

# Who's the Bigot?

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*Learning from Conflicts over  
Marriage and Civil Rights Law*

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## *Puzzles about Bigotry*

In September 1966, “Dear Abby” published an advice column titled “Bigots—They’re More to Be Pitied Than Censured.”<sup>1</sup> “Hurt” sought advice about the decision to remain silent rather than confront another guest who, in “casual conversation” at a cocktail party “in the home of some very prominent and respected gentile people,” “made some very degrading remarks about ‘the Jews.’” Hurt, who had a Jewish mother and non-Jewish father and “married a gentile,” asked “if perhaps I should have said something. And if so, what?” Abby advised: “You cannot hope to educate a bigot with one short lecture at a cocktail party.” Thus, “the best response is sincere (and silent) pity rather than uttered (and futile) censure.” She added: “Bigotry and bad manners are boorish, whether perpetrated on one who is half-Jewish or 99.44% Chippewa.”<sup>2</sup> (It was not the only time that Abby, who was Jewish, would condemn such bigotry in her column.<sup>3</sup>)

More than fifty years later, the “Social Q’s” advice columnist Philip Galanes published a letter from “Susan,” who wanted to “step in” and “shut . . . down” another customer in a deli who “was screaming” that “a transgender woman, with a little girl” was “a piece of trash” and threatening to “beat her.” Susan didn’t dare, and the woman and child “left quickly” after paying. She asks Galanes: “Advice for next time?”<sup>4</sup> In a column titled “Bigotry, Defused,” Galanes counseled: “Tangling with angry bigots is never your go-to move.” The “better option is to support the woman”: “Walk right up to her, as if a lunatic were not screaming at her, and help . . . get her out of that deli as quickly as possible.” He explained: “In my experience of irrational hatred, engaging madmen and madwomen only gives them more room to seethe. Better to neutralize the ugliness by placing it alongside normal behavior.” He concluded: “The only known antidote to hatred is love.”<sup>5</sup>

In each incident, the advice columnist readily used the label “bigot” to characterize the person uttering hurtful or hateful remarks. Both advised that it was pointless to try to persuade or tangle with a bigot, but for different reasons. Dear

Abby's advice that pity, rather than censure, is the best response suggests that the bigot cannot be educated. Then again, she links bigotry to bad manners and being a boor—conditions that one might (with effort) change. By comparison, in linking bigotry to irrational hatred and lunacy, and advising against engaging a madman, Galanes seems to rule out any possibility of education. Further, his concluding advice—that the only known antidote to hatred is love—is about how a bystander might aid the targets of such hatred, not how someone might cure the person who hates.

Calling out bigotry and arguing over whether a public figure is a bigot are visible and contentious features of daily public life. Bigotry is a fraught and contested term. The rhetoric of bigotry—how people use such words as “bigot,” “bigoted,” and “bigotry”—poses puzzles that urgently demand attention. Identifying, responding to, and preventing bigotry have engaged the efforts not only of advice columnists, but also of civil rights activists, clergy and religious groups, community groups, social scientists, politicians, lawyers, judges, and ordinary citizens. While Dear Abby and the Social Q's columnist readily used the label “bigot,” assuming a shared understanding with their readers, people often disagree over *who* is a bigot and *what*, exactly, makes a belief, attitude, or action bigoted. People seem to share a conviction that bigotry is morally wrong, but they disagree about when the label applies. At times, it seems that people apply the term to describe any views or actions that they find “not only wrong but badly wrong.”<sup>6</sup> When is the label “bigotry” necessary to express moral censure? When is it needlessly provocative, shutting down debate?<sup>7</sup> To put the question vividly, are you “morally obligated” to call out your bigoted relatives at Thanksgiving or does putting “political civility” on the Thanksgiving menu mean listening to and treating them with respect?<sup>8</sup>

