Ethics in Conversation: Why "Mere" Civility is Not Enough

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Abstract

In her excellent Mere Civility*, Teresa Bejan distinguishes between three conceptions of civility, arguing that the third, Mere Civility, is best positioned to help us navigate our increasingly polarized world. In this paper, I argue that Mere Civility does not ask enough of speakers. As participants in important discussions, we should hold ourselves to more exacting standards. Specifically, when engaging in discussion of matters of public significance, speakers have defeasible reason to constrain their speech to that which engages rationally with others' contributions. In doing so, speakers ensure that the temperature of the conversation stays low and that political action is underwritten by the genuine exchange of reasons rather than by chance. I defend this view against several objections.*

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I. INTRODUCTION

According to some, we are witnessing a new age of incivility. Gone are the days in which those who disagree seek to learn from one another. Ours are the days in which disagreements regularly destroy families and friendships.[1] In our moment, political partisanship encourages us to see those with whom we disagree as enemies to be vanquished, rather than persons with a different perspective who may be potentially valuable in our common pursuit of truth and justice.[2] Nastiness, the story goes, has replaced decorum in politics, even (and in some cases, especially) among the politically powerful.

Proponents of this view might cite a 2019 survey revealing that 93% of Americans believe political discourse has a civility problem. Nearly 70% believe that this problem is severe.[3] To justify their concerns, these "civilitarians" might note that 62% of Americans report a fear of expressing certain views because of a hostile political climate.[4]

Of course, not everyone is convinced. For many, calls for civility and a less hostile climate for discourse are thinly veiled attempts to maintain the status quo or quell revolutionary momentum. Defenders of this view often appeal, plausibly, to the dark history of civility and the ways in which it is weaponized against those vying for their rights. As Alex Zamalin put the point, "the idea of civility has been enlisted to treat black suffering with apathy or to maintain an unjust status quo."[5] "Worse," he continues, "it has been a tool for silencing dissent, repressing political participation, enforcing economic inequality, and justifying violence against people of color."[6] When great values are at stake, civil engagement with those who threaten those values is properly out of place.

In support of this view, the radical Herbert Marcuse famously argues that, in contexts of inequality, universal toleration is likely to do little more than enshrine

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1. Any such view likely romanticizes the past.

2. This worry animates Jonathan Haidt and his effort to promote a more heterodox academy. As he sees it, civil disagreement among ideologically diverse practitioners is the antidote for an academy in the grips of ideology. *See* JONATHAN HAIDT, THE RIGHTEOUS MIND: WHY GOOD PEOPLE ARE DIVIDED BY POLITICS AND RELIGION (2013); GREG LUKIANOFF & JONATHAN HAIDT, THE CODDLING OF THE AMERICAN MIND: HOW GOOD INTENTIONS AND BAD IDEAS ARE SETTING UP A GENERATION FOR FAILURE (2019).

3. WEBER SHANDWICK, CIVILITY IN AMERICA 2019: SOLUTIONS FOR TOMORROW 2 (2019), https://perma.cc/AZ7Q-G6DM. Even if believers in a civility problem are wrong, it might not matter. As Bejan points out, the crisis "of incivility is identical with the growing perception that there *is* such a crisis and that something must be done." *See* TERESA BEJAN, MERE CIVILITY: DISAGREEMENT AND THE LIMITS OF TOLERATION 3 (2019).

4. Emily Ekins, *Poll: 62% of Americans Say They Have Political Views They're Afraid to Share*, CATO INST. (July 22, 2020), https://www.cato.org/survey-reports/poll-62-americans-say-they-have-political-views-theyre-afraid-share#liberals-are-divided-political-expression [https://perma.cc/GEA8-ZHY3].

5. ALEX ZAMALIN, AGAINST CIVILITY: THE HIDDEN RACISM IN OUR OBSESSION WITH CIVILITY 6 (2021).

6. *Id.*

an unjust status quo. In such contexts, "[s]uppression of the regressive [opinions] is a prerequisite for the strengthening of the progressive ones."[7] From the right, politicians and pundits regularly accuse their political opponents of trying to destroy the country. In the face of bad faith rhetoric around progress, the argument goes, we should embrace mocking tactics and coarse language to seize on populist economic discontent to recover America's greatness.

How might a dispassionate observer assess a dispute of this kind? We might begin by asking whether the disputants agree on the terms of the debate. Is there an agreed-upon notion of civility, such that both sides to the dispute mean the same thing? In her extremely rich *Mere Civility*, Teresa Bejan has shown that civility is a contested notion. It's not simply that we disagree about whether and under what circumstances civility is appropriate. We also disagree about what it *means* to be civil.[8] To show this, Bejan develops three models of civility and shows that each is grounded in a different philosophical approach to political disagreement. After doing so, she argues that one of these models (which she calls "Mere Civility") is not only capable of overcoming objections raised by civility skeptics but is also uniquely well-suited to our polarized and polarizing age. We should, according to Bejan, accept the minimalist norm of Mere Civility and reject more stringent notions.[9]

While I have learned a great deal from Bejan's treatment, she is mistaken that Mere Civility offers sufficient guidance to help us navigate difficult conversations in our polarized environment. Instead, Mere Civility represents a minimal standard that persons must meet to be assured toleration.[10] It is, therefore, an important virtue for sustaining cooperation among those who disagree. But in addition to this minimalist standard, constructive disagreement requires considerably more from us. In particular, we ought to adopt a presumption of good faith and attempt to engage with the arguments in front of us, rather than those that we imagine will make our political opponents look evil or vicious.[11] Put simply, good

7. Herbert Marcuse, *Repressive Tolerance*, *in* A CRITIQUE OF PURE TOLERANCE 81, 106 (1965).

8. *See* ZAMALIN, *supra* note 5. The conceptual murkiness is readily seen in Zamalin, who treats civility as encompassing at least the following kinds of very different things: nonviolence, *id.* at 71, 86; a commitment to bipartisanship, *id.* at 6, 98, 105, 115, 118, 122, 125; a commitment to listening to both sides, *id.* at 10, 116, 135; a commitment to politeness, *id.* at 3, 5, 9, 20, 41; a commitment to compromise, *id.* at 3, 10, 24, 72, 122; a refusal to speak truth to power, *id.* at 53; having a good heart, *id.* at 7; law- and rule-abiding behavior, *id.* at 3, 7–8, 10, 63; good manners, *id* at 5, 7, 29, 69, 86; strong critique of capitalism and other aspects of the status quo, *id.* at 85; and even (in one place) an opposition to civil disobedience, *id.* at 63. No doubt some of these things exhibit a notable bias toward the status quo and have a racist past. But not all of them do. The question that matters is whether the defender of civility need defend the things that do have such a past and repudiate the things that do not. The answer to both questions appears to me "no."

9. *See* BEJAN, *supra* note 3.

