

# #ActsOfCivility: Implicit Arguments for the Role of Civility and the Paradox of Confrontation

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*In the literature, there are currently twin points of consensus about civility's role in national political discourse. Civility is regarded as a necessary prerequisite for liberal democracies to function, yet also it is also rightfully seen as a constraining force which silences marginalized voices fighting for justice. In the following essay, I offer some common ground between these positions by suggesting a number of standards that determine when calls for civility are appropriate. Absent these standards in the public square, other strategies, such as confrontative rhetoric, are necessary to ensure equity and fairness. Consequently, calls for civility can further marginalize already precarious bodies. To make this case, I critically analyze the call for #ActsOfCivility to memorialize the late Senator John McCain on the first anniversary of his death. Implicit within this call are three standards that determine when civility is an appropriate commitment to make. I then show that, coincidentally, these standards offer a compelling reason why their call failed to resonate among American audiences.*

**Keywords:** civility, confrontation, implicit standards, political protest, whiteness, wealth & class, John McCain

In the United States, civility is a social norm that “connotes a discourse that does not silence or derogate alternative views but instead evinces respect.”<sup>1</sup> It is a strong moral, political standard that compels citizens to “disagree productively with others, respecting their sincerity and decency.”<sup>2</sup> In so doing, participants are “guided by democratic principles of fairness, equal access, and recognition of the value of reasoning (reciprocity), not just manners and etiquette.”<sup>3</sup> Fundamentally, these characteristics highlight communication’s central role in performing civility norms, guided in part by “our shared sense of the rules of civility” which regulates “the way we talk and the meaning we attribute to our actions and those of others.”<sup>4</sup>

When, where, and how interlocutors should practice civility in the struggle for power has been an important aspect of public deliberation literature. For example, such standards are necessary to govern deliberation in many contexts, such as meetings, family meals, political debates, and so on since there is undeniably a need to treat one another respectfully, maintain strong bonds, and ensure

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<sup>1</sup> Kathleen Hall Jamieson, Allyson Volinsky, Ilana Weitz, and Kate Kenski, “The Political Uses and Abuses of Civility and Incivility,” in *The Oxford Handbook of Political Communication*, ed. Kate Kenski and Kathleen Hall Jamieson (New York, NY: Oxford University Press, 2017), 205-206.

<sup>2</sup> Civil Politics, “What is Civility?”, *CivilPolitics.org*, <http://www.civilpolitics.org/home/> (accessed Sept. 12, 2019).

<sup>3</sup> Joseph Graf, Joseph Erba, and Ren-Whei Harn, “The Role of Civility and Anonymity on Perceptions of Online Comments,” *Mass Communication and Society* 20 (2017), 529.

<sup>4</sup> Thomas W. Benson, “The Rhetoric of Civility: Power, Authenticity, and Democracy,” *Journal of Contemporary Rhetoric* 1, 1 (2011), 23.

equity among participants.<sup>5</sup> In Western societies more broadly, speakers should enact such civility norms by demonstrating respect for others' beliefs, believing that one another's sincerity and good faith, and not using *ad hominem* attacks.<sup>6</sup> As NPR's David Folkenflik succinctly explained, in other words, these basic rules "help daily life function."<sup>7</sup> Clearly, then, civil discourse plays an important role in any democratic society. Standards of civility can make it more likely that deliberation actually functions with reason among engaged interlocutors and does not break down into violence as interests struggle for power and policy outcomes.

Especially since President Donald Trump's election, many believe that interlocutors in the United States have abandoned principles of civility. Proponents of this belief argue that civility's general decline is problematic and believe all should conform to stringent behavioral standards like respectfulness and politeness. For example, Cornell Clayton, director of the Thomas S. Foley Institute of Public Policy and Public Service at Washington State University, suggested that this crisis of civility has been inspired by conservatives who have assaulted civility norms. Foley argued, "The vitriol and division in our politics has been ongoing. I think [President Donald] Trump has exacerbated it."<sup>8</sup> Humorously, many conservatives are also some of the most vociferous proponents of this belief, even among those who align themselves with the President such as Supreme Court Justice Neil Gorsuch. Gorsuch explained that the nation is in a "civility crisis" inspired by politicians guilty of repeatedly "overstepping their bounds" and partisans who seek to win, even if it means violating longstanding norms and, occasionally, the law.<sup>9</sup> Arguments like these suggest that political discourse has devolved to the point where rational consensus-building has become inaccessible due to intensely partisan conflict. Since deliberators do not approach one another with respect, they cannot truly engage one another in meaningful discussion that solves problems.

Though, recent developments have shown that principled deliberation that supposedly undergirded a properly functioning society has given way to "American carnage" and xenophobia.<sup>10</sup> Incidents of hate have risen across the nation which has led to rising anxieties in marginalized communities. Many, for instance, have reported an increase in derogatory language used to describe persons of color, Muslims, immigrants, gender, and non-heteronormative sexual orientations.<sup>11</sup> In response to provocation or injustice, hatred, and bigotry, other deliberative norms than civility are called upon. In those situations, confrontative strategies become the necessary vehicle

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<sup>5</sup> Michael J. Meyer, "Liberal Civility and the Civility of Etiquette: Public Ideals and Personal Lives," *Social Theory and Practice* 26, 1 (2000), 71.

<sup>6</sup> Christopher R. Darr, "Civility as Rhetorical Enactment: The John Ashcroft 'Debates' and Burke's Theory of Form," *Southern Journal of Communication* 70, 4 (2005), 318.

<sup>7</sup> David Folkenflik, "The Value of Civility in Today's Conversation," *NPR.org*, November 2, 2018, <https://www.wbur.org/onpoint/2018/11/02/politics-civility-republicans-democrats> (accessed November 17, 2019), para. 15.

<sup>8</sup> Stephen Loiaconi, "Civility Crisis in American Politics Likely to Get Worse, Experts Say," *WJLA.com*, July 6, 2018, <https://wjla.com/news/nation-world/civility-crisis-in-american-politics-likely-to-get-worse-experts-say> (accessed December 5, 2019), para. 10.

<sup>9</sup> Greg Stohr, "Gorsuch, Trump's High Court Pick, Says U.S. in 'Civility Crisis,'" *Bloomberg.com*, September 9, 2019, <https://www.bloomberg.com/news/articles/2019-09-10/gorsuch-trump-s-high-court-pick-says-u-s-in-civility-crisis> (accessed December 5, 2019), para. 1-10.

<sup>10</sup> Donald Trump, "The Inaugural Address," *WhiteHouse.gov*, January 20, 2017, <https://www.whitehouse.gov/briefings-statements/the-inaugural-address/> (accessed October 18, 2019).

<sup>11</sup> Southern Poverty Law Center, "The Trump Effect: The Impact of the 2016 Presidential Election on our Nation's Schools," *Tolerance.org*, 2016, [https://www.tolerance.org/sites/default/files/2017-06/After the Election Trump Effect Report.pdf](https://www.tolerance.org/sites/default/files/2017-06/After%20the%20Election%20Trump%20Effect%20Report.pdf) (accessed October 18, 2019), 3-4.

for marginalized communities to assert themselves and obtain an equal seat in political deliberation.

