The Rhetoric of Civility: Power, Authenticity, and Democracy

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Political crisis and conflict routinely produce rude talk and accusations of incivility. Civility and incivility are communicative, rhetorical practices. As such, they are always situational and contestable.

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On January 8, 2011, news reports announced that a young man had killed six people in Tucson, Arizona, at a street-corner public meeting organized by Arizona Congresswoman Gabrielle Giffords. Nineteen people were shot. Citizens at the scene disarmed and subdued the young man who had carried out the attack with a Glock semi-automatic pistol armed with an extended magazine. Gabrielle Giffords was shot in the head and critically injured.

In the grief and fear that immediately followed the news of the event, there was also a search for causes. Who was this young man, and what could have made him do this terrible thing? At a news conference, Pima County Sheriff Clarence W. Dupnik said he thought the shooting called for "a little soul-searching" in an atmosphere of threats against public officials. There was no direct evidence that Jared Loughner, "the shooter," had been motivated by political views or propaganda, and it quickly became evident that he was mentally disturbed.

Some argued that it was more important to ask how a man so mentally unstable, and so threatening that he had been denied readmission to his community college, had been able to buy a handgun. Why had the previous ban on high-capacity ammunition magazines been allowed to lapse? The same retrospective speculation about preventive remedies asked why he had received no treatment, possibly even involuntary commitment, for his mental illness.

Nevertheless, the initial public reaction of wondering whether the tone of political discourse had contributed to the violence almost immediately developed into a more general discussion of "civility" and to a backlash of protests about misplaced blame. Within twenty-four hours of the shootings, it appeared to be widely agreed that it was not possible to establish a direct, or perhaps even an indirect, atmospheric connection between the shooting and the aggressive tone of political talk. But once established as a question, the tone of civil discourse became part of the story.

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¹ Carl Hulse and Kate Zernike. "Bloodshed in Arizona Shooting Puts New Focus on Vitriol in Politics." *New York Times*, January 8, 2011.

Some of the calls for civility following the Tucson shootings embraced a logic not of causation and blame but of contrition, invoking the violence and suffering as an occasion for reflection and humility, and calling for civility as part of our shared social obligation. Speaking at a memorial service in Tucson on January 12, 2011, President Barack Obama said

You see, when a tragedy like this strikes, it is part of our nature to demand explanations—to try and impose some order on the chaos and make sense out of that which seems senseless. Already we've seen a national conversation commence, not only about the motivations behind these killings, but about everything from the merits of gun safety laws to the adequacy of our mental health system. And much of this process, of debating what might be done to prevent such tragedies in the future, is an essential ingredient in our exercise of self-government.

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. (Applause).²

"Civility," according to the authoritative Oxford English Dictionary, has a variety of related senses in general use, some having to do with "citizenship and social order," and a related cluster of meanings associated with cultured and civilized behavior in a more general way, as for instance referring to "Behaviour or speech appropriate to civil interactions; politeness, courtesy, consideration. In later use freq. with negative overtones: the minimum degree of courtesy required in a social situation; absence of rudeness." Thus it is possible to say that "civil" behavior (that is, public behavior, or acts of citizenship) is not necessarily "civil" (that is, courteous and considerate). But though we are constantly reminded by the behavior we observe in public discourse and the media that public discourse is not always polite, our rhetorical sense has collapsed the analytically separate senses of civil—we feel that civic behavior should be civil, even when we make exceptions for ourselves and our partisans. Partly for this reason, it is very hard for us to think clearly about how much civility we want or expect in public affairs, how much we are entitled to require of others, and how much others are entitled to expect of us.

Civility as a behavior is fundamentally about communication; our shared sense of the rules of civility governs the way we talk and the meaning we attribute to our actions and those of others. Our shared concern with civility as a communicative practice also carries with it an implicit sense that talk has consequences and that uncivil speech is not merely rude but that it has effects. Susan Herbst argues that we should see civility not simply as a norm, a standard of politeness, but as a communicative practice: "It is most useful to think of civility as a tool in the strategic and behavioral arsenals of politics." In this

² President Barack Obama, "Remarks by the President at a Memorial Service for the Victims of the Shooting in Tucson, Arizona," McKale Memorial Center, University of Arizona Tucson, Arizona, 12 January 2011.

