PLURALISM, DIFFERENCE, AND THE DYNAMICS OF TRUST

What's the likelihood of living together if we can't even trust our neighbours?

by John Inazu with James K.A. Smith

March 1st 2017

In his much-discussed book *Confident Pluralism: Surviving and Thriving Through Deep Difference*, law professor John Inazu asks a timely, pressing question: How can we live together? Given the realities of polarization, even demonization, that characterize our public discourse—from Parliament Hill to our Facebook feeds—what are the prospects for forging life in common? What does the future of democracy look like if we retreat into enclaves and echo chambers? What's the likelihood of living together if we can't even trust our neighbours? Editor Jamie Smith sat down with Inazu for a ranging

conversation about trust, hope, and the future prospects for faith in our democracy.

Appears in **Spring 2017**

JAMES K.A. SMITH: At the end of *Confident Pluralism* you ask a crucial question: "How, in the midst of so much difference, do we secure agreement about the need for confident pluralism itself?" Then, right after you raise this question, you turn to Robert Putnam's critique of what he calls the rather "optimistic thesis" that if we could just increase our contact with diversity that would improve trust. It's interesting to me that right at the point where you ask the upshot question of your project, it turns to a question of trust. And it seems like what would be the most obvious hope for building trust—living with those who are different, increasing our "contact" with others—doesn't seem to work, because trust can actually be undermined by this sort of unmitigated contact. So I'm wondering: To what extent do you see trust as pivotal for your project? If that's the case, if trust is really eroding, as it seems, how much is the project of a confident pluralism jeopardized?

JOHN INAZU: I think trust is an essential part of what this is about. Trust and hope and confidence, to me, are in some ways synonymous. What does it mean to have any of those in another person, or in a political possibility, or in God? We only know what we know, and tomorrow could turn out differently. As with any relationship— whether marriage or friendship or a person worshipping God—trust is as good as today and that's all we have.

JS: In significant ways, confident pluralism depends on trusting my neighbours that we are invested in a common project. Putnam seems to suggest that that's what has changed—a shift in our ability to be confident in what we could expect of our neighbours. Do you worry about the prospects of confident pluralism given that it seems like there's more and more mistrust?

JI: Absolutely. That's a real problem for the kind of political vision I'm suggesting; it's also a problem for any plausible alternatives that I could imagine. I think trust functions in two ways, which map to the two sections of my book on law and civic practices. It functions insofar as we trust our neighbours to have mutually possible civic practices and dialogue. But it's also a collective trust that we all have in the law itself, that the law is real, that it's not just power politics, that law fills a role in society that is preferable to the

alternative. If enough practitioners and judges and people lose trust in the law, then we have a really ugly alternative.

JS: This highlights how law is a crucial part of the ecology of trust for society. You're saying: to the extent that people's confidence, their trust in law, is eroded, that's obviously going to have an impact on the possibility of our living in common. In that sense, do you think that mistrust of law is warranted? In other words, what do you think is the status of the rule of law in US society?

JI: It's maybe easier thinking about this on an institutional level. The institution of the Supreme Court is always fighting for its own legitimacy. The more it seems to respond to political whims, the less trust people are going to have in it as something other than just a political body. There's this constant concern for legitimacy. To a large degree, I think—much more than ideologues in both directions give it credit for—the court does a fairly good job of working toward legitimacy. And I think there are justices on both sides of the ideological spectrum that recognize the seriousness of this need. On the other hand, there are real arguments that the court is on a path-dependent trajectory that is eroding trust in its authority.

JS: But do you think citizens on the ground often feel like the Supreme Court would be an expression of the rule of law that feels quite distant and abstract? Would there be other institutions that feel "closer" as expressions of the rule of law that, as citizens on the ground so to speak, we would experience more immediately? What would be the health and state of those institutions in either contributing to or detracting from trust, do you think?

JI: That's a really important question, and it underscores the fact that most of us experience most of our lives not thinking about the Supreme Court. In our dayto- day life and the municipalities and cities in which we live, are there legal and governmental institutions that act more or less in accordance with legitimacy and trust? I think absolutely that's the case, and maybe the first thing that comes to my mind, given current events and my own location in St. Louis, are the municipal courts in Ferguson. To the extent those courts became fundraising mechanisms for the municipality and drove decisions—including decisions that led to people's incarceration—that fundamentally erodes trust in the system. Once you lose trust in something as central to your own life as the people who can put you in jail, who live a couple of miles away from you, it's hard to know what's left to trust about the system.