Sometimes necessary change requires what Robert Cathcart described as a “kind of muted symbolic display designed to elicit a symbolic response which changes attitudes and values without major and unlimited conflict.”<sup>12</sup> Furthermore, Robert Asen explained that pragmatic and confrontative activism can slowly chip away at existing hegemonic structures and systemic inequalities.<sup>13</sup> Indeed, history has shown us that confrontation—even outright violence—in pursuit of social justice and equity has always been woven into the fabric of the United States’ national rhetoric. Movements in the United States and abroad use confrontative strategies resist against or disrupt social norms and to push deliberative democracies toward greater inclusiveness.<sup>14</sup> As Thomas W. Benson wrote, “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.”<sup>15</sup>

The potential for confrontative rhetoric to disrupt, dismantle, or transcend is often realized through actions such as challenging stereotypes and labels, establishing and/or defending alternative epistemological frameworks, and constructing alternative forms of identity.<sup>16</sup> Movements such as Women’s Suffrage, the Civil Rights Movement, and the Gay Liberation Movement demonstrate the necessity of confrontation to expose breaches in the social contract. These movements were crucial for domestic social progress, yet they were hardly “civil” by any coherent definition. Each systematically disrupted social norms to push society toward progress. For example, in order to secure equal voting rights, the National Women’s Party frequently picketed the White House leading “to the arrest and imprisonment of many NWP activists.”<sup>17</sup> Martin Luther King, Jr. encouraged strategic non-violence and civil disobedience to endure violent opposition to the Civil Rights movement.<sup>18</sup> Protests at Stonewall Inn, a New York gay bar, transformed into outright riots. Activists like Marsha P. Johnson violently resisted police brutality, destroying property and risking arrest in order to secure an equal right to express affection publicly.<sup>19</sup> Furthermore, as seen in contemporary movements such as Black Lives Matter, confrontation can let the powers-that-be “reveal itself for what it is.”<sup>20</sup> The strategic use of incivility was essential for Black protesters since it created space for them to “speak or act without permission to protest” and to resist systemic

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<sup>12</sup> Robert S. Cathcart, “Movements: Confrontation as Rhetorical Form,” *Southern Communication Journal* 43 (1978), 235.

<sup>13</sup> Robert Asen, “Ideology, Materiality, and Counterpublicity: William E. Simon and the Rise of a Conservative Counterintelligentsia,” *Quarterly Journal of Speech* 95, 3 (2009), 263-264.

<sup>14</sup> Phaedra C. Pezzullo, “Resisting ‘National Breast Cancer Awareness Month’: The Rhetoric of Counterpublics and their Cultural Performances,” *Quarterly Journal of Speech* 89, 4 (2003), 351.

<sup>15</sup> Benson, “The Rhetoric of Civility,” 25.

<sup>16</sup> Stacey K. Sowards and Valerie R. Renegar, “Reconceptualizing Rhetorical Activism in Contemporary Feminist Contexts,” *Howard Journal of Communications* 17 (2006), 61-70.

<sup>17</sup> Library of Congress, “Tactics and Techniques of the National Women’s Party Suffrage Campaign,” *LOC.gov*, <https://www.loc.gov/static/collections/women-of-protest/images/tactics.pdf> (accessed Sept. 14, 2019).

<sup>18</sup> Constitutional Rights Foundation, “Social Protests,” *CRF-USA.org*, <https://www.crf-usa.org/black-history-month/social-protests> (accessed Sept. 14, 2019), para. 8.

<sup>19</sup> Dalvin Brown, “Marsha P. Johnson: Transgender Hero of Stonewall Riots Finally Gets Her Due,” *USAToday.com*, March 27, 2019, <https://www.usatoday.com/story/news/investigations/2019/03/27/black-history-marsha-johnson-and-stonewall-riots/2353538002/> (accessed Sept. 14, 2019).

<sup>20</sup> Andre E. Johnson, “Dislocations and Shutdowns: MLK, BLM, and the Rhetoric of Confrontation,” *Journal of Contemporary Rhetoric* 8, 3 (2018), 144.

injustice.<sup>21</sup> In those situations, confrontative strategies such as civil disobedience or shock-and-awe tactics worked well.

As this brief explanation has shown, there are currently twin points of consensus in the literature about civility's role in society that coincide with one another and inherently contradict: political discourse needs civility, yet confrontation also plays an enduring and necessary role in creating equity. This disagreement is a problem for both critical rhetorical scholarship and, more broadly, deliberative democracies. I am left wondering, in Donald Trump's United States of America, where bigotry is on the rise and partisan factions become more extreme, is civility the solution? The preceding arguments about civility's and confrontation's necessary duality suggests an answer lies in reconciliation, in finding common ground and developing coherent standards for when civility is a useful standard to uphold and when confrontation becomes necessary, especially in contemporary politics where tensions are quick to flare, and polarization is quickly rising.<sup>22</sup>

In order to clarify this debate, and offer some much-needed common ground, I argue that concrete standards exist that determine when civil deliberation and confrontative strategies are warranted by deliberators to contest differences in an increasingly polarized polis. Analysis of the McCain family's call to memorialize the late Senator John McCain on the first anniversary of his death with #ActsOfCivility shows that these standards function implicitly within it.<sup>23</sup> To make this case, I first elaborate upon the three standards: (1) all relevant interests must be represented in public debate; (2) public deliberation balances interests and solves problems, rather than functioning as partisan spectacle; and (3) public values demonstrate a commitment to serve the entire nation and not merely dominant political or ideological groups. I then show how these standards are widely supported despite the call failing to inspire any real pragmatic resonance, aside from positive critical reception. I then show that the McCain's failure to adhere to these standards sufficiently explains why their call failed to resonate among a broad national audience; in Trump's U.S.A., the greater need was protest and not civility.

### **#ActsOfCivility and the Enduring Constraints on Civil Deliberation**

The description of and praise for McCain's life provides guidance for when standards of and calls for civility are appropriate, and when confrontation is required to ensure all have equal right to deliberation. The foundational purpose of #ActsOfCivility highlights the McCains' implicit commitment to these standards. Their call forcefully responded to rising political tensions due to President Trump's inflammatory rhetoric and emphasized the importance of responsible deliberation in political contexts. To accomplish this purpose, the McCain family asked the nation "to help reignite a spirit of civility" by performing, recording, and posting to social media "affirmative acts of listening to one another and agreeing to disagree" to social media outlets using the hashtag #ActsOfCivility.<sup>24</sup> To preserve a functioning democracy and return to values that made the country great in an era where "fake news," partisanship, and polarization are dominant and civility has

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<sup>21</sup> Kristen Ann Hungerford, "The Hoodie and Other Protest Strategies Following the Death of Trayvon Martin: Conflicting Discourses of Social Change and White Privilege," *Journal of Contemporary Rhetoric* 5, 3 (2015), 109.

<sup>22</sup> Pew Research Center, "Partisanship and Political Animosity in 2016," *People-Press.org*, June 22, 2016, <https://www.people-press.org/2016/06/22/partisanship-and-political-animosity-in-2016/> (accessed October 9, 2019).

<sup>23</sup> McCain Institute, "Honoring Senator McCain Through #ActsOfCivility," <https://www.johnmccain.com/> (accessed Sept. 12, 2019), para. 1.

<sup>24</sup> Laurie Kellman, "McCain's Family Fights to Define Legacy of Civility, Service," *U.S. News and World Report*, Aug. 21, 2019, <https://www.usnews.com/news/politics/articles/2019-08-21/mccains-family-fights-to-define-legacy-of-civility-service> (accessed Sept. 12, 2019), para. 4.

diminished, the McCain Institute recommended a series of practical solutions. Under the header of “What You Can Do,” the McCains suggested “re-engag[ing] with a friend or family member with whom you disagree,” “pledg[ing] to listen before responding to a viewpoint different than yours,” and “express[ing] your appreciation for someone else’s service—especially public service,” among others.<sup>25</sup> Important social and political leaders echoed these sentiments, by expressing their “hope” that citizens follow McCain’s path and “come together in the places where we agree.”<sup>26</sup> Each of these should be done “to celebrate the life and legacy of Senator McCain.”<sup>27</sup>

In line with their purpose, the McCains’ argument underscored the importance of civility in two key ways. First, they argued that civil deliberation that responded to actual problems was an important shared value in the United States and can be realized through working together regardless of personal or political difference. Working together toward solutions through reasoned, civil debate was once a taken for granted assumption for the US government.<sup>28</sup> But, even as some current Senators say, nowadays “it may seem like there are few issues Republicans and Democrats can work together on.”<sup>29</sup> In contrast, within their call, McCain’s legacy symbolized a time when representatives worked together to find common ground and accomplished goals that benefitted everyone. They hoped McCain’s legacy, then, could be the model for national political discourse to return to some semblance of principled, civil debate.<sup>30</sup> Using the senator’s record of service as a model, Cindy McCain argued citizens should “commit to causes larger than ourselves and to join together across the aisle or whatever divides us to make our world a better place.” She continued, “I know John would want to mark this anniversary by doing something that adds to the common good.”<sup>31</sup> Jack McCain echoed these sentiments by explaining how his father, as a model for the rest of the country, “spent his life fighting for causes larger than himself.” The Senator believed that “any great cause could only be won when people from all sides worked together.” McCain continued, “we must break the cycle of distrust and work together again on great causes.”<sup>32</sup>

Second, the McCains highlighted several core national values that President Trump and the far-right had assaulted, such as mutual respect and principled debate, which triggered a crisis of civility at home and abroad. For example, the family cited the fear many allies had in response to the President’s abdication of “responsibilities of international leadership and the defense of human rights” which led to a decline in respectful discourse and a worsening of global relations.<sup>33</sup> Other important principles they noted included a strong defense of human rights and the elimination of bigotry.<sup>34</sup> On human rights, for instance, they cited a 2018 *New York Times* op-ed from the Senator,

<sup>25</sup> McCain Institute, “#ActsofCivility,” para. 5.

