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# **Toleration and Civility**

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## **Abstract**

Toleration and civility are commonly treated as synonyms. This paper elaborates a novel distinction between the concepts and suggests that the relatively neglected idea of civility may provide a more promising basis for the accommodation of normative diversity in a liberal polity. It argues that liberal regimes of toleration depend for their success on a form of fraternal solidarity among citizens that is unlikely to flourish in conditions of liberal freedom. Regimes of civility, by contrast, depend on a form of liberal friendship that is more congruent with the wider tendencies of a liberal culture.

## **Keywords**

civility, fraternity, friendship, liberalism, pluralism, Samuel Scheffler, self-censorship, toleration

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There is often said to be something cowardly about self-censorship. Those newspaper editors who chose not to republish the Charlie Hebdo Muhammad cartoons that provoked the January 2015 shootings in France were widely criticized for their failure to stand up for free speech. Their self-censorship was deemed a spineless surrender to what Timothy Garton Ash termed the “assassin’s veto”: “Where the heckler’s veto says merely ‘I will shout you down,’ the assassin’s version is ‘dare to express that and we will kill you.’”<sup>1</sup>

But not everyone saw it this way. The Guardian newspaper insisted that its decision not to republish the cartoons – both in the Charlie Hebdo case and in the earlier Danish Muhammad cartoons controversy – was not a product of the fear of reprisals, but rather of the principled conviction that “intolerance is best fought by tolerance”<sup>2</sup> and a sense of the importance of crafting a “more inclusive public culture.”<sup>3</sup> The argument here is that self-censorship is to be seen as part and parcel of a practice of toleration. And the practice of toleration is valuable not just instrumentally, as a way of preventing violence and disorder, but also intrinsically. It is good to tolerate, because the practice of toleration makes possible a rewarding way of living with other people.

How persuasive is this argument? In this paper, I shall suggest that it is surprisingly hard to see the good of toleration in a liberal democratic society. But my aim in so doing is not to endorse the association of self-censorship and cowardice. I think it is possible to make sense of the conviction that it can be good to self-censor, but that to do so we may need to see it not as an expression of toleration, but rather as an expression of civility.

This might seem a curious suggestion. The idea of civility has not attracted as much attention in the scholarly literature as the idea of toleration, and, when it is discussed, civility is

often treated as being more or less synonymous with toleration (in the piece I referred to above, for example, Garton Ash appears to use the two terms interchangeably). But this could be a mistake. My larger aim here is to suggest that it is possible to draw a deep and potentially fertile distinction between toleration and civility. I shall argue that the concept of civility has been unduly neglected in the literature, and that it provides a distinctively promising way of thinking about the accommodation of diversity in a liberal polity.

I take as my starting point Samuel Scheffler's discussion of the good of toleration.<sup>4</sup> Scheffler's central contention, which I outline in the first section, is that the practice of toleration is a good because it makes possible a rewarding form of fraternal solidarity among citizens. But, in the second section, I shall argue that the form of fraternal solidarity that Scheffler identifies is not one that is likely to flourish or even to be found especially attractive in conditions of liberal freedom. On the contrary, the practice of toleration seems likely to undermine the forms of solidarity we would expect to flourish in such conditions. For this reason, I contend that toleration-based accounts of the good of self-censorship fail adequately to answer the critics. I focus on Scheffler's account for three reasons. First, his is one of the more developed and interesting accounts of the good of toleration, as opposed to its moral justification or conceptual structure. Secondly, while I ultimately reject Scheffler's account as an appropriate model for thinking about the accommodation of diversity in liberal societies, I nevertheless endorse his strategy for demonstrating the good of accommodation. As I have indicated, Scheffler articulates the good of toleration by linking its practice with the emergence of a particular form of solidarity. In the latter parts of the article, I build on that strategy in order to articulate the good of civility by linking it with the emergence of a particular form of friendship. Finally, I regard Scheffler's account as presenting a hard case for the thesis I mean to develop. Scheffler's

account of toleration is a liberalized account – he departs from the standard understanding of toleration in order to render it more consistent with liberal commitments. Thus, if even Scheffler’s liberal toleration is at odds with the conditions of a liberal culture, then it seems unlikely that non-liberal variants (be they more traditional or more deeply democratic) will fare any better.

However, the distinction I intend to draw between toleration and civility cuts more deeply, and so, in the third section, I broaden the focus to consider the discourse of toleration more generally. I suggest that the diverging discourses of toleration and civility can help to illuminate a deeper distinction between two quite different modes of accommodation of diversity. Finally, and on that basis, I suggest a distinctive civility-based account of the good of self-censorship that is more congruent with the wider tendencies of a liberal culture.

Before proceeding, it is worth making two clarificatory remarks. First, it is important to emphasize that the enterprise here is not one of justifying the accommodation of diversity by associating it with a form of solidarity that (I claim) persons have reason to value. My argument does not suppose that solidarity is a universal good, and I do not claim that people who do not find solidarity (of whatever kind) valuable are guilty of any kind of error. In seeking to articulate the good of practices of accommodation, the aim is to explain why it is that many people do indeed find such practices to be valuable. As Scheffler notes, this is a question that has often been neglected in the literature (GT, 313). I shall cast doubt on Scheffler’s explanation of the good of accommodation, which makes the ideas of toleration and fraternity central, and propose an alternative explanation, which I argue is more congruent with the conditions of a liberal society, and which makes the ideas of civility and friendship central.

Secondly, in what follows I make various claims about the character of liberal cultures. It is important to be clear that, in making these claims, I refer to the sorts of cultural conditions that certain theories of liberal political order should lead us to anticipate. I am not making claims about the cultural conditions of actually existing liberal societies. Thus, while the claims I will make are in principle empirically testable – we can ask whether liberal political orders so conceived really would bring about the sorts of cultural conditions I describe – they are not directly empirical claims about the societies we inhabit.

### **Toleration and Fraternity**

Scheffler seeks to explain how a liberal regime of toleration is able to attract the enthusiastic allegiance of its supporters. In this way, his account “straddles” the familiar distinction between toleration as a political practice and as an individual attitude or virtue - his interest is in what makes the practice appealing to individuals (GT, 321).<sup>5</sup>

Scheffler interprets toleration in an unconventional way. According to John Horton the “traditional” sense of toleration involves “the willing putting up with the beliefs, actions or practices of others by a person or group that disapproves of them, and who would otherwise be inclined to prohibit or suppress them, if they had the power to do so.”<sup>6</sup> In this sense, toleration (paradoxically) combines disapproval of p with acceptance of p and possesses a hierarchical structure: my toleration of p implies that I have the power to prohibit or suppress p. Scheffler suggests that he conforms to the traditional account in understanding toleration as a mode of responding to, and of accommodating, normative diversity (as opposed to non-normative diversity - of age, physical characteristics or geographical location for instance).<sup>7</sup> However, he departs from the traditional interpretation by characterizing the ideal of toleration informing

liberal regimes as a symmetrical ideal rather than as a hierarchical one that holds that only the powerful are in a position to tolerate. On Scheffler's account, toleration applies to individuals and groups of differing size, strength and power: "each of us is called upon to tolerate everyone else" (GT, 315). Furthermore, on his account, toleration need not imply disapproval (GT, 321). While some of the beliefs and forms of conduct that the regime of toleration protects will attract disapproval, this is not a necessary condition of their protection under that regime. Nor is it a necessary condition of my being individually tolerant that I disapprove of the objects of my tolerance (though this will often be the case).

