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Excellent Disobedience: A Virtue-Theoretical Account of Civility in Civil Disobedience

PhD in Politics

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Declaration of Authorship:

I confirm that this is my own work and the use of all material from other sources has been properly and fully acknowledged.

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Abstract

This thesis examines the conceptual relationship between civility and civil disobedience. Standard accounts of civil disobedience, though debated, typically emphasize publicity, communication, non-violence, and respect for law. They also frequently invoke "civility", but without comparable clarity or depth. This under-theorization obscures what, if anything, civility demands of *civil* disobedience and undermines our ability to assess the apparent distinction between civil and uncivil forms of dissent. I argue that existing treatments of civility in this context are unsatisfactory in two main ways. "Inside-out" treatments derive civility from prior conceptions of civil disobedience, rendering its demands parasitic rather than distinctly civil. "Outside-in" treatments treat civility independently, but often implicitly or without sufficient depth thus, leaving civility's significance unclear. To address these problems, I develop an account of civility independently of civil disobedience, and only then apply it. Drawing on the civility literature, I defend an "ethical" rather than "political" understanding of civility and argue that it is best conceived as an excellent character trait, i.e., a *virtue*. I develop a virtue-theoretical account, *Civility as a Virtue*: civility is a disposition to respond positively to formalities in ways that assure and esteem in social interaction. I show that civility is indeed plausibly a virtue (as it is often called), it is not inherently supportive of the *status quo*, and it can accommodate the possibility of righteous incivility. I then apply this account to civil disobedience. Drawing on the paradigmatic cases of Mahatma Gandhi and Martin Luther King jr. I argue for a qualified agent approach: the civility of civil disobedience consists in agents acting as we would expect civil persons to characteristically act in the circumstances. On this basis, I develop a civility-focused, virtue-theoretic account of civil disobedience that remains recognizably civil disobedience while offering a more parsimonious and flexible explanation of its standard associations with non-violence, respect for law, and public communication. Thus, civility is a central and potentially unifying part of civil disobedience.

To the memory of Captain John Smith

1933-2021

My dear grandpa and the most civil person I ever met.

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Table of Contents

Excellent Disobedience: A Virtue-Theoretical Account of Civility in Civil Disobedience

Introduction

This thesis addresses the conceptual debate on civil disobedience and particularly the often invoked but undertheorized idea of *civility* in civil disobedience. Discussion of the concept of civil disobedience has tended to focus on some apparently central features of civil disobedience: its non-violence, its communicative and public nature, its respect for law and, to a lesser extent, its civility or decorum (the "key elements" as I shall call them). It is on this latter idea of civility that this thesis will focus. As we will see, this relative neglect of civility threatens to hamper our understanding of civil disobedience; it is a problem compounded by civility's own relative obscurity outside of the realm of disobedience. Therefore, it is my aim to address this gap by answering the question: How should the concept of civility relate to civil disobedience? To address this questions, the thesis has two broad stages: the first, to clarify and develop an account of civility suitable for application to civil disobedience; the second, to apply it to civil disobedience.

Chapter I begins by setting out the problem. I identify two broad ways in which the idea of civility is treated in civil disobedience: "inside-out" and "outside-in". Inside-out treatments see a confusing use of the term "civility", with it seemingly falling out of the idea of civil disobedience itself. I show how this use fails to enable us to properly assess the role of civility in civil disobedience by obfuscating it with prior notions of civil disobedience. We need to treat civility explicitly and independently of civil disobedience to better understand what it does and does not demand in civil disobedience. Yet there is some independent, "outside-in" treatment of civility too. However, I show that this treatment is often implicit. This leads to difficulties in fully appreciating what, if anything, it demands and has to do with civil disobedience. Even those who do treat an idea of civility explicitly may undercook their engagement with the idea which, I show, potentially undermines what they have to say about it. From the discussion in this chapter, three success criteria follow for getting to grips with civility in civil disobedience: we need to treat it independently of civil disobedience, we need

to treat the idea explicitly, and we need to be sufficiently engaged with the civility literature to be able to address controversial matters there.

Chapter II turns to that civility literature and identifies an important distinction between so-called *political* and *ethical* civility. I begin by outlining and explaining the difference between the two—roughly, political concerns good citizenship, ethical concerns decorum or politeness—and draw on some examples of accounts of both sorts. With the difference established, I then build the case that we ought to prefer an ethical account of civility rather than a political one. I show how political accounts of civility are problematic either just as implausible accounts of civility because of "inside-out" treatments or because, even if they could be understood as civility, they are overly narrow and restrictive accounts that we ought to reject (at least as accounts for civil disobedience). By contrast, ethical civility is treated outside-in and is general in nature making it more broadly applicable. Thus, a fourth criterion is added: the account should be ethical not political.

Chapter III examines ethical civility by considering two seminal accounts from Cheshire Calhoun and Jeremy Waldron. Having highlighted some differences between them in the previous chapter, I explore and examine the apparent differences here in more detail and show the ways in which their accounts both differ and align including their thoughts on the limits of civility. Both accounts represent effective starting points for a fuller account of civility, and reflecting on them suggests that civility involves the use of formalities for the sake of basic social esteem and assurance of interaction. However, Waldron's account captures something important about civility: that it is not merely a property of acts but a property of persons; it is dispositional. That insight proves essential to making good judgments about cases of (in)civility. It also suggests a way to further develop an account of civility: via *virtue theory*. Civility is often talked about as a "virtue", and virtues are dispositional traits. Thus, Waldron's abstract sketch of civility forms the foundation of developing a virtue-theoretical account of civility.

Chapter IV begins the process of developing my account of civility: Civility as a Virtue. I start with a working definition as *the disposition to respond positively to formality* to sketch out a trait of civility. I draw on virtue theory to expound that definition, explaining a plurality of responses and the "items" of formality that they respond to. This generates an expanded definition of civility: *Civility is the disposition to respond positively (by promoting, honoring etc.) to the demands of the*

items of formality (formalities, the value of formality, and the social actors of the interaction). I then show how the underlying logic of responding to formality gives rise to some characteristic behaviours of civil persons. This not only shows why they typically follow formalities but also why, sometimes, they may not. It also helps to distinctly discern civility from other values that may overlap, or at least appear to do so, with formalities and civil behaviour. Finally, I discuss some potential responses to non-compliance that the account suggests.

Chapter V picks up the development of Civility as a Virtue by assessing it by three lights. First, I question whether civility meets the criteria of virtue. After all, not all traits are necessarily virtues even if good and some are famously vices. Rather than defend a particular account of virtue, I demonstrate that civility is plausibly a virtue according to a broad range of standard accounts of what makes a trait a virtue. I do this following Glen Pettigrove's strategy for meekness as a virtue: by showing that the account meets the most demanding Aristotelian conjunctive criterion (useful *and* agreeable to self *and* others) and so necessarily meets any criterion between that and the Humean disjunctive criterion (useful *or* agreeable to self *or* others). I also show how it meets some other criteria of virtue not comfortably found along that spectrum. Second, having had the positive case for civility, I consider a range of typical criticisms of civility, i.e., reasons we may not think civility a virtue (or, at least, a lesser one). My goal here is not to immunize civility against all objections, but rather to show where and why some typical criticisms do not apply to this particular account, and where and how Civility as a Virtue can respond—at least partially—to the others. Finally, I confirm that Civility as a Virtue meets the success criteria identified in previous chapters and thus it is reasonable to apply it to the particular case of civil disobedience.

Chapter VI looks to bring Civility as a Virtue to civil disobedience. But to do that, I first need to address the idea of civil *action* as opposed to the virtue itself. I set out a distinction from virtue theory between *acts of* and *acts from* virtue (roughly, between successful acts and well-motivated acts), and I use this with my account to show how it reaches plausible and nuanced judgements about cases of (in)civility in action. With this more general framework in place, I move on to considering the paradigmatic civil disobedience cases of Mahatma Gandhi and Martin Luther King Jr and how civility ought to be understood in civil disobedience: acts of it, acts from it, or some other combination? The discussion highlights the importance of civility to these exemplars, untangles civility from other aspects of their disobedience, and identifies issues faced by requiring acts of and/or from civility. A pragmatic solution to those problems

is presented with an adaptation of Rosalind Hursthouse's qualified agent account of right action which requires that civil disobedients, on the whole, act as we would characteristically expect a civil person to act.

Finally, Chapter VII applies Civility as a Virtue more thoroughly to the concept of civil disobedience by developing a unique civility-focused account of civil disobedience. This account demonstrates how the key element of civility alone explains a significant amount of the other key elements typically associated with civil disobedience: its public communicativeness, its non-violence, and its law-respectingness. Reinterpreting those other elements through the lens of civility enables the account to address some issues with them and offer novel insights. It also helps to clarify the terrain between civil and uncivil disobedience. The result is a parsimonious account of civil disobedience that avoids the rigidity of the "standard" account and the over-inclusivity of others while retaining the recognizability of a distinctly civil disobedience.

This thesis makes four main contributions. First, it clarifies the role of "civility" in civil disobedience. By identifying problems with the current treatment, it suggests how a greater and more robust focus on the concept of civility can advance our understanding. Second, the thesis' construction of an account of civility suitable for civil disobedience helps understand the shape and contours of civility and its value more generally. Third, the thesis' development of the idea of Civility as a Virtue is also an example of applied virtue theory which is a growing but still relatively underdeveloped area (especially in political theory). Finally, by placing civility at the heart of civil disobedience, the thesis' novel virtue-theoretical account of civil disobedience contributes to the wider debate about the concept of civil disobedience and of protest and resistance more broadly.

Chapter I
Civil Disobedience and the Idea of Civility

What should count as civil disobedience? That question remains open. Theorists continue to debate whether King, Mandela, Snowden, Pussy Riot, Anonymous, Black Lives Matter, etc., should count as civil disobedients or not. Whether they do or not depends on the theorist's conception of civil disobedience, of what things being a civil disobedient consists in and requires. There remains considerable debate on the concept of civil disobedience, and William Scheuerman (2021a) suggests that the debate and attempts to refine the concept may continue indefinitely.

While there is continued debate, Scheuerman points out that the concept does have some core ideas around which debate gravitates: "[theorists] at least implicitly aspire to capture an exemplary or perhaps idealized version of the *same* concept, even as they disagree about what weight its various components possess, or how they best fit together." (Scheuerman, 2021a:7). The hope is that ongoing debate allows us to move closer to some overlap and reduce unnecessary controversy; that continued debate around those central ideas moves us closer to what can sensibly be called a "fuller" conception (Scheuerman, 2021a:8). So even while the debate about civil disobedience remains open, we can still say something about its core made up of what I shall call the *key elements* of civil disobedience. So, what are the key elements of civil disobedience?