<sup>26</sup> See: Biden, Twitter Post; King, Twitter Post; Michael Crow, Twitter Post, August 25, 2019, 12:16, [https://twitter.com/michaelcrow/status/1165674284577984512?ref\\_src=twsrc%5Etfw](https://twitter.com/michaelcrow/status/1165674284577984512?ref_src=twsrc%5Etfw) (accessed Sept. 22, 2019).

<sup>27</sup> McCain Institute, “#ActsofCivility,” para. 2.

<sup>28</sup> John Thune, “We can Accomplish More by Working Together,” *Thune.Senate.gov*, January 26, 2018, <https://www.thune.senate.gov/public/index.cfm/2018/1/we-can-accomplish-more-by-working-together> (accessed Sept. 15, 2019). See also: Joe Manchin and Lisa Murkowski, “Working Together is Possible, Even in Washington,” *Manchin.Senate.gov*, October 14, 2018, [https://www.manchin.senate.gov/newsroom/op-eds/working-together-is-possible-even-in-washington\\_wheeling-intelligencer-](https://www.manchin.senate.gov/newsroom/op-eds/working-together-is-possible-even-in-washington_wheeling-intelligencer-) (accessed Sept. 15, 2019).

<sup>29</sup> Manchin and Murkowski, “Working Together,” para. 1.

<sup>30</sup> McCain Institute, “#ActsOfCivility: What You Can Do,” *JohnMcCain.com*, <https://www.johnmccain.com/> (accessed October 20, 2019), para. 2.

<sup>31</sup> Cindy McCain, “#ActsofCivility.”

<sup>32</sup> Jack McCain, “#ActsofCivility.”

<sup>33</sup> McCain Institute, “John Sidney McCain III,” para. 85.

<sup>34</sup> McCain Institute, “In His Own Words,” *JohnMcCain.com*, <https://www.johnmccain.com/words/> (accessed December 14, 2019), para. 1-10.

in which he excoriated those who seek to divide people. He explained, “we are not made from a land or tribe or particular race or creed, but from an ideal that liberty is the inalienable right of mankind and in accord with nature and nature’s Creator...”<sup>35</sup> Furthermore, the family cited McCain’s famed speech on “regular order,” given before the Senate after a landmark vote that defeated the repeal of the Affordable Care act. McCain said, “I hope we can again rely on humility, on our need to cooperate, on our dependence on each other to learn how to trust each other again and by so doing better serve the people who elected us.... Let’s trust each other.”<sup>36</sup> The McCains also implicitly criticized Trump for the rise in bigotry and hatred that he inspired. They argued that, “Respect for the God-given dignity of every human being, no matter their race, ethnicity or other circumstances of their birth, is the essence of American patriotism. To believe otherwise is to oppose the very idea of America.”<sup>37</sup> These were principles unambiguously under assault by the President and his supporters.<sup>38</sup>

The McCains demonstrated the importance of standards of civility embodied in the life of John McCain and how Trump and the far-right had violated them. However, they did not explicitly demonstrate what those standards are, when the standards apply, and why they endure in a time of rising polarization. Other examples within Senator McCain’s biography clarify where and how these implicit arguments function.

One narrative in particular profiled the importance of confrontative strategies when challenging injustice, which in turn leads to a series of implicit standards governing when persons of good conscience ought to confront injustice. This narrative comes from his days as a Naval Academy student, when McCain routinely remembered feeling “offended by the routine hazing afforded” to him and those in his class, which he deemed “‘demeaning and absurd,’ and by the expectation he defer to other young men ‘for the minor accomplishment of having lived a year or two longer than I had.’”<sup>39</sup> McCain hated intolerance, they argued, which fomented a strong disdain for ritualized, systemic abuses prevalent within the Academy. This disdain most notably inspired him to defend a Filipino steward under the Academy’s employ who was being abused by an upperclassman. McCain, then a mere pleb, castigated an upperclassman, saying, “Hey mister, why don’t you pick on someone your own size?”<sup>40</sup> The upperclassman demanded McCain’s name and rank, to which he responded, “McCain. What’s yours?” The conflict briefly continued before the upperclassman retreated.<sup>41</sup> Here, the McCains offered one situation where confrontation, not civility, was needed to achieve core values such as rejecting injustice. Where the arguments McCain made in favor of principled, civil discourse emphasized the important role of discourse among equals, this narrative demonstrated the necessity of action when injustice occurs.

These examples show that the McCains’ call to civility strongly, yet paradoxically, endorsed both civility and confrontation as appropriate rhetorical tools in political discourse. To resolve this

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<sup>35</sup> McCain Institute, “In His Own Words,” para. 7.

<sup>36</sup> McCain Institute, “In His Own Words,” para. 5.

<sup>37</sup> McCain Institute, “In His Own Words,” para. 10.

<sup>38</sup> See: Columbia Human Rights Law Review, “The Trump Administration Human Rights Tracker,” *Law.Columbia.edu*, <https://trumphumanrightstracker.law.columbia.edu/> (accessed December 13, 2019).

<sup>39</sup> McCain Institute, “The Story of John Sidney McCain III,” *JohnMcCain.com*, <https://www.johnmccain.com/story/> (accessed Sept. 22, 2019), para. 12.

<sup>40</sup> McCain Institute, “John Sidney McCain III,” para. 13.

<sup>41</sup> Dan Nowicki and Bill Muller, “From a Family of Navy Officers, John McCain Destined for Naval Academy,” *AZCentral*, April 2, 2018, <https://www.azcentral.com/story/news/politics/arizona/2018/04/02/john-mccain-family-navy-officers-destined-u-s-naval-academy/538429001/> (accessed Sept. 15, 2019), para. 11.

paradox, I submit that McCain's biography reveals three characteristics that clarify when commitments to civility are useful: (1) all relevant interests are equally represented in public debate; (2) public deliberation balances interests and solves problems, rather than functioning as partisan spectacle; and (3) public values demonstrate a commitment to serve the entire nation and not merely dominant political or ideological groups. These are standards widely supported in critical literature and offer political interlocutors guidance to maintain a deliberative democracy in which rivals seek common ground, work together, and solve material problems.

### Equal Representation

First, the McCains implicitly argued that civil deliberation could only be realized in situations where all interests have equal representation. In pragmatic deliberations, rhetors must first acknowledge how social power constrains discourse for certain identities and liberates discourse for others. Collective identities, which are largely the consequence of people gaining agency through discourse that fights against oppression from dominant groups, provide a vehicle through which marginalized people can confront their oppressors, transform themselves from victim to empowered, and demand equality.<sup>42</sup> Those who call for a commitment to civility in the public square must acknowledge that rigid hegemonic systems limit participation in many deliberative situations. Where injustice resides within the system, the caller must first work to undermine it, as McCain did for the steward. Absent this constraint, interlocutors must confront the powers-that-be in order to secure equal deliberative representation and participation in the public square.