Scheffler suggests that toleration is regarded as a problematic value because it can often involve conceding a kind of authority to values and principles that one rejects. By accommodating your wishes, I allow my conduct to be guided by what you perceive to be valuable, and in that sense I defer to your values:

If, for example, an employee's religion declares that a certain day is a holiday which is to be devoted to prayer and reflection, and if the employee asks the employer for the day off so that she can observe the holiday, then the employer is being asked to guide his conduct in light of reasons deriving from the pronouncements of the employee's religion. (GT, 329)

Given the importance people place upon shaping their lives around the values and principles they endorse, this sort of concession of authority may strike those who would tolerate as "tantamount to the abandonment of their own values and principles rendering them complicit in practices and



ways of life that they do not accept and may well detest” (GT, 328). At the limit, this may be experienced as a betrayal of one’s values and even as an assault on one’s integrity.

This feature of toleration tends to provoke skepticism about its sustainability, and indeed about its value.<sup>8</sup> The tolerant systematically (and quite deliberately) fail to stand up for what they believe to be right, and they potentially allow themselves by their passivity to be implicated in the perpetration of wrongs. As such, they betray their values, and they betray themselves. It is something like this concern that animates the popular uneasiness I have noted about self-censorship - by choosing to censor myself, I culpably fail to speak up on behalf of my values.<sup>9</sup>

But Scheffler suggests that the assault on one’s integrity that toleration is thought to provoke “does not always materialize” (GT, 330), and this is because the practice of toleration is sometimes experienced as a good. Here Scheffler takes a cue from T. M. Scanlon’s discussion of tolerance. Scanlon argues that our reasons to value tolerance reside “in the relation with one’s fellow citizens that tolerance makes possible.”<sup>10</sup> Regimes of toleration, on Scanlon’s view, facilitate a “more attractive and appealing” way of living with other people, whilst intolerance involves “a form of alienation from one’s fellow citizens.”<sup>11</sup> Likewise, Scheffler seeks to demonstrate that regimes of liberal toleration foster an attractive and rewarding form of fraternal solidarity among citizens.

Whilst conceding authority to the values of others can sometimes be experienced as an assault on one’s integrity, it is also, Scheffler notes, a characteristic feature of certain forms of community life that are typically experienced as rewarding:

many people experience the fact that they are implicated in the values of the other members of their society - that they are participants in a social practice through which

each is implicated in the values of the others - not as undermining their own integrity but rather as establishing a bond with their fellow citizens (GT, 331).

The form of fraternity Scheffler has in mind here is modelled in the first place on actual fraternal relations among siblings, which are sustained by the “unifying experience of mutual subjection to the authority of their parents” (GT, 331). He suggests that an analogous form of solidarity is evident in various kinds of association, such as students in a classroom, soldiers in a military unit, or workers in a manufacturing plant. In each of these cases, and despite any internal differences and rivalries, there is “a tendency to solidarity deriving from the shared experience of living together under a common authority” (GT, 331).

Now in Scheffler’s view, there is no equivalent form of common authority to which the citizens of a liberal society are all subject.<sup>12</sup> But, he contends that we are all nevertheless subject to the idea of authority:

we must all confront the normative dimension of human experience. We all live in the shadow of norms, principles, reasons, and ideals that, rightly or wrongly, we regard as authoritative. And although our values vary, the experience of responding to normative authority - of trying to be guided by values and norms that we accept - is part of our common experience. And this too makes possible a form of solidarity - a form of solidarity that derives from the shared experience of subjection, not to a common authority figure, but to normativity or authority itself. (GT, 332)

Scheffler means to emphasize an important and neglected corollary of the fact of pluralism: that we all acknowledge values (of some kind), values that exert authority in our lives. In that sense, we all know what it is to be subject to authoritative moral demands, to be subject to normativity. And so that experience, of subjection to the authority of morality, is a shared experience, and one that Scheffler thinks may be able to ground a form of fraternal solidarity just as the shared experience of subjection to actual authority grounds attachments of fraternal solidarity.

As an example of this, Scheffler observes the way in which “the adherents of different religions sometimes feel a sense of solidarity with one another as participants in the common enterprise of responding to ideas of the sacred or the divine” (GT, 332). Even though their respective moralities derive from distinct religious doctrines, the Christian and the Sikh both uphold religious doctrines that exert authority in their lives – they both know what it is to be subject to authoritative moral claims. Their subjection to the authority of morality is an experience they hold in common, and hence a potential source of solidarity in the same way that the common experience of subjection to parental authority constitutes a potential source of solidarity among siblings.

So, Scheffler’s argument is that the practice of liberal toleration may be seen as a good in so far as participants in the practice see themselves as bound together in relations of fraternal solidarity grounded in their shared experience of subjection to normativity. And it is important that the regime of liberal toleration itself fosters those kinds of relations by encouraging citizens to recognize their shared predicament - by deferring to your values, I come to appreciate your sense (which I share) of subjection to normativity, and vice versa. Notice that, in making this claim, Scheffler acknowledges an idea that is common among those who favor more “comprehensive” interpretations of liberalism: that liberal political orders exert pervasive

cultural influence capable of shaping the way in which citizens see themselves and their relationships with others.<sup>13</sup>

And Scheffler suggests that, in this way, we can see how a regime of liberal toleration that is initially supported for purely instrumental reasons may come to be seen as “intrinsically worthy” and as providing the structure for a valued and rewarding way of life (GT, 333):

For some people, the most important of these rewards lies in the sense of enrichment that comes from developing an appreciation for forms of value that are realized in practices other than one’s own. Other people simply find it exhilarating to live confidently amidst the whirl of human diversity. For still other people, there are subversive and transgressive pleasures afforded by engagement with unfamiliar customs and practices. (GT, 333)

In this way, Scheffler’s account provides a possible answer to those who are critical of self-censorship. He shows that it would be a mistake to think that the deference exhibited by the tolerant must necessarily be an expression of the fearful, prudential concern to avoid conflict. Nor need it be merely the expression of austere moral conviction. Rather, the practice of toleration (and the self-censorship it enjoins) may come to be seen on this view as an aspect of a particular way of living in solidarity with others that is valuable and rewarding in itself.

I agree with Scheffler that the practice of toleration may serve to foster solidarity of the kind he describes. However, I am less convinced that the kind of solidarity he describes is a kind that will be found valuable and rewarding in conditions of liberal freedom. I will now explain why that is.