JS: If there's some erosion in trust, some of this distrust been earned, right? So we can't just blame this on, say, generational dynamics or something like that. On the other hand, have you seen any generational dynamics to this? For example, Pew reports talk a lot about millennial distrust in institutions. In a way, teaching at a law school is a very interesting little case study, because who comes to law school? Why? What sort of hope and confidence do they express? Do you see much movement on that?

JI: I think that's a complicated question to answer because of the variations of law schools. A law school like mine is going to attract a certain kind of student who's interested in certain kinds of things, and the public law school that offers night courses in Michigan is going to have a very different kind of student, which plays out in very different ways.

On the generational question, though, I think there's been a lot of writing about millennial distrust in institutions and also the related idea of always wanting to start something new. Someone gets an idea or is excited about social justice or changing the world, and instead of trying to figure out who's already doing this well and how they can be mentored, there's this entrepreneurial sense of how they're going to do this better and new and in a fresh way. That has, I think, long-term effects that can erode collective trust in institutions. The other thing that comes to mind here is that we have to have a kind of civics class writ large for each generation. We can't assume that basic understandings of why we do things the way we do or hard-earned consensus views about something like the First Amendment are just going to stay with us.

There's a recent Pew study reporting that 40 percent of millennials are willing to ban offensive speech, which cuts directly at the core of some of our First Amendment beliefs and doctrines that exist because of some really bad things that happened in the 1920s. If today's eighteen-year-old doesn't understand the history or the reasons that we came to where we are, it'd be very easy to say, as a political preference, "I don't want to hear your kind of speech. I find it offensive. I think it comes with tremendous cost, and it would be better to ban it." If we've really reached that point, then we've lost collective trust in a longstanding part of our national ethos. Our norms won't be there in perpetuity unless we can continue to remind people about them.

JS: It's such an intriguing parallel to the church in some ways. I often talk about "liturgical catechesis" as helping people understand why we do what we do when we worship. If you don't inculcate that in people, then it's just a superstition. We do this because Grandma did, or whatever. Then eventually, you're like, well, why are we doing this? Then: let's not do it. You're saying there has to be a kind of citizenship catechesis where we reinvest people in

the story. Did that used to happen more intentionally or robustly than it does now, and if so, what changed?

JI: I think it did. I don't have enough expertise in something like public school curricula, but my hunch is that in public schools a generation ago there was a thicker sense of what it meant to be a citizen. One way I think this plays out is with the kind of civic republican or civic religious links between Protestant Christianity and the American self-understanding of its own history. I think, in large part, there were some real costs to that link, as you and I both know. In some ways, it's very good that civic religion has diminished, but we also lose something when that influence is gone, which is the thick self-understanding that ties us together into something. When you remove Lee Greenwood's "God Bless the USA" from the Fourth of July, when you remove the pledge before a ball game or something like that, the question is, what replaces it? What continues to call people in a quasi-liturgical sense to being part of something greater? The answer can't just be a purely individual, autonomous self-understanding of our place in the world. It can't be a completely secularized and purposeless state because as we know from history that leads to really bad things. So what's left? I don't know that we have a collective answer to that question yet.

JS: In the current context in which we find ourselves, I hear a lot of Christians saying to the broader—and what they perceive to be an increasingly secularized— public: "Why don't you trust us?" Have we lost their trust for good reason? Let me rephrase that. Have Christians to a degree lost the trust and confidence of their neighbours for good reason? If so, what might we do to rebuild that trust or restore it?

JI: I think there are two ways to answer that question. First, since the rise of the Religious Right we have lost trust for well-deserved reasons, including many Christians who have acted in self-interest and for their own self-preservation, putting their own personal and institutional interests before others. Then, when those interests aren't met, some Christian voices reflect a fear and uncertainty that seems to have no place in the gospel narrative.

That's the root of it. And then it manifests in all kinds of ways today in the fear of Islam, in the fear of engaging on contested social questions, whether about race or about standing up for something as what I would think as uncontroversial as campaigns against LGBT bullying. Even that act of finding common ground is too much for some Christians. So there does seem to be an earned lack of trust. People seem to be saying, if you're really just in it for your own interest, then why should I consider you a fellow citizen with shared interests, let alone care about your own rights that might be in some ways antithetical to mine? I think that does a lot of the work.

