, or even malign without thereby impugning his motives or intelligence.<sup>68</sup> This “perspectival shift” from persons to positions corresponds to the distinction between procedural and substantive consensus invoked by modern Lockeans, or between the manner of disagreement and the fact.<sup>69</sup> Yet as we saw earlier—and as Hobbes and Williams understood quite well—this shift is much easier to make in theory than in practice. Our natural partiality and pride as human beings mean that we invariably judge the rightness of others’ reasoning (or the civility of their discourse) with reference to our own. The act of disagreeing *necessarily* calls others’ reasoning abilities or “agential capacities” into question for this reason, with contempt an unavoidable result.<sup>70</sup>

While Hobbes and Williams concluded that conversation under such conditions would demand the adoption of Hobbesian strategies of complaisance or civil silence, on the one hand, or making a virtue of merely civil insincerity, on the other, Locke disagreed. In reviving the eirenic ideal of a healthy and harmonious community as one united through bonds of civil charity and undergirded by *homonoia* on the fundamentals of God, hell, and the Golden Rule, Locke departed radically from his predecessors, who had long since accepted some contempt and hypocrisy, civil or spiritual, as inevitable in the face of fundamental difference. As we saw earlier, by equating civil behavior with an expression, then an affirmation, of the moral principles—particularly “mutual respect”—assumed to underlie it, modern supporters of civility like Rawls and Waldron often conflate the cognitive and affective aspects of consensus and so replicate Locke’s error. “Civility” becomes on these accounts

just another example of our respect or recognition of others' equal dignity, rather than a distinct or distinctive virtue.

In falling victim to this *reductio ad respectum* determined to turn every good thing in social and political life into a form of neo-Kantian respect for persons, civility has suffered the same fate at the hands of political theorists and moral philosophers that the concept of toleration did before it.<sup>71</sup> As a symptom of moral rationalism, this *reductio* elides the plurality of more or less morally praiseworthy motivations—many of which do not ascend to the level of “reasons”—that can underlie a willingness to tolerate others or to treat them civilly. Only here Williams's mere civility offers a much-needed corrective. It reminds us that although such behavior *might* well reflect a sincere respect for persons, in the abstract, and one's interlocutors in particular—it might arise just as easily, and more reliably, from unreflective habits of good breeding, from respect not for others but for God or the social order, from a recognition of another's superior (or inferior) merit, from personal pride or chauvinism, or even from private intolerance and evangelical zeal.<sup>72</sup>

While all of these foundations for civil behavior are consistent with mere civility as preached and practiced by Roger Williams, all are deeply unappealing and problematic from the perspective of contemporary political theory. Certainly, the endorsement of insincerity that makes this plurality of motivations possible shades far too close to hypocrisy for modern Lockean tastes.<sup>73</sup> And yet unlike hypocrisy, mere civility does not aim to deceive. As Williams knew well, it is often a more effective way of communicating our contempt for others *to* them than the most inventive insult. Nevertheless, at the very same time it encourages continued engagement and active disagreement with those we view as hypocrites, “profane persons,” and the purveyors of doctrines we deem damnable. Williams's defense of insincerity in civil worship as integral to sincerity and single-minded devotion in religion places him firmly beyond the criticism that communitarians often level at liberalism—namely, that its elevation of civility is predicated on an apathetic or relativistic indifference to the Good that saps the vitality of public life and undermines engagement with one's co-citizens.

At this point, however, the proponent of a more robust kind of conversational virtue might well object. After all, in defining *civility* in terms of sincerity or mutual respect, the aim is generally to offer an aspirational account, not a descriptive one. Lockean civil charity, on this view, represents an ideal for the members of a tolerant society to shoot for in their

disagreements, while knowing full well that they will almost always fall short. The exclusionary implications of Locke's ethos (or Erasmus's for that matter) are, on this view, not inherent in the theories themselves, but rather difficulties that arise from putting them into practice—often in ways that their authors never intended.<sup>74</sup>

