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**Inclusivity and the (Un)Civil Paradox: Critiquing and Needing Civility
in the Public Sphere**

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Dedication

To my beautiful wife and our unborn daughter.

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Abstract

Inclusivity and the (Un)Civil Paradox: Critiquing and Needing Civility in the Public Sphere

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Scholars have turned toward Deliberative Democracy in recent decades in part because of its potential for including more voices in decision making processes that affect an increasingly diverse polity. Inherent in Deliberative Democracy's models, though, are what can be understood as prescriptions of certain types of civility, as consensus is posited as only happening under particular circumstances. Valuing radical inclusion, this study investigates historical negative effects of civility policing before exploring a more agonistic approach's potential for the inclusion of all voices, especially those previously marginalized.

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Introduction

Imagining a more inclusive public sphere, political theorists in recent decades have posited Deliberative Democracy as an alternative to interest-based or “aggregative” models. Interest-based models propose that a citizen’s primary responsibility is to vote into office those who represent her preferences or the preferences of her community. Kock and Villadsen compare this process to a marketplace, one in which “citizens are like consumers whose needs, interests, and preferences follow from socioeconomic parameters,” and where “elected representatives, in turn, are like channels relaying the preferences of their constituencies into legislation and governance rather than deliberators arguing about what is best for the polity” (3). They find that when the aggregated interests of individuals and not the common good of the greater citizenry are the goal, the role of rhetoric is reduced to bargaining between representatives. Important to the current discussion is that in this view, rhetoric and rhetorical participation are limited, constituting an exclusive public sphere, one in which meaningful and productive engagement amongst the entirety of a diverse electorate is discouraged (3).

Finding the exclusive nature of the aggregative model problematic, proponents of Deliberative Democracy have imagined a vibrant public sphere—one in which all citizens are invited to participate. Deliberative Democracy, largely derived from the work of Habermas, Rawls, and their scholarly progeny, imagines citizens concerned not with securing individual preferences, but instead with deliberating about what is best for the greater polity. They acknowledge, however, that agreement about the exact nature of the greater good and how best to secure it is improbable in many circumstances, and so

Deliberative Democracy's proponents often posit specific conditions under which meaningful deliberation will likely lead to consensus. Habermas, for example, posits ideal speech criteria in *Structural Transformation of the Public Sphere*, a work that once translated to English in 1989 was a foremost influence on what has been called the "deliberative turn" in American political philosophy. Habermas writes that 18th Century salons and coffee houses signify an ideal public sphere and can be understood as holding potential for rational debate prior to a ruinous capitalistic imposition on such in the 19th. Century. First, for Habermas, these productive public spaces "preserved a kind of social intercourse that, far from presupposing the equality of status, disregarded status altogether," thus allowing that "the better argument could assert itself" (25). Habermas also claims that in the ideal public sphere signified in the salons "economic dependencies also in principle had no influence," and "laws of the market were suspended as were laws of the state." This is an appeal to an absolute objective rationality that Habermas recognized was probably never realized; yet he persisted that "if not realized, it was at least consequential" (25).

Also in these public spaces the then recent "commodification of culture" had created a public sphere in which areas of common concern previously considered off-limits or the purview of institutions were open for debate, or for Habermas, "Discussion within such a public sphere presupposed the problematization of areas that until then had not been questioned," as "The domain of 'common concern' which was the object of public critical attention remained the preserve in which church and state authorities had the monopoly of interpretations" (26).

And finally, and importantly for the current discussion, the public sphere was inclusive. Habermas writes that "the same process that converted culture into a commodity (and in this fashion constitute it as a culture that could become an object of

discussion to begin with) established the public as in principle inclusive,” and that “the issues discussed became ‘general’ not merely in their significance, but also in their accessibility: everyone had to be able to participate” (26).

Habermas, then, locating his criteria for optimal deliberative potential in an ideal of 18th Century salons and coffee houses, proposes open and rational debate among objective participants who are unencumbered by biases of station or institutions and who always treat each other as equals. Everyone is allowed to participate, all subjects are open for debate, and the best arguments win the day. In framing our current discussion, notice that Habermas proposes a type of civility, one which values reason, equality, and objectivity, and also note that his model is inclusive. Though Habermas will refine this speech criteria in a *Theory of Communicative Action*, writing explicitly about the “ideal speech situation,” and though he will later abandon the idea of criteria for that of “pragmatic presuppositions,” principles of civility and radical inclusion are mainstays not only for Habermas, but for proponents of Deliberative Democracy at large, including Habermas and his derivatives, as well as the other major figure equally credited for the genesis of the deliberative turn—John Rawls (Bohman). And while as opposed to ideal speech situations, Rawls uses the “original position” as litmus for rational debate, Adi Ophir, in his chapter “The Ideal Speech Situation: Neo-Kantian Ethics in Habermas and Apel” finds Habermas and Rawls engaged in the same project of delimiting criteria for optimal deliberation, writing, “Rawls ‘original position’ can be interpreted as a form of an ideal speech situation or be shown to imply one,” thus further supporting the claim that the Deliberative Democracy phenomenon and not just one strand of it can be understood as prescribing speech norms in ways that are to some degree exclusionary (213).

Certainly the renewed focus on deliberation in the public sphere has brought with it discussion about what exactly the proper conditions for deliberation are. What rules (if any) are necessary to create conditions where diverse individuals can persuade one another? Who gets to make or enforce those rules? How do such rules affect different groups? And most importantly for a democratic theory—a central virtue of which is inclusion—who (and what kind of speech) do such rules privilege, and who do they exclude? In short, Deliberative Democracy both attempts to tackle the problem of inclusion and has simultaneously brought in-tow a renewed interest in civility as most solutions to the problem of speech criteria prescribe civility or a derivative of such as a major function of desirable and productive deliberative and democratic speech situations.

The current study is concerned with the ways issues of civility operate relative to civil rights activism, acknowledging that conversations on civility, both popular and scholarly, proliferate anytime civil rights activism peaks in the U.S. What is unique about the current moment is that the deliberative turn coincides with a forty year apex of such activism. The last time civil rights agitation produced analogous concern for civility was in the late 60s and early 70s as student protests on college campuses erupted over civil rights, campus issues, and especially U.S. involvement in the Vietnam War. As students and young people of the era protested, marched, boycotted, and sat-in, their rhetorical strategies became increasingly radical. And as they made demands and sometimes threats, as they shouted when unheard, and as they sometimes attempted to halt the institutional machinery to which they were opposed, scholars in rhetoric attempted to grapple with their communicative means; in doing so they found themselves unwittingly engaged in prescribing civility in ways not wholly dissimilar to those of Habermas and scholars promoting Deliberative Democracy.