³ "Civility," Oxford English Dictionary.

⁴ Susan Herbst, *Rude Democracy: Civility and Incivility in American Politics* (Philadelphia: Temple University Press, 2010), 6.

spirit, Herbst advises that "Creating a culture of argument, and the thick skin that goes with it, are long-term projects that will serve democracy well." 5

News reports called attention to a threatening rhetorical atmosphere in the months before the Tucson shootings, with politicians—mostly Republicans—evoking descriptions of "Second Amendment solutions" should an election not go as hoped; of "lock and load"; of "reload"; and of "targeting" opposition politicians. Giffords' Republican opponent in the previous election had invited constituents to a campaign event at which they would get to fire an automatic weapon. It was reported that Gabrielle Giffords herself had worried about the vitriolic and threatening rhetoric, warning that it could have consequences. Sarah Palin, former governor of Alaska and Republican candidate for vice president in 2008, it was widely reported, had posted on her Facebook page in March 2010 a map of targeted Democratic districts indicated by gun sights.⁶ According to the *Huffington Post*, "Sarah Palin is targeting—yes, with gun sights— House Democrats facing tough reelection fights who voted for health care reform. . . . 'We'll aim for these races and many others,' she wrote on her Facebook page. 'This is just the first salvo in a fight to elect people across the nation who will bring common sense to Washington. Please go to sarahpac.com and join me in the fight." The Palin gun sight map and continuing gun-invoking rhetoric drew wide condemnation as early as March 2010 to no apparent effect. Then the map was removed without apology or explanation from Palin's Facebook page in the days after the Tucson shooting, after it had again become the object of criticism.

The discussion of civility seemed for some days immediately following the Tucson shootings to have reached an impasse. Liberals who complained about the uncivil and violent language of the political right were accused of claiming that the right had direct responsibility for the shooting. Sarah Palin took this line of thinking to an apparent limit in an online video speech in which she accused liberals of a "blood libel" for suggesting that there was any relation between the Tucson shootings and Palin's gun-inspired rhetoric. The Reuters news agency reported:

A defiant Palin, leaping into a roaring debate on the consequences of overheated political rhetoric, said her critics had been irresponsible in rushing to blame Saturday's gun rampage on vitriolic campaign speech.

"Especially within hours of a tragedy unfolding, journalists and pundits should not manufacture a blood libel that serves only to incite the very hatred and violence they purport to condemn," Palin, a potential 2012 White House contender, said in a video posted to her Facebook page.

Palin's reference to "blood libel," a false, centuries-old allegation that Jews were killing children to use their blood in religious rituals, launched a new round of criticism of Palin's rhetoric.⁸

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⁵ Herbst, Rude Democracy, 148.

⁶ The *Huffington Post* originally reported on the gun sight map on 26 March 2010, and pointed out the explicit language that accompanied it.

⁷ "Sarah Palin's PAC Puts Gun Sights on Democrats She's Targeting in 2010," *Huffington Post*, 26 March 2010, updated 9 January 2011. The map may be found at http://www.huffingtonpost.com/2010/03/24/sarah-palins-pac-puts-gun n 511433.html.

⁸ John Whitesides, "Palin's 'Blood Libel" charge ignites firestorm," Reuters, 12 January 2011. http://www.reuters.com/article/2011/01/12/us-usa-shooting-palin-idUSTRE70B3W320110112. See also

Thus in the aftermath of the Tucson shootings, calls for civility, however mild, were themselves accused of incivility, and led to new of charges of incivility that quickly became circular and unproductive. To talk of civility was to be uncivil. Stalemate. In Palin's perspective, the "blood libel" accusation makes Palin a victim—a claim that seemed especially egocentric when the dead from the Arizona shooting were still being mourned and the survivors attended. The "blood libel" accusation was widely condemned as exaggerated, self-centered, and insensitive. And yet, though the reference to "blood libel" was itself exotic and hyperbolic, it fit into a familiar frame.

