

# JUSTICE, VIRTUE, AND POWER IN DEMOCRATIC CONFLICT

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## ABSTRACT

The question of how to respond to the deep political divides in the United States today has resulted in the emergence of two camps. On one side are those who argue that the cultivation of civic virtues like civility will lead to more respectful interpersonal relationships through which consensus and mutual understanding can be built. On the other are those who argue that our commitment to justice is primary and may require uncivil behavior to disrupt and change unjust structural relationships. In *Healthy Conflict in Contemporary American Society*, Jason Springs helps to bridge the divide between these two positions. Because he takes a relational approach that centers both interpersonal and structural relationships, Springs makes both mutual respect and just structures central to his conception of healthy conflict. Taking relationality seriously thus helps to overcome this impasse, but it also raises significant questions about the impact of asymmetrical relationships on citizens' responsibilities to engage in healthy conflict.

KEYWORDS: *civic virtue, civility, democracy, empathy, justice, relationality*

As its title suggests, Jason Springs's *Healthy Conflict in Contemporary American Society* focuses on the problem of conflict within democratic society. Springs argues that such conflict is inevitable, but that it can manifest in unhealthy and healthy forms, the latter of which can enable transformative progress toward a flourishing democracy. His book is unusually comprehensive, addressing both the theoretical literature on conflict in democracy and a diverse set of contemporary examples of both healthy and unhealthy conflict. It is thus a rich source for starting and furthering dialogue on a wide range of issues related to social and political disagreement. One such conversation, which has become especially loud and at times hostile in the wake of the 2016 election cycle and throughout the presidency of Donald Trump, can be read as a debate over a supposed tension between the cultivation of civic virtues and the promotion of justice within a democracy. Though Springs does not explicitly frame his work as a contribution to this discussion, his description of healthy conflict illuminates a possible path toward the integration of virtue and justice within democracy. In doing so, it also highlights the challenges that vast inequities of power pose for both the conceptualization and the achievement of healthy conflict.

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On what I will refer to as the democratic-virtue side of the aforementioned debate are those who bemoan a perceived decline or even crisis of American civic virtues, particularly those having to do with how we treat and interact with our fellow democratic citizens. One such virtue is the habitual practice of putting oneself in others' shoes, variously identified as moral imagination or empathy. Leading up to and following Trump's election, many prominent writers and commentators called for greater empathy toward Trump voters.<sup>1</sup> In books and columns and television programs, these figures decried the labeling of Trump voters as "racist," "bigoted," or "xenophobic," and argued that Trump's opponents should instead seek to empathize with his voters' feelings of increasing economic and cultural anxiety. Calls for empathy are sometimes accompanied by a rejection of the invocation of identity categories (such as those relating to gender, race, or sexuality) in political debates, based on the idea that identity (along with other supposedly private, non-shared sources, such as emotion or religion) inhibits the development of empathy and solidarity among citizens with radically different identities and commitments.<sup>2</sup>

Activists protesting the Trump administration's implementation of unjust and cruel policies have employed methods including the heckling of individual members of the Trump administration in restaurants or other public spaces and the disruption of public speeches by ideologues who support the administration. Additionally, some elected officials have employed uncompromising rhetoric, including language popularly perceived as vulgar, toward administration members. In response, some critics have identified civility as another democratic virtue in decline. Defenders of civility argue that successful democracy demands a kind of respectful decorum among citizens, even when expressing deep disagreements.

In all its diverse forms, the pro-empathy/pro-civility argument rests on the basic claim that certain kinds of behaviors and attitudes are unvirtuous and undemocratic because they shut down conversation by deeming some people's views unworthy of entertaining in discussion, by failing to treat others with adequate dignity and decorum, or by preventing others from understanding and participating in one's reasoning because of an overreliance on private categories. On this account, uncivil tactics and attitudes do not enact the sincere respect for other citizens—even one's opponents—that is necessary for effective democracy. Because they fail to demonstrate this respect, uncivil citizens prevent the possibility of changing others' minds or arriving at consensus.