10. As Bejan points out, this was precisely how Roger Williams conceived of it. *See id.* at 61.

11. Importantly, I take no stand on the question of whether conversational vices are worse or more widely spread now than in other points in history. We have a perverse tendency to romanticize the past and past realities are rarely worthy. What I am confident about is that that many of us—myself included—could do better in the ways I describe below and that it is worth a try.

conversation requires adherence to a standard of *rational engagement* that finds clear articulation in John Stuart Mill's *On Liberty*.[12] Committing to standards of rational engagement promises to ease the burden of disagreement between political adversaries while making such disagreement more productive. At the same time, however, because of the troubling dynamics pointed out by Mill, Bejan, Zamalin, and others, it is important that we look to our own behavior instead of policing the behavior of others.

I begin by sketching the three models of civility that Bejan carves out and presenting Bejan's argument in favor of Mere Civility. I then present three arguments for the conclusion that Mere Civility is not enough and flesh out the Millian alternative. Finally, I consider several objections to these arguments.

II. THREE CONCEPTIONS OF CIVILITY

This section characterizes each of three conceptions of civility Bejan identifies. These are: Civil Silence, Christian Charity, and Mere Civility.

A. Civil Silence

The idea of civility as Civil Silence emerges from Thomas Hobbes's political writings. On this conception, to be civil is to refrain from discussing sensitive topics altogether. After all, the highest political good for Hobbes is peace and the long-term stability of the commonwealth. On its face, too much controversial debate tends to upset the peace and issue in instability. We do better to avoid discourse altogether unless we can be reasonably confident that we will find a sympathetic audience.

Rather than characterizing this outlook in terms of civility, Hobbes appeals to duties to refrain from contumely (language that conveys contempt for others), to exercise discretion concerning which thoughts to disclose to others, and to be complaisant (i.e. to strive to accommodate herself to the rest). The way that Hobbes describes this latter duty is worth reproducing in full:

> [T]here is, in men's aptness to society, a diversity of nature rising from their diversity of affections, not unlike to that we see in stones brought together for building of an edifice. For as that stone which (by the asperity and irregularity of figure) takes more room from others than itself fills, and (for the hardness) cannot be easily made plain, and thereby hindereth the building, is by the builders cast away as unprofitable and troublesome, so also, a man that (by asperity of nature) will strive to retain those things which to himself are superfluous and to others necessary, and (for the stubbornness of his passions) cannot be corrected, is to be left or cast out of society as cumbersome thereunto. For seeing every man, not only by right, but also by necessity of nature, is supposed to endeavour all he can to obtain that which is necessary for his conservation, he that shall oppose himself against it for things superfluous is guilty of

12. JOHN STUART MILL, ON LIBERTY 119–20 (David Bromwich & George Kateb eds., 2003) (1859).

> the war that thereupon is to follow; and, therefore, doth that which is contrary to the fundamental law of nature, which commandeth to seek peace.[13]

Civilization is fragile. In expressing our unorthodox opinions, we predictably upset the balance on which peaceful coexistence depends—just as uneven stones might destabilize a physical edifice. Insofar as we do so, we risk compromising civil peace and threaten our own self-preservation.[14] Thus, we should take care to express our differences only insofar as doing so is necessary for our preservation. When *others* fail to be complaisant, on the other hand, we ought to refrain from responding with contempt for them. Rather than treating them with contempt, we ought to withhold our disagreement.[15]

Pairing the virtues of complaisance and discretion with a duty against contemptuous language yields an especially strong conception of civility's demands. Here, incivility consists in expressing any opinion that is likely to upset others and thereby compromise the peace.[16] It also consists in refusing to *react* to such ill-advised expression with contempt. Importantly, Hobbes rules out not just the *way* a controversial view is expressed but also the *content* of expression; that is, controversial ideas ought to remain wholly private. To the degree that we maintain idiosyncrasies of character that are unnecessary for our preservation, we do not do all that we can to promote the harmony of the civil state.

If Hobbes is right about civility's demands, it is easy to see why one might worry about its being dangerously biased toward the status quo or being a locus of oppression. If I am to keep to myself about my controversial views (which may include assertions of unjust treatment), then we might expect social change to be considerably slower, if it is forthcoming at all. If I am not to express myself regarding anything that others might find uncomfortable, then I have less space to develop as an individual. To adhere to such virtue is, as Mill put the point, nothing other than to strive "to be without any marked character; to maim by compression, like a Chinese lady's foot, every part of human nature which stands out prominently."[17]

B. Christian Charity

In spite of its name, civility as Christian Charity is probably the conception most familiar to contemporary readers, secular and religious alike. Associated with the early modern British philosopher John Locke, Christian Charity

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13. THOMAS HOBBES, LEVIATHAN: WITH SELECTED VARIANTS FROM THE LATIN EDITION OF 1668 95–96 (Edwin M. Curley ed., 1994) (1651).

14. *See* BEJAN, *supra* note 3, at 98–101.

15. The teleological structure of Hobbes's theory naturally prevents these conclusions from being inevitable. The duties to be complaisant and to refrain from contumely only bind us to the degree that they are the best empirical ways of advancing peace. As many have pointed out, they may not be.

16. Naturally, how much disagreement is tolerable depends in part on empirical matters concerning how much disagreement a given population can bear without falling into war. *See* BEJAN, *supra* note 3, at 85.

17. *See* MILL, *supra* note 12, at 134.

prescribes duties of gentleness in tone to those with whom we might have fundamental disagreements (even, and perhaps especially, when we're certain that they have fallen into error). For Locke, we must extend to others "Charity, Bounty, and Liberality," refraining from all "rough Usage of Word or Action," maintaining "the softness of Civility and good Usage" in disagreements with one another.[18] As civilizations become more diverse,[19] this kind of restraint can become increasingly demanding.[20]

Why accept such demands? On the Lockean account, civility is important because it is impossible to lead a person to Christendom by coercive means. Instead, to bring persons to faith requires love and understanding. Since we have a duty to try to help others see their way to the truth, we have a duty to do those things that are likely to lead them into God's grace. On this view, to be wrong is to lose out on salvation, perhaps to risk eternal condemnation. Given the stakes, we owe it to those who have fallen into error substantial and sustained efforts to convince them in ways that clearly convey that we have their true interests at heart. A civil society for Locke is not one that remains silent on matters of difference, but one in which participants engage each other in "charitable Admonitions" intended to guide one another nearer to their "best interests in this world—and in the next."[21]

Against Hobbesian Civil Silence, Lockean Christian Charity not only encourages respectful, charitable disagreement; it requires it. As Bejan puts it, Christian Charity requires "a highly demanding ethos of civility from individuals to maintain . . . mutual trust."[22] Not that Locke is blind to the dangers of disagreement. It is in part because discourse in the context of disagreement can result in dangerous escalation that Locke demands strong norms of civil discourse. Such norms allow those that strongly disagree to live together without coming to blows. A commitment to treat them gently was what it would take to make disagreement peaceful and productive. So concerned was Locke with avoiding offense in political disagreements that it is fair to say that he placed the "ultimate standard of civil behavior . . . in the judgment of its recipient, who alone could judge whether another's conduct had, in fact, offended."[23] In short, Lockean toleration was grounded in "fears about the difficulties of disagreement between partial and proud creatures in an inalterably expanded public sphere."[24]

But Christian Charity goes beyond outward good manners. It requires in addition that we *love* those with whom we disagree and make their own good in this

18. BEJAN, *supra* note 3, at 130.

19. Although Lockean civility is more demanding than Williams's Mere Civility, it is less wide in its scope, for it is not owed to everyone. In particular, Locke recommended withholding toleration from atheists, Catholics, and "Turks." *See Id*. at 113.