For simplicity, I shall refer to *four* key elements of civil disobedience as: non-violence, publicity, respect for law, and civility.[1] These key elements are commonly acknowledged as being a centre of gravity around which theories of civil disobedience orbit (see Delmas and Brownlee, 2021; Scheuerman, 2021a; Delmas, 2016), even while their interpretations and exact names differ. For example, Candice Delmas (2021) refers to "civility" as "decorum" and "respect for law" as "non-evasion" because of particular interpretations of those elements. Nonetheless, these elements are essentially what lead theorists to contest who among those aforementioned disobedients are *civil* disobedients. Did Mandela's actions of resistance cross the line of

[1] A further fifth element may also be given: communication. This refers to the communicative thesis, the idea that civil disobedience is essentially like a speech act and, therefore, must be communicative in nature. The idea that civil disobedience is equivalent to a speech act is the predominant view and largely taken for granted, generally it is included in—or reinterpreted as—the "publicity" element. Delmas (2021:211) does so, for example: "The publicity of civil disobedience refers to its openness and nature as an address to the community". I will therefore take it to be part of "publicity" for the sake of simplicity.

violence? Did Snowden fail to respect law through his evasiveness? Does the hacktivism of Anonymous meet the requirements of publicity? Does raucous and offensive behavior, such as in Pussy Riot's *Punk Prayer* demonstration, count as incivility? Depending on one's interpretation of those key elements, and whether one rejects any of them, those agents and forms of resistance either do or do not count as civil disobedience.

Of the four key elements of civil disobedience, publicity, respect for law, and non-violence have received a great deal of attention. For example, there is much contestation on whether respect for law requires the acceptance of legal sanctions, a guilty plea, mere non-evasion of authorities, or some particular disposition or expressed view *vis-à-vis* law (Scheuerman, 2018; Delmas, 2019; Moraro, 2019). Likewise, the question of violence has concerned whether property damage is permissible or not, whether self-harming violence violates the requirement, whether all violence is prohibited because it is essentially non-communicative, if "non-coercive" violence is permitted (Milligan, 2013; Brownlee, 2004; Moraro, 2019), or if we should only reject "militaristic" violence (Celikates, 2016). By contrast, civility is something of an outlier.

The idea of civility in civil disobedience is, as we shall see, often used vaguely, implicitly, and/or inconsistently. It has rarely taken centre stage as the other key elements have. In short, civility is undertheorized. Naturally, this poses a problem for our conception of civil disobedience. If civility should play a role in civil disobedience, we can neither reduce controversy nor refine our ideas about civil disobedience and civility's role without proper theoretical attention: if we do not know what civility really requires, we cannot know what it asks of civil disobedients. It is the task of this thesis to address that problem: to understand what civility is and what it calls for in civil disobedience.

The task of this chapter though is to illustrate the problem with the idea of civility in civil disobedience. I begin by identifying two broad ways in which the idea of civility is treated in civil disobedience: "inside-out" and "outside-in" (§I). Next, I show the problems of inside-out treatment and why we ought to reject it as a means of helping us to better understand the role of civility in civil disobedience (§II). I then turn to outside-in treatment, highlighting issues with implicit ideas of civility (§III) and with undercooked explicit treatments (§IV). I conclude by setting out what a concept of civil disobedience could do to avoid these problems and thus some success criteria to be met in the thesis: In brief, I will propose that the treatment of "civility" in civil disobedience should be outside-in, explicit, and sufficiently engaged with the civility literature.

§I. Two Treatments of Civility

There are two broad ways in which the idea of civility has been treated in the attempt to answer what makes civil disobedience *civil*.

The first of these ways is "outside-in", and this follows how the other key elements of civil disobedience have been treated. They are "outside-in" in the sense that the idea in question (law-respecting, non-violence, etc.) is an *independent* idea that is *taken to* civil disobedience. This is straightforward enough. Our theorizing and intuitions about those independent ideas are brought to the case of civil disobedience and applied to it. For example, what it means to be violent or law-respecting do not come out of thinking about what civil disobedience is: they are ideas we have that operate *generally* and we apply them to the *particular* case of civil disobedience. Of course, ideas like publicity and respect for law may themselves be embedded within a wider theory such as republicanism, political liberalism, or something else but it is not embedded within civil disobedience. However, civility is sometimes treated as if our understanding of it should come from within civil disobedience itself.

Rather than an outside-in idea, the "civility" in civil disobedience is not uncommonly referred to as if it came out of a concept of civil disobedience i.e., "inside-out". As if it could be considered without any reference to an independent idea of civility away from civil disobedience. This key element's treatment marks it apart from the others. The question of violence does not float free of some wider idea of violence. It would be odd to suggest that we understand the idea of violence only through its connection with civil disobedience. Instead, we have a prior understanding of what violence is, and the suggestion that civil disobedience must be non-violent—or how it may be violent—relies on that prior understanding. Yet, the idea of civility can receive this odd inside-out treatment.

I will begin with inside-out treatments and show why we ought to reject this treatment of civility. But first, an important clarification. These two treatments do not represent particular methodological commitments that theorists have. Instead, I am using the distinction to highlight distinctive ways in which the idea of civility is brought to civil disobedience which have different issues associated with them in order to build a case for a particular way of thinking about civility and civil disobedience. Theorists quite often slip between the different treatments—as I said earlier, one issue of civility is that it is used inconsistently. Thus, this distinction does not mark particular camps but is instead being used as a kind of diagnostic tool.

§II. Inside-out

The idea of civility in civil disobedience is brought into play inside-out when the features of civil disobedience are taken to be what makes civil disobedience civil. I will argue that this use of the idea of civility in civil disobedience cannot reliably help us to understand what civility demands in civil disobedience and thus whether those demands are met. First, let me set out a few examples of instances of this treatment.

§II.I Some Examples of Inside-out Treatment

As an initial example of just how pervasive this inside-out treatment is, consider that the *Stanford Encyclopedia of Philosophy* entry on *Civil Disobedience* has the following section §1.2 entitled "Civility". The opening line of this section asks, "What makes an act of disobedience *civil*?" (Delmas and Brownlee, 2021:§1.2) and the answer to that question is provided in five subheadings: Communication, publicity, non-violence, non-evasion, and decorum—our key elements of civil disobedience. The key elements from *within* civil disobedience are what do the work in explaining its civility.

This inside-out treatment of civility may be indicated by the use of "marks of civility", i.e., the theorist lists various features of disobedience which put the civil in civil disobedience. Kimberlee Brownlee interprets Rawls this way:

> "*For Rawls, the non-violence of civil disobedience is one mark of its civility. Rawls says that violent acts likely to injure are incompatible with civil disobedience as a mode of address… Two other marks of civility, in Rawls' view, are disobedients' publicity and their willingness to accept the legal consequences of their act including punishment*" (Brownlee, 2012:21)

According to Brownlee's interpretation at least, non-violence, publicity, and willingness to accept punishment are what Rawls takes to make civil disobedience civil.[2] Thus, "civility" comes out of the key elements of civil disobedience with the acceptance of sanctions corresponding to what we are calling "respect for law". Contrasting her view to Rawls', Brownlee also treats civility inside-out:

[2] Rawls (1971) scarcely uses the term "civility" except in passing reference to a "duty of civility" *vis-à-vis* civil disobedience. This "duty of civility" and similar interpretations of it to civil disobedience have been expanded upon and we will cross them later on (§III). It is plausible that this implicit use by Rawls does lead him to a view of civility and civil disobedience such as Brownlee claims, at least in part, but I am presenting this as an example of how the idea of civility can be treated inside-out and be interpreted as such.

> *"In contrast with Rawls, I hold that the civility of civil disobedience lies not in non-violence, publicity, or willingness to accept punishment, but in the conscientious, communicative motivations of civil disobedients... [The] combination of conscientiousness and forward-looking and backward-looking communicativeness constrains how civil disobedients may promote their cause... and hence makes their conduct civil."* (Brownlee, 2012:23-4)

Thus, Brownlee claims it is two of her key elements of civil disobedience which makes civil disobedience civil: conscientiousness and communicativeness. It is worth noting here that, despite the difference in terminology, Brownlee's "communicativeness" deals with both publicity and the question of violence: the former because communication requires an audience, the latter because, *contra* Rawls' take, violence can be communicative (see Brownlee, 2004). So, in effect, we have two elements of civil disobedience granting civility to civil disobedience.

Another example of this inside-out treatment is found in the work of Candice Delmas who also sometimes treats civility in this way. Delmas (2021) presents the key elements as the "civil disobedience playbook" which "standard" approaches to civil disobedience follow while more "inclusive" accounts reject or reinterpret them. In Delmas' terms, the playbook consists in publicity, nonviolence, non-evasion, and decorum. For Delmas (2021: 213), the playbook represents the marks of civility which "...have become the socially accepted norms of civil disobedience. They carve out a space for illegal yet civil protest." Contrasting the standard approach with her own conception of uncivil disobedience, Delmas (2021:209) writes that, "[the standard approach to civil disobedience] further condemns uncivil disobedience, indeed any act of principled disobedience that fails to satisfy the accepted marks of civility (the "civil disobedience playbook"), as unjustifiable..." Thus, again we have the idea of civility coming (mostly) inside-out of the key elements.[3]

This inside-out logic is further displayed when Delmas discusses a few examples of classic civil rights movement cases. Considering the events of the civil rights movement's Birmingham campaign,[4] Delmas writes:

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[3] Mostly because, as we will see in a moment, decorum is a particular interpretation of civility so there is one component part of the playbook that is an idea of civility—but it is still the case that the other elements also are marks of "civility".

[4] The Birmingham campaign began in earnest on the 3rd of April 1963. It was a desegregation campaign by King's Southern Christian Leadership Conference and the Alabama Christian Movement for Human Rights which saw "a series of mass meetings, direct actions, lunch counter sit-ins, marches on City Hall, and a boycott of downtown merchants." (The King Institute, *n.d.*)

> *"They appealed to constitutional principles of political morality and pursued modest goals of reform, not revolution. Activists thoroughly trained in and committed to nonviolence disobeyed the law publicly, often giving authorities advance notice of their plans. They responded to state and mob violence peacefully and willingly submitted to arrest and jail for their lawbreaking. They displayed the essential marks of civility."* (Delmas, 2018:26)

What makes civil disobedience civil according to Delmas' discussion of the standard account? Non-violence, publicity, respect for law.[5] Once again, we understand "civility" based on the other key elements, not an independent idea of civility.

§II.II The Problem of Inside-out Treatment

One problem with this treatment of the idea of civility is that it fails to appreciate that civility is an independent idea—like violence/non-violence, respect for law, etc. And, without reference to that independent idea, we cannot be sure that simply meeting the component parts of civil disobedience will be enough for some act to count as civil: civility *might* involve non-violence, for example, but it might not; civility might involve *more* things besides those "marks of civility". Treated inside-out, we cannot reliably know that civility is being properly accounted for in civil disobedience.

Consider the following summary of the above examples:

- Rawls/ Delmas' "standard account": (non-violence + law respecting + public) = civility
- Brownlee: (conscientiousness + communicativeness [non-violence and publicity]) = civility
- SEP: (Communication + publicity + non-violence + non-evasion + decorum) = civility

Add at least one other condition in the form of illegal or presumptively illegal action for the purposes of protest/resistance, i.e., the disobedience, and one gets *civil* disobedience. The "civility" of civil disobedience comes from the key elements which are considered "marks of civility". Without reference to an independent concept of civility, our idea of civility in civil disobedience is only developed from other component parts of civil disobedience. This

[5] Decorum isn't present here because, as Delmas (2021:212) argues, "theorists have all but neglected" it as an aspect of civil disobedience.

potentially means that the marks of civility are not marks of civility at all; we do not know if civility is being captured or not by them.