The frame into which Palin's rhetoric seemed comfortably to fit was that of the conservative American as a victim. Jeremy Engels has argued that "something like the victimage ritual is occurring when former Alaska Governor and Republican Vice Presidential Candidate Sarah Palin talks about death panels, when South Carolina Representative Joe Wilson shouts 'You lie!' during a presidential address to Congress, and when participants in the Summer 2009 'tea parties' hold up signs reading 'Impeach the Muslim Marxist' and 'Where's My Gun,' framing President Barack Obama as a Muslim socialist extremist who should be executed." These episodes are tied together by an implicit self-identification of the protester as the victim of a powerful government bent on destroying individual freedom and white Christianity. Tracing the use of this victim rhetoric back to Richard Nixon, Engels argues that in the hands of political leaders, such victimage rhetoric "aims to cultivate, and perpetuate, feelings of resentment in order to score political points and achieve electoral victories."

The resentments on which Richard Nixon drew had deep roots in American history, running back through decades of agitation over civil rights, progressive reform, slavery, federal versus state power, and economic competition.

American incivility and its performance are richer and more various than resentment rhetoric, which is one part of its enactment. From the time of the early republic, Americans developed a startling vocabulary of political invective, and a corresponding series of attempts to inhibit or transcend it. In the months before the election of 1800, the Alien and Sedition laws were used to prosecute and jail American journalists critical of President John Adams. And yet, Marc Lendler points out, the Federalists, who lost the election, did not seem merely opportunistic, but allowed the law to remain on the books as their successors, led by newly elected President Thomas Jefferson, took office. The fact that the Federalists were prepared to forward the Sedition Act to their greatest adversary is evidence that they saw it at least in part as a civility code. It was created out of a Federalist belief that vituperative political criticism contributed nothing and harmed a great deal. Lendler comments that The term civility has positive connotations in general use, but in speech rights debates does not (or at least in my view, should not).

Sarah Palin, "America's Enduring Strength," Vimeo, 12 January 2011. http://vimeo.com/18698532; Facebook: Sarah Palin. http://www.facebook.com/sarahpalin#!/note.php?note_id=487510653434 &comments .

⁹ Jeremy Engels, "The Politics of Resentment and the Tyranny of the Minority: Rethinking Victimage for Resentful Times." *Rhetoric Society Quarterly* 40, no. 4 (2010): 303-305.

¹⁰ Thomas W. Benson, "Rhetorical Impasse: The Sedition Trials of 1800," *Southern Speech Journal* 31 (Spring 1966): 196-206. See also Jeremy Engels, "Uncivil Speech: Invective and the Rhetorics of Democracy in the Early Republic," *Quarterly Journal of Speech* 95 (2009): 311-334.

¹¹ Marc Lendler, "Equally Proper at All Times and at All Times Necessary": Civility, Bad Tendency, and the Sedition Act," *Journal of the Early Republic* 24 (2004): 442.

Inevitably, an appeal for enforced 'civility' becomes an argument for a specific side in a conflict "12"

American rhetoric is colored by its roots in and celebration of the violent vernacular of the frontier. In his discussion of the "Popular Characteristics" of Americans in the early republic, Henry Adams writes, quoting another account:

A traveler on the levee at Natchez, in 1808, overheard a quarrel in a flatboat nearby:—

"I am a man; I am a horse; I am a team," cried one voice; "I can whip any man in all Kentucky, by God!" "I am an alligator," cried the other; "half man, half horse; can whip any man on the Mississippi, by God!" "I am a man," shouted the first, "have the best horse, best dog, best gun, and handsomest wife in all Kentucky, by God!" "I am a Mississippi snapping-turtle," rejoined the second; "have bear's claws, alligator's teeth, and the devil's tail; can whip *any* man, by God!"

And on this usual formula of defiance the two fire-eaters began their fight, biting, gouging, and tearing.

Adams notes that such stories appealed to foreign visitors, who were "deeply impressed with barbarism such as this," but optimistically reassures his reader that "with a new generation such traits must disappear," and that they were rather "survivals of English low-life than products of a new soil." Adams was probably right that such "barbarism" would largely disappear, but traces of it linger still in our political rhetoric, displaying a sort of nostalgia for violence and brutalism, adopted as an indicator of American exceptionalism, and evoking corresponding expressions of shock and condemnation from journalists and the professors on whom the journalists call for comments about civility in recurrent episodes of violence and incivility.

