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Semantic Descent: More Trouble for Civility

ROBERT B. TALISSE

Civility is widely regarded as a duty of democratic citizenship. This Article identifies a difficulty inherent within the enterprise of developing an adequate conception of civility. Challenging the idea civility is the requirement to remain calm, peaceable, or dispassionate in political debate, it is argued that that civility is instead the requirement to address one's political arguments to one's interlocutors. In this way, civility is a second-order requirement, a norm governing our conduct in political disagreement. From there, a conceptual problem for civility so understood is raised, the problem of semantic descent. It is argued that any plausible conception of civility is prone to being "weaponized," transformed into a partisan device for incivility. The general upshot is that as important as civility is for a well-functioning democracy, its usefulness as a diagnostic tool for repairing political dysfunctions is limited.

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Semantic Descent: More Trouble for Civility

ROBERT B. TALISSE *

INTRODUCTION

It is commonly observed by commentators from across the political spectrum in the United States that the past decade has seen a marked intensification of political antagonism.¹ Office holders and party officials seem to have lost the capacity to cooperate with those who do not share their political affiliation, resulting in political deadlock and stagnation.² In fact, the trouble runs deeper than that. Whereas partisan animosity has long prevailed among politicians, it only recently has trickled down to, and intensified among, the U.S. citizenry.³ Citizens struggle these days to communicate productively across partisan divides. Thus, in addition to the intransigence within government, popular political discourse is beset by a range of dysfunctions that are commonly referred to collectively as *incivility*.⁴ A common thought is that we can begin to repair our democracy only by first restoring a commitment to civility.

That incivility poses trouble for democracy is acknowledged by the American citizenry. A 2019 Pew study finds that most Americans believe that political debate has become dangerously toxic and disrespectful in recent years.⁵ A prior study finds that Americans disapprove of the incivility that has taken hold of democracy and want greater comity and cooperation among politicians.⁶ These findings offer some hope that the remedy for current political dysfunctions is not beyond reach. If citizens

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¹ Shanto Iyengar & Sean J Westwood, *Fear and Loathing Across Party Lines: New Evidence on Group Polarization*, 59 AM. J. POL. SCI. 690, 692 (2014).

² *The Partisan Divide on Political Values Grows Even Wider: Sharp Shifts Among Democrats on Aid to Needy, Race, Immigration*, PEW RES. CTR. (Oct. 5, 2017), <https://www.people-press.org/2017/10/05/the-partisan-divide-on-political-values-grows-even-wider/>.

³ *Id.*

⁴ Kathleen Hall Jamieson et al., *The Political Uses and Abuses of Civility and Incivility*, in THE OXFORD HANDBOOK OF POLITICAL COMMUNICATION 205, 205–19 (Kate Kenski & Kathleen Hall Jamieson eds., 2017).

⁵ Bruce Drake & Jocelyn Kiley, *Americans Say the Nation's Political Debate Has Grown More Toxic and 'Heated' Rhetoric Could Lead to Violence*, PEW RES. CTR. (July 18, 2019), <https://www.pewresearch.org/fact-tank/2019/07/18/americans-say-the-nations-political-debate-has-grown-more-toxic-and-heated-rhetoric-could-lead-to-violence/>.

⁶ See *supra* note 2.

dislike over-the-top political rancor and want a more civil mode of politics, then the challenge is simply that of incentivizing politicians and citizens to turn down the heat.

Alas, this optimism fades in light of a further finding of the same study.⁷ Many who disapprove of the uncivil streak in contemporary U.S. politics also believe that the blame for incivility lies squarely with their political opponents; moreover, they think the solution is to force capitulation from the other side.⁸ In calling for more civility, many citizens seek *submission* or *acquiescence* from their political rivals. Surely civility cannot require capitulation from one's political opposition. Something is amiss.

The problem rests with the concept of civility itself. We all identify it as a political good, and incivility a political bad, yet we do not share a sufficiently nuanced understanding of what civility is. Similarly, we agree that democratic citizens and office holders have a duty to be civil and are therefore blameworthy when they behave uncivilly; nonetheless, in the absence of a clearer account of what civility requires, the duty of civility lacks definite content. Finally, as it is popularly understood, civility is closely related to politeness, courtesy, and generosity; while satisfying these norms may be admirable, the duty of civility arguably involves something else, as it is not clear that citizens have a duty to be polite, courteous, or generous. In short, there is the conceptual work to be done. If incivility is to play a central diagnostic and prescriptive role in our analysis of current political dysfunctions, and if, as is commonly held, civility is to be understood as a duty of democratic citizenship, then we need to work from a suitably detailed conception of what civility is and why it is valuable.

To anticipate a point that will feature in a later part of this Article, in pursuing this conceptual task, it is crucial that we develop a conception of civility that is itself nonpartisan. That is, in order to perform its prescriptive and diagnostic job, our understanding of civility must not be rigged in favor of our own favored political stances. Whatever civility is, it must be satisfiable by citizens from across the full spectrum of democratically valid political opinion.⁹ In other words, a conception of civility that renders out of bounds all advocacy for political positions that we oppose is no

⁷ *Id.*

⁸ *Political Polarization in the American Public: How Increasing Ideological Uniformity and Partisan Antipathy Affect Politics, Compromise and Everyday Life*, PEW RES. CTR. (June 12, 2014), <https://www.people-press.org/2014/06/12/political-polarization-in-the-american-public/>.

⁹ This formulation leaves open the possibility that some political viewpoints are *intrinsicly* uncivil, such that their expression is necessarily a violation of the duty of civility. Certain overtly racist, sexist, and nationalistic views can be plausibly regarded as uncivil. The point, which will be discussed further below, is that our conception of civility must allow for civil expressions of political viewpoints that we find erroneous, perhaps severely so.

conception of civility at all. We might say, then, that a proper conception of civility must itself be endorsable across the spectrum of democratically acceptable political perspectives. It must be in this sense *public*.

