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### Civility, Democracy, and National Politics

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# CIVILITY, DEMOCRACY, AND NATIONAL POLITICS

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MARY E. STUCKEY AND SEAN PATRICK O'ROURKE

*This essay considers questions about civility raised in the discourse responding to the January 2011 shootings in Tucson, Arizona. Focusing on two sites of discord—the debate in the media and President Obama’s address at the memorial service for the victims—our analysis identifies two conceptions of civility and their corresponding assumptions about democracy and community, provides a critique of both conceptions, and offers a conceptual framework for rhetorical critics studying civility.*

The problem of “civility,” which has come to occupy so much of the public conversation about the contemporary nature and limits of democratic forms of discussion and debate, is, at root, the problem of democratic community.<sup>1</sup> But there seems to be considerable slippage between practices that may be understood as civil and the practices associated with a robust democracy.<sup>2</sup> This has been an issue historically, of course, but it has also gained currency as concerns over electronic communication, globalization, and intercultural communication have implicated questions of appropriately civil modes of communication in the news and online,<sup>3</sup> between individuals,<sup>4</sup> and among cultures.<sup>5</sup> The scholarship reveals both the ways in which “community” has become a broad and analytically rather

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imprecise concept and also the ways in which the idea of civility permeates that concept. Our essay endeavors to bring some analytic clarity to the idea of civility, to think about the ways it helps and hinders our understanding of political community, and to offer a conceptual framework for rhetorical critics working on the problem. Specifically, we argue that the conceptions of civility that emerged from the discourse surrounding the January 2011 Tucson shootings offer rhetorical critics relatively thin accounts of civility, and we offer a propaedeutic set of considerations that may serve to thicken future investigations of the problems associated with analyzing political discourse and its various relationships to democratic governance.

### DISCOURSE AND DEMOCRACY

Most obviously, rhetoric, community, and civility are united in the idea that “good rhetoric” requires “good faith,”<sup>6</sup> and that such rhetoric somehow involves the avoidance of willful deception and the readiness to speak and to listen with respect—what Wilson Carey McWilliams called “civic dignity.”<sup>7</sup> Political participation is at the root of civic dignity, for McWilliams’s concept of democracy depends upon both active involvement and genuine communication. For McWilliams, civic dignity is also not possible without religious belief, because humans require the transcendent to embrace the vernacular, and public life should elevate private life, not degrade it.<sup>8</sup> Perfect good faith is never attainable, but it is a standard toward which all communities should reach.

McWilliams’s contributions are useful because his understanding of community is widely shared; there is something appealing in the idea that political communities exist to elevate the human soul rather than merely to advance human interests (as the early contract theorists would have it).<sup>9</sup> Walt Whitman waxed eloquent on this subject, writing that “the genuine union, when we come to a mortal crisis, is, and is to be, after all, neither the written law, nor, (as is generally supposed,) either self-interest, or common pecuniary or material objects—but the fervid and tremendous IDEA, melting everything else with resistless heat, and solving all lesser and definite distinctions in vast, indefinite, spiritual, emotional power.”<sup>10</sup> Whitman argued here that some transcendent value lies at the heart of political community and that value has the power to erase distinctions. For Whit-

man, individualism is the foundation of a democracy; but individuals need a unifying mechanism, and Whitman, like McWilliams, found it in religion.

“Religion,” however, is not so easily parsed and not so helpful a source of civic unity in modern times as it might have been for Whitman. In today’s secular state, the use of religion as a warrant for political action is fraught with difficulties and creates far more problems than it solves. So the core problem remains: if political community is to be driven by more than mere selfish interest, it is critical to find a ground upon which such community can be founded. The problem of contemporary democracy can thus be understood as the problem of creating democratic community in the absence of a widely shared, authorizing transcendent value.

As Chaïm Perelman and Lucie Olbrechts-Tyteca noted, discourse identifies, promulgates, and adjudicates values; discourse is therefore fundamental to the creation and maintenance of political communities.<sup>11</sup> Argument is both the means and the ends of such discourse, for it fosters a sense of solidarity among those who share these values, and thus fosters community. “That is to say,” Richard Graff and Wendy Winn have argued, “human communities are constituted and defined by the values around and through which they commune; and they are sustained through public discourse in which adherence to these values is reinforced and, also, through the public argumentation in which these values are deployed or put to the test.”<sup>12</sup> Communal speech provides and sustains the transcendent values upon which community depends. Discourse thus lies at the heart of community, and the ways in which people understand “civil” discourse can tell us a great deal about their understanding of community.<sup>13</sup>

Two distinct ways of conceptualizing this relationship between civility and community emerge from the debate over the January 2011 shootings in Tucson, Arizona. The first, “civility as manners,” can be found most clearly in the first set of texts we studied: the media commentary on the shootings and the claims and counterclaims that followed. A reliance on “civility as manners” is the thinnest, most impoverished, and least helpful way of thinking about this relationship. In it, civility is reduced to its narrowest dimensions, limited to the tolerance of differing points of view. What is most important in this approach is that all communications arrive garbed in a veneer of care and concern and in conformity to the reigning standards of conversational taste and etiquette. It is, in fact, often a distraction from real problems, a mode of silencing, and a potentially exclusionary understand-

ing of community as the province of the privileged. It relies on an ideology of politeness and a conversational or invitational rhetoric.<sup>14</sup>

A quite different way of understanding the relationship, “civility as political friendship,” can be found in the second text we studied: President Obama’s speech following the shootings.<sup>15</sup> The speech presents a richer conception of civility—one that holds out the idea of political friendship, which in turn relies on the principles of respect and charity. For Obama, respect is understood as a replacement for the thin notion of tolerance, and charity is a stance that attributes benign motives to all interlocutors.<sup>16</sup> The “political friendship” approach is more inclusive than “civility as manners,” depends on ideas related to reconciliation (and even of integration and reintegration), and is rooted in civic republicanism. It embraces a controversial or agonistic rhetoric.

We argue, however, that neither “civility as manners” nor “civility as political friendship” offers rhetorical critics complete or even very useful ways of interrogating different understandings of civility and their relationships to public discourse and democracy. We offer, therefore, a set of considerations that eschews an understanding of civility as manners but also goes further than political friendship. It is grounded in a concept of community that is more genuinely inclusive, centers on incorporation rather than integration, and is rooted in a kind of radical democracy that allows for and even celebrates robust, passionate rhetoric and a correspondingly broader array of “acceptable” discursive forms (including humor, argument, invective, and a variety of other styles that may be conventionally considered “uncivil”). It assumes the benefits of political friendship, but through an awareness of the inevitability of political conflict focuses its attention on higher-order values such as truth telling, inclusion, and the determined advocacy of unpopular positions. This heuristic offers analysts a way of considering the relationships between discourse and democracy without having to rely on the aforementioned notions of civility as determinative of good democratic practice.

