"In Defence of an Ethics of Deference in Unhappy Times"

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I should explain straight away that I have just published a book on the concept of political deference entitled *Political Deference in a Democratic Age: British Politics and the Constitution from the Eighteenth Century to Brexit*[1]. As the book is now completed, I have been wondering whether the use of political deference could be extended to other liberal democracies in the world.

So, what does deference mean? The most common definition is related to the French word "déférer", in use since the 14th century, meaning to 'yield or to comply' with the opinion of another person and to show that person due regard as a form of submission. Yet, a much more refined definition was given by the Victorian thinker Walter Bagehot (1826–1877). His definition moved away from an elementary meaning to stress that deference to someone does not necessarily mean that this person is a superior to be yielded to or to be complied with. Deference could be an act of self-restraint for the common good which did not entail domination. Perhaps, more importantly for Bagehot, such a conception of deference to power took place within a hierarchical social structure which encouraged a certain moral code of conduct based on old ways of doing.

In Victorian Britain, Deference facilitated the performance of 'obligations' and created 'expectations' between those in power and those who were governed. Consequently, to reduce deference to an act of submission was not recognizing its political value. Deference was an action which followed a ritualised rule of social conduct without which the structure of governance would not have been able to function smoothly. It referred to the political habits (the mores) of a given society and, in the case of Bagehot's analysis, to the organic link which united the English and their uncodified constitution. To summarize, Bagehot pointed out that such a constitutional structure could only work if it relied on the political deference of its people, which was a glue to the system. Whether this is the case in the UK today is another story.

I would like to briefly make sense of Bagehot's definition, secondly to analyse if it is incompatible with the working of our present democratic regimes, lastly, if political deference is not a useful disposition which has been mistakenly pushed aside in modern democratic

[1] Catherine Marshall. *Political Deference in a Democratic Age: British Politics and the Constitution from the Eighteenth Century to Brexit*, Cham, Palgrave, 2021.

societies. In conclusion, I hope to convince you that an ethics of deference could answer some of the ills that we are encountering in our unhappy times.

1. Bagehot's definition?

In Bagehot's 1867 seminal work *The English Constitution*, he explains how the English constitution and deference are linked – and why.[2] What could appear as an irrational love of the monarchy or a fondness for English political peculiarities was related to the deferential character of the nation for their ancient customs and traditions, i.e., their constitution. Here it is both the political and physical nature of the English nation that he was referring to.

The problem for us today was that Bagehot was a man of his time. He was suspicious of the extension of the suffrage which was taking place in 1867 at the time of the second Reform Act. He appears to never have made up his mind whether to trust the new English voters (mostly working-class men), or whether the system was too fragile and needed to be protected from those he considered as a "mass". His fear of what a real democracy could do to the constitution was shared, at the time, by such thinkers as John Stuart Mill or Tocqueville in France.

Bagehot was apprehensive because a desire for a full democracy would damage deference and without it, the British parliamentary system based on an uncodified constitution would not work properly. The greatest good of the English – Liberty – would no longer be guaranteed.[3]

Obviously, Bagehot was wrong: the advent of democracy – which was fully established in Britain after WWI – did not kill the parliamentary system, but he was underlining how certain deferential features of this regime are essential to its survival. He was also pointing out that a certain type of mediocrity could emerge from such as a system if deference was lost. Moving on from Bagehot's elitist understanding of political life, we are left to question whether deference is incompatible with the values of modern democratic regimes.

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[2] "Our constitution is not based on equality, or on an avowed and graduated adjustment to intelligence and property; but upon certain ancient feelings of deference and a strange approximative mode of representing sense and mind, neither of which must be roughly handled, for if spoiled they can never be remade, and they are the only supports possible of a polity such as ours, in a people such as ours". Walter Bagehot, *The English Constitution*, from: Norman St John-Stevas (ed.), *The Collected Works of Walter Bagehot*, London, The Economist, vol. 5, pp. 408-9.

[3] "In communities where the masses are ignorant but respectful, if you once permit the ignorant class to begin to rule you may bid farewell to deference for ever. […] A democracy will never, save after an awful catastrophe, return what has once been conceded to it, for to do so would be to admit an inferiority in itself, of which, except by some almost unbearable misfortune, it could never be convinced." Walter Bagehot, *The English Constitution*, from: Norman St John-Stevas (ed.), *The Collected Works of Walter Bagehot*, *op.cit.*, vol. 5, pp. 381-2.

2. "Deference, a duty without rights"[4]?

Nearly 20 years ago was published in France a collective work on "Deference".[5] Sadly, but predictably, Bagehot's definition of political deference was not mentioned but the American sociologist Edward Shils's definition was at the heart of the thirteen articles published on the subject.[6] Shils's 1968 definition of deference – in its social understanding – has acquired quasi mythical status because, in an article of less than 30 pages, the sociologist was able to pin-point the essential elements of the concept. Deference for Shils was neither demeaning nor degrading: it meant "acknowledging" one "person's worth or dignity" [7].