These are important objections. They suggest that what is at stake in the disagreement between Locke and Williams, as well as their conceptions of civility, is partly a methodological question about how aspirational a political theory should be.<sup>75</sup> Yet when it comes to theorizing civility, the historical debates recounted in this book confirm that aspirations are not simply unrealistic; they are entirely inapposite. Civility emerges as an essential virtue in tolerant societies in response to a practical problem, not a theoretical one. In trying to make sense of others' different opinions, human beings conclude not that these differences are reasonable byproducts of the burdens of judgment but that their opponents are bigoted, ignorant, malicious, even insane. We might hope—and strive—to do otherwise. But rather than conflating this aspiration with civility, political theorists must recognize the latter as the virtue called upon to fill the breach when reality fails to meet our expectations.<sup>76</sup>

In arguing in favor of *mere* civility my point is not that it has nothing to do with respect, sufficiently minimally construed.<sup>77</sup> It is rather that in *equating* civility with mutual respect, theorists necessarily move the discussion to an aspirational realm of ideal theory in which the kinds of problems civility is needed to address *do not even arise*. The result is an impoverishment of our ethical vocabulary, which, in turn, exacerbates the vacuity of our moral and political discourse in confronting the very problems to which we appeal to civility and toleration as solutions. James Calvin Davis's reconstruction of Roger Williams's conception of civility as the duty to “argue our beliefs in the public forum with patience, respect for our opponents, and a commitment to the social kinship that binds us to even the one most different from us” is virtually indistinguishable from the bromides offered in recent years by countless politicians and public intellectuals.<sup>78</sup> What is more surprising—and frustrating—is that the same bromides about mutual respect, fellow feeling, and an open mind reign uninterrupted among political theorists and philosophers, too, scholars we might hope would know better and be able to offer something more precise. It seems reasonable to expect theorists to understand reality, first, before moralizing about how to change it.

Williams's mere civility may be at odds with the aspirational tone of much contemporary theory. Nevertheless, it remains quite demanding. In place of the deeply ethical norms of political community, friendship, and mutual respect espoused by theorists, it calls upon individuals to display the mental toughness necessary to manage and mind the gap between what we would have others think—of us, and in general—and what they actually do. In this, it shifts much of the burden of civil conversation from the speaker to the listener, requiring the latter to cultivate, among other things, insensitivity to others' opinions and an identity separate from that immersed in debate.<sup>79</sup>

In an age of trigger warnings and the identity politics of intersectionality, Williams's call for thicker skins and divided selves can sound deeply unappealing, even aggressive. Critics of civility might remind us that, like all accusations of incivility, such demands fall disproportionately on the disenfranchised and disaffected, thus adding insult to injury while reaffirming their subjection. Here again, the New World chapters of our story would seem to confirm the critics' fears. In celebrating Williams's dealings with the Americans, his modern-day revivers conspicuously omit the ending, which was tragic for both Williams and the Narragansett alike. When at last the Narragansett united with other tribes in a desperate effort to eject the New English, Williams gave up on words and took up arms against them. He would later participate in the sale of American captives into slavery in the Caribbean; and in the midst of one last poignant attempt at parley, his former friends burnt Providence to the ground.<sup>80</sup>

It is not hard to see why Nussbaum and others have been tempted to leave this out. But this civil silence only exacerbates the impasse by refusing to confront the dynamic of repression and exclusion inherent in civility—a dynamic of which Williams was well aware. As a precondition for evangelism, he envisioned mere civility as part and parcel of a literally civilizing—even missionary—discourse. Accordingly, critics might well object that even *mere* civility reflects a hope for homogenization and “cultural genocide” sufficient to discredit it as an approach to difference in the seventeenth century or today.<sup>81</sup> They would certainly be right to warn that we must remain attentive to the dark side—and the limits—of civility. And yet the debates described in this book also suggest that we must not be too quick to reduce its meaning to an irredeemably imperialistic or civilizational discourse that is guilty of its own anachronism. Like most things in the early modern period, the concept of civility was contested, and we do a disservice to all of the people involved by underestimating the difficulty of

the dilemmas they faced or ignoring their profound disagreements in favor of caricatures of a monolithic “Western” or “Protestant” consensus imposed upon prostrate Americans.