### **CIVILITY AS MANNERS AND THE POLITE RHETORIC OF CONVERSATION**

The thinnest understanding of political community rests on the assumption, associated by some with the classical liberal tradition, that democratic argument at its best is rational; straightforward; directed at an educated,

attentive civic populace; and polite.<sup>17</sup> In this understanding of democracy, deliberative public discourse in established venues has the central place in the public sphere, and such discourse should be based in reason. Emotion is regarded as suspicious, and the public is rightly wary of politicians who rely on appeals to either character or pathos. In this conception of democratic culture, politeness is an important manifestation of tolerance.<sup>18</sup> Differences are understood as inherent to the human condition and as irremediable, so the goal is not to reconcile difference so much as to manage or buffer it.<sup>19</sup> Democratic citizens thus confine debate to issue content; delving into the deeper areas of difference creates unmanageable tension. The operative metaphor or standard is that of polite conversation.<sup>20</sup>

In their frenzied discussion of the Tucson shootings, the media in general relied heavily upon this thin understanding of discourse, democratic political culture, and the relationship between them. This coverage featured three main themes: the media blamed rhetoric for the shooting, understanding the shooter's behavior as an all-but-inevitable reaction to overheated partisanship; there were minor attempts to offer alternative frames and to historicize the incident, to make an argument that the root cause was not discourse, but something else; and there was a marked lack of trust in the American mass public.

First, the media announced that the Tucson shootings were best understood as a failure of discourse.<sup>21</sup> Thane Burnett of the *Toronto Sun* analyzed American media coverage this way: "Just as guilty [as the alleged shooter], read a decision by pundits and even a sheriff involved in the Arizona political assassination attempt, were the enflamed words of others—a climate of ramped-up rhetoric across America."<sup>22</sup> Similarly, Jason Horowitz and Lisa DeMoraes of the *Washington Post* noted that Keith Olbermann had immediately announced that Sarah Palin's rhetoric was to blame, "saying that if she did not 'repudiate her own part, however tangential, in amplifying violence and violent imagery in American politics, she must be dismissed from politics.'"<sup>23</sup> Arianna Huffington seemed to agree, writing in an email quoted in the same story, "It's the demonization that is the problem, not the liveliness."<sup>24</sup> In a sort of "monkey see, monkey do" understanding of politics, these claims come down to arguing that if citizens hear violent rhetoric, they are forced to act or react violently—adults in a democracy are apparently unable to distinguish metaphors and respond appropriately to them.<sup>25</sup> Language, ever dangerous, must be policed. This

was not the only option for making sense of the shootings, nor was it the only one used; it was, however, the dominant feature of media coverage.

Occasionally, other frames surfaced. As portrayed in Burnett's story, for instance, the shooting could be understood as a "political assassination attempt" rather than a failure of discourse.<sup>26</sup> The emotional valences of this frame were quite different from those of the "discourse made him do it" frame. Instead of locating the cause in the political climate, the assassination frame—without necessarily blaming the victim—would have it located in the person or the policies (whether those related to health care or to another issue) of the intended victim, Representative Giffords. The emphasis would have been on the substance of political decision making, not on the climate in which decision making occurred.<sup>27</sup> The relative rarity of that frame meant that Giffords, as a unique political actor with specific and clearly articulated policy preferences, was reduced to a symbol of the failure of discourse.

There were other possible competing frames. Issue frames were available: gun control legislation and the lack thereof, or the failures of the public health system that perhaps allowed a mentally ill individual out on the streets. Terrorist frames were available: the media could have emphasized a lack of security in public places. These frames showed up intermittently but were drowned out by reliance on the "public culture did it" frame. Yet despite "no evidence [having] emerged to suggest that Mr. Loughner was motivated by a particular political ideology or was influenced by the highly charged political atmosphere prevalent in Arizona and the rest of the country," frames emphasizing political controversy and heated rhetoric dominated coverage of the shootings.<sup>28</sup>

Burnett noted that "the push for reflection and less finger-pointing has caused a rush to point more fingers."<sup>29</sup> That is, the failure of discourse is also a partisan failure, and rather than attempting to correct the former, the incident merely provided ammunition for criticizing the latter. A number of commentators focused on the fact that, rather than the tragedy shocking the nation's leaders into altering their behavior in a spirit of unity, these leaders were instead using the incident as a way of gaining partisan advantage.<sup>30</sup> Peter Wallsten, for instance, wrote that "Rush Limbaugh accused Democrats of 'rubbing their hands together' in anticipation of using the shootings as a political revitalization."<sup>31</sup> Wallsten then underlined the partisanship of the Pima County sheriff's remarks in the aftermath of the

shooting. This sort of coverage emphasized the contentious nature of contemporary politics and attempted to implicate both sides of the partisan divide in that conflict.<sup>32</sup>

Such treatment is, of course, consistent with the media's commitment to "objective" and "balanced" reporting, and it has all the faults of that reporting. In an attempt to assume a neutral position, the media were either unable or unwilling to make good judgments about the quality or merit of the arguments and positions they reported. Not all issues are cleanly divided into two equal and competing sides; many issues have more than two sides, and sometimes one side behaves less well than another, for any number of possible reasons. The political world is complicated, and as legions of scholars have pointed out, so-called objective reporting can often result in political distortion.<sup>33</sup> Nonetheless, the media were committed to such coverage and blamed both Republicans and Democrats for the political climate that they depicted as the root of the shootings.

Interestingly, a subframe of partisanship emerged: a "blame the media" frame. Here, for example, Representative Peter T. King (R-NY) was quoted as saying that, "basically, large parts of the media are driven by oversimplification and confrontation," which in turn contributed to the political culture that created the shooting.<sup>34</sup> Locating the blame both within the political system and in the institution that covers that system, King argued that the public culture has been poisoned by the actions of political figures and a mass media that thrives on conflict.<sup>35</sup> In a world that privileges conflict, violence is predictable.

The media also sought to find other explanations for the shooting and relied heavily on academic sources as warrants for that endeavor. Martin J. Medhurst, for instance, was quoted along with Larry Sabato and Kathleen Hall Jamieson; Medhurst and Jamieson, in particular, argued that American political culture has often featured displays of vitriol and that today's rhetoric simply reflects intense public emotions, as has been the case in other eras.<sup>36</sup> This attempt at contextualizing contemporary discourse would seem to have logically led to the conclusion that if discourse has often been contentious in the past, then we have nothing to fear from such discourse now, but it curiously did not. Instead, the media loudly trumpeted the claim that partisanship had created a negative political climate and that the shootings were the predictable, if not the inevitable, result. This, they



implied, was what happened to a nation that crossed the borders of politeness.

The dominant media frame centered on the importance of the disputatious political culture, which members of both parties, and potentially even the media themselves, had helped create. This culture, which relied on metaphors of guns and violence, was directly implicated in the Tucson shootings. Other frames were available—there could have been a mental health frame, a gun control frame, or a variety of other options. That the media relied on the “culture of invective” frame indicates both the prevalence of this frame in the words of the political actors they interviewed and their understanding of the relationship between discourse and political community.

