2000

Is Civility a Virtue

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University of Notre Dame Press


http://hdl.handle.net/2144/17895

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Is Civility a Virtue?
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Washington’s Rules

In the autumn of 1998, Eugen Tobin, the president of Hamilton College, an independent liberal arts college in Clinton, New York, gave each of the first-year students a copy of a small book containing the “Rules of Civility and Decent Behavior in Company and in Conversation” that the fourteen-year-old George Washington copied out from a 17th century English translation of a 16th-century French book of manners. In a note accompanying the book he expressed that hope that Washington’s rules would inspire students “to treat everyone with kindness, decency, respect and graciousness” and went on to explain that, “Since a liberal arts education is a rehearsal for dealing with differences among human beings, the requisite arts of listening, understanding and negotiating are among the most important intellectual skills and virtues we are called upon to master.” There is little to fault in President Tobin’s understanding of the attitudes towards others that one would hope to find in those who have taken the principles of liberal education to heart. Yet, with all due respect to the Father of Our Country, Washington’s maxims can’t help but strike the modern reader as rather odd.

The list opens auspiciously: “1st. Every Action done in Company, ought to be with Some Sign of Respect, to those that are Present.” But on the way to the sublime closing invocation to “Labour to keep alive in your Breast that Little Spark of Celestial Fire Called Conscience,” we run into this bit of prosaic advice about how to conduct oneself around earthy fires: “Spit not in the Fire, nor Stoop low before it neither Put your Hands into the Flames to warm them, nor Set your Feet upon the Fire especially if there be meat before it” (Rule 9). Sometimes the advice Washington gives is straightforward enough — “3d. Shew Nothing to your Freind that may affright him” — while at other times it is unsettlingly detailed: “13th. Kill no Vermin as Fleas, lice ticks &c in the Sight of Others, if you See any filth or thick Spittle put your foot Dexteriously upon it if it be upon the Cloths of your Companions, Put it off privately, and if it be upon your own Cloths return Thanks to him
who puts it off.” Washington’s rules include a brief discussion of fashionable dress (51 ff) and of table manners (90 ff) as well as some advice that participants in undertakings such as the present one might well take to heart: “80th. Be not Tedious in Discourse or in reading unless you find the Company pleased therewith.”

The body looms rather large in these rules (which should come as no surprise to readers of Norbert Elias). Every inch of it must be kept under scrutiny, as if it were a province on the brink of rebellion.

2d. When in Company, put not your Hands to any Part of the Body, not usualy Discovered.

4. In the Presence of Others Sing not to yourself with a humming Noise, nor Drum with your Fingers or Feet.

10th When you Sit down, Keep your Feet firm and Even, without putting one on the other or Crossing them.

11th. Shift not yourself in the Sight of others nor Gnaw your nails.

12th. Shake not the head, Feet, or Legs rowl not the Eys lift not one eyebrow higher than the other wry not the mouth, and bedew no mans face with your Spittle, by appr[oaching too near]r him [when] you Speak.

53d. Run not in the Streets, neither go too slowly nor wit[h] Mouth open go not Shaking yr Arms [kick not the earth with yr feet, go] not upon the Toes, nor in a Dancing [fashion].

Even one’s facial expressions must be carefully managed:

19th. let your Countenance be pleasant but in Serious Matters Somewhat grave.

20th. The Gestures of the Body must be Suited to the discourse you are upon.
22d. Shew not yourself glad at the Misfortune of another though he were your enemy.

23d. When you see a Crime punished, you may be inwardly Pleased; but always shew Pity to the Suffering Offender.

Another group of Washington's maxims are concerned with the demands of a society in which there are superiors and inferiors: one must learn to give the former the deference that is owed them. Rules 26 and 27 provide us with agonizingly detailed descriptions of how to go about removing hats as a sign of respect, Number 28 addresses the problem of when to sit and when to stand, Number 29 negotiates entry through doorways, Number 30 deals with how individuals are to arrange themselves while walking down the street, while Numbers 31 and 32 address the question of who gets which lodgings when travelling. Indeed, even the simple task of unfolding a napkin at a table requires attention to what others are doing:

104th It belongs to the Chiefest in Company to unfold his Napkin and fall to Meat first, But he ought then to Begin in time & to Dispatch [w]ith Dexterity that the Slowest may have time allowed him.

One can only wonder what impact, if any, this advice has had on dining practices among the first year students at Hamilton College.