## **Fraternity and Freedom**

Judith Shklar once observed that “the kinds of friendships people have may depend on the governments they live under.”<sup>14</sup> In particular, she noted the ways in which friendships in liberal democracies may differ from those in authoritarian regimes. I will argue that the relations of fraternal comradeship that Scheffler invokes as support for the regime of liberal toleration are not relationships that are likely to flourish, or even to be found especially attractive, in conditions of liberal freedom. If that is so, then his account of the good of toleration will seem inadequate to the political and cultural circumstances in which inhabitants of liberal political orders find themselves.

Notice that Scheffler’s account ties the formation of solidarity to the shared experience of a kind of hierarchical authority (the subjection of children to parents, of soldiers to commanders, of workers to bosses). Where there is no shared experience of authority of this kind, there will be no grounds for fraternity, not at least of the kind that Scheffler describes. Moreover, it seems intuitive to suppose that the more strongly the sense of subjection to authority is felt, the stronger the basis for fraternity of the relevant kind becomes. Thus, evidence suggests that siblings with especially overbearing and authoritarian parents are likely to experience a stronger sense of fraternity in their shared subjection than siblings whose parents are more relaxed and *laissez-faire*. The sense of having been “through the wringer” together, of sharing a common predicament, is likely to be all the greater in such cases.<sup>15</sup> And similarly, citizens with a particularly strong sense of subjection to the ultimate and over-arching authority of moral values, principles and ideals seem likely to experience a stronger sense of fraternity (analogous to the fraternity of siblings) than citizens whose sense of subjection to normativity is less hierarchical.<sup>16</sup> It is no accident, I would suggest, that the example Scheffler chooses to illustrate his point is that

of fraternity between the adherents of different religions whose sense of subjection to the authority of morality is likely to be relatively strong and possesses a distinctly hierarchical form. It is harder to imagine how the same sort of fraternity might arise among those whose sense of subjection was weaker or of a different quality (though this is not to deny that other sorts of solidarity might arise in those cases). In other words, the more devout, god-fearing and zealous I am, the more likely it seems that I will recognize the relevant kind of (toleration-supporting) fraternity with my fellow citizens.

We might think this an appealing implication of Scheffler's account: it suggests that relations of solidarity will be felt most keenly precisely where they are most needed - that is, among those most given to intolerance. But there is also something troubling in it, for it is a widely recognized (and advertised) feature of life in liberal society that it has the effect of weakening the sense of subjection to hierarchical authority of this kind.

Several authors have observed the manner in which the pluralistic liberal public culture permeates the lives of those who inhabit it.<sup>17</sup> It shapes them, as Stephen Macedo writes, "broadly and deeply and relentlessly."<sup>18</sup> And if the essence of a liberal morality is, as one author puts it, "the rejection of any final and exclusive authority, natural or supernatural, and of the accompanying compulsion and censorship,"<sup>19</sup> then a culture of liberalism is likely to be one in which the sense of subjection to authority is transformed. This is so not only in the sense that liberal states tend by their nature to be less authoritarian than non-liberal states, but also in the larger (though related) sense that liberal pluralism encourages us to see our individual projects and commitments as more conditional, more "open to criticism, choice, and change."<sup>20</sup> Macedo offers a particularly vivid illustration of this idea:

[Liberalism] holds out the promise, or the threat, of making all the world like California. By encouraging tolerance or even sympathy for a wide array of lifestyles and eccentricities, liberalism creates a community in which it is possible to decide that next week I might quit my career in banking, leave my wife and children, and join a buddhist cult.<sup>21</sup>

On the face of it, this vision of life in a liberal society might be taken for evidence of Scheffler's claim: surely only those who experience a very strong sense of subjection to the authority of morality would be disposed to make such a radical and costly break with the life they had previously lived. But I think that that would be a mischaracterization.

To be very clear about this, I do not mean to suggest that normative considerations exert less authority in liberal cultures than in non-liberal cultures. I am not claiming that acculturated liberals are careless of morality, or that moral considerations necessarily play a less prominent role in their lives. My suggestion is rather that they do not experience their relationship to the normative dimension of human life in the same way as the devout - not just in terms of its content, but also in terms of its form and structure. Crucially, they do not experience that relationship as a form of subjection to authority analogous to the subjection to parental authority experienced by children. Instead, the sense of subjection to the authority of moral claims has a less hierarchical quality, and is taken to be more conditional, less final and exclusive, and more open to criticism and change.<sup>22</sup>

We may think of Macedo's banker-cum-Buddhist as, in Charles Taylor's expression, a "seeker" after meaning (one whose search may fail), and as Taylor points out:

those whose spiritual agenda is mainly defined in this way are in a fundamentally different predicament from that which dominated most previous cultures and still defines the lives of other people today. That alternative is a predicament in which an unchallengeable framework makes imperious demands which we fear being unable to meet. We face the prospect of irretrievable condemnation or exile, of being marked down in obloquy forever, or being sent to damnation irrevocably, or being relegated to a lower order through countless future lives. The pressure is potentially immense and inescapable, and we may crack under it. The form of the danger here is utterly different from that which threatens the modern seeker, which is something close to the opposite: the world altogether loses its spiritual contour, nothing is worth doing, the fear is of a terrifying emptiness, a kind of vertigo, or even a fracturing of our world and body-space<sup>23</sup>

So, the claim here is not that “seekers” are not subject to authoritative moral claims, but rather that the nature of their subjection to those claims is distinctive. In so far as the liberal culture fosters “seekers” rather than, as we might say, “finders”, there is going to be trouble for Scheffler, for it is precisely the shared sense of subjection to hierarchical authority (not just the shared sense of there being an important normative dimension to life) that is meant to ground toleration-supporting solidarity on his account.

In other words, it is an irony of Scheffler’s account that the regime of toleration as he characterizes it encourages the development of, and is supported by, solidaristic relationships that are non-liberal in character, relationships to the development of which liberal cultures can be inhospitable. A regime of toleration that foregrounds a vision of life as centrally involving subjection to the hierarchical authority of morality, and that encourages people to understand



their own lives in that way, is likely to be experienced as alienating, and is likely to meet with resistance from the wider liberal culture.

In fact, liberal cultures tend to foster a rather different kind of solidarity from the fraternal comradeship envisaged by Scheffler. Shklar writes that when “one is used to personal freedom and really cherishes it, unity and oneness do not seem inherently quite so valuable. It is the ability to love without demanding likeness or agreement, especially on political matters, that marks the friendship of free men and women.”<sup>24</sup> Cultures of liberal freedom are more conducive to forms of solidarity in which moral agreement or the shared experience of subjection to moral authority are less fundamental.