This Article identifies a difficulty inherent within the enterprise of developing a public conception of civility. I begin by raising a puzzle about civility as popularly understood, which in turn reveals that the duty of civility cannot be the requirement to remain calm, peaceable, or dispassionate in political debate. In fact, the initial puzzle suggests that civility cannot be a norm governing one's *tone* or *demeanor* in political disputation at all. It will be proposed in Section Two that civility rather is a norm of discursive engagement that requires one to *address* one's contributions to political argument to one's interlocutors; civility is a norm of *engagement*, pertaining to how well one's contributions to debate track the contributions of one's interlocutors. It will then be argued, in Section Three, that whatever the more precise details of civility might be, the duty to be civil is a *reciprocal* requirement; that is, we are bound by the norm of civility only when there is sufficient reason to expect that one's interlocutors will abide by it as well. In Section Four, I further specify conditions that a viable conception of civility must meet. In particular, I draw upon some terminology introduced by Willard Van Orman Quine to show that civility must be understood as a second-order norm, a norm governing our conduct in contexts of disagreement. In Section Five, I spell out a conceptual problem for civility so understood, what will be called the *problem of semantic descent*. It will be argued that any plausible conception of civility is prone to being "weaponized," transformed into a partisan device for incivility. The general upshot is that as important as civility is for a well-functioning democracy, its usefulness as a diagnostic tool for repairing political dysfunctions is limited.

I. THE PUZZLE OF CIVILITY

Begin by assuming a popular conception of civility. According to it, civility involves remaining calm, reserved, cooperative, courteous, and dispassionate in political debate. This conception of civility has many merits, and perhaps chief among them is that it comports well with common usage of the term, including use in contexts outside of politics. Thus, in assuming the popular conception of civility, one is claiming that in politics one ought to abide by norms that govern other familiar discursive contexts where disputation might arise, from the family dinner table to the workplace, classroom, and queue at the supermarket. In short, the popular conception of civility in politics has the virtue of making civility a *unitary* concept, a set of norms applicable to interpersonal affairs across the board, as it were.

Of course, the nastiness of politics may be regrettable without thereby being democratically pathological. Therefore, laments over the incivility of

contemporary politics are often accompanied by an additional (though often tacit) claim, namely that democratic citizens have a duty to be civil. This additional contention is needed if incivility is to be regarded as a democratic failure or political pathology. That is, in order for incivility to register as a democratic dysfunction, we need to make a case for thinking that democratic citizens and office holders have a duty to be civil.

The case for the duty of civility runs roughly as follows: If it is to flourish, a democracy needs to get things done; this means that political rivals—especially office holders, but citizens too—must cooperate and sometimes even compromise. When discourse is overly antagonistic, participants are incentivized to dig in their heels and adopt a stance of intransigence. This not only leads to deadlock, it also encourages a mode of politics that abandons the democratic ideal of self-government among equals, replacing it with a strictly strategic conception that values only winning and so regards political opponents as merely obstacles to be neutralized. Yet democracy is a partnership among political equals; thus, democratic citizens, including office holders, have a duty of civility.¹⁰ Consequently, when they fail to be civil, citizens have fallen short of proper citizenship; and when incivility is rampant within a polity, democracy is failing.

This reasoning is solid, but it occasions a puzzle. Understood as self-government among political equals, democracy calls upon citizens to take responsibility for their collective political life; they must in some sense *take ownership* of their political order. This means that citizens must be *participants* in the tasks of democracy. Accordingly, they have duties to be informed, competent, and reflective as citizens.¹¹ In addition, they have a duty to *exercise their judgment* about public affairs. They are expected to think through the political issues of the day and to form their own political opinions. What is more, as citizens are one another's equals, the style of judgment required by citizenship involves a kind of perspective-taking; democratic citizens are expected to reason from a collective point of view,

¹⁰ See RONALD DWORKIN, IS DEMOCRACY POSSIBLE HERE?: PRINCIPLES FOR A NEW POLITICAL DEBATE 131–34 (2006) (detailing the “partnership” view of democracy).

¹¹ There is a massive literature focusing on whether citizens are up to the tasks of democratic citizenship. Though this question is important, it is not my focus here. For a range of views, see generally CHRISTOPHER H. ACHEN & LARRY M. BARTELS, DEMOCRACY FOR REALISTS: WHY ELECTIONS DO NOT PRODUCE RESPONSIVE GOVERNMENT (2017) (detailing how the idea of thoughtful citizens guiding a democratic state from the voting booth is fundamentally misguided); ROBERT GOODIN, REFLECTIVE DEMOCRACY (2003) (offering a solution when political disputes in a democracy invariably mix facts with values); HÉLÈNE LANDEMORE, DEMOCRATIC REASON: POLITICS, COLLECTIVE INTELLIGENCE, AND THE RULE OF THE MANY (2013) (arguing that democracy is legitimate, just, and smart because the decision by the many will be more accurate than decision by the few); ILYA SOMIN, DEMOCRACY AND POLITICAL IGNORANCE: WHY SMALLER GOVERNMENT IS SMARTER (2016) (revealing how the depths of political ignorance in America cause a major challenge for democracy).

rather than from a narrowly first-personal perspective. That is, in thinking through political issues, each citizen must look beyond their individual interests and attempt to discern the collective or *public* good.¹² Many democratic theorists claim that participating in public political discussion is an indispensable step in adopting the collective point of view; hence these theorists hold that democratic citizens are also obligated to engage in forms of public deliberation and discussion.¹³

The puzzle emerges from the fact that under conditions of intellectual freedom and equality, citizens' judgments over normative matters are unlikely to converge. As John Rawls observed, the freedoms secured in a constitutional democracy give rise to a "reasonable pluralism" of political ideas, doctrines, perspectives, and opinions.¹⁴ Accordingly, the aim of public participation and deliberation is not *consensus* but, as indicated above, the achievement of a properly *public* perspective from which to form one's political judgements and conduct political debate. Rawls's insight, well-confirmed in democratic practice, is that properly public judgments about complex political issues nonetheless diverge.¹⁵ Hence, political disagreement and disputation are inexorable from democracy.