That Washington's rules should be distributed to college students at the close of the twentieth century tells us something about the curious career of the notion of civility: it is something which a good many people are inclined to promote, even though they may not be entirely sure what it is that they are promoting. Thus Wesley Allen Riddle, chair of the "American Civility Project" and fellow at the Heritage Foundation, urging resistance to that "cultural coup" that members of my generation are alleged to have pulled off, has called for the drawing up of "rules of civility that make sense and build character." These rules, he goes on to explain, "are to be published and taught" (and early on in his essay he calls for
business and foundation support to aid him in this process). Yet he never explains what they are: he tells us that Washington’s rules need to be rewritten for the modern age, but he gives no clue as to how one might do it. Likewise, the “Council of Civil Society” — a self-described “group of 24 nationally distinguished scholars and leaders” chaired by Jean Bethke Elshtain of the University of Chicago — has published a “strategy for renewal” of civil society that includes proposals for strengthening the family (by making divorces harder to get), fostering greater piety and charity (through legislation that would permit “faith based organizations, without denying or relinquishing their religious charter, to compete on equal terms with other private groups for government contracts to deliver welfare services to the poor”), and encouraging less consumerism and materialism (by encouraging employers “to recognize the moral dimensions of the decisions they make” and urging citizens to “resist the pressure to acquire more and more material things”).¹ The contributions of groups such as these are but a small part of the flood of books and articles on “civility” and “civil society” have appeared in the last several years — in what follows I will have a bit to say about the contributions by Edward Shils and Stephen Carter.² All of these discussions appear to be a general agreement that something called “civility” is a good thing — a “virtue” if you will — and it is a good thing because it brings about the conditions for that sustain the existence of “civil society” — which is regarded as a very good thing.

It is hard to say bad things civility. But it might be worth a try, especially given the ellusiveness of the thing that is being praised. So let us begin by briefly considering what it means for something to be a virtue, then go on to consider how “civility” and “civil society” have been used during those periods in history when there may have been a somewhat more subtle understanding of the nature of virtues than we have today. After

1 Report 18
2 Shils 340
that, we consider some of the differences between traditional and more recent uses of these terms and conclude by examining what it means to speak — as Shils and Carter do — of a "virtue of civility."

Virtues, Practices, and Societies

If pressed for a brief account of what a virtue is, it would be difficult to improve upon the definition Aristotle offers in Book II of the *Nicomachean Ethics*. *Arete* (virtue, or, more literally, "excellence") causes its possessors to be in a good state and to perform their functions well; the virtues of the eyes, e.g., makes the eyes and their functioning excellent, because it makes them see well; and similarly, the virtue of a horse makes the horse excellent, and thereby good at galloping, at carrying its rider and at standing steady in the face of the enemy. If this is true in every case, the the virtue of a human being will likewise be the state that makes a human being good and makes him perform his function well. II:6

Aristotle situated his account of the virtues in a more general account of human action which sees it as teleological (e.g., as seeking to attain certain ends and goals), as subject to reflective correction (e.g., we are capable of reflecting on what we are doing and improving it), and as transpiring in concert with others. Thus, in discussing the virtues that allowed Ted Williams to become the last 400 hitter in baseball, we would need to consider his natural ability to follow pitches until they were almost at the plate, the skills he acquired in reckoning where the ball might be going in the split second when he could no longer maintain sight of it, and the happy and contingent historical fact that he was a member of a society in which talents such as these could be utilized within the complex social practice known as baseball.
On this preliminary accounting, for civility to be a virtue, it would be necessary to show that it allowed its possessor to perform certain functions well. To the extent that knowledge of when to unfold napkins, how to tip hats, and where to put one's hands fits one for the practice of interacting with others in a society of a certain sort, Washington's rules of civility would seem, unproblematically, to be virtues. But, of course, there is more to the question than that. Virtues, as Alasdair MacIntyre has reminded us, are embedded in specific practices and the possession of certain virtues that are specific to certain practices may not be relevant for other practice (just as Michael Jordan's virtues proved massively irrelevant to the practice of baseball, so Ted Williams — while an excellent Red Sox — would presumably not have been as effective a Celtic) and it is quite possible to be excellent in the pursuit of a particular practice and nevertheless still be less than excellent as a human being. Moral virtues, in Aristotle's account, are those virtues that enable us to be good human beings. The question that we probably want to see answered about civility is not whether it is a virtue, but what it has to do with moral virtue.