Take non-violence as a "mark of civility". As we just saw, Rawls treats non-violence as central to civil disobedience because civil disobedience is communicative and violence is, in his view, anti-communicative. By contrast, Brownlee, allows that some violence *can* be communicative and thus can be compatible with civil disobedience (2004:348-350). Despite the disagreement, both positions appeal to the compatibility of violence with *communicativeness* rather than a requirement of *civility*. To refer to it as a mark of civility is potentially to mislabel it. Civility *might* require non-violence. But we cannot know that without reference to an independent idea of civility. We cannot get that independent idea of civility if "civility" is defined only by reference to the component parts of civil disobedience. [6]

Similarly, it is plausible that civility entails some sense of respect for law, but without reference to an independent idea of civility we may simply be taking law respectingness to be a "mark of civility" because of its attachment to the notion of civil disobedience e.g., King's "highest respect for law"([1963]: 150). In other words, this indicator of civility in civil disobedience is drawn inside-out of what we already think about the idea of civil disobedience. That may not align with what civility demands. To know what civility demands, we need to engage with the idea of civility itself.

Even if it turns out the key elements are indeed marks of civility, they may not be sufficient. We may find that civility requires more than the standard marks of civility. We will cover civility in far greater detail later, for now I shall simply list a few demands of civility from various accounts which do not obviously map onto the "marks of civility": respect for autonomy (Moraro, 2019), pursuit of a shared political project (Shils, 1997), love for fellow citizens (Carter, 1999). The risk here is that the civility of civil disobedience is incomplete and thus so too is our understanding of the role and demands of civility in civil disobedience.

In short, without grappling with an idea of civility independently of the concept of civil disobedience and bringing it to civil disobedience outside-in, we cannot be sure what civility requires of civil disobedients. It leads to a lack of clarity on what role civility should have, if any, in civil disobedience as well as leaving us vulnerable to conflating two separate ideas. We

[6] In her book, *Conscience and Conviction*, Brownlee does address the question of violence from the perspective of civility. I will address this in §III, because it serves as an example of an interesting conflict of treatments of civility. Ultimately, the question of violence is still answered with reference to its being communicative in nature, rather than civil.

may be over- or under-stating the role of civility in civil disobedience. Therefore, if civility has a role in civil disobedience, we must engage with an independent idea of it *outside-in* to truly appreciate it.

A possible response to the above is that the "civil" in civil disobedience has, in fact, nothing to do with civility as an independent idea. The use of the term "civility" might just be a sort of technical term that identifies a particular species of disobedience without connection to the idea of "civility" as we might ordinarily think of it.[7] If this is the case, then what makes civil disobedience *civil* is simply whatever civil disobedience consists in that differentiates it from other types of disobedience.

While this is a possibility, it does not seem to be the case that the civility is intended only to be a technical term. For one thing, as we will see more in due course, it is acknowledged that civility as a moral idea mattered greatly to two of civil disobedience's most iconic practitioners: Gandhi and King (e.g., Scheuerman, 2018:11-31; Delmas, 2021:213). For another, even those we have just seen have deployed "civility" in a way that suggests a wider idea rather than the technical term: "marks of civility" implies "civility" rather than just the component parts of civil disobedience (otherwise, it would be more straightforward to simply call them the marks of civil disobedience). And if the civil were merely technical, the SEP entry could more naturally ask "What makes disobedience *civil* disobedience?" and there would be no need of a heading of "civility" for that. As we will see in a moment, the idea of civility is also brought into play outside-in, albeit sometimes implicitly or vaguely, which again supports the idea that the civil of civil disobedience is not merely technical.

§II.III Summary

In this section, I have discussed one treatment of the idea of civility in civil disobedience: inside-out. I have shown that this treatment involves deriving a notion of civility from the key elements of civil disobedience. As such, features like non-violence are taken to be a "mark of civility". However, I have argued that this treatment cannot reliably help us to know what, if anything, civility calls for in civil disobedience because it does not engage with an independent idea of civility that is brought outside-in to civil disobedience. Civility may or may not require

[7] Another possibility is that the "civil" of civil disobedience refers to something much more plain like Robin Celikates (2016:43; 2021:137) takes it to be where *civil* is just contrasted with *military* and so we have no need of "civility" in the independent, moral sense. However, this position is unusual, and Celikates' account is intentionally radical from the standard. It seems also clear that the key elements, taken to have some connection to civility, do not come from such a civilian/military distinction but from a wider moral idea of civility.

the other key elements; it may require others beyond them. In order to know this, we need to engage with an independent idea of civility outside-in of civil disobedience. We cannot get that to the extent that civility is just treated as derivative from the demands of civil disobedience alone. I have also addressed the thought that the civil of civil disobedience is only meant in a technical way. I have explained why I do not think this is reasonably the case and that the civility of civil disobedience does point to an independent moral concept. I now turn to outside-in treatments of civility.

§III. Outside-in: Implicit Treatment

Sometimes, civility is treated as an independent outside-in concept in the case of civil disobedience. However, this is not always done explicitly where a clear and developed concept of civility is presented and applied. Here I begin by looking at these *implicit* cases where the theorist gestures at civility as an independent normative idea but does not articulate or engage with it well enough to determine its demands and compatibility with claims about civil disobedience.

However, I should start by acknowledging that the idea of civility is hardly clear cut. We shall come onto it in more detail in later chapters, but it is safe to say that it is a concept that is contested. Historically, its uses have been quite mixed and its corresponding demands confusing and, sometimes, contradictory (see Bejan, 2019:8-10). As others have pointed out, the use of "civility" is generally vague and often its meaning taken as given (Walzer, 1974). So, while I have asserted the need for an independent idea of civility to be brought to civil disobedience, I am aware that this is no easy task. As a point of fairness, it is hardly surprising that theorists of civil disobedience have also tended to be vague and implicit in their use of the term.

As I suggested earlier, it is not uncommon that theorists write about civility in ways which indicate they *do* have some external idea about civility and that civility is not merely a technical term. Rawls' Duty of Civility is one such example. It is an idea that Rawls clearly had in mind, but in *A Theory of Justice* (1971:§53) it finds just a handful of passing references in a discussion about the obligation to less-than-ideal law.

> *We have a natural duty of civility not to invoke the faults of social arrangements as a too ready excuse for not complying with them, nor to exploit inevitable loopholes in the rules to advance our interests.*

> *The duty of civility imposes a due acceptance of the defects of institutions and a certain restraint in taking advantage of them.* (Rawls, 1971:312)

Here we find an example of an independent idea of civility, a duty of civility, which is brought *to* civil disobedience, i.e., outside-in. Or, more accurately, it is brought to a component part of that discussion regarding respect for law/ obedience. In this case, it is an independent idea of civility in play, but one which Rawls does not expand upon here. We know very little about it but that it is a natural duty—applicable to everyone—and that it implies that we ought not to disobey law too readily.

Quite what this could mean for civil disobedience is not fully clear. It might be just that it is a precondition of when one can disobey the law rather than the manner of its being done, the "restraint" that prevents civil disobedience in the first instance. In that case, it looks like civility has little to do with the performance of civil disobedience itself. But it might have more of a role in the actual disobedience by requiring, perhaps, expressing one's commitment to society. It may also be that this duty of civility effectively makes civility synonymous with law respectingness and, in that case, calling it "civility" might be misleading because "civility" would be redundant. In order to understand and assess it, we would need to know more about the civility in question.

Brownlee also suggests an independent idea of civility, even while treating it predominantly inside-out. It appears in a discussion of violence and its compatibility with civil disobedience. It provides a good example of how vague, implicit, and possibly contradictory uses of "civility" impact upon the theory of civil disobedience.

Brownlee (2012:22 *original emphasis*) refers to civility's antonyms: "Conceptually, *civility* contrasts with *depravity*, *barbarity*, *disrespect*, and *rudeness*, not with *violence*." That is as close to an independent, outside-in conception of civility as we get; it also sits uneasily with the idea that conscientiousness and communicativeness constitute the civility of civil disobedience. So, an independent idea of civility is clearly there, but it is mostly implicit and obscured in the background. Rather than the theorist setting out clearly and explicitly what they take civility to be, it is left to the reader to work backwards to retrieve the concept that Brownlee *might* have in mind based around the contrasting antonyms of incivility: *decent*, *civilized*, *respectful*, and *polite*. Different readers can reasonably reconstruct different concepts from these antonyms. That indeterminacy is also an issue for the theorist: without a more explicit and clear account,

it is harder to test whether the claims about civility are coherent or complete. I will argue that this is the case here and show how this impacts upon the conception of civil disobedience.

Keep in mind as we saw earlier on that Brownlee claims that conscientiousness and communication are what make civil disobedience civil, what grant it civility. Yet it is not clear that either of those two elements would be represented in the antonyms of incivility and thus that either are "marks of civility". For example, it seems perfectly plausible that someone might sincerely and deeply hold the view that some other person is an "irredeemable sinner", and that they might decide to communicate this to that person by calling them such aloud in public. This would meet the requirements of a conscientious conviction,[8] but seems disrespectful and is certainly rude. Thus, sincere communication is not always civil. If this is so, then it looks like more needs to be said about civility to flesh out the marks of civility such that they do, in fact, grant something's civility.

Brownlee may understand the "marks of civility" in a more negative sense: they need not *constitute* civility, but they must at least avoid being *uncivil*, i.e., be compatible with civility. In this way, Brownlee can add to her defence of violence in civil disobedience not just because some violence can be communicative (and thus suitable for civil disobedience) but also because violence need not affect civility. On this view, violence is compatible with civility, and so *communicative* violence in disobedience is both acceptable for qualifying as *civil* disobedience while being inclusive of civility. Nonetheless, even this interpretation would mean that civility is doing work, and this work cannot be properly evaluated without a clearer idea of civility. To see this, let us continue with the question of violence in civil disobedience.

As an example of the compatibility between violence and civility, Brownlee (2012:22-3) provides the sport of fencing which is "a highly civil yet violent form of engagement governed by strict norms of fair play…" and claims that it, "…is *civil* in being highly rule-governed in ways that are respectful of the opponent as worthy." From this and the antonyms provided, we can work back to an independent idea of civility along the lines of being rules/ norms that are decent, civilized, respectful and polite. If Brownlee is right to describe fencing as violent, then it is a form of violence compatible with civility. However, after this point, Brownlee returns to

[8] Brownlee distinguishes a conscientiousness of conviction from a moral conscience. The latter is far more demanding and this example, probably, would not reflect that conscience. But it would meet the demands of a conscientious conviction in being plausibly consistent, a universal judgement about what qualifies one as an irredeemable sinner, a clearly non-evasive stance, and open to retort (Brownlee, 2012:16).

the topic of violence with regards to communication and pragmatic reasons for avoiding it and does not discuss civility again.[9]

Instead, discussing what sort of violence is compatible with civil disobedience, Brownlee relies on a communication standard (in addition to multiple pragmatic ones)[10] rather than a civility standard. As already discussed, communicative violence is acceptable for civil disobedience so long as it does not "seriously breach the rights of others or have seriously untoward consequences for the society" (Brownlee, 2012: 148 fn57). Violence is communicative in being able to "eloquently communicate a dissenter's seriousness and frustration" (Brownlee, 2012: 5). This leaves much more scope for violence than the Rawlsian account. It allows for some destruction of property and sabotage (2012:20, 198). It allows things like throwing stuffed toys at police, where the risk of harm is low even while intentionally directed (2012:21-2). And it allows for self-violence, such as self-immolation, which can serve as "an eloquent statement of both the dissenter's frustration and the importance of the issues he addresses" (Brownlee 2004, 350; also 2012:21-2). Because all of these cases are communicative and do not seriously breach the rights of others, they are apparently compatible with a communicative standard. But what about a civility standard?