This constraint functions in particular ways within the McCains' call. Take, for example, McCain's plea for humility and cooperation in his later years versus the actions he took as a student. Clearly, there existed a power differential between the students and the steward. To some students, the steward's role as a service employee implied a significant power differential that justified poor treatment. Standards of humility, graciousness, and cooperation, as many in the literature have defined as civil discourse, would not work in this situation since they would only further empower the older students' bullying. McCain, however, whose clout was bolstered due to his family's important role in the Navy, stepped in to defend the steward using confrontative strategies. His power in this situation greatly outmatched the unnamed upperclassman thanks to his family's namesake. The McCains' Naval tradition reached back generations, as the family explained. They were "legendary admirals, respected by their fellow officers and admired by the men under their command for their personal courage and fighting spirit." His grandfather, John "Slew" McCain I, was present on the U.S.S. Missouri for the Japanese surrender in World War II, "standing in the first rank of officers observing the ceremony." His father, Jack McCain, waited for Slew in Tokyo Harbor, "where father and son had a last reunion on the submarine tender, U.S.S. Proteus."<sup>43</sup> Jack McCain served in numerous capacities, such as "executive officer on a cruiser during the Korean War," "the Navy's Office of Legislative Affairs, where he earned the admiration of prominent members of Congress serving on the House and Senate armed services committees;" "the 1965 Dominican Republic incursion, and U.S. Naval Forces in Europe." Later in Jack's life, then an Admiral, he assumed command of the United States Pacific forces, which the biography described as "the largest operational command in the U.S. military."<sup>44</sup> Despite being a mere plebe

<sup>42</sup> Cláudia Álvares, "On Cultural Plurality in the Public Sphere: Choosing Between Freedom and Equality as Criteria of Judgment," *Empedocles: European Journal for the Philosophy of Communication* 9, 1 (2018), 25-26.

<sup>43</sup> McCain Institute, "John Sidney McCain III," para. 6.

<sup>44</sup> McCain Institute, "John Sidney McCain III," para. 8.

at the time of the confrontation, John McCain carried with him generations of institutionalized power via the McCain legacy.

McCain used his power in this situation to defend the steward against injustice. In this case McCain performed the role of an ally, which occurs when interlocutors “recognize their cultural differences as well as their interdependence, and often seek similar goals” even if they are not necessarily friends, as Mary Jane Collier explained.<sup>45</sup> Confronting injustice to defend others’ integrity was “unheard of” when McCain had done it and could have gotten him thrown out,” according to former Academy classmate Frank Gamboa. “It was an act of moral courage.”<sup>46</sup> Such courage provides a way through which allies demonstrate the “moral imperative of social justice and validating differences.” McCain invoked his “social and cultural capital” to influence others to treat one another equally.<sup>47</sup> Supportive, empowering allies like McCain was to the steward are essential for people from marginalized groups because they offer necessary social support, help build diverse communities, and help develop high moral standards for social participation.<sup>48</sup>

To create deliberative situations in which high moral standards may be implemented, allies must use their own privilege to actively confront intersectional forms of violence from those within institutionalized sources of power. Allies should do as McCain did when he called upon his family legacy and name recognition to rebuke the student whose class and rank were much higher than his. The power of this rebuke can be attributed to two characteristics: the perspective created by experiencing abuse from upperclassmen firsthand and McCain’s use of privilege to combat it. His narrative was a shock to the system in large part because he had the perspective of someone who experienced the material effects of their hazing firsthand—and outright rejected their abuse wherever it occurred. By using his own privilege to forcefully reject the current system, and therefore assert the needs of others, McCain was able to create a scenario in which all were closer to achieving equal representation after the conflict had subsided.

### **Balancing Interests and Solving Problems**

Second, public deliberation must balance interests and solve material problems affecting the nation, rather than functioning as partisan spectacle. Contemporary political debates can often focus too heavily on spectacle, which, as Guy Debord argued, means the system does not function as it otherwise should below mere aestheticism.<sup>49</sup> Deliberators maintain the appearance of a functional system; yet, as the name suggests, it is nothing more than a hollow artifice. Spectacles can have damaging consequences for public deliberation. As Frances Fox Piven argued, the ways through which polices are created influences the constitution of public spheres just as much as public spheres influence policy.<sup>50</sup> Furthermore, as Keith J. Bybee explained, absent a strong commitment

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<sup>45</sup> Mary Jane Collier, “Negotiating Intercultural Alliance Relationships: Toward Transformation,” in *Intercultural Alliances: Critical Transformation*, edited by Mary Jane Collier (Thousand Oaks, CA: Sage Publications, 2003), 2.

<sup>46</sup> Frank Davies, “John McCain: The Risk Taker,” *MercuryNews.com*, August 31, 2008, <https://www.mercurynews.com/2008/08/31/john-mccain-the-risk-taker/> (accessed December 17, 2019), para. 15.

<sup>47</sup> Sara DeTurk, “Allies in Action: The Communicative Experiences of People Who Challenge Social Injustice on Behalf of Others,” *Communication Quarterly* 59, 5 (2011), 575.

<sup>48</sup> University of Kansas Community Tool Box, “Learning to be an Ally,” *CTB.KU.edu*, <https://ctb.ku.edu/en/table-of-contents/culture/cultural-competence/be-an-ally/main> (accessed May 23, 2020), para. 8-11.

<sup>49</sup> Guy Debord, *La Société du Spectacle*, trans. Ken Knabb (Paris: Gallimard, 1967, 2014), 19.

<sup>50</sup> Frances Fox Piven, “Reforming the Welfare State,” *Socialist Review* 22, 3 (1992), 79.



to the material, politics can become subsumed with symbolic posturing; an outcome which fundamentally erodes civility norms.<sup>51</sup> Consequently, spheres constituted via spectacle often break down, which leads interests to devolve into highly sorted, intensely ideological groups.<sup>52</sup> To avoid this unfavorable outcome, it is therefore critical that actors maintain an unyielding focus on “real people engaged in struggle.”<sup>53</sup> Interlocutors are therefore compelled to interrogate the ways in which policies effect some people differently than others.<sup>54</sup>

When inequality among identities exists in deliberative contexts, the “fact of complex diversity,” as Ian Ward described it, must be addressed before calls for civility can be appropriately used. This includes balancing power between the variety of subcultures in a society, each with unique “practices of ethical formation, styles of reasoning, and vocabularies for assessing conduct, community, and character.”<sup>55</sup> Otherwise, dominant groups will use standards of civility to “effectively silence and punish marginalized groups (e.g. labor; women and people of color; the poor; and lesbian, gay, bisexual and transgender [LGBT] people).”<sup>56</sup> Political deliberation must therefore be able to accommodate all who wish to participate. Otherwise, interlocutors must first highlight where the system fails and materially harms individuals. By doing so, they create a new context to address concerns that offers real representation to all at the offset of deliberation.

Balancing interests and providing real solutions that materially benefitted his constituents were principles that guided McCain’s tenure of service. An important example of McCain’s commitment comes from 1983, when McCain, then newly elected to the United States House of Representatives, landed “a coveted seat on the Interior committee.” As a self-professed small government, conservative Republican who often voted against government programs, McCain was met with strong ideological opposition with his Democratic Party contemporaries. However, McCain sought the counsel of the committee’s Democratic chairman, Mo Udall. Udall explained to McCain “the ins and outs of issues vital to Arizonans, such as resource conservation, federal land management, and Native American affairs.”<sup>57</sup> McCain and Udall set aside their ideological differences to find material ways to benefit their constituents through rational debate.

One instance where they demonstrated this commitment occurred after the 1983 Colorado River flood, which impacted accessibility to potable water in Arizona. McCain used his position to call for a “thorough and dispassionate” investigation that explained why the water table had been improperly managed. McCain implored the committee to find a reasonable outcome that provided “a stable and reliable water supply for the Central Arizona Project,” which he argued had “important implications” for the conservation of their supply and the safety of Arizona residents.<sup>58</sup> McCain also recognized that many interests were at play in this debate, saying that the committee was “not dealing with anything like a clean slate.” These parties required effective oversight since,

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<sup>51</sup> Keith J. Bybee, *How Civility Works* (Stanford, CA: Stanford University Press, 2016), 1.