On the other hand, I do think there's an effort to stigmatize from some on the secular Left that contributes to this loss of trust. Here I'm thinking of the work of Erving Goffman, whom I learned of through James Davison Hunter. Goffman explains how people who were otherwise part of a trusted community can be stigmatized to the point of being essentially non-members of that community. In this complicated reality, there's some push and- pull, but part of the push is an effort, sometimes intentional, sometimes just not very thoughtful, to stigmatize and create distance between the common citizenship and neighbourliness of Christians and non-Christians.

JS: What have you learned since your book has come out? Would you already do something differently based on how it's been received, whether by religious or non-religious audiences?

JI: What's particularly true of millennial audiences, whether religious or secular, is that, as a *descriptive* matter, the reality of pluralism is already well-ingrained in their lives. This is their existence, so it's not surprising to them that we have deep differences and we encounter people who are quite unlike us, because that's how most of them have lived their lives. That's less true with older generations.

Where I've seen the most resistance from the religious side of things is with a concern about getting too close to people who don't share our values. That has always struck me as odd because the gospel example here is Jesus going into very messy spaces and being the light in those spaces.

Here's one way it plays out. Someone will say, "Well, I love this vision of pluralism and everything you said, but what happens when sharia law comes to my city?" The fear of Islam, in ways that I don't quite understand, is driving a lot of resistance here. I think the political question of whether American Muslims will successfully integrate Islam into the American story as did American Catholics and American Jews before them is an open and contingent question, and we will have to see how that unfolds. As I usually tell these audiences, "Let's not presume the answer to that question. Let's, in good faith, work toward the values we espouse about religious freedom and religious pluralism."

In terms of resistance from non-religious audiences, some secular progressives have said, or at least hinted, that while there might have been a willingness to engage in something aspirational like confident pluralism before the election and in a presumed Clinton administration, given where things are now, that's no longer on the table and there's no interest in it. It's now just resistance and difference and factionalism and power plays, and that's a pretty bleak vision to me. On the other hand, there are some people whom I think now are reminded of the ways in which political winds can shift very quickly.

Hopefully these people can recognize that arguments against the overreach of power, regardless of who is in power, are arguments that benefit us all. Hopefully they can see that this is a good time to be making bipartisan and nonideological efforts to recover the significance of these ideas for all of us and to lay the groundwork for how this might look going forward irrespective of who is in power.

JS: In our post-election environment, do you see some real openings? For example, are there religious voices who could argue for the goods of classic liberalism that would be valued as a bulwark against authoritarianism? Do you think there's a new opportunity to find allies across what would have been a divide otherwise?

JI: I think there could be an opportunity, but religious voices that are interested in this question have to think very seriously about what those partnerships look like. Part of that may mean following rather than leading. Particularly when we think about established white evangelical leaders, most of them are, in practice, interested only when they can call the shots and they can take the leadership role. I think increasingly it's going to take people who are very competent and have a great deal of moral authority who are willing to take the second seat and let other people drive the narrative. In other words, they need to figure out what it means to partner from a relative place of weakness, or at least an assumed weakness.

JS: In the last part of *Confident Pluralism*, you lay out the civic aspirations of tolerance, humility, and patience. I would love to hear how you think trust would fit into that mix. Is trust another one alongside or is there a sense in which actually those three aspirations themselves are based on trust? Have you thought much about that?

JI: Your question reminds me of a conversation that you and I have had about the differences between aspirations and virtues. I think in some ways aspirations can exist without trust, because they are forward-looking and in some sense unrealized. But you can't have virtues and practices without institutions and people in shared endeavours to sustain those virtues, and you can't have those institutions or those shared endeavours without trust. In other words, trust is absolutely essential to the long-term plausibility of something like confident pluralism. In the short term, I think the challenge is how to move toward the possibility of trust in a time when you might not have much of it.

JS: Right. It seems like it would be crucial to actually hope, but also have an account of why different kinds of institutions and even institutions animated by quite different worldviews, if you want to call it, could all be engendering

trust. In other words, there doesn't have to be a monocultural account of the generation of trust for a pluralistic society. You could have an equally pluralistic hope that multiple communities or institutions—even ones that ultimately disagree—could nonetheless all generate a common trust. Does that make sense?

JI: It does make sense. On the one hand, I tend to think about this and frame it in the language of common ground, so there are ways, in a very modest sense without thick virtues or even thick institutions, to discover what our common ground is. That's quite different from reaching agreement about a common good or even the ability to see a shared good, but it means in the practical day-to-day that we can negotiate, especially on the local level, what the common ground is that might benefit us and our neighbours. On the other hand, I think even the possibility of finding common ground requires something of a shared trust.