20. *Id*. at 125.

21. *Id*. at 131.

22. *Id*. at 115.

23. *Id*. at 135.

24. *Id*. at 141.

life and the next as objects of our proper concern. It is a (sometimes secularized) version of Lockean charity, I think, that many defenders of civility take to be wanting from much of our political discourse.[25] It is this which stops political enemies from being friends and from being able to learn from each other. But it is also this notion that critics think is insufficiently sensitive to the nature of the political stakes as they are. Given the promise of uncivil speech for producing action and sound belief, Christian Charity overvalues the importance of individual conversion and undervalues the social goods associated with political change. Moreover, to demand universal love underappreciates that others' characters can merit contempt.

C. Mere Civility

Bejan associates a third view of what civility requires with Rhode Islander Roger Williams. This conception takes the root of the word seriously. The local norms (in addition to civil and criminal codes) set the limits of toleration. They specify requirements for what one must do to remain a member of a society in good standing and thus also set the norms for civil engagement.[26] What it is to be civil is just to keep to those standards, to respect the local norms, whatever one believes and however one carries on in conversation.[27] Civility consists in extending an effort to do things according to the local customs, even if one is recognizably uncivil in speech and disposition. If it is customary to tip one's hat in greeting or remove one's hat when entering a building (or to refrain from hat-wearing altogether), then one ought to signal their fitness for social cooperation by doing so.

A social world practicing the virtue of civility was, according to Williams, "a discordant whole held together" by respect for the contingent minimal standards of civil worship in the face of "often heated disagreements of its members."[28] The point of respecting the minimal standards of civil worship in this way is to signal common ground despite potentially heated disagreement. As Bejan puts it, Mere Civility makes "toleration possible by allowing individuals to permit while nevertheless protesting against that which they could not approve."[29]

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25. *Contra* ROBERT B. TALISSE, SUSTAINING DEMOCRACY: WHAT WE OWE TO THE OTHER SIDE 32 (2021). For a good contemporary model of Christian Charity, see the kind of disagreement that Princeton professors Cornel West and Robert George model. Brandeis University, *Liberal Learning: Open Minds and Open Debate with Cornel West & Robert George*, YOUTUBE, https://www.youtube.com/watch?v=ZKi-mvW72sE&t=3744s.

26. As Bejan puts it: "The virtue of civility in a tolerant society rested on the way in which the rules of respectful behavior could be observed and maintained no matter what one thought about others, their culture, or their most fundamental and sacred beliefs." BEJAN, *supra* note 3, at 74.

27. There is a puzzle here: Given that the laws themselves can demand the persecution of speech (and that customs can demand gentle tone), the conventionalist standard that Bejan associates with Williams would seem to allow, in some cases even demand, persecution and enforcement of conversational norms. I raise this issue here but cannot address it fully.

28. BEJAN, *supra* note 3, at 73.

29. *Id*. at 65 (emphasis omitted).

Crucially, Mere Civility imposes no further constraints on the form that discourse should take. For Williams, "toleration in no way required respect for others or their folly; nor did it require that one keep one's negative judgments to oneself."[30] What it did require was that "one continue to include and engage others in conversation, in accordance with whatever culturally contingent norms of civil worship obtained."[31] Such conversations did not need to be polite—mere disagreement, after all, could be seen to violate norms of politeness. Instead, a "tolerant society must be prepared to tolerate quite a lot of outrage, offense, and discomfort—and to tolerate a lot of incivility, too."[32] Ultimately, Williams, like Locke, thought that productive disagreement was too important for the prospects of conversion and salvation to eschew it in the name of peace. Mere Civility is designed to secure the latter without giving up on the former.

We might picture Mere Civility on a continuum with Civil Silence and Christian Charity. On the highly demanding end is Civil Silence. Under this approach, we should refrain from disagreement in public altogether. So concerned should we be to avoid upsetting others by holding forth about our opinions that we should mostly refrain from expressing them, except in like-minded company. This is the Thanksgiving model of managing differences: it secures cooperation through avoidance. In Christian Charity, we have the more familiar view that when we engage one another in conversation, we should be respectful of differences and keep the interests of our interlocutors clearly in view. At the same time, differences that matter are to be pursued vigorously but gently. We should not seek to embarrass or shame our interlocutors but to help them see the error of their ways. On the least demanding end of the spectrum, we have Mere Civility. Under this approach, anything goes in discourse—including vitriol—at least so far as it does not violate the contingent cultural mores that bind us together.

D. In Defense of Mere Civility

Having sketched these three models of civility, Bejan argues that the least stringent view is the right view for four reasons.[33]

First, Mere Civility can vindicate the thought that civility is an important virtue for sustaining social cooperation without alienating its critics. Because the demand is compatible with so much behavior that the more demanding notions would deem positively uncivil, it can be accepted as a sensible conversational

30. *Id*. at 74.
31. *Id*. at 74.
32. *Id*. at 79.
33. Bejan is not alone in this. Although he doesn't use the language of Mere Civility, Robert Talisse seems to accept the core of the idea when he says that civility in his preferred sense "is consistent with hostility and rancor" and that it requires only that "citizens do not lose sight of the fact that their fellow citizens are their political equals, who are therefore *entitled* to an equal say." Summing up, he says: "Civility in this sense is consistent with political antagonism, even some degree of enmity." TALISSE, *supra* note 25, at 34.

demand even on the part of those skeptical about the value of those more robust standards.

Second (and relatedly), because Mere Civility imposes minimal standards for the possibility of social cooperation rather than a norm of politeness, it is less likely to suffer problematic bias toward the status quo, excluding those who do not agree to abide by the standards.[34] Mere Civility does not condemn those who loudly and with a clear head advocate for their rights but those who distract from the substance of the issue by policing others' tone.

Third, more demanding notions of civility "over- or underreact[] to the very real differences between us."[35] Civil Silence overreacts by barring all public disagreements. Christian Charity underreacts by prescribing love in the face of barely tolerable differences. What we should want, Bejan suggests, is a conversational regime that allows us "to coexist with and even communicate our contempt for others' most fundamental commitments while continuing the conversation."[36]

Finally, Mere Civility "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 the debate."[37] Where Mere Civility requires restraint is in refraining from persecuting those for their intemperate speech. This is a demand that is likely to help us focus less on tone and more on the substance of the issues that divide us.