<sup>52</sup> Lilliana Mason, “‘I Disrespectfully Agree’: The Differential Effects of Partisan Sorting on Social and Issue Polarization,” *American Journal of Political Science* 59, 1 (2015), 128.

<sup>53</sup> Dana Cloud, “The Materiality of Discourse as Oxymoron: A Challenge to Critical Rhetoric,” *Western Journal of Communication* 58 (1994), 159.

<sup>54</sup> Sanford F. Schram, “Postmodern Policy Analysis: Discourse and Identity in Welfare Policy,” *Policy Sciences* 26, 3 (1993), 250.

<sup>55</sup> Ian Ward, “Democratic Civility and the Dangers of Niceness,” *Political Theology* 18, 2 (2017), 117.

<sup>56</sup> Nina Maria Lozano-Reich and Dana Cloud, “The Uncivil Tongue: Invitational Rhetoric and the Problem of Inequality,” *Western Journal of Communication* 73, 2 (2009), 223.

<sup>57</sup> McCain Institute, “John Sidney McCain III,” para. 43.

<sup>58</sup> U.S. Congress, House, Committee on Interior and Insular Affairs, *Oversight Hearings Before the Committee on Interior and Insular Affairs House of Representatives*, 98<sup>th</sup> Cong., 1<sup>st</sup> sess., 1983, 183-185.

in many cases, they failed to achieve their goals, which materially harmed the people of Arizona.<sup>59</sup> McCain's urge to consider the effect of their actions on all parties demonstrated the need to balance interests when crafting policies and standards. Further, his primary focus on providing for his constituents in Arizona validated the equal importance of providing material care to all, equally.

Overall, the 1983 hearing was a model of McCain's behavior, especially later in his career. He would maintain this interest in emulating "Udall's example of bipartisan comity and cooperation" by working with Democratic Senators "on projects of mutual interest."<sup>60</sup> The bipartisan comity McCain and Udall enjoyed is more easily achievable for members of Congress due to well-established rules that explicitly govern how debates unfold. Members are to "refrain from speaking disrespectfully of the Speaker, other members, the President or Vice President" and from "using profane or vulgar language."<sup>61</sup> Those who do not follow these rules face disciplinary procedures, such as censure, formal reprimands, and, in the most severe cases, expulsion.<sup>62</sup> Inherent within the myriad of rules and procedures that members must follow are guarantees for equal access to deliberation. These clear standards dictate that ideology nor identity will privilege any one member over another in Congressional deliberation.<sup>63</sup>

### A Commitment to Serve the Entire Nation

Third, civility is useful when public values explicitly commit to serving all in the community equally, not merely dominant political or ideological groups. Oftentimes, dominant political or ideological groups get in the way of creating an equitable public value system. Public values discipline the performance of actual discourse and policies through "contextually specific assumptions, practices, relations, and institutions."<sup>64</sup> Systemic powers like these have material ramifications on discourse communities, which can be used by dominant groups to limit participation from marginalized persons.<sup>65</sup> For commitments to civility to be useful, interlocutors must oppose and deconstruct harmful hegemonic systems that limit participation. More broadly, it is important to resist dominant hegemonies, fight injustice, and create new systems in which balance can be maintained. Absent this work, as Mary Stuckey and Sean Patrick O'Rourke explained, demanding civility "ignores disparities of power and conditions of inequality" and instead becomes a powerful instrument to "discipline, to silence and control."<sup>66</sup> Consequently, the only vehicle immediately

<sup>59</sup> U.S. Congress, House, Committee on Interior and Insular Affairs, *Oversight Hearings*, 186-187.

<sup>60</sup> McCain Institute, "John Sidney McCain III," para. 43.

<sup>61</sup> Office of Chairwoman Louise M. Slaughter, "Rules of Decorum and Debate in the House," *Archives-Democrats-Rules.House.gov*, [https://archives-democrats-rules.house.gov/archives/house\\_decorum.htm](https://archives-democrats-rules.house.gov/archives/house_decorum.htm) (accessed December 17, 2019), para. 4-6.

<sup>62</sup> "Discipline & Punishment," *History.House.gov*, <https://history.house.gov/Institution/Origins-Development/Discipline/> (accessed December 17, 2019), para. 2.

<sup>63</sup> Of course, getting elected and therefore gaining access is another problem in and of itself that is clearly not addressed by these standards. Minorities, specifically women of color, are often severely disadvantaged in the United States by their "location at the intersections of race, gender, and class inequalities." See: Kira Sanbonmatsu, "Why Not a Woman of Color?: The Candidacies of US Women of Color for Statewide Executive Office," *Oxford Handbooks Online*, September 10, 2015, <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935307.001.0001/oxfordhb-9780199935307-e-43> (accessed December 17, 2019), 2.

<sup>64</sup> Claire Sisco King, "Hitching Wagons to Stars: Celebrity, Metonymy, Hegemony, and the Case of Will Smith," *Communication and Critical/Cultural Studies* 14, 1 (2017), 85.

<sup>65</sup> Cloud, "Materiality of Discourse," 145.

<sup>66</sup> Mary E. Stuckey and Sean Patrick O'Rourke, "Civility, Democracy, and National Politics," *Rhetoric and Public Affairs* 17, 4 (2014), 724; Andrew Calabrese, "Liberalism's Disease: Civility Above Justice," *European Journal of Communication* 30, 5 (2015), 544.

available to McCain to address injustice in this moment was through confrontation. McCain's actions threatened longstanding social values that reified hierarchies of power within the Naval Academy. That these values existed shows how a commitment to civility would harm the marginalized steward.

Throughout his time in public life, McCain's self-stated mission was to serve the nation in principle and practice. One instance in which McCain fought for principle occurred in 1983 during Ronald Reagan's presidency. In his first year as a representative of Arizona, McCain rebuked the Reagan administration's deployment of Marines to Beirut, arguing that there was no clear mission, nor could they provide enough support to affect the outcome of the immediate crisis.<sup>67</sup> He leveraged his "personal connection and very high regard for Reagan" to assert a persuasive case to the President.<sup>68</sup> Their longstanding relationship went back a decade when McCain, then undergoing physical rehabilitation after his prisoner of war captivity in Vietnam, "began a friendship with then Governor Ronald Reagan and Nancy Reagan," after speaking at a prayer breakfast hosted by the Reagans. Notably, he left them very impressed.<sup>69</sup> In 1983, Representative McCain balanced his relationship with the President and the interests of the Military in order to come to find a reasonable solution. Ultimately, Reagan did not accept his advice.<sup>70</sup>

Yet, questioning Reagan's policy would spur a change in McCain's political identity. It led him to become the independent actor he was most well-known as later in his career. He was no longer just a representative from Arizona. This was "the first of many acts of independence that would advance McCain's reputation as a political maverick, and a critic of presidents from both parties" in the interest of providing reasoned, principled solutions to problems facing the nation.<sup>71</sup> Spanning back to sometime in the 1990s, the Senator was first called a maverick by Mark Salter, his longtime friend and co-author. Salter needed an "organizing principle for a distinctive public identity," which succinctly described McCain's role as an "imperfect servant" who was unafraid to question the powers-that-be.<sup>72</sup> The label would follow McCain throughout his political career, most notably in the 2000 and 2008 presidential elections. Through this label, McCain asserted his "independent streak that played well with some voters."<sup>73</sup> Being the independent maverick was not always an obligation to which McCain lived up. Especially in his later years, McCain showed great interest in being a team player. From 1987 to 2015, McCain voted with the Republican Party 87% of the time on party-line votes. This was a record that political analysis firm *FiveThirtyEight* described as only "slightly more likely than the average senator to vote against his party."<sup>74</sup>

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<sup>67</sup> Matt Bai, "The McCain Doctrines," *The New York Times*, May 18, 2008, <https://www.nytimes.com/2008/05/18/magazine/18mccain-t.html> (accessed December 14, 2019), para. 13.

<sup>68</sup> McCain Institute, "John Sidney McCain III," para. 44.

<sup>69</sup> McCain Institute, "John Sidney McCain III," para. 34.

<sup>70</sup> It took the deaths of 241 service members by a suicide bomber before Reagan withdrew the Marines from Beirut. See: Bai, "The McCain Doctrines," para. 13.