One problem with accounts of virtues of the sort I have been giving is that it is not always clear whether one has given a sufficiently generalized account of what it is to be a good human being to escape the risk of having given an account which defines human excellence in terms of a rather specific set of traits, peculiar to one particular society, but not to others. Thus Washington's "Every Action done in Company, ought to be with Some Sign of Respect, to those that are Present" may very well be a norm that would be have to be followed in order to foster fruitful interactions between individuals in any conceivable society. If "civility" meant this, and only this, it might well be a moral virtue. Yet we could well imagine a society functioning quite happily in which individuals jostled their feet under the table, unfolded their napkins with little or no regard for what others were doing, and left their hats on their heads as they passed one another in the street. Would we want to say that a society of this sort, though "uncivil" by Washington's standards, was in any sense "immoral"?
Another problem with the status of “civility” as a virtue has to do with the breadth of its concerns. Aristotle’s virtues tend to have a specifiable range of applicability. “Courage” involves the management of feelings of confidence and fear in situations of threat and danger. “Temperance” is concerned with the proper enjoyment of bodily pleasures. “Generosity” has to do with the use of money. “Wittiness” is concerned with saying and listening to the right things in the right way. And so on. A glance at Washington’s list suggests that “civility” is concerned with so many different things that it is difficult to specify the range of its applicability. It would seem to deal with nothing less than the successful management of social relations with others. There is at least one virtue in Aristotle’s account which has the same expansiveness: justice. At the start of Book V Aristotle explains that “justice” is used in two senses. In its most precise usage it denotes a particular virtue concerned with the question of fairness in the distribution of things that are either scarce or which would lose their goodness if everyone had them in equal amounts. But it is also used in a more general sense in which it means “lawfulness” — doing those things which the law command. To be just in this latter sense is to be able to fulfill all the demands which the political community makes on its members. To do this, one most possess all of the virtues which fit one for political life. Justice in this more extensive sense thus means nothing less than the possession of the totality of all the other virtues.

In this light, Washington’s “civility” begins to look like a somewhat impoverished version of Aristotle’s definition of justice as lawfulness. It includes some, but not all, of the virtues that are needed for successful performance of one’s responsibilities as a member of a political community. Yet it seems to have less to do with membership in the political community than with membership in “civilized society”, to have less to do with “morality” than with “manners.” Since all these terms have rich and intertwined histories, perhaps we can make some headway in understanding the sense in which “civility” might be a virtue is we looked at what it meant for something to be a “civil” society.
Civility and Civil Society

Samuel Johnson’s dictionary of 1755 provides a definition of civility that lies close enough to Washington’s day to serve as a jumping off point. It begins simply enough: “1. Relating to the community; political; relating to the city or government.” But after this straightforward beginning, Dr. Johnson goes on to define “civil” in terms of what it is not, and in the process he produces a rather curious list:


This definition captures a crucial feature of eighteenth century usages of “civil”: to say that something is “civil” more often than not meant to say that it is not something else. Thus, if we look at the history of usages of the term “civil society,” we find that the term has taken on a variety of different meanings by through its juxtaposition to a series of other forms of association.

The term “civil society” itself entered western political discourse in the translation of Aristotle’s Politics by the great Florentine civic humanist Leonardo Bruni. Bruni used “societas civillis” to translate Aristotle’s koinonia politike — a term which he used as a way of explaining what sort of community (or kononia) the polis was: it was a political community, and Aristotle began the Politics with a contrast between the political community or polis and the domestic community or oikos. This juxtaposition exercised an enormous influence in the history of political thought, and as late as Locke’s Second Treatise and Rousseau’s entry on “Political Economy” in Diderot’s Encyclopedia, we find
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civil or political society defined by contrasting it with the household. We can also find a well-established tradition in which civil society is juxtaposed to ecclesiastical forms of association: Augustine spoke of “two cities or societies [duae civitates hoc est societates],” the civitas Dei and the civitas terrena (Civ. Dei XII:i), and Aquinas followed suit, juxtaposing the communitas civilis to the communitas divina (Summa Theo. 1, 2 qu. 100, art. 2c). In the seventeenth and eighteenth centuries similar distinctions would be elaborated in Locke’s Letter on Toleration and Kant’s Religion within the Limits of Reason Alone. Civil society was also defined, in modern natural law theories, by contrasting it with a pre-political state of nature. Finally, civil (or “civilized”) society could also be defined by contrasting it with those “rude” societies inhabited by “savages” who lived without laws, conveniences, or commerce. Thus, at one or another point in history, the term civil society might have been defined in opposition to domestic, to ecclesiastical, to natural, or to rude societies.

In all of these juxtapositions, civil society is synonymous with “political society” — Locke, to cite the most famous example, used the two terms as equivalents in Chapter VII of the Second Treatise: “Of Political or Civil Society.” In thinking about the way that civil society is to be distinguished from these other societies, one may focus on those peculiar virtues — designated as “civic” virtues — that distinguish the free head of the household from other members of the family, that distinguish the citizen who pursues ends in this world from the Christian who aims at salvation in the next, that distinguish an individual who has subjected himself to the conditions of a social contract from the resident of the state of nature, or (finally) that distinguish a civilized and polished individual from a rude barbarian. Given the diversity of modes of life that are defined as “uncivil” it is little wonder that the particular virtues associated with civic life should be so wide-ranging or so variable. Thus the rules of civility that Washington copied out might be understood as defining civil life across a number of these different dimensions: to be civil is — at one and the same time — to strive to avoid falling back into a brutish rudeness (so keep that greasy
knife out of the salt), to be sensitive to the joys of worldly fellowship (so be tedious only among those who won’t mind it), to have left behind the world of women and servants and entered into a domain of men who deserve equal respect (so give that respect to all those with whom one keeps company), and to have entered into a society where — unlike the equality of the state of nature — there are clearly laid out ranks and divisions (so wait for cues from your betters before unfolding napkins).