Shils did not deny that in western democratic societies there was a "attenuation" of deference, due to the equalising nature of the system. He added, however, another dimension which was to explain that no society could function without deference in the sense that men have a need to defer to something bigger than themselves, to have something to look up to. Even an anarchist will defer to the readings of the theorists he respects. It was a necessity in society.[8] What Shils made clear was also that believing in true equality between people was impossible.

I find Shils' definition congenial and much more empowering because it recognised inequality but made it acceptable within a democratic frame. However much one would like to think that the advent of democracies should have abolished all types of ceremonialism, etiquette, titles, and deeds, which cemented a ritualised class structure, Shils shows that "the rituals of deference"[9] are not related to a political regime but to individuals and their needs for respect and, perhaps more importantly self-respect.

Thus, rejecting deference on the grounds that it would be against the equalizing process of democratic societies is a mistake. It is a mistake on two grounds: firstly, because as Shils demonstrates, if there is a need in people to be motivated by "appreciation or derogation" then it has to be expressed in some way, including in egalitarian societies; secondly, because deference is a human disposition which acts like a mirror effect – it shows one's worth or the opposite and allows the person to act or react accordingly to gain better self-respect. In this story, deference to one's past but also to one's country's past becomes very important.

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[4] Geneviève Koubi, « La déférence, un devoir sans droit ? », *Communications*, 69, 2000, pp. 201-214.
[5] Claudine Laroche (ed.), « La déférence », *Communications*, 69, 2000.
[6] Edward Shils, "Deference" (1968), in *The Constitution of Society*, Chicago and London: The University of Chicago Press, 1982, p. 142-175.
[7] *Ibid*., p. 143.
[8] *Ibid*., p. 175.
[9] *Ibid*, p. 159.

In the 1970s and 1980s, such a meaning did not sit easily with political scientists who felt that if deference could not be measured, it had no analytical worth. That's why in the last 50 years the term was dropped, and its meaning lost.

In Republican regimes, such as France, the term is seldom used or when it is, deference is immediately suspicious, verging on the paternalistic, believed to reinforce an invisible type of submission or feeling of domination which prevents "civic, public and social links"[10]. Basically, it is an impediment to the tenets of the French Republic based on equality. There would be a "duty" to defer to power without a right or rights to contest this very power. Such a narrow understanding misses the point made by Shils that deference, even in a very attenuated form, is a human necessity. In fact, misunderstanding equality for pure equality – leads to behaviours which are more often than not antagonistic, divisive and hostile to the social peacefulness of a given society.

3. Political deference as a useful disposition in democratic societies

The problem about the use of Deference in our times is perhaps the definition of what Democracy means and represents. Without stereotyping, one could say that from a French point of view since 1789, equality has theoretically come first in the sense that the majority is supposed to rule through direct democracy. From an Anglo-British point of view, the ideals of liberty have predominated, and leaders are expected to be accountable to those who have raised them to such positions. In the first case, direct democracy is expected, in the second, representative democracy prevails. This is essentially a difference of vision of what western democracies are supposed to do and lead to. To use the expression of Thomas Sowell in his 1987 book, this is first and foremost, *A Conflict of Visions*.[11]

Sowell describes how ethical and political questions are due to fundamental differences in people's views. He identifies two distinct outlooks: the "constrained" and "unconstrained" visions according to which people reason. Those who hold a "constrained" vision of men, understand human nature as something difficult to change and rather self-interested, meaning that their outlook of life and politics will be to focus on "trade-offs". For example, one will accept to give away a part of one's sovereignty to the State for it, in return, to guarantee that

[10] Geneviève Koubi, « La déférence, un devoir sans droit ? », Communications, 69, 200, p. 213.
[11] Thomas Sowell, *A Conflict of Visions. Ideological Origins of Political Struggles*, New York, W. Morrow, 1987, 273 pages.

one can enjoy his "Life, Liberties and Properties"[12]. On the opposite, those who hold an "unconstrained" view of life and politics will focus on a human nature which is "perfectible"[13] and focus on finding "the highest ideals and the best solutions"[14], as in Rousseau's idealised desire for a general will in politics. The "constrained" vision focuses essentially on evolution and pragmatic solutions to "limited and unhappy choices available"; the "unconstrained" vision focuses on grand designs based on "the conviction that foolish or immoral choices explain the evils of the world – and that wiser or more humane socials policies are the solution".[15]

The disparity between both outlooks – one realist, one much more idealised – leads to two completely conflicting understandings of what our modern democracies ought to be and aim for. Hence the reason why those who believe in an idealised unconstrained view of the world will reject the idea of the existence of deference in modern democratic regimes. Their vision conflates deference with a leftover of an aristocratic past which is unacceptable.[16] Conversely, those who defend the much more pragmatic, constrained vision of society consider that the trade-offs they agree to make, in return for something else – let's say some of their freedoms in favour of security under the rule of law – can only take place because there is a trust in deference for the past and old ways of doing things.[17]

Both sides come to this conversation with their own ideals which make a common understanding of what is expected of western democracies very unlikely. Yet, this is surely where deference is needed – not only to allow the constrained vision of trade-offs to flourish, but also, perhaps, especially, regarding the "unconstrained" vision based on "the conviction that foolish or immoral choices explain the evils of the world".