We see this clearly enough in the case of modern personal friendship. The fuel that ignites and sustains such friendships is only seldom the fuel of moral consensus or a sense of a shared predicament provoked by subjection to normativity (or some other kind of authority). It is much more often a host of quotidian shared interests and shared pursuits: college attendance, dog ownership, tennis, TV shows, baking. Of course, such shared interests and pursuits might reflect deeper, underlying shared values, but equally they might not, and they are usually sufficient on their own to ground and sustain bonds of basic concern irrespective of moral differences.<sup>25</sup> Moral differences and disagreements might sometimes intrude on such relationships, but it is often seen as just that: an intrusion of moral beliefs into a domain in which they are out of place. In his empirical study, Graham Little calls this “social friendship.”<sup>26</sup> Social friendship arises among those similarly situated: “those of the same type, class, nation, gender.”<sup>27</sup> But it is sustained by a basic desire for companionship that grows around everyday interests and activities: “someone to go to the pictures with or chat with at the club or over a cappuccino.”<sup>28</sup> Little is rather dismissive of this sort of “easygoing friendliness,” precisely for its superficiality in setting aside deeper

commonalities and differences of moral conviction.<sup>29</sup> Nevertheless, he acknowledges that it may well be “the most common type of friendship there is” in modern society.<sup>30</sup>

In friendships of this kind, divergent values and moral particularities are de-emphasized. They are not suppressed or ignored; they are just taken to be (largely) beside the point. I do not care about Alex because we share moral convictions or the same experience of having moral convictions; I just care about her, and the origins and persistence of that care are probably explicable by reference to the sorts of everyday commonalities I have mentioned: our shared fondness for zombie movies, the paintings of Goya, hip hop.<sup>31</sup> And perhaps the expressions of mutual concern and solidarity that we sometimes witness more generally among the members of a liberal society may have this kind of quality as well – founded on shared circumstance and sustained by a myriad of assorted, transient everyday commonalities, both real and imagined. It could be a mistake, one that distorts the underlying ties of friendship, to suppose that there must be somewhere some shared sense of subjection to hierarchical authority that comprehensively explains those expressions of solidarity and concern.

Solidarity of this kind seems more appropriate to a culture of modern liberal seekers who do not think of their lives as dictated by overarching and ultimately authoritative final values. In contrast to the bonds of those who share a strong sense of living under the dominion of particular values, we may think instead of the bonds of those who (happen to) share a more or less earnest quest for meaning. Bound neither by a sense of the common good, nor by a common experience of subjection, such friends might possibly be bound by a common fear of meaninglessness. But moral commonality, I have argued, is not critical here. The different and conflicting moral values, ends and purposes upheld by such friends are likely to seem less important to the relationship than the everyday commonalities that sustain it, for those values, ends and purposes

are less stable, less final, less fixed, less authoritative. This is the friendship of those disposed, in Michael Oakeshott's formulation, "to prefer the road to the inn, ambulatory conversation to deliberation about means for achieving ends."<sup>32</sup>

In this section, I have argued that it is the tendency of liberal cultures to encourage the attenuation of a person's sense of subjection to hierarchical authority and that, where this happens, a distinctive kind of liberal friendship can flourish. This kind of friendship is one in which the moral values and principles of the friends are de-emphasized - they are not considered to be essential to the relationship. I have suggested that in these circumstances the kind of fraternal comradeship described by Scheffler, for which moral values and principles are essential, is unlikely to flourish. And since the good of toleration on Scheffler's account depends on the proliferation of this kind of fraternity, and the recognition of it as a rewarding way of living with other people, the practice of toleration is unlikely to be seen as a good in a liberal culture. On the contrary, it is the general tendency of such a culture to undermine the basis for thinking toleration a good.

Now, as I have noted, Scheffler's account of toleration is idiosyncratic, and so the concerns I have voiced about his conception of toleration need not apply to other conceptions of toleration. That being said, Scheffler's account is idiosyncratic in ways that are meant to make it more liberal. He emphasizes that his concern is not to develop a general conception of toleration, but specifically to articulate the liberal ideal (GT, 321). The idea that toleration in its traditional sense sits uneasily with liberalism is familiar enough.<sup>33</sup> My argument suggests that even the liberalized interpretation favored by Scheffler still seems in important ways to be at odds with the conditions of a liberal culture. Consequently, the attempt to answer the critics of self-censorship, those who condemn it as cowardly, by grounding it in a practice of liberal toleration

seems only partially successful. To be sure, the appeal to toleration may show that the choice to self-censor is not just a prudential response provoked by the fear of reprisals; it may show that self-censorship is a matter of moral principle. But it does not show what many of those who appeal to it have wanted it to show: how self-censorship helps to craft an attractive and rewarding way of living with others in conditions of normative diversity. In the next section, I shall argue that if we are to make sense of that conviction we may do better to think of self-censorship not as a duty of toleration in any of its forms be they liberal or otherwise, but instead as a duty of civility.

### **Toleration and Civility**

Toleration and civility are often taken to be “intimately connected.”<sup>34</sup> John A. Hall writes that toleration is “almost a synonym for civility,”<sup>35</sup> while Richard Boyd suggests that the two ideas are “bundled up inextricably.”<sup>36</sup> One can certainly see why they say this. Both toleration and civility are responses to normative diversity, both involve (within limits) the accommodation of that diversity, and both countenance the use of self-censorship as a technique of accommodation.<sup>37</sup> However, I am not convinced that the two ideas are as tightly bound as these authors suggest. In this section, I shall elaborate an important difference between the concepts.<sup>38</sup>

It is commonly observed that civility discloses two distinct, though importantly related, meanings. We may think of civility as an ethical concept, as concerning good manners and politeness, decency and gentleness in our dealings with other persons in everyday life. Or we may think of civility as a political concept, as concerning one’s status, or sense of oneself, as a member of a political community, as a citizen with certain rights and responsibilities.<sup>39</sup> Thus, it may mean one thing to be ethically civil, and quite another to be politically civil. For example,

we might view the disposition to participate politically by voting in elections as an indicator of political civility or good citizenship, but we would not generally consider it a sign of politeness. My primary concern here is with the idea of political civility, though I think it would be a mistake to distinguish too sharply. This is partly because the line between political and non-political conduct upon which the distinction relies is notoriously controversial, and also because many of the most pressing questions of political civility pertain to those standards of behavior (manners) properly to be expected of members of a political community towards one another in their capacity as fellow citizens.

The standards of civil conduct expected of citizens are likely to involve standards of self-restraint. Most prominently, it is thought that citizens should keep a “civil tongue” - they should refrain from certain kinds of insulting speech, and they should sometimes refrain from saying what they really think and believe where so doing could be deemed offensive and disruptive to society.<sup>40</sup> There are clearly similarities here to the practice of toleration, but also some differences. On the description I have given, there might seem to be a difference of scope. It might seem that while civility exclusively concerns matters of speech, the scope of toleration is much broader, encompassing actions as well. In fact, there is disagreement among scholars of civility as to its proper scope. While some certainly do interpret it narrowly, as essentially a set of speech constraints, others interpret it much more broadly as a social practice involving constraints on both speech and action.<sup>41</sup> In ordinary usage, we readily speak of civility in conduct as well as in speech, and so I do not think the question of scope identifies a necessary distinction between the two concepts. In any case, my focus in this article is primarily on the issue of speech and self-censorship, where there is clear overlap between toleration and civility, and so if there is

a relevant distinction between the two concepts in this regard, we will need to look elsewhere for it.