That is, while several scholars, including Wayne Booth (1967), A.M. Tibbetts (68), Franklyn S. Haiman (1968), James Andrews (1969), and Scott Brockreid and Donald K. Smith (1969), attempted to understand the rhetoric of activists in the 60s and 70s, Edward J. Corbett's famous "The Rhetoric of the Open Hand and The Rhetoric of the Closed Fist (1969)," is representative of such scholarship as far as they, like Corbett, attempt to understand and critique activist tactics of the time. Corbett famously theorized that late 60s radical rhetoric displayed four characteristics.

First, he sees such as largely non-verbal and reliant on sensory experience, such as music and iconography, as opposed to words. Second, he writes that it is concerned with groups and participants as opposed to individual orators—Corbett calls this gregarious rhetoric. Third, he sees radical rhetoric as coercive as opposed to persuasive, and he describes coercive rhetoric as reliant on the "non-rational" and as working to limit options of audiences, writing, "I see choices as the key concept of rhetoric. Accordingly, where choices are arbitrarily pared down or eliminated, rhetoric begins to disappear. This may be the most ominous tendency of the new rhetoric" (293).

While Corbett does concede that resorting to radical rhetoric often happens when marginalized people have exhausted, or don't have access to, traditional channels of communication, he writes that this rhetoric of the closed fist, this coercive, limiting rhetoric, should be the privilege of those whose freedom or safety are endangered. He writes that a lot of activism on campuses doesn't meet those criteria, and so is unjustifiably irrational. What is interesting here is that Corbett makes little distinction between the radical rhetoric of one group and that of another. That is, "arbitrary" protest rhetoric on campuses is distinct from that coming from recognized civil rights groups only in its legitimacy—meaning both are irrational; just one group is more deserving in their unreason. And Fourth, Corbett writes that radical campus rhetoric is "non-

conciliatory,” meaning that rhetors make little attempt at ingratiating themselves to audiences, instead supposing that telling “it like it is” is enough (294). He sees this as an absence of Burkean Identification practiced by radical rhetors, in a rhetoric that is unlikely to persuade anyone that is not already on one’s side. Corbett concludes by lamenting a non-existent time when rhetorical interaction was generally logical and undergraduates spent their time constructing rational arguments:

In the existential mood of the times, it may seem that reason has not governed, and cannot effectively govern, the affairs of men. But it would be a simple task to demonstrate just how quickly the everyday world would unravel if man, the rational animal, were to abandon logic. The open hand and the closed fist have the same basic skeletal structure. If rhetoric is, as Aristotle defined it, "a discovery of all the available means of persuasion," let us be prepared to open and close that hand as the occasion demands. Then maybe the hand-me-down from the dim past can lend a hand-up to us too. (296)

Notice that for Corbett, and by associating the late 60s and early 70s rhetorical scholarship, the students do not accord with Habermas’s ideal, insofar as they are understood to be thinking as groups as opposed to objective individuals, and they are understood as either arational or irrational, not participating in objective consensus seeking, but instead are understood as misguided and coercive radicals. Importantly, because they do not fit a set of speech criteria that seem in many ways to align with Habermas’s, Corbett dismisses the claims of students, which certainly equates to exclusion. That is, the responses to student activism lead one to wonder whether Habermas’s ideal speech situation which prescribes both civility and radical inclusion, doesn’t in practice—by policing civility—accomplish the exclusion of the radical. More

broadly, it prompts one to ask to what degree prescriptions of civility and inclusion can co-exist.

Still the receding of this wave of interest in the civility of radical rhetoric correlated with the dissipation of activism on campuses, and as we moved into the late 70s relatively little scholarly interest was shown on the subject. While—to lesser degree—periodic swells of activism have bred sporadic interest in civility and radicalism in the past few decades, our current reality is the closest parallel we have to the activism of the 60s and 70s. In the current moment, the deliberative turn corresponds with a wave of radical activism and so, again, an interest in the civility of protestors. Yet this time, as opposed to scholarly interest in policing civility and critiquing activists (corresponding with the aims of Deliberative Democracy) scholars largely critique those participating in civility policing. As young people across the nation, many of them on college campuses, are responding to systemic racial injustice—police brutality, mass incarceration and unjust targeting and sentencing of people of color by police, economic and educational disparities, and discrimination on campuses—scholarly voices, in opposition to popular ones, are largely critiquing those policing civility. An incident on Yale’s campus illustrates both the reactionary impulse to criticize student activists and the scholarly turn toward critiquing that impulse.

Student Activism at Yale

Legal scholar, David Cole, reports in the January 14, 2016 *New York Review of Books* that Yale is among a growing number of universities where students are—in ways that harken back to campus activism of the late 60s and early 70s—protesting the unequal treatment of students of color. Just before Halloween 2015, precisely thirteen Yale administrators sent emails to the student body advising not to wear culturally or racially insensitive costumes. Erika Christakis and her husband Professor Nicholas Christakis live onsite with and advise student residents at Yale’s Silliman College—these responsibilities according them the title “Master.” Each is to be addressed by students as “Master Christakis.” Erika responded to one email concerning culturally sensitive costumes which originated with the Intercultural Affairs Committee (IAC). The IAC email stated that though students had the right to express themselves, the university hoped students would avoid “those circumstances that threaten our sense of community or disrespects, alienates or ridicules segments of our population based on race, nationality, religious belief, or gender expression” (Cole’s paraphrase, 4). Christakis, in her response, wrote that faculty oversight of costumes signified in the IAC email might be “heavy-handed,” writing, “Is there no room anymore for a child or a young person to be a little bit obnoxious[...]a little bit inappropriate or provocative or yes, offensive?” (4).

Christakis’ email was itself interpreted by Yale students of color as highly offensive when read in a Yale University context that minority students have long claimed was racially insensitive at best and at times outright discriminatory. Angered and hurt by Christakis’ email, students made several demands including the immediate removal of both Erika Christakis and her husband Professor Nicholas Christakis from their live-in positions at Silliman, positions which put them in close contact with students

of color. The situation culminated with a black student activist cursing in the face of Professor Christakis as a bystander recorded it on a cellphone. The footage of this young person momentarily losing her cool was posted online and soon went viral, engendering a wave of backlash from popular outlets condemning the incivility not just of a single student but of student activists across the nation. Pieces in the *Atlantic* (Friedersdorf, 2015) and in the *Washington Post* (Marcus, 2015) are representative of popular reaction.