The "I am an alligator" rhetoric of the frontier illustrates what the shocked traveler might recognize as a rhetoric of challenge. Incivility can also find expression as insult, threat, protest, and other speech acts.

Insofar as incivility is a mode of speech, it nowadays represents itself, implicitly, as an index of identity—of race, class, gender, power, identity, authenticity, region, history, and ideology. For some, "she's one of us"; for the rest, "she's one of them." Because civility is a mode of speech, it is always contextual and situational, and understandings of civility change over time.

The rich vocabulary of American vernacular scorn, especially when directed at political figures, can have its uses in reminding us that politics is about conflict and that it is conducted by fallible fellow humans. Here, for example, is Edmund Wilson observing the hearing of a House committee chaired by Congressman Hamilton Fish, investigating Communism in America. The date is December 5, 1930. The committee has been questioning William Z. Foster of the American Communist Party. Wilson comments that, "It is the regular procedure of Communists to make use of public appearances of all kinds as pretexts for propagandistic speeches." Foster is sworn in and reads a long statement.

¹³ Henry Adams, *History of the United States of America during the Administrations of Thomas Jefferson* (New York: The Library of America, 1986), 40.

¹² Lendler, "Civility," 424 n. 10. See also Robert L. Scott and Donald K. Smith, "The Rhetoric of Confrontation," *Quarterly Journal of Speech* 55 (1969): 1-8.

When Foster has finished reading, the members of the committee cross-examine him—if one can apply the word cross-examination to an inquiry so aimless and diffuse. Representative Bachmann of West Virginia is the first to take the witness. Representative Bachmann of West Virginia is by way of being the caricaturist's ideal of the lower order of congressmen: he is pot-gutted and greasy-looking, with small pig-eyes and a long pointed nose. He talks with a cigar in his mouth tilted up at a self-confident angle, and he questions Mr. Foster with a persistent and almost pathetic stupidity which he tries to conceal with a great air of cunning.¹⁴

Edmund Wilson was not simply a neutral observer, but he was writing in a long tradition of political commentary that deflates the pretensions of politicians. When diatribe becomes routine—the everyday language of online anonymous comment; the meal ticket of Father Coughlin's successors Glenn Beck, Bill O'Reilly, and Rush Limbaugh; and the dominant mode of rhetoric in the negative television advertising of the permanent campaign—we may begin to lose sight of the importance of everyday civility in situations where conflict is inevitable. ¹⁵

Civility is always at risk when we talk about things that matter. Democratic politics is a structured system for the production, prolongation, and resolution of conflict and disagreement. Hugh Dalziel Duncan writes that "a model of rhetoric as used in a democratic society must be a conflict model. Conflict of all kinds, ranging from government by opposition under parliamentary rules, to war, must be accepted as normal to rhetoric. We must accept the fact that as we perfect rhetoric we increase our chances for hate and doubt, as well as love and certainty. Democratic rhetoric involves risk to superiors, inferiors, and equals alike." ¹⁶

Where there is disagreement, there is a risk of incivility; in many cases, incivility is itself a tactic in political discourse, employed as an indicator of sincerity, as a marker of the high stakes in a disagreement.

Incivility is effective partly because it is often paradoxical. Let us suppose that incivility is a rhetorical tactic. When Republican Congressman Joe Wilson of South Carolina shouted "You lie!" during a speech by President Obama to a joint session of Congress, he was violating a central rule of House decorum. He apologized, but then excused himself by claiming his outburst was spontaneous—which is to say, Wilson was claiming that "You lie!" was not a tactic but the irrepressible outburst of a sincere man. In the face of such an apology, to point out that incivility is a rhetorical tactic is to call Wilson a liar. Stalemate? Not necessarily. Civility does not require us to erase our individuality, but it does demand that we discipline our emotions. F. G. Bailey concludes

¹⁴ Edmund Wilson, *The American Earthquake: A Documentary of the Twenties and Thirties* (1958; rpt. New York: Farrar Strauss Giroux, 1979), 180, 185. The testimony of William Z. Foster appears in *Investigation of Communist Propaganda*, Hearings before a Special Committee to Investigate Communist Activities in the United States of the House of Representatives, 71st Congress, 2nd Session, Part 1, volume 4 (Washington: Government Printing Office, 1930): 341ff.