The task of much of democratic theory is to envision and design processes and institutions that can *manage* our political divides. One might go as far as to say that constitutions simply are rulebooks for containing our divisions within the navigable boundaries of fair rules and procedures. But when it comes to interactions among the disputants, this managerial function is fraught. Although some political disagreements concern relatively nominal matters, many invoke citizens' sense of justice. Though the familiar debates over healthcare, poverty, taxation, immigration, and the environment are sometimes articulated as the strictly managerial disputes of what the country can afford, they are ultimately disputes over justice, and disagreements about what a morally acceptable society is required to do. Hence, heat frequently accompanies these disputes. When arguing about matters invoking our sense of justice, we tend to see our interlocutors as being not merely on the *incorrect* side of the question, but on the *unjust* side. And when their side prevails politically, we are bound

¹² See Joshua Cohen, *Procedure and Substance in Deliberative Democracy*, in *DEMOCRACY AND DIFFERENCE: CONTESTING THE BOUNDARIES OF THE POLITICAL* 95, 95–96 (Seyla Benhabib ed., 1996) (explaining the importance of decisions being made collectively within a democracy, even when there are no shared comprehensive moral or religious views); Seyla Benhabib, *Deliberative Rationality and Models of Democratic Legitimacy*, 1 *CONSTELLATIONS* 26, 28–29 (1994) (distinguishing between collective good and individual interests in the democratic process).

¹³ The deliberative democrats are perhaps the most obvious proponents for this kind of view. But the idea that citizens have a duty to discuss politics is not limited to deliberativists.

¹⁴ JOHN RAWLS, *POLITICAL LIBERALISM* 36 (2005).

¹⁵ GERALD GAUS, *THE TYRANNY OF THE IDEAL: JUSTICE IN A DIVERSE SOCIETY* ch. 1 (2016).

to regard that outcome as not merely suboptimal or regrettable, but morally unacceptable.

Here, then, is the puzzle occasioned by the popular conception of civility and its corresponding duty. Heated tones and antagonistic demeanors are precisely what one should expect in disputes where the interlocutors take themselves to be defending against injustice. Moreover, as was noted above, democratic citizens have a duty to take responsibility for their collective political life. Accordingly, when matters of justice are at stake, they are thus likely to bring to political disagreements the emotional and normative investments that tend to manifest in heat and hostility. In short, antagonism, animosity, resentment, and indignation are what we should expect from democratically engaged citizens when arguing sincerely over important public matters. The features of political discourse that are commonly cited as constitutive of incivility appear to be the natural byproducts of responsible citizenship. The duty of civility, taken in its popular conception, looks inconsistent with proper democratic citizenship.

A defender of the popular view might retort that the reasoning above shows not that civility is incompatible with proper citizenship, but only that it is difficult. She may contend that the duty of civility is the requirement to *contain* or *suppress* the tendency, natural though it may be, to be exercised in political discussions when matters of justice are at stake. The duty of civility, it may be claimed, is the requirement to not allow our passions to get the better of us in political disputation.

This line of defense prompts a formidable critique of the idea that the duty of civility involves the requirement to be soft-spoken, collected, and reserved in political debate. Theorists working in various feminist idioms have argued—correctly, in my view—that, when civility is understood broadly as politeness, the duty of civility gives unwarranted advantage to the status quo and the existing balance of political power.¹⁶ One of the ways in which the duty of civility so understood accomplishes this is by creating opportunities for the politically powerful to defuse criticisms and objections by fixing on the manner in which they are expressed. Those for whom the status quo is most objectionable tend also to be those who are most passionate and indignant. Consequently, the duty of civility, again

¹⁶ See, e.g., Virginia Held, *Non-Contractual Society: A Feminist View*, 13 CAN. J. PHIL. SUPPLEMENTARY VOLUME 111–37 (1987), reprinted in SCIENCE, MORALITY & FEMINIST THEORY 209, 213–14 (Marsha Hanen & Kai Nielsen eds., 1987) (noting that women were not “expected to demand equal rights”); Iris Marion Young, *Communication and the Other: Beyond Deliberative Democracy*, in DEMOCRACY AND DIFFERENCE: CONTESTING THE BOUNDARIES OF THE POLITICAL 120, 122–24 (Seyla Benhabib ed., 1996) (arguing that “differences of speech privilege correlate with other differences of social privilege”); Lynn M. Sanders, *Against Deliberation*, 25 POL. THEORY 347, 348–49 (1997) (arguing that “appeals to deliberation do nothing to challenge an undesirable status quo” and ultimately disadvantage individuals “who are already underrepresented in formal political institutions”).

assuming the popular understanding of civility that we have been exploring, is in effect an instrument by which democratic responsibility is deflected and democratic judgment disabled. Once again, given the popular understanding of civility, the duty of civility seems incompatible with responsible democratic citizenship.

This provides a clue as to what civility and its corresponding duty cannot be. Whatever value there might be in remaining calm and collected in the midst of political disagreement, it cannot be a requirement of democratic citizenship to do so. It may be an effective strategy to manifest a reserved and dispassionate demeanor in political discussion, but it is not a democratic duty to do so. The heat, tone, and animosity of contemporary political discourse might be regrettable for a variety of reasons, but it does not itself constitute a failure of citizenship. Consequently, the duty of civility requires something else of us.