It should go without saying (although it may not) that there are many things more important than mere civility. For Williams, these included justice as well as salvation. Civility provides a middle ground between whatever the social order happens to be and our conscientious objections to it. Here the dual early modern senses of *meer* described in Chapter 2 are worth remembering. Williams's “meer” civility was not only minimal in the sense disdained by contemporary political theory, but also pure, unmixed, and “essentially distinct”—in this case, from the religious or spiritual standards he and Richard Baxter associated with “MEER Christianity.”<sup>82</sup> Thus, while there was undoubtedly an emergent sense of secularity in Williams's “meer” civility—as a standard of conduct or virtuous behavior appropriate to this world—that was not the full story. The modifier indicated that, though separate, the standards of civility and spirituality would remain mutually dependent and referential, with the value of the former secondary and *subordinate* to the latter. The “mereness” of Williams's civility was thus relative and relational. Any positive account of its requirements would be open to the objection that they were partial, exclusionary, and unjust, in the same way that any proposed list of *fundamenta*, no matter its latitude, could and would be met with conscientious dissent.

It was thus in the nature of “merely” civil behavior that it eluded definitive articulation as a formal standard that could be applied—and enforced—on others. The standard lay somewhere beneath one's hopes but above one's fears, always out of reach. Nevertheless, Williams was sure that mere civility *was* a virtue, if a separate and subordinate one. If there is a form of egalitarianism implicit therein, it is not the leveling up associated with the democratization of aristocratic dignity popular in contemporary political theory.<sup>83</sup> Rather, Williams's mere civility suggested a leveling down, a resolutely early modern awareness of the low-status equality of the *saeculum* and men's inferiority—their “lowness and filthiness,” as he might put it—before God. As such, mere civility said next to nothing about the structure of society or the content of the social norms to which individuals were expected to conform. Even while observing such practices, Williams made his objections to “hat honour,” as well as the American practice of exchanging trophies from the dead, perfectly clear.<sup>84</sup> Mere civility was hardly tantamount to an unqualified or uncritical endorsement of the status

quo—as we have seen time and again, Williams was endlessly critical of the “publike sins” of the societies in which he lived. Nevertheless, civility did require that, even in sounding one’s “silver alarums” against the social order, one doff one’s hat to it, so to speak.

It may come as an unwelcome shock to some readers that mere civility is not necessarily a democratic virtue. Unlike the true egalitarians of the period, the Quakers, Williams’s demand for “respective behavior” was not a demand for equal dignity—instead, it meant that one’s behavior toward others should reflect a deference appropriate to their respective places in a social order that was unquestionably hierarchical. Indeed, his antipathy to the Quakers stemmed in no small part from their insistence that spiritual equality demanded social and political equality, too. He saw their conscientious incivility as an attempt to reform society in accordance with their partial judgments, and thus to make their faulty estimation of the best the enemy of the good. In their anarchic rendering of the view that “all are equal in CHRIST,” the Quakers failed to appreciate something that they would learn the hard way in Pennsylvania—namely, that a society depends on hierarchies (political, legal, and social) to function.<sup>85</sup> For Williams, the key thing was rather to distinguish those hierarchies that were just from those that were not, without mistakenly imbuing this world with one’s expectations for the next. As he never tired of reminding his opponents, in destroying the wilderness for the sake of the garden, one destroys the garden, too.

There is something resolutely early modern, low but solid, about Williams’s conception of civility, in which low expectations in this world went hand in hand with heightened expectations in the hereafter. Mere civility acknowledges that the standard of behavior required to keep a conversation going will always be much lower than that required to reach a resolution. The best sign that the bar has been met is that conversations continue—particularly those critical of the status quo. Against the modern critics who dismiss even *mere* civility as an oppressive code meant to delegitimize dissent and stymie debate, there is another way to view it: as the set of habits of speaking and listening that make passionate debate possible, by allowing us to disagree, and to tolerate the inevitable contempt and disagreeableness involved in doing so—rather than congratulating ourselves on our open minds and sound views, while conversing exclusively with those who already agree with us.