The rules of civility that the young Washington copied in 1744 thus give us a glimpse of the sorts of virtues that a citizen of a civil society required in order to perform the role demanded of him. Yet this list was, even in Washington’s own day, likely to have been a dated and garbled one. He had copied it from a 1640 English translation of a list of French Jesuit Rules of Civility and Decent Behavior dating from 1595. There was a vast difference between the world of a sixteenth-century French gentleman and that of a member of the gentry in colonial America. As a trivial example, consider the matter of napkins. Brissot der Warville, an eighteenth-century French visitor recorded with astonishment that Virginians do not use napkins, but they wear silk cravats, and instead of carrying white handkerchiefs they blow their noses either with their fingers (I have seen the best-bred Americans do this) or with a silk handkerchief which also serves as a cravat, a napkin, etc.3

It is thus possible that the young Washington copied out rules for the use of an item that he would encounter only infrequently. But more is at stake here than simply the absence of napkins in colonial Virginia. In French society at the close of the sixteenth century, it would have been obvious who one’s betters were. If such notions may have been more difficult to maintain in colonial America, they would become almost impossible in a post-colonial America where, as Alexis de Toqueville — that most famous of all French visitors

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to the new democracy — would observe, all distinctions of status and rank seemed to melt away into one vast, undifferentiated, class of relentlessly active individuals. Whatever rules of civility Washington put together in 1744 would have to be revised in the course of framing those virtues required for free citizens of the most ambitious attempt at republican self-governance since antiquity. The age of democratic revolutions required a rethinking of what constituted appropriate republican forms of civility, and both in France and in the newly independent colonies, one finds extended discussions of the sorts of mores and manners appropriate to a free society of equals. Washington himself was forced to ransack antiquity for the appropriate model of a leader of a republic — he found it in Cincinnatus, the general who saved Rome in its hour of greatest need and then resigned his office to return to his farm — while Benjamin Franklin experimented in his own writings with the construction of a persona that combined the traits of commercial industriousness, scientific inquisitiveness, and democratic simplicity — a persona that would won him fame in Europe as the most illustrious new man from the strange new world.

Redefining Civil Society: Faith, the Family, and the Market

Anyone familiar with these eighteenth century patterns of usage cannot help but find something peculiar about some of the ways in which the terms “civility” and “civil society” are being used in recent discussions. It is as if all the finely wrought distinctions between civil society and other forms of association have melted away. The report of the Council on Civil Society, for instance, assures us that the family is “certainly civil society’s most important institution” — yet, in Washington’s day, civil society referred to that domain of activities that lay outside the sphere of domestic life. Likewise, Stephen Carter doubts that “we can reconstruct civility in America without a revival of religion as a force in both our public and private lives” — yet the eighteenth century fought hard to distinguish civil
society from religious forms of association. And, in an earlier talk in this series, Laurence Cahoone has told us that "civil society is not primarily political" and to treat it as such is to "engage in an over-valuation of the political" — yet, before the beginning of the nineteenth century, it is impossible to find a thinker who understands civil society as anything other than a political society. Alasdair MacIntyre began After Virtue by imagining a situation where, after a collapse of civilization, a new generation began picking up bits and scraps of what had survived from the earlier scientific writings and proceeded to use its terms in ways that bore scant resemblance to earlier patterns of usage. He proposed this as an analogy for what had befallen modern discussions of virtue. It might also serve as a rough approximation of what has happened to discussions of civil society: a term that was once employed to carve out a domain that was political, rather than a domestic or an ecclesiastical society, has now been depoliticized, domesticated, and sacralized.

But why hold eighteenth-century usage as sacrosanct? Though Alan Wolfe may be wrong to claim that Hegel saw the family as "a crucial component of civil society" (Hegel, in fact, emphasizes that the family is not part of civil society, as he understands it), he is on firmer ground when he suggests that, "It is certainly useful to inquire into the origins of the term civil society, and to be reminded of its context in 18th-century Scotland or 19th-century Germany, but just about all the terms we use today meant something different when they were introduced." The fact that we are deviating from earlier usages of "civil society" should not, Wolfe goes on to argue, "prevent us from using the term today to describe families, churches, and neighborhood associations — so long as we are clear that we are doing so." Wolfe may well be right that it would be pedantic to hold to eighteenth century usages. But having already suggested in another place that the virtues of pedantry

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4 Carter, 73, cf. Orwin
5 Cahoone, "Civic Meetings, Cultural Meanings" 8.
6 Wolfe, Brookings
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should not be underestimated, let me do so again here: surely part of what might be involved in being “clear” as to how “we” are using the term “civil society” today would involve a consideration of the how the meaning of the term has shifted and what the implications of this transformation might be. To do this, we need to examine a set of transformations in usages of “civil society” that are associated with the names Locke, Hegel, and Tocqueville.