On the other side of this debate are those who have maintained that the primary commitment of democratic citizens ought to be not to civility or empathy, but to justice. Advocates of this position argue that exposing, challenging, and ultimately changing unjust and oppressive structures and policies sometimes

<sup>1</sup> See, for example, Itkowitz 2016; Kristof 2017; Lerner 2016; and Lynch 2017.

<sup>2</sup> Among those who have made arguments along these lines are Brooks 2016; Fukuyama 2018; Jacobs 2019; and Lilla 2017.

requires citizens to act in so-called “uncivil” ways.<sup>3</sup> Appeals to identity and emotion, for instance, are sometimes indispensable for full explanation of why and how a particular system or policy is unjust. Disruptive action is sometimes needed to effectively expose injustice and to draw fellow citizens’ attention toward it. A refusal to legitimize white supremacy and other harmful ideologies by empathizing with those who espouse them may be necessary to render such views socially unacceptable. Moreover, definitions of appropriate democratic behavior are often themselves implicated in the unjust structures uncivil citizens are protesting. Like all social norms, norms of civility tend to privilege the status quo and thus those persons and groups who benefit from it; the methods marginalized groups employ to protest and challenge an unjust status quo are often *de facto* classified as uncivil. Similarly, empathy is more readily demanded for and extended to the powerful than members of marginalized groups.

Though this debate has intensified in the past four years, it is not a new one. To the contrary, political theorists, ethicists, and popular pundits have been engaged in this conversation for decades; Teresa Bejan (2017) has recently chronicled its centuries-old roots in early modern philosophy. Linda Zerilli identifies one possible reason for the seeming intractability of the two sides: their advocates are actually talking about different things. Proponents of civility, Zerilli argues, view the issue as an ethical one in which the overriding concern is interpersonal relations and how people ought to treat other people. By contrast, critics of civility (such as, Zerilli) see the problem as a political one having to do with the borders drawn around the political sphere, what counts as acceptable political action, and what are identified as matters of shared political concern (2014, 112–14). Their focus is on more far-reaching, impersonal relations of power between groups.

In contrast to typical pro- and anti-civility thinkers, Springs makes the concerns of both sides—that is, the way citizens treat each other and the justice of social policies and structures—central to his conception of healthy conflict. One reason he is able to do this, I argue, is his welcome adoption of a tool developed most fully in feminist moral philosophy: a relational ethical framework. Springs begins with the premise that human beings are not essentially independent and individual but always and already caught up in “webs” of relationality that are of central relevance for the critical study of ethics (2018, 46). While one might assume a focus on relationality would lead Springs to prioritize the democratic-virtue side of this debate, insofar as proponents of civility emphasize the qualities of interpersonal relationships they see as requisite for effective democratic conversation, Springs recognizes that relationality includes but is not exhausted by relationships between individual citizens. As he puts it, “an approach to healthy conflict recognizes that relationships are never merely ‘face to face.’ It is equally concerned with ‘relational spaces’ and ‘relational histories’” (Springs 2018, 317). In other words,

<sup>3</sup> For examples of this argument made in the context of protest against the Trump administration in particular, see Leonard 2018; Newkirk 2018; Nwanevu 2018; and Sugrue 2018.

to consider the full range of human relationality requires attention to larger-scale relationships between groups and institutions, to the histories of those relationships, and to the ways in which power shapes both impersonal and interpersonal relationships (Springs 2018, 9).

To approach the question of democratic disagreement with a relational framework thus allows for—and requires—attention to both civic virtue and justice. For Springs, part of what the pervasiveness of relationality implies is that conflict—including deep, seemingly intransigent conflict—is inevitable (2018, 214, 256, 311). Our goal, he argues, ought not to be the impossible (and undesirable) one of eliminating conflict, but rather that of transforming conflict in ways that render it healthy and productive. “Healthy conflict” successfully identifies and works toward the correction of injustice; it also maintains the possibility of eventual reconciliation. In other words, it is conflict that keeps in view the aims of both justice and healthy civic relationships.