It is sometimes suggested that the distinctiveness of civility resides in its commitment to a degree of sociability or conviviality that is absent from toleration.<sup>42</sup> According to Jose Ortega, civility reflects, “before all, the will to live in common.” It is fundamentally “an attempt to make possible the city, the community, common life.”<sup>43</sup> In its concrete instantiation, civility aims to specify a manner of living together with others: “it means regarding other persons, including one’s adversaries, as members of the same inclusive collectivity, i.e., as members of the same society, even though they belong to different parties, or to different religious communities, or to different ethnic groups.”<sup>44</sup> In this way, civility essentially embodies the acknowledgement of society with others, not just in the minimal sense of the acknowledgement that we share space, but also that we share a problem. It is bound up in the conviction that finding a way of living together is not just my problem or your problem, but a problem we share. As Jeremy Waldron suggests, civility is, at root, the disposition to “stay present” amid deep diversity and disagreement.<sup>45</sup> Incivility, then, is reflected in the failure to stay present, either by the unilateral imposition of one’s own outlook on others, or by the blank refusal to engage on any terms whatsoever.

Toleration, it might be said, is different. In its basic and negative sense, toleration is thought to be consistent with “nearly asocial” relationships.<sup>46</sup> I can tolerate something by having very little to do with it, by avoiding social contact with it. This possibility is colorfully illustrated in Chandran Kukathas’s portrayal of the “liberal archipelago” - a vision of cultural toleration in which groups are simply left alone to live as they wish, uninterfered with by the state and by other groups. On this view, we are to envision liberal society “as an archipelago of different

communities operating in a sea of mutual toleration”: “Each island is a separate domain, cut-off from others by waters which are indifferent to its circumstances or to its fate.”<sup>47</sup> Civility, by contrast, presupposes that this sort of isolation and avoidance is not an option (the familiar expression “You could at least be civil!” is not an invitation to withdraw from social interaction).

But while this emphasis on sociability might well distinguish civility from the negative, traditional conception of toleration, it is less obvious that it distinguishes it from Scheffler’s model of liberal toleration, which, as we have seen, is directly linked with the formation of fraternal solidarity. And it does not seem to distinguish it at all from the more affirmative mode of “toleration as recognition” defended by Anna Elisabetta Galeotti, which identifies toleration with full inclusion in the polity.<sup>48</sup> It might seem that the conceptual map is better captured by Sune Laegaard, who presents civility as falling somewhere in the middle of a continuum between negative toleration at one end and positive recognition at the other.<sup>49</sup>

But I think the distinction between toleration and civility cuts deeper than this model suggests. It is misleading to locate civility on a continuum with the different varieties of toleration, because civility marks an entirely different way of responding to diversity. Note that it is a central feature of the discourse of toleration, in many of its most prominent forms, that it emphasizes the particularity of the parties to the practice of toleration – it emphasizes diversity. This is manifestly so on the traditional account of toleration, intimately connected with its etymological associations with suffering and bearing up under pressure. As John Horton has it, toleration in this sense is a “deliberate exercise in self-restraint,” and is “clearly judgemental, and has about it a grudging, condemnatory quality, often a condescending and superior air.”<sup>50</sup> Parties to the practice of toleration keep their differences firmly in mind, wearing them proudly as badges of superior status whilst wilfully restraining themselves from intervention.

It may seem that diversity and particularity receive less emphasis on Scheffler's liberal model. As he notes, the practice of liberal toleration does not always involve disapproval, and never involves the assertion of superiority. But nevertheless, and as we have seen, it is in fact very important on Scheffler's account that the perception of moral particularity be foregrounded, for it is the keen awareness we have of our subjection to the authority of our particular moral convictions that is meant to provide the basis for fraternity which in turn supports the practice of toleration. If it is to provide the basis for fraternity that Scheffler envisages, then my toleration of you must express the fact that I acknowledge that your values are different from my values (and perhaps also that I reject your values), but also that I appreciate a commonality between us in terms of the importance we each attach to our respective systems of value, and of the similar authority we accord to them.

And, finally, the emphasis of particularity is also evident in the mode of toleration as recognition, albeit in a rather different way. Here, disapproval, dislike and condescension have no place in the practice of toleration. Instead, particular differences are to be recognized as "legitimate options" in a pluralist society.<sup>51</sup> Thus, particularity is emphasized here not as an object of disapproval, but as an object of recognizable value. And here it is not just moral particularity that is emphasized, but "full-blown identities, customs, and ways of life."<sup>52</sup>

In contrast, I want to suggest that the practice of civility functions to de-emphasize the particularity of parties. While negative toleration is the name we typically give to accommodation in spite of differences of values, identities and customs, and toleration as recognition is the name we give to accommodation because of such differences (or, at least, in recognition of them), I suggest that we think of civility as accommodation irrespective of difference. That is to say, we can think of civility as a mode of accommodation in which parties



to the practice simply set aside their differences, instead of negatively suppressing them or positively affirming them.

The distinction here, between “setting aside” differences and “suppressing” them is perhaps not immediately perspicuous. When we set aside our differences in the sense I intend here, we come to regard them or decide to treat them as not being pertinent to the matter at hand. We may still think of them as being important; we simply cease to see them as bearing fundamentally on the context in question. When we suppress our differences, by contrast, we still consider them and treat them as pertinent to the matter at hand, but also acknowledge that their claims are overridden by other, weightier, claims.

To be sure, this is not always what people mean when they talk about civility, but I do think it captures something of the term’s ordinary use, and so constitutes a reasonable characterization. For example, the state of American politics is often lamented for its “incivility.”<sup>53</sup> At the heart of that complaint is a sense of frustration at the way in which rancorous, partisan disputes tend to fill the political scene and crowd out any possibility of productive cooperation or, at the limit, any kind of political action whatsoever. And the plea for civility in such contexts is importantly not, at least in its more idealistic form, a plea for politicians queasily to suppress their differences and compromise, or indeed for politicians to come together in full recognition of the legitimacy of their respective positions. On the contrary, it is a plea for politicians to set aside their differences in the recognition that the stubborn pursuit of “petty” factional concerns is just not relevant to the activity of responsible government, which should rather be about the bipartisan pursuit of the collective, or national, interest. In this way, the civilitarian setting aside of differences involves the re-direction of attention away from the individual or party and its particularities and towards the collective. We see this clearly enough

in the etymology of the term: civility is outward-looking. Its association is not with me and my burden in the manner of toleration, but rather with the city, the collective, the society. In this sense, civility is not a mean between negative toleration and positive recognition, but rather an altogether different mode of responding to diversity.

Incidentally, this is why it is significant that John Rawls characterizes the observance of norms of public reason, which demand that we appeal in public discussion only to those reasons that are intelligible and accessible to all, as a duty of civility rather than as a duty of toleration.<sup>54</sup> To see public reason as an expression of toleration leads naturally to the familiar objection (to which Scheffler's account is in part a response) that its exercise involves a potentially damaging abrogation of one's deepest commitments. But interpreted as an expression of civility on the understanding I suggest here, the language of "abrogation" seems less apt. On the contrary, interpreting public reason as an expression of civility suggests a way in which the will to proffer only those reasons that all may share might actually be continuous with, or at least congruent with, one's deeply held convictions. Some authors suggest that Rawls's account of civility is rather "technical", and that it has "little to do with the ordinary notion of civility."<sup>55</sup> In fact, I think his account illuminates what is perhaps most essential and distinctive about the ordinary notion: the will to live together not in spite of differences of values, but irrespective of them.