Community is only possible, in this understanding of civility, if politeness reigns and if social niceties are observed. Citizens cannot be trusted to understand metaphoric language or to respond to that language appropriately; we are all on the verge of mental illness and can only be exposed to a very narrow range of discursive options.<sup>37</sup> Disagreements cannot be aired in public, because to do so would endanger the fragile consensus of the national polity and threaten the tenuous hold we have on tolerance for one another’s differences. In this understanding of politics, a congressman shouting, “You lie!” at the president, the use of a “targeting” metaphor to describe a campaign strategy, and an actual loaded weapon in the hands of a deranged citizen become functional equivalents. An editorial in *USA Today*, for example, commented that the “tragedy in Arizona was unspeakable,” yet also made a sort of sense, especially in the context of the United States’ long history of violence: “Combine that [violent national] past with today’s overheated political rhetoric and easy access to high-powered weaponry, and perhaps the only question was when, and where, the next unspeakable act would occur.”<sup>38</sup> Metaphor, it seems, may be even more dangerous than rhetoricians realize.

Civility understood as politeness has many problems. First, civility used in this way can be used as a silencing mechanism. If politeness is the standard, arguments—and those who make them—can be dismissed as being “uncivil,” regardless of their merits. This is especially worrying when this tactic is employed against the marginalized by those with political power.<sup>39</sup> Not only do the powerless often have to resort to conventionally uncivil arguments to make their case, and not only are the conditions under

which they are marginalized often frustrating or even enraging, but the very act of disciplining that anger can be understood as a further act of repression, if not violence.<sup>40</sup> When civility is wielded in this way, the behavior of those who challenge the existing order becomes the issue, and the injustice motivating the conduct is rendered inconsequential. When civility functions as a distraction from real issues, it is a mask, not a means toward an authentic democracy.<sup>41</sup> It is not exactly a surprise that this is the way the mass media tend to understand civility. On the other hand, President Obama—who made civility a centerpiece of his 2008 campaign—offered in his response to the Giffords shooting a more nuanced understanding of the relationship between public discourse, civility, and democracy.

### CIVILITY AS POLITICAL FRIENDSHIP AND THE AGONISTIC RHETORIC OF CONTROVERSY

At first glance, Barack Obama's rhetoric on civility may seem to be "invitational" in that it is intended to foster a dialogic form of communication that allows interlocutors to be more fully ethical in their approach to communicating differences.<sup>42</sup> And while Obama seems to conceive of the public forum as a place where such rhetoric would be both welcome and productive, and many of his efforts to "change the culture in Washington" (as he put it during his campaign) valorize this kind of public speech, his rhetoric on civility is best understood, we believe, as "controversial" or "agonistic."<sup>43</sup> Rooted in civic republicanism, controversial rhetoric assumes a broad array of difference between and among people and makes the creation of "political friendship"<sup>44</sup> the key struggle in public controversy.<sup>45</sup>

In this understanding, as Patricia Roberts-Miller reminds us, public disputation involves conflict because thinking itself is conflictual; people argue with one another to hone their mutual understanding, not merely to win, and public advocacy is more about "the play of difference" than it is about persuasion.<sup>46</sup> Indeed, Obama's entire speech at the memorial service for the victims of the Tucson shooting can be read as a defense of his understanding of democracy as struggle. There are four key moves in the speech: the claim to national unity based on shared values; the definition of democracy as the exercise of rights; the implicit claim that, because the nation is a family, relationships among citizens are best understood as based on sacrifice and service; and the claim that enacting those relationships is

heroic and results in a particular kind of civic culture. For Obama, a certain kind of discourse is required to bring this culture into being.

He begins the speech predictably enough with the claim that the nation is unified and that he, as president, represents that unity: "I have come here tonight," he said, "as an American who, like all Americans, kneels to pray with you today and will stand by you tomorrow." Obama here depicts himself synecdochically as an embodiment of the nation, which is humble and proud, reverent and unified. His actions become consubstantial with those of the nation; he and the country both pray and stand with the people most directly affected by the Tucson shootings.

He then recites the events that led up to those shootings: "On Saturday morning, Gabby, her staff, and many of her constituents gathered outside a supermarket to exercise their right to peaceful assembly and free speech." They were, in other words, acting symbolically as Americans, for they were exercising their rights in what Obama defined as a "quintessentially American scene." In this rendering, the individuals become subordinated to the scene: it is not just individual Americans who were imperiled, but American democracy.<sup>47</sup> Obama similarly places emphasis on scene rather than actor, in one of his few, brief references to Giffords's assailant, stating, "That was the scene that was shattered by a gunman's bullets." He reinforces this focus on scene by describing each victim in terms of her or his contribution to democracy: he highlighted, for example, a judge who was particularly hard working, a woman who was notable for her volunteer activities, and—perhaps most tellingly, in the context of our analysis—a husband who had always made a habit of "helping folks" and whose "final act of selflessness was to dive on top of his wife, sacrificing his life for hers."

In presidential eulogies, the president generally remarks on traits in the person being memorialized that typify his understanding of citizenship in general.<sup>48</sup> For Obama, then, the primary element of citizenship in his polity is a spirit of selflessness and sacrifice—a dedication to the common rather than the private good. And the nation, wounded by the gunman's bullets, has cause to mourn yet also has cause to hope, for not only was this spirit exemplified in the various citizens gathered in Tucson that morning but, as the president inserted into his prepared remarks, "a few minutes after we left her room . . . Gabby opened her eyes for the first time." It is interesting that Obama moved directly from a recounting of sacrifice to the announcement that the congresswoman "opened her eyes," for the speech reads as if the

latter event were a direct consequence of the former: the nation's sacrifice has led to an awakening, an ability to see.

The first things that Gabby sees in Obama's narrative are citizen/heroes: the aide who ministered to his boss and the people who tackled the gunman before he could reload. The lesson that is made available to us through Gabby's sight is that "heroism is here, in the hearts of so many of our fellow citizens, all around us, just waiting to be summoned." For Obama, then, heroism is a quality of the heart and will, and it is revealed in times of distress and, more importantly, in everyday discourse.

The president moves immediately from valorizing the heroic actions of the morning of the shooting to the culture that, he implies, produced the conditions that made the shooting possible: "But at a time when our discourse has become so sharply polarized, at a time when we are far too eager to lay the blame for all that ails the world at the feet of those who happen to think differently than we do, it's important for us to pause for a moment and make sure that we're talking with each other in a way that heals, not in a way that wounds." Note how the motive in the first part of this quotation is located in the scene rather than the actors: discourse is "sharply polarized" and the world is ailing. The actual individuals matter only after the scene has been established and differences that exist at the national level have been reduced to trivialities. Opposing sides in the national debate just "happen to think differently," and the mistake people make is being "too eager to lay the blame for" the nation's ills. But with Gabby's eyes now open, the nation can see a better way—a better community through better discourse—and we can learn to speak not to but "with each other in a way that heals, not in a way that wounds." Words become identified with bullets; discourse that wounded became actual weapons.

In one sense, it would have been easy for Obama to lay the blame for the shooting on one side or the other in the political debate—to state, as so many in the media did, that the "targeting" discourse used by many Republicans was, indirectly or directly, the cause of the shooting. He refuses to do that and instead says, "For the truth is, none of us can know exactly what triggered this vicious attack." The nation was assaulted, and the causes are obscure; they are beyond the national knowing, out of Gabby's sight. It is not important that we affix blame so much as it is important that we "be willing to challenge old assumptions in order to lessen the prospects of such violence in the future." The nation has to be willing to see with Gabby's eyes

and to make changes in national behavior and national discourse to bring about a more peaceful world: the world of heroes that lives in all of our hearts.