To take the first point, the fact that Mere Civility is likely to appeal to ordinary critics of civility makes it appealing. Unfortunately, however, for the same reason it is unlikely to be appealing to those who typically worry about a stifling climate for political disagreement caused by intemperate speech. Vindicating a virtue stripped of the content that it is typically taken to have is cold comfort to those who thought the content valuable. Bejan concedes to critics of civility that living side-by-side with one another requires less in the way of common ground, less in the way of deference and mutual respect, than defenders of civility tend to imagine.[38] For all that, it might be true that more demanding conversational virtues are indispensable for making disagreement *productive*. Yet, Mere Civility offers very little guidance in how to disagree with one another productively. Thus, it is not particularly likely to satisfy those who believe that there is an answer to that question and that the answer matters.[39]

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34. BEJAN, *supra* note 3, at 148–49.
35. *Id.* at 158.
36. *Id.* at 159.
37. *Id.* at 162.
38. *Id.* at 153.
39. Bejan writes that "aspirations" of this kind are "entirely inapposite" given our natural tendencies to conclude that our differences with others yield the judgment that they are "bigoted, ignorant, malicious, even insane." BEJAN *supra* note 3, at 161. Since civility is a practical virtue "called upon to fill the breach when reality fails to meet our expectation," we should not conflate it with our aspirations to do better. "[I]n 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*." *Id.* This response puzzles me. Prescribing respect in the face of difference in no way

Second, it is true that Mere Civility risks less bias toward the status quo than more demanding notions. At the same time, however, this appears to me more a reason to be cautious about enforcing these more robust standards than it is an argument against incorporating them into our own conversational habits and practices.[40]

Third, Bejan is correct when she notes that the Hobbesian account overreacts to our differences by prescribing silence. She is likewise correct to note that the Lockean account underreacts by prescribing love in the face of intolerable difference. Yet, she is too quick to embrace Mere Civility on these grounds. One can demand more in conversation than Mere Civility without prescribing love or silence. If we have reason to demand more (more on this in the next section) and can do so consistent with the appropriate attitude toward often extreme differences, then we should do so.

Finally, while it is plausible to think that there are reasons for listeners to cultivate conversational virtues, it is not plausible to think that it is *only* listeners, and never speakers, who have such reasons. We can accept norms of conversational resilience that require us to develop a thick skin while also accepting that speakers do something valuable when they reduce the costs of disagreement by refraining from abuse and contempt in their exchanges with strangers.

In short, while Mere Civility marks the right line to draw when it comes to determining who gets to participate in important conversations about what matters, it is far less clear that it is all we ought to strive for as speakers within that conversation.

For all that, neither of the more demanding notions that Bejan charts out represents a wholly attractive alternative. Christian Charity's demand that we love those with whom we disagree, regardless of the content of that disagreement, seems too strong and relies for its plausibility on the ideas of conversion and salvation that many secular discussants reasonably reject. Likewise, its insistence that we ought to be aiming in conversation at the good of our conversational partners can seem condescending and paternalistic. The Hobbesian alternative of Civil Silence is even worse: we should strive to realize our differences as individuals, not conceal them from others in pursuit of political expediency. The promise of an open society is that we can cooperate in ways that allow us to live differently in public, not just at home or with like-minded others.

In the next section, I offer two arguments for thinking that, while we ought seldom to fail in Mere Civility, we nevertheless ought to aspire to hold ourselves to more exacting standards in conversation. I articulate a set of conversational

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supposes that we *want* to extend such respect, or that we are disposed to do so, or that we agree sufficiently that such a demand is out of place.

40. Likewise, the fact that Mere Civility is less likely to involve us in policing tone is a consideration in its favor. Bejan is astute to notice how unproductive those kinds of conversations can be. But policing tone is no necessary part of more robust virtues. Whether to acknowledge a virtue and whether to chastise or exclude others when we take them to fall short are different questions. We might acknowledge a more demanding norm of civility and hold that, all told, enforcement is a bad idea.

virtues that is more demanding than Mere Civility, but differently demanding than the Hobbesian or Lockean alternatives discussed so far.

III. WHY MERE CIVILITY IS NOT ENOUGH

In arguing for Mere Civility, part of Bejan's strategy channels Mill's classic argument against enforcing norms against intemperate speech. Mill writes:

> With regard to what is commonly meant by intemperate discussion, namely invective, sarcasm, personality, and the like, the denunciation of these weapons would deserve more sympathy if it were ever proposed to interdict them equally to both sides; but it is only desired to restrain the employment of them against the prevailing opinion; against the unprevailing they may not only be used without general disapproval, but will be likely to obtain for him who uses them the praise of honest zeal and righteous indignation.[41]

Like Mill, Bejan cautions against enforcing standards against intemperate speech. Like all restrictions on speech, norms against invective are often enforced only against minority opinions.[42] Those with mainstream views will be allowed to speak however they want. They may even garner praise when they behave impolitely and target others with invectives. Meanwhile, those who buck the trend will be confined to narrow standards with a distortionary effect on discourse overall.

Yet, it is telling that Mill does not reject that there are good reasons to accept a more demanding standard with respect to our own conduct. Instead, he concludes his discussion of norms against intemperate speech by describing what he calls the "real morality" of public discussion. The real morality of public discussion triumphs when arguments are assessed on their merits and vices are not inferred "from the side [in a dispute] which a person takes."[43] Realizing this ideal requires giving "merited honour to every one, whatever opinion he may hold," as well as the "calmness to see and honesty to state" what our opponents' "opinions really are, exaggerating nothing to their discredit, keeping nothing back which tells, or can be supposed to tell, in their favor."[44]

The standard Mill describes requires more than Mere Civility, but it falls well short of love, silence, or even the philosophical virtue of charity. To focus on the merits of the arguments and adopt a presumption of good faith, after all, requires a laser focus on our disagreements and their grounds. This requires that we do not keep either from the public view. But presuming good faith stops well short of love: people with truly abhorrent views and characters can come to the table in

41. MILL, *supra* note 12, at 119.

42. Some empirical research supports Mill's prediction that we identify more incivility when it targets the groups to which we belong, rather than outgroups. *See* Hai Liang & Xinzhi Zhang, *Partisan Bias of Perceived Incivility and Its Political Consequences: Evidence from Survey Experiments in Hong Kong*, 71 J. COMM. 357, 357–79 (2021).

43. MILL, *supra* note 12, at 119.

44. *Id*. at 119–20.

good faith. And Mill's directive is to focus on the arguments *actually given*. He does not direct us to steelman or otherwise engage with the best version of an opponent's position, but only to state what the view actually is and refrain from exaggerating it to the author's discredit (while being honest about what might be said in its defense).