To be clear, civility in the popular sense that we have thus far adopted nonetheless captures a common collection of *pro tanto* norms which I do not take the arguments above to impugn. Moreover, I take it that there is a *pro tanto* duty that applies to persons to be civil in their interactions, and perhaps especially their disputes. The argument thus far has fixed only on the idea that civility, as it is popularly construed, is the core of a duty of citizenship. Accordingly, the upshot thus far may be formulated as follows: Civility is not a unitary concept. Rather, there is a distinct sense of civility that applies strictly to contexts of democratic politics, and consequently, a duty of civility that applies to persons specifically in their role as democratic citizens.

II. CIVILITY AS CIVIC ADDRESS

What, then, does this distinctively democratic concept of civility and its corresponding duty amount to? In pursuing this, we can draw further a lesson from the feminist line of criticism introduced above. Recall that the target of that critique was a conception of the duty of civility that too easily enabled powerholders and advocates of the status quo to deflect objections from those who find the status quo unacceptable. Widening the focus slightly, we can see the feminist critique as emphasizing a crucial feature of democratic responsibility: in order to realize the ideal of self-government among equals who take ownership of their collective political order, citizens must be *accountable* to one another. When it comes to citizens who are also holders of public office, this means that they must render themselves *vulnerable* to the criticisms of their fellow citizens. Broadly, democratic citizens owe to one another actual *engagement*; in conducting their political disputes, they must *address* one another in a way that is consistent with their standing as democratic citizens, that is, as political equals.

Addressing another person in a way that is consistent with their standing as an equal citizen is not easy, especially when matters of justice are at stake. Just as it is easy to manifest hostility towards those who one perceives to be advocating injustice, it is easy to dismiss one's political opponents as political inferiors. However, unlike expressions of political hostility, attitudes of political superiority are obviously at odds with the core democratic ideal of self-government among equals. In other words, the political disputation that is inexorable from—because it is constitutive of— democracy is always disputation among equals. I want to propose, then, that the core of civility (now taken in its distinctive democratic sense) is the norm of *addressing* political interlocutors as one's fellow citizens, and thus as equal partners in self-government. In short, I propose that we think of civility as a norm of *civic address*, and the corresponding duty as requiring that we address our fellow citizens in a way that is consistent with their standing as our equals.

Central to civility as *civic address* are three broad requirements. First, there is *responsiveness*. In political discourse, including of course argumentation, citizens must strive to be *responsive* to their interlocutors' actually stated views and reasons, rather than with strawmen or other opportunistically constructed fabrications. Second, is the requirement of *connection*. That is, in political discourse, citizens must strive to address their contributions to one another, rather than to onlooking audiences or a choir of sympathetic partisans; in argumentative contexts, interlocutors must not use one another as mere props, foils against which to mug to their allies in the audience. Third, citizens must endeavor to conduct their political discourse by means of reasons and considerations that they sincerely believe that their interlocutors will appreciate the force of. Call this the *mutuality* requirement for civic address. In short, in communicative and argumentative exchanges, we manifest a due recognition for our interlocutor's status as an equal when we strive to address them in a way that responds to their actual views, connects with them directly, and attempts sincerely to offer reasons and considerations that they will accept as such. Insofar as democratic citizenship involves a standing requirement to acknowledge our fellow citizens as our political equals, there is a duty of civility.

Readers will have noticed that the requirements of civic address have been formulated as requirements to *strive* and *endeavor* to engage with one's fellow citizens in a particular way. The formulation as requirements to *try* is necessary if we are to take due account of the fact that argumentative discourse is one of the ways in which citizens come to learn about their oppositions' perspectives and arguments. Consequently, civility must be consistent with a certain degree of sincere misunderstanding of others' views. Consider that it should not count as uncivil when a citizen fails to offer her interlocutors reasons that they could accept due to her

being honestly mistaken about the substance of their position. Borrowing a term proposed in a different context by Christopher Eberle, we can say that the resulting duty of civility is a duty of “*conscientious* engagement.”¹⁷

It is not difficult to discern some of the leading merits of this approach to conceptualizing civility and its corresponding duty. For example, on the civic address account, the mark of incivility does not lie in tone, heat, or demeanor, but rather in opportunistic refusals to take one’s critics or opponents as nonetheless one’s equal citizens. And this view enables us to identify popular modes of political discourse as especially uncivil. Note how often political argumentation involves strategic mischaracterization of the oppositions’ actual views, the mere pantomime of answering objections while simply restating one’s views for the sake of rallying one’s allies, and the tactic of offering as decisive reasons in favor of one’s views claims that are the very ones being called into question by one’s critics.¹⁸ That these tactics are compatible with maintaining a soft, concessive tone and polite demeanor indicates the limitations of the popular conception of political civility.

The conception of civility as civic address is also able to accommodate the thought that hostility and animosity are generally *regrettable* features of our politics. After all, heat and attitude are tactics for *escalating* conflict, and when they are employed by those who are already unduly advantaged, they serve to diminish critics and smother criticisms. One could go so far as to say that the marks of incivility as popularly understood (aggression, name-calling, shouting, impoliteness, and the like) are reliable *signals* that civility in the sense of civic address is being breached. What matters in assessing a mode of discourse with respect to civility, then, is how well the interlocutors succeed in actually addressing one another in the relevant ways. Heat, animosity, and tone are consistent with civic address, even though they are frequently manifestations of its violation. Consequently, democratic citizens have a *pro tanto* duty to be civil in the popular sense, but this is parasitic on the duty to civically address their fellow citizens. This means that a failure to be civil in the popular sense does not itself constitute a failure of citizenship.