Three pieces of context clarify why students of color at Yale, including the young woman on the video, were angry. First, Cole writes:

For some time Yale students of color have insisted that the university didn't sufficiently welcome them. Only 3.5% of faculty are African American at a university with a student body that is 11% African American and 49% students of color. Students of color are more likely to be stopped by campus police, mistaken for service staff, stereotyped, and slighted by students and faculty alike. Racial bias, these students remind us, is not limited to inner cities. (4)

Second, students were circulating at the time that a black female student had been turned away from a party on campus with the words, "white girls only." While an internal review reported that black students were in attendance at that party and that the only evidence of the incident was second hand—the veracity of the rumor is irrelevant to reconstructing the context in which the young woman on the video exploded. It is enough to assume that she believed it to be true.

And third, and extremely important is the fact that in preceding years, white Yale students had gone out on Halloween in blackface, a trope of minstrel shows in which white male actors would smear a charcoal mix onto their faces and perform highly offensive caricatures of African Americans. So it isn't the case that the student recorded blowing up at Nicholas Christakis was simply overreacting to an email; she was instead

enraged by the thought (mistaken or not) that the adult living in her residence hall, who is in many ways responsible for her well-being, would think an email that was trying to avoid having students dress in blackface was “heavy-handed.” Students should be allowed to be a “little” offensive after all, right?

In the recorded conversation, Professor Christakis, “Master” Christakis, is surrounded by students of color who demand he apologize on the spot for his wife’s email. Master Christakis refuses, telling the students instead that if they are offended by a costume, then they should look away or confront the person wearing the costume. A reasonable thought? Certainly a young black woman should approach a group of drunken frat-boys in blackface and explain to them a racial history that extends from slavery to the present. The young woman lost her mind. The camera was rolling. And this is where our media decided to chime in, spending valuable resources condemning the incivility of a young woman instead of focusing on the far greater incivility of a context of racial insensitivity at one of our nation’s most prestigious universities.

And David Cole astutely writes that instead of reporting on the greater injustices (an originary incivility) that created an unjust reality, pundits and previous commentators seem more interested in the perceived “incivility” of understandably frustrated protestors, thus availing themselves of hard racial truths and adding to the discrimination of those attempting to right racial wrongs. That is, participating in a pattern all too familiar in America’s relationship with civil rights activism, the nation, or at least our media, seems more concerned about perceived incivility of activists than with the greater incivility to which activists are responding. Such slight of hand has historically had the effect of diverting productive critical attention from actual racial injustice and redirecting it toward activist responses that are anomalous, taken out of context, or just less important to larger civil rights issues. That is, reactionary civility policing has the effect of protecting unjust

consensus, silencing dissent, and displacing blame, phenomena we will turn to at length later in the paper.

Such civility policing is not surprising, for certain. Remember that scholars in rhetoric took the same posture in reaction to activism of the late 60s and early 70s, though Corbett and contemporaries were far more critical and qualified in their responses. Still, scholars of yesteryear and current popular critics similarly conclude that those deemed uncivil are irrational and uncritical. It follows in this line of thinking—though the syllogism is often left incomplete—that irrational arguments or worse irrational interlocutors don't warrant consideration, don't warrant inclusion. With renewed activism, popular sources are assuming the old scholarly positions, and scholars in rhetoric are now critiquing those positions. As is the case with David Cole, a preponderance of recent scholarship on civility is critical of attempts at policing civility.

The Yale incident is of interest to our current study for a couple of reasons. First, it demonstrates two sides of renewed interest in civility and civil rights. That is, the initial popular sources were attempting to enforce a type of civility, and David Cole critiques the ways that such civility enforcement works to perpetuate or multiply discrimination. This pattern continues as—with rare exception (some of which we will get to later)—popular sources or those outside of rhetoric attempt to police civility, and scholarship inside of the field tends to be critical of such attempts. And the Yale incident demonstrates not just renewed interest in issues of civility, but more importantly, it exemplifies important disagreements about the term as well as the stakes involved in getting it wrong. What proponents of Deliberative Democracy fail to account for is that sometimes, having exhausted civil means, legitimate grievances are voiced in uncivil ways, and that Deliberative Democracy's ideal speech situations and accompanying prescriptions of civility will exclude these voices and do so in the name of inclusivity.

That is, Deliberative Democracy's public sphere as currently theorized would mute activist voices often coming from racialized and marginalized bodies. The following explores various scholarly critiques of civility that work together to elucidate how civilizing discourses have been used to exclude. After complicating Deliberative Democracy's claim to inclusivity, this paper will explore a more agonistic model's potential for inclusivity.

While the current moment's burst of student activism to some degree parallels the magnitude that of the late 60s and early 70s, scholarly responses have diverged from their predecessors by—instead of policing civility—attempting to outline the harm that such policing has had on marginalized people. For example, Patricia Roberts-Miller writes that “to prohibit anything other than ‘civil’ political discourse, as long as ‘civil’ is defined as discourse that does not upset anyone, is to prohibit social change” (*Fanatical Schemes*, 231). Lozano-Reich and Cloud write that a “politics of civility [...] has been proven to leave those already disempowered in a continued state of conformity, punishment, and/or silence” (224). And Raymie Mckerrow goes even further, writing of the “tyranny of civility” and concluding that “civility is servitude” (279). These scholars are far from alone in their respective perspectives, and the following will flesh out critiques made by several scholars before addressing an alternative to ideal speech criteria.

Critics make three dominant charges against civility policing. First, that those enforcing civility value harmony over justice or equality. In various ways our authors argue that holding consensus, that which is inoffensive, or good feeling as one's highest value can only preserve the status quo within communities, and so also within communities that oppress. The second—the idea that civility often functions to silence dissent—is often written as derivative of the first. That is, those attempting to preserve harmony within community often do so by silencing dissenting voices, which, by definition, serves to disrupt consensus or to subvert unjust harmony. Critics argue that under the guise of civility, those in power use charges of incivility to exclude arguments they disagree with (which is oppositional to the aims of Deliberative Democracy) or those emanating from racialized or gendered bodies they find inherently uncivil. Part and parcel of this second commonplace is the tendency of those in power—for the purposes of containment—to sit down in civil conversation with dissenters with no real intent to

listen or to act. An unwillingness to move, is indistinguishable in outcome from an unwillingness to listen; the outcomes of both parallel those of the non-encounter resultant from having materially silenced dissenting voices. And, finally, critics have demonstrated how civility has been used to displace blame—for injustice, suppression, or even violence—from oppressor to oppressed.