One of Springs’s central arguments is that practices of healthy conflict may include some outside those traditionally identified by liberals as characteristic of democratic engagement, chief among which is the exchange of public reasons. To promote the inclusion of the widest variety of groups and persons in our democracy, Springs recommends that we conceive of democratic practices in the most expansive way possible. Doing so widens the “shared context” between citizens such that the claim of incommensurability can be denied and those citizens with whom one disagrees can be seen not as enemies, but as worthy adversaries on a shared playing field. Moreover, it opens new “spaces within which creative or unexpected engagement might occur” (Springs 2018, 224).

Springs identifies prophecy as one such creative practice. Prophetic engagement is relentlessly critical. It involves a focus on systemic differential power distributions and the persons who are harmed and made vulnerable by them in particular contexts. It requires a willingness to be self-critical about the role oneself may have played in unjust structures and the ways in which one may have unfairly benefited at the expense of others. And it consists not only in publicly reasoned argument-making, but also in actively working alongside marginalized and vulnerable persons in order to challenge the unjust structures that contribute to their oppression (Springs 2018, 66–67). In their uncompromising pursuit of justice, prophets sometimes eschew civility and politeness. Because their goals require the undoing of the unjust status quo, prophets’ tactics may involve the uncomfortable disruption of public spaces; because their critique is based on the experiences of marginalized and oppressed groups, prophets may appeal to emotions arising from those experiences or to notions of identity shaped in part by them (Springs 2018, 147).

For Springs, unlike many advocates of the pro-civility position, these aspects of prophecy are not problematic; in fact, they are part of what makes prophecy a potentially useful tool in the achievement of both justice and healthier civic relations. Springs cites the example of Rev. Martin Luther King, Jr., noting that among King’s tactics were the refusal to cooperate and the intentional provocation

of conflict, tension, and discomfort. But although King was not always polite, and did not always limit himself to the specific practice of exchanging public reasons, King did maintain and emphasize a sort of basic respect for those he criticized and challenged—what Springs calls a respect for the dignity or humanity of his opponents (Springs 2018, 246, 256). It is because of this respect that his prophetic practices in some cases precipitated negotiations leading to the abolition of unjust laws and even led to moments of personal reconciliation among small groups of black and white Americans (Springs 2018, 244–45, 252–53).

A second group of non-traditional democratic practices identified by Springs also bridge the commonly perceived gap between a focus on interpersonal relations and democratic virtue and one on justice. These are practices that aim at the engagement of others not through public reasons but through emotional and even visceral means. Literature, for example, can be a means of connecting with others on an emotional level that enables moral imagination and eventually empathy toward persons different from oneself; satire can enable critiques that do not rely on logic alone. Appeals to one's "gut feelings" can be a means of honestly communicating the sources of one's positions on contentious issues. Such practices are sometimes viewed as too individual, private, or interpersonal to constitute or receive critique. To the contrary, Springs argues, the gut "can convey insight and wisdom" and can "provide an avenue for persuasion"; that is, it can be "engaged constructively" (2018, 241).

One way we might put the point at which Springs is driving here is to say that even the gut is relational. This idea is supported by other theorists of democracy such as Christopher Achen and Larry Bartels (2016), who argue that one of the most significant sources of our visceral commitments are our shared group identities. Not only do emotions and the gut have relational roots, according to Springs, but they open new ways to engage with and critique others. Moreover, Springs argues, the very fact that one has chosen to appeal to the gut (or, according to Zerilli [2014, 112], to employ other supposedly uncivil tactics) may be an important clue for the critical analysis of power relations so central to healthy conflict, as it may indicate the exclusion of a particular group from the more traditional arenas of exchange of public reason (Springs 2018, 261). That is, members of marginalized and vulnerable groups may be more likely to behave uncivilly or impolitely, to intentionally provoke conflict, or to appeal to identity and emotion and the gut because they have been systematically prevented from participating in other ways.