We might call this the Rational Engagement Constraint. In addition, then, to refraining from flagrantly violating the norms that bind civil society together, Mill directs us to engage others, should we choose to engage, with a shared interest in rationally assessing the facts and coordinating around the truth.

Why think Mill was right to think that conversation would go better given adherence to such a constraint? One reason is grounded in the recognition that vilifying persons for the views they hold in good faith can unduly raise the costs of holding and airing views that might be held without any vice and in good faith. This is a problem, in part, because the benefits of free speech in helping to realize the truth cannot be realized if people are not willing to state their views in the public sphere. But it is also a problem because the public sphere should allow people to try out various arguments to which they are not deeply committed. We should follow Mill's advice not because we share Locke's goal to *save* our conversational partners, but to improve our collective decision making and lighten the hard work of disagreement.

I argue Mill is correct to think that productive conversations require more than Mere Civility but less than either Civil Silence or Christian Charity. First, accepting the Rational Engagement Constraint is a necessary condition of treating others with basic respect, despite our disagreements with them.[45] And treating people with respect is an uncontroversial duty even when we condemn the positions that they take. Second, a public conversation that realizes public discussion's real morality is more likely to realize the benefits of diversity than one characterized only by Mere Civility. Finally, the kind of incivility with which Mere Civility is compatible is unlikely to move us reliably toward the truth and is unlikely to realistically change hearts and minds.

IV. RESPECT AMONG STRANGERS

Here are some approaches to political talk that Mere Civility has nothing to say against:

1. *Moral grandstanding*: Sometimes, we use moral talk to make ourselves look good in the eyes of our in-group.[46] This is easily achieved (especially online) by insulting and mocking out-group members for the things that they believe, i.e., through incivility targeted at outgroups.

45. It is important to distinguish between respect and esteem. I do not mean that we must esteem others. This would be to return to something like a Lockean standard. Rather, I mean that we should treat them as agents with a kind of dignity and a good-faith interest in being at the table.

46. *See* JUSTIN TOSI & BRANDON WARMKE, GRANDSTANDING: THE USE AND ABUSE OF MORAL TALK (2020).

2. *Misrepresentation*: Sometimes, we will find it expedient to gain adherents or ground in a debate by misrepresenting something that someone else says, despite the fact that they've done nothing to invite the misrepresentation. (Consider the strategy that Chris Rufo seeks to deploy to mobilize popular resentment against Critical Race Theory. As he puts it, "The goal is to have the public read something crazy in the newspaper and immediately think 'critical race theory,'" irrespective of whether there is any reason to associate the theory with the report.[47] The goal is to poison the public's perception of proponents of critical race theory based on its association with social phenomena with which it may have nothing to do.) Other times, this kind of misrepresentation will involve attributing bad motives to someone merely for the argument she makes. Sometimes, this attribution of bad motives will allege that the reasons the person gives for her beliefs are not her real reasons. ("Really, she's racist or xenophobic or a shill for the rich or interested in increasing power for her party.")

3. *Derision and dismissal*: Sometimes political partisans will dismiss a position held in earnest and in good faith. ("I'm so tired of hearing about thus and so"; "I am done listening to group X opine about such and such.")

While these ways of carrying on in conversation are impolite and (I think) unproductive, Mere Civility has nothing to say against them. By contrast, the Rational Engagement Constraint condemns each of them. I argue here that we should too: when we engage in these tactics, we fail to extend a basic kind of respect to others.

First, when others are the target of our moral grandstanding, we use their speech, character, or reputation as a mere means to our own status-seeking. Such grandstanding does not aim to get to the bottom of things, but it also does not treat those with opposed views as potentially advancing the conversation. It treats them instead as tools for pursuing selfish ends. This violates a basic Kantian demand of respect: that we treat others not merely as a means to our ends but always at the same time as ends in themselves.[48]

Similarly, when we try to win arguments by caricaturing and misrepresenting what others say or think, we make it out that our opponents are lying or otherwise deceived about their own motives or try to malign their considered views by painting them in a false light. Of course, people lie and act in bad faith; some (politicians) do so often. More than that, self-deception is rampant in normative matters. Literature (and I don't mean the kind in scholarly journals) makes these features of human life vivid. But when we are strangers, the grounds for making judgments of this kind, especially in the heat of disagreement, are wanting more often than not. When they are wanting and we press forward anyway, we use

47. Christopher F. Rufo (@realchrisrufo), TWITTER (Mar. 15, 2021, 3:17 PM), https://twitter.com/realchrisrufo/status/1371541044592996352?lang=en [https://perma.cc/MB4W-QXHD].

48. *See* IMMANUEL KANT, GROUNDWORK OF THE METAPHYSICS OF MORALS (Jens Timmermann ed., Mary J. Gregor trans., Cambridge University Press rev. ed. 2012) (1785).

others to pursue what might well be altruistic ends. However effective it might be (more on which later), such misrepresentation is not respectful.

When we deride and dismiss others to score points in public conversation without regard to the reasons they've given, we treat their actual views as irrelevant to determining the merits of the case at hand. Most of us come to conversation because we believe that we have something to say. When we deride and dismiss one another out of hand, we fail to treat one another as having any genuine interest in being at the table.[49]

In short, to engage in 1–3 is to disrespect our partners in conversation—especially when they are strangers. This doesn't mean we have to "feed the trolls" if there is good reason to believe that someone is trolling. And it doesn't mean that we personally have a responsibility to engage in argument wherever we find it. But it does mean accepting a presumption to take people at their word and it does mean that, for the most part, when we engage, we should do so in a way that addresses their actual arguments. Listening well is part of what it means to treat one another as equals and remain humble in the face of peer-disagreement.[50]

Of course, sometimes our argumentative opponents will say silly things and believe silly things for silly reasons. But unless we have strong reason to believe that a speaker is speaking in bad faith, we should address ourselves to the reasons they offer, not to the version of those reasons that makes it easiest to make them look foolish. When we suspect they are genuine in their reasons, we should converse with them in a way that models respect, even if it falls short of love. This isn't because anyone who fails to do this doesn't deserve to participate. It's because, in doing this, we make the disagreeable business of politics in circumstances of diversity a little bit more bearable by lowering the costs of disagreement. We should do this even when it makes it more difficult to signal our worthiness to our in-groups and even when it makes our cause in the battleground of ideas more difficult. If this is also likely to help bystanders better understand what is really wrong with our interlocutor's position, it's also just what we owe to one another, or so it seems to me.[51]

V. KNOWING OUR LIMITS AND THE BENEFITS OF DIVERSITY

These particular ways of engaging in public conversation are often beneath us: they involve us in failures of respect that we ought to repudiate on grounds of principle. Maybe this strikes you as naïve and insensitive to the strategic nature of political discourse. Perhaps, like Randall Kennedy, you think that keeping with more stringent civility norms is "deeply at odds with what an invigorated

49. Talisse characterizes this kind of failure as a failure to treat the other side as our democratic equals.

50. *See* MARY SCUDDER, BEYOND EMPATHY AND INCLUSION: THE CHALLENGE OF LISTENING IN DEMOCRATIC DELIBERATION (2020).