When Leonardo Bruni translated Aristotle’s Politics in 1438, he used “civilis societas” to render Aristotle’s “koinonia politike,” a term that Aristotle used to designate that form of association which is conventionally called a “polis,” a term that Bruni translated as “civitas.” Bruni’s translation established a convention that would have a remarkable staying power: “civil society” is a term of art used by political theorists to describe that form of association which is conventionally called a polis or acivitas. But while the linguistic convention of identifying the civitas as a societas civilis continues into the eighteenth century, problems begin to arise with the continued use of the term “civitas.” For Bruni, a humanist and rhetorician who twice served as the head of the Florentine chancellory, it was unproblematic that Florence was a civitas and, hence, a form of political life rather like ancient Athens. He regularly drew on models provided by ancient authors in the speeches he delivered as part of his duties, and his translation of the Politics is filled with terms that he took from Florentine political discourse. The vocabulary of civic republicanism, a vocabulary which Bruni played a major role in crafting, led fifteenth century Florentines to interpret their political life in a narrative that hearkened back to the Roman Republic and the Athenian polis. While it was possible for Bruni and his contemporaries to narrate their political life in these terms, it was difficult for later thinkers to maintain the analogy. Consider that remarkable moment when Jean-Jacques Rousseau invokes the convention Bruni founded to describe what issues from the social contract and

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7 Becker, Hale
then immediately realizes that the convention doesn’t work: “This public person, formed thus by union of all the others formerly took the name city, and at present takes the name republic or body politic, which is called state by its members when it is passive, sovereign when it is active, power when it is compared to others like itself” [SC I:vi]. He inserts a footnote immediately after the word “city” which reads:

The true meaning of this word is almost entirely lost on modern men. Most of them mistake a town for a city and a bourgeois for a citizen. They do not know that houses make a town but citizens make a city.

After this momentary nostalgia for a way of speaking that his contemporaries have forgotten, Rousseau proceeds (back in the text itself) to plow through the various different words — “people,” “citizens,” “subjects” — that are used to refer to those who are associated in the social contract before observing “But these terms are often confused and mistaken for one another. It is enough to know how to distinguish them when they are used with absolute precision.”

But this is not enough, and Rousseau — as the footnote suggests — knows it. Modern men don’t know how to use political terms inherited from the ancient world because they no longer live in the forms of political community that gave rise to this vocabulary. Try as he will, Rousseau cannot get around the ugly fact that a modern “state” is not what used to be called a “city” and a modern “city” is neither a civitas nor a polis.

The experience of political life has undergone a sea change with the collapse of the small, self-governing city-republics of the Renaissance Europe. The category of “civil society” is abstract enough to survive this transformation unscathed — but not the assumption that the civitas is the locus of political life. Thus, even those thinkers who continued to insist that a civil society was a political society could question whether the “state” or the “government” was identical with civil society. Consider Locke. In Chapter XIX of the Second Treatise he carefully distinguishes between the “dissolution of society” and the “dissolution of
government,” arguing that it is possible to “dissolve” government while leaving “society” — by which he meant “civil society” — intact. The actions of monarchs such as Charles II or James II, which alter the way in which society is governed, may lead to a “dissolution of government” in which those associated into a civil (and thus still political) society exercise their native right to establish a new government. Citizens may, with good enough cause, end the trusteeship arrangement on which government rests. But in doing so, they have not dissolved the bonds that unite them into a civil society.

It is only in the early nineteenth century that we begin to find thinkers employing “civil society” to mean something other than “political society.” For two markedly different ways of making this distinction, we need to consider the work of Georg Friedrich Wilhelm Hegel and Alexis de Tocqueville. Hegel’s *Philosophy of Right* (1820) rigorously distinguished “state” from “civil society” and replaced the Aristotelean dichotomy of household and polity with the trichotomy of family, civil society, and state. In the revised usage that Hegel proposed (and it takes only a glance at the first reviews of the *Philosophy of Right* to remind us of how novel Hegel’s proposal was) “civil society” denotes the sphere of market exchanges and the legal and social framework that sustains the market as a domain distinct from both the private sphere of the family and the political sphere of the state. Civil society, Hegel tells us, is the domain of the “Bürger als bourgeois” — the citizen in the role of bourgeois: an individual who in concerned with the pursuit of private interests and who pursues these interests in a market where all other individuals are likewise concerned with the pursuit of their own interests. In his drafts for *Democracy in America*, Alexis de Tocqueville outlined a different way of separating political and civil society when he suggested that the book might be organized around a tripartite division between:

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Political society [*société politique*] — Relations between the federal and state governments and [between] the citizen of the Union and of each state.