Preserving Harmonies of Injustice

Scholarship critical of civility often presupposes both that discrimination persists and that progress in combatting such will only be achieved through activism. To this point, critics of civility generally position themselves as advocates for social change and often reference or echo the sentiment of Frederick Douglas's famous lines taken from the "Emancipation of the West Indies" speech, lines that in 1857 constituted an ominous foreshadowing of the American Civil War: "If there is no struggle, there is no progress," and "Power concedes nothing without demand. It never has, and it never will" (*Fanatical Schemes*, "Uncivil Tongue"). This progressive identity provides the basis for critique and will become important as our analysis later makes distinctions based on political orientation. While also aligning with historical activism of the past, proponents of civility tend to see the current harmony or consensus as worth preserving in its current state. They wish to preserve the present, or sometimes to return to a mythical civil past (paradoxically while aligning with agitation that served to disrupt the beclouding civility protecting the discriminatory consensus of that past). More on this later.

Also, as we embark upon our dominant critiques of civility—valuing harmony over justice, silencing dissent, and displacing blame—it becomes useful to briefly outline the causal relationship between them that some of our critics either state explicitly or imply, a relationship that was only pointed to earlier. Patricia Roberts-Miller's work demonstrates well the connection between the three. In her landmark study of political theory's implications for writing studies, she writes:

Prizing civility means that people who become confrontational or argumentative have violated a basic principle of social discourse, and they should be shunned and condemned. Evading conflict contributes to social harmony and can even facilitate an effective public sphere as long as the disagreements are relatively minor, but it cannot accommodate people who are deeply unhappy with the system itself. To the extent that

one can say there is a community, it is a community committed to injustice. (*Deliberate Conflict* 154)

Notice that for Roberts-Miller protecting community at all costs leads to all three aforementioned problems. To the first critique, she writes that “evading conflict contributes to social harmony,” but if harmony or consensus is preserved within a discriminatory system, then the preserving act also protects discrimination along with the stasis of the community. And prizing civility and “evading conflict” for our author means that “confrontational or argumentative” voices are to be “shunned and condemned.” Such shunning constitutes an effective silencing of dissent—and condemnation implies desert, leaving both silencing and displacing blame in the service of maintaining unjust harmonies. That is, if one labels arguments that threaten the consensus of the community as uncivil and shuns or disregards them, that person is effectively silencing them, and if for the same reason one is condemning those arguments or those making them, then the possibility for suppression or retribution becomes real, and blame can be attributed to the “uncivil” party. And of course the net result—of such silencing of dissent and displacing of blame leading often to suppression, enacted within a community that discriminates—is the preservation of an unjust harmony. What is left is “a community committed to injustice.” Yet because some critics treat the three critiques as distinct or focus heavily on only one or two of them, the categorizations remain useful, and the following will give each individual treatment even while acknowledging their interconnectedness. The latter two will inevitably come up in discussion of the first, but then silencing dissent and displacing blame will be considered separately.

Most important for our current purposes in outlining the first critique—preserving harmony at the expense of justice—is Roberts-Miller’s demonstration of the improbability of substantive change within a system that privileges harmony of

community above all else. Certainly communities are not worth preserving just because they are communities. Roberts-Miller points to Kenneth Burke's (among others') observation that communities sometimes form around objects of hate. Are we to assume that policing civility to preserve such communities is a worthwhile endeavor? How about communities built upon the subjugation or hatred of African-Americans? In *Fanatical Schemes*, Roberts-Miller addresses that question relative to communities built on the institution of slavery, and William Chafe addresses it concerning a Southern community constituted of Jim Crow customs.

Chafe's landmark work on the Black Freedom Struggle in Greensboro, NC, *Civilities and Civil Rights* elucidates the fact that while Greensboro framed itself as a bastion of racial progress in the South, it was in fact one of the last cities in North Carolina and even in the South to make meaningful, lasting change as it transitioned away from Jim Crow. While city officials were among the first to announce compliance with the '54 *Brown v. Board of Education* decision, on the ground such pronouncements translated only to tokenism obscured by genteel Southern manners and promises never intended to be kept. Chafe names the veneer of progress and civility which serves to hide the glacial pace of racial progress in Greensboro "The Progressive Mystique," and defines it as "a series of implicit assumptions, nuances, and modes of relating that have been all the more powerful precisely because they are so elusive" (6). The Progressive Mystique is a white paternalism that avoids conflict and portends openness to new ideas, with, of course, no obligation to act on those ideas. It values consensus, eschews conflict, and most important for the current discussion, it is civil (7). Chafe writes,

Surrounding all of these motifs [those of the Progressive Mystique just outlined] has been a pervasive commitment to civility as the value that should govern all relationships between people. Civility is the cornerstone of the progressive

mystique, signifying courtesy, concern about an associate's family children, and health, a personal grace that smooths contact with strangers and obscures conflict with foes. Civility was what white progressivism was all about—a way of dealing with people and problems that made good manners more important than substantial action. Significantly, civility encompassed all of the other themes of the progressive mystique—abhorrence of personal conflict, courtesy toward new ideas, and a generosity toward those less fortunate than oneself. (8)

Notice that for Chafe, it is a civil, mannered Southern hospitality that preserves the harmony of Jim Crow communities in North Carolina. “Good manners” were privileged above “substantial action,” and so long as “abhorrence of personal conflict” is what constituted good manners, then the possibility for disrupting such harmony is averted. Unique to Chafe's conception of civility and the Progressive Mystique, is that not only is it working to preserve a community harmony by disarming opposition, but it is simultaneously asserting how to categorize that preserved community harmony. That is, the Progressive Mystique not only preserves community, it also functions as an argument about what type of community it is preserving. To some extent all civility does this, as embedded in the move to preserve is the assumption that there is something worth preserving, but the Progressive Mystique is making a claim not just about preservation; it is arguing superiority. The Progressive Mystique attempts to argue that a community is progressive, but it does so by attempting preservation, an almost absurdist move considering preservation's attachment to conservatism. Scholarship by Mouffe and McKerrow will frame such a move as illogical by asserting preservation as conservative and as always in tension with the move to transgress or progress within a liberal democratic society (see *The Democratic Paradox* and “Coloring Outside the Lines”).

The Progressive Mystique argues that when Greensboro shows, not just restraint, but “courtesy toward new ideas” and “a generosity toward those less fortunate” it is not just worth preserving, it is exemplary, and the argument remains convincing to some audiences so long as no one explores that community’s willingness to act on such ideas, or investigates what it is that leads some within that community to be more or “less fortunate.”

Of course Chafe does investigate, finding that white Greensboro citizens and officials could maintain a system of Jim Crow—especially school segregation—and a reputation of racial progressivism by portending true concern, by expressing aesthetic kindness. While disempowered African-Americans expressed frustration or offered new ideas, white people in Greensboro maintained a listening posture but with no real intention to act, assuring that the civility characteristic of the Progressive Mystique preserved Jim Crow traditions in Greensboro—some well into the 1970s.