The distinction between toleration and civility I am suggesting here is more concretely illustrated in Elijah Anderson's important sociological research on race and civility in American cities.<sup>56</sup> Anderson suggests that the typical urban experience of interaction with strangers is one of "pervasive wariness":

In places such as bus stations, parking garages, and sidewalks, many pedestrians move about guardedly, dealing with strangers by employing elaborate facial and eye work, replete with smiles nods, and gestures designed to carve out an impersonal but private zone for themselves. ... In navigating such spaces people often divert their gazes, looking up, looking down, or looking away, and feign ignorance of the diverse mix of strangers they encounter. Defensively, they “look past” or “look through” the next person, distancing themselves from strangers and effectively consigning their counterparts to a form of social oblivion.<sup>57</sup>

These are spaces of (negative) toleration, and they are familiar enough to anyone who has spent any significant amount of time in an urban environment. In such contexts, particularities are keenly felt, and visible differences of race, class, culture or belief can be experienced as almost insurmountable barriers to association. Such spaces are not necessarily “unsafe.” They certainly can be sites of disorder and violence, but for the most part they are not. And this is because they are spaces in which differences are tolerated by the careful cultivation of the sort of “nearly asocial” relations that Laegaard describes.<sup>58</sup> People “appear simply to follow their noses, at times barely avoiding collisions with other strangers. If they speak at all, they may utter a polite ‘excuse me’ or ‘I’m sorry,’ and, if it seems appropriate, they scowl. In effect, people work to shape and guard their own public space.”<sup>59</sup>

But Anderson’s central thesis is that city life is not always like this. In contrast to these spaces of toleration, he observes quite different spaces that he describes as “cosmopolitan canopies”:

settings that offer a respite from the lingering tensions of urban life and an opportunity for diverse peoples to come together. Canopies are in essence pluralistic spaces where people engage one another in a spirit of civility, or even comity and goodwill. Through personal observation, they may come casually to appreciate one another's differences and empathize with the other in a spirit of shared humanity. Under the canopy this sense of familiarity often breeds comfort and encourages all to be on their best behavior, promoting peaceful relations. ... In this context of diversity and cosmopolitanism, a cognitive and cultural basis for trust is established that often leads to the emergence of more civil behavior.<sup>60</sup>

The examples upon which Anderson focuses are those of Philadelphia's Reading Terminal Market and Rittenhouse Square Park, but we can readily think of other sites in the major cities of liberal democracies that might qualify as cosmopolitan canopies. Think, for example, of Brick Lane Market in London, of the Puerta del Sol in Madrid, or of the Jardin du Luxembourg in Paris.<sup>61</sup> It is important to notice that, while these are not generally spaces of "mere" toleration, they are not generally spaces of recognition either, in which particularities are foregrounded and legitimated, or even celebrated. They are, as Anderson stresses, spaces of civility in which race and other particularities are "de-emphasized."<sup>62</sup> Differences are "salient but understated" and no longer seem to present the barrier to association they did outside of the canopy.<sup>63</sup> In this sense, people under the canopy "take leave of their particularism."<sup>64</sup>

And it is for this reason that a regime of civility is more congruent than a regime of toleration with the kinds of interpersonal attachments that we might expect to flourish in liberal cultures, and which I described in the previous section. Where the regime of toleration

encourages citizens to live together on terms that are keenly mindful of difference, the regime of civility encourages citizens to see themselves as willing to live together irrespective of difference. By this, and to be clear, I do not mean to suggest that regimes of civility function to diminish particularities. If that were the case, then it would seem that such regimes really were at odds with the general drift of a liberal culture which tends, if anything, to promote and accentuate individuality. Rather, it simply reflects (and promotes) a different way of understanding one's particularity and, specifically, the status of one's particularity in the formation of solidaristic bonds.

In short, then: the regime of toleration fosters conditions favorable to the development of solidaristic bonds to which considerations of values (your values and my values) are fundamental; the regime of civility fosters conditions favorable to the development of solidaristic bonds to which considerations of values are not especially important. Consequently, the regime of civility fosters conditions that are more congenial to the circumstances of a liberal culture the pervasive effect of which is to weaken the sense of subjection to the hierarchical authority of values among those who inhabit it.

When we relate to one another in the spirit of civility, the experience for many will be one of liberal friendship of the kind I have described. And, to the extent that this experience is rewarding, civility will come to be seen as valuable in itself. The rewards of this way of living may in some respects coincide with the sorts of rewards Scheffler associates with life under a regime of toleration – “the sense of enrichment that comes from developing an appreciation for forms of value that are realized in practices other than one's own,” or the sense of exhilaration that comes from living confidently “amidst the whirl of human diversity” (GT, 333). But there will also be important differences. Those who value the regime of civility are unlikely to delight

in the “subversive and transgressive pleasures afforded by engagement with unfamiliar customs and practices” (GT, 333). On the contrary, theirs will be the mature and liberating recognition that there is really nothing subversive or transgressive about engaging with people different from themselves - it is not naughty, it is not disloyal, and there need be no sense of betrayal. It is simply normal, and entirely appropriate to the conditions of liberalism.

## **Conclusion**

If we are to make sense of the perspective of those who see in self-censorship not just a prudential strategy for the avoidance of violence, but also the basis for a valuable way of living with others, then we do better to think of self-censorship as a duty of civility rather than as a duty of toleration. This is because the way of living with others that a regime of toleration promotes is not one that is likely to elicit the enthusiasm of the members of a liberal culture for whom moral values, beliefs and principles exert only an attenuated authority in their lives. By contrast, the way of living with others that a regime of civility promotes, by de-emphasizing moral particularities, is more consonant with the conditions of a liberal culture and more congenial to the forms of liberal friendship that flourish within it.

To repeat, my argument has not been that this kind of liberal friendship is a form of solidarity that all citizens ought to find valuable. My contention is rather that if we are to make sense of the enthusiastic allegiance of liberal citizens to the practice of accommodation, then we may do better to interpret it by reference to the kind of civility-friendship model of accommodation I have described rather than the kind of toleration-fraternity model that Scheffler proposes. The reasons for that have to do with the cultural effects of liberalism and its propensity to transform the manner in which citizens relate to their values, principles and ideals.

It may seem that I have been presenting toleration as an anachronism, as an artifact of the past that we have outgrown in liberal modernity. But that is not my intention. First, I see no reason to accept the presupposition of moral progress - insofar as toleration has been displaced by civility there is no reason to suppose there will be no further displacements in the future, and there is no reason to suppose that the transition from toleration to civility is to be accounted an unalloyed good.<sup>65</sup> And secondly, toleration has not been displaced by civility anyway. Liberal cultures have pervasively shaped the self, but as Taylor notes, there are many (perhaps even a majority) living in the world today who continue to experience a strong sense of subjection to the hierarchical authority of morality, who regard deep diversity as a regrettable abnormality and who look upon the liberal “seekers” as hopelessly shallow and superficial. As I have suggested, any given city is likely to reveal spaces of civility and of toleration. As societies (and perhaps as individuals, too) we are divided between toleration and civility.