A low standard, loosely applied, combined with a thick-skinned determination to tolerate what we perceive as others’ incivility—these were the essentials of Williams’s mere civility. Nevertheless, the growing dissatisfaction with “mere” toleration among political theorists reflects a Lockean suspicion that nothing less than the shared hearts and minds of *concordia* will do. The contrast between Locke and Williams should provide a salutary reminder, however, of the exclusion implicit in this positive ideal, the breaking down of which—more than Enlightenment or battle fatigue—was essential to the progress of early modern toleration. Even if one cannot embrace Roger Williams, all of these early modern authors have a valuable lesson to teach on this score.

In theorizing civility neither Williams nor Hobbes (nor even Locke) set out to discover the behavior befitting a republican citizen, an aristocratic courtier, or an English gentleman. Instead they began by asking and answering a set of questions altogether more mundane: What standard of behavior does coexistence require from ordinary people in this world, before we shuffle off into the next? How should people, both vulgar and elite, divided by faith, speak to each other, and how should they disagree—if we can disagree at all? In answering these questions, Williams, Hobbes, and Locke all sought insights in the polemical swamps and cacophonous wars of words with which we began. Political theorists would do well to follow their example. If we did, we might see that when it comes to wars of words, religion is not the problem; people are. While religious questions provide a particularly fraught example, political forms of believing and belonging—including cosmopolitan ones—have the same effect.<sup>86</sup> Accordingly, Williams, Hobbes, and Locke all diagnosed partiality and pride as the psychological factors behind the wars of words *and* the impossibility of imposing an impartial solution. When encountering those who differ from us, everyone is a little imperial, and not simply because everyone is his own exemplar of right reason, but his own exemplar of civility as well.<sup>87</sup> In this, our authors were no different. Locke may have been the only one to write a manual, yet each considered himself a paragon of his chosen conception.

Even if one rejects Williams’s mere civility, along with the Hobbesian and Lockean alternatives, as intolerant or repressive, it is important to remember that all of these positions arose out of a serious and sustained engagement with a truth that modern commentators too often seem determined to overlook. It is a difficult thing, indeed, to love and respect those with whom one disagrees. Just as men naturally recoil from the heat of disagreement,

they are also inclined to prefer friendship with the like-minded “with whom [they] can be at ease,” for no one “love[s] to be uneasie [and] under constant rebukes” (STCE, 37). The affective bonds of social life are difficult to maintain in the absence of a consensus on certain fundamentals. *Pace* Obama, disagreement *as such* is disagreeable. This is what merely human beings are like.

What is often left out by both sides of the civility debate today is the messy real world of unmurderous coexistence between individuals divided on the fundamentals and mutually disdainful of others’ contrary commitments. While Plato’s “divine bonds” of true opinion remain elusive, the alternative to holding each other contemptuously at arm’s length is not the full embrace of friends and brothers. It is Hobbes’s society of scrupulously silent tongue-biters constantly tempted to lash out and push each other overboard. Still, modern liberal democracies are dedicated to the proposition that perpetual talking about the things that divide us most deeply will bring us closer. If civility is to be more than a pious wish for concord, it must address the difficult work of negotiating and navigating this deep disagreement. And if it is to have a meaning distinct from a shared vision of public life predicated on a fundamental consensus, it must accommodate the feelings of disrespect, disaffection, and contempt to which these disagreements inevitably give rise. In theorizing civility it thus behooves us to pay attention to the worst in human nature, while remaining suspicious of the best.

While civil charity and civil silence will remain lofty and attractive ideals, Williams’s example illustrates that maintaining even mere civility in the face of prolonged disagreement on the fundamentals can be a difficult undertaking. And yet, as we navigate our own wars of words, it remains an eminently worthy aspiration.

## Epilogue

### *Free Speech Fundamentalism*

CIVILITY CAME TO THE FOREFRONT of debates about toleration in early modern England and America in response to concerns about heated and hateful disagreement that still resonate. Yet then, as now, appealing to “civility” simply as the key to peaceful and productive disagreement was not enough. Although most early modern tolerationists could agree that civility was, on the whole, a good and necessary thing, at the same time they disagreed profoundly not only about what it entailed, but how it should be enforced. Should a tolerant society give free reign to verbal persecution? Or should it bridle its members’ intolerant tongues through law? As we saw in the Introduction, these questions continue to perplex citizens of liberal democracies today, especially when it comes to hate speech and religious insult.