Here we arrive at some questions that are especially pressing in our current context. Springs's adoption of a relational framework has enabled him to guide us beyond a seeming impasse between civic virtue and justice or between interpersonal and structural relationships. It has also enabled us to identify new practices of democratic engagement that work toward both of those goals and at both of those levels—and in so doing to appreciate the ways in which, for instance, civic virtue and justice are intertwined rather than competing aims. But this same acknowledgment of relationality also raises new questions. In particular, it illuminates the central importance of relational asymmetry. Human relationships at all

levels are structured by power and thus asymmetrical. Some persons and some groups have more power relative to other persons and groups with whom they are in various sorts of relationships. Springs draws our attention to this fact when he points out how the appeal to gut feelings can expose differential power relations.<sup>4</sup>

But it is less clear to me whether Springs would argue that differential power is reflected in differential responsibilities with respect to healthy conflict. In posing this question I draw on the work of feminist philosophers who have suggested that virtuous practice can impose special burdens on those disempowered by asymmetrical relationships, as well as on the work of black, Latinx, immigrant, queer, and other activists and writers who have resisted the calls for members of marginalized groups to cultivate empathy for Trump supporters.<sup>5</sup> Are the responsibilities of healthy conflict equally shared in spite of relational asymmetries? Or, do either marginalized or privileged groups bear more or less of the responsibility to initiate and develop healthy conflict? To put the point more sharply—in order for conflict to be healthy, must oppressed persons develop virtues of moral imagination allowing them to feel empathy for their oppressors? If our examples of healthy conflict are primarily examples of persons, such as King, who represent oppressed communities, do we unintentionally suggest that marginalized groups bear the greater responsibility to initiate and engage in healthy conflict?

In a given conflict, asymmetry in power may be accompanied by asymmetry in tactics. As Springs notes, the concept of conflict itself implies relationality; conflict is a state of relationship. Conflict thus also implies a certain degree of parity; when I am in conflict with someone, she is in conflict with me. So many of the cases in which the pursuit of civic virtue and justice feel most pressing, however, are cases in which it is not entirely clear that such parity exists, due to a vast asymmetry in tactics and goals. In some cases, one side may not feel itself to be in conflict at all; this description may be characteristic of privileged oppressor classes. In other cases, only some of the parties to a conflict are engaged in good-faith efforts to enact civic virtue and achieve justice. Indeed, part of what frustrates many contemporary American activists is the sense that whatever their own failures in keeping conflict healthy, their adversaries have actively rejected healthy conflict—or even, as is apparently the case with Trumpism, see unhealthy conflict as a productive strategy for achieving their aims. Two groups Springs characterizes as failing to meet the criteria of healthy conflict, the Tea Party and the Westboro Baptist Church, might be similarly described (2018, 150, 268–69). Such asymmetry raises the important question of whether critique of and resistance to such groups is best described as conflict, in addition to the question of whether such groups'

<sup>4</sup> For example, Springs argues that we cannot understand conflicts like the 2005 fight over Danish cartoons of the prophet Muhammad absent a critical analysis of the ways in which Muslims have been systematically disempowered and marginalized in European states (2018, 281–82).

<sup>5</sup> For the feminist argument on virtue, see for example Tessman 2005 and Dunn 2013; for commentators making the argument against empathy for Trump supporters, see for example Blay 2016; Bouie 2016; DeVega 2017; and McKay 2016.

tactics (which may include oppressive and cruel practices) can be described as forms of conflict. If not, it may not make sense to engage with these actors on the terms of healthy conflict, respectfully treating them as adversaries. Moreover, given the concerns about power asymmetries raised above, it may be particularly unjust to expect such respect to be extended by members of the groups being actively targeted by these actors' oppressive practices.

The difficult questions raised by the issue of asymmetry in conflict have been asked in an analogous fashion in the moral tradition of just war reasoning. Imagine an armed conflict in which belligerents on one side completely reject the notion that they are bound by just war criteria or international humanitarian law. Do those fighting against such belligerents still bear a responsibility to adhere to those rules of conduct themselves? Many just war theorists say yes.<sup>6</sup> They justify this response by pointing to the foundational just war criterion of the aim of peace. Because the aim of a just war is to establish a just and lasting peace, belligerents must honor the just war criteria regardless of their adversaries' tactics. Failure to do so leads to grave injustices and harms relationships between the states, institutions, and populations involved in the conflict. In other words, habitual violation of just war criteria renders the possibility of achieving a just peace after war very slim.