<sup>71</sup> McCain Institute, "John Sidney McCain III," para. 44.

<sup>72</sup> Sasha Issenberg, "Inventing John McCain," *Boston.com*, April 13, 2008, [http://archive.boston.com/bostonglobe/ideas/articles/2008/04/13/inventing\\_john\\_mccain/?page=full](http://archive.boston.com/bostonglobe/ideas/articles/2008/04/13/inventing_john_mccain/?page=full) (accessed December 15, 2019), para. 4-5.

<sup>73</sup> Dan Nowicki, "John McCain Will Best be Remembered as GOP 'Maverick,'" *AZCentral.com*, August 24, 2018, <https://www.azcentral.com/story/news/politics/arizona/2018/08/24/arizona-senator-john-mccain-legacy-national-security-hawk-gop-maverick/567264001/> (accessed December 14, 2019), para. 3.

<sup>74</sup> *FiveThirtyEight* described party-line votes as "Votes in which at least half of the Republican Party voted one way and half of the Democratic Party voted the other way. Independents were excluded from this analysis." See: Harry Enten, "Is John McCain a Maverick?," *FiveThirtyEight.com*, February 27, 2017, <https://fivethirtyeight.com/features/is-john-mccain-a-maverick/> (accessed December 15, 2019), para. 3.

On a number of important occasions, such as on campaign finance reform, the use of torture on prisoners of war, immigration reforms, and tobacco regulation, McCain demonstrated his trademark independence by bucking the party line.<sup>75</sup> Though, perhaps his most important moment of independence was also his last. In the eleventh hour, the Senator, deep in his fight against glioblastoma, returned to the Senate “despite his physician’s misgivings” to cast the final thumbs-down vote against a repeal of the Affordable Care Act.<sup>76</sup> This, the moment that preceded his plea to return to regular order, “settled the argument once and for all” over whether McCain was truly a maverick and denied the Republicans their long sought after victory.<sup>77</sup> His return was “warmly received by his colleagues,” yet his message coldly condemned their conduct. He insisted that the Senate “return to regular order and cooperate as Americans first and partisans second in good faith efforts to address the country’s problems.”<sup>78</sup> McCain implored his colleagues to remember their “obligation to work collaboratively to ensure the Senate discharged its constitutional responsibilities effectively” to ensure the “continued success of our Republic.” That “principled mindset,” McCain continued, should guide the “exercise of all our responsibilities,” including “authorizing government policies, appropriating the funds to implement them, [and] exercising our advise and consent role.”<sup>79</sup> The values to which McCain appealed transcended petty disputes, even if he did not always live up to those values. Committing to serve the nation and all its people are timeless responsibilities by which all serious political actors must abide.

In sum, these three characteristics offer a way to find common ground and also illuminate when it is appropriate to make commitments to civility. There is an enduring role for civil debate in deliberative democracies. This role is especially important in Trump’s tenure as President, where common ground between highly polarized factions has become increasingly hard to find—and is often discouraged. As I show in the next section, if these constraints are not accounted for, even well-meaning commitments to civility can collapse difference, undermine claims for fairness, and discipline marginalized peoples into silence.<sup>80</sup>

### **The Problem with Committing to Civility in Trump’s United States of America**

In many ways, the McCains’ call to civility should have been a wake-up call for both sides of the political aisle. Indeed, many of the Senator’s colleagues and famous friends emphasized why political leaders should take heed as they expressed their gratitude for McCain’s service and principles. Former Vice President Biden, for example, argued that “John lived his life bound by a timeless code—decency, respect, and civility above all else.”<sup>81</sup> Billie Jean King also said that she “admired [McCain’s] commitment to something larger than himself in order to change the world for

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<sup>75</sup> Peter Dreier, “John McCain: A Patriotic Public Servant, but No ‘Maverick,’” *Rewire.News*, August 27, 2018, <https://rewire.news/article/2018/08/27/john-mccain-a-patriotic-public-servant-but-no-maverick/> (accessed December 15, 2019), para. 7.

<sup>76</sup> McCain Institute, “John McCain III,” para. 81.

<sup>77</sup> Nowicki, “GOP ‘Maverick,’” para. 8.

<sup>78</sup> McCain Institute, “John McCain III,” para. 81.

<sup>79</sup> John McCain, “Watch: Sen. McCain Calls for Compromise in Return to Senate Floor,” *NPR.org*, July 25, 2017, <https://www.npr.org/2017/07/25/539323689/watch-sen-mccain-calls-for-compromise-in-return-to-senate-floor> (accessed December 14, 2019), para. 9-12.

<sup>80</sup> Elin Diamond, “Introduction,” In Elin Diamond (Ed.), *Performance and Cultural Politics* (New York: Routledge, 1996), 1; Kyra Pearson and Nina Maria Lozano-Reich, “Cultivating Queer Publics with an Uncivil Tongue: *Queer Eye’s* Critical Performances of Desire,” *Text and Performance Quarterly* 29, 4 (2009), 396.

<sup>81</sup> Joe Biden, Twitter Post, August 25, 2019, 11:05 AM.

the better.”<sup>82</sup> Other leaders also weighed in, including Senators Mitt Romney and Kelly Ayotte and Governor Larry Hogan. Ayotte tweeted, “Missing my friend and mentor John McCain and his courage and integrity. The last time I saw him before he died, we were sitting at his ranch looking at the creek and he told me, ‘Kelly, when I’m gone, whatever you do, just do the right thing and it will be good.’”<sup>83</sup> Diane Humetewa, a federal judge and citizen of the Hopi Tribe of Arizona, extolled McCain’s “leading voice” on federal policy for indigenous peoples.<sup>84</sup> Furthermore, some major media outlets, such as CNN and NPR, reported positively about it.<sup>85</sup>

However glowing the reviews from major media outlets and Senator McCain’s contemporaries, the call was nevertheless widely disregarded by everyday people. Critical response was similarly positive among Twitter users, yet the social network’s records suggest that little to no pragmatic response, such as recording and posting acts of civility as the McCains requested, was registered on August 25<sup>th</sup> and beyond.<sup>86</sup> The outcome for any symbolic appeal is, of course, contingent upon audience reception. Audience reception is especially important in analysis of rhetoric pertaining to or violating norms of civility.<sup>87</sup> Thus, to explain why their call ultimately failed to resonate with a broad national audience, in this section I apply the implicit standards within McCain’s own narrative.

First, #ActsOfCivility did not reflect the conditions that many people face daily, especially as it pertained to the material effects wealth and whiteness have on society. As the literature has exhaustively explained, class interests and whiteness are two of the most prevalent hegemonic structures influencing national political discourse. This is so because these intersecting components of identity reflect our personal genealogies. In turn, our genealogies reflect a system of knowledge that is personal, relational, and, often, privilege epistemologies of domination.<sup>88</sup>

Wealth, as a site of domination, is used by dominant groups to transform crushing disparities, such as the immense wealth gap, into stories about individual success or failure.<sup>89</sup> The wealthiest

<sup>82</sup> Billie Jean King, Twitter Post, August 25, 2019, 7:39 AM.

<sup>83</sup> Kelly Ayotte, Twitter Post, August 25, 2019, 10:03 AM, [https://twitter.com/KellyAyotte/status/1165640796860768256?ref\\_src=twsrc%5Etfw](https://twitter.com/KellyAyotte/status/1165640796860768256?ref_src=twsrc%5Etfw) (accessed Sept. 15, 2019).

<sup>84</sup> Diane Humetewa, “John McCain was a Leading Voice for Indian Country,” *JohnMcCain.com*, August 29, 2018, <https://www.johnmccain.com/2018/08/john-mccain-was-a-leading-voice-for-indian-country/> (accessed Sept. 15, 2019). See also: *Indianz.com*, August 29, 2018, <https://www.indianz.com/News/2018/08/29/diane-humetewa-john-mccain-was-a-leading.asp> (accessed Sept. 15, 2019).