While most political theorists reject attempts to legislate civility, Jeremy Waldron notes that in most modern liberal democracies the answer to the second question has been an emphatic yes.<sup>1</sup> In its commitment to tolerating the uncivil speech of its citizens, however extreme, the United States remains an outlier. While defamation, libel, obscenity, and so-called fighting words are generally excluded from First Amendment protection, speech that is simply offensive or insulting is not. James Whitman notes the preeminent scholar of American torts, William Lloyd Prosser’s “charming American huffiness” in explaining why individuals cannot be held liable for “mere insult”:

Our manners, and with them our law, have not yet progressed to the point where we are able to afford a remedy in the form of tort damages for all intended mental disturbance . . . [or] every trivial indignity. There is no occasion for the law to intervene with balm for wounded

feelings in every case where a flood of billingsgate is loosed in an argument. . . . The plaintiff must necessarily be expected and required to be hardened to a certain amount of rough language, and to acts that are definitely inconsiderate and unkind. There is still, in this country at least, such a thing as liberty to express an unflattering opinion of another, however wounding it may be to the other's feelings.<sup>2</sup>

For Prosser, like Roger Williams, a crucial component of American civility was hardening oneself to rough language, surrendering wounded feelings, and simply toughening up. However, as Waldron rightly notes, before the advent of modern First Amendment jurisprudence in the early twentieth century, Americans were quite open to restricting uncivil speech on the local, state, and federal levels.<sup>3</sup> Despite their refusal to embrace the laws against "hate propaganda" or "group defamation" adopted elsewhere, growing concerns that calls for free speech can serve as specious cover for racial and sectarian hatreds have been accompanied by an increasing openness to such legislation in the United States today, especially among the young.<sup>4</sup>

Even as the peculiar American permissiveness toward incivility has come under increasing attack in recent years, few of its critics or supporters have thought to ask where it comes from. Societies with histories of hereditary aristocracy have long treated personal honor as a legally protectable interest; hence, in countries like France or Germany, as Whitman notes, "the regulation of hate speech is only one aspect of a more complex cultural pattern of the maintenance of respectful interpersonal relations."<sup>5</sup> Americans, by contrast, have long shown a cultural—and sometimes principled egalitarian—deafness to the issues of honor, dignity, and insult at stake in debates about hate speech to which Europeans have historically been much more sensitive.<sup>6</sup>

Waldron attributes Americans' characteristic deafness to the harms in hate speech to their "First Amendment Faith"—the idiosyncratic view that the freedoms of religion and of speech, as well as association, are equally sacred and entirely consistent.<sup>7</sup> Even in the midst of the current civility crisis, many Americans take umbrage at the suggestion that these freedoms might be in tension. When it comes to our free speech "fundamentalism," we appear to be quite sensitive to perceived insults against this First Amendment Faith.<sup>8</sup> As an explanation of that faith, however, citing the First Amendment simply begs the question. Why should Americans assume that religious freedom and free speech go hand in hand, when in most places and times they emphatically have not? Other liberal democracies may pay lip service

to this connection, yet they routinely restrict citizens' speech in the name of tolerance. Why should America be exceptional?

Given political theorists' persistent appeals to early modern toleration in attempts to understand and indict the liberal tradition, a more sophisticated understanding of this history when it comes to questions of regulating civility would serve us well. As we saw in the chapters on Williams, Hobbes, and Locke, all of these figures were interested not only in institutional questions about church-state relations or individual rights but with the ethical obligations associated with toleration, as well. Understanding the limits they thought a tolerant society should place on the expression of religious difference might thus help theorists to move past the unhelpful dichotomy between toleration, on the one hand, and persecution, on the other, to which we remain beholden, especially when it comes to issues like religious insult.