I have suggested that Springs can be read as productively intervening in the civility-versus-justice debate by offering healthy conflict as a third option that prioritizes justice but requires a kind of minimal civility—defined as basic respect for persons' humanity—in its pursuit. Springs argues that respect is necessary because without it, there is no hope of eventual reconciliation (2018, 214). Such hope, he argues, is part of what distinguishes genuine from false prophecy; it is also part of what distinguishes healthy from unhealthy conflict (Springs 2018, 149, 256). Thus, I suspect that he would offer a response similar to that of the just war thinkers: even when actors on one or more sides reject healthy conflict (or embrace unhealthy conflict), democratic citizens have a responsibility to pursue their conflict with these actors in a healthy fashion. Should they fail to do so, they destroy any hope for future reconciliation.

Springs hints at but does not fully describe what such reconciliation might look like. He is clear about what such reconciliation is not: while the goal of healthy conflict is not to destroy one's enemies, it is also not to end conflict altogether or to arrive at total agreement. One of the important directions in which this book leads us is toward consideration of how reconciliation differs from those objectives. By tying the requirement of minimal respect to the aim of reconciliation, Springs gives us an important starting point for this reflection. Springs describes this respect as consisting in recognition of one's adversaries as worthy human persons. Thus, one important characteristic of reconciliation is that it is a state in which parties on all sides are treated as valuable human beings. Perhaps, then, another

<sup>6</sup> See for example Bellamy 2006, 181; Johnson 2005, 92, 96–97.

way to phrase the central question I've been raising here is to ask whether and how persons can engage in healthy conflict with adversaries who fail to treat them as equally worthy human persons—or whether, in some cases, recognizing *oneself* as an intrinsically valuable human person requires a refusal to pursue healthy conflict with persons or groups who fail to extend that recognition.

Springs argues that conflict has transformative potential to create opportunities for reconciliation *because* of its implied parity, *because* of the way it always involves relational engagement. And so, the question of whether marginalized groups must pursue healthy conflict even with oppressors who have rejected it becomes a question about whether those same communities bear a responsibility to pursue and make possible reconciliation with their oppressors. One of the most significant contributions of Springs's excellent book is the way in which his recognition of relationality as the cause of and context for inevitable conflict takes us beyond the seemingly intractable democratic-virtue-versus-justice dichotomy to bring into focus these questions about how to virtuously seek justice in an asymmetrical context.

#### REFERENCES

- Achen, Christopher H. and Larry M. Bartels  
2016 *Democracy for Realists: Why Elections Do Not Produce Responsive Government*. Princeton, NJ: Princeton University Press.
- Bejan, Teresa  
2017 *Mere Civility: Disagreement and the Limits of Toleration*. Cambridge, MA: Harvard University Press.
- Bellamy, Alex  
2006 *Just Wars: From Cicero to Iraq*. Cambridge: Polity Press.
- Blay, Zeba  
2016 "Please Don't Ask Black People to Empathize with Trump Supporters." *Huffington Post* (November 16). Available at: [http://www.huffingtonpost.com/entry/please-dont-ask-black-people-to-empathize-with-trump-supporters\\_us\\_582b4182e4b0e39c1fa66538](http://www.huffingtonpost.com/entry/please-dont-ask-black-people-to-empathize-with-trump-supporters_us_582b4182e4b0e39c1fa66538).
- Bouie, Jamelle  
2016 "There's No Such Thing as a Good Trump Voter," *Slate* (November 15). Available at: [http://www.slate.com/articles/news\\_and\\_politics/politics/2016/11/there\\_is\\_no\\_such\\_thing\\_as\\_a\\_good\\_trump\\_voter.html](http://www.slate.com/articles/news_and_politics/politics/2016/11/there_is_no_such_thing_as_a_good_trump_voter.html).
- Brooks, David  
2016 "The Danger of a Dominant Identity." *The New York Times* (November 18). Available at: <https://nyti.ms/2f6wG6t>.
- DeVega, Chauncey  
2017 "Yes, Donald Trump's Voters May Be Confused and in Pain—but No, They Don't Deserve Our Empathy." *Salon*, (January 6). Available at: <http://www.salon.com/2017/01/06/yes-donald-trumps-voters-may-be-confused-and-in-pain-mdash-but-no-they-dont-deserve-our-empathy>.
- Dunn, Shannon  
2013 "Virtue Ethics, Social Difference, and the Challenge of an Embodied Politics." *Journal of Religious Ethics* 41.1 (March): 27–49.