I realize that I have barely sketched my conception of civility as civic address. A complete view of civility would need to include far more detail than can be provided here. But recall that my objective in this Article is not to develop a conception of civility, but rather to identify a problem that any viable conception of civility will confront. My contention at this juncture is simply that the conception of civility as civil address, along with its

¹⁷ CHRISTOPHER J. EBERLE, RELIGIOUS CONVICTION IN LIBERAL POLITICS 104 (2002).

¹⁸ See SCOTT F. AIKIN & ROBERT B. TALISSE, WHY WE ARGUE (AND HOW WE SHOULD): A GUIDE TO POLITICAL DISAGREEMENT IN AN AGE OF UNREASON 10–12 (2d ed. 2019) (offering detailed analyses of these pathologies).

corresponding duty, is both commonsensical and noncontroversial enough to serve as a template from which more detailed articulations of civility would proceed. Spelling out the details of civility as civic address is undertaken in other work.¹⁹

III. CIVILITY AS A RECIPROCAL DUTY

Any conception of civility that takes something like civic address as its foundation will conceive of civility as a norm of *engagement* with one's fellow citizens, and this will naturally entail that the duty of civility is what may be called a *reciprocal* duty.²⁰

To explain, some duties are *first-personal* while others are *reciprocal*.²¹ An analogy with garden-variety moral virtue will be helpful. Consider a virtue like *moderation*. This virtue establishes a standard of conduct that requires an individual's temperance in the pursuit of enjoyment. This standard is *first-personal*.²² What it requires is not contingent on the presence of other temperate people; the virtue of temperance *applies* to individuals as individuals, and demands of them individual moderation, even in the presence of immoderate company. Another example of a first-personal virtue is *courage*. The courageous person must stand firm in fearful situations, even when surrounded by cowards. To be sure, precisely *what* course of action courage requires might depend on one's company and what they are currently doing; nonetheless, that others are cowards does not license anything less than courage from the courageous person. Again, courage, as a first-personal virtue, applies to the individual.

Now contrast these first-personal virtues with requirements of a different kind. These do not primarily attach to individuals, but instead govern *groups* of individuals or are exhibited in relations between them. That is, they establish a standard of conduct for *us* rather than simply for *me* and *you*. For example, we teach our children the policy "keep your hands to yourself." But notice that the policy of keeping one's hands to oneself establishes a standard of conduct for *those on the playground*; more importantly, it is in virtue of its *collective application* that individuals are bound to comply with its requirements. Consequently, when Billy violates the norm by grabbing Danny, and Danny retaliates, it would be absurd to criticize Danny for failing to keep his hands to himself. With Billy's violation, the collective norm is suspended, and in extricating himself by pushing Billy away, Danny does not himself *break* the rule. To

¹⁹ SCOTT F. AIKIN & ROBERT B. TALISSE, POLITICAL ARGUMENT IN A POLARIZED AGE 53–56 (forthcoming 2020).

²⁰ The discussion that follows draws heavily from AIKIN & TALISSE, *supra* note 18, ch. 9.

²¹ *Id.*

²² *Id.*

better capture this, notice that the norm “keep your hands to yourself” is an abbreviated version of the more complex norm “keep your hands to yourself on the condition that others are keeping their hands to themselves.” We see, then, that the norm and its corresponding duty are *reciprocal*; they establish a standard of conduct that applies to groups, and individuals are required to abide by the norm, as long as others generally do so as well.²³

Notice that in this playground case, the norm does not indicate what one is permitted to do in response to its violation. Surely there are certain retaliatory acts that Danny could perform against Billy that would be inappropriate or even impermissible. That Billy’s violation suspends the collective norm does not afford to Danny moral *carte blanche* to respond however he wishes. Though his retaliatory response does not itself constitute a violation of the “keep your hands to yourself” norm, Danny may still retaliate in ways that render him worthy of criticism, perhaps even punishment.

Return now to politics. It is clear that some political duties are first-personal. As a citizen, one’s engagements with others must manifest the requirements of honesty and evenhandedness. That one’s fellow citizens are inveterate dissemblers does not license one to be dishonest or biased. In fact, when dishonesty is widespread, honesty and evenhandedness are all the more important. However, other political duties are reciprocal. They prescribe modes of conduct to us—*collectively*, so to speak. Accordingly, individuals are required to abide by these requirements only when they are embraced and generally practiced by the group. Where the norm corresponding to a reciprocal duty is commonly disregarded within a group, the duty itself is rendered inactive, as it establishes a standard of behavior *only under the conditions where the norm is collectively embraced*.

Given that the duty of civility follows from the democratic aspiration of maintaining responsibility for the citizens’ shared political order, it looks clearly reciprocal. We are required to hold ourselves politically accountable to our fellow citizens, and hence to render ourselves vulnerable to their criticisms, as a way of manifesting our recognition of their status as equal partners in democratic self-government. When others are disposed to incivility, they decline to hold themselves politically accountable to us; under such conditions, it would be perverse to take ourselves to nonetheless be bound by the duty of civility. Indeed, abiding by the duty of civility when it is generally flouted is tantamount to abetting our own political subordination, as it places constraints on our political activity and puts our views and objectives at a relative disadvantage. One

²³ *Id.*

might say, then, that abiding by the duty of civility under conditions where it is not reciprocally practiced helps to empower and entrench incivility, which in turn serves to further deteriorate democratic conditions. In abiding by the duty of civility when dealing with the uncivil, we contribute to the strategic effectiveness of incivility. Under certain extreme circumstances, there may be a duty of incivility.²⁴