Viewing toleration as our early modern authors did—as a matter of particular policies addressed to particular problems—is especially helpful in an age where everyone claims to be against "intolerance" or "incivility" and yet sees each in entirely different places. Not only did Locke and other seventeenth-century writers consider the policies of comprehension and indulgence alike under the rubric of "toleration," they generally saw the separation of church and state as compatible with more or less latitudinarian forms of national establishment. This is worth pointing out, because despite the persistent tendency among political theorists to treat *toleration*, *religious freedom*, and *liberty of conscience* as synonyms—and to equate all of them with disestablishment—established churches remain common in Europe to this day.<sup>9</sup> Moreover, as we saw in Chapter 1, while religious insult statutes were linked with toleration in places like Maryland, Pennsylvania, and Carolina, elsewhere they were used to suppress dissent in the service of religious uniformity. In both cases, however, they were motivated by concerns about the contingent and intrinsic harms of persecution of the tongue familiar today.

The persistent scholarly neglect of early modern religious insult statutes is particularly unfortunate. For modern defenders of a First Amendment Faith, the fact that the relationship between religious freedom and free speech in the seventeenth century was far from straightforward and, moreover, that key figures in the Anglo-American liberal pantheon took the problem of religious insult seriously enough to consider laws against it

as a corollary of toleration should be worrying. No one will be surprised to know that Hobbes embraced laws against contumely, at least in theory—although they may be surprised to learn that he was at all ambivalent in noting that the “Grecians” had done without.<sup>10</sup> Rather, what should surprise us is that, given the emphasis that they placed on civility in establishing the limits of a tolerant society, both Williams and Locke ultimately rejected the laws one might have expected them to endorse.

Their different reasons for doing so—like their competing conceptions of civility—are instructive. While Williams defended unrestricted evangelical liberty as essential to free exercise, Locke’s about-face on the issue of religious insult legislation was not inspired by the kind of natural rights defense of free expression a casual reader of the *Second Treatise of Government* might expect. Instead, Locke’s unpublished comments on the “Pennsylvania Laws” suggested that the 1682 Great Law against “reproachful” and “reviling” language in religion—despite its striking similarity to the *Fundamental Constitutions of Carolina* (1669)—would be “a matter of perpetual prosecution and animosity.”<sup>11</sup>

So why did Locke change his mind? Perhaps a lingering antipathy to Quakers was the cause—or an awareness of the deterioration of relations between Catholics and Protestants in France, despite the ban introduced by l’Hôpital on the injurious names of “*Lutheriens, Huguenots, [and] papistes*.”<sup>12</sup> Although his notes on Penn are cursory, Locke implied there that laws against uncivil speech in and about religion were essentially counterproductive. Similarly, in a memorandum against the proposed renewal of the Licensing Act in 1695, Locke stressed the difficulty of legal definition for contested terms like “Christian religion” or “offensive books” and so pressed for “an absolute liberty for printing of everything that is lawful to speak.”<sup>13</sup> The argument in both cases seems to have been that restrictions on “offensive” speech encouraged an individual to act as judge in his own case concerning the degree or nature of the offense and then tempted him with the use of the civil sword in punishing the offender. A tolerant society in which different “persuasions” existed side by side would inevitably be home to many hot tempers, bruised egos, and hurt feelings. Legal limits on religious insult would be impossible to apply impartially and would necessarily invite abuse.

Rather than indulging these feelings by seeking revenge at dawn or in the courts, Locke would argue that tender consciences needed to toughen up. Life’s “many inconveniences,” he wrote in *Some Thoughts Concerning Education*, “require we should not be too sensible of every little hurt”; children

should thus be trained in “manly steadiness” so as to equip them for the “warfare of life” (STCE, 84, 87–88). Here Locke sounds a lot like Roger Williams. And yet, although he would also justify toleration on evangelical grounds, the universal evangelical liberty demanded by Williams was simply not on Locke’s agenda. Rather, the most plausible explanation for the shift in his position between the *Fundamental Constitutions of Carolina* (1669) and the “Pennsylvania Laws” (1686)—like that between *The Tracts* (1660–1662) and “An Essay on Toleration” (1687)—is that it reflected yet another shift in Locke’s prudential calculation as to the effects of such a policy on peace and public order. Williams’s rejection of religious insult laws, by contrast, was a matter of principle. For Christians who took their charitable duty to preach and proclaim the Gospel—loudly—seriously, any scheme for toleration that infringed upon that liberty was unworthy of the name.<sup>14</sup>