Recall we reverse engineered Brownlee's implicit understanding civility as: rules/ norms that are decent, civilized, respectful and polite. It is far from clear that these cases would be compatible with civility even while being communicative. The destruction of property or sabotage does not, on the face of it, seem polite or respectful. Indeed, depending on how important one takes property rights to be and the nature of the property, the destruction of anyone else's property looks at least disrespectful: throwing paint at someone's door seems so (Milligan, 2013:16). Certainly, some manner of destruction could be offensive; for example, one might spray-paint someone's windows or paintings with a derogatory remark which nonetheless clearly expressed one's deeply held, sincere belief. So, civility may rule out certain forms of communicative property damage. Similarly, it is far from clear that throwing things at people, even while unlikely to cause harm and communicative in nature, is decent, respectful,

[9] There are only a few references back to *this* discussion reaffirming the idea that violence is not at odds with civility (e.g., Brownlee, 2012:198)

[10] For example, "non-violent dissent is generally preferable because it does not encourage other acts of violence, does not carry the same risk of antagonizing potential allies, does not (necessarily) risk cementing opponents' antipathy, does not distract the public's attention, and does not give authorities an excuse to use harsh countermeasures against disobedients." (Brownlee, 2012:22)

or polite. Depending on how one fleshes out the idea of "civilized", the same applies here. It may be communicative, but it is not clear that it is civil.

Finally, even self-violence may be considered indecent—especially in contexts where religious norms against self-harm are prevalent—and uncivilized. We might think of how ritualistic suicide (*seppuku)* in Japan was often used as a form of protest (Ventegodt and Merrick, 2005:759-60). *Seppuku* in feudal Japan would be a clearly communicative act of protest, and one that would be compatible with the norms of that society: it would be civilized in that respect, and honourable. However, the same action performed in England around the same time would have been considered gory, disrespectful, and barbaric, i.e., uncivil. Thus, to assess whether some forms of violence are actually compatible with civility, Brownlee would need to address civility in more detail. It is not enough to consider, as might be the case here, civility to be synonymous with communicativeness. One cannot grapple with civility through communicativeness.

If civility has something to add to civil disobedience, its effects cannot be fully appreciated without bringing in a more detailed account of civility. When treated implicitly, there is far too much room for interpretation of what the theorist might mean by it, and the scope of this controversy means the impact it has on civil disobedience cannot be assessed properly. Furthermore, it makes it hard to assess the apparent claims about civility in general, whether they are valid or not. It also makes it too easy to overlook that something may be compatible with another feature of civil disobedience, but not with civility. However, even those who have treated civility explicitly and outside-in have not always been as clear on the idea as they might have been, nor have they always been as aware of the implications that differing accounts of civility might have on a conception of civil disobedience. We will look at two examples now. The first is Delmas with an outside-in treatment of civility as decorum. The second is Tony Milligan's "civility-focused" account where a lack of more detailed analysis of civility potentially undermines his account. Both instances demonstrate the benefits a more decisive engagement with the concept of civility would grant.

§IV. Outside-in: Explicit Treatment

§IV.I Delmas and Decorum

As discussed earlier, Delmas (2021) sometimes treats civility inside-out: the playbook conditions are taken to make disobedience civil and their opposites to make it uncivil. Yet she also treats civility outside-in, explicitly canvassing competing accounts of civility. The issue

here is not a lack of explicit treatment, but a lack of more thorough engagement with the concept. However, I should say that Delmas' intention is to make space for another form of principled disobedience, i.e., uncivil disobedience, rather than fully explore the role of civility/ incivility. Nonetheless, it serves as a good example of how a further engagement with civility would affect civil and uncivil disobedience and, therefore, that we need to do that to get to grips with civility in civil disobedience.

Delmas (2021:205-7) sets out a few differing conceptions of civility drawing on Teresa Bejan's (2019) *Mere Civility*: principally, the Hobbesian and Lockean approaches, as well as 'civility as decorum'. The Hobbesian account emphasizes what Bejan (2019: Chapter 3) calls "civil silence". Briefly, this involves maintaining stability in society by keeping silent over particularly controversial matters: "the most civil manner of disagreeing is ultimately not to disagree at all." (Delmas, 2021: 206) By contrast, the Lockean account accepts disagreement but emphasizes its moderation through *concordia:* "the Christian ideal of unity in diversity, and a shared commitment to inward charity, sincere esteem, and outward civility" (Delmas, 2021:206) The problem is one of inclusivity: who is included within that union? Lockean civility only extended to those who shared the same vision of *concordia* and this, according to Bejan (2019:154), is an inherent problem with this approach that "[sacrifices] diversity for productive disagreement". Delmas (2021:207-8) finds both conceptions at work in contemporary accounts: Rawls emphasizes civil silence by excluding certain claims incompatible with public reason; whereas Clifford Orwin (1991 cited in Delmas, 2021:207) emphasizes something like *concordia* with civility "the full-time job of the liberal democrat".

Later, setting out the civil disobedience playbook, Delmas comes on to another conception of civility as decorum. Delmas writes:

> *Theorists have all but neglected the fourth and final mark of civility, decorum. Yet it was central to the ancient sense of civility, through which citizens were understood to reflect their concern for the public good. And it permeates society's judgment of disobedient protests today – so much so that principled acts of disobedience that are public, nonviolent, and non-evasive might be denied the label "civil" if they otherwise appear offensive or disrespectful in some ways.* (Delmas, 2021:212)

As examples of this, Delmas (ibid.) suggests Pussy Riot's *Punk Prayer* and Femen's counterprotesting of anti-gay protests: in the former case, the charges were blasphemy and hooliganism; in the latter, slogans upon their bodies read "Fuck the Church" and "Fuck Your Morals", they were charged with indecent exposure and disturbing the peace. Delmas (2021:

213) takes the fact that people outright refuse to categorize such cases as civil disobedience to indicate that decorum functions as an important mark of civility. While conceding that civility as decorum might have its flaws, Delmas (ibid.) asserts that it matters to understanding civil disobedience as iconic practitioners such as Gandhi and King have emphasized.

It is through engaging with an independent idea of civility that Delmas uncovers this allegedly neglected conception of it. I think Delmas is right that it is neglected, given that when it has appeared it has tended to be too quickly dismissed on account of the flaws Delmas refers to (we will see more of this below). If Delmas is right, then it is a particular conception of civility that needs more attention if we are to understand civility in civil disobedience. To see why, let us consider how Delmas takes civility to determine civil and uncivil disobedience and why those constraints remain difficult to assess without further engagement with civility.

Delmas (2021:212) takes publicity, non-violence, and non-evasion to "…model the self-restraint, civic-mindedness, and mutual reciprocity that are central to the virtue of civility". She then adds decorum as discussed to end up with the four "marks of civility", i.e., "the civil disobedience playbook", the presence of which makes disobedience civil. Conversely, the appearance of any one of its opposites makes for incivility and, thus, *uncivil* disobedience. Leaving aside for now concerns that this may render uncivil disobedience too capacious, let us consider how a few differing approaches to civility would, on the face of it, have quite a considerable impact on whether something is civil disobedience.

The Hobbesian civil silence approach, at its extreme end, would seem to foreclose the possibility of disobedience anyway. Since the idea of principled resistance is typically to raise some matter of controversy, and the role of Hobbesian civility is to maintain stability through self-censorship, it looks like civility would often demand one refrain from civil disobedience.[11] A more Rawlsian public reason approach certainly seems to leave certain topics or viewpoints off the table and, thus, would exclude disobedience of that sort e.g., religiously inspired anti-abortion disobedience could be uncivil disobedience.[12] In either case, there is at least caution

[11] It probably rules out civil disobedience in all but the most extreme cases where the problem that one is trying to address is so terrible that it would be, if left unresolved, as bad as or worse than the state of nature. This might be an interesting thought for an environmentalist disobedience with a Hobbesian justification, but it is not the purpose of this work to pursue it.

[12] The idea of public reason is complex and continues to remain a source of conflict between theorists, one common charge against it is that it appears (perhaps excessively) restrictive on particular arguments, particularly religious ones (see Quong, 2022). Rawls' (1999:575) own conception may well sufficiently enable religiously motivated contributions to public life, but it requires that these motivations be supplemented by distinctly public reasons. While this may not completely rule out religiously motivated civil disobedience, it certainly would make demands on how that disobedience was justified requiring at least some public motivation and justification. It is therefore restrictive in the Hobbesian sense Bejan identifies.

over what sorts of things can be raised by disobedience—and when and how they are raised—which would impact on whether something is civilly disobedient or not.

The Lockean approach could well include anti-abortion disobedience, assuming it appealed to a shared *concordia*. One might take that *concordia* to be a shared commitment to democracy, but in that case, it would exclude as uncivil those who do not share that commitment. There is evidence that in many cases the *Arab Spring* uprisings were not, as the West framed them, straightforward calls for liberal democracy so much as calls for reform and changes of leader (see Bradley, 2012). Disobedience in that case would not be civil disobedience. If, as Orwin (1991: 560) says, civility is a distinctly liberal democratic virtue, then civil disobedience is not possible outside of liberal democracies (or liberal democratic agents). It is a very important question, Whose *concordia*?

As for violence, we have already seen that the sort of civility that Brownlee has in mind is compatible with at least some forms of violence. If Brownlee is right that fencing is an example of violence and civility going hand in hand, then non-violence is not strictly part of civility. That would mean that Delmas is wrong to claim that mere violence in disobedience makes for uncivil disobedience. This would call into question her qualifying of the *Gulabi* Gang, for example, as a case of uncivil disobedience due to their use of "…violence against abusive husbands and even corrupt police" (Delmas, 2021:218) purely based on the presence of violence. As discussed in §III, some sorts of violence might be uncivil, but the mere presence of violence alone would not be enough to qualify something as uncivil.

Finally, the question of decorum also looms large with regards to civility and civil disobedience. We have already seen that Delmas shows it was important to some paradigmatic cases and is seemingly important to the delimitation of civil disobedience now. According to Delmas, Pussy Riot are a case of paradigmatic uncivil disobedience because of their lack of decorum, their offensiveness and boorishness. However, despite drawing on Bejan's historic analysis of two broad strands of civility, Delmas does not mention Bejan's own account: mere civility. While we will cross Bejan's mere civility again in Chapter II, it is intentionally accommodating of much that would pass for offensiveness: it is compatible with being rude to someone, telling them they are damned to hell and such (Bejan, 2019:79). This suggests that much of what Delmas takes to be offensive (and contrary to civility) is not necessarily contrary to Bejan's civility. In short, if Bejan's account is right, then offensiveness might not disqualify an act as civil disobedience: Pussy Riot might have been sufficiently civil to qualify as *civil* disobedience

despite their offensiveness. To determine this, we need to engage more with the concept of civility.