51. This does not mean that there is no room for humor or satire in conversation. It is a parody of virtue to demand that we refrain from jokes, even when these take aim at our political opponents. Politics would be a lot better, I suspect, if we learned to laugh at one another and at ourselves.

liberalism requires: intellectual clarity; an insistence upon grappling with the substance of controversies; and a willingness to fight loudly, openly, militantly, even rudely for policies and values that will increase freedom, equality, and happiness in America and around the world."[52]

Importantly, the Rational Engagement Constraint does not require abandoning intellectual clarity or a commitment to grappling with the substance of controversies, but instead requires a focus on those very things. On the other hand, rational engagement *does* recommend strongly against tendencies to fight loudly, openly, militantly, and even rudely for our preferred policies. Why so?

The basic claim of this subsection, then, is that we receive more from diversity when we engage rationally with our opposition than when we escalate and exaggerate our disagreements. It is no part of the claim of this subsection that we should pretend to see intellectual virtue where it is not: the benefits of diversity depend *exactly* upon our pointing out flaws in one another's reasoning and encouraging one another to see more clearly our blind spots. But we should do this in a way that will not discourage the shy among us from participating.

In part, this is because rudeness and militancy are likely to give rise to emotions that make rational engagement and intellectual clarity more difficult. They will also encourage their targets to respond in-kind. But it is also because we should often be open to the possibility of being wrong about which policies will *actually* increase freedom, equality, and happiness in America and around the world. Deciding which policies to go in for depends not only on complicated normative matters but also on empirical questions concerning the effects of policies and their alternatives.

Importantly, *all* good faith participants in political debate believe that they are fighting for the right policies. For that reason, the predictable result of Kennedy's proposal is to increase the heat of political conversations across the board. But as the temperature rises, conversation is likely to move away from the merits of the case and toward the discussion of side issues and affronts. Much better, I think, to follow Mill's advice and to refuse to put rampant heat-increasing conversational tactics in our toolkits until our conversational partners reveal that they are acting in bad faith (in a way not merely inferred from the position they take).[53]

The argument of this section is that accepting something like the Rational Engagement Constraint will make our conversations with one another more productive. One reason for this is that humility is an important virtue. We don't have

52. *Compare* Randall Kennedy, *State of the Debate: The Case Against "Civility"*, AM. PROSPECT (Dec. 19, 2001), https://prospect.org/culture/state-debate-case-civility/ [https://perma.cc/2HMK-PSYE], *with* ZAMALIN, *supra* note 5.

53. For his part, Kennedy agrees that it's wrong "for someone to impugn another's motives without good cause," arguing only that we need not hold back once we have good evidence that they are operating with bad motives. *Id.* I agree with two caveats. For one, given pervasive my-side bias, we should expect that we will over-"discover" bad faith in our political opponents. Second, there can be value in performing the right arguments for bystanders, even when we anticipate that our primary target is acting in bad faith.

to believe that others or their views are worthy of love to countenance the possibility that we might be wrong or that there are opportunities to find common understanding. What's more is that there is a significant body of empirical research that suggests that we reason better together than alone, and better together with people unlike us than with people like us. At the same time, we report liking it less and believe that we are less effective, despite this evidence to the contrary.

Consider, for example, an experiment by Katherine Phillips and her colleagues. The experiment tasked participants with identifying the guilty party in a murder mystery. Some groups consisted of only familiar persons, whereas others incorporated strangers. The teams with out-group members reported less certainty about their effectiveness and enjoyed the task less, but performed far better than the less diverse groups. Whereas the less diverse groups selected the guilty party roughly half the time, the more diverse groups had a 75% success rate—a 50% improvement.[54]

Crucial to their success was that the group members were forced to work together and present their respective reasons for why they thought a particular person was guilty. They did not get to retreat to enclaves of like-minded others (even if part of what made them who they were was precisely their membership in such enclaves). They had to confront others' ideas and reasons and factor these into their decisions, despite the unpleasantness. Arguably, the mechanism that explains these encouraging results is that disagreement primes our rational faculties and allows us to see the flaws in others' positions (and in ours). This can lead us to improve our positions and arguments and to abandon them when they are unsustainable.

Given the unpleasantness of engagement with those unlike us, we might expect to overestimate our reasons for thinking that there's nothing to be gained from discussion across differences. We might expect to be inclined toward post-hoc rationalization about why this or that person is simply beyond the pale. For all the stories we tell ourselves, however, we should expect that if we try in good faith, that we will do better in the long run to realize diversity's benefits by undertaking work that can be genuinely unpleasant.

When we accept what Rawls called the "burdens of judgment," we understand that each person's total life and the free exercise of her reason leads her to a different place.[55] Once we come around to the view that even as adults we might learn something from others (even if that something is not that our view is wrong), it becomes easier to see the importance of treating others with decency in conversation. This does not mean that we should despair of finding the truth or

54. Katherine W. Phillips, et al., *Is the Pain Worth the Gain? The Advantages and Liabilities of Agreeing With Socially Distinct Newcomers*, 35 PERSONALITY & SOC. PSYCH. BULL. 336–50 (2009).

55. JOHN RAWLS, POLITICAL LIBERALISM 59 (expanded ed. 2005).

fail to point out error where it exists. It means instead meeting others where they are, even when it's unpleasant and undermines our own positions.[56]

Below is a way of capturing the above argument, consisting of a normative premise (NP) and an empirical premise (EP).

> (NP) We ought to keep to conversational norms likely to help us discover better solutions to public problems.
>
> (EP) Accepting the Rational Engagement Constraint will help us discover better solutions to public problems.
>
> (C1) Therefore, we ought to strive to keep to the Rational Engagement Constraint.

There is always the risk that the empirical claim on which this argument depends will turn out false. Moreover, in relying on empirical generality, the argument above cannot make it the case that we must always, in every case, engage in rational disagreement with diverse others. There might, after all, be circumstances in which what is generally good advice will backfire—especially when the presumption of good faith turns out to be false.[57] This is as it should be. Once we stop talking about what we owe to one another as a matter of decency (as we did in the last section) and begin thinking instrumentally about how best to realize our goals, we are in the realm of general, defeasible advice, not absolute commands.

VI. STRATEGY

When there is at least a questionably right solution to a particular issue, we will have a better chance of reaching the truth of the matter if we engage with our opponents on the rational merits of their positions. Given human fallibility (and how frequently our sense of certainty outruns the merits of our case), the suggestion that we might have gone astray is far from outlandish.

For all that, though, those that reject calls of civility as amounting to a kind of unilateral disarmament believe that there is a battle to be won, that much hangs in the balance, and that we know the truth, at least in broad outlines.