Civil society [*société civile*] — Relations of the citizens among themselves.

Religious society [*société religieuse*] — Relations between God and the members of society, and of the religious sects among themselves.⁹

In distinguishing civil society from political society, Tocqueville was following the lead of his teacher François Guizot and his mentor Pierre-Paul Royer-Collard. Like Hegel, both had distinguished between state and civil society, and on the basis of this distinction had argued that it would impossible for France to return to the form of government that had preceded the massive social transformation which led to the Revolution.¹⁰ In his study of American democracy, Tocqueville pressed their distinction further, distinguishing political forms of association from what he termed “civil associations.” The former were established, in part, to oppose actions by the state and thus to preserve the “independence” of the citizenry. The latter, which addressed the needs of “daily life,” aimed at the preservation of “civilization” itself. Without them, the citizens of a democracy would descend into “barbarism.”¹¹ While Tocqueville may have begun *Democracy in America* with the idea of distinguishing “civil society” from both “political society” and “religious society,” in executing the book he focused so exclusively on the opposition between

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¹⁰ (Siedentop 1979, 153-174 and Siedentop 1994, 20-40)

¹¹ (Tocqueville 1969, 514-515).
political society and civil society that when he came to discuss "religious associations" they became one example, among others, within the broader class of "civil associations."\(^{12}\)

We are presented, then, with two markedly different ways of distinguishing civil from political society. In the model Hegel offers, the family is conceived as a private sphere that binds its members together through love, civil society is viewed as a sphere in which individuals pursue private interests publicly, and the state is conceived as a domain in which the articulation of shared, public interest is realized. In de Tocqueville’s model, "civil society" encompasses the sum total of all those non-political forms of association which structure social interactions between its members.

Thus, to summarize the path that has led us to this result: Down to the end of the seventeenth century, "civil society" was equated with the state and used to denote a political society that was distinguished from domestic, ecclesiastical, natural, and rude forms of association. From the seventeenth to the beginning of the nineteenth century, civil society comes to be distinguished from the state, but is still defined as a political, as opposed to a domestic, ecclesiastical, natural, and rude form of association. Finally, in the first half of nineteenth century it comes to be distinguished from political society and is now conceived either in terms of the actions of individuals operating within the economic sphere or along the lines of non-political forms of voluntary association including churches. As long as civil society is understood as "political society" the virtues associated with it will be — unproblematically — civic virtues: civility is the virtue of the citizen. But once civil society has been split off from political society, what can it mean to talk about the virtue of "civility"?

\(^{12}\) (513)
What are the Virtues of Civility?

At least one thing has remained unchanged in recent discussions of the "virtue of civility": more often than not, civility tends to be defined by being juxtaposed to what it is not. For the Council on Civil Society, the prime example of uncivil behavior is a set of actions that flow from something called the "philosophy of expressive individualism": the view that individuals are "self-originating sources of valid claims, essentially unencumbered, self-owning, and auto-teleological." Against this notion, the Council defends a view of humans as "intrinsically social beings," which "can only live in communities."

From this perspective, the basic subject of society is the human person, and the basic purpose of government — and all other institutions — is to help foster the conditions for human flourishing. In turn, the essential conditions for human flourishing are the elements of what we are calling democratic civil society, anchored in moral truth.¹³

If the report is somewhat vague about the "moral truth" on which "democratic civil society" rests — we are told that these truths are "in large part biblical and religious" though they have been also "strongly informed by the classical natural law tradition and the ideas of the Enlightenment"¹⁴ (passages such as this remind one that this report was the product of a committee) — it is a bit clearer what the authors of the Report regard as moral falsehoods. They are opposed to experimentation with forms of intimate association that fall outside what the report terms the "culture of marriage" (the Council is curiously silent as to whether their enthusiasm for the "culture of marriage" might lead them to endorse the elimination of

¹³ Report 16
¹⁴ Report 12
laws which prevent members of same sex unions from enjoying the benefits of this culture), they are critical of those who would seek a limitation on the role of religion in public life, and they view the alleged virtues of the free market with some suspicion, insisting on the need to “relativize economics, recognizing that free markets and cost-benefit analyses are primarily means, not ends.”

Somewhere, I suspect, Rousseau is smiling.

The vices that the Council on Civil Society seems to want to restrain would seem to be the uncivil virtues that distinguished Hegel’s Bürger als bourgeois from Rousseau’s citoyen. For Hegel, civil society was, if nothing else, a playground for “expressive individualism.” It offers us a “spectacle of extravagance and want” where that individuality that first dawned “in an inward form in the Christian religion” is given free reign.