“But what we cannot do,” Obama continued, “is use this tragedy as one more occasion to turn on each other.” Our responsibility as citizens, he argued, is to shield one another, to act with selflessness, and to create a national community out of a specific kind of national discourse. That discourse must be based on “a good dose of humility” and on a recognition that we are a national family—“an American family 300 million strong”—with relations characterized by empathy and a willingness to “expand our moral imaginations.” The nation, thus constituted as a family, no longer sees out of Gabby’s eyes but rather turns to see Gabby herself: “In Gabby, we see a reflection of our public-spiritedness, that desire to participate in that sometimes frustrating, sometimes contentious, but always necessary and never-ending process to form a more perfect Union.” Here Obama makes the basic level of American citizenship clear: to be an American is to be willing to join with others to improve the nation. Citizenship is inherently participatory and inclusive. Good citizens contend with others to improve the national experience for everyone.

For Obama, the promise of this vision is personified by Christina-Taylor Green, who exemplifies “all of our children, so curious, so trusting, so energetic, so full of magic, so deserving of our love, and so deserving of our good example.” Obama conflates the public (Gabby) with the private (Christina-Taylor) to produce a civic family, united in an America “as good as Christina imagined it.” Because we are able to see with Gabby’s eyes and tap into Christina-Taylor’s imagination, the nation can return to a more innocent time and create a democracy that “lives up to our children’s expectations.” This process begins, for Obama, with a willingness to change both the kind of discourse we engage in and also the spirit motivating that discourse.

Throughout the speech, Obama is careful not to lay blame or to make overtly partisan arguments. Implicitly, however, the speech is clearly a call to “change the culture in Washington” and in the rest of the nation.<sup>49</sup> He understands the civic culture to be based in and reflected by the national discourse. By changing the discourse, he argues, we can change the nation. Thus, rather than offering a discourse of accusation in response to the Tucson tragedy, he instead offers a vision of an alternative, a national

conversation rather than a national argument. In privileging conversation, Obama implicitly argues that the purpose of politics is communal. Through Gabby's eyes he sees a nation that has been divided by combative and contentious politics in which the goal is the destruction of one's opponents and in which words become the equivalent of bullets. That nation, crippled by this kind of discourse, still retains heroic potential; it can, through its inherent spirit of selflessness and sacrifice, become a nation dedicated to Christina-Taylor's imagined political community, in which reciprocity and mutuality are privileged above narrow political concerns.

Vision is the dominant metaphor in Obama's address, but the mechanism for political change, as he characterizes it, is clearly political talk. For Obama, as for the national media, the connection between political community and political discourse is strong and self-evident. While Obama accounts for more complexity and nuance in this relationship than do the media, he fails to consider that all sides have to be willing to participate in this polity for it to be enacted; motive inheres not only to scene but to actors as well. Furthermore, his version of controversial rhetoric is limited in the same ways that other versions are: it ignores power differentials, constrains the forms political protest might take, and assumes commonality of interest where there might in fact be none. He provides a comforting interpretation of political community, but it is not as robust as it might be, and the vision of democratic discourse he relies on offers little analytic leverage for critics endeavoring to locate the connections between forms of discourse and the enactment of particular kinds of political communities.

### **CIVILITY AS POLITICAL COMMUNITY AND THE DEMOCRATIC RHETORIC OF PROTEST AND REFORM**

As we noted at the outset, the issue of civility has come to dominate much of our public debate over the last few years and, particularly in the aftermath of the Arizona shootings, rhetorical and political theorists have struggled with the various problems it entails. Thomas W. Benson notes that, as radically situated communicative practices, civility and incivility are inherently resistant to rule-based solutions.<sup>50</sup> Acknowledging this fact, Jeffrey B. Kurtz suggests that "a new rhetorical courage, and a corresponding rhetorical imagination, is needed to navigate the times in which we live."<sup>51</sup>

Perhaps the best way to imagine a place for civility in democratic community is to consider the best case against it. In “The Violence of Civility,” Dana L. Cloud contends that “the imposition of a norm or expectation of civility onto groups previously denied entry into the civil spaces of democracy is a form of oppressive social discipline”;<sup>52</sup> she concludes that, “to be faithful to the interests of ordinary people, we will have to give up the precious bauble of civility into which we have invested our hope for democracy.”<sup>53</sup> Along the way, Cloud argues that civility is an ideology of imperialism, women’s oppression, and the democratic state that functions as a reflexive response to exposure to unequal power relations and, as such, becomes a god term of liberalism.<sup>54</sup> Cloud limits her critique, however slightly, to instances in which civility is invoked across class divides and against movements; she also notes in closing, seemingly in at least partial agreement with Benson, that civility is entirely inappropriate in specified instances and under certain conditions.<sup>55</sup>

In many ways, Cloud’s assessment is in line with our analysis of the rhetoric surrounding the Arizona shootings and the corresponding calls for civility: conceptions of civility oriented toward manners or political friendship promote rhetorical norms of politeness and controversy that routinely ignore disparities of power and conditions of inequality, in part because they assume commonality of interest, a range of fair-minded motives, co-equal willingness to participate in open deliberation and decision making, and roughly equivalent access to communication media. While no approach to democratic community that recognizes the severity of these deeply embedded problems can at the same time fully resuscitate a useful sense of civility, there yet remains the promise of a civility with eyes wide open—perhaps more a hope than a reality—that reveals itself in consideration of five facets of the problem: others, struggle, discomfort and sacrifice, means, and solidarity.

### OTHERS

In his essay “Heracles’ Bow: Persuasion and Community in Sophocles’ *Philoctetes*,” James Boyd White offers a way to understand political relations by asking the question, “What does it actually mean . . . to treat another person as a ‘means’ to an end, or, by contrast, as an ‘end in himself?’”<sup>56</sup>

Alternatively, as Scott Welsh recently framed the issue, what does it mean “to treat others as objects to be moved rather than as people with whom one might reason”?<sup>57</sup> By exploring the story of Philoctetes, Odysseus, and Neoptolemus, White accesses different conceptions of human relations. In one, community is the product of shared interest, and so long as there are instrumental reasons for common action, such action will occur. In another, community is the product of shared history, language, and culture; participation in shared emotions in response to that shared history; and “the offer and acceptance of a trust.”<sup>58</sup> Such a community is grounded in a shared ethotic experience, based on individual integration into a larger whole. In the third conceptualization White investigates, community is based on incorporation; communion, also understood as reconciliation, is achieved by locating a shared understanding of cause (rather than blame). “Where this leaves us,” White writes, “is with the enforced recognition of certain central ethical and practical truths: that there is no sure-fire method of attaining your ends when those ends require the cooperation of others and that to recognize the freedom and autonomy of another, which is the only real possibility if one is to succeed at all, is necessarily to leave room for the exercise of that freedom and autonomy in ways you do not wish.”<sup>59</sup> Real community, White argues, is the same as forgiveness. Politically as well as interpersonally, this means that community is based on empathy, on an insistence that the humanity of others be recognized as before all else.<sup>60</sup> So for the rhetorical critic seeking to assess how discourse structures political community, a focus on the ways in which the given discourse constructs others, and the relationships among and between individuals, is an important consideration.