This reasoning holds that, in such circumstances, what needs to be done is to *defeat the opposition*. Our compatriots are peddling and being drawn in by misinformation, their regrettable and culpable inability to distinguish what is true from what is false is putting the rest of us at risk: they refuse vaccines, deny the scientific evidence that GMOs are generally safe weapons in the fight against global poverty, refuse to believe the best climate science, and so on.

If these issues are not *settled*, there is enough evidence for thinking that the certain among us are going badly astray and the stakes are high. Even more, the

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56. *See* NATHAN BALLANTYNE, KNOWING OUR LIMITS (2019).

57. Of course, when it comes those who hold dehumanizing views about others, it is important to note that considerations of diversity can pull in the other direction. If the expression of certain views causes their targets to check out of the conversation and the tactics condemned above are likely to deter their expression, then there is a tension between realizing two sources of diversity.

argument goes, attempting to refute these positions with reasoned argument is unlikely to succeed. If it *were* likely to succeed, then they would have already been convinced by listening to the experts. Our best chance at convincing them, therefore, is to signal that taking these positions in unacceptable. Incivility and a-rational strategies like social pressure are our last resort.[58]

But there are reasons for doubting that incivility is the valuable weapon that it appears to be. First, we do well to consider our own reaction to being dismissed or treated like an idiot by others or to having our reasons misrepresented (sometimes willfully) or ignored. In my own case, the immediate effect of such treatment is resentment. Another reaction is to double down: "if the best answer to my view is insult and ridicule and other juvenile tactics, perhaps there is nothing good to be said against it at all. All the nastiness just proves that I have a point."

The chance of backfire risks making incivility counterproductive. The fact that many potential targets of ridicule might conceal their views from the public means not only that we fail to benefit from them where they are right, but also that we fail to know what they believe in the first place. This in turn can result in surprises at the polling booth (as it has in various rightward lurches worldwide), which itself can lead to radicalization and worse views down the road.[59]

Crucially, the relative merits and demerits of incivility can be studied empirically. Although the state of the empirical literature is, as Lee McIntyre observes, insufficiently mature to settle the matter, it nevertheless allows us to advance the following tentative conclusions: persistent problems in misinformation (when we believe that the truth is already out there, with a satisfactory defense by experts) are parasitic on deeper issues of trust. People are attracted to conspiracy theories because they distrust elites and do not believe that they and the elites have shared interests. Accordingly, we should be skeptical of "solutions" to the problem that exacerbate distrust, rather than building trust.[60] Failing to respond meaningfully to the good-faith arguments people make seems to me especially likely to exacerbate distrust. When we deride and insult others for their honestly held beliefs, rather than addressing the reasons they've offered, we undermine trust.[61]

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58. Of course, as Talisse points out, there are systematic cognitive and social forces at play (including polarization dynamics) that systematically lead us to "distort our conception of our political opposition." TALISSE, *supra* note 25, at 4. In view of these forces, we ought to *discount* our sense that others' views and reasons place them beyond the pale.

59. *See* ANDREW MARANTZ, ANTISOCIAL: ONLINE EXTREMISTS, TECHNO-UTOPIANS, AND THE HIJACKING OF THE AMERICAN CONVERSATION 289 (2019).

60. LEE C. MCINTYRE, HOW TO TALK TO A SCIENCE DENIER (2021); *see also* CHRISTOPHER A. BAIL, BREAKING THE SOCIAL MEDIA PRISM: HOW TO MAKE OUR PLATFORMS LESS POLARIZING (2021).

61. Compare the strategy of Daryl Davis—a Black blues musician who befriends white supremacists and has converted dozens of them—with the tactics of naming and shaming that defenders of incivility recommend, for instance. It would be unreasonable to expect everyone to go as far as Davis goes. But it does seem that his approach is likelier to succeed than the uncivil alternative. For discussion, see Rachel Chason, *A Black Blues Musician Has a Unique Hobby: Befriending White Supremacists*, WASH. POST (Aug. 30, 2017), https://www.washingtonpost.com/news/morning-mix/wp/2017/08/30/a-black-blues-musician-has-an-unique-hobby-befriending-white-supremacists/ [https://perma.cc/F7BX-9X3W].

Of course, it is possible that uncivil responses are not meant to win over the people they target, but rather are meant to signal to bystanders who might be on the fence where the socially acceptable positions lie. But it is only a hypothesis that says that bystanders will be charmed by this sort of behavior, and the widespread perception that there is a civility problem in politics casts doubt upon that hypothesis. There is, we are quickly learning, a largely silent majority that is exhausted by the antics on the extreme ends of the political spectrum. If these are the people that we are trying to persuade, incivility is likely to be precisely the wrong strategy.[62] Furthermore there are alternative ways of signaling to others where the socially acceptable positions lie.

But there is another reason to reject rude and militant speech as an expedient way of changing public opinion. Multiple studies show that civility is a reciprocal norm.[63] When you violate it at my expense, I have reason to violate it at your expense. It is only by mutual restraint that we keep incivility from being weaponized against us. But then, if there is any doubt about "the right side's" ability to maintain power, it is better to keep incivility off the table. After all, if the balance shifts, we might find ourselves among its targets. If it is as effective a tool as its advocates imagine, then (*ex hypothesi*) that is bad news for the right views. In politics, we must remember, power, not truth or justice, reigns (empirically speaking, of course).

For these reasons, I think, we should be skeptical that incivility is good strategy, even when we take ourselves to possess the truth securely and even when it is urgent for others to believe it. These considerations shift the burden of proof to the strategic defender of the kinds of intemperate speech outlined above.

VII. OBJECTIONS

We have good reason in our conversations with one another to constrain our speech to reduce the temperature in conversations and to try and keep the issues and the substance of our disagreements firmly in view. This is because doing so conveys respect for strangers in conversations, better realizes the benefits of diversity, and often represents better strategy for reaching people in the grips of misinformation and conspiracy. Of course, one might raise a number of worries about these arguments, which I address now.

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62. TOSI & WARMKE, *supra* note 46; BAIL, *supra* note 60; STEPHEN HAWKINS ET AL., HIDDEN TRIBES: A STUDY OF AMERICA'S POLARIZED LANDSCAPE (2019).

63. *See, e.g.*, Lynne M. Andersson & Christine M. Pearson, *Tit for Tat? The Spiraling Effect of Incivility in the Workplace*, 24 ACAD. MGMT. REV. 452 (1999); David D. Walker et al., *Sticks and Stones Can Break My Bones but Words Can Also Hurt Me: The Relationship Between Customer Verbal Aggression and Employee Incivility*, 102 J. APPLIED PSYCH. 163 (2017); Soo-Hye Han et al., *Is Civility Contagious? Examining the Impact of Modeling in Online Political Discussions*, 4 SOC. MEDIA + SOC'Y 1 (2018). Additionally, there is evidence that civility begets more civility. *See, e.g.*, Natalie Jomini Stroud et al., *Changing Deliberative Norms on News Organizations' Facebook Sites*, 20 J. COMPUT.-MEDIATED COMMC'N 188 (2015) (finding that having a reporter engage with the comments section of news articles reduces incivility).