Claims about bigotry are simultaneously backward- and forward-looking. Defining a belief or practice as bigotry may be possible only after society has repudiated it as wrong and unjust. Once there is general agreement that such past beliefs and practices were bigoted, it becomes hard for people to understand that anyone ever seriously defended them. Racial discrimination and segregation are powerful examples.<sup>9</sup> As chapter 5 explains, when some members of Congress argued that all Americans had a stake in passing the Civil Rights Act of 1964 and repudiating bigotry, prejudice, and racial discrimination, opponents strongly resisted charges that segregation was bigotry and flipped the charges, calling supporters of the act “anti-bigot bigots.”<sup>10</sup>

Charges of bigotry are also forward-looking: past examples of bigotry on which there is consensus become the basis for prospective judgments about analogous forms of bigotry. People debate: Is this belief or practice bigotry because it is like forms of discrimination that we have disavowed? The stakes are high because people worry about failing to learn from the past. Further, a

charge of bigotry carries heavy moral condemnation and a suggestion of bad moral character.<sup>11</sup> In the debate over same-sex marriage, opponents argued that their sincere religious belief that marriage is between one man and one woman was nothing like the racial bigotry of Jim Crow-era antimiscegenationists. They argued that comparing their religious opposition to same-sex marriage with religious opposition to interracial marriage wrongly “branded” them as bigots and was itself a form of bigotry.

In politics, the stakes are also high: learning from the past entails that our political leaders and institutions should condemn and prevent—not endorse—bigotry. Despite an evident agreement that bigotry in all its forms is wrong, political battles over bigotry are often sharply polarizing because politicians disagree over which views and actions are forms of bigotry.

## The Rhetoric of Bigotry in Public Discourse

Charges, denials, and countercharges of bigotry are increasingly frequent in the United States. People turn to the language of bigotry in so-called culture war issues around marriage, such as whether a county clerk must issue a marriage license to a same-sex couple if doing so violates her religious beliefs or whether a baker with similar beliefs must bake a wedding cake for such a couple. The rhetoric of bigotry is also pervasive in controversies over race and immigration: whether public officials like President Donald Trump have encouraged or endorsed white nationalism, whether keeping statues of Confederate generals in public spaces reflects bigotry, and whether calls for “building the wall” stem from bigotry.

Growing political polarization and “intense partisan animosity”<sup>12</sup> suggest the high stakes in conflicts over who is a bigot and why. The 2016 presidential campaign saw a dramatic spike in references to bigotry on major television news networks.<sup>13</sup> The Republican and Democratic Party Platforms both denounced bigotry and various forms of intolerance, but their lists of those forms differed strikingly. In addition, the Democratic Platform explicitly condemned Republican nominee Trump for creating a “climate of bigotry.”<sup>14</sup> Trump countered Democratic nominee Hillary Rodham Clinton’s frequent charges that his campaign was “peddling” bigotry by labeling her as a bigot who “sees people of color only as votes.”<sup>15</sup>

During Trump’s campaign and continuing into his presidency, bipartisan warnings sounded that “bigotry seems emboldened” and “normalized.”<sup>16</sup> Civil rights groups asserted that Trump’s statements and his administration’s policies have “tapped into a seam of bigotry and hate that have resulted in the targeting of American Muslims and other minority groups.”<sup>17</sup> Critics linked such bigotry



not only to anti-Muslim prejudice, but also to racism, anti-Semitism, nativism, populism, xenophobia, homophobia, misogyny, and sexism.<sup>18</sup> Some conservative commentators countered that critics of Trump and his supporters are “anti-Trump bigots” and that their “political correctness” is a form of bigotry.<sup>19</sup> Some political scientists even link the 2016 election to the possible death of democracy in the United States and elsewhere if core norms of “mutual toleration” erode, allowing “extremist demagogues” to go unchecked.<sup>20</sup>

In the 2018 midterm elections, the campaigns of some newly-elected Democratic candidates explicitly criticized the Trump administration for fostering bigotry.<sup>21</sup> An online poll taken in the week before those elections reported that 61% of Democrats and those leaning Democratic would use the terms “racist/bigoted/sexist” to “describe Republicans today”; 54% chose “ignorant,” and 44%, “spiteful.” Among Republicans and those leaning Republican, only half as many (31%) chose the terms “racist/bigoted/sexist” to “describe Democrats today”; 54% chose “spiteful,” and 49%, “ignorant.”<sup>22</sup>