An example that comes to mind, relevant to much of the recent news, is that the possibility of trust requires a minimal amount of shared discourse. We can worry about and argue about the contours of that discourse and what's acceptable and what's not acceptable, but we have to agree at least on a basic level of reality. Increasingly, alt-left and alt-right media accounts, but particularly alt-right, are assuming facts on the ground, understandings of reality, and a shaping of discourse that are not compatible with other kinds of discourses. Once we lose the ability even to talk to one another, I don't know how we recover or move toward something like aspirations or virtues.

JS: Yeah. That just strikes me as a parallel to what we talked about earlier in terms of the institutions of law, the rule of law. You actually need a degree of background confidence in the common environmental situations of our life together for this to work. If we don't have confidence in the rule of law, that undermines almost everything else we'd want to do. In the same way, this undermining of confidence in rational discourse and truth-seeking erodes trust. In light of that, what are your hopes that the university could be an institution that builds confidence and trust?

JI: I think the university is a possible place for this engagement, although I'm not sure it will realize its potential. In its ideal sense, the purpose of a university education is to challenge and unsettle unreflective presumptions and to learn how to dialogue with one another with the space that allows for conversations and misunderstandings and opportunities for forgiveness and reconciliation in the midst of an ongoing community. All of those are possibilities. I don't think those possibilities are being lived out well at many universities today, and so we have to do some serious thinking about how to get there. The most important question, which I think actually some universities are better

positioned to think about than others, is the question of purpose. Why are we here? Why are you paying money to be here? Why am I devoting my professional life to being here? What are we, whoever "we" is, trying to produce out of this experience of your four years here? Unless we can name and defend a coherent purpose against competing interests, like semi-professional sports, big government dollars, and market pressures, then I'm not very optimistic about the university. If we can get there, then I think there are some real possibilities.

JS: Do you think the church has a role to play here? We can sort of think of that on the macro-level, but can you imagine congregations even having a role to play in building up the seedbed for what you're looking for?

JI: I certainly hope so, for a couple of reasons. First, I think Christians, of all people, because of the confidence in our own beliefs and the story we understand ourselves to be a part of, have to be in these spaces. We have to be, for the love of God and neighbour, finding these places of common ground and engaging across difference with confidence and with tolerance, patience, and humility. That just seems like Gospel 101, although it's amazing how hard in practice it is to convey that message to some Christian audiences.

I also think churches at their best play a role in facilitating the necessary components of confident pluralism. Here I'm thinking of Putnam's categories of "bridging" and "bonding" capital. Churches can be among the best institutions to create the sense of bonding capital where you grow in trust with those around you. In a place that is protected, you can be more vulnerable and you can grow more as a person in your ideas. Then, churches at their best are also some of the best bridging institutions where a cohesive group of people and ideas and resources can engage across difference to other institutions. The best example here, I think, is in the charitable sector, where religious organizations are clearly leading the way, both domestically and internationally, in helping people in need and making this world a better place for a lot of people who are deeply in need. To the extent some of those efforts are threatened politically or otherwise, that's going to be a net loss for all of us, but regardless of what happens, churches institutionally can continue in that outward-facing, bridging direction, and I think aspirationally that's where we should be.

Topics: Globalization | Leadership | Religion | Institutions | Wisdom | Public Life | Social Architecture | Community | Work | Church | Secularism | Faith | Pluralism | Trust

JOHN INAZU is the Sally D. Danforth Distinguished Professor of Law and Religion and Professor of Political Science at Washington University in St. Louis. He teaches criminal law, law and religion, and various First Amendment seminars. His scholarship focuses on the First Amendment freedoms of speech, assembly, and religion, and related questions of legal and political theory. John is also a Senior Fellow at the Institute of Advanced Studies in Culture at the University of Virginia. His first book, Liberty's Refuge: The Forgotten Freedom of Assembly, was published by Yale University Press in 2012. His second book, Confident Pluralism: Surviving and Thriving Through Deep Difference, was published by the University of Chicago Press and recently released in May of 2016. He has written broadly for mainstream audiences in publications including USA Today, CNN, the Hedgehog Review, The Los Angeles Times, and The Washington Post.

BIO

JAMES K.A. SMITH was the editor-in-chief of *Comment* from 2013-2018, and teaches philosophy at Calvin College where he holds the Gary & Henrietta Byker Chair in Applied Reformed Theology and Worldview. He is the new editor-in-chief of Image Journal.

BIO

DOWNLOAD AND SHARE ARTICLES FROM THE COMMENT READER

An introduction to Public Theology for the Common Good