IV. CIVILITY AS A SECOND-ORDER NORM

The next stage of the argument begins from a brief digression into what might seem to be exceedingly distant territory—the views of the twentieth century American empiricist philosopher Willard Van Orman Quine, who wrote nothing in political philosophy and only one curious essay in moral philosophy.²⁵ Our present interest in Quine is limited to a particular bit of nomenclature—specifically, the term *semantic ascent*²⁶—that he introduced as he was theorizing the structure of philosophical disagreements over what might be called *ontology*, or disagreements over what exists.²⁷ I suspect readers are familiar with certain longstanding philosophical disputes that belong to the subfield of metaphysics. In particular, there is a debate going back to at least the Presocratics about whether everything that exists is physical.²⁸ This is closely related to a debate over whether everything that exists has *causal* properties. Typically, these debates focus on the seemingly indispensable nature of certain *abstracta* (that is, nonphysical items), such as numbers, sets, classes, and kinds, whose role in the causal order is on anyone’s view mysterious.²⁹ Quine was concerned with whether disputes over the existence of such (purported) items could be well-ordered. It would seem that between the physicalist (who denies that there are *abstracta*) and the nonphysicalist (who affirms that some *abstracta* exist), there could be no proper

²⁴ See generally CANDICE DELMAS, A DUTY TO RESIST: WHEN DISOBEDIENCE SHOULD BE UNCIVIL (2018) for a similar discussion in the context of the duty to obey the law. Delmas argues that in cases where the political order is significantly unjust, there is not only no duty to obey the law, but possibly a duty to disobey, perhaps even in ways that overtly violate norms of civil disobedience. *Id.* at 224–25.

²⁵ For a reliable overview of Quine’s philosophy, see, for example, CHRISTOPHER HOOKWAY, QUINE: LANGUAGE, EXPERIENCE AND REALITY 50–53 (1988) (describing Quine’s views on pragmatism, relativism, and realism).

²⁶ WILLARD VAN ORMAN QUINE, WORD AND OBJECT 270–74 (1960) [hereinafter QUINE, WORD AND OBJECT].

²⁷ See HOOKWAY, *supra* note 25, at 20 (“Quine speaks of the set of objects which a speaker takes to exist as his ‘ontology’: an assertion ‘ontologically commits’ its author to objects of a certain kind if the assertion would only be true if objects of that kind existed.”).

²⁸ See JONATHAN BARNES, THE PRESOCRATIC PHILOSOPHERS (1979) (describing various ideas of the Presocratics).

²⁹ For an example, see generally, Kathrin Koslicki, *On the Substantive Nature of Disagreements in Ontology*, 71 PHIL. & PHENOMENOLOGICAL RES. 85 (2007).

engagement, as the argumentative maneuvers from the one side seem destined to appear question-begging to the other.³⁰ Indeed, it seems that among these interlocutors, their disagreement is likely to extend to the question over what should count even as a relevant consideration with respect to the dispute.

Quine gave the name *semantic ascent* to the strategy of dealing with disputes of this kind by shifting the site of the dispute, at least momentarily, towards the terms each side employs in formulating their position; interlocutors should try ascending from talking about the matter in dispute to talking about the way they talk about the matter in dispute. Quine writes that semantic ascent “is the shift from talking in certain terms to talking about them.”³¹ He reasons that “[w]ords . . . unlike [e.g.] classes . . . are tangible objects of the size so popular in the marketplace, where men of unlike conceptual schemes communicate at their best.”³²

The strategy of semantic ascent, then, is that of looking for relatively uncontested common ground, in the hope that disputants might find some foothold from which to more productively conduct their more fundamental disagreements. Importantly, the strategy involves not simply a change in the topic of the disputants’ conversation, but a shift in the *level* of the topic of the conversation. They are to shift from arguing about, e.g., whether classes exist to talking about how they talk about whether classes exist. This *second-order* conversation will focus on hopefully more tractable questions such as what each takes to be adequate *definitions* or *conceptualizations* of the disputed items, what renders those definitions and conceptualizations adequate, and so on.

Again, the hope is that by ascending to semantic level, interlocutors might discover that there is enough difference in their nomenclature as to render their dispute over classes merely verbal. (In that case, they may nonetheless have to confront a prolonged debate at the semantic level.) Or they could discover that they are largely in agreement over the semantics, which itself might constitute a kind of progress in their first-order dispute about classes. Semantic ascent, then, is not a way to resolve disputes, but rather a means for making disputes more orderly.

Semantic ascent is of course a commonsense strategy that we intuitively employ in disputes of all kinds. What is of particular interest at present is that the strategy calls attention to a general fact of disagreements, namely that they run simultaneously along two evaluative tracks that may be distinguished by referring to *first-order* and *second-order* levels of evaluation. In this way, argumentation functions a

³⁰ See generally Jody Azzouni, *On “On What There Is”*, 79 PACIFIC PHIL. Q. 1 (1998) (discussing “debates over the Quine-Putnam Indispensability thesis”).

³¹ QUINE, WORD AND OBJECT, *supra* note 26, at 271.

³² *Id.* at 272.

lot like communication more generally. More specifically, in order to carry on a conversation, communicators must simultaneously track two distinct levels of language use, namely the meanings of the words being used (the semantics, the first order) and the grammatical structure in which they are used (the syntax, the second order). Missteps in tracking either distinct level typically result in communicative failure.³³ What is more, communicators need a common second-order idiom in order to diagnose and correct certain kinds of communicative failure.

Similarly, in order to successfully engage in argumentation, disputants must track and evaluate each other's claims (the first order) as well as what might be called their *argumentative performance* (the second order). For example, when engaged in argumentation about, say, gun ownership laws, disputants must be able to track one another's first-order claims about guns, ownership, and the law, while also attending to the ways in which those claims figure into the evolving dialectic among them. Minimally, in order to engage in argumentation, each interlocutor's contribution must: take account of the relevant prior statements introduced into the discussion; avoid contradicting their own prior statements; refrain from needlessly repeating claims that are already manifestly agreed upon; decline to repeatedly assert as a premise that which is disputed among them; and so on. In other words, interlocutors must perpetually be "keeping score" of the state of play in their disagreement.³⁴ This is a second-order evaluative site that is accordingly distinct from the first-order assessment of the reasons offered about gun ownership laws. Accordingly, just as an unsound argument can have a true conclusion, an impeccable first-order case for stricter gun laws can be a dialectical failure.