The midterms also intensified concern over polarization. Commentators diagnose a new “tribalism,” in which the Left believes it is the bigotry and racism of “right-wing tribalism” that is “tearing the country apart,” while the Right believes it is the “identity politics” and “political correctness” of “left-wing tribalism” that is doing so.<sup>23</sup> Indeed, one provocative claim is that today, “the most pervasive form of bigotry” is political bigotry: intolerance toward people with different political opinions.<sup>24</sup>

Why is there so much controversy over bigotry when renouncing—and denouncing—it seems to be a shared political value with a long history? In 1790, President George Washington assured the Hebrew Congregation of Newport, Rhode Island, that “happily, the Government of the U.S. . . . gives to bigotry no sanction, to persecution no assistance.”<sup>25</sup> In this significant founding-era statement, bigotry had a clear meaning: official intolerance and persecution of Jews and other religious groups. But what are bigotry’s other forms? Common usage suggests that overt racism and anti-Semitism are clear instances. Both have the element of a repudiated history, so that people often claim that such bigotry is “un-American” or contrary to American ideals. We learn bigotry’s meaning by looking to the past, but the past also reveals a shortfall in living up to such ideals.

What history teaches about bigotry and how to draw analogies between past and present, however, is often controversial. People have invoked Washington’s disavowal of bigotry in battles over same-sex marriage and the rights of transgender persons. As another example, in support of a legal challenge by Muslim Americans to the Trump administration’s executive orders limiting travel from several Muslim-majority countries (the “travel ban”), a group of constitutional law scholars filed a “friend of the court” (*amicus curiae*) brief quoting Washington’s renunciation of bigotry to argue that the ban violated the First

Amendment's Establishment Clause. The brief argued that the ban, considered in light of Trump's numerous statements about the threat posed by Muslims and Islam, showed "animus" toward a "disfavored religious group."<sup>26</sup> The Trump administration, however, asserted that the ban would protect Americans from admitting foreign nationals who would "engage in acts of bigotry or hatred."<sup>27</sup> When a closely divided (5-4) Supreme Court upheld the ban, Chief Justice Roberts, writing for the majority, quoted Washington's language as illustrating that "our Presidents have frequently used [their extraordinary power to speak to fellow citizens] to espouse the principles of religious freedom and tolerance on which this Nation was founded," even though presidents have "performed unevenly in living up" to that task. Roberts rejected Trump's numerous remarks criticizing Muslims as a basis for striking down the ban, contending that it was "facially neutral toward religion" and rested on national security rationales.<sup>28</sup>

Past and present controversies about marriage and the scope of civil rights laws are illuminating windows into questions raised by the rhetoric of bigotry. Tracing this rhetoric across a set of earlier debates relating to interfaith and interracial marriage and the recent debate over same-sex marriage reveals contested understandings of bigotry. Those controversies also show recurring patterns of arguments, including appealing to conscience and sincere belief to counter charges of bigotry as well as denying and flipping such charges.

Because marriage is both an intimate, private relationship and a public institution reflecting important societal values, it provides a valuable lens through which to examine both the backward- and forward-looking dimensions of bigotry. The argument that any step toward racial desegregation would lead inevitably to interracial marriage played a key role in historic civil rights battles: resisting the Supreme Court's desegregation decisions, such as *Brown v. Board of Education*; opposing landmark federal civil rights legislation, such as the Civil Rights Act of 1964; and defending laws barring interracial marriage, the last of which were struck down in *Loving v. Virginia*.<sup>29</sup> Defenders of segregation appealed to history and tradition, asserting that to say racial segregation and restrictions on race mixing were immoral or bigoted was to say that "our Founding Fathers" were "immoral men and blasphemers against God."<sup>30</sup>

The public repudiation of racial segregation and racial restrictions on marriage now feature as markers of moral progress and of the United States better realizing, over time, ideals of liberty and equality. The repudiation of those practices as white supremacy and racial bigotry becomes a benchmark for contemporary civil rights struggles. I demonstrate how, in controversies over extending the fundamental right to marry to same-sex couples, *Loving* played a key supporting role. In controversies over religious exemptions to state anti-discrimination laws, participants mine this civil rights past to argue that today's struggles are similar or different. The rhetoric of bigotry plays a potent—but



sometimes distracting—role in these conflicts. For it is not necessary to label a belief “bigoted” to uphold an anti-discrimination law limiting people’s ability to act on their sincere religious beliefs when doing so harms or interferes with the rights of others.