### *STRUGGLE*

Less poetically, Chantal Mouffe has suggested that civility is best understood as a struggle.<sup>61</sup> Her notion of community is a rich one, in which participants rely on mutual understanding attained through, among other things, the telling of shared stories. Importantly, these stories emphasize cause rather than blame and allow for, or even depend upon, controversial rhetoric. Moreover, her envisioned community entails people being educated enough to require a rhetoric that provides good reasons (understood



as having both narrative rationality and fidelity), includes normative components, and is not restricted to or dependent on a merely instrumental rationalism. This kind of political community would be difficult and uncomfortable, but it might result in a more authentic incorporation. Such a vision is not unique to Mouffe, but it does indicate that the idea of struggle, and the terms upon which political discourse organizes such struggle, ought be central to a discussion of rhetoric and political community.<sup>62</sup> Discourse that denies the legitimacy of struggle or that makes it amenable only to violent resolution is different than discourse that acknowledges, accepts, and works within a logic of struggle and contention.

### *DISCOMFORT AND SACRIFICE*

We do not often conceptualize “community” as a site of discomfort, yet political community demands that we “*maximize agreement while also attending to its dissonant remainders: disagreement, disappointment, resentment, and all the other byproducts of political loss.*”<sup>63</sup> The expression of such loss may not always be polite or conventionally civil, but it is fundamental to the preservation of democratic community. Ultimately, Danielle S. Allen advocates a still more demanding form of political community, which “cultivates a habitual expertise” in “sacrifice.”<sup>64</sup> She finds sacrifice necessary for the development of “suppler means” of political accommodation—means that go beyond mere “reciprocity” and allow for the investigation of what exactly is required, in any given circumstance, for social justice.<sup>65</sup> She recognizes that this kind of political community is, like the original polis, both complete and aspirational: it includes all citizens, but such a community is inherently unstable, always in the process of becoming. For the critic, parsing out the ways in which a discourse might require or resist sacrifice—and noting which members of the polity are expected to make sacrifices—is therefore key to evaluating the rhetorical structure of a political community.

### *MEANS*

Part of the discomfort of democracy is that inequality often requires those with less power or fewer resources to resort to rhetorical means that are all

too open to charges of “incivility.” The grape and lettuce boycotts of the United Farm Workers, the sit-ins and freedom rides of the civil rights movement, the occupation of unused federal land by Native American activists, the burning of draft cards and the coarse declarations about what to do with the Selective Service Act by antiwar demonstrators, and the burning of American flags were all rhetorical acts of incivility. And yet democratic citizenship requires that we recognize the important role that such tactics play. Just as invective and insult may serve valuable deliberative purposes, so too can acts of civil disobedience and directed vulgarity.<sup>66</sup> Political discourses grant varying degrees of legitimacy to such tactics; the degree to which a given system is open to these types of rhetoric may be an indicator of the strength of that system’s commitment to certain understandings of democracy.

#### SOLIDARITY

As Whitman noted, if democracy is to work, democratic citizens must find a way to exalt the individual and form community. Whitman looked to religion and the arts for the glue that would bind Americans;<sup>67</sup> others find this sort of glue in a rich concept of “solidarity,” which does not require fraternity and is legal, not familial, in its origins (which go back to Aristotle’s *philia*).<sup>68</sup> *Philia*, like this notion of “solidarity,” entails “a freely chosen relationship among free citizens” who both find and remain connected to one another freely.<sup>69</sup> Within this framework, members of a polity are thus united by bonds of willfully adopted legal obligations and exemplify the Ciceronian claim that “the best friend is also the best citizen.”<sup>70</sup> Solidarity—*philia*—is not Christian, but republican; it connects the compassionate and empathetic ethic of brotherliness with the rule of law and the notion of self-obligation to create a globally enabled regime of human rights.<sup>71</sup>

This formulation of political community allows for all kinds of contentious discourse. Because of its reliance on solidarity, it demands that citizens be willing to listen to the sufferings of others, a requirement John Durham Peters understands as “central to the liberal project.”<sup>72</sup> It is also consistent with Allen’s understanding of friendship not as “an emotion, but a practice, a set of hard-won, complicated habits that are used to bridge trouble, difficulty, and differences of personality, experience, and aspiration.”<sup>73</sup>

“Friendship,” Allen noted, “is not easy, nor is democracy.”<sup>74</sup> Again, a critic interested in assessing the relationship between a specific discourse and the nature of the political system it authorizes can look to the ways that discourse encourages or undermines a commitment to national solidarity understood in this way.

We end with the concepts of solidarity and political community not because we find in them realistic possibilities for organized political action. Rather, we offer them as part of a propaedeutic set of considerations for rhetorical critics. We see in them several ways of theorizing political discourse and its relationship to political community that, whatever their shortcomings, are potentially richer and more inclusive than the notions of civility at the center of the post-Tucson debate. It is to these concepts that we should turn our scholarly attention.<sup>75</sup>

## NOTES

1. Jeremy Engels, “Demophilia: A Discursive Counter to Demophobia in the Early Republic,” *Quarterly Journal of Speech* 97 (2011): 131–54. See also Lawrence R. Jacobs, Fay Lomax Cook, and Michael X. Delli Carpini, *Talking Together: Public Deliberation and Political Participation in America* (Chicago, IL: University of Chicago Press, 2009).
2. Susan Herbst, *Rude Democracy: Civility and Incivility in American Politics* (Philadelphia, PA: Temple University Press, 2010).
3. For analyses of news frames in terms of civility, see Catherine R. Squires, “Bursting the Bubble: A Case Study of Counter-Framing in the Editorial Pages,” *Critical Studies in Media Communication* 28 (2011): 30–49; and Kathleen Glenister Roberts, “‘Brand America’: Media and the Framing of ‘Cosmopolitan’ Identities,” *Critical Studies in Media Communication* 28 (2011): 68–84. For analyses of civility and the Internet, see Kenneth Dautrich, David A. Yalof, and Mark Hugo López, *The Future of the First Amendment: The Digital Media, Civic Education, and Free Expression Rights in America’s High Schools* (Lanham, MD: Rowman and Littlefield, 2008); and Henry A. Giroux, “The Crisis of Public Values in the Age of the New Media,” *Critical Studies in Media Communication* 28 (2011): 8–29.
4. See, for example, Martín Carcasson, “Facilitating Democracy through Passionate Impartiality: Communication Studies Programs and Students Should Serve as Local Resources,” *Spectra*, September 2011, 3–7; and P. M. Forni, “The Case for Formality,” *Spectra*, September 2011, 8–10.