My point is not that Delmas is necessarily wrong in her typology of disobedience. The point is that, to know decisively what should count as (un)civil disobedience and why, theorists of civil disobedience need to have a more developed understanding of civility. Without further engagement, even explicit treatments of civility lead to an ambiguity of civility as areas of controversy are left hanging. This fails to aid us in conceptualising (un)civil disobedience and/or the role, if any, of (in)civility to disobedience. We therefore need to engage with civility more, including the role of decorum, to determine these things.

§IV.II Milligan, Minimalism, and Decorum

Tony Milligan's (2013) account is "civility-focused", i.e., civility is *the* key element of civil disobedience, and he sets his account of civility out as being sufficiently "open-textured" that it captures the core essentials of civility in civil disobedience while leaving room for others to add to it with more particular accounts of civility. In this way, Milligan has a particular interest in civility as an independent idea but is trying to uncover the essentials of it in civil disobedience. However, I will argue that a lack of more complete engagement with the concept of civility short-changes his account such that it is not clear that the account he provides is indeed basic. Absent a fuller engagement with the concept of civility, Milligan cannot assume that the account he provides is minimally uncontroversial in a way that provides a secure platform for further theorising.

What makes civil disobedience civil, according to Milligan (2013:33 *original emphasis*) is that it, in some way, expresses civility: "although there is a degree of awkwardness and even something vaguely antiquated about the concept of "civility," the account should allow us to make sense of what is *civil* about civil disobedience." Milligan contrasts his civility-focused account with others, particularly those emphasizing communication. Indeed, Milligan (2013:18) rejects the "communicative thesis"—the idea that civil disobedience is equivalent to a speech act—and allows for non-communicative disobedience such as tree-spiking[13] or animal rescue. Ultimately, civility is taken to guide what civil disobedience consists in. For example, the question of non-violence is informed by what Milligan (2013:104) takes to be the

[13] "Tree-spiking involves hammering nails at a downward angle into trees in order to make harvesting prohibitively expensive." (Milligan, 2013:109)

civil norm to *avoid* violence and threats. Thus, Milligan sets out to provide a minimalist civility-focused account of civil disobedience. So, what does Milligan's account of civility consist in?

In a segment entitled "A Minimalist Account of Civility", Milligan sets out his core components of civility. Milligan (2013:33) avoids defining civility strictly as he thinks that the contestation of civility reflects a plurality of reasonable interpretations of it, which we ought to be open to. We do not find any direct references to these other plausible interpretations here, with the exception of Gandhi's possible inclusion of love and decorum[14] (Milligan, 2013:36), so I think we can consider Milligan to be sufficiently confident that the core components of civility he sets out are essentially uncontroversial. Setting up his account, Milligan writes that it:

> *...will draw only upon a minimalist account of civility. The assumption here will be that there are basic norms that any protest must not violate or break beyond a certain point if it is to stay within civil bounds. A plausible list of such norms will include the following: (i) respect for others or, if we have no fondness for the language of respect, the recognition that other humans are fellow humans, i.e. members of the same moral community; (ii) the rejection of hate-speech; (iii) the avoidance of acts which are driven by hatred; (iv) the largely successful commitment to try to avoid violence and threats of violence, although an exception may be drawn here for systemic violence in which many of us may be complicit; (v) the avoidance of cruelty; and finally (vi) the recognition of a duty of care or an avoidance of the reckless endangerment of others, although recklessness and its avoidance may turn out to be a matter of degree.* (Milligan, 2013:36)

These are the six minimum civil norms which make something civil according to Milligan. The question is whether these do, in fact, capture the essence of civility.

An explicit engagement with a concept of civility allows for better assessment of it. I think the issue with Milligan's treatment of civility is that there is too little engagement with the various conceptions of civility in the development of the norms. I will argue that this makes his account possibly less minimalist than he takes it to be and his quick rejection of decorum in particular presents an issue. The result of this is that the minimalist account is more controversial than apparently realized, so we may not really have a minimalist civility applied

[14] Milligan (2013: 18) thinks that such features might "enhance" a claim of civil disobedience without being necessary.

to civil disobedience (or at least we do not without further argument). Thus, we cannot appreciate the value of civility to civil disobedience.

We can begin with what aspects of civility it includes. Even a brief survey of the accounts already mentioned in this chapter helps to reveal that Milligan's six minimal norms are not in fact consistently accepted across all accounts. The varying conceptions call into question these norms as civil norms.

The Hobbesian approach of civil silence does not require respect for others as part of a shared moral community (i): one can despise others and think them morally inept, but civility still demands the holding of one's tongue for the sake of outer peacefulness. By contrast, the Lockean approach does require the recognition of others as members of a shared moral community (i), though only those who share the moral standards of that community. As Bejan suggested, it is hardly the hallmark of inclusivity. Depending on what we take the moral community of civility to be, certain people will not be able to meet its demands and will not count as appropriate recipients of its respect. There is a question of what grounds the moral community and with whom it is shared. As above, historically that has had religious contours; but we can consider it politically too. For example, if we consider it to be a community of persons committed to pluralistic liberalism, then civility is the purview of those persons who affirm such values. This could reduce the inclusivity of civil disobedience—via civility—to those with whom we essentially agree in a manner reflecting Locke's commitment to *concordia.* And because this boundary shapes who counts as civil (and to whom civility is owed), it also shapes who can satisfy civility's demands in disobedience. Taken more relativistically, the neo-Nazis that Milligan (2013:36) wishes to exclude on account of norms i and ii might, in certain circumstances, be able to engage in civil disobedience. For instance, in a society in which neo-Nazism is not considered extreme, then they may seem to meet norm i. The boundaries of norm i determine whether this conception of civility is indeed minimal in the sense of capturing the basic underlying components of civility or whether, in fact, it is restrictive in the sense of referring only to a particular subset of agents or contexts e.g., liberal pluralistic societies.

Bejan's mere civility is certainly ambiguous with regards to motivation and is not obviously incompatible with hatefulness (iii). It explicitly rejects respect in all but the most minimal way (i) and is perhaps more accommodating of hate speech (ii) than Milligan would like since it permits a great deal to be said and requires thick skin. Mere civility sets itself out to be an intentionally less demanding and exclusionary conception of civility than profound notions of *concordia* can admit of, intentionally side-stepping strong demands on character and of topical

restraint (see Bejan, 2019: 112ff). Indeed, mere civility may permit everything up to but not including actual violence. Of course, the sort of civility that Brownlee implies naturally rejects the avoidance of violence norm (iv) as a matter of *civility* (though would retain it in civil disobedience as a matter of *pragmatism*).

It is not only what Milligan includes that might be controversial from the perspective of civility, but also elements which he excludes. As I said, Milligan strongly rejects communicativeness. Yet, many take an important part of civility to be communicative in involving dialogue (e.g., Calhoun, 2000; Waldron, 2013; Peterson, 2019). The case that civil disobedience can do without the communicative thesis is made on account of it being able to include justified acts of disobedience; the case that civility can be similarly non-communicative—and therefore that some communicative element is not a minimal requirement of civil disobedience too—is not.

Finally, Milligan (2013:33) dismisses decorum *entirely* on account of its apparently exclusionary features as an "elite conception of manners" that makes "civility" too narrow a concept and too demanding for ordinary people to realize. In this he follows others in quickly rejecting decorum as exclusionary and elitist.[15] For Milligan, decorum can be something which enhances civil disobedience, as in the case of Gandhi who thought it important (Milligan, 2013:89), but need not be there because:

> *...any account of civil disobedience should not be so demanding that it requires ways of acting that only a Gandhi, Martin Luther King or Dalai Lama could engage in. It should not be an impossible or elitist ideal but a serious option for ordinary, non-saintly, political agents. Any account which fails to meet this condition will have little ongoing relevance and will leave activists in a vulnerable position when defending their imperfect actions.* (Milligan, 2013:33)

Civility as decorum does not, therefore, feature as part of the minimal account he sketches. But this quick rejection is problematic. While it is obviously true that some forms of decorum can and have been exclusionary, it is also the case that even critics do not wish to do away with it entirely (see Zerilli, 2014). Moreover, several theorists of civility take decorum to be very important and perhaps central to civility (e.g., Calhoun, 2000; Olberding, 2019); others think

[15] Responding to the claim that decorum is important to civil disobedience, Scheuerman (2018:44; 2019) suggests that liberals generally prefer a "political conception" of civility in civil disobedience which excludes decorum and that this is the sort of civility looming in the background. I do not disagree with that assessment but do want to note that this is generally an implicit political civility. Moreover, we will see in the following chapter that this move is both in tension with what civility theorists say about political civility and "ethical" civility.

that it is an important, albeit perhaps subsidiary, interrelated part of a broader civility and, thus, not readily decoupled from it (e.g., Shils, 1997; Peterson, 2019). It seems quite likely then that it should play at least a minimal role in civility. Finally, as Delmas suggests, it looks like civility and incivility in the sense of decorum could matter to disobedience and dissent in important and decisive ways. So, an account such as Milligan's would benefit from closer engagement with this idea of civility as decorum, even if only to argue for its ultimate rejection.

Without further engagement with civility, Milligan cannot take his "minimal" civility to be minimally uncontroversial. Even a minimalist civility-focused account must take a position on which norms count as basic, whether civility is in any sense communicative, and whether decorum can be separated from civility. Until those issues are addressed through more sustained engagement with competing conceptions of civility, the account cannot function as the stable platform for theorising that Milligan intends, nor can it decisively specify what civility demands of civil disobedients.

§V. Conclusion: Success Criteria for the Civility of Civil Disobedience

This chapter has argued that getting clear on the role of civility in civil disobedience requires a clearer, more independent engagement with civility itself. I identified two treatments of civility in civil disobedience: "inside-out" and "outside-in" (§I). Inside-out treatments of civility render it something generated by the familiar features of civil disobedience: they are "marks of civility". Yet, without an independent account of civility, we cannot be confident that those features genuinely track what civility demands, nor that they are sufficient to secure it. Civility cannot be simply derived from the concept of civil disobedience (§II).

Getting an independent idea of civility and applying it "outside-in" to the case of civil disobedience is therefore methodologically preferable. But this chapter has also shown that even outside-in treatments can fall short of reliably helping us to understand the demands of civility. Sometimes, civility is gestured at implicitly in a way that obscures its demands and potential conflicts with what theorists want to say about civil disobedience (§III). Even where civility is treated explicitly, its implications for civil and uncivil disobedience vary significantly depending on which conception of civility is in play, and those implications remain hard to assess when the conception is underdeveloped (§IV). Thus, we need to engage more with the concept of civility to get to grips with what it really means for civil disobedience.

This means we now have some success criteria that an account of civility for civil disobedience needs to meet. To summarize, an account of civil disobedience which intended to make use of "civility" needs to do the following:

> 1) It needs to treat civility outside-in: to treat civility as an independent concept, apart from civil disobedience, and bring it *to* civil disobedience. It should be sensitive to slipping into an inside-out treatment.
>
> 2) That treatment needs to be explicit, i.e., the idea of civility in play needs to be set out clearly so that we can assess its apparent role.
>
> 3) The account of civility should be sufficiently engaged with the broader debate/ competing conceptions of civility in order to be clear on its position on controversial matters, such as the role of decorum.