## Puzzles About Bigotry

The controversies over marriage and civil rights provide settings in which to take up several puzzles about the rhetoric of bigotry: whether it is the motive for or the content of a belief that makes it bigoted; whether bigotry is simply shorthand for beliefs that are now beyond the pale; and whether bigotry stems from a type of character, “the bigot,” who has specific moral and psychological traits, or whether we all are vulnerable to being bigoted.

The first puzzle is whether a charge of bigotry concerns the *motivation* for a belief or act: is the appeal either to *sincere* religious belief or to *conscience* a defense to a charge of bigotry? The contrast drawn between the bigot motivated by hatred toward a group and the sincere religious believer seeking to follow conscience might suggest that the answer should be yes. People often draw such a contrast in debates over the evident conflict between LGBTQ rights and religious liberty. For example, in his dissent in *Obergefell v. Hodges*, in which the Supreme Court held that same-sex couples have the fundamental right to marry, Chief Justice Roberts contended that Justice Kennedy’s majority opinion had “portrayed” as bigoted those people who, “as a matter of conscience, cannot accept same-sex marriage.”<sup>31</sup> Kennedy nowhere said such people were bigots, but explained that there were limits to enacting “sincere, personal opposition into law” when doing so denies the basic liberties of others.<sup>32</sup>

In *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, baker Jack Phillips drew on both the *Obergefell* majority opinion and the dissents, arguing that he was a “conscientious man of faith,” inspired to “love and serve people from all walks of life”; his refusal to bake a wedding cake for a same-sex couple was based on his religious belief that marriage was the union of one man and one woman, not “invidious discrimination.”<sup>33</sup> Many who filed “friend of the court” briefs on Phillips’s behalf argued that sincere “men of faith” like him are nothing like the racist bigots of yesteryear who opposed interracial marriage.<sup>34</sup> If the Court ruled against Phillips, it would “tell him—and all traditional Muslims, Orthodox Jews, and Christians—that acting on beliefs central to his identity is wrong, benighted, even bigoted.”<sup>35</sup> Some even reversed the charges of bigotry: the civil rights commissioners and judges who denied business owners like Phillips a religious exemption from state civil rights laws were the *real* bigots, “intolerant” toward his conscientious religious beliefs.<sup>36</sup>

Certainly, the impulse to link bigotry to hateful motivation tracks common definitions of bigotry: hateful beliefs about and actions toward a group are a worrisome form of bigotry. Philosopher John Corvino argues that bigotry is “stubborn, unjustified *contempt* toward groups of people.”<sup>37</sup> Organizations that monitor extremist groups in the United States warn that there has been a surge in “white supremacy and hate-driven domestic terrorism” in the country; they argue that there is a link between Trump’s bigoted rhetoric and this surge.<sup>38</sup>

Other common definitions of bigotry, however, link it not with religious insincerity or the absence of conscience, but with intolerance and prejudice toward a group’s beliefs or actions or toward a group itself.<sup>39</sup> Equating bigotry *only* with hateful motives or actions, so that religious beliefs could never be bigoted, obscures the historical prominence of religious bigotry, or intolerance, and its role in shaping commitments to religious toleration. President Washington’s quoted reassurance to the Hebrew Congregation of Newport was that the government would practice religious tolerance.<sup>40</sup> The United States would not establish an official religion, or favor one religion over others, no matter how sincere a particular religion’s beliefs. Such favoritism seemed to concern Mitt Romney, who, while campaigning for the Senate, criticized the Trump administration’s choice of a “religious bigot” to deliver the blessing at the opening of the US embassy in Jerusalem. Romney observed that Pastor Robert Jeffress had called Islam and Mormonism “heresy from the pit of hell,” and said Jews “can’t be saved.” Jeffress responded that he and “millions of evangelical Christians around the world” could not be bigoted for espousing belief in a 2,000-year-old teaching that “salvation is through faith in Christ alone.”<sup>41</sup>