Chafe also finds that the consensus that such a civility requires can be crushing, and here he continues, generalizing first that Southern black people were extremely civil and hospitable, describing them as generous and open, but then he writes,

Yet blacks also understood the other side of civility—deferential poses they had to strike in order to keep jobs, the chilling power of consensus to crush efforts to raise issues of racial justice. As victims of civility blacks had long been forced to operate within an etiquette of race relationships that offered almost no room for collective self-assertion and independence. White people dictate the ground rules, and the benefits went only to those who played the game. (9)

Chafe describes a Southern civility that required deference from black people. That is, if civility means being decorous, and local etiquette maintained a system of racial

inequality, then to be civil in this context, meant that both oppressor and oppressed were to play their respective parts.

Chafe also brings up an issue that emerges in critical perspectives focusing on harmony in community, that of consensus. That is, to maintain a perfect harmony, substantial action cannot be taken without all within a decision making body being of one mind. To do otherwise would allow the possibility of discord. This problem of consensus is a major roadblock for African-Americans in Greensboro attempting to establish meaningful racial change.

In fact, Chafe writes that it is an insistence upon consensus that stalled North Carolina's move away from meaningful compliance with the '54 *Brown v. Board of Education* decision. While quickly announcing compliance to the media, the North Carolina Board of Education's actual plan, deemed the Pearsall Plan, effectively maintained that communities within the state were free to integrate if they chose to do so. The Pearsall Plan interpreted compliance as an absence of legal coercion in either direction. They were no longer legally requiring racial segregation in schools after all. Board members framed this plan as progress, but of course in North Carolina in the 1950s—and even into 60s and early 70s—white communities that would take advantage of the new legislation and actively choose racial integration were non-existent. This means that the Pearsall Plan's insistence upon community consensus effectively extended Jim Crow school segregation for twenty years (Chafe 96). Because of this charade and numerous other disappointments in North Carolina, Chafe will write that “a central vehicle for the effectiveness of this resistance was the Progressive Mystique, with its insistence on consensus, voluntarism, and the preservation of civility” (354). And he will ask, “Are civility and civil rights compatible? Will they ever be?” (355). His answer, of

course, is no, finding that “Civility within a context of oppression simply provides the veneer for more oppression” (Chafe 355).

Chafe, in alignment with Roberts-Miller, will write that the other two dominant critiques of civility—silencing dissent and displacing blame—serve to maintain such unjust harmonies, and the ability of such to exclude are two-fold. First, hierarchal arrangements of “communities of injustice” protected by civilizing discourses are built upon foundations of exclusion. And the maintenance of harmony often requires quieting or dismissing arguments possessing the potential to disturb consensus. This study will now turn to an investigation of this latter form of exclusion, to the second dominant critique of civility—that it has been used to silence dissent.

Silencing Dissent

While the relationship between protecting unjust harmonies and silencing dissent has already been noted, several scholars do devote specific attention to the critique that those in power sometimes dismiss arguments they disagree with or those coming from bodies they find inherently disagreeable, all in the name of civility. That is, those in power may dismiss, punish, or silence those not adhering to arbitrary dominant modes of propriety. In feminist studies for example, Lozano-Reich and Cloud, respond to Bone et al.'s promotion of Invitational Rhetoric and civility with, "The Uncivil Tongue: Invitational Rhetoric and the Problem of Inequality," a scathing critique that eschews a "politics of civility" as that which serves to silence dissenting voices, especially those of women. Bone et al. largely conflate Foss and Foss's Invitational Rhetoric with civility, and Lozano-Reich and Cloud respond to "invitational civility" by stating that it is only preferable when interlocutors are on equal social, political, and economic footing—an extremely rare situation.

Relative to oppressive forces silencing dissent with charges of incivility, Lozano-Reich and Cloud write, "Bone et al. acknowledge that historically, societal standards of decorum have often been used to silence groups and keep them in their place. Nowhere is this truer than in the case of women, told to play nice with their oppressors (Ehrenreich & English, 2005 ref. in Lozano-Reich and Cloud, 223). While the authors reference several marginalized groups who have been silenced in the name of civility, their primary focus is on strategies used to quiet women. They begin by establishing a long history of punitive civility against such:

Indeed, 19th-century notions of propriety and civility were used as cultural ideals to place legal, political, and physical restriction on women—whereby relegating women to the private sphere (Oravec, 2003). Antifeminists frequently appealed to

masculine norms of “civilization” to “depict women as less civilized than men, less able to contribute to the advancement of the race” (Bederman, 1995, p. 121) (qdt. in Lozano-Reich and Cloud, 224).

While Bone et al. argued that invitational rhetoric (and so civility) was a way of effecting gender equality, Lozano-Reich and Cloud, in response, warn that promoting civilizing discourses has been used historically to discipline women, to silence women by effectively removing them from public life under the guise that they fall short of some masculine benchmark for civility. The argument here is that promoting civility among feminist activists may encourage those in power to resurrect time-tested silencing strategies.

And Lozano-Reich and Cloud acknowledge that civilizing discourses have had especially pointed effect when combined with problematic discourses about race: “Extending this history, women of color have been silenced through civilizing strategies that deem legitimately angry speech to be ‘uppity’ or ‘illiterate’ (Anzaldua, 1999; hooks, 1989)” (224). The authors conclude: “It has taken decades of critical feminist scholarship to resist politics of civility and overcome oppressive stereotypes so that women of color can be viewed as speaking subjects, and not as uncivilized subjects needing a firm hand” (224). The authors find disconcerting the possibility that women, and to an even greater extent women of color, could risk the hard won gains of feminist agitation by promoting what they see as discourses that have been used to silence and oppress.

Lozano-Reich and Cloud also reference silencing strategies aimed not just at women, but at those challenging power more generally:

When measured by standards of civility, protestors are framed as wild and riotous by dominant media, rendering their struggles illegitimate (Gitlin 2003). In a post-

9/11 climate, moreover, uncivil protestors are equated with terrorists (and terrorists cannot be ascribed any rationality whatsoever.

They then outline a broader discriminatory power of civility policing:

Bederman (1995) asks whether conforming to mainstream standard of civility replaces one kind of exclusion with another. This paradox holds except in cases of discourses among equals. Discourses of civilization “have proven to be a slippery slope for those who dream of a more just society” (Bederman, 1995, p. 239). Likewise, Mayo (2002) argues that “civility is a form of social discrimination, for it is predicated on making distinctions that support accepted practices and values, and entails enacting those distinctions to the detriment of the purportedly uncivil (224).

All this works in support of their assertion already given at the beginning of this study: “[a] politics of civility...has been proven to leave those already disempowered in a continued state of conformity, punishment, and/or silence” (my emphasis, 224).