- Fukuyama, Francis  
 2018      *Identity: The Demand for Dignity and the Politics of Resentment*. New York: Farrar, Straus and Giroux.
- Itkowitz, Colby  
 2016      “What Is This Election Missing? Empathy for Trump Voters.” *The Washington Post* (November 2). Available at: <https://www.washingtonpost.com/news/inspired-life/wp/2016/11/02/what-is-this-election-missing-empathy-for-trump-voters>.
- Jacobs, Jonathan  
 2019      “Moral Education, Skills of Civility, and Virtue in the Public Sphere.” In *Virtues in the Public Sphere: Citizenship, Civic Friendship and Duty*, edited by James Arthur, 39–50. London: Routledge.
- Johnson, James Turner  
 2005      *The War to Oust Saddam Hussein: Just War and the New Face of Conflict*. Lanham, MD: Rowman & Littlefield.
- Kristof, Nicholas  
 2017      “Trump Voters Are Not the Enemy.” *The New York Times* (February 23). Available at: <https://nyti.ms/2ly8yhS>.
- Leonard, Sarah  
 2018      “Against Civility.” *The Nation* (June 27). Available at: <https://www.thenation.com/article/against-civility/>.
- Lerner, Michael  
 2016      “Stop Shaming Trump Supporters.” *The New York Times* (November 9). Available at: <https://nyti.ms/2mJIUaU>.
- Lilla, Mark  
 2017      *The Once and Future Liberal: After Identity Politics*. New York: HarperCollins.
- Lynch, Conor  
 2017      “Donald Trump Is Undeniably the Enemy—But People Who Voted for Him Might Not Be.” *Salon* (January 4). Available at: <https://www.salon.com/test/2017/01/04/donald-trump-is-undeniably-the-enemy-but-people-who-voted-for-him-might-not-be>.
- McKay, Tom  
 2016      “Empathy’ for Donald Trump Voters Isn’t Just Misguided, It’s Wrong.” *Mic* (November 2). Available at: <https://www.mic.com/articles/158420/empathy-for-donald-trump-voters-isn-t-just-misguided-it-s-wrong#.rDMkHVdme>.
- Newkirk, Vann R., II  
 2018      “Protest Isn’t Civil.” *The Atlantic* (June 28). Available at: <https://www.theatlantic.com/ideas/archive/2018/06/the-civility-instinct/563978>.
- Nwanevu, Osita  
 2018      “The Case for Incivility.” *Slate* (June 26). Available at: <https://slate.com/news-and-politics/2018/06/incivility-toward-trump-officials-isnt-new-but-its-necessary.html>.
- Springs, Jason A.  
 2018      *Healthy Conflict in Contemporary American Society: From Enemy to Adversary*. New York: Cambridge University Press.

Sugrue, Thomas J.

2018 "White America's Age-Old, Misguided Obsession with Civility." *The New York Times* (June 29). Available at: <https://nyti.ms/2KywsFI>.

Tessman, Lisa

2005 *Burdened Virtues: Virtue Ethics for Liberatory Struggles*. New York: Oxford University Press.

Zerilli, Linda M. G.

2014 "Against Civility: A Feminist Perspective." In *Civility, Legality, and Justice in America*, edited by Austin Sarat, 107–31. New York: Cambridge University Press.