People may hold bigoted beliefs sincerely, conscientiously, and zealously. A *sincere* white supremacist, anti-Semite, or anti-Muslim could still be bigoted. As philosopher Tara Smith explains, “a person’s conscience might be sincere, though depraved,” and sincerity is “no guarantee” against one’s conscience advising actions that would harm others or violate their rights.<sup>42</sup> The religious disagreement over ending racial segregation, taken up in chapters 4 and 5, illustrates the problem with assuming that a belief rooted in conscience or sincere religious belief cannot be bigoted. In the 1950s and 1960s politicians and clergy invoked conscience, the Bible, and God’s plan for the races as they vehemently denied that their defense of racial segregation was bigoted. They asserted that they were waging a war of morality and conscience, and that those who disagreed were poor students of the Bible—even heretics. At the same time, religious opponents of segregation appealed to conscience to argue that it was not only un-American but indeed unscriptural. For Dr. Martin Luther King Jr. and other clergy members fighting segregation, conscience was a powerful force to condemn bigotry and prejudice. A central premise of King’s philosophy of nonviolent direct action was that such action aroused conscience and could redeem people from their prejudices.<sup>43</sup>



Bigotry clearly has a complex relationship to conscience and religious belief.<sup>44</sup> In these historical battles, some people appealed to conscience to indict bigotry and to help people overcome it, but other people invoked conscience to rebut charges of bigotry. Pioneering social scientists recognized long ago the paradox that religion both “makes and unmakes”—supports and condemns—bigotry and prejudice.<sup>45</sup> Drawing sharp contrasts between (1) today’s conscientious believer who, based on scripture, believes marriage is between one man and one woman and (2) yesterday’s segregationist who quoted the Bible to oppose integration and interracial marriage suggests that the latter simply used religion as a pretext for discrimination. But this ignores the fact that clergy and politicians defending segregation vehemently rejected the label of “bigot” and themselves appealed to religion and conscience.

A second puzzle concerns whether it is the *content* of a belief, not what motivates it, that invites the label bigotry. On some definitions, bigotry refers to an *unreasonable belief* about or an *irrational hatred* of a group.<sup>46</sup> The Social Q’s columnist drew on such definitions in referring to the “irrational hatred” of the “angry bigot” at the deli counter.<sup>47</sup> A bigot, one dictionary explains, is “a person who has strong, unreasonable ideas, especially about race or religion, and who thinks anyone who does not have the same beliefs is wrong.”<sup>48</sup> Defining bigotry as “*extreme intolerance*” also suggests unreasonableness.<sup>49</sup>

On such definitions, the *reasonableness* of a belief would counter a charge of bigotry. To return to Phillips, his supporters argued that his religious beliefs about marriage are not only sincere, but also reasonable: such beliefs rest on “decent and honorable religious or philosophical premises” (quoting Justice Kennedy’s language in *Obergefell*).<sup>50</sup> Those supporters contrasted religious objections to interracial marriage as unreasonable: rooted in white supremacy, racist pseudo-science, and distortion of religion.<sup>51</sup>

Whether a belief is unreasonable is at the core of debates about whether being intolerant of certain beliefs is always morally blameworthy bigotry. William Ramsey illustrates this definitional puzzle with racism: beliefs in racial superiority and inferiority are “factually inaccurate” and “morally repugnant.” But “by adopting a strong anti-racism stand, I am being quite hostile to the opinions of others, which for some is sufficient for bigotry.”<sup>52</sup> Ramsey’s example resonates with charges that political correctness is a form of bigotry because it is intolerant of certain views.