Roberts-Miller, too, in addition to outlining the dangers of valuing harmony above all else focuses explicitly on how civility can be used to silence. She writes in *Fanatical Schemes* that civility, tends to be defined through negation: it is not emotional or abusive; it does not involve personal attack; it is not offensive. Offending one’s audience, it is argued, alienates them, and persuading them necessitates moving them to one’s side, not pushing them away (4).

Roberts-Miller goes on to write that “dissent is inherently disruptive and necessarily upsetting to anyone who identifies with the current system,” elucidating her point, which overlaps with Lozano-Reich and Cloud’s. That is, it is difficult to imagine in highly volatile political situations, a dissenting rhetoric that an opposing side wouldn’t claim was “offensive,” “emotional,” or “abusive.” In Lozano-Reich and Cloud we

witnessed patriarchal appeals to violations of standards of objectivity relative to women and other protestors as those groups were portrayed as “wild and riotous,” and their arguments dismissed as uncivil. Here, Roberts-Miller—in her exploration of anti-abolitionist and pro-slavery rhetoric—finds that, though pro-slavery advocates refused abolitionists’ arguments on the grounds that they were “uncivil,” it wasn’t the way in which such arguments were being framed that was found to be offensive; it was that dissenting arguments were being made at all.

To silence, of course, then is to exclude, but the same vitriol, the same charges of incivility that form the foundations for silencing dissent, are often used to punish. Unjust punishment requires the displacing of blame, and as we will see as we turn to our third critique, distracts from the perpetuation of injustice.

Displacing Blame

Critics of civility argue in various ways that marginalized dissenters—often labeled as uncivil disruptors of community harmony or as being too uncivil to be heard—are often understood to warrant both oppression and suppression. And Raymie Mckerrow writes ironically, “If actors are passive and dependent, irrational and hysterical, excitable, passionate, unrealistic, or mad, they cannot be allowed the freedom that democracy allows.” He continues, “On the contrary, these persons deserve to be repressed, not only for the sake of civil society, but for their own sake as well” (280). As we have seen, those in power will often define civility in terms of reason and objectivity, but then define all dissent as unreasoned and emotive, allowing them to paint all dissenters as “irrational” or “mad” and in need of a firm hand. Sometimes, having been long denied justice and having exhausted civil means, marginalized voices are in fact frustrated, in fact angry. Through the lens of civility policing, marginalized people are not seen as victims of discrimination as much as uncivilized dissenters getting their comeuppance. They are not being discriminated against; they are getting what they deserve. In this view, when truly malicious groups attempt to disrupt peaceful protest with violence, the protestors will be arrested and their initial “incivility” in dissent—more than the opposing group’s violence—is found by those in power to be at fault.

And often, audience members and media reporters will spend limited resources critiquing the “uncivil” rhetoric or behavior of protestors instead of giving credence to the far greater incivility in the form of discrimination or oppression that brought protestors to a location in the first place. They ignore the incivility of institutions that dismissed or silenced the countless civil attempts at dialogue leading up to protest. Instead they fall back on facile notions that no argument unless made decorously can be given credence.

This is the critique of civility that David Cole's "What's the Problem at Yale" illustrates. The young activists on Yale's campus had legitimate grievances that had been left unaddressed when brought up through traditional channels. But when these students finally resorted to more radical means, they did finally get the attention they had been seeking. Garnered attention might have signaled hope for these students as they had been heard. Instead, reporters chose not to address the sad dearth of black faculty at Yale, not to report on a history of racially insensitive costumes among Yale students, or on unheard complaints of discrimination and insensitivity. They didn't report on the insanity of expecting any African American to call any white person "master." And they certainly didn't report that the Christakis thought it was important to contradict an email from a cultural group on campus that simply asked students to be sensitive in selecting Halloween costumes. What was the thing most worthy of national news coverage? Well the tone of a very young black undergraduate's discourse of course. Blame is displaced from those who are participatory in the creation of a racially insensitive or even discriminatory context to those who are being discriminated against.

The collective effect of the scholarship critiquing past uses of civility is to complicate Deliberative Democracy's foundational criteria, criteria aimed at creating an inclusive and productive public sphere. The critical scholarship corroborates and explicates the tension between civility and inclusion inherent in Deliberative Democracy that was pointed to in the opening exploration of Deliberative Democracy's origins and scholarly responses to late 60s and early 70s activism. The collective effect of the critical lenses applied by David Cole and our other critics of civility policing is to complicate Deliberative Democracy's claim that its ideal speech situations which are reliant upon civility can accomplish radical inclusion. Enforcing types of civility functions to exclude those arguing for change, those who can be dismissed, muted, or punished as uncivil.

Responding with Agonism

Acknowledging that enforcing civilities which are foundational to Deliberative Democracy's prescribed ideal speech situations is not the panacea for an inclusive public sphere, one might ponder the feasibility of discourses that make no such prescriptions. Chantal Mouffe, for example, responds to the deliberative turn with "agonistic pluralism," a model that sees inherent antagonism—what she terms "the political"—as the conditions of existence for politics in general (101). Mouffe finds any single rationality to be the effect of institutional power and not of universal reason that could be appealed to in deliberations and that could lead disagreeing interlocutors to lasting consensus. Importantly for our current discussion, Mouffe finds Deliberative Democracy's aspirations toward absolute inclusion hopeless so long as both inclusion and consensus are contingent upon alignment with a fictive universal reason (101).

Agonistic pluralism, on the other hand, is all inclusive, prescribing no speech criteria and conceding the impossibility of shared reason—all are included. Opposing parties need not seek consensus, nor agreement of any type, but instead they recognize each others' right to make arguments in the public domain. Mouffe writes, "This is the real meaning of liberal-democratic tolerance which does not entail condoning ideas that we oppose or being indifferent to standpoints that we disagree with, but reading those who defend them as legitimate opponents" (102). While brilliantly outlining problems inherent in Deliberative Democracy, agonistic pluralism fails to provide an impetus for continued political interaction once persuasion is theorized as unlikely. She briefly writes that sometimes people will agree, but that this process is akin to conversion as opposed to persuasion; she elaborates no further. While certainly not intended, her outlining of agonistic pluralism might allow it to be read as an expressivist model, one of display, or an intervention in aggregative models, for what else is the purpose of political

communication if not persuasion at some level? Regardless, for our current purposes, both Mouffe's finding productive a never-ending contest between the liberal and the democratic as well as agonistic pluralism's claim to universal inclusion and charge to take all interlocutors seriously will be of use. The possibility of including all voices without the constraints of criteria inherent in Deliberative Democracy may prompt one to ask what are the ramifications of including all arguments and all interlocutors regardless of how illogical, disruptive, or threatening they may seem. Is such desirable; or more to the point, is it even possible?