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<sup>1</sup> Timothy Garton Ash, “Defying the Assassin’s Veto,” *New York Review of Books* 62, no. 3 (2015). On-line at: <http://www.nybooks.com/articles/archives/2015/feb/19/defying-assassins-veto/>

<sup>2</sup> Roy Greenslade, “Charlie Hebdo cartoons: press strives to balance freedom and responsibility,” *The Guardian*, 11 January (2015). On-line at:

<http://www.theguardian.com/media/2015/jan/11/charlie-hebdo-cartoons-uk-press-publish>

<sup>3</sup> [Leader comment] “Cartoons and their context,” *The Guardian*, 3 February (2006). On-line at: <http://www.theguardian.com/world/2006/feb/03/religion.media>

<sup>4</sup> Samuel Scheffler, “The Good of Toleration” in his *Equality and Tradition* (Oxford: Oxford University Press, 2010), 312-36. Future citations in-text as (GT, #).

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<sup>5</sup> Bernard Williams emphasizes the distinction between toleration as a political practice and as an individual virtue in his “Toleration: An Impossible Virtue,” in D. Heyd (ed.), *Toleration: An Elusive Virtue* (New Jersey: Princeton University Press, 1996), 18-27.

<sup>6</sup> John Horton, “Why the traditional conception of toleration still matters” in D. Edyvane and M. Matravers (eds), *Toleration Re-Examined* (Abingdon: Routledge, 2012), 9-25 at 10.

<sup>7</sup> Even here, there is an oddity in Scheffler’s account in its exclusion of certain forms of non-normative diversity – such as racial diversity – which would seem to present important sites of toleration in modern societies. It is necessary for Scheffler to make this restriction because his argument for the good of toleration depends on it (it only works in relation to the accommodation of normative diversity). But it is not obviously warranted, and may reflect the high level of idealization by which Scheffler’s account is characterized. For more capacious conceptual accounts of toleration that allow for the toleration of non-normative forms of diversity, see Andrew Jason Cohen, “What Toleration Is,” *Ethics* 115 no. 1 (2004), 68-95; and Peter Balint, “Acts of Tolerance: A Political and Descriptive Account,” *European Journal of Political Theory* 13 no. 3 (2014), 264-281.

<sup>8</sup> See, for example, George Fletcher, “The Instability of Tolerance,” in D. Heyd (ed.), *Toleration: An Elusive Virtue* (Princeton, NJ: Princeton University Press, 1996), 158-72.

<sup>9</sup> The point here is not to imply that toleration always demands self-censorship. Overt, “uncensored” criticism of practices is often entirely consistent with toleration of those practices. But sometimes toleration will demand self-censorship, especially where overt criticism is likely to provoke violence and disorder. The Charlie Hebdo case is one such case where many people felt that what they perceived as the magazine’s uncensored criticism of Islam constituted an expression of intolerance.



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<sup>10</sup> T. M. Scanlon, “The Difficulty of Tolerance” in D. Heyd (ed.), *Toleration: An Elusive Virtue* (Princeton, NJ: Princeton University Press, 1996), 226-39 at 230.

<sup>11</sup> Scanlon, “The Difficulty of Tolerance,” 231 and 232.

<sup>12</sup> Presumably he does not think a genuinely liberal state will exert the right kind of authority over its subjects – the authority of a (non-paternalist) liberal state is not analogous to parental authority over their children.

<sup>13</sup> By contrast, then, authors favoring non-comprehensive “political liberalism” are likely to be less sympathetic here, and might even be resistant to the very idea, upon which Scheffler depends, of liberalism as a “regime.” For the purposes of argument, I set aside the dispute between comprehensive and political liberals. But it should be noted that much of what I say in what follows presupposes a contested view of liberalism, and one that may not be congenial to more determined political liberals. For helpful mapping of the different positions here, see William Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge: Cambridge University Press, 2002).

<sup>14</sup> Judith Shklar, “A Friendship” in S. Hoffman and D. F. Thompson (eds) *Redeeming American Political Thought* (Chicago: University of Chicago Press, 1998), 14-27 at 14.

<sup>15</sup> The underlying sociological mechanism here is elaborated in the work of Theodore Caplow, *Two Against One: Coalitions in Triads* (Englewood Cliffs, N.J.: Prentice Hall, 1968). One example of its application in the context of sibling solidarity is Colleen Leahy Johnson, “Sibling Solidarity: Its Origin and Functioning in Italian-American Families,” *Journal of Marriage and Family* 44 no. 1 (1982), 155-167.

<sup>16</sup> The intuition to which I am appealing here is harder to support empirically than is the intuition about the relationship between the authoritarianism of parents and the fraternity of siblings.

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Resources such as the World Values Survey and the European Values Survey measure attitudes such as solidarity and openness to diversity, but they do not presently distinguish finely enough between the different varieties of solidarity and openness that concern us here. For example, then, the data reveal correlations between levels of accommodation of diversity and levels of solidarity, but they do not tell us whether the kind of accommodation in question is toleration or civility, or whether the kind of solidarity in question is fraternity, or some other kind of solidarity such as the liberal friendship I will describe later in the article. It is thus one implication of my argument that further empirical research is needed to capture the distinctions I have made.

<sup>17</sup> See, for example, William Galston, *Liberal Purposes: Goods, Virtues and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 1991); Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (Oxford: Oxford University Press, 1990); Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986).

<sup>18</sup> Macedo, *Liberal Virtues*, 52.

<sup>19</sup> Stuart Hampshire, *Justice is Conflict* (London: Duckworth, 1999), 41.

<sup>20</sup> Macedo, *Liberal Virtues*, 267.

<sup>21</sup> Macedo, *Liberal Virtues*, 278.

<sup>22</sup> And note also that this is not primarily an empirical claim about what we see “on the ground” in broadly (or allegedly) liberal societies. It is primarily a theoretical claim about the sort of relation to one’s normative convictions that a liberal culture fosters. Insofar as that relation is not evident in any given country, that may just be an indication that the culture of that country is not as wholly or authentically liberal as it might be. This is not to say that the theoretical claim is untestable; it is testable, but testing it cannot simply be a matter of asking how far it is reflected

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in those societies we characteristically describe as “liberal.” That is because part of what is in question here is precisely what it means for a society to be liberal.

<sup>23</sup> Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1989), 18 (my emphasis).

<sup>24</sup> Shklar, “A Friendship,” 15.

<sup>25</sup> This idea is developed in some detail in Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (London: Penguin, 2006), especially chapters 5 and 6.

<sup>26</sup> Graham Little, *Friendship: Being Ourselves with Others* (Victoria: Scribe, 2000).

<sup>27</sup> Little, *Friendship*, 14.

<sup>28</sup> Little, *Friendship*, 77.

<sup>29</sup> Little, *Friendship*, 14.

<sup>30</sup> Little, *Friendship*, 37.