One lesson about the rhetoric of bigotry is that ideas about what is reasonable and unreasonable change over time. The various struggles over civil rights and marriage reveal that time is often critical to understanding contests over what is bigoted. These struggles show that what we “retrospectively judge evil was once justified as reasonable.”<sup>53</sup> Before the 1960s, the expression of racism by white political leaders was “open,” “brazen,” and “unabashed”; after the 1960s, “what used

to be common sense was now a cancer, a deadly sin.<sup>54</sup> This book uses the idea of generational moral progress to highlight that over time, people come to understand that practices once defended as natural, necessary, and just are unjust.

This temporal dimension of judging what is reasonable relates to a third puzzle about bigotry: is “bigotry” simply a term used to signal an anachronistic and now-reviled view? By calling someone a bigot, are we declaring that their position is not within the boundaries of civility or acceptable reasons for supporting or opposing laws or policies? Racism, again, is a frequent example: while inequality and implicit forms of prejudice persist, “blatant racism is out of the question for anyone wishing to be a respected member of public society.”<sup>55</sup>

For that reason, conservative religious opponents of legalizing same-sex marriage warned that if courts and the public accepted the analogy between past legal restrictions on interracial marriage and present-day restrictions on same-sex marriage, their religious definition of marriage as only between one man and one woman would be treated as the moral equivalent of “racial bigotry.”<sup>56</sup> Some Supreme Court justices shared that view. In dissent in *Obergefell*, Justice Alito argued that the “implications” of the race “analogy” will be “exploited by those who are determined to stamp out every vestige of dissent.” He predicted that dissenters from the new “orthodoxy” about marriage would be branded as bigots.<sup>57</sup>

This puzzle about the role of time shows bigotry’s backward- and forward-looking dimensions. Just as the boundaries of reasonable and unreasonable views shift over time, so, too, do society’s understandings of permitted and proscribed forms of prejudice. Changing social and legal norms about expressing prejudice can “have a strong effect on people’s tolerance for prejudice.”<sup>58</sup> For example, that “overt bigotry” (such as “old-fashioned,” blatant racism) is “widely considered socially unacceptable” is a signal achievement of the civil rights movement and the enactment of civil rights legislation.<sup>59</sup> People turn to the term “bigotry” to characterize views that have ceased to be acceptable.

This understanding of bigotry may explain the deep alarm many people experienced over how many young and college-educated white men were among the white supremacists marching, in August 2017, in Charlottesville, Virginia, wearing Ku Klux Klan and neo-Nazi regalia and chanting anti-Semitic and racist slogans to protest the removal of a statue of Confederate General Robert E. Lee.<sup>60</sup> When that protest spilled over into an act of terror killing a young counterprotestor (Heather Heyer) and injuring others, many urged President Trump to speak out unequivocally against the white supremacists and neo-Nazis, as did Virginia’s governor, who said: “I am disgusted by the hatred, bigotry and violence these protestors have brought to our state over the past 24 hours.”<sup>61</sup> When Trump read a statement that “we condemn in the strongest possible terms this egregious display of hatred, bigotry, and violence on many sides,



on many sides,” the qualifier “on many sides” drew swift condemnation from civil rights leaders, clergy, and politicians for the dangerous moral equivalence Trump seemed to draw between white supremacist marchers and anti-racist counterprotestors, giving “succor to those who advocate anti-Semitism, racism, and xenophobia.”<sup>62</sup>

In the first of a cascade of resignations, Kenneth Frazier, the only African American CEO on Trump’s American Manufacturing Council, resigned as “a matter of personal conscience,” stating: “American leaders must honor our fundamental values by clearly rejecting expressions of hatred, bigotry, and group supremacy, which run counter to the American ideal that all people are created equal.”<sup>63</sup> The idea that bigotry is properly repudiated and left in the past explains the urgency in appeals to conscience and to core American ideals to indict it. Trump’s critics feared that his remarks could threaten crucial norms against public expression of intolerant and racist views, emboldening fringe “white bigots” to “come out of their closets,” so that views that had become “widely reviled” could be redefined as “reasonable opinions—just part of the discussion.”<sup>64</sup> Controversy over Trump’s reaction to Charlottesville was part of a broader concern that he was not just using “dog whistles” that appealed to bigotry but making overt appeals to it.<sup>65</sup> Some black clergy related this to American “backsliding”—“the revenge of an American conscience that’s never repented of its racist history.”<sup>66</sup> As Reverend Thabiti Anyabwile told his congregation: “Things that were left smoldering, embers have caught a bit of wind from our current president, and from time to time we are seeing flashes of fire.”<sup>67</sup>