Rhode Island’s policy of disestablishment as the only adequate “wall of separation” between church and state is undoubtedly more famous. But as Chapter 2 demonstrated, it was Williams’s commitment to *liberating* men’s tongues in and about religion that represented the “livelie” experiment’s most radical feature.<sup>15</sup> Most modern liberals—inspired by an earlier tradition of Whig historiography—assume that free expression as an individual right was part of toleration from the beginning and that it found its way into liberalism that way. And yet historically, the toleration of religious difference has more often been accompanied by restrictions on evangelism than not. For example, the so-called millet system in the Ottoman Empire was predicated on forbidding conversion from Islam or between recognized religious minorities. While conversion *to* Islam was permitted and occasionally encouraged, Western Christian missionaries were restricted to evangelizing among Eastern Orthodox populations.<sup>16</sup> Many societies, including many liberal democracies, have thus agreed with Hobbes and Locke that toleration requires restraint (whether self- or sovereign) on persecution of the tongue, as well as restrictions on proselytism as a violation of the negative religious freedom of others. Even today, while *Cantwell vs. Connecticut* (1940)—in which a Jehovah’s Witness evangelized two Catholics in the street by playing a record detailing the whoredoms of “Antichristianity”—is a landmark free speech decision in the United States, Jehovah’s Witnesses and other sectarian evangelicals have been on the receiving end of loss after loss in the European Court of Human Rights.<sup>17</sup>

Just as Locke was not a defender of the “Lockean” toleration of individual rights to free exercise, association, and expression, he and most other early

modern defenders of toleration viewed radical Protestants' attachment to enthusiastic evangelism as an obstacle to coexistence, not an inducement. Ironically, Williams's nemesis the Quakers were the key exception. Their founder, George Fox, declared that the liberty of conscience demanded "universal liberty for what people soever":

Let them speak their minds. . . . And let him be Jew, or Papist, or Turk, or Heathen, or Protestant, or what soever, or such as worship sun or moon or sticks and stones, let them have liberty where every one may bring forth his strength, and have free liberty to speak forth his mind and judgment.<sup>18</sup>

In proposing a law against religious insult in Pennsylvania, William Penn seems to have violated the movement's founders' founding principle. Roger Williams could not have said it better.

Americans tend to regard themselves as uniquely Lockean among the world's liberal democratic peoples. But if even Locke was not a Lockean when it came to free speech and toleration, neither, it seems, are we. I would not credit Roger Williams as the inspiration for the First Amendment, much less the "creation of the American soul," as some scholars have done.<sup>19</sup> Still, I would argue that the American polity's unique and seemingly paradoxical combination of complete religious disestablishment and a singularly God-intoxicated public sphere can be traced, in part, to the early presence and energy of competing strands of evangelical Protestantism in British America, of which Williams was one, extreme example.<sup>20</sup>

On this view, the characteristic liberal institutional combination of disestablishment and individual freedoms of worship, expression, and association begins to look less and less secular and more and more like a form of *established* disestablishmentarian congregationalism. Still, the suggestion that when it comes to free speech even secular Americans are really Williams-style evangelicals may make many modern readers uncomfortable. Certainly, the deep discomfort Hobbes and Locke felt when it came to what we call "in-your-face" proselytism is shared today by many of their modern inheritors.<sup>21</sup> For these proponents of civil silence or civil charity—most of whom proclaim a commitment to free expression—the secular, prudential arguments against religious insult laws offered by the real John Locke will likely sound more appealing.