¹⁵ See, for example, Thomas W. Benson, "Rhetoric, Civility, and Community: Political Debate on Computer Bulletin Boards," *Communication Quarterly* 44 (1996): 359-378; Kathleen Hall Jamieson and Joseph N. Cappella. *Echo Chamber: Rush Limbaugh and the Conservative Media Establishment* (New York: Oxford University Press, 2010); Kathleen Hall Jamieson, *Dirty Politics: Deception, Distraction, and Democracy* (New York: Oxford University Press, USA, 1993).

¹⁶ Hugh Dalziel Duncan, "The Need for Clarification in Social Models of Rhetoric," *The Prospect of Rhetoric*, ed. Lloyd F. Bitzer and Edwin Black (Englewood Cliffs, NJ: Prentice-Hall, 1971), 150.

that "there is a clear equation between a display of emotion and the existence of an individualized self. The suppression of emotions is seen as a condition for creating a 'civil self,' one that bears rights and duties, and takes only those initiatives that are appropriate to that status." ¹⁷

Most of the incivility of which we have all found ourselves complaining lately does appear to be strategic. It is evidently carefully planned, often ghostwritten, focus-grouptested. Sometimes the incivility is inseparable from a more general tone of passionate complaint or partisan enthusiasm. Our politics has become organized around indignation, to the point that it is sometimes hard to imagine politics without the indignation that frames it. But such indignation, too, is tactical.

Cicero's youthful handbook of rhetoric, *de Inventione*, describes the argumentative resources available to the courtroom advocate. With analytical precision, Cicero reviews the topics of argument appropriate to each section of the courtroom speech, ending with a description of the *peroration*. "The peroration is the end and conclusion of the whole speech; it has three parts, the summing-up, the *indignatio* or exciting of indignation or ill-will against the opponent, and the *conquestio* or the arousing of pity and sympathy." Cicero lays out the methods of arousing indignation, but warns that since the listeners may be alert that the speech "is being handled according to some rule or system," steps must be taken to disguise the method so as to avoid suspicion. Cicero then surveys fifteen topics, or lines of argument, suitable to "arousing great hatred against some person, or violent offense at some action." The Ciceronian topics of indignation have become part of the lore of professional advocates. Such indignation would be thought appropriate, fitting the decorum of situation, in the Roman courtroom, where the nature of an action is at issue, though clearly in some other communicative situations to evoke such indignation would be a violation of decorum.

Kathleen Jamieson acknowledges that the venomous language of the diatribe may seem in some circumstances a "justified rhetoric of moral outrage" and that such language "should be available to the citizen exercising the rights guaranteed under the first amendment." And yet, she writes, "it makes practical sense to embrace civility as a norm" in "the rhetorical exchanges that occur between those in an ongoing relationship, and . . . those who have come together as a community to address problems."²¹

In legislative assemblies and similarly organized deliberative groups, codes of civility are formal and functional. The essential rules are simple enough. *Robert's Rules of Order*, the standard guide on parliamentary procedure, requires that speakers confine their remarks to the merits of the question in debate, "refrain from attacking a member's motives," address the chair, avoid using the names of other members, and "refrain from

²⁰ For an excellent analysis of decorum and its history, see Robert Hariman, "Decorum," *Encyclopedia of Rhetoric*, ed. Thomas O. Sloane (Oxford: Oxford University Press, 2001).

¹⁷ F. G. Bailey, *The Tactical Uses of Passion: An Essay on Power, Reason, and Reality* (Ithaca, NY: Cornell University Press, 1983), 53.

¹⁸ Cicero, *de Inventione*, LII. 98; trans. H. M. Hubbell, Loeb Classical Library 386 (Cambridge, MA; Harvard University Press, 1993), 147-149.

¹⁹ Cicero, de Inventione, LIII 100.