<sup>85</sup> See: CNN, “Cindy McCain Honors John with ‘Acts of Civility,’” *CNN.com*, August 25, 2019, <https://www.cnn.com/videos/politics/2019/08/25/sotu-c-mccain-full.cnn> (accessed October 20, 2019); and, David Greene and Heidi Glenn, “To Honor John McCain, His Wife Says, Americans Could Be Nicer to One Another,” *NPR.org*, August 21, 2019, <https://www.npr.org/2019/08/21/752776136/to-honor-john-mccain-his-wife-says-americans-could-be-nicer-to-one-another> (accessed October 20, 2019).

<sup>86</sup> Using Twitter’s advanced search feature, I comprehensively examined tweets that included the hashtag #ActsOfCivility. As I mentioned, many praised the McCains for putting country above party. Yet, no response fulfilled their request in any material way. My first search limited results to August 25<sup>th</sup>. Later searches focused more broadly from August 25<sup>th</sup>, 2019 to the present date. Results were the same for all searches. See: Twitter, “#ActsOfCivility since:2019-08-25 until:2019-08-26,” *Twitter.com*, <https://twitter.com/search?l=&q=%23ActsOfCivility%20since%3A2019-08-25%20until%3A2019-08-26&src=typd> (accessed October 20, 2019). See also: Twitter, “(#actsofcivility) since:2019-08-25,” *Twitter.com*, [https://twitter.com/search?q=\(%23actsofcivility\)%20since%3A2019-08-25&src=typed\\_query](https://twitter.com/search?q=(%23actsofcivility)%20since%3A2019-08-25&src=typed_query) (accessed December 17, 2019, accessed again December 19, 2019).

<sup>87</sup> Brett Lunceford, “On the Rhetoric of Second Amendment Remedies,” *Journal of Contemporary Rhetoric* 1, 1 (2011), 36.

<sup>88</sup> See: Tiara R. Na’puti, “Speaking of Indigeneity: Navigating Genealogies Against Erasure and #Rhetoric-SoWhite,” *Quarterly Journal of Speech* 105, 4 (2019), 495-501.

<sup>89</sup> Christopher M. Duerringer, “Class Structure and the Movement of Capital: The Rhetoric of Supply Side Economics,” *Journal of Contemporary Rhetoric* 9, 1/2 (2019), 11.

in the U.S., even globally, received their status by subjecting the people working within the system to “conditions of appropriation.” Hegemons acquire status, property, and the means to produce, which gives them the power to shape basic social frameworks like law, morality, and religion.<sup>90</sup> For example, wealth disparity in the United States has reached unprecedented levels. The Brookings Institute reported that the top one percent “*alone* holds more wealth than the middle class.”<sup>91</sup>

Furthermore, systems that are supposedly meant to serve everyone equally often privilege whiteness to the degree that state-sanctioned violence against Black, Brown, and Indigenous bodies has become a public health issue. Whiteness in the U.S. has long been seen as the normative standard. As Thomas Nakayama and Robert Krizek noted, whiteness, as a rhetorical construction, exerts its power over everyday life. The white body is perceived as universal, as the “norm from which Others are marked.”<sup>92</sup> Sara Ahmed explained that this orientation places the white body as “how we begin, how we proceed from ‘here.’” From ‘here’, the world unfolds with the white body, usually the white male body, as standard.<sup>93</sup> Whiteness-as-default has instilled a series of problematic norms that lead to the marginalization and erasure of “Others,” often expressed violently. Rituals of domination such as these are learned, accepted, and practiced by the people within it. “Domestic others” such as Native Americans, African Americans, Puerto Ricans, and Chicanos become included in the larger body politic, but their positions (their subjugations) within become codified through social norms.<sup>94</sup>

These findings have horrific practical implications as evidenced through multiple acts from supposedly neutral social services, such as policing. The American Public Health Association, for instance, reported that thousands of individuals have been killed by police, with tens of thousands more injured. Black individuals were more likely to be killed or injured in those situations and to “report stress as a result of encounters with the police—a concern given evidence of an association between stress due to perceived racial discrimination and risk factors for chronic disease and early mortality.”<sup>95</sup> It is evident that when systemic abuses continue to occur, equal representation in the public sphere has yet to be achieved.

Second, public deliberation has lost sight of solving material problems facing the people of the U.S. Exceptionally partisan spectacles have become the norm, even on traditionally non-partisan topics ranging from the transformational—such as impeachment hearings—to the mundane—such as holiday celebrations. Important political processes like impeachment have seen Republican Representatives such as Devin Nunes of California and Jim Jordan of Ohio devolved into conspiracy in order to grind investigatory hearings to a halt and undermine any material conclusions the

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<sup>90</sup> Karl Marx and Frederick Engels, *The Communist Manifesto*, trans. Samuel Moore, in John E. Toews (ed.), *The Communist Manifesto* (New York: Bedford/St. Martin’s, 1999), 75.

<sup>91</sup> Isabel V. Sawhill and Christopher Pulliam, “Six Facts About Wealth in the United States,” *Brookings.org*, June 25, 2019, <https://www.brookings.edu/blog/up-front/2019/06/25/six-facts-about-wealth-in-the-united-states/> (accessed December 9, 2019), 8-10.

<sup>92</sup> Thomas K. Nakayama and Robert L. Krizek, “Whiteness: A Strategic Rhetoric,” *Quarterly Journal of Speech* 81 (1995), 293.

<sup>93</sup> Sara Ahmed, “A Phenomenology of Whiteness,” *Feminist Theory* 8, 2 (2007), 151.

<sup>94</sup> See: Patricia Hill Collins, “Like One of the Family: Race, Ethnicity, and the Paradox of US National Identity,” *Ethnic and Racial Studies* 24, 1 (2001), 3-28.

<sup>95</sup> American Public Health Association, “Addressing Law Enforcement Violence as a Public Health Issue,” *APHA.org*, November 13, 2018, <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/law-enforcement-violence> (accessed December 9, 2019), para. 4.

Intelligence Committee could possibly find.<sup>96</sup> Similarly, mundane events like national holiday celebrations became spectacles. President Trump, in celebration of Independence Day 2019, transformed the relatively demurred celebration, with speeches and fireworks, into an over-the-top performance with overtly nationalist themes and a strong display of military force.<sup>97</sup> The overall increase in spectacles, and a marked decrease in substantive policy from the federal government, certainly suggests that the time is not right to call for civility.

Third, in many cases deliberative processes serve dominant political or ideological groups. In the contemporary political discourse community, many dominant ideological groups have been shaped by populist outrage. President Trump's core constituency, the overwhelmingly white and largely male population, was organized during the 2016 election through the candidate's nationalist populist rhetoric. Unlike leftist populism, which seeks to "use the electoral process to create a more humane and equitable society," nationalist populism aggravates existing xenophobic outrage in citizens who enjoy dominant intersections of identity and power.<sup>98</sup> Trump's diatribes against cultural and economic trends affecting vulnerable classes, as well as his inside-the-system but outside-the-beltway position, effectively transformed populist grievance against longstanding political norms into an effective weapon for his campaign.<sup>99</sup> Thus, while grassroots movement politics can sometimes lead to beneficial outcomes to marginalized peoples, oftentimes they can lead to a groundswell of support for oppression and domination.

Marginalized groups, including lesbian, gay, bisexual, transgender, queer (plus) persons [LGBTQ+] are mistreated, their problems ignored, and are met with the painful consequences of nationalist populism in the United States and abroad which denies them equal representation in political and legal theory. Movements using populist strategies such as direct-voting initiatives have historically been harmful to the LGBTQ+ community, such as California's proposition 8.<sup>100</sup> This has largely remained true now, since conservative groups, such as evangelical Christians, have fought to regress LGBTQ+ rights.<sup>101</sup> The American Civil Liberties Union explained that these groups have pushed to "allow anyone, including businesses, to use their religious beliefs to discriminate."<sup>102</sup> Elsewhere, as rightwing nationalist populism once again gains power in a number of governments, the LGBTQ+ community has come under siege. Brunei has introduced a death-by-stoning law as punishment for homosexual activity. Brazil's newly elected nationalist populist leader Jair Bolsonaro has also labeled himself a "proud homophobe" who was "incapable of loving

<sup>96</sup> Susan B. Glasser, "Crazy for Trump: On the GOP Plan to Keep Impeachment Partisan," *New Yorker.com*, November 13, 2019, <https://www.newyorker.com/news/letter-from-trumps-washington/crazy-for-trump-on-the-gop-plan-to-keep-impeachment-partisan> (accessed December 9, 2019), para. 1.