Perhaps they are sufficient. But they still concede a tension between toleration and free speech at odds with the First Amendment Faith espoused by many Americans. What if, for instance, the prudential calculus shifts? Defenders of free speech can cite studies showing that laws banning religious insult are counterproductive,<sup>22</sup> but their opponents can always cite the latest massacre. Moreover, instrumental justifications of free speech and the marketplace of ideas as engines of truth production are open to the very strong objection that they are simply false. The "free trade in ideas" has, after all, produced some notoriously bad ones.<sup>23</sup>

Though they may sound quite alien, Williams's evangelical arguments in favor of unlicensed preaching as a complement to disestablishment and an essential element of free exercise have the advantage of making a strong case for a connection between religious freedom and free speech that is more than just prudential. This unapologetically evangelical form of toleration will seem foreign to many modern liberals. Nonetheless, one can recognize in it an ingenious solution to the problem of uncivil religious disagreement—one that has fundamentally shaped the institutional and intellectual context in which we live.

Of course, I have not written this book because I think that Williams should be of exclusively genealogical interest for understanding America's peculiarly evangelical democracy. I have written it because, both as a mode and a motivation of conversational engagement, evangelism seems uniquely well suited to explain—and to *sustain*—a commitment to ongoing, active, and often heated disagreement in the public sphere. Often these are disagreements in which, if we were the truly civil, open-minded, and deliberative public reasoners envisioned by political theorists, we would not engage at all. Familiarity with those from whom we differ in politics, as in religion, is as likely to breed contempt as its opposite. Given this, surely there is something to be said for the view that the true test of tolerance is whether we allow others to speak freely and, more importantly, to win converts to their cause.

In this respect, there are important analogies between early modern concerns about how to cope with what Locke called the "fiery zeal for one's own sect" and the concerns about political partisanship and polarization that dominate our own debates. Indeed, the term "evangelism" captures quite well much of what democratic citizens actually *do* in the public sphere.

Commentators routinely employ the metaphor of conversion when describing political changes of mind and heart, and partisans witness for their beliefs and anathematize their opponents much like early modern sectarians did. Everyone seems vastly more certain of the righteousness of their political opinions—and their opponents' errors—than they have any right to be. When disagreements begin to look more like proselytizing than public reasoning, a truly evangelical commitment to competing for converts, rather than preaching to the converted, might well be a good thing.

As we saw in the Conclusion, robust conceptions of civility often end up exacerbating the problems they purport to solve by imposing partial judgments as to what counts as “uncivil” on others. The same holds true for laws against hate speech and religious insult, with significant costs to free expression besides. Whether we adopt them or not, we will have to acknowledge that some speech will continue to offend and harm. And if we continue to insist on the unrestricted expression of fundamental disagreement, despite its disagreeableness, we must have a strong faith in the more than merely prudential good that will come of it—a faith not unlike that which enabled Williams to tolerate his equally evangelical opponents, under considerable provocation and pressure.

Justifying the status quo is rarely easy. It seems that many academics and public intellectuals would rather rely on the inertia of strong institutional commitments to academic freedom, free expression, and civility while critiquing them into oblivion—only to complain, then, when we find ourselves hoisted by our own petards. In a world of deep diversity, in an age of increasing religious and political polarization, Williams's evangelical insights into the dynamics of believing and belonging seem more salient than ever. As we contemplate our ideological opponents, we would do well to remember: “He that is a Briar, that is, a Jew, a Turke, a Pagan, [or] an Anti-christian to day, may be (*when the Word of the Lord runs freely*) a member of Jesus Christ to morrow.”

## Notes

## References

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A New Statesman Best Book of the Year

A Church Times Book of the Year

ing a crisis of civility, a war of words polluting our public  
liberal democracies committed to tolerating active, often  
agreement, the loss of this virtue appears critical.  
modern appeals to civility follow arguments by Hobbes or  
proposing to suppress disagreement or exclude views we  
civil" for the sake of social harmony. By comparison, *mere*  
grudging conformity to norms of respectful behavior—as  
by Rhode Island's founder, Roger Williams, might seem  
and unappealing. Yet Teresa Bejan argues that Williams's  
offers a promising path forward in confronting our own crisis,  
challenges our fundamental assumptions about what a  
and civil—society should look like.

ould that more of us might learn to look into the past  
in such gravity and humility. We might end up with a  
re (or mere) civil society, yet."

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deeply admirable book: original, persuasive, witty, and  
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terrific book—learned, vigorous, and challenging."

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