Driven onward in a relentless pursuit of self-interest, Hegel’s bourgeois comes to realize that he is immersed in a social order that transcends the intentions of any given individual. With this comes the painful recognition that, to achieve one’s interest in a market, it is necessary to do something other than simply pursue one’s own interests: one must instead anticipate the motives and desires of other market actors. In this way, Hegel assures us, the bourgeois learns to know, will, and act “in a universal way.” His particularity is “educated up to subjectivity” and purged of his idiosyncracy, the bourgeois begins to take on the semblance of the citoyen. At least that was how it was supposed to work. That the Council on Civil Society finds it necessary to enlist call upon family ties and religious piety to curb the excesses of bourgeois individualism suggests they seem to feel that something has gone terribly wrong with Hegel’s vision.

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15 Report 15
16 Hegel §§182, 185
17 Hegel §§187, 189
Civility, as John Hale has observed in a discussion of Renaissance manners, "was about taming." Within the classical republican tradition, civic virtues aim at the taming of individual avarice and the binding of individuals into a political community. But when civil society is no longer understood as a political society, the virtues that are to restrain individual idiosyncracy can no longer be civic ones. Hence the popularity of family values and religious piety among those seeking to promote what now passes as "civility."

Stephen Carter's *Civility* can serve as an example. As evidence for what he describes as a "crisis of civility" Carter points both to various forms of boorish behavior (rude drivers, sullen gas station attendants, and quarreling talking heads on talk shows) and to the "essentially empty rights-talk of our age."

Carter's evidence for the latter includes a fired waitress's claim that "she had a 'right' to Pierce her face with as many studs and rings as she wishes and a high-school boy's claim that he has a "right" to wear droopy pants. Curiously, he doesn't seem to include efforts by "family values-conservatives" to pass legislation defending a "right to spank" in his list of examples of "empty rights-talk" — perhaps because what he sees as empty here is the "weird new argument" that parents should refrain from striking their children. "I was spanked as a child," he tells us, "and somehow survived."

My wife and I certainly took the time to slap out two children's bottoms or hands when they were young, usually for truly dangerous infractions, like running into the street. And our children, like most others whose parents occasionally spank, seem none the worse for the experience.

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18 Carter 67
19 Carter 239
Faced with a passage like this, one pauses at the phrase “usually for truly dangerous infractions” — and wonders when else the Carter children have their “bottoms or hands” slapped.

In a less disconcerting example of the “cause and effect of civility” in the family, Carter recalls a passage in Joseph Cardinal Bernardin’s memoirs in which Bernardin — shortly before his own death from cancer — recalled how, when he was about five years old, his father preventing him from falling off of a porch, paying no attention to the fact that in saving his son, he had reopened an incision from a recent cancer operation. Carter takes this story as an example of how “civility builds on itself”: a father “sacrifices his own comfort, possibly his own health, to console his child” and then the child “remembers the story and tries to act out of the same sense of sacrificial love.”

But does this story have anything to do with “civility” at all? Are the sacrifices that members of families make for one another even remotely appropriate as models for the relationships between members of a civil society? By grounding the norms of civility in “a sacred language” of “sacrificial civility,” Carter would seem to have established an impossibly high standard (in theory) that results in rather empty practical advice. Explaining what we should do when we are faced with a beggar on the street, Carter tells us that “civility by itself cannot provide the proper standard of charitable giving.”

Each of us must decide that for ourselves — in accordance, however, with strong norms of sacrifice for others. But civility, as we have used the term, does suggest that the one thing we cannot do about the beggar is ignore him. … We owe the beggar the same boon of greeting or conversation that we would bestow on anybody else we happen to meet.
A norm of "sacrificial civility" which can run the gamut from risking one's own health to save a child to wishing a beggar a pleasant day is no norm at all. It gives us no guidance at all as to how to act. In his discussion of civility Carter is at pains to explain that he is "not trying to be Miss Manners." He seems to think he is attempting something more ambitious; regular readers of Judith Martin's columns, however, may conclude that Carter has achieved a good deal less.

In a number of essays, the late University of Chicago sociologist Edward Shils has offered a definition of the virtues of civility that — like Carter and the Report of the Council on Civil Society but with considerably more theoretical sophistication — defines civility largely in terms of sacrifice and restraint. Civility, as Shils defines it, involves restraints on "particularistic ends" (3).

Civility is a belief which affirms the possibility of the common good; it is a belief in the community of contending parties within a morally valid unity of society. It is a belief in the validity or legitimacy of the governmental institutions which lay down rules and resolve conflicts. Civility is a virtue expressed in action on behalf of the whole society, on behalf of the good of all members of the society to which public liberties and representative institutions are integral. Civility is an attitude in individuals which recommends that consensus about the maintenance of the order of society should exist alongside the conflict of interests and ideals (4).