5. See, for example, Murali Balaji, "Racializing Pity: The Haiti Earthquake and the Plight of 'Others,'" *Critical Studies in Media Communication* 28 (2011): 50–67.
6. The requirement of "good faith" is not without controversy in the rhetorical tradition. Compare, for instance, Karl R. Wallace's insistence on authenticity in public discourse in "An Ethical Basis of Communication," *Speech Teacher* 4 (1955): 1–9 with Thomas O. Sloane's equally strong statement about the negative effects of this concern in "Reinventing *Inventio*," *College English* 51 (1989): 461–73.
7. Wilson Carey McWilliams, *Redeeming Democracy in America*, ed. Patrick J. Deneen and Susan J. McWilliams (Lawrence: University Press of Kansas, 2011), 9. For an extended discussion of "civic dignity" as an "intermediate stage" between "the Kantian conception of dignity as intrinsic 'worth beyond price' (universal human dignity) and an older conception of dignity as high standing (. . . meritocratic dignity)" that emphasizes "equal high standing among citizens" in a democracy, see Josiah Ober, "Three Kinds of Dignity," *Athens Dialogues E-Journal* (2012), <http://athensdialogues.chs.harvard.edu/cgi-bin/WebObjects/athensdialogues.woa/wa/dist?dis=22> (accessed February 18, 2014).
8. McWilliams, *Redeeming Democracy in America*, 27.
9. See, most obviously, Thomas Hobbes, *Leviathan*, ed. J. C. A. Gaskin (1651; rpt., New York: Oxford University Press, 2009); and John Locke, *Second Treatise of Civil Government* (1689; rpt., New York: Editorium, 2009). For an example of how the creation of political community based on self-interest was translated into American politics, see Alexis de Tocqueville on "self-interest properly understood" in *Democracy in America*, ed. J. P. Mayer, trans. George Lawrence (1835–1840; rpt., New York: Doubleday, 1969), 509–11.
10. Walt Whitman, "Democratic Vistas," <http://xroads.virginia.edu/~hyper/whitman/vistas/vistas.html> (accessed February 18, 2014).
11. For a discussion of this point, see Richard Graff and Wendy Winn, "Presencing 'Communion' in Chaim Perelman's New Rhetoric," *Philosophy and Rhetoric* 39 (2006): 45–71.
12. Graff and Winn, "Presencing 'Communion,'" 62.
13. For a good discussion of this point, see David Boromisz-Habashi, *Speaking Hatefully: Culture, Communication, and Political Action in Hungary* (University Park: Pennsylvania State University Press, 2013).
14. The "rhetoric of politeness" might be compared and contrasted, in the extreme, with Ciceronian adversarial rhetoric. Sean Patrick O'Rourke has begun to explore the imbrication of these two impulses in Enlightenment theories of rhetoric; see his

- “Sentimental Journey: The Place and Status of the Emotions in Hugh Blair’s Rhetoric,” *Advances in the History of Rhetoric* 5 (2002): 21–36.
15. For all references in this essay to the president’s Tucson memorial address, we rely on Barack Obama, “Remarks at a Memorial Service for Victims of the Shootings in Tucson, Arizona,” January 12, 2011, <http://www.presidency.ucsb.edu/ws/?pid=88893> (accessed February 18, 2014). For the official White House version of the speech, see Barack Obama, “Remarks by the President at a Memorial Service for the Victims of the Shooting in Tucson, Arizona,” The White House Office of the Press Secretary, January 12, 2011, <http://www.whitehouse.gov/the-press-office/2011/01/12/remarks-president-barack-obama-memorial-service-victims-shooting-tucson> (accessed February 18, 2014). As will become clear, our reading differs considerably from that of our colleague David A. Frank, whose essay in this volume (“Facing Moloch: Barack Obama’s National Eulogies and Gun Violence”) takes issue with several of Obama’s rhetorical choices. Our reading rides a narrower gauge, focused as it is on the question of civility, but see the sources in note 16 for others who read the text in a more positive light.
  16. It is perhaps notable that he received considerable plaudits for this speech, from both the Left and the Right. See David Brooks, “The Missing Roots of Civility,” *International Herald Tribune*, January 15, 2011, 8; Richard Wolf, “President’s Call for Civility Seen as Striking Right Tone,” *USA Today*, January 14, 2011, SA; and Clifford Orwin, “A Lincoln without a Gettysburg: Obama Speaks at Tucson,” *Globe and Mail*, January 14, 2011, A14. For a general survey of conservatives’ positive responses to the speech, see Sahil Kapur, “Conservatives Praise Obama’s Speech on Tucson Shootings,” *The Raw Story*, January 13, 2011, <http://www.rawstory.com/rs/2011/01/13/conservatives-praise-obamas-speech-tucson-shootings/> (accessed February 18, 2014).
  17. For a useful discussion of various kinds of argumentation and their relationships to civic cultures, see Patricia Roberts-Miller, *Deliberate Conflict: Argument, Political Theory, and Composition Classes* (Carbondale: Southern Illinois University Press, 2004). The association of “civility as manners” with “classical liberalism” can be misleading. The early American republic inherited its version of classical liberalism from the United Kingdom and especially the theorists of the Scottish Enlightenment, who embraced two somewhat contradictory strands of political and rhetorical theory: Ciceronian civic republicanism with its controversial or adversarial rhetoric (discussed in the next section of this paper) and the polite ideology and conversational rhetoric of the early modern period. As Adam Potkay pointed out some time ago, eighteenth-century Britain and in particular eighteenth-century Scotland inherited what J. G. A. Pocock had earlier identified as the ideal of politeness. Pocock wrote, “Politeness and enlightenment were irenic,

- established, and oligarchic ideals, capable of being employed against Puritan, Tory, and republican alike and of making them look curiously similar.” As Court and Country (the old British rivals who defined the government and the opposition in the early part of the eighteenth century) slowly united as a ruling class, they together stood shoulder to shoulder, under the banner of politeness, against a vocal democratic mob. See, generally, Adam Potkay, *The Fate of Eloquence in the Age of Hume* (Ithaca, NY: Cornell University Press, 1994); and, more particularly, J. G. A. Pocock, *Virtue, Commerce, and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge: Cambridge University Press, 1985), 236. On the movement of Court and Country against democracy, see especially W. A. Speck, *Stability and Strife: England, 1714–1760* (Cambridge, MA: Harvard University Press, 1977), 143–66.
18. See, for example, the story by Liz Marlantes, covering something called the “civility movement”: “After the Arizona Shooting, the Civility Movement Sees Tipping Point,” *Christian Science Monitor*, January 13, 2011, <http://www.csmonitor.com/USA/2011/0113/After-the-Arizona-shooting-the-civility-movement-sees-tipping-point> (accessed February 18, 2014).
  19. Hence the focus in so many rhetorics of the Scottish Enlightenment, the defining era of classical liberalism, on what Douglas Wagner Ehninger years ago labeled “managerial rhetoric.” See his “Selected Theories of *Inventio* in English Rhetoric, 1759–1828” (Ph.D. diss., Ohio State University, 1949); and “George Campbell and the Revolution in Inventional Theory,” *Southern Speech Journal* 15 (1950): 270–76. See also Barbara Warnick, *The Sixth Canon: Belletristic Rhetorical Theory and Its French Antecedents* (Columbia: University of South Carolina Press, 1993).
  20. Perhaps the best discussion of this “conversable world” is David Hume’s “Of Essay Writing,” in *Of the Standard of Taste and Other Essays*, ed. John W. Lenz (Indianapolis, IN: Bobbs-Merrill, 1965), 38–42. For a more contemporary understanding of Hume’s essay, see Nancy S. Struever, “The Conversable World: Eighteenth-Century Transformations of the Relation of Rhetoric and Truth,” in *Rhetoric and the Pursuit of Truth: Language Change in the Seventeenth and Eighteenth Centuries; Papers Read at a Clark Library Seminar, 8 March 1980*, ed. Brian Vickers and Nancy S. Struever (Los Angeles: William Andrews Clark Memorial Library, University of California Press, 1985), 77–119.
  21. The attribution of such shootings to the climate of discourse rather than to other causes, such as school bullying, the lack of adequate gun control laws, or insufficient mental health care, is a distinctive element of this event.