It is precisely because we all come to the political conversation with different sets of values that we should be able to accept Shils's definition of deference as a need that we all have within ourselves to recognize and be recognized whatever the values.

What do I really mean in practical terms? Transposed into the political arena, deference to one another becomes the language of civility, of conciliation and arbitration. It recognizes the value of communication and of vigorous debate to solve conflicts and does not trade in ready-made solutions, but in recognizing an opponent's worth and his own individual set of

[12] Locke, John, *Two Treatises of Government*, Peter Laslett (ed.), Cambridge, Cambridge University Press, 1960, xiv-521 pages.
[13] Thomas Sowell, *A Conflict of Visions. Ideological Origins of Political Struggles, op.cit.*, p. 83.
[14] *Ibid*., p. 91.
[15] *Ibid*., pp. 96-7
[16] See for example: Geneviève Koubi, « La déférence, un devoir sans droit ? », *Communications*, 69, 200, pp. 201-214.
[17] See for example the French sociologist Eugène Enriquez, « L'effacement de la déférence dans les sociétés démocratiques », *Communications*, 69, 200, p. 199.

problems. “Deference”, understood in such a way then creates, for, Pierre Ansart, a French sociologist, “[…] a specific meeting point in which a knowing space between partners allows a regulated and freely granted freedom. It is no longer this general obligation imposed by hierarchical societies. On the contrary, it is a rare and voluntarily discreet link which happens to be charmingly free”.[18]

What Ansart expresses here is the opposite of subdued respect and submission, the way in which deference is mostly understood today. And whatever his elitist mistakes, Bagehot had identified such a trend in the English Victorian classical parliamentary system which made the nation respect and defer to their institutions – for different reasons and different values. By rejecting deference as a shameful relic of the past, especially after WWII, the country lost an asset which had held people together in their “conflict of visions”, their incompatible views of life in society. The present problems with Boris Johnson (which have led to his demise) and his refusal to deferentially agree to the historical conventions of the Anglo-British constitution can be seen as a consequence of such a loss of political deference.[19] The problem is that as the historian, Peter Hennessy reminds us “in the absence of a codified constitution, Britain’s political system depends on the acceptance that “good chaps of both sexes don’t do certain things”.[20] I would add: because of their deference to the nature of the system. And Johnson certainly does not follow that idea. He operates within the constrained vision of trade-offs but because he rejects deference to Hennessy’s “Good chap theory of government”, he ends up standing up for himself only, and his naked desire to remain in power. He only defers to himself.

Today, most western democracies have rejected deference – they do not even refer to the term – but perhaps the time has come to make clear what the concept means and retrieve its original meaning. An ethics of deference would be much more conductive to behaviours which would ease relations and re-evaluate the language of civility, not for social reasons only, but mainly for politically democratic reasons. The “unconstrained” vision leads to a number of views which are defended today such as the cancel culture or idealist narrow-minded visions imposing a reality on others.

In the end and in the words of another sociologist, Eugène Enriquez: deference “is essential as it refers to the mutual consideration, fellowship, etiquette and civility without which

[18] My translation. Pierre Ansart, « La déférence ou le refus du pouvoir », *Communications*, 69, 2000, pp. 266-7.
[19] One only needs to mention the proroguing of Parliament in August-Sept 2019, undermining the independence of the judiciary and the neutrality of the civil service, and trying to ignore the Northern Irish protocol.
[20] https://www.ft.com/content/37a5b18a-77d0-4f17-ae0a-99802396ff36. “He has overridden the advice of his ethics adviser and the House of Lords appointments commission; he has refused to resign despite allegations of misleading parliament.”

men become the opponents of all other men. They can no longer tolerate others except under a tutelary authority that dictates their behaviours and denies them their own sovereign power".[21]

I am not making here a naïve appeal for a return to the past, long and sterile debates or unacceptable compromises but it seems to me that without political deference, democracy, as unsatisfactory as it may be, dies and the moderate contentment, freedom, and equality that it brings with it, dies too.

Eventually, political deference means accepting that democratic life is messy, faulty and full of grievances but, so far, nobody has thought about a better regime and that it might be better to learn how to operate within it than to break the mould completely when the times becomes bumpy change. Perhaps the unsatisfactory quest for the middle ground in liberal democracies is more important than reaching a utopian contentment. The "constrained vision" believing in trade-offs can only breathe and work with political deference but it is the same with the unconstrained vision too.

The final appeal in favour of an ethics of political deference is that, beyond all the problems, it offers the safe conditions for a successful democratic society in which free individuals can thrive and reach a form of self-respect each according to their level of enlightenment.[22] And we may well ignore this at the peril of our own happiness in our unhappy times.

[21] Eugène Enriquez, « L'effacement de la déférence dans les sociétés démocratiques », *Communications*, 69, 2000, p. 199.
[22] See: Philip Soper, *The Ethics of Deference. Learning from Law's Morals*, Cambridge, CUP, 2002, pp. 168-183.