If an account does all three of these things, then it should be able to more fully contribute to the debate about civility in civil disobedience both in terms of what it brings and in being more readily assessable by others. Yet the third requirement in particular is tricky since civility is, compared to many other topics, somewhat undertheorized and only relatively recently getting more attention. So, in the chapters that follow, we will delve into the concept of civility itself. With these criteria established, the next chapter turns to an important distinction in the civility literature that we have only touched upon here: the distinction between distinctly political views of civility and those of politeness and decorum; between so-called "political" and "ethical" conceptions of civility.

Chapter II
Political and Ethical Civility

In this chapter, we will begin the task of finding an account of civility to apply, "outside-in", to civil disobedience. In the previous chapter, I argued that one of the things an account of civil disobedience that wanted to make use of the idea of civility would have to do is treat civility explicitly by sufficiently engaging with theories of civility. This chapter is the first step in doing that. One particularly relevant aspect of the scholarship on civility is the distinction between *political* and *ethical* civility. Thus, in this chapter, I will engage with this distinction and, ultimately, justify the application of an *ethical* account of civility instead of an expanded *political* one.

I will first outline the differences between these two forms of civility in greater detail than the previous chapter (§I). I will also clarify the fact that the distinction sometimes goes by various other names but is, nonetheless, essentially the same one. I will show how the two forms differ from one another with examples from accounts of ethical civility (§I.I) and political civility (§I.II). Then, I will show how the two are considered related and why this relation affects the use of civility in civil disobedience—this is why this particular aspect of civility theory is an especially pertinent one to engage with for civil disobedience (§I.III).

Having set the scene, I will then build the case for preferring an ethical account over a political account (§II). The case will utilize the distinction between "inside-out" and "outside-in" applications from the first chapter. In that chapter, I showed how treating the idea of civility "inside-out" of other concepts and ideas potentially skews the resulting conception of civility in problematic ways. The solution to this, I argued, was to treat civility independently, i.e., outside-in, and then *apply it to* civil disobedience. In this chapter, we will see the same sorts of problems occur with the treatment of political civility. To briefly anticipate the argument: political civility treats civility inside-out of other concepts and ideas; this treatment tends to make political accounts of civility implausible either *qua* accounts of civility or because of their restrictive scope renders them unsuitable for civil disobedience; by contrast, ethical civility treats civility outside-in, an independent concept, and thus is not susceptible to those problems by virtue of its treatment. Since ethical civility provides a ready and viable way to progress the project and, as we will see, can be considered the core part of civility anyway, I will take an ethical account to civil disobedience.

§I. Civility: Political and Ethical

Recall from the previous chapter that this distinction, in short, concerns two interpretations of civility which theorists have tended to distinguish between. The distinction between what we are calling *political* and *ethical* civility does go by a few different names, such as *political* and *personal* civility (Zurn, 2013), or *political* and *everyday* civility (Shils, 1997). Nonetheless, the distinction made is the same. In a useful summary of the distinction, Derek Edyvane writes,

> "*As an ethical concept, civility is bound up with the idea of what it means to be civilised, well-mannered or polite; it focuses on standards of decency in everyday life. As a political concept, civility is bound up with the idea of an association of citizens; it concerns one's status and obligations as a member of a political community, as a citizen with certain rights and responsibilities.*" (Edyvane, 2019:3)

Political civility is directed towards the *role of citizenship* and is bound up in the relationship or bond between citizens. On the other hand, ethical civility is broader and more quotidian (as the alternative "everyday" name captures); it concerns the *role of a social being* and one's social interactions. To get a better understanding of this distinction, I will look at accounts of both in turn in closer detail.

§I.I Ethical Civility

At a basic level, most of us understand the idea of ethical civility. Ethical civility reflects "…civility's more common usage, and refers more generally to politeness, manners and courteousness as people interact with others on a daily basis as they go about their lives." (Peterson, 2019:7). As we know, acting in these ways requires us to act on social norms befitting a given situation: saying "please" and "thank you" at the right times, addressing other persons correctly with the appropriate formality e.g., "sir", queuing up in an orderly manner, etc. Such demands change with context. It matters, for example, whether I am at a formal ball or local café, whether I am addressing my employee or my boss, because different social contexts have different social norms to which my politeness, manners and courtesy need to respond. At a basic level, we understand what this ethical civility is like. However, while more attention has been given to political civility, ethical civility has received some important attention by theorists. We shall briefly look at two important accounts.[16]

[16] These accounts are influential and offer a solid contrast to political civilities because they detach it from the question of citizenship.

❖ *Calhoun's Communicative Account*

In a seminal paper, Cheshire Calhoun (2000) grapples with the intuitive idea of ethical civility to flesh it out theoretically. Calhoun provides a *communicative* account of civility which captures the role and importance of social norms to the exercise of this virtue. Calhoun argues that civility is a distinctive virtue whose function is primarily to "*...communicate* basic moral attitudes of respect, tolerance, and considerateness" (2000: 255 original emphasis) which helps to "[forestall] the potential unpleasantness of a life with other people." (2000:251). It does this through the "*...display* of respect, tolerance, or considerateness." (2000:259 original emphasis). As above, to achieve that aim one must utilize the social norms of a given context. For example, to communicate respect in a holy place, one may have to remove one's shoes upon entering. There is nothing inherently special about removing one's shoes that conveys respect. Doing so in the supermarket would not have the same effect, nor would it in my local church where there is no such expectation of the removal of shoes (quite the opposite, really). What does the work is the developed norm in this particular context and one's proper use of it which enables one to act civilly. A failure to do so, willingly or in ignorance, would see one act in a rude manner, i.e., uncivilly. For civility, conformity to established norms is how it functions, for one cannot communicate those basic moral attitudes to others without a shared language to do so; the formalities around social norms of interaction are that shared language.

One objection to ethical civility is that it does not actually capture anything distinct from the sorts of virtues with which it is associated e.g., respect. As Calhoun explains:

> "'*civility*' *seems either to pick out a fundamental attitude that lies at the core of all the more particular virtues (much the way Kant's concept of respect does) or to designate a collection of virtues such as tolerance, considerateness, law abidance, and the like. In either case, the philosophical analysis of civility will be parasitic on the analysis of the more basic virtue(s) to which civility is reducible.*" (Calhoun, 2000:254)

Calhoun's (2000:260) emphasis on the communicative nature of civility is what she claims marks it out as distinctive: "...what makes being civil different from being respectful, considerate, or tolerant, is that civility always involves a display of respect, tolerance, or considerateness." Expanding on this, Calhoun writes:

> *"Because civil and uncivil acts are essentially communicative acts, while simply treating people with respect or tolerance does not always involve communicating our moral attitudes, civil behavior is not coextensive with respectful, tolerant, and considerate behavior."* (Calhoun, 2000:260)

For example, I can exercise respect without communicating it. There is nothing contradictory about the claim that I respect someone, but I do not communicate it. However, it is contradictory to say I am polite, but do not convey it because being polite requires outward expression that conveys politeness. Ethical civility depends upon the communication of those moral attitudes and it is this, according to Calhoun, that makes it distinct from just respect and such.

This also distinguishes civility from critical morality, i.e., whatever is taken to be the "correct" moral view, because it relies clearly on social convention to do its work. Civility can conflict with critical morality. Calhoun's (2000:262) example is of the practice of holding doors open for women: this is a common practice which typically *conveys* respect but is arguably at odds with critical respect. To not hold the door may be compatible with critical respect but convey *contempt*. However, Calhoun (2000:274) notes that in standing apart from morality to do its work, civility is especially valuable given the fact of pluralism: "Civility norms work to regulate disputes precisely because they do not appeal to socially critical moralities that may themselves be under dispute." In a world that is closer than ever, where incommensurable views on morality, rightness, and goodness live side by side, civility offers a valuable mode of moral acknowledgement. But the cost of this is to detach the respect of civility, for example, from actual respect. However, this does keep civility distinctive and prevent its discussion and analysis becoming drawn inside-out of other concepts.

We see the issue on non-distinctiveness appear in some work on civil disobedience too. In Piero Moraro's (2019) account of the civility in civil disobedience, civility is treated synonymously with respect for autonomy. Importantly, it is not that it involves treating others in ways that *they* take to be respectful, in a manner reflecting Calhoun's distinctive civility, but in ways which are actually respectful of autonomy.[17] For this reason, in order to determine

[17] Although Moraro does draw from Calhoun, he does not recognize the conflict between Calhoun's seminal account and his own which is connected to critical morality and "parasitic" on another concepts. Moraro references Calhoun's claim that civility is about communicating basic moral attitudes and that it seems to have something to do with acknowledging the "value of others' lives" (Calhoun, 2000:258), but immediately goes on to claim that that value "refers to people's status as autonomous moral agents: an agent acts civilly when, through her conduct, she shows respect for other's autonomy" (Moraro, 2019:30). From then we go into an analysis of autonomy which then underpins an account of political obligation and non-coercive violence, but we do not return to why politeness has anything to do with autonomy.

what counts as civil or not, Moraro engages with the literature on autonomy to get an idea of civility (2019:30-33), i.e., inside-out, and then makes judgments about cases of disobedience on whether they do respect someone's "*right of autonomy*" (2019:31).[18] Thus, the "civility" discussed is tied to critical morality and not distinctive.

In terms of the value of ethical civility, Calhoun offers the following pluralistic summary.

> "*First, civility signals others' willingness to have us as co-participants in practices ranging from political dialogues, to campus communities, to funerals, to sharing public highways. Second, for those who are not already coerced into sharing social practices with us, civility may be a precondition of their willingness to enter and continue in cooperative ventures with us. Third, civility supports self-esteem by offering token reminders that we are regarded as worth respecting, tolerating, and considering. Finally, civility, particularly toward members of socially disesteemed groups, protects individuals against the emotional exhaustion of having to cope with others' displays of hatred, aversion, and disapproval.*" (Calhoun, 2000:266)

The first two values capture a receptivity to others, a notably prosocial value of civility. The third points to the inherent value of persons that is worth outwardly acknowledging in small but important ways. If we consider people to have such moral worth, to be worthy of respect and such, then we should want to convey that to them (and have it conveyed in turn to us). To do that, we need to make use of civility to guide us to the correct formalities for expressing such things appropriately. More negatively, civility can at least insulate against outward hatred, disapproval and the like as suggested by the fourth and final value. It might well be a second-best option, but if people will display hate and disapproval of others (and if being on the receiving end of this is bad for us), then we should prefer that we are spared this. I might think that only fools play Monopoly or that reading is "nerdy", but I might also think that politeness demands I do not outwardly express these views to those who enjoy Monopoly or reading. While it may be preferable that I do not hold such views, if the fact is I do hold them then civility at least provides a way to manage them in light of the needs of others.

[18] Moraro considers the striking example of "bossnapping": effectively kidnapping one's boss for up to 48 hours to force negotiation on various employment issues (Moraro 2019:100 cites Parsons, 2013). He claims this can be civil (and thus *civil* disobedience) because the action "might not infringe on [the boss'] autonomy; that is, [their] capacity to make uncoerced choices." (Moraro, 2019:100-101). Whether it is true or not that such action is compatible with respecting autonomy, we might well consider whether the capacity to make choices uncoerced really has anything to do with civility. I think it has nothing to do with civility and only ends up in the account of civility because of this inside-out treatment from autonomy—but this problem will be discussed more below when looking at political accounts.