We are now able to tie the hanging threads together. As a collection of norms governing our engagement with fellow citizens in political disagreements, civility as civic address has largely to do with what has just been called our *argumentative performance*. We fail to be civil not simply

³³ This is not intended as a complete analysis of communication, but only as identifying two necessary conditions for communicative success. Command of the relevant semantics and syntax does not suffice for successful communication; according to many views, one must also develop an adequate conception of the interlocutor's communicative *intention* in talking as she does. See PAUL GRICE, *STUDIES IN THE WAY OF WORDS* 26 (1989) (formulating "the Cooperative Principle" for participants in conversation: "Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged").

³⁴ David Lewis, *Scorekeeping in a Language Game*, 8 J. PHIL. LOGIC 339, 344–46 (1979). See also ROBERT B. BRANDOM, *MAKING IT EXPLICIT: REASONING, REPRESENTING, AND DISCURSIVE COMMITMENT* 6 (1994) (explaining an aim of the work is "to address the question, How should the relation between representation . . . and the discursive concepts of reason and truth be understood?"); MARY KATE MCGOWAN, *JUST WORDS: ON SPEECH AND HIDDEN HARM* 2 (2019) (identifying "a previously overlooked mechanism by which ordinary speech by ordinary speakers under ordinary circumstances enacts harmful norms and thus constitutes, rather than merely causes, harm. Harm is constituted when the harm is brought about via adherence to norms enacted").

in virtue of the position we hold, nor simply in virtue of the heat or tone with which we express our position, but centrally in virtue of the ways in which our presentation of our position fails to properly address our interlocutor. In this sense, civility is a second-order norm, and the corresponding duty is similarly second order—it is a duty to engage political disagreement in a particular way. In short, the duty of civility has to do with our dialectical conduct.

The second-order nature of civility may seem so obvious as to not require extended comment. However, it is worth emphasizing this feature of the duty in order to properly understand its role in democratic life. The concept of civility is needed to articulate a feasible understanding of what citizens owe to one another, given that political disagreement is an inevitable product of democracy itself. That is, democratic citizens need to be able to evaluate one another's dialectical conduct as a way of managing their first-order disputes. As with the ontological debates that concerned Quine, citizens need to be able to talk about the way they talk about the issues that divide them, as this second-order talk can help them to arrive at mutually agreeable understandings of where their disagreements lie and the precise shape they take. Perhaps the ability to ascend to talk in the second order about how well one's arguments address one's interlocutors can sometimes assist in making progress with first-order disputes over policy. At the very least, the ability to avail ourselves of a second-order idiom for evaluating discursive conduct may be able to help prevent undue escalation in contexts of disagreement.

And here is where a point made at the beginning of this Article comes into its own. Note that the idiom of civility can perform these democratic tasks only if it is second order. That is, a conception of civility can play its proper role in democracy only if it specifies requirements that can be met by those who hold erroneous political views, and also violated by those who hold correct political views. We might say that the requirements specified by the duty of civility must be nonpartisan, that is, *impartial* with respect to political error and correctness. Or, put another way, a viable conception of civility and its corresponding duty must enable us to countenance cases where those with whom we agree at the first order are nonetheless failing at civility, and those with whom we disagree at the first order are nonetheless civil.

V. THE PROBLEM OF SEMANTIC DESCENT

My hope is that nearly everything that has been said thus far strikes the reader as unobjectionable, perhaps even commonsensical. Still, the elements are in place for formulating what I see as a serious difficulty confronting any plausible conception of civility. When it comes to political disagreement, there are no analogues to Quine's "tangible objects" that allow people "of unlike conceptual schemes" to "communicate at their

best.”³⁵ To put the point bluntly, what goes up can come down, too. And our second-order idiom for evaluating each other’s discursive conduct is subject to what can be called *semantic descent*—the shift by which our second-order evaluative terms are conscripted into playing a combat role in first-order skirmishes.

To get the flavor of what I have in mind, consider a term used in talking about online discourse: “troll.” This term entered into our vernacular as a way to identify a mode of online conduct that is objectionable in virtue of being provocative and haranguing simply for the sake of disrupting discussion threads.³⁶ In this original usage, being a “troll” has little to do with one’s substantive commitments; “trolling” is the second-order phenomenon of engaging in a way designed to derail conversation. Once the term gained currency, however, it quickly became vulnerable to semantic descent: the term is now widely deployed as a term of abuse to characterize those with whom one disagrees over issues at the first order. “Trolls” are simply one’s political opponents, and “trolling” is what trolls (so understood) do in articulating their views.

Another example of the phenomenon of semantic descent is the term “fake news.” The term was introduced to describe a source that poses as journalistic, but in fact is not.³⁷ The term thus initially denoted a second-order feature of various web sites, television programs, and print media. However, “fake news” is now widely used as a term to deride the *content* that is reported by a journalist.³⁸ At its worst, “fake news” is simply what one calls reportage that is favorable to one’s political rivals.³⁹ In this way, the term has descended from its second-order function to our first-order debates. In other words, it initially served an *umpiring* function, but is now just another player in the political game.

Finally, consider the verb to “politicize.” This term entered the vernacular as a way of identifying cases where political actors attempt to gain politically from a high-profile event (typically a tragedy) that arguably ought to stand above the fray of politics. But now the term is itself

³⁵ QUINE, WORD AND OBJECT, *supra* note 26, at 272.