Returning to Yale

To answer the question of universal inclusion, let us return to David Cole's analysis of the student activist's response to Erika Christakis email, and let us this time ask what agonistic pluralism has to add. Cole, at first glance, seems to be more closely aligned with Mouffe's move toward universal inclusion than with more traditional ideal speech criteria. He is after all writing in response to popular media pundits' attempts at censoring the Yale student and student activists more generally. Cole, by positioning himself as a proponent of free speech, argues that activists at Yale and on campuses around the country should be celebrated for their attempts to draw attention to systemic racial injustices. He chastised pundits who almost entirely overlooked racial injustice that they might critique a young woman losing her composure at Yale. Yet David Cole makes another observation that he doesn't quite seem to grasp the significance of. That is, after recognizing and condemning other media pundits' civility policing, he too faults the young woman for reasons both similar and dissimilar to theirs. He offers negative judgment upon the young woman's momentary outburst before finding that the students' demands function to limit speech.

For Cole, demanding that the Christakises be removed from their residential positions after having sent the email amounts demanding punishment for speech and so limiting speech. While Cole does state explicitly that his criteria for acceptable communication is whether or not it limits free speech, he makes no admission that determining what limits speech and what does not is a complex task. He writes the Christakises as champions of free speech, sympathizing with the argument that Erika Christakis was simply asking for tolerance of all speech types in her email. Adopting Mouffe's more agonistic lens requires that we treat Cole's conclusion, at the very least, as contested.

While appeals to ideal speech might immediately locate the young activist's speech as out of bounds, agonistic pluralism requires that the young woman be recognized as—in Mouffe's parlance—an "adversary," and so worthy of defending her argument. In ascribing to agonistic pluralism, without immediately demonizing her as uncivil, trivializing her as simply a young student, or dismissing her as a desecrator of the First Amendment, one might first, with no imperative to agree, recognize the argument she is making within the context in which it is being made.

Remember that black faculty are grossly underrepresented on Yale's campus, that students of color report being disproportionately stopped by campus police, mistaken for staff, and stereotyped generally. Remember that students were claiming that a black woman was turned away from a Yale party with the words, "White girls only," and years earlier Yale students had, in fact, gone out in blackface. Just before the young woman at Yale lost her mind, and just after she demanded an apology, Professor Christakis instead of apologizing suggested that if she was offended by another student's costume that she approach that student and voice her concern. That is, an older white male and professor at an elite institution's suggestion to a young black female should she encounter a group of drunken white frat boys in blackface was that she approach them and explicate a history of racial discrimination that extends from slavery to the present. Add that—though Cole mentions in passing the recent attention given racial injustices in the United States—he largely sees them as disconnected from the ivy league campus, making little connection between an immediate Yale context of racial injustice and a national one.

In 2013, President Barack Obama stated that if he had a son, he would look like Trayvon Martin, but there is no generational divide between these students and the black bodies being brutalized by police ("Remarks by the President"). For them it is not their progeny facing the possibility of bodily imperilment; it is them. David Cole, along with

the Christakis so easily locates these young students in the space of the university—for the white couple, a place of privilege and safety. But blackness and the historical attitudes toward it are averted neither by ivy covered stone nor economic and educational privilege.

As the names Trayvon Martin, Michael Brown, Eric Garner, Freddie Gray, Sandra Bland, and too many others circulate in national and social media, and as shocking numbers of people of color are brutalized by police, Erika Christakis's email seems wholly unaware of the real, bodily connection that the angered students have with this context. The university is not a protection against a brutal American racial history; it is an emblem of it. The very wealth that established Yale university—now with a twenty-five billion dollar endowment—was amassed in part, as was all Northern wealth, as a result of enslaving, killing, and raping black bodies (Cole 4). And arguing that these are simply facts of the past hardly confronts their continued effect on the present, signaled by the fact that just months prior to Erika Christakis's plea for the allowance of racially offensive costumes on Yale's campus, Dylann Roof, massacred nine black people gathered to study scripture at Emanuel African Methodist Episcopal Church in Charleston, South Carolina. One of the victims was state Senator Clementa C. Pinckney, demonstrating that places of privilege, like walls of ivy, may not protect all bodies equally (Alvarez and Blinder).

Agonistic pluralism certainly requires that the Christakis and their arguments be taken seriously and understood in context. They, like the young woman, are not to be demonized, but instead understood as legitimate adversaries making arguments that require defense. This means that facile statements like Cole's, which finding that the Christakis' arguments simply encourage free speech, while the young activists' limit such, are insufficient. Cole's reading of both Erika's email and Nicholas's suggestion that

a young black woman confront those wearing racially insensitive costumes—within the larger national racial climate and the local campus context from which it is inseparable—wholly ignores how their arguments leverage fear. The reality is that a young black woman is not going to approach, on the street, a group of drunken white frat boys in blackface to put forth nuanced racial and social arguments that they are unprepared to process. This means that arguing for the allowance of “offensive” costumes is not simply arguing for more speech; it is arguing for more of a certain type of speech and for less of another. The Christakises’ arguments work to encourage speech that (contrary to Cole’s reading) leverage power and fear in ways that limit speech, that limit counterargument and participate in local and national/local contexts that silence people of color. So while the Christakises certainly get to make their arguments, they also need to be held accountable to the truths of those arguments and asked to defend them. Certainly Erika can argue that offensive costumes should be allowed under the guise of free expression, but she then needs to defend why the right of expression of those wearing such costumes outweighs the right of expression that would be allowed in an educational context less tainted by racial fear. And more particularly she needs to acknowledge that racially insensitive costumes are themselves arguments, which make claims about particular cultures, about their pasts, and about their value in the present, and she needs to own up to the fact that she thinks more room needs to be made for these arguments and less for those they would suppress.

In defense of the Christakises, David Cole quotes *Snyder v. Phelps*, the Supreme Court’s 2011 decision not to allow torts filed against members of the Westboro Baptist church for highly offensive speech offered in public spaces:

Speech is powerful....It can inflict great pain. On the facts before us, we cannot react to that pain by punishing the speaker. As a nation we have chosen a different

course—to protect even hurtful speech on public issues to ensure that we do not stifle public debate. (qtd. in Cole)

Cole’s use of the Supreme Court ruling to justify the Christakis’ speech on campus as they performed in their capacities as residence hall “Masters” is fallacious if not disingenuous. The First Amendment forms a constitutional mandate that Erika Christakis not be sanctioned by the state for her choice of words; it was never intended to remove all social and economic consequences for speech. The First Amendment has nothing to say about a private institutions hiring and firing of what equate to maternal and paternal figures living amongst very young students. Cole’s erroneous appeal to authority, then, is a distraction from a productive agonism that results when all interlocutors are forced to engage and defend their arguments. This is the effect of power.