²¹ Kathleen Hall Jamieson, *Incivility and Its Discontents: Lessons Learned from Studying Civility in the U. S. House of Representatives* (Boston, MA: Allyn and Bacon, 2000), 4-5. See also Charles Gibson,

[&]quot;Restoring Comity to Congress," Discussion Paper Series D-60, Joan Shorenstein Center on the Press, Politics and Public Policy, John F. Kennedy School of Government, Harvard University, January 2011.

disturbing the assembly," among other rules. These rules clearly apply to formal meetings, such as a government body; in practice, some public, professional, and other meetings adopt somewhat less formal rules of decorum. But some of these rules are almost always necessary, such as the rule about not attacking a member's motives, which would certainly apply to Joe Wilson's "You lie!" outburst in the joint session of Congress.

REFRAINING FROM ATTACKING A MEMBER'S MOTIVES. When a question is pending, a member can condemn the nature or likely consequences of the proposed measure in strong terms, but he must avoid personalities, and under no circumstances can he attack or question the motives of another member. The measure, not the member, is the subject of debate. If a member disagrees with a statement by another in regard to an event that both witnessed, he cannot state in debate that the other's statement "is false." But he might say, "I believe there is strong evidence that the member is mistaken." The moment the chair hears such words as "fraud," "liar," or "lie," used about a member in debate, he must act immediately and decisively to correct the matter and prevent its repetition.²²

But would the rule apply—should it apply—in all cases of public argument? In a criminal trial, the motives of a defendant or a witness are often at issue—hence Cicero's instructions about the arousal of indignation. In a political campaign, the character of the candidate is legitimately at issue—but it is not the only issue, and if we accept no limits we find ourselves mired in a swamp of dirty, negative campaigning.²³ In his essay on decorum in the Oxford *Encyclopedia of Rhetoric*, Robert Hariman concludes that "Whatever the situation, rules of appropriateness can appear either as opportunities for invention or as conformist constraints, as norms of ideological hegemony and cultural mediocrity or as resources for artistic representation and social change."²⁴

There can be no perfect rule governing all occasions, since rhetoric in practice is always situated in particular circumstances. Modes of speech that would seem uncivil in one situation may be accepted as normal in another. In our public speaking classrooms we teach the practice of civil discourse, and yet with the understanding that the give and take of public life can sometimes strain ideals of polite speech. Karen Tracy reminds us that in everyday public deliberation emotion and even what she calls "reasonable hostility" can serve the needs of civil society. Incivility will always be with us, and in our contemporary media culture we're going to know about it. But there are countercurrents and reasons for optimism. In the public at large, there is a renewed interest in democratic deliberation, a practice that depends on everyday civility, and on an ability to withstand the strains to which civility is subject in normal civic discussion and debate. In

²² Henry M. Robert III et al., *Robert's Rules of Order Newly Revised*, 10th ed. (Cambridge, MA: Perseus Publishing, 2000), p. 380, l. 1-14.

²³ See Kathleen Hall Jamieson, *Dirty Politics: Deception, Distraction, and Democracy* (New York: Oxford University Press, 1993). See also, Douglas Walton, "Ad Hominem Argument," *Encyclopedia of Rhetoric*, ed. Thomas O. Sloan (New York: Oxford University Press, 2001), in which Walton argues observes that ad hominem argument, traditionally regarded as a fallacy, "can be reasonable in many instances" (2); and Douglas Walton, *Ad Hominem Arguments* (Tuscaloosa, AL: University of Alabama Press, 1998).
²⁴ Hariman, "Decorum," 208.

²⁵ Karen Tracy, *Challenges of Ordinary Democracy: A Case Study in Deliberation and Dissent* (University Park, PA: Pennsylvania State University Press, 2010).

the *Deliberative Democracy Handbook*, John Gastil and William M. Keith write of a "renewed civic spirit," and offer the hope that "it is possible at this moment in history to intervene in meaningful ways to sustain the momentum toward deliberative democracy. By promoting the most positive trends and monitoring and countering the negative ones, deliberative democratic practices may be sustained and continually developed well into our future."²⁶

²⁶ John Gastil and William M. Keith, "A Nation That (Sometimes) Likes to Talk: A Brief History of Public Deliberation in the United States," in *The Deliberative Democracy Handbook: Strategies for Effective Civic Engagement in the Twenty-First Century*, ed. John Gastil and Peter Levine, 3-19 (San Francisco, CA: Jossey-Bass, 2005), 17, 18.