To summarize, Calhoun posits that civility is a complex but distinctive virtue which aims to make for a pleasant social atmosphere (in being receptive and esteem-protecting) by communicating basic moral attitudes of respect, kindness, tolerance, etc. It is complex in that it involves many of these component parts like respect, kindness, and tolerance (which are Calhoun's examples – she suggests there may be others) but it is distinctive in not being reduced to them. It is distinctive because it is the *communication* of attitudes of respect and such which counts for civility, not necessarily their morally correct expression: civility is one way to assess an act, kindness or respect are others. This basic account of ethical civility is influential in other accounts of civility (e.g., Olberding, 2019:9; Moraro, 2019:30; Zurn, 2013).

- *Waldron's Chilly Account*

Jeremy Waldron (2014) likewise highlights civility's use of social formalities but emphasizes how the shared framework of formalities provides a sense of security for those involved in the interaction, rather than the broader values Calhoun identified. Waldron (2014:49) argues that civility is tied to formality rather than political duties or moral duties of kindness and such. Waldron writes:

> "*Civility may not be formality, but it involves a willingness to respect the formalities of an interaction and to put one's feelings toward the person you are dealing with – whether they are warm feelings, hostile feelings, or feelings of indifference – to one side, at least in the sense of subordinating them to and disciplining them with the rules prescribed for the interaction*" (Waldron, 2014:52).

These rules are socially constructed rules, not necessarily those set down by an overarching authority such as may be found in codes of conduct. While Waldron's account focuses on legal and political examples, it is not a distinctly political interpretation of civility. This is because it does not directly concern one's role as a citizen, one's rights and duties as such, or how one fits into the political structure of society. Instead, it is directed towards interaction with others more generally where "forms", i.e., manners, are expected to be followed. Thus, it is a form of ethical civility.

The aim of Waldron's civility is to create an atmosphere in which agents are assured that, no matter how tricky things get, the 'rules' will be followed (2014:52). It is about a reliable expectation which allows agents to interact effectively in pursuit of their goals. Indeed, Waldron's civility puts clear emphasis on the instrumental value of formalities rather than, as in Calhoun and others, on possible intrinsic moral value they may additionally have. Waldron (2014:53) is content to consider that manners may *only* have instrumental value. Thus, two

persons engaged in a heated political or legal debate trust that each will follow the formalities which will stop the process from unravelling. They signal their commitment to the formalities of the situation in their actions and words (as with Calhoun, a shared language), following the correct language of, for example, the courtroom in addressing the judge correctly, or one's opposition. The idea is that this civility allows us to continue in our own goals—which may be in conflict, as in the courtroom—with the security of knowing that things will not descend into chaos. In Waldron's (2014:59-60) examples, this means that in both the courtroom and political debate, I can expect that my opponents will remain "present" when I am giving my view, they will treat the view correctly for the context (e.g., an accusation to be rebutted, a view to be defeated), and they will respond correctly without resorting to improper conduct (which could be straw-manning, but could just as well be assault!).

Because of its emphasis on stabilising interaction, Waldron (2014:50) considers civility a virtue for strangers and/or potential adversaries rather than potential friends: "Civility is a virtue for relationships that have a potential for antipathy rather than affection, or mutual disinterest rather than mutual concern." Whereas Calhoun's account emphasizes a positive openness, Waldron's is more negative in this respect with the emphasis on securing a certain neutrality rather than pushing for anything more. Because of this pragmatism, Waldron (2014:50) calls civility a 'chilly' virtue which is contrasted with other accounts which are 'warmer' in emphasising pleasantries and friendliness over a cooler commitment to expected conduct.

Despite differences, both Waldron's and Calhoun's accounts capture the use of convention to communicate attitudes. Just as in Calhoun's account we need to know whether we should fist-bump, shake hands, or bow when meeting someone, so in Waldron's we need to know the particular rules we must follow and show ourselves to be doing so in a given context. Communication is important to both accounts, because one cannot feel secure about another's potential conduct without them communicating their civility. It is not enough that they are, in fact, committed to good conduct or not descending into chaos without actually conveying this; for the others involved we must have them signal this commitment to us, and this relies on their use of formalities. Thus, whether a colder or warmer account, ethical civility depends on the communication of certain values via social conventions.

Note that this use of formalities means ethical civility is just as applicable to a political context as political civility: a slight danger of my choice of these two names as opposed to some other choices for the two conceptions is that one may think that political civility is just civility

applied to a political context. Both Calhoun's and Waldron's accounts can be (and are in their respective papers) applied to political contexts, as well as social and familial. The distinction between the conceptions is not based on the domains they apply to, so civil disobedience being a distinctly political phenomenon does not itself tell in favor of political civility.

§I.II Political Civility

Theorists have tended to be more interested in political civility because it seems to impinge more directly on the sorts of questions that political theorists are naturally interested in. Political civility most notably diverges from ethical civility in the fact that it depends on citizenship: being a citizen (at least in a broad sense of belonging to a particular political community) is relevant to political civility, whereas in ethical civility the condition of an agent's citizenship is irrelevant. As Edward Shils (1997: 338) writes, political civility requires: "[considering] others as fellow-citizens of equal dignity in their rights and obligation as members of civil society… regarding other persons, including one's adversaries, as members of the same inclusive collectively, i.e., members of the same society." And Robert Talisse (2021:34 *original emphasis*) likewise deploys civility in this political sense: "Accordingly, by *civility* I mean the combined profile of the three virtues of citizenship: public-mindedness, reciprocity, and transparency." In short, citizenship is necessary for *political* civility. While political theorists' use of the term civility has tended to be vague, an idea connected with being a citizen, i.e., a political civility, is what most have tended to have in mind (see Walzer, 1974). As a recent example of political civility, let us look at Andrew Peterson's account in *Civility and Democratic Education* (2019).

- *Peterson's Political Civility*

Peterson sets out to investigate civility as a civic virtue, specifically one for democratic life (2019:2). Early on, Peterson distinguishes between this 'political civility' and an 'everyday civility' (2019:7-8). "Everyday" civility, according to Peterson (2019:7), captures "civility's more common usage, and refers more generally to politeness, manners, and courteousness when people interact with others on a daily basis as they go about their lives." This civility is based in social norms and forms of being polite and the "…various other fairly mundane but nevertheless important social niceties" (Peterson, 2019:7). This is *ethical* civility. By contrast, *political* civility "…concerns how citizens encounter each other and exchange ideas and interests in the public sphere" (Peterson, 2019:8). It concerns things outside the scope of everyday civility such as receptive engagement with one's fellow citizens and is based in a

particular bond between citizens (Peterson, 2019:8). This emphasis on the role of citizenship is what makes it a *political* civility.

To quickly illustrate a difference between the two forms of civility, Peterson (2019:15-16) uses the example of neighbours interacting over their fence. With ethical civility, they might feign interest and attention: engagement with your neighbour can involve you nodding along and not really engaging fully—you are engaging in small talk, not really listening, and simply making nice. So long as the formalities involve convey the basic moral attitudes, or at least a commitment to stabilising rules, then the demands of ethical civility are met. However, for Peterson, political civility requires a more demanding form of receptivity. Political civility "…requires a deeper form of engagement with others, including with others who hold different perspectives and interests" (Peterson, 2019:16) That is, if one fails to be properly open-minded and engaged with one's fellow citizen, one has failed to be civil in the political sense. Thus, one could be civil in the ethical sense while failing to be civil in the political sense.

For Peterson, civility has two parts: a *behavioural* part of civil conduct and an *emotive* part of 'fellow feeling'. Conduct may minimally involve ethical civility via manners but, as the example of the neighbour suggests, it is not sufficient for political civility. Expanding on how this conduct goes beyond manners, Peterson writes:

> "*Civil conduct involves a set of capacities and dispositions that enable citizens to engage with each other, including being able to share one's own interests, to listen to the interests of others, to seek an appropriate accommodation of conflicting interests, to be open-minded, to eschew dogmatism and coercion and enact an engaged form of tolerance*" (Peterson, 2019:13-14)

The ability to assert one's interests and such clearly goes beyond the communicative role of ethical civility. Being incapable of articulating my own interests certainly does not bar me from being polite. Note also the higher demands in terms of engagement. For ethical civility, we can see that we need only *appear* engaged to our interlocutor to succeed in being polite: clearly showing oneself to be disinterested, even by accident or association (e.g., yawning), is generally considered rude behaviour. Of course, things go better if we are actually engaged and there is no need to feign anything but, as we all well know, this is not always possible and sometimes we find ourselves having to feign interest for the sake of civility. But, for political civility, the demands of actually listening sufficiently well to our interlocutor(s) in order that we can actually seek compromise and accommodation of various viewpoints and be genuinely open-minded rule out feigned interest.

Then there is the second emotive component of fellow feeling and mutual well-wishing. For Peterson (2019:47), this is based in the bond of civic friendship: "positive sociability between citizens… founded on a commitment to working in partnership and reciprocal well-wishing." We get an idea of its relevance for civility:

> *"When citizens care for their fellow citizens, understanding citizenship as a partnership, they listen to the views of fellow citizens and are open-minded to these views, signalling a recognition of their fellow citizens as equal moral beings and co-participants in the democratic project."* (Peterson, 2019: 38)

This underlying sentiment grounds civil conduct. It picks out the relational aspect of civility as "…intimately connected with a form of partnership between citizens who share a sense of mutual positive regard" (Peterson, 2019:36). In order to be civil, one must regard one's fellow citizens in the right way, not just taking their feelings into account (as one might with ethical civility) but that we have concern for them, and desire to see them flourish, "…as common participants in a collective enterprise." (Peterson, 2019:37). The relationship involved in political civility is far more significant than in ethical civility where it is, potentially and often, transient. In ethical civility, the minimal relationship is essentially just one of being social beings in a social interaction needing to get by: we need never encounter one another again, nor be engaged in some grand shared goal. Political civility involves a more directed relationship: one of "civic friendship".

Peterson's view of civic friendship is, as he points out, fairly standard for political civility in drawing on an Aristotelian conception emphasising fellow-feeling and well-wishing (2019:36). However, a couple of variants in depth and breadth are worth noting. First, some accounts such as Stephen Carter's (1998), require the bond to be based in something deeper like love. Clearly, the demand that I love you as a fellow citizen is stronger than merely wishing you well in our joint civic enterprise. Peterson (2019:37) considers love too strong a demand for civic friendship but, this deeper and more demanding conception had more popularity in the past when Christian notions of love and kinship played heavily in civility (see Bejan, 2019-28-30). Second, Peterson emphasizes direct interaction between persons in his account but others, like Shils (1997:345), have also included a general disposition towards the common good of society. This widens the scope of civility since that general disposition does not necessarily require direct interaction with other citizens. One can presumably have a genuine regard for the common good, reflecting on it and going out and doing things for its sake without necessarily interacting directly with a fellow citizen: For example, a Rousseau-style citizen who acts from the general will while distanced from fellow citizens would be civil in this way;

or someone who tidies up their local area might well be acting from the common good and thus civil in this way despite not directly interacting with fellow citizens. Despite differences in breadth and depth, political civility has tended to include some affective component such as civic friendship, and then behavioural components likewise tailored to the particular demands of citizenship—often genuine engagement and attentiveness, concern for others' interests, etc. (e.g., Shils, 1997:335; Snow, 2020; Vaccarezza and Croce, 2021).