While providing a productive lens for critique, what “pluralistic agonism” (and this analysis) doesn’t do is provide any finite resolution to questions regarding the interaction of civility and inclusion. As we have seen, civility policing leads to the exclusion of radical or dissenting voices, yet agonistic pluralism doesn’t solve the problem either. It only allows a complex identification of it. By insisting on civility, radical voices will be excluded, yet the Yale incident demonstrates that unqualified inclusion may prove impossible also as some voices and some discourses simply disallow others. This reality means that decisions will have to be made concerning which voices to privilege in particular contexts. Non-decision is impossible as inaction constitutes the decision to side with power, and it signals complicity with hegemonic silencing. While the current study has so far concerned itself with the inclusion of radical voices, further complications arise when focus is shifted to the unqualified inclusion of all arguments generally. This paper will briefly investigate both the possibility and desirability of including all arguments on all topics all of the time.

(Un)Settling Truths

While civilizing discourses didn't constitute a panacea for constructing an inclusive public sphere, reading the Yale incident through Mouffe's lens demonstrated that "agonistic pluralism," while possessing great interpretive potential doesn't fill that role either. Yet, we explored only one complication that arises when applying Mouffe's model (that allowing all voices becomes difficult when recognizing that some voices seem to disallow others), but this is not the only one.

Mouffe argues that a benefit of the constant agonism between the liberal and the democratic is that it accomplishes the contingency of all claims. That is, the common sense position of today, always has the potential to be unsettled by deliberation of tomorrow. For this to be the case, though—for all findings to be contingent—all topics have to be up for debate, and while this might at first glance seem desirable, the continuation of debate on all topics is just not empirically possible when taking into account temporal realities, and the results of not settling particular truths can prove disastrous.

For example, a major uproar from film makers and members of the scientific community resulted when founder of the Tribeca Film Festival, Robert De Niro, defended his choice to show a documentary about the debunked link between child vaccinations and autism, and he, like Cole and the Christakises, framed his choice in the rhetoric of free speech. He stated on March 25, 2016 that he would allow at Tribeca "Vaxxed: From Cover-Up to Catastrophe," a documentary both directed and co-written by former Physician Andrew Wakefield, who authored the only study ever published connecting vaccinations and autism. That paper has of course been retracted, and Wakefield's medical license revoked. Responding to critics of his decisions to show the film, Deniro wrote, "Grace and I have a child with autism, and we believe it is critical

that all of the issues surrounding the causes of autism be openly discussed and examined” (“Robert De Niro Defends”). Yet just twenty-four hours later, as pressure increased and the future credibility of the Tribeca Film Festival was called into question, De Niro changed his stance writing, “My intent in screening this film was to provide an opportunity for conversation around an issue that is deeply personal to me and my family. But after reviewing it over the past few days with the Tribeca Film Festival team and others from the scientific community, we do not believe it contributes to or furthers the discussion I had hoped for” (“Robert De Niro Pulls”).

So while the continued agonism between the liberal and the democratic as imagined by Mouffe constitutes productive and interesting ways of talking about issues of speech in an inclusive public sphere, even this can’t account for the complexities of attempting universal inclusivity. As evidenced by De Niro’s initial comments, to allow all arguments around the issue of autism would be to give Wakefield his day, but to do so may have endangered the health of children. In enclaves where anti-vaccination advocates have found followings, deadly preventable diseases have begun to make a comeback, endangering the health not only of the children of those empathetic to the anti-vaccination message but to the nation as a whole as the threat of reintroducing those diseases into the larger pool becomes real (“Spreading Along with Measles”). This does not mean conversation should cease on all topics that enjoy a scientific consensus, as the scientific community itself is built on the principle that scientific findings are contingent, representing the best information and technology available at a certain time. But in popular deliberation, continual contingency can have disastrous real world consequences, leaving us without easy answers to questions of inclusion.

Mouffe deserves credit for introducing the Democratic Paradox into the conversation (for her the theoretical basis for universal contingency) as we certainly need

to continuously examine the findings of the past—findings that at one time proclaimed the biological superiority of a particular race or gender—but at the same time we need some debates to be settled—the debunking of the aforementioned claims, for example. Limited time and space for deliberation insist that we not spend all our time revisiting civil rights victories of the past or questioning all scientific consensus. So some debates have to be settled at some point, which constitutes an exclusion, even if at times a productive one.

(In)Conclusive concerning Inclusion and Civility

This study finds Deliberative Democracy's stated goal of including all voices and all arguments worth pursuing even if also finding its prescribed means of inclusion problematic and its goal of including all arguments impossible. The analysis, of course, recognizes that Deliberative Democracy's proponents write of such goals as ideals unlikely to be reached, yet this only changes the question from "How do we achieve those goals?" to "Which theories get nearest?" Lozano-Reich and Cloud point to the central role that power takes when any norm of civility is enforced, but they overstate their case and fail to account for times when those in power do listen and are persuaded—no matter how rare an occasion. And they fail to acknowledge that the advantage of power does not disappear when one adopts the "Uncivil Tongue." In fact, if one adopts it both frequently and intensely enough, then the lesson of history is that the effect of power is not muted, but magnified. J. Edgar Hoover launched the Counterintelligence Program (COINTELPRO) against civil rights groups in the late 60s as activists in the black freedom struggle became more audacious, and though the maliciousness of COINTELPRO is outlined well in the scholarly literature, its effectiveness is often understated. Those associated with this program, lied, bad-jacketed, spread misinformation, and participated in what bordered on state-sanctioned assassinations while effectively undermining civil rights organizations, demonstrating that an uncivil tongue hardly guarantees a level playing field. Of course this analysis in no way condones Hoover's murderous actions, and Douglas was correct about struggle and progress, but the balance between agitation, suppression, and progress is both more complex and more delicate than Lozano-Reich and Cloud acknowledge.

This paper also finds value in Mouffe's agonistic model so far as it requires—without prescribing speech norms—that all arguments be taken seriously and their

interlocutors be required to defend them. This is an acknowledgement, like Lozano-Reich and Cloud's, that power distorts deliberation, but this time by obfuscating some arguments behind a veneer of common sense or constitutional legitimacy as was the case with David Cole's treatment of the Christakis. And while the principle of including and allowing defense of all arguments is valuable as an interpretive tool, it too is imperfect, as the impossibility and sometimes undesirability of radical, universal inclusion was demonstrated above. This study, then, far from offering solutions, instead points to the complexity of the problem and calls for increased attention to the interaction between civility and inclusion in attempting to realize the promise of Deliberative Democracy—the promise that even the voices of the dispossessed will be heard in determining the trajectory of an increasingly diverse nation.

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