<sup>97</sup> Chris Cillizza, "Donald Trump's July 4 Spectacle Just Keeps Getting More and More Absurd," *CNN.com*, July 3, 2019, <https://www.cnn.com/2019/07/02/politics/donald-trump-july-4/index.html> (accessed December 9, 2019), para. 4-16.

<sup>98</sup> Charles Postel, "If Trump and Sanders are Both Populists, What Does Populist Mean?," *Organization of American Historians [OAH.org]*, <https://www.oah.org/tah/issues/2016/february/if-trump-and-sanders-are-both-populists-what-does-populist-mean/> (accessed December 9, 2019), para 3-7.

<sup>99</sup> David A. Graham, "The Paradox of Trump's Populism," *The Atlantic.com*, June 29, 2018, <https://www.theatlantic.com/politics/archive/2018/06/the-paradox-of-trumps-populism/564116/> (accessed December 9, 2019), para. 6.

<sup>100</sup> Christine Pappas, Jeanette Mendez, and Rebekah Herrick, "The Negative Effects of Populism on Gay and Lesbian Rights," *Social Science Quarterly* 90, 1 (2009), 153-154.

<sup>101</sup> Elana Schor, "Religious Right Sticks by Trump as Political Heat Rises," *Associated Press*, October 11, 2019, <https://www.pressherald.com/2019/10/11/religious-right-sticks-by-trump-as-political-heat-rises/> (accessed December 9, 2019), para. 1-3.

<sup>102</sup> ACLU, "Religion-Based Discrimination Against LGBT People," *ACLU.org*, <https://www.aclu.org/issues/religious-liberty/using-religion-discriminate/religion-based-discrimination-against-lgbt> (accessed December 9, 2019), para 1-2.

a gay son.” In Hungary, Prime Minister Viktor Orbán accommodated anti-LGBTQ+ hate groups. Poland, too, is currently led by a populist party with open disdain for the community; it has called non-heteronormative relationships “an attack on the family.”<sup>103</sup> With so many disadvantaged, and clearly under threat of physical harm or imprisonment for immutable characteristics such as sexuality, public values have unambiguously aligned with dominant interests and ideologies. These circumstances offer many more reasons why calls for civility are inappropriate in the current situation. In no way does the broad public square reflect an equal commitment to all.

As I mentioned above, the McCains’ call for civility was warmly received by many. The call inspired positive words and graceful coverage from sympathetic news organizations, and yet still it inspired no pragmatic response. This is so because civility is not the appropriate response when millions of individuals are being materially harmed or persecuted by those who “Otherize” them. In this situation, the need was for confrontation, not civility. The McCains’ only alternative was to embrace the very paradox their call created: that in certain situations, securing equal right to civil deliberation necessitates confrontation. These, however, were commitments they did not make, which allowed power to ultimately concede nothing.

## Conclusion

In this essay, I argued that at a time where civility is needed the McCains’ call for #ActsOfCivility performs two necessary functions. First, it reinforces the twin points of consensus regarding civility’s role in contemporary political discourse: especially in Trump’s United States of America, civility is necessary to govern political debate and find common ground to solve real problems facing its people. Yet, confrontation is also a necessary vehicle through which marginalized communities assert themselves to gain equal access to civil debate and for allies to support them in their cause. There is clearly an enduring need for interlocutors to treat one another respectfully and with grace. However, in situations where principled debate gives way to “American carnage” and xenophobia, other rhetorical strategies are required to ensure that all are treated fairly. Before making commitments to civility, then, it is imperative to reflect on the second function of this argument: that rhetors account for the standards outlined above, which endure despite the disagreement in the literature, the chaos of Trump’s presidency, and the failure of the call itself. Absent these standards, commitments to civility are inappropriate and rhetors should instead act to secure equality in the public square. This argument carries two important implications.

First, the failure of the McCains’ call performatively underscored how many of the nation’s fundamental values privilege wealth and whiteness—such as civility norms—and consequently exclude and materially harm marginalized communities. For so many, the nation’s Framers’ most basic requirements of life, liberty, and the pursuit of happiness have been inaccessible, which the McCains emphasized by relying heavily on the testimony from important political and cultural leaders whose most common characteristics were her or his close proximity to wealthiness and, overwhelmingly, whiteness as sources of power. Those who were from marginalized communities were greatly outnumbered and, in one instance, buried deeply within the site. Humetewa’s memorial, for example, is difficult to find and well below other prominent voices. Neatly tucked away at the bottom of the main page, visitors must click a link to read through memorials. After jumping to the landing page, which holds 20 memorials overall, hers is surrounded by primarily white

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<sup>103</sup> Hannah Jane Parkinson, “As Rightwing Populism Spreads, Bigotry Against the LGBT Community is Growing,” *TheGuardian.com*, May 17, 2019, <https://www.theguardian.com/commentisfree/2019/may/17/rightwing-populism-bigotry-lgbt-community-rights> (accessed December 9, 2019), para. 5-6.



voices, such as from Henry Kissinger, the Senator's daughter Megan McCain, former General David Petraeus, and Jeff Cunningham. The only other non-white voice featured immediately nearby is that of President Barack Obama, whose own eulogy was featured with several other white voices.<sup>104</sup> Similarly, King's proximity to power through her wealth, notoriety, and whiteness, while they do not erase her queerness, provided an indispensable frame through which her testimony should be read. Her tweet is also placed alongside an exclusively white, exclusively wealthy and powerful group of people in that section of the website, which further erases her differences and emphasizes her similarities with other tweeters.<sup>105</sup> The premium that the McCains placed on wealthy, white, heteronormative speakers, with the exception of Humetewa and King, constituted an audience that was primarily the same as their primary testimonials: wealthy, white, and already powerful.

The McCains' failure to include marginalized voices equally highlights how civility norms discipline marginalized bodies unequally and in ways that undermine and exclude. Thus, the principal implication of this argument is that, in a nation in crisis with Trump as President and so where many who do not have equal access to civility norms, now is not the time for complacency or civil debate.<sup>106</sup> Instead of enacting a performative politics which inspires no one, now is the time to face this crisis with concrete, material action that demands from those in power an equal opportunity for everyone regardless of wealth, status, race, sexuality, gender, or any other immutable characteristic. Now is the time, as Frederick Douglass said so eloquently in his address regarding the West India Emancipation, for "struggle." There can be no progress without struggle; no rain "without thunder and lightning"; no ocean "without the awful roar of its many waters."<sup>107</sup> Before commitments to civility in the political square may be appropriate, it is incumbent upon all, especially those whose access to institutionalized sources of power grant them privileges in society that others do not enjoy, to use their power to confront injustice and ensure that all have the equal right to deliberation. Power, Douglass argued, "concedes nothing without a demand."

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<sup>104</sup> McCain Institute, "Statements and Tributes," *JohnMcCain.com*, <https://www.johnmccain.com/statements/> (accessed December 14, 2019), para. 1-11.

<sup>105</sup> In contrast, if King were placed with a set of diverse voices from marginalized communities, her differences would be highlighted and praised. Since this did not occur, the grouping erased her difference.

<sup>106</sup> Southern Poverty Law Center, "The Trump Effect: The Impact of the 2016 Presidential Election on our Nation's Schools," *Tolerance.org*, 2016, [https://www.tolerance.org/sites/default/files/2017-06/After the Election Trump Effect Report.pdf](https://www.tolerance.org/sites/default/files/2017-06/After%20the%20Election%20Trump%20Effect%20Report.pdf) (accessed October 18, 2019), 3-4.

<sup>107</sup> Frederick Douglass, "West India Emancipation," *University of Rochester Frederick Douglass Project*, <https://rbsep.lib.rochester.edu/4398> (accessed December 9, 2019), para. 43-44.