According to the first objection, both Bejan and Mill are right to see the more demanding standards articulated here as problematically biased toward the status quo. When we police incivility, we are likely to exclude from the conversation those who are vying for their rights and attempting to speak truth to power.[64] There is a long history backing up this thought and that history is to be taken seriously.

The premise of the objection is true. Policing the ways in which persons engage in conversation has indeed been used to maintain an unjust status quo. I would go so far as to say that this is a decisive reason *not* to premise participation in conversations on rational engagement. Instead, Mill, Young, and Bejan are correct to locate in Mere Civility the correct criterion for tolerating others in conversation. Even when persons seem to be violating the more demanding standards for which I've been arguing, we should attempt to address their reasons and move the conversation forward (to the degree that this is possible). When we are unable to make headway in this direction, it is often (though not always) better to disengage than to resort to cheaper tactics.[65] Some battles are best left for another time.

According to the second objection, the prescription of conversational virtues more demanding than Mere Civility is liable to disproportionately burden minorities and victims of injustice. This is not simply because it is difficult to discharge these duties. It is also because attending to another's argument is an unfair demand when the relevant argument targets others' grounds for self-respect.

It is true that it is harder to live up to Mill's advice when you are the target and victim of persistent injustice. So much the worse when the position someone has argued for threatens your very sense of integrity. And yet taking a stand for yourself risks being read as uncivil. But, first, there is no failure in being merely accused of incivility. If there were, the accusations made against civil rights activists protesting Jim Crow and other racist policies would have been legitimate. Clearly, they weren't.

In cases where rational engagement is off the table for some because such a demand is unfair, the stringency of *others'* reasons to engage increases, while those targeted have a good justification for disengaging or expressing resentment. At the same time, however, we should be wary of tendencies for mere disagreements on substantive matters of policy (especially where the disagreements concern empirical facts) to be read in ways that are threatening, but need not be. If we are regularly socially rewarded for piling on against our enemies, and we are

64. IRIS MARION YOUNG, INCLUSION AND DEMOCRACY 48–51 (2000).

65. One might object: if each of us follows my advice, then a norm will emerge just insofar as the relevant conversational virtues are universally instantiated. In this sense, it will be impossible to avoid expecting civil behavior in our conversations with one another. Here, it helps to distinguish between sociological and normative expectations. In the *extremely* unlikely event that the Millian advice for engaging in popular debates were universally realized, we would empirically expect to find it widely instantiated. But this is different from a normative expectation along the same lines. Whereas the latter kinds of expectations are coupled with a disposition to enforce the norm where it is lacking, no such disposition is coupled with mere empirical expectation. Thanks to Erin Miller for pressing me to address this point.

justified in doing so when their very views threaten our integrity, then there is an incentive to over-identify threats to integrity.

As for the more general worry that the virtue demands more in terms of motivational resources for those who are already worse off, it is important to note that this is true of moral standards across the board. But this does not seem to amount to a strong argument against thinking that there *are* such standards. Instead, in these cases, the reasonable thing to think is that the demands we face vary with our real capacities to cultivate them and the other demands (e.g. standing up for ourselves) that might pull in different directions.

According to a fourth objection, any insistence on rational engagement implausibly excludes passion, affect, and rhetoric from conversations in which they are relevant and motivationally important.[66] But it is important to remember that passions and affects can themselves inform deliberation. Not only are people's emotive reactions to policy alternatives important data bearing on their likely descriptive legitimacy upon implementation, but the very fact that a policy expresses disrespect or angers groups and individuals is crucial information.[67] Moreover, our affective attachments are directly relevant for determining what things to care about in our policy-making. Still, unless we wish to leave progress to winds of chance, we have to do our best to discover the right reasons for action. A public sphere too centered on rhetorical ploys is likely to set back our interests in this respect.

One might reply that the focus on rational engagement undersells the fact that we engage in political speech not only to inquire about the right course of action and the nature of reality, but also to signal to one another that we accept the same truths and the same norms.[68] While these signaling values of political speech are no doubt crucial for social creatures like us, intemperate speech is typically a weak signal to others that we are committed to the right kinds of goals. While uncivil speech might be costly in lowering our reputation with out-group members (about which we tend to care little), it is likely to raise our reputation among

66. For arguments to this effect, see Arash Abizadeh, *On the Philosophy/Rhetoric Binaries: Or, Is Habermasian Discourse Motivationally Impotent*, 33 PHIL. & SOC. CRITICISM 445 (2007). A separate point is that rational discourse is exclusionary. To be sure, the ability to have one's arguments win out will vary with education and dialectical skill. It is hard for me to see a knock down objection in this point. After all, the issues we face are complex, and it is important that we get them right. Getting them right depends upon a conversation well-calibrated to assessing the tradeoffs they present and rhetorical appeals are unlikely to help at this stage.

67. *See* SHARON R. KRAUSE, CIVIL PASSIONS: MORAL SENTIMENT AND DEMOCRATIC DELIBERATION (2008).

68. Additionally, as Neil Levy points out, strong language can signal to others our degree of credence, providing higher order evidence for the truth of various propositions as well. *See* Neil Levy, *Virtue Signalling is Virtuous*, 198 SYNTHESE 9545, 9548–51 (2021). Strong language, however, need not be uncivil language.

those we hope to impress (about which we tend to care a lot).[69] For this reason, its genuine signaling value is low, especially online or in an environment populated with those we anticipate will share our view.[70] By contrast, rational engagement in the right direction is *itself* a strong signal. After all, it is much easier to mock or insult someone with a different view than it is to provide a compelling and strong argument against the view itself.[71]

VIII. CONCLUSION

While Bejan is right to reject highly demanding notions of civility, she is too quick to embrace the minimalist standard of Mere Civility. While there are good reasons to worry about enforcing stringent conversational norms, there are also good reasons to worry about being too lenient with ourselves in difficult conversations with others. When a lot is at stake, we should not undersell the reasons we have to respect others who are operating in good faith. Nor should we ignore the benefits we can bring to the conversational table by keeping the temperature of conversation low and focusing on engaging with the reasons our opponents offer for their positions. We can accept all of this while soundly rejecting Hobbesian demands to keep quiet and Lockean demands to love our political enemies.

69. *See id.* at 9555.

70. *But see id.* at 9558–59.

71. I want to note here the possibility that I misunderstand Mere Civility in taking it not to require something like rational engagement. In that case, the upshot of my argument is that defenders of Mere Civility cannot be as conciliatory to skeptics as they sometimes appear. This too will have helped us clarify the terms of the debate over civility—a first step toward eventually resolving it, hopefully in a way that allows us to coordinate on a set of norms that moves us reliably toward better outcomes.