§I.III The Relationship Between Them and Its Relevance to Civil Disobedience

Ethical civility is not considered entirely separate from political civility. Proponents of political civility acknowledge how ethical civility also operates, in some sense, as part of political civility. For example, Peterson notes:

> "*Everyday civility might be understood as something of a prerequisite for political civility. Fairly obviously, possessing good manners and being courteous do provide some basic underpinnings (or at least a starting point) for political civility.*" (Peterson, 2019:8).

By this, Peterson has in mind how, in engaging with fellow citizens, one would still have to be "…attentive in some important ways to the manners required and expected in a particular context." (Peterson, 2019:16; see also Snow, 2020) Thus, to be politically civil, one must also be ethically civil.

Similarly, Shils (1997:338-9) writes that ethical civility is included in political civility. As an example of the relation ethical civility has to political civility, Shils writes that it:

> "*… holds anger and resentment in check; it has a calming, pacifying effect on the sentiments. It might make for less excitability. Civil manners are aesthetically pleasing and morally right. Civil manners redound to the benefit of political civility*" (Shils, 1997:339)

Andrew Fiala (2013) makes a similar claim that manners and politeness work as part of a functioning political civility. Others suggest that the stuff of ethical civility is included in the affective component of civic friendship (Vaccarezza and Croce, 2021). Thus, manners and politeness—the stuff of ethical civility—do still matter to political civility at least in a limited sense. Note that the relationship between these two forms of civility is implied to be thus: political civility requires (at least some) ethical civility to function, but ethical civility does not require political civility. Therefore, we might consider political civility to be an *expanded* account of civility. What does this mean for civility in civil disobedience?

It has a significant impact on one position we came across in the previous chapter: that civil disobedience can take a strictly political account of civility. Recall that Scheuerman claimed that accounts of civil disobedience have tended to take a political account of civility rather than an ethical one and, therefore, did not need to account for the rudeness aspect of Delmas' uncivil disobedience. This is part of the case made by Scheuerman (2019) against a distinction between civil and uncivil disobedience: Delmas' uncivil disobedience wrongly includes cases of disobedience defined by a lack of decorum, but civil disobedience can include those because decorum does not factor in political civility (the relevant civility for civil disobedience).

Yet, when we engage with the civility literature, we find that this claim is in contradiction to what many theorists of civility say about political civility. If political civility includes ethical civility, then theorists of civil disobedience cannot simply decouple decorum, i.e., ethical civility, from political civility as Scheuerman implies. This would mean that Delmas is right that rudeness, obnoxiousness, and the like *can* affect the civil quality of one's disobedience. Therefore, the civility of civil disobedience should in some sense *include* ethical civility.

§I.IV Summary

Ethical and political civility aim at distinct things: of being a good social being in the former case, a good citizen in the latter. Nonetheless, while political civility is generally the one deployed by theorists of civil disobedience, when we look at those theorizing civility, we find that ethical civility is included in political civility. Ethical civility can stand alone, but political civility is supposed to include ethical civility in some way. So, the question for our task is whether the account of civility to be applied to civil disobedience should be one of ethical civility (without recourse to political civility), or one of political civility (which would include ethical civility but go beyond it). On the face of it, this seems a straightforward choice in favour of political civility which would, by its nature, do more work as an expanded account of civility. We could account for both political and ethical elements of civility within civil disobedience. Despite this appeal, I will now make the case that we should actually favour a pure *ethical* civility for civil disobedience.

§II. Distinctiveness, Restrictiveness, and the Case against Political Civility

As I said in the introduction to this chapter, the case against using an account of political civility for my conception of civil disobedience is based on its problematic "inside-out" treatment: where the idea of civility is derived from other preexisting problems, ideas and

concepts, and grows out of them. This treatment leaves political civility particularly vulnerable to two objections: the first is that this treatment skews the conception so that it is ultimately flawed as an account of civility, i.e., it just is not civility; the second is that this treatment, even if it succeeds as an account of civility, renders the conception overly narrow and restrictive for our purposes.

By contrast, the ethical civility considered above treats civility "outside-in", an independent idea and problem of its own, and so it is immunized against the issues that arise because of an inside-out treatment. We can clearly see this in the examples of it we have already seen. In Waldron's more negative treatment, civility is a distinctive virtue that looks to respond to the problem of stability in potentially hostile situations by utilizing formalities. Waldron (2014:64) is clear that civility is just one virtue, that it seeks to respond to its particular domain, and this shows a concern for its distinctiveness and independence from other concepts. Likewise, Calhoun's concern not to reduce civility to some other virtue like respect is a concern for ensuring that civility is distinctive: If civility just is respect or some other virtue, then it can be treated inside-out of that virtue, as entirely derivative from or "parasitic" on it (Calhoun, 2000:254) with the result being an account of that other thing and not really civility. In contrast, Calhoun's civility has its own role, not just for stability but also more positively for communicating basic moral attitudes to other persons. It is not overly restrictive in being drawn from particular contexts: like Waldron's account, Calhoun's sets out a general civility whose specific requirements in a given context are to be "filled-in". As one theorist puts it, etiquette or the specific formalities are like the "grammar" of civility: the specific context-dependent details for civility (Li, 2007). In both of these cases, ethical civility is theorized outside-in and not particularly concerned with citizenship. Thus, the ethical civilities above are immunized against the objections I raise against political civility that stem from inside-out treatment.

In order to zero-in on the two problems of inside-out treatment, I will begin by using two relatively simple examples before delving deeper into some accounts we have already seen such as Peterson's. The first example will use Philip Pettit's republican conception of civility to demonstrate the first problem: inside-out treatment can just generate a flawed concept of civility *qua* civility. The second example will draw on Stephen Carter's Christian-inspired account of civility to demonstrate the second: that inside-out treatment results in an overly narrow and restrictive account of civility that, while may function in its own domain, renders

it unappealing for application to civil disobedience.[19] Neither of these accounts is exactly typical, but this makes them useful for demonstrating the core mechanics of the objections to be applied to more typical accounts where, for reasons I will address, they may be harder to diagnose.

§II.I The Two Problems of Inside-Out Civility

- *Pettit - Republican*

Pettit's (1997:245) idea of civility is political, it is one explicitly based on the role of citizenship: "republican laws must be supported by habits of civic virtue or good citizenship—by habits, as we may say, of civility". For Pettit (ibid.), something that marks out republicanism from other political theories is its emphasis on the civic virtue of citizens which Pettit calls civility. But one virtue of citizenship is particularly valuable to republicans like Pettit, and that is the virtue of *vigilance*: "the virtue of remaining alert, especially in dealing with powerful authorities, to the possibility that others may be behaving in a corrupt, sectional fashion. The price of liberty in the republican tradition is represented as eternal vigilance." (Pettit, 1997:263). This, of course, stems from the republican's main concern with freedom as non-domination. Part of being a good republican citizen is being attentive to the possibility of corruption by those with power, indeed this might be seen as the most important part of republican citizenship since it acts as a protective layer for society against domination (Pettit, 1997:249-50). Thus, vigilance is a—perhaps *the*—vital part of civility for Pettit.

Now imagine some citizen, Joey, who goes about his civic life rather well: he votes thoughtfully and carefully, genuinely engages with fellow citizens about various political concerns, volunteers in various ways in his local community, and is generally polite and pleasant with those he meets in his daily life. However, Joey does have a drawback: he is hopelessly optimistic about politicians and those in power; he believes they are noble people who will always try to do what is right. Hence, he lacks any real tendency to be vigilant since it appears to him wholly unnecessary. Perhaps he is even quite *blasé* when confronted with evidence of corruption, looking to explain it away somehow. What are we to make of Joey's civility?

[19] It is possible that the two problems overlap: we might think an account of civility just does not capture "civility" precisely because it is overly restrictive. But those two problems *can* come apart if we accept that the narrower account of civility is applicable to a particular context but that this limited application renders it unsuitable for application to something we wish to make or keep more general.

I expect most readers are inclined to think that Joey seems perfectly civil, on an intuitive sense of the word. The fact that he fails to be a vigilant citizen does not strike one as immediately affecting his civility. Of course, this might be because he is civil in all other respects except this (particularly important) one on the republican account; even so, it seems odd to think that his lack of this especially important republican virtue makes him uncivil (or *less* civil). I am inclined to think that the degree of *vigilance* does not affect his degree of *civility* at all: he might be a less effective citizen, but that does not seem to be the same thing as saying he is uncivil (or less civil). If so, Pettit's account of civility is flawed as an account of civility. But I think the reason the account fails is because of its inside-out treatment of civility: civility is treated inside-out of an idea of good republican citizenship. Why is Pettit led to the view that vigilance is part of civility? Because it is part of the distinctly republican ideal citizen and a mechanism against domination. Civility grows out of the republican conception of citizenship and so is lead astray as a concept to include things it ought not. It looks to me like it ends up being a concept of something other than civility: civility is not primarily concerned with domination and its avoidance. This is the first problem of inside-out treatment: the resulting concept is *flawed* by depending on other prior concepts and problems they seek to address.

- *Carter – Christian*

Stephen Carter's (1999) book on civility focuses on democracy and the US in particular. For Carter (1999:11), civility is "the sum of the many sacrifices we are called to make for the sake of living together". This consists in various components, but something that sticks out in Carter's account of civility are the religious overtones. At various points, Carter (1999:15-16) suggests the importance of spirituality and faith to civility and civic life, considering religion one of the legs of the "three-legged stool" of civility along with schools and family life. Indeed, he affirms very strongly that civility is dependent on religion, writing that "only a resurgence in all that is best about religious faith will rescue civility in America." (Carter, 1999:31) And, by religious faith, it is perfectly clear that Carter has a Judaeo-Christian faith in mind:

> *"[Civility requires] acting with love toward our neighbors. Love of neighbor has long been a tenet of Judaism and Christianity, and a revival of civility in America will require a revival of all that is best in religion as a force in our public life. Only religion possesses the majesty, the power, and the sacred language to teach all of us, the religious and the secular, the genuine appreciation for each other on which a successful civility must rest."* (Carter, 1999: 18)

This reliance on religion and Christianity more specifically has been criticized by others (see Weiner, 1999). The specific objections to Carter's reliance on faith are not my concern here. What is my concern is how his treatment of the idea of civility affects the resultant concept in problematic ways, and in a way that is different to the previous example. Like Pettit's, Carter's civility depends on a prior conception (Christianity/ religiosity) and thus civility is treated inside-out of this idea. This creates some particular requirements of civility that look suspect but, unlike Pettit's account, we might think reflect a *particular* account of civility rather than a mistaken account of civility. Let us look at two particularly odd requirements of civility which seem clearly drawn from Christian ideals.

One requirement of civility according to Carter (1999:281) is: "We must come into the presence of our fellow human beings with a sense of awe and gratitude." Another is a requirement of love which we can see in the long quote above, but it appears fairly frequently throughout the book and is clearly very important to Carter's idea of civility as we must "love even those who mean us ill" (1999:145). Civility might well require looking upon our fellow citizens in a certain way, i.e., the affective component of civility; that it requires a Christian affection is far less clear.

Perhaps Carter is simply wrong about civility in the way I highlighted above with Pettit: getting civility out of