³⁶ ALICE MARWICK & REBECCA LEWIS, DATA & SOC’Y RES. INST., MEDIA MANIPULATION AND DISINFORMATION ONLINE 4–5 (2017), https://datasociety.net/wp-content/uploads/2017/05/DataAndSociety_MediaManipulationAndDisinformationOnline-1.pdf.

³⁷ JULIE POSETTI ET AL., JOURNALISM, ‘FAKE NEWS’ & DISINFORMATION: HANDBOOK FOR JOURNALISM EDUCATION AND TRAINING 14 (2018). This book references the “growing international concern about a ‘disinformation war’ in which journalism and journalists are prime targets,” and offers as evidence the joint statement issued by the United Nations Special Rapporteur for Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe’s Representative on Freedom of the Media, the Organization of American States’ Special Rapporteur on Freedom of Expression, and the African Commission on Human and People’s Rights Special Rapporteur on Freedom of Expression and Access to Information. *Id.*

³⁸ *Id.* at 66.

³⁹ *Id.* at 14–15.

deployed as a means for gaining politically under circumstances of that kind. More specifically, the term functions as an accusation that one wields against one's opposition as a way to claim for oneself the political high ground by disparaging one's rivals. But, of course, vying for the political high ground is itself an attempt to gain politically.

The trouble is that any conceptualization of civility, and indeed the very concept of civility itself, is subject to semantic descent. That is, although civility is useful to us as a way of thinking about how we conduct ourselves in political argumentation, it can always be opportunistically wielded as just another way of carrying out our first-order debates. When *civility* has descended, it functions as a term of approval for those who express positions that we find favorable, and *incivility* serves as a term for expressing disapprobation at the first-order positions that we find objectionable.

The matter grows bleaker still once we recall that civility norms are best understood as requirements to *try* to engage in ways that successfully address one's fellow citizens. This means that the question of whether a citizen is being civil in a particular dispute is largely a matter of judgment: we must assess whether our interlocutor is endeavoring adequately to address us as an equal and communicating in good faith. A significant body of empirical literature demonstrates that evaluations of this kind are highly responsive to exogeneous factors. In short, we are very likely to regard those with whom we disagree politically as ill-motivated, untrustworthy, and unreliable. Accordingly, our assessments of their dialectical conduct will be responsive to our evaluations of their first-order views in ways that will lead us to assess our opponents as uncivil.

Recall the argument from Section Three that the duty of civility is a reciprocal requirement. This means that individual citizens are bound by the requirement only provided that their interlocutors seem prepared to reciprocate. Once civility has descended from its second-order function, we grow increasingly unable to regard our political rivals as capable of reciprocating. We therefore take ourselves to not be bound by civility's norms. Crucially, our opposition reasons similarly. The result is democratically degenerative—a condition where citizens are able to interact civilly only with those who are politically just like themselves, and, with some justification, see those who are politically different as undeserving of civility (because unwilling or unable to reciprocate).

CONCLUSION

Return to the Pew results mentioned at the beginning of this Article. Citizens say they want a more civil mode of politics, but they also see their political opposition as the source of incivility, and accordingly want their rivals simply to stand down and acquiesce. This collection of attitudes is precisely what we should expect when civility has semantically descended,

when its second-order content has been degraded to the point where it can no longer serve as a basis for impartial evaluation of discursive conduct. The upshot, I think, is that the concept of civility is at this point probably unable to play a useful role in diagnosing and repairing our democracy. To put the point in a different way, no suitably detailed conception of civility will be sufficiently public and impartial to serve as a tool for addressing our political dysfunctions.

Where does that leave us? Although I cannot develop the thought here, my sense is that the partisanship, animosity, polarization, and distrust that have taken hold of our democracy cannot be remedied with prescriptions for better politics. Any such prescription is likely to be received by a large portion of those to whom it is addressed as yet another partisan maneuver. What is needed instead is the recognition that these dysfunctions are possibly the natural result of allowing politics to play too great a role in our collective life. As other scholars have noted, the intensification of partisan animosity and polarization has occurred alongside sociological shifts in the country that have served to place individuals' partisan affiliations at the center of their social identity. In short, we now tend to see ourselves as *fundamentally* defined by our political loyalties.⁴⁰ Along with this shift in our self-understanding has come a transformation of the social spaces we inhabit in our day-to-day lives: they have become increasingly segregated along partisan divides.⁴¹ Perhaps the right response, then, is to devise channels by which citizens can come to see in one another something beyond partisan identities. As paradoxical as it might sound, the way to repair our democracy is to keep ourselves mindful of the fact that, as important as democracy is, we cannot live well together as equals solely by means of politics.⁴²

⁴⁰ See LILLIANA MASON, *UNCIVIL AGREEMENT: HOW POLITICS BECAME OUR IDENTITY* 5–6 (2018) (“Parties simplify the voting decision. . . . [M]ost voters have a sense of party loyalty. They know, either through a lifetime of learning, from parental socialization, from news media, or through some combination thereof, that one party is better suited to them.”).

⁴¹ See BILL BISHOP, *THE BIG SORT: WHY THE CLUSTERING OF LIKE-MINDED AMERICA IS TEARING US APART* 5 (2009) (“As Americans have moved over the past three decades, they have clustered in communities of sameness, among people with similar ways of life, beliefs, and, in the end, politics. . . . When people move, they also make choices about who their neighbors will be and who will share their new lives. Those are now political decisions, and they are having a profound effect on the nation’s public life.”).

⁴² See ROBERT B. TALISSE, *OVERDOING DEMOCRACY: WHY WE MUST PUT POLITICS IN ITS PLACE* 4–5 (2019) (discussing “the *ubiquity* of democratic politics, the saturation of social life with activities and projects that are overtly organized around the categories and divisions of current politics”).