<sup>31</sup> This need not imply that my commitment to Alex is entirely capricious or whimsical. It may still be important to me that I can find reasons to render my commitment to her intelligible. The point is just that those reasons are not likely to be strictly foundational to my commitment. See Derek Edyvane, “Against Unconditional Love,” *Journal of Applied Philosophy* 20, no. 1 (2003), 59-75.

<sup>32</sup> Michael Oakeshott, *On Human Conduct* (Oxford: Oxford University Press, 1975), 324.

<sup>33</sup> The worry is that the practice of toleration presupposes and reinforces a profoundly illiberal set of power relations whereby the tolerator is seen graciously and magnanimously to indulge the despised object of toleration, often a vulnerable minority. For discussion of the illiberal and undemocratic character of toleration see Wendy Brown, *Regulating Aversion: Tolerance in the*

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Age of Identity and Empire (New Jersey: Princeton University Press, 2006); and Rainer Forst, "Toleration and Democracy," *Journal of Social Philosophy* 45 no. 1, 65-75.

<sup>34</sup> Cheshire Calhoun, "The Virtue of Civility," *Philosophy and Public Affairs* 29 no. 3 (2000), 251-275 at 255.

<sup>35</sup> John A. Hall, *The Importance of Being Civil: The Struggle for Political Decency* (New Jersey: Princeton University Press, 2013), 26

<sup>36</sup> Richard Boyd, "The Value of Civility?" *Urban Studies* 43 no. 5/6 (2006), 863-878 at 865.

<sup>37</sup> For the purposes of elaborating the contrast between civility and Scheffler's account of toleration, I focus on the accommodation of normative diversity. However, it is worth emphasizing that the account of the good of civility that I will develop does not depend in the same way as Scheffler's account on circumscribing the scope of accommodation to questions of normative diversity alone.

<sup>38</sup> My intention is not to provide a comprehensive account of the idea of civility any more than it has been my intention to provide a comprehensive account of toleration. My aim, rather, is to contrast the two ideas by highlighting some of their distinguishing features. For a more comprehensive survey of the concept of civility see Derek Edyvane, "The Passion for Civility," *Political Studies Review*, early view (2016).

<sup>39</sup> Many commentators draw something akin to this distinction between political and ethical civility. See, for example, Calhoun, "The Virtue of civility," 255-9; Boyd, "The Value of Civility?" 864-8; Michael J. Meyer, "Liberal Civility and the Civility of Etiquette: Public Ideals and Personal Lives," *Social Theory and Practice* 26 no. 1 (2000), 69-84 at 71.

<sup>40</sup> See, for example, Thomas Christiano "What is Civility and How Does it Relate to Core Democratic Values?" in C. W. Clayton and R. Elgar (eds) *Civility and Democracy in America: A*

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Reasonable Understanding (Pullman, Washington: Washington State University Press, 2012), 108-118; Mark Kingwell, *In a Civil Tongue: Justice, Dialogue, and the Politics of Pluralism* (Pennsylvania: Penn State University Press, 1995).

<sup>41</sup> Kingwell, *In a Civil Tongue*, and John Rawls, *Political Liberalism*, paperback edition (New York: Columbia University Press, 1996) present examples of the narrow conception. Boyd, “The Value of Civility?”, Hall, *The Importance of Being Civil*, and Edward Shils, “The Virtue of Civil Society,” *Government and Opposition*, 26 no. 1 (1991), 3-20, are all examples of the broad conception.

<sup>42</sup> See Boyd, “The Value of Civility?” 866.

<sup>43</sup> Quoted in Ferdinand Mount, “The Recovery of Civility,” *Encounter* July (1973), 31-43 at 31.

<sup>44</sup> Shils, “The Virtue of Civil Society,” 13.

<sup>45</sup> Jeremy Waldron “Civility and Formality,” in A. Sarat (ed.), *Civility, Legality and Justice in America* (Cambridge: Cambridge University Press, 2014), 46-68 at 59.

<sup>46</sup> Sune Lægaard, “A Multicultural Social Ethos: Tolerance, Respect or Civility,” in G. Calder and E. Ceva (eds), *Diversity in Europe: Dilemmas of Differential Treatment in Theory and Practice* (Abingdon: Routledge, 2011), 81-96 at 86.

<sup>47</sup> Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* (Oxford: Oxford University Press, 2003), 8 and 28.

<sup>48</sup> Anna Elisabetta Galeotti, *Toleration as Recognition* (Cambridge: Cambridge University Press, 2002).

<sup>49</sup> See Lægaard, “A Multicultural Social Ethos.” Galeotti suggests a similar kind of continuum of modes of accommodation in her “The Range of Toleration: From toleration as recognition back to disrespectful tolerance,” *Philosophy and Social Criticism*, 41 no. 2 (2015), 93-110.

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- <sup>50</sup> John Horton, “Why the traditional conception of toleration still matters,” 10.
- <sup>51</sup> Anna Elisabetta Galeotti, “The Range of Toleration,” 102.
- <sup>52</sup> Anna Elisabetta Galeotti, *Toleration as Recognition*, 101.
- <sup>53</sup> For discussion see Susan Herbst *Rude Democracy: Civility and Incivility in American Politics* (Philadelphia: Temple University Press, 2010).
- <sup>54</sup> John Rawls, *Political Liberalism*, paperback edition (New York: Columbia University Press, 1996), 217.
- <sup>55</sup> Brian Leiter, “The Circumstances of Civility,” in C. W. Clayton and R. Elgar (eds), *Civility and Democracy in America*, 124-128 at 127.
- <sup>56</sup> Elijah Anderson, *The Cosmopolitan Canopy: Race and Civility in Everyday Life* (New York: Norton, 2011).
- <sup>57</sup> Elijah Anderson, *The Cosmopolitan Canopy*, 2.
- <sup>58</sup> Lægaard, “A Multicultural Social Ethos,” 86.
- <sup>59</sup> Elijah Anderson, *The Cosmopolitan Canopy*, 3.
- <sup>60</sup> Elijah Anderson, *The Cosmopolitan Canopy*, xiv-xv.
- <sup>61</sup> To be sure, it requires a degree of imagination, even idealization, to see any of these sites as spaces of “civility, comity and goodwill.” Anderson is clear that the veneer of cosmopolitanism is all too readily disrupted by what he terms the “nigger moment,” where racial or other differences are suddenly re-emphasized “and an issue that people had assumed mattered little comes to dominate the whole situation” (*The Cosmopolitan Canopy*, 154).
- <sup>62</sup> Elijah Anderson, *The Cosmopolitan Canopy*, 5.
- <sup>63</sup> Elijah Anderson, *The Cosmopolitan Canopy*, 18.
- <sup>64</sup> Elijah Anderson, *The Cosmopolitan Canopy*, 43.

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<sup>65</sup> For important sceptical discussions of civility, see Randall Kennedy, “The Case Against Civility,” *The American Prospect* 41 (1998), 84-90; Linda Zerrilli, “Against Civility: A Feminist Perspective” in A Sarat (ed.), *Civility, Legality and Justice in America* (Cambridge: Cambridge University Press, 2014), 107-131.