

Andrew Fiala

THE FRAGILITY OF CIVILITY: VIRTUE, CIVIL SOCIETY, AND TRAGIC BREAKDOWNS OF CIVILITY

ABSTRACT

This paper explores civility as a virtue for individuals within the sphere of civil society. Civil society is conceived as consisting of voluntary associations regulated by persuasion, praise, and shame. The virtue of civility is a key value for members of the associations of civil society. The paper considers circumstances in which institutions of civil society breakdown and in which unscrupulous and un-civil operators take advantage of more civil members. While admitting that civility is a fragile virtue, the paper concludes that best solution to threats to civility is to avoid cynicism and to cultivate common-sense moral behavior that models civility.

Keywords: civility, civil Society, virtue ethics, liberal political theory.

Civility is an important virtue in liberal, democratic polities. It is also an important virtue for scientific and academic communities. Indeed, civility is essential for free and open conversations among neighbors and friends. Civility is a prerequisite of genuine dialogue. The difficulty of civility is that it requires institutional stability, advanced cognitive skills, as well as psychological and spiritual sophistication. Furthermore, civility can be taken advantage of. This makes civility a kind of tragic virtue. Tragic virtues are character traits that normally promote a good life, but which in some unfortunate circumstances can produce bad outcomes. While the idea of virtue is usually connected with an account of the good life and the sort of flourishing described by the term *eudaimonia*, there is no guarantee that virtuous people will always succeed. Indeed, many of the classical Greek sources for thinking about both virtue and tragedy show us circumstances in which virtuous individuals end up with bad outcomes: Antigone is killed, as is Socrates. Nonetheless, the moral of such

stories—at least on Plato’s telling of Socrates’ execution—is that virtue is its own reward.

One might hope that in the long run, civility, wisdom, and justice will triumph. But there is no guarantee that this will happen. Stable relationships, productive academic departments, good institutions, genial societies, and even civilized nations can easily be undermined by uncouth, un-civil, bad apples who exploit the structures of civility out of self-interest, pathology, or cluelessness. We should strive to shore up civility, to build humane institutions, and to develop caring relationships against the onslaughts of the uncivil. But we should also acknowledge with a bit of Stoic indifference that nothing good lasts forever. This insight could lead to cynicism, which holds that the institutions of civil society are easily manipulated by self-interested agents. The difficult task is to be honest about the fragility of civil society, while avoiding the cynical conclusion. Indeed, the risk of incivility is that it tends to breed cynicism: when we see others exploiting institutions it is easy to give up on civility with the attitude of “if you can’t beat ‘em, join ‘em.” To avoid that cynical conclusion, we need to remember that civil institutions often do function well and that the virtue of civility is connected with other virtues of living well, such as honesty, empathy, loyalty, and courage. Civility and the structures of civil society are fragile products, which can easily be undone. But it is worth the effort to try to preserve the virtue of civility against the threat posed by those who lack it.

CIVILITY, CIVIL SOCIETY, AND FREEDOM

Civility is a key value for pluralistic societies.¹ Ronald Arnett explains, “civility offers minimal common ground that permits diverse groups who share the goal of continuing the public conversation and maintaining civil society to engage life together.”² The hope of civility is that there is a minimal and mutual common ground for public reasoning and deliberation across our differences. Rawls explains:

“the idea of citizenship imposes a moral, not a legal, duty—the duty of civility—to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason. This duty also involves a willingness to listen to others and a fair-mindedness in deciding when accommodations to their views should reasonably be made.”³

¹ I discuss civility in further detail in my: 2013 (forthcoming). “Religious Liberty and the Virtue of Civility in Democratic and Religiously Diverse Communities.” In: *Civility and Education in a World of Religious Pluralism*. Ed. Fiala, A., V. Biondo. London: Routledge; and in Fiala, A. 2013. “Tolerance, Civility, and Cognitive Development.” In: *Religion in Schools: Negotiating the New Commons*. Ed. Waggoner, M. Lanham, MD: Rowman and Littlefield.

² Arnett, R. 2008. *Communication Ethics*. Thousand Oaks, CA: Sage, 92.

³ Rawls, J. 2005. *Political Liberalism*. New York: Columbia University Press, 217.

Rawls reminds us that civility and fair-mindedness are moral values and not legal duties. This points in the direction of an analysis of civility that is best understood by way of virtue ethics. Civility is a virtue for individuals. It is different from other virtues of citizenship such as loyalty and obedience in that it is freely chosen self-restraint that is not legislated by coercive threat. Obedience to law is required and enforced by a coercive threat. But civil behavior within the legal system is freely chosen self-restraint in a context in which it is possible to behave in uncivil ways.

Civility is a virtue for persons engaged in common activities in the sphere of what is often called “civil society.” In terms of the primary virtues of the Greek virtue tradition, civility is related especially to *sophrosyne*, which can be translated as moderation, self-control, and discretion. Harold Barrett explains:

“Civility is a social virtue and an old idea. *Sophrosyne*, a name for self-control and moderation valued by the ancient Greeks, may be close in meaning. Opposed was hubris: excessive pride, insolence, and arrogance.”⁴

While the virtue of civility is a virtue of individuals—and not of nations or communities, it is important to note that civility is best suited for social interactions within what we might call “civil society.” The term “civil society” has a variety of connotations. The concept has roots in Hegelian political philosophy. One important component of the Hegelian idea of civil society—as explained in his *Philosophy of Right*—is that civil society falls short of a fully political or state level of organization and authority. Hegel’s account is of limited value in the contemporary world, since Hegel’s account of civil society reifies a variety of values associated with gender, property holding, etc., which we should reject. However, what is important is the way that Hegel locates civil society between morality and the law in his system. Hegel’s notion of civil society involves something more than abstract morality—something more than basic moral rules of a Kantian sort. But civil society is not quite political, since the norms of civil society lack the power and majesty of legal rules.⁵ There are important benefits of an extensive sphere of civil society—as the institutions of this sphere allow for creative social activity that falls outside of the regulation of the state. Business, scientific, literary, religious, artistic, and recreational organizations are located in “civil society.” While some legal regulation of these organizations is necessary, we presume in liberal-democratic political theory that it is better when these organizations are left alone to satisfy the specific purposes of their members. One of the threats to civility is the incursion of the legal system into the organizations of civil society. It is difficult to develop civility as a virtue

⁴ Barrett, H. 1991. *Rhetoric and civility: human development, narcissism, and the good audience*. Albany: SUNY Press, 146.

⁵ For a more critical reading of Hegel’s notion of civil society, which connects with a Marxist interpretation of bourgeois civil society as grounded in the legal system, see Balibar, É. 2002. *Politics and the Other Scene*. London: Verso, 2002, chapter 1.

when social life is legislated to such a degree that the free choices of individuals are no longer involved. One of the important features of civil society is that it is a sphere of self-regulated behavior that is not simply a matter of obedience to law. One of the important features of civility is that it is freely chosen moderation and self-control that occurs in a social context in which aggressive and confrontational behavior are possible and legally permitted.

A problem arises, however, when the institutions of civil society are either themselves discriminatory and uncivil or when uncivil members try to exploit these institutions. In such cases, the legal system may be asked to intrude upon these institutions, thus reducing the freedom of the institution and impinging on the autonomy of the members. Liberal-democratic societies involve a complex interplay of legal regulation, institutional freedom, and individual autonomy. When unscrupulous agents disrupt the institutions of civil society, there is a tendency toward more state regulation of the free associations of individuals. This happens, for example, when lawsuit enjoined against institutions of civil society: the Boy Scouts, Universities, Churches, Sports Clubs, Scientific and Literary Societies, etc. When an unscrupulous agent does something wrong under the auspices of such an institution and the state intervenes, the institution loses some of its autonomy, and members feel restrained by the system of regulations such that apparently “civil” behavior is no longer governed by the freely chosen virtue of civility.

There is no denying that the political realm is superior to the institutions of civil society—and that the political and legal structure should be focused on ensuring equal opportunity and freedom from discrimination. In the political realm, there are structures of authority and enforcement, which can be employed to deter and prevent unscrupulous agents from taking unfair advantage. The state has a monopoly on the use of force in a geographic region. The state is authorized and empowered to utilize force to deal with criminals and wrongdoers, whether they act as individuals or whether they are participating as functionaries of some institution.

But within civil society—considered in isolation from the state—things are different. The enforcement mechanisms of civil society are either weaker or they depend upon the state. When an organization of civil society is fragmented by an internal conflict, the cops can be called or lawsuits can be enjoined. But the organizations of civil society do not have their own police force or prison systems. Indeed, they are viewed as free associations, which almost by definition do not rely upon coercive measures to establish harmonious interaction. There are other forms of enforcement in civil society but these lack the authorization to use lethal force or to deprive someone of liberty, which is typical of police and political power.

In terms of enforcement, the institutions of civil society primarily make use of persuasion and shame. These institutions also reserve the capacity to determine membership—including excluding disruptive members. These institutions can employ positive reinforcement in terms of accentuating paradigm virtues

celebrated by members—for example, through awards or encomia for paradigm members. A local athletic league or a national scientific society can encourage certain virtues among members by various positive and negative reinforcement mechanisms. But these leagues and societies ultimately rely upon the freely chosen good behavior of individuals in response to the subtle social pressure of members who want to keep the spirit of the organization alive. The institutions of civil society lack more overt and powerful means that can be used to coerce and force members into obedience. This is why the associations of civil society are inspiring for those who value liberal-democracy: they remind us that free individuals can be trusted to organize themselves, without the intrusion of the state.

We might say that within civil society what is required is conformity and not obedience. Obedience is more properly associated with the political realm and the threat of coercion, while conformity is something that occurs in institutions of civil society as the freely chosen behavior of autonomous individuals. We should note that the idea of conformity has multiple connotations. Sometimes it means compliance in a legal sense: an action is in conformity with law when it complies with the legal regime. But the idea of conformity in civil society is not primarily guided by fear of coercive measures. Instead, conformity in civil society is better understood as comporting oneself in accord with a model or paradigm of virtue—perhaps out of fear of social stigma and shame or out of hope for recognition by the members. This idea could be fleshed out in more detail by considering, for example, Alasdair MacIntyre’s explanation in *After Virtue* of “practices,” which are defined in terms of “internal goods.”⁶ Those who follow the rules of the chess club and become champion chess players obtain the good of being a virtuous chess player. It is possible to cheat and manipulate the rules in order to become a champion. But we would not then say that the cheater was really a virtuous chess player. (Nor would we, by the way, call the cops when the cheater was discovered as a cheat, unless violence or theft were involved.)

One recent interpretation of civility emphasizes that in civil society the two primary “enforcement” mechanisms (in scare-quotes because less coercive than legal enforcement) are the urge to conform and the possibility of exclusion, with the associated notions of social stigma attached: those who are excluded from civil institutions are shamed.⁷ This process of shaming and stigmatization has significant force, since members of civil institutions presumably join these organizations in order to obtain recognition as members, i.e., in order to be valued as a member of the organization who is owed the respect accorded by the members to other members in virtue of the goods internal to the practice of the organization. For example, doctors who join medical associations do so in order

⁶ MacIntyre, A. 1981. *After Virtue*. Notre Dame: Notre Dame University Press.

⁷ Orbach, B. 2012. “On Hubris, Civility, and Incivility.” *Arizona Law Review*, vol. 54, 443–456.

to be esteemed by their peers, where such esteem is based upon their success at the practice of medicine.

The importance of esteem, stigma, and shame in social organizations is not unproblematic, since conformity to the norms of civil society can be used to reinforce prejudices, bigotry, and unjustified exclusions. In college fraternities, for example, it can create peer pressure, including harmful hazing rituals and immoral behavior and attitudes. Sometimes civility can be used to censor unpopular—but true and morally appropriate—ideas, along lines outlined by Herbert Marcuse in his important criticism of liberal toleration.⁸ Thus, for example, in the name of civility members of a religious organization may refrain from criticizing inappropriate behavior by church leaders. According to David Estlund's interpretation of Marcuse, civility only works when there is a shared commitment to the disclosure of truth.⁹ I would add that civility only works when there is a shared understanding of the paradigm virtues of the group—and indeed, when these are connected to virtues that are basic for human beings. The institutions of civil society ought to be oriented around key values such as justice, honesty, and open inquiry. While secretive, dishonest, racist organizations do exist, they fail to live up to the standards of virtue. One would hope that virtuous members would eventually criticize and leave such institutions. However, the power of civil organizations is such that peer pressure and the tendency to conform can leave vicious organizations intact. Depending upon the degree of vice involved, the state may again have to intrude, as it does in criminal organizations and gangs.

Building upon Estlund's and Marcuse's insights we should also acknowledge that the institutions of civil society can be deformed by the various ways that power is deployed within an institution: either within the dominant power structure of the institution or by unscrupulous agents who manipulate that structure. Power shows up, for example, when civil institutions are set up in ways that privilege some at the expense of others: say when membership dues are set so high as to exclude those with low incomes, when homosexuals or minorities are excluded, and so on. It also occurs when unscrupulous members manipulate institutional rules and procedures in ways that corrupt the institution. In ideal social circumstances and idealized institutions of civil society, deliberation would proceed through open inquiry that allows each interlocutor and member to contribute in equitable and agreed upon ways. As Estlund explains, in these ideal situations there would be something like a condition of "power's noninterference with reason."¹⁰ Estlund points out that this is a normative ideal, which most likely does not obtain within any real institution. However, he notes that the normative force of this ideal helps us critique dysfunctional institutions.

⁸ Marcuse, H. 1969. "Repressive Tolerance." In: Wolff, M., H. Marcuse. *A Critique of Pure Tolerance*. Boston: Beacon Press.

⁹ Estlund, D. 2009. *Democratic Authority: A Philosophical Framework*. Princeton: Princeton University Press, chapter 10.

¹⁰ *Ibid.*, 194.

The mechanisms of persuasion, shame, conformity, and stigmatization point toward an analysis of civility and civil society that is connected with virtue ethics and the culture of shame that is associated with ancient virtue traditions—especially those in which legal proceedings overlapped with moral and religious judgments.¹¹ Virtues are learned and practiced through a process that involves modeling one’s behavior after paradigm examples, philosophical and moral inquiry, and social pressure including both shame and praise. But in modern liberal-democratic societies, virtues are not subject to the enforcement of law. For example, while murder is wrong—and punishable by the criminal law—virtues such as honesty, loyalty, and courage are not enforced and punished in this way, unless they lead to acts of transgression. The virtue of civility—or the vice of incivility—is not usually viewed as something that is subject to legal enforcement and punishment. We do not call the police to remove uncivil members from a group (unless they transgress other legal norms against violence or trespassing). Indeed, we often rely on moral persuasion and modeling in order to inculcate the virtue of civility. When a new colleague shows up to a faculty meeting, for example, she is not given an explicit set of rules for meetings. Instead, we expect her to observe the proceedings and model her behavior on the behavior of the current members. Of course, one might argue that things would work better if the rules were more explicit. Often the norms of civility and of civil society remain mysterious—especially to newcomers. This is because such institutions tend to rely upon an informal mentoring approach, which encourages conformity to social norms based upon modeling, gentle persuasion, and a common sense awareness of moral norms and rules of decorum. Again, problems occur when individuals are exposed to unscrupulous models, when they are resistant to moral suasion, or when they lack common-sense morality or a sense of decorum.

One of the problems for civility is how to ensure and establish the base of common-sense morality and decorum that is prerequisite for productive membership. The institutions of civil society have to rely upon a prior process of socialization and education that is beyond the control of the organization. In other words, members show up as adults with habits, dispositions, and virtues that have been developed throughout life. These institutions rely upon one another to filter out immoral dispositions and character traits. For example, the professional medical association assumes that the medical schools and universities have screened out those who cheat. Problems occur, however, in civil organizations when members lack social skills and moral habits that are essential for becoming good members, and who have somehow passed through the standard credentialing process. While it would be convenient to screen out would-be members by making social skills and moral habits a prerequisite for membership, it is not clear that this would be either legally feasible or non-

¹¹ See: Williams, B. 1993. *Shame and Necessity*. Berkeley, CA: University of California Press.

discriminatory. Could an association of medical professionals really exclude a doctor who had been reputed to have cheated in medical school? What level of proof would be required here? And how do we ensure that such screening procedures would avoid re-instantiating old racial, gender, or ethnic stereotypes? Indeed, there is significant question here about which norms and habits would count as the virtues of good members. Would we want to include punctuality, or generosity, or athletic prowess? Some of these virtues may be specific to the function and purpose of the organization: an athletic league presumes some skill at sports and membership in an academic organization presumes some capacity for intellectual endeavor. As a baseline, however, we might want to include the virtue of civility: members of the organizations of civil society ought to have some sense of the importance of civility. It remains an open question as to how we might establish that a potential member of a civil organization actually possesses the virtue of civility.

CIVILITY, CIVILIZATION, AND RESPECT FOR LIBERTY

One traditional interpretation of civility connects it with a certain level of “civilization.” The term “civility” points toward a level of civilized development, implicitly contrasting civil persons with uncouth barbarians. Such a definition of civility is culturally loaded, implying that the uncivilized are somehow inferior—and it should be rejected. The “civilized”—those who belong to “advanced” civilizations—are not necessarily more humane, tolerant, kind, or generous. Indeed, the sins of civilization are many: civilized men have behaved in ways that are un-civil, especially toward native peoples, the working classes, women, and so on. We must be careful in discussing the virtue of civility, that we don’t simply identify civility with the manners of the ruling class. Nonetheless, it is important to recognize that civility is made possible by stable institutional structures and the cognitive, psychological, and spiritual resources of maturity. We might, then, conceive civility as a social virtue of mature human beings who live within stable social circumstances and who are able to cooperate with others within that social context. Civility develops as we learn to understand social conventions. But it is more than mere conventional knowledge. Civility develops as we learn to adopt the perspective of the other, that is, as we learn to take the other into account in conversations and in behavior.

Unfortunately, this points toward the problem of cultural variability, since there can be variation of what is social acceptable. Consider for example, the civility code described by George Washington in a set of rules he copied at age 16 as part of a writing exercise.¹² The 110 rules on Washington’s list were de-

¹² “George Washington’s Rules of Civility and Decent Behavior in Company and Conversation.” *Foundations Magazine*, <http://www.foundationsmag.com/civility.html> (accessed March 30, 2013).

rived from principles of civility established by the Jesuits in the 17th Century. Among the rules on Washington's list are a variety of principles governing a system of deference defined by social status—rules for standing up, bowing, doffing a hat, etc. There are also rules for dining—using a knife at table, slurping beverages. And rules governing laughter—when to laugh and not laugh depending upon context and social circumstance. Such rules are a central feature of civility in hierarchical societies.

These kinds of rules for “civilized” behavior have been viewed as a central feature in the evolution of more peaceful social institutions. This idea is most closely associated with the work of Norbert Elias, whose book, *The Civilizing Process*, explains how violence and power are transformed into civilized behavior through the growth of courtesy, manners, and civility. This idea has been reiterated recently by Steven Pinker, whose book, *The Better Angels of our Nature*, spends quite a few pages recounting Elias' thesis about the civilizing process. Elias' central idea was that civility codes of this sort show us how external constraints against violent and brutish behavior have been replaced by internal monitoring, which has helped us learn to be polite and well-mannered. Pinker explains this as the transformation in culture by which warriors were turned into courtiers.¹³

What is significant, however, is that the sorts of rules emphasized by Washington remind us that civility has a socially relative component. In Washington's day, in the hierarchical society in which he lived, civility included knowing when to bow and when to take off one's hat. We would not include such behaviors in our account of civility today. In our egalitarian society, we no longer bow or doff our hats as a sign of respect for our social betters.

Or consider the case of recent “civility laws” in China that have been established in an effort to prevent people from smoking, spitting, and urinating in public, and to encourage people to clean up after their pets.¹⁴ As noted above, there is something odd about trying to legislate civility in this way, since we tend to think that the state should not be involved in the enforcement of manners. Indeed, one might argue that one of the marks of a free society—as opposed to an authoritarian society—is the degree to which the political system avoids “legislating morality.” In liberal societies, there is greater leeway for the institutions of civil society to take care of themselves. This is not unproblematic, however, as the institutions of civil society can be discriminatory. At any rate, although we might agree that laws against smoking or spitting are useful, it is important note that these values are somewhat conventional: norms about smoking and spitting and doffing hats are culturally and historically variable.

¹³ Pinker, S. 2011. *The Better Angels of Our Nature: Why Violence Has Declined*. Viking, 75.

¹⁴ “Civility Law to Take Effect March 1” *Shenzhen Daily*, http://www.szdaily.com/content/2013-01/24/content_7640843.htm (accessed March 30, 2013).

A deeper consideration of civility, that looks beyond the culturally variable content of such civility codes, might direct us toward a kind of Kantian respect for the dignity and autonomy of the other; as well as a focus on respect for the norms of social organizations. This level of civility requires substantial intellectual and moral development.

One useful recent description of civility by Clifford Gentry Lee explains it as follows:

“The quality of civility is a state of character, a component of an individual’s style of carrying him or herself in the world through action and presentation to others in speech. As such, civility requires emotional regulation to prevent our emotions from leading us to act impulsively. Civility also requires the capacity for the suspension of self-interest, such that a shared ideal of the common good, the noble or beautiful, determines the way by which we manage disagreement, conflict, and decisions of public policy.”

Lee’s account is interesting insofar as he emphasizes emotional regulation, overcoming (or suspending) self-interest, and recognition of some shared ideal of the common good. Lee also maintains that civility develops both from empathy and from a kind of Socratic humility that acknowledges ignorance and multiplicity of perspectives. Lee explains:

“Civility requires imaginative empathy and the capacity to tolerate ambiguity and uncertainty. One of the structural foundations of this virtue is the ability to stand within the space of Socratic wisdom, to become comfortable knowing that we do not, and will not, have absolute certainty, that our individual perspectives are not definitive of absolute truth.”¹⁵

This points toward a significant challenge for the concept of civility, as a middle path negotiating between absolutism and relativism. The difficulty of civility is that those who are civil ought to remain open to others in a way that can appear to encourage relativism—but if we believe that civility is a virtue that everyone ought to develop, then we are not exactly espousing relativism. The solution to this apparent conundrum is to emphasize that civility is in fact grounded on some sort of absolute claim about the importance of respect for persons and their liberty.

This idea can be found in Washington’s list of civil behaviors. Among the most important and basic rules, from this perspective, are rules for good conversation. One should be highlighted (#86):

¹⁵ Lee, C. G. 2011. “The Courage of Civility: Taming Public Discourse and Ourselves in the 21st Century.” *Alabama Humanities Review*, March 31.

<http://alahumanitiesreview.wordpress.com/2011/03/31/the-courage-of-civility-taming-public-discourse-and-ourselves-in-the-21st-century/> (accessed March 28, 2013).

“In Disputes, be not So Desirous to Overcome as not to give Liberty to each one to deliver his Opinion and Submit to the Judgment of the Major Part especially if they are Judges of the Dispute.”¹⁶

A further principle of good conversation admonishes (#88):

“Be not tedious in Discourse, make not many Digressions, nor repeat often the Same manner of Discourse.”

The first rule quoted here (#86) indicates the importance of liberty and of conforming to the will of the majority. That is a central principle of liberal democratic governance: that each should be free to express his or her opinion but also that each should be willing to go along with (to “submit to,” as Washington puts it) the judgment of the majority. The second rule appears to present an argument against the filibuster, which is a significant problem for civil discourse. Sometimes in civil conversations, the discussion can be dominated by those who refuse to yield the floor to others. Washington condemns that sort of domineering loquacity by saying basically that once you have made your point, you should yield the floor to others—out of respect for the liberty of others, who are also entitled to express their opinion.

The problem with this account of civility is that while members of liberal-democratic polities will agree that respect for liberty is a fundamental value, others may not agree. Non-democratic peoples may emphasize a more deferential account of civility. In a hierarchical society, civility may be more properly understood as deference to authority. And in terms of the filibuster, it might be that in hierarchical societies, where the voice of the leader is viewed as being more important, it is appropriate for the leader to keep talking (just as it is important for the masses to keep listening ...). While we would reject such a notion in liberal-democratic societies, the possibility of such a cross-cultural clash of ideas about civility points toward a significant problem for inter-cultural dialogue, international organization, and global institutions. Because members come from different cultural backgrounds, they bring social and moral values with them as they enter into the cross-cultural social situation. Thus it is possible that in the very name of “civility” there will be misunderstanding and miscommunication. While this is especially a risk for cross-cultural and international organizations, it is still a problem within the institutions of liberal-democratic civil society. Faculty meetings and local social clubs can be disrupted when different members arrive with different expectations about the norms of civility that are supposed to be governing the proceedings.

¹⁶ “George Washington’s Rules of Civility and Decent Behavior in Company and Conversation,” *op. cit.*

THE PARADOX OF CIVILITY

Civility is a difficult virtue because it appears to be required most when there is a breakdown of civil discourse, when there is lack of consensus, disagreement, and when social fragmentation and diversity inhibit understanding. David Estlund indicates that our duties and virtues may change when such breakdowns occur. It might be that when there is a major breakdown in an organization there is a new duty that is substituted for ordinary civility. It might be that we are entitled to retreat to a purely political power struggle in the face of such a breakdown of civility: “no holds barred, we may now do as we please.”¹⁷ I view this as a retreat to cynicism. And I think that it should be avoided if at all possible. When we give up on civility we are in a position of revolutionary action—we are thrown back into a Hobbesian state of nature, as it were, with regard to this particular civil institution. This may seem a bit extreme, since I am presuming only a break down within a civic institution and that the institutions of the state remain in place. Nonetheless, there is something like a state of nature when an organization breaks down, as the assets of the organization and allegiances of the members are up for grabs. Estlund suggests—and I agree—that such circumstances are rare. Instead, what often happens is that the ordinary norms of civility are replaced by a transitional set of norms. Instead of operating as normal, in institutions going through a breakdown, there is more distrust and less cooperation—in other words, less civility. This happens in marriages, in friendships, in transitions within academic organizations, and civic groups, and so on. The goal, however, of such a transition is to achieve a return to normalcy, that is a return to the state of normal civility through which members of the organization would be able to cooperate without suspicion and distrust. Often a reconstituted institution will have to find a way to exclude some of the members who were causing the distrust to begin with. Or if unable to exclude these members, some of the members may break away and form a new organization. Thus academic units are reorganized, excluding some departments; or marriages and families are dissolved with some members isolated from others; or civil associations, leagues, and so on involve occasional purges of membership and the formation of new organizations.

The chief problem for civil institutions comes from members who do not conform to the norms of civility expected within the institution. It is easy for the uncivil to take advantage, at least in the short run, of those who are motivated by norms of civility—as loud, domineering, and obnoxious speakers hold the floor, while those exercising civility politely wait their turn. It is easy for unscrupulous agents to manipulate free and open institutions from behind the scenes, making alliances, spreading rumors, and sowing distrust among the members. All of this happens fairly easily, at first, because the members pre-

¹⁷ Estlund, D. 2009. *Democratic Authority: A Philosophical Framework*, op. cit., 191.

sume that civility is widespread and that each member is operating above board with good intentions. But selfish and manipulative agents can easily use the trust of the rest of the membership to their own advantage.

This points toward one danger of civility, which is that those who are civil can be manipulated by the uncivil. This points toward an apparent paradox. The paradox of civility occurs when dealing with those who are uncivil: should we permit incivility in the name of civility? This paradoxical feature is similar to what some call the “paradox of toleration”: the problem of whether we ought to tolerate the intolerant.¹⁸ The danger of civility—as with other human virtues such as hospitality and toleration and even liberal democracy itself—is that it can be exploited by the unscrupulous, the callous, and the clueless. The further problem is that civility, toleration, and other liberal virtues appear to be required for exactly the sorts of situations in which they are abused by the unscrupulous or the clueless.

CONCLUSION

It is easy enough to remain civil in circumstances of mutual civility. If you allow me to speak, then I allow you to speak; and *vice versa*. Also implied in mutual civility is the idea that each of us will listen to the other. We may ultimately disagree. But we each agree, in the spirit of civility, to try to understand the point of view of the other. We allow one another the space and time to reflect upon and express our opinions. In such circumstances, disagreements may occur; but they will be accepted by each of us as a normal and inevitable result of the diversity of human experience. We do not expect to agree about everything. But we do expect agreement about the basic norms of civility. Mutual civility occurs in contexts where there is a certain overlap and sharing of basic values—especially at the procedural level—as Rawls suggests in the passage quoted at the outset. In terms of process, civility develops when there is a frame or format for each to express his or her opinion. One reason to “agree to disagree” about particular policy issues and decisions is that we share a deeper agreement about fundamental structural or procedural values. In liberal and democratic societies, the basic agreement extends in the direction of agreement about ideas such as human rights, equality, and the importance of representational institutions, which give voice to the interests of relevant constituents. Disagreements will occur; and sometimes my opinion and ideas fail to carry the day. But if I am to remain civil, I will acquiesce to the decision of the group.

¹⁸ I have discussed this in my: 2007. *Tolerance and the Ethical Life*. London: Continuum. Relevant sources include: Heyd, D. 1996. *Toleration: An Elusive Virtue*. Princeton: Princeton University Press; Churchill, P. R. 2007. “Moral Toleration and Deep Reconciliation.” *Philosophy in the Contemporary World*, 14:1 (Spring), 100–113; Nys, T., B. Engeln. 2008. “Tolerance: A Virtue? Towards a Broad and Descriptive Definition of Tolerance.” *Philosophy in the Contemporary World* 15:1 (Spring), 44–53.

One reason for civil acquiescence is that I trust the procedures which have been employed in the decision process: I trust that the rules are fair, that the votes have been properly counted, that each voice has been given equal consideration by each constituent. Another reason I might acquiesce when things do not go my way is that I trust that my fellow constituents are virtuous—that they respect my rights, my opinions, and the procedures we have agreed upon. Civil interlocutors trust that each has been heard, that the interests and rights of all have been accounted for, and that if the decision had turned out differently those who were on the losing end, the winners and losers would both submit to the decision that was arrived at by civil means.

Unfortunately, a condition of mutual civility is easily fractured by unscrupulous players, by callous boors, and by the selfish ruses of the un-civil. In such a breakdown of civility it might be tempting to retreat to a cynical state of nature—and start playing the game of political manipulation. However, such a retreat to cynicism marks the end of civil society. Not only does a retreat from civility encourage more cynical manipulation on the part of the other but it also invites intervention by political authorities, which will disrupt the spirit of the organization. At some point the police may have to be called—when legal transgressions occur. But it would be best to model civility in the hope of appealing to the sense of shame and decorum of the members (including the un-civil members who provoked the ruckus). There is no easy solution here. All social organizations—from families to states—are fragile human creations. They occasionally fall apart. When social institutions fall apart, it is better to be on the side of the civil members than to be numbered among the cynics, since the cynics will be excluded from whatever future organizations may arise by those who remain committed to civility.

ABOUT THE AUTHOR — professor of philosophy, Director of the Ethics Center at Fresno State, Chair of the Department of Philosophy, California State University—Fresno. Publications (books): 2010. *Public War, Private Conscience*. London: Continuum; 2010. *Introduction to Philosophy*. Kendall Hunt; 2008. *The Just War Myth: The Moral Illusions of War*. Lanham, MD: Rowman and Littlefield; 2007. *What Would Jesus Really Do? The Power and Limits of Jesus' Moral Teachings*. Lanham, MD: Rowman and Littlefield; 2005. *Tolerance and the Ethical Life*. London: Continuum; 2004. *Practical Pacifism*. New York: Algora Publishing; 2002. *The Philosopher's Voice: Philosophy, Politics, and Language in the 19th Century*. Albany, NY: State University of New York Press.