Threats to civility come from a complex of tendencies — "collectivistic liberalism, emancipationism, anti-patriotism, egalitarianism, populism, scientism, and ecclesiastical abdication" — that Shils collectively denotes with the term "progressivism" (5). All of these tendencies find their origins in the opposition to authority and the imposition of restraints that Shils sees as the hallmark of the Enlightenment's attempt to "elevate the subject into a citizen" (9) — though in other contexts, Shils seems to locate the origins of
the attack on civility with romanticism rather than with the Enlightenment (45, 83). While Shils’ history is cursory, at best, but the general thrust of his argument is clear enough: civility involves “a solicitude for the interest of the whole society, or in other words, a concern for the common good” (71).

We would appear to be back on traditional ground. Civility is the “virtue of the citizen,” the individual who is concerned with the common good: it would appear to be the virtues of the citoyen rather than those of the bourgeois. Shils follows Hegel in distinguishing civil society from both the state and the family, but insists that the virtues associated with civil society cannot be the virtues of the self-interested bourgeois. Instead, the virtue of civility must tame the potentially destructive individualism of civil society:

Substantive civility is the virtue of civil society. It is the readiness to moderate particular, individual or parochial interests and to give precedence to the common good. ... Whenever two antagonistic advocates arrive at a compromise through recognition of a common interest, they redefine themselves as members of a collectivity, the good of which has precedence over their particular objectives. The good which is accorded precedence by that decision might be no more than the continued existence of the collectivity in which they both participate. The common good is acknowledged wherever a more inclusive collectivity is acknowledged (345).

Incivility thus involves an assertion of particular interests and ends over those of the community, and it draws its impetus from a skepticism about the ultimate goodness of public good.

The great enemy of political civility is something Shils dubs “ideological politics.” Those who engage in ideological politics are motivated by “a coherent, comprehensive set of beliefs which must override every other consideration.” Convinced that “they alone have the turht about the right ordering of life,” partisans of ideological politics distrust political
institutions, distrust politicians, and introduce a “moral separatism” into politics that separates good from evil, left from right, national from un­
American (26-28). Civil politics, in contrast, requires an understanding of
the complexity of virtue, that no virtue stands alone, that every
virtuous act costs something in terms of other virtuous acts, that
virtues are intertwined with evils, that no theoretical system of a
hierarchy of virtues is ever realizable in practice. (52)
Civility — which, Shils assures us, means a good deal more than “good manners in face­
to-face relations (49) — would thus seem to be the virtue of knowing how to compromise between various competing virtues, it is the virtue of knowing when not to be too obsessed with virtue.

Justice or Civility?
Let us conclude by considering whether the following example might satisfy Shils’ requirements for “civil politics.” Members of Congress, faced with an issue that has caused considerable animosity and bitterness between the contesting parties, recognize that continued debate of the issue will lead to no resolution but will only serve to aggravate differences and prevent other public business from being conducted. They propose the following course of action. A resolution is drawn up which pays lip service to the claims of both sides, but which stipulates that all future petitions and legislation having to do with issue will be tabled without discussion. A majority of members of Congress, weary of partisanship, adopt the motion. Everyone gives up something, civility is restored, ideology is restrained, and Congress can go back to doing the public’s business.

Some of you will no doubt recognize the example I have sketched as the infamous “gag rule” that the United State Congress in May 1836 as a way of coping with the increasingly bitter debate over what should be done about slavery. South Carolina’s Henry Laurens Pickney introducted resolutions stating that 1) Congress had no power to interfere
with slavery in the states, 2) that it would be “unwise” and “impolitic” for Congress to interfere with slavery in the District of Columbia, and 3) any further measures on the “subject of slavery or the abolition of slavery” would “be laid on the table” and no further action taken. It is worth remembering that this rule represented a compromise of sorts—the second resolution made interference with slavery in the District of Columbia “impolitic” but not, as others in the South Carolina delegation had argued, “unconstitutional” — and that it did provide Congress with a means of moving on to considering other business. Perhaps, to that extent the cause of civility was served — which may be enough to suggest that civility may not be the first virtue of political associations, a point that certainly was not lost on John Quincy Adams, who secured his greatness through his long struggle to break the gag rule.

Arguments in favor of civility of the sort we find in Carter and Shils draw much of their persuasive force from the weakness of the opponents they construct. It is easy to disparage the “empty rights-talk” that concerns itself with baggy pants and nose rings. It is equally easy to favor sober compromise over wild-eyed ideological fantasies. But easy cases make bad norms. That we would be inclined to grant the virtue of civility trumps in cases such as these, tells us little about how we distinguish empty rights-talk from more serious claims or how we distinguish reasonable compromises in the name of the public good from timid acquiescence in the face of continuing political evils. For better or worse, the only way to get clear on what rights we have is to look more carefully at what it means to be a carrier of rights, and the only way to evaluate the justness of political compromises is to get clear on what we mean by justice. Civility may be a virtue. But it is probably not a virtue that will be of much help to us here.

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22 Arguing about Slavery 144