This temporal dimension of bigotry also surfaces in rhetoric about wanting to be on the “right” rather than the “wrong” side of history. Such phrases suggest that the past teaches important lessons about discrimination. Political campaigns in some post-2016 state and federal elections, particularly in southern states, have employed such rhetoric.<sup>68</sup> Similar rhetoric also played a striking part in legal challenges by same-sex couples seeking the right to marry. For example, the Attorney General of Virginia expressed his desire to be on “the right side of history” as a reason for not defending his state’s ban on same-sex marriage, by contrast with his predecessors, who chose to defend Virginia’s ban on interracial marriage in *Loving* and its segregated schools in *Brown*.<sup>69</sup> In *Obergefell*, the Commonwealth of Virginia also stressed those parallels between past and present in filing a brief in *support* of same-sex marriage.<sup>70</sup> On the other hand, opponents of same-sex marriage rejected such parallels and asserted that the “truth about marriage” can never be on “the wrong side of history.”<sup>71</sup>

That societies come to understand, over time, that certain historical beliefs, practices, and traditions are a product of prejudice and bigotry reveals the importance of experience and moral learning. People in the midst of a controversy over marriage or civil rights may worry about whether they accept a status quo



that future generations will look back on as an obvious form of bigotry. Past examples of when people have been certain, but wrong, also provide reason to be skeptical or cautious about appeals to history, tradition, and conscience. This book explores this theme of insight and generational moral learning in multiple contexts: the scientific study of prejudice, controversies over desegregation and civil rights laws, disputes over marriage, and the Supreme Court's evolving approach to LGBTQ rights.

The fourth puzzle is whether the term "bigot" suggests a particular type of *character*, with distinctive psychological or moral traits. For example, people evaluate those who engage in bigoted acts, such as using a racial slur against a coworker, as having "poor moral character," and expressions of overt bigotry can trigger moral outrage.<sup>72</sup> On some definitions, the bigot holds views about a group inflexibly and obstinately, impervious to facts.<sup>73</sup> Such traits make it—as Dear Abby advised—futile to try to educate a bigot. Or does singling out the bigot as a distinct type having bad character miss that prejudice and stereotypes are the outgrowth of normal cognitive processes, like thinking in categories? Is it more accurate to speak about "the bigot in your brain" to refer to these processes, or even to say that we all are somewhat bigoted?<sup>74</sup>

From the earliest studies of prejudice, social scientists have wrestled with this question. In 1944, social psychologist Gordon W. Allport warned of a "significant battle being waged" in the United States between "the bigoted and the democratic character." The bigot lacked "insight" and was unable "to take another's perspective or correct one's misinterpretations based on new information about a group." Those traits made the bigot vulnerable to a "demagogue," who "justifies" the person's "hatreds" by blaming various minority racial and religious groups for his misfortunes.<sup>75</sup> In subsequent decades, other social scientists have offered similar psychological sketches.<sup>76</sup> The 2016 and 2018 elections brought renewed interest by social scientists in whether Republican voters supporting Trump had "authoritarian personalities" or were prone to "outgroup prejudices."<sup>77</sup>

In tension with this association of bigotry with fixed mental traits and bad character, however, is the scientific understanding of prejudice as the outgrowth of normal cognitive processes. For example, even as he diagnosed the bigoted personality, Allport observed that humans must think in categories, which set the stage for the study of stereotypes and social psychologists' emphasis, today, on how people have "implicit bias" despite their egalitarian ideals. Recent social psychology speaks of the "buried prejudice" to which ordinary people are prone because of the way the mind works.<sup>78</sup> Such work avoids the language of bigotry and moral blame in describing these processes, instead offering hope that it is possible for people to gain insight about these biases and overcome them.<sup>79</sup> Phrases like "good people with hidden biases" communicate that people who seek to address their biases are not doomed to be bigots.