22. Thane Burnett, "The Rush to Point Fingers," *Toronto Sun*, January 9, 2011, [http://www.torontosun.com/news/columnists/thane\\_burnett/2011/01/09/16818591.html](http://www.torontosun.com/news/columnists/thane_burnett/2011/01/09/16818591.html) (accessed February 18, 2014).
23. Jason Horowitz and Lisa DeMoraes, "After Tragedy, Toxic Talk in the Media Cross Hairs," *Washington Post*, January 10, 2011, C9.
24. Horowitz and DeMoraes, "After Tragedy," C9.
25. With one glaring exception, however, this theory of persuasive discourse and human action has been repeatedly rejected by U.S. courts in First Amendment cases. See, for example, *Brandenburg v. Ohio*, 395 US 444 (1969); and Ron Manuto and Sean Patrick O'Rourke, "Dancing with Wolves: Nudity, Morality, and the Speech/Conduct Doctrine," *Free Speech Yearbook* 32 (1994): 86–109. The exception is the so-called "fighting words doctrine" found in *Chaplinsky v. New Hampshire*, 315 US 568 (1942). *Chaplinsky* is in keeping with the earliest "clear and present danger" cases that culminate, as Manuto and O'Rourke document, in a repudiation of that doctrine in *Brandenburg*. It may be argued that the courts' use of the "reasonable person" standard is asking too much, or that our assumption that adults in a democracy should be able to examine such discourse with something beyond the behaviorist's response to stimuli ignores the effects of such discourse on the mentally ill (see, for example, Francesca Marie Smith and Thomas A. Hollihan, "'Out of Chaos Breathes Creation': Human Agency, Mental Illness, and Conservative Arguments Locating Responsibility for the Tucson Massacre," in this volume). Still, the alternatives under the First Amendment seem even less attractive.
26. Burnett, "Rush to Point Fingers," 4.
27. For a rare example of this kind of coverage, see Rosalind S. Helderman and Anita Kumar, "In Va. Assembly, a Call for Respect," *Washington Post*, January 13, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/12/AR2011011205933.html> (accessed February 18, 2014).
28. Sheldon Alberts, "Tone Down Rhetoric, Obama Says; President Salutes Shooting Victims at Memorial Service," *National Post*, January 13, 2011. See also Editorial, *Toronto Star*, January 15, 2011.
29. Burnett, "Rush to Point Fingers," 4. See also Peter Wallsten, "An Ill-Tempered Debate about Vitriol's Role," *Washington Post*, January 11, 2011, A1.
30. See, for example, Stephen Dinan, "Shooting from Hip Followed Rampage; Calls for Civility after Arizona Killings Unheeded amid Finger-Pointing," *Washington Times*, January 11, 2011, <http://www.washingtontimes.com/news/2011/jan/10/shooting-from-hip-followed-rampage/> (accessed February 18, 2014).
31. Wallsten, "Ill-Tempered Debate," A1.

32. See also David M. Herszenhorn, "After Attack, Focus in Washington on Civility and Security," *New York Times*, January 9, 2011, <http://www.nytimes.com/2011/01/10/us/politics/10capital.html> (accessed February 18, 2014).
33. See, among many others, Sean Aday, Steven Livingston, and Maeve Hebert, "Embedding the Truth: A Cross-Cultural Analysis of Objectivity and Television Coverage of the Iraq War," *Harvard International Journal of Press/Politics* 10 (2005): 3–21.
34. Horowitz and DeMoraes, "After Tragedy," C9.
35. For other examples of the "blame the media" frame, see Aaron Sharockman, "Arizona Shooting Prompts Questions about Civility in Politics, with a Focus on Florida," *St. Petersburg Times*, January 10, 2011, <http://www.politifact.com/florida/statements/2011/jan/10/debbie-wasserman-schultz/arizona-shooting-prompts-questions-about-civility/> (accessed February 18, 2014); and Dan Balz, "In Caustic Political Atmosphere, a Moment of Pause," *Washington Post*, January 10, 2011, A9.
36. For quotations from Martin J. Medhurst and Larry Sabato, see Burnett, "Rush to Point Fingers"; Jamieson is cited in Dinan, "Shooting from Hip."
37. We distinguish here between an approach that assumes we are all on the verge of mental illness and an approach that seeks to consider issues of civility and public discourse when at least some of us are, in fact, mentally ill and perhaps more susceptible to certain kinds of suggestion. On this see, again, Smith and Hollihan, "Out of Chaos."
38. "After Shooting Spree in Tucson, Time to Tone Down the Vitriol," *USA Today*, January 10, 2011, <http://www.nytimes.com/2011/01/10/us/politics/10capital.html> (accessed February 18, 2014).
39. For a similar concern in the context of 1960s protest see, for example, Robert L. Scott and Donald K. Smith, "The Rhetoric of Confrontation," *Quarterly Journal of Speech* 55 (1969): 1–8.
40. See Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza* (San Francisco, CA: Aunt Lute Books, 1987); bell hooks, *Talking Back: Thinking Feminist, Thinking Black* (Boston, MA: South End Press, 1989); and Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880–1917* (Chicago, IL: University of Chicago Press, 1995).
41. Roberts-Miller, *Deliberate Conflict*, 153–54.
42. See Sonja K. Foss and Cindy L. Griffin, "Beyond Persuasion: A Proposal for an Invitational Rhetoric," *Communication Monographs* 62 (1995): 2–18; additionally, for a reply to their critics, see Jennifer Emerling Bone, Cindy L. Griffin, and T. M. Linda Scholz, "Beyond Traditional Conceptualizations of Rhetoric: Invitational Rhetoric and a Move toward Civility," *Western Journal of Communication* 72 (2008): 434–62. Grounded in liberal humanism, invitational rhetoric assumes common ground



- between interlocutors and tends to overlook inequities in power relations; for this critique, see Nina M. Lozano-Reich and Dana L. Cloud, “The Uncivil Tongue: Invitational Rhetoric and the Problem of Inequality,” *Western Journal of Communication* 73 (2009): 220–26.
43. Changing the culture was, of course, a common theme throughout his 2008 campaign. In a debate with Hillary Clinton, for instance, Obama said, “What our campaign has been about is offering some specific solutions to how we move these issues forward and identifying the need to change the culture in Washington, which we haven’t talked at all about, but that has blocked real reform decade after decade after decade. That, I think, is the job of the next president of the United States. That’s what I intend to do. That’s why I’m running.” Hillary Clinton and Barack Obama, “Democratic Presidential Candidates Debate in Philadelphia” (April 16, 2008); we have used the transcript available at <http://www.presidency.ucsb.edu/ws/index.php?pid=76913> (accessed February 18, 2014).
44. On rhetoric and political friendship, see, generally, Danielle S. Allen, *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education* (Chicago, IL: University of Chicago Press, 2006).
45. “Controversial rhetoric” is a more or less Ciceronian system of eloquence designed for the contentious world of public persuasion. Controversial rhetoric deploys a wide range of practical precepts designed to assist advocates, like lawyers, who argue in a field of epistemological uncertainty and doubt. Indeed, Tom Sloane has observed that for Cicero, judicial rhetoric was paradigmatic of the whole. Cicero therefore consciously adopted an essentially legal theory of rhetoric, one based in the give-and-take of forensic discourse and the struggle to develop moral and legal arguments and strategies. In short, he refined the traditional notion of debating both sides of the question into a fundamentally rhetorical way of thinking. Recent scholarship has dubbed this “controversial” thinking: the ability, or indeed the habit, of disputation *in utramque partem* (on each part or each side of an issue). Controversial rhetoric, then, is a way of approaching the world, a rhetorical stance predicated on the assumption that doubt begets possibilities for argument and that—and this is important—argument opens deliberation to a vast constellation of options, considerations, and more possibilities. Its basic movement is agonistic: assertion and denial, accusation and defense. It concerns itself with matters of justice, is directed toward the public good, and is enacted in a public forum. See Thomas O. Sloane, *On the Contrary: The Protocol of Traditional Rhetoric* (Washington, DC: Catholic University of America Press, 1997).

46. James L. Kastely, *Rethinking the Rhetorical Tradition: From Plato to Postmodernism* (New Haven, CT: Yale University Press, 1997), 240, quoted in Roberts-Miller, *Deliberate Conflict*, 127. See also Catherine Helen Palczewski, "Argument in an Off Key: Playing with the Productive Limits of Argument," in *Arguing Communication and Culture: Selected Papers from the Twelfth NCA/AFA Conference on Argumentation*, ed. G. Thomas Goodnight (Washington, DC: National Communication Association, 2002), 1–23.
47. On the significance of this shift, see Kenneth Burke, *A Grammar of Motives* (1945; rpt., Berkeley: University of California Press, 1969), 3–15. Citation is to the California edition.
48. Mary E. Stuckey, *Slipping the Surly Bonds: Reagan's Challenger Address* (College Station: Texas A&M University Press, 2006), 22.
49. See note 43 above.
50. Thomas W. Benson, "The Rhetoric of Civility: Power, Authenticity, and Democracy," *Journal of Contemporary Rhetoric* 1 (2011): 22–30, [http://contemporaryrhetoric.com/articles/benson1\\_3.pdf](http://contemporaryrhetoric.com/articles/benson1_3.pdf) (accessed February 18, 2014).
51. Jeffrey B. Kurtz, "Civility, American Style," *Relevant Rhetoric* 3 (2012): 3, <http://relevantrhetoric.com/wp-content/uploads/Civility-American-Style.pdf> (accessed February 18, 2014).
52. Dana L. Cloud, "The Violence of Civility" (paper presented at the Symbolic Violence Conference, College Station, TX, March 1–4, 2012), 1. We are grateful to Professor Cloud for graciously granting us access to a work-in-progress version of her paper.
53. Cloud, "Violence of Civility," 17.
54. Cloud, "Violence of Civility."
55. For another study of the situational inappropriateness of civility, see M. J. Braun, "Against Decorous Civility: Acting as if You Live in a Democracy," in *Activism and Rhetoric: Theories and Contexts for Political Engagement*, ed. Seth Kahn and Jonghwa Lee (New York: Routledge, 2011), 137–46.
56. James Boyd White, *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law* (Madison: University of Wisconsin Press, 1989), 5.
57. Scott Welsh, *The Rhetorical Surface of Democracy: How Deliberative Ideals Undermine Democratic Politics* (Lanham, MD: Lexington Books, 2012), 111.
58. White, *Heracles' Bow*, 15.
59. White, *Heracles' Bow*, 23.
60. See Donald W. Shriver Jr., *An Ethic for Enemies: Forgiveness in Politics* (New York: Oxford University Press, 1995), 9.

61. See Chantal Mouffe, *On the Political* (New York: Routledge, 2005). See also Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton, NJ: Princeton University Press, 2004).
62. For a similar vision see, for example, Michelle Bachelor Robinson, “21st Century Civility in the Wake of the Obama Presidency: A New Perspective—the Same Old Story,” *Alabama Humanities Review*, March 31, 2011, <http://alahumanitiesreview.wordpress.com/2011/03/31/%E2%80%9C21st-century-civility-in-the-wake-of-the-obama-presidency-a-new-perspective%E2%80%94the-same-old-story%E2%80%9D/> (accessed February 18, 2014).
63. Allen, *Talking to Strangers*, 63.
64. Allen, *Talking to Strangers*, 136.
65. Allen, *Talking to Strangers*, 136.
66. See, for example, Thomas Conley, *Toward a Rhetoric of Insult* (Chicago, IL: University of Chicago Press, 2010).
67. Whitman, “Democratic Vistas.”
68. Hauke Brunkhorst, *Solidarity: From Civic Friendship to a Global Legal Community*, trans. Jeffrey Flynn (Cambridge, MA: MIT Press, 2005).
69. Brunkhorst, *Solidarity*, 12.
70. Brunkhorst, *Solidarity*, 14.
71. Brunkhorst, *Solidarity*, 70–74, 149–59.
72. John Durham Peters, *Courting the Abyss: Free Speech and the Liberal Tradition* (Chicago, IL: University of Chicago Press, 2005), 217. But Peters also falls victim to the lure of polite ideology and the notion that a full and robust public debate need not venture into the “abyss” of the obscene, the offensive, or the deranged. On this point, see Sean Patrick O’Rourke and Ron Manuto, “Embracing the Abyss: Response to John Durham Peters’ *Courting the Abyss*,” *Free Speech Yearbook* 44 (2009): 177–86.
73. Allen, *Talking to Strangers*, xxi.
74. Allen, *Talking to Strangers*, xxi.
75. Certainly, we would find this effort more useful than the establishment of “civility institutes” such as the one formed by the University of Arizona and chaired by George H. W. Bush and Bill Clinton in the aftermath of the Tucson shooting. For more about the founding of the University of Arizona center, see Bernie Becker, “Clinton, Elder Bush Honorary Chairs of Arizona Civility Center,” Briefing Room, *The Hill*, February 21, 2011, <http://thehill.com/blogs/blog-briefing-room/news/145387-clinton-elder-bush-honorary-chairs-of-arizona-civility-center> (accessed February 18, 2014).