

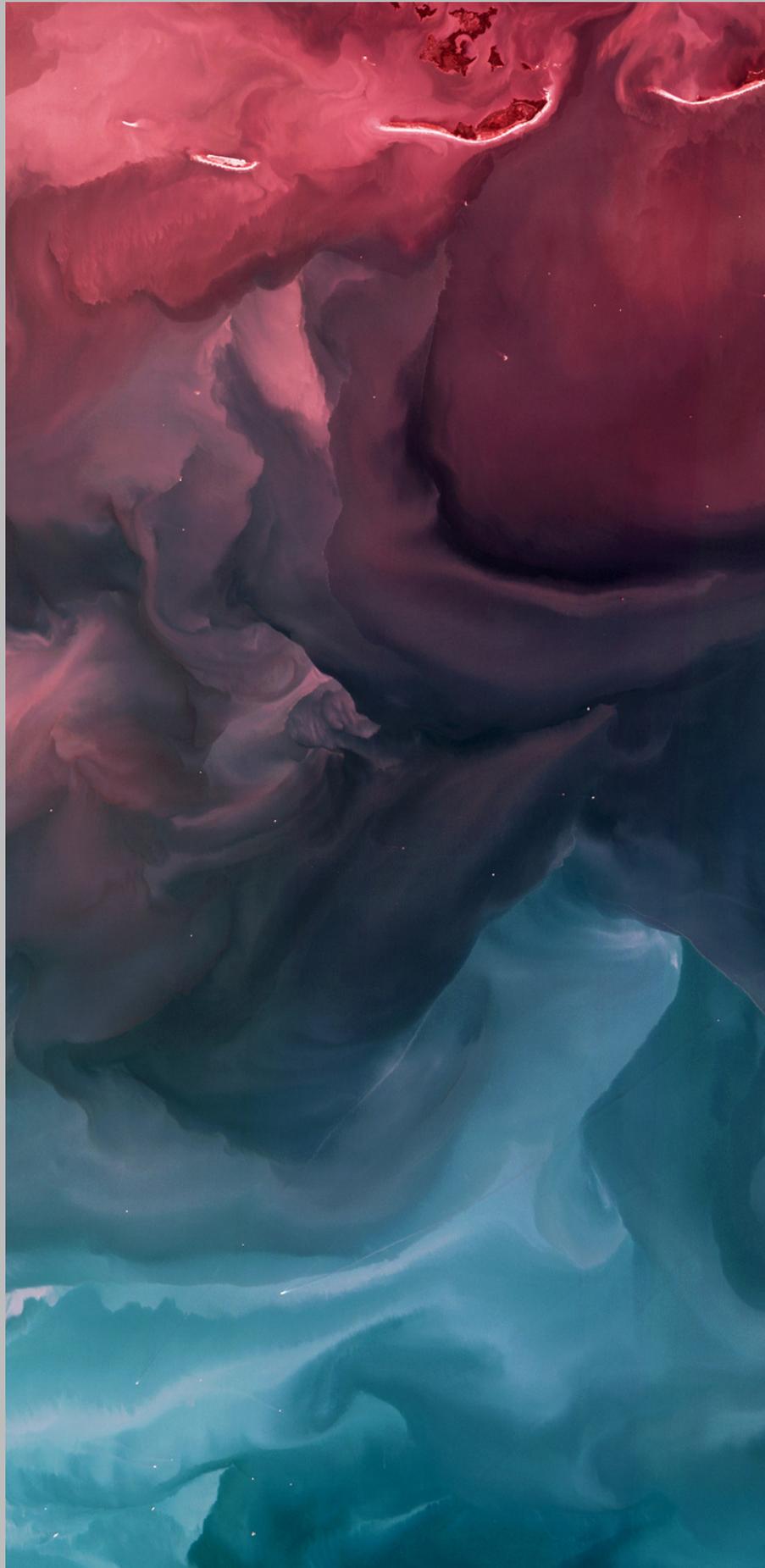
THE CONCEPT OF CIVILITY IN MODERN POLITICAL PHILOSOPHY

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NICD Research Brief 7: The Concept of Civility in Modern Political Philosophy¹

Civility has been a perennial concern of philosophers. Philosophers have disagreed, however, on what civility is, how important it is, and how norms of civility change. The relationship between civility and democracy has also been contested – some philosophers have argued that civility is an essential component of democracy while others have argued that calls for civility can reinforce antidemocratic tendencies. This brief summarizes noteworthy modern philosophical arguments about the role of civility in political and social life.

The concept of civility has been considered by philosophers for millennia, yet there are still disputes about what civility is. In this research brief we explore three different philosophical claims or questions about civility. First, we consider the idea of civility as manners. Is there a point to maintaining a sort of ritualized civility, especially if we do not necessarily know why these rituals exist? Some writers have argued that these rituals are important for creating social cohesion, while others argue that civility in this sense is a way of keeping out those who do not understand the rules. Second, we consider broader definitions of civility, which emphasize civility as a matter of respect, of humility, and of willingness to engage seriously the thoughts of those with whom we may differ. And third, we consider instrumental arguments about civility. It is important to separate these arguments if one wishes to make a case for civil discourse or to understand what people are talking about when they reject calls for civility. Much of the philosophical discourse regarding civility has consisted of consideration of what value we should assign to rules of civility, and how we should seek to balance the goal of civility against other goals such as free speech, toleration, and social welfare or justice.

Civility as Manners

One way to define civility is to equate it to politeness or proper manners. In the *Pensées*, for instance, Montesquieu writes that civility is “a sort of code of unwritten laws that men have promised to observe among themselves.” He goes on to observe that “barbarous people” have few such laws, but that in some tyrannical nations the laws of civility and etiquette can become so numerous that they interfere with people’s liberty. Civility, for Montesquieu, is a necessary part of civilization, but only when practice in moderation.

Many contemporary writers have echoed this theme. The American philosopher Anthony Laden notes that although the “codes” Montesquieu discusses are unwritten, it is not hard for people to develop a shared understanding of what civil practices are in a certain situation, or to quantify instances where civility has been violated. A measurement of civil acts, or infractions of civility, can help us to make general statements that civility is declining or increasing. Individual infractions may, by themselves, not mean very much, but it may be more meaningful to discuss reasons why the level of civility has changed.

Similarly, the political theorist Patrick Deneen notes that the terms “civility” and “politeness” are etymologically similar – both are derived from words about the city (*cives* and *politeia*). He mentions this in order to argue that civility as manners involves, or at least aspires to involve, a public dimension. We are civil not because we value that particular action for its own sake, but because we are engaging in a sort of public ritual which we expect others to follow or recognize. It is through these shared rituals that we develop our conception of culture – culture is simply a way of engaging in shared rituals, in choosing to do some things together but not others.

Manners are also adopted relative to the place where one is speaking – what is considered civil in face-to-face conversation may be different from what is considered civil in writing. One major cause of incivility (which we explore in other research briefs) is changes in communication technology. The language we use changes with our communication technology as well, so that incivility can seem to increase with technological disruption, as we struggle to create new ways of talking to each other.

Civility as a Disposition

Thinking of civility only as a matter of manners may strike some people as a rather empty way of thinking about matters. A choice to exercise good manners does not mean that one is a good person; well-mannered people may in fact resent those with whom they are engaging, they may merely have been taught well how to be civil, or they may be acting in civil ways in order to pursue self-interested ends. A more elaborate definition of civility, then, may be to see civility as a disposition and as a commitment to intellectual or political engagement with others.

Many works of late nineteenth and early twentieth century political thought emphasized this theme. In his essay “In Defense of Civility” the British theorist Sir Ernest Barker argued that civility is something that precedes government – it is a sort of disposition that makes the establishment of constitutions or norms of self-governance possible. Civility can be corrupted by some governments, but democratic governments cannot exist without it. The American writer Walter Lippmann argued that civility entails an informal agreement about how to resolve political differences. This presentation of civility as a disposition is certainly different from seeing civility as manners in its political consequences – after all, as Thomas Hobbes and other philosophers have pointed out, aristocratic or monarchical regimes often have very highly developed rules of manners and etiquette and use them to distinguish between classes.

The disposition of civility – what Laden describes as “civility as responsiveness” has several components. One of these is tolerance. In her book *Mere Civility*, Teresa Bejan draws on debates among Puritans in seventeenth century New England to argue that civility need not imply support for what other people think, or even much more than bare tolerance of their ideas. To be civil to others is to leave open the possibility that even if one thinks others are wrong, treating them respectfully makes it more likely that they will eventually be won over to one’s point of view. Modern discussions of free speech and toleration, Bejan claims, are too often about how to tame disagreements. She agrees with the legal scholar Jeremy Waldron that rules of civility often serve as a way of precommitting ourselves to being tolerant of speech or actions with which we disagree.

Another important component is intellectual humility. The philosopher Michael Lynch and his colleagues have argued that we should enter conversations with the awareness that we might be mistaken, with at least some openness to being convinced to change our minds. Lynch notes that a certain level of conviction is necessary to inspire people to engage in political action, yet an excessive amount of conviction, or an unwillingness to allow our convictions to be tested in conversation with others, is an impediment to civility and to creating the possibility of political life.

There is of course much overlap between these two senses of civility; the important distinction has to do with intent – in the instance of civility as manners, we are concerned with what people do while in the instance of civility as a disposition, we are concerned with why they do it.

Instrumental Arguments about Civility

The Canadian political theorist Mark Kingwell notes in his work that civility can be inefficient. The basic question in Kingwell's work is what benefit we, as individual, get from being civil. There are many ways in which civility might seem to interfere with our ability to achieve our goals. It can prevent us from saying what we really mean, and it can make conversations unnecessarily complicated. Civility is also, in a sense, undemocratic – civility in the first sense, civility as manners, can be an elaborate way of establishing status and of keeping out those who do not know the rules. Kingwell goes on to argue, however, that civility is in fact rational as a precursor to action. Showing that one knows the rules of civility or decorum is a way of establishing status, showing that one has the right to make certain statements or to engage in a conversation. In this sense, civility is efficient because it sends signals about a large amount of background information that would be cumbersome to explain.

As Kingwell and many of the other authors cited above emphasize, civility is meaningless when thought of only in individual terms – it matters little that I observe proper etiquette when I am dining alone, for instance. Civil behavior implies a commitment to membership in a group, and to an agreement that one's participation in that group will continue. It also implies an informal agreement about how to understand what is really being said when language is indirect or formal, or when some types of discussions are made off limits.

A “Second Order” Value

Most philosophers are in agreement that the concept of civility has no particular content – that is, even if we call for people to be civil, this does not mean that civil practices are good for their own sake. That is, if being civil entails speaking in turn, or following a particular set of rules regarding when one should speak, that does not mean that there is any particular moral value to what is actually being said. This makes any rules of civility what the philosopher of law H.L.A. Hart calls ‘second order laws.’ Second-order laws are, for Hart, laws about how to make laws. In most areas of life, such laws are actually more important than first-order laws, laws that actually have moral content to them. It is hard, however, to determine what happens when second-order laws are broken, to punish violations in a fair way, or even to monitor when they

are being broken. Civility is a relational concept about how we treat others, like humility or dignity, that cannot be understood on its own, without reference to a particular culture, tradition or context. In other words, it is meaningless to admonish anyone to “be civil” without a full knowledge of the situation in which that person is in or what the norms of civil discussion are for that person and those around him or her.

For the British political theorist Michael Oakeshott, this complicated status of civility means that civility cannot be legislated or imposed on anyone. The rules of civility are, Oakeshott argues, adopted in a free and open manner by people who are trying to find way in which they can have discussion or reach decisions. We adopt informal codes of civility when we are not in agreement on the common good; we might need to adopt these rules in order to have discussions about the common good, but we do not adopt them with any particular goal in mind, and we are not guaranteed an individual or collective result when we commit to civility.

This, for Oakeshott, makes it hard to justify civility on its own terms. When we break civility into its component parts or practices we find that each of these is arbitrary. No particular civil practice can, for instance, be justified by reference to human nature or to natural rights. Because we cannot make a moral case for any of its component parts, we cannot make the case for civility as a whole. We can, however, observe civil conduct or its absence – there are, he says “ripple effects” that occur when rules of civility have been abandoned, and the abandonment of civility is usually a sign that other things are happening that may have more obvious moral importance. Once civility is gone, however, we have no obvious way to reconstruct it.

Civility and Incivility

Just as one can distinguish between different theories of civility, so one can distinguish between different criticisms of civility, or calls for incivility. First is the case of performative or strategic incivility. Some scholars argue that civility is a tool that has historically been used to silence people who aren't part of the “in group” – racial minorities, women, immigrants, those with political views outside of the mainstream, or participants in protest movements. In some instances, allegations that these groups are uncivil may be disingenuous. But interviews with leaders of protest groups often reveal that incivility is a strategic choice. It is performative. In this sense, incivility is not a denial of social rules; rather, it is a choice meant to demonstrate that in this particular circumstance, the goals of the actors are so important that they override rules of civility *in this instance*. The rules do matter, otherwise the uncivil action itself would be meaningless. Performative incivility can also be connected to the creation of identity; in such instances, behaviors that might be construed as “uncivil” by outsiders are the point of the endeavor – they are part of the creation of a different set of norms. In either sense, incivility depends upon the existence of a code of civility – only then can we recognize that the rules of civility are being broken, which can lead us to a discussion of why they are being broken and whether they are being broken in pursuit of some more important goal.

Second, one might equate civil discussion with obfuscation or moral equivocation. To discuss matters in a reasoned, civil fashion presupposes that one is open to having one's opinion challenged, or that one is willing to soften the blow of ideas in order to placate one's real or

imagined foes. Certainly there are some instances when it is more important to communicate clearly and directly than to follow a set of rules, as when there is an emergency that needs to be announced, or when one is trying to communicate with people who do not understand the rules of civility. Here again, however, incivility is only temporary or situational – it may be an assertion of power for someone to decide that the rules must be suspended, but even this decision does not mean that civility is never appropriate.

Arguments for incivility, then, are by their nature limited – they draw upon civility’s status as a second-order law in order to highlight instances where civility should not be the most important value or, perhaps, where it should not be valued at all or where those who argue for it should be looked at with suspicion. Understanding arguments against civility, therefore, require one to first understand what those making these arguments take civility to be.

Radical Civility

Finally, some recent authors, such as William Keith and Robert Danisch, have proposed the practice of “deep civility” or “radical civility” as a means of pushing back against offensive speech. While Bejan’s notion of “mere civility” emphasizes tolerance of opposing views, the practice of radical civility. A commitment to radical civility is akin to the sort of civil disobedience practiced by 1960s civil rights activists or by peaceful movement leaders such as Gandhi. Here, the very deliberate decision to avoid provocation, to behave in a civil manner, heightens the contrast between those in these social movements and their adversaries. For these authors, the choice to be civil is an individual decision, a way of staking one’s claim to membership in a group from which other people may want to exclude people.

Implications for Research and Discourse

This survey of modern theoretical work on civility shows how difficult it is to conduct research on civility. A common theme in all of this work is that it is easier to measure incivility than it is to measure civility – flagrant violations of norms are easier to quantify than instances where the norms are followed. It is also easier to measure violations of civility as manners than it is to measure civility as a disposition, or to determine why someone is behaving in a civil or uncivil fashion. These theories also teach us that we should be aware of changes over time or across cultures in what is deemed to be civil. And researchers should avoid making moral claims about particular elements of civility.

This theoretical work can also be helpful for citizens in understanding what people mean when they call for civility (or incivility). It is certainly true that sometimes calls for civility are an effort to silence others, and claims about incivility are efforts to rule legitimate ideas outside the bounds of conversation. This need not be the case, however – one can make the case for a more robust form of civility that allows for more political speech and encourages diverse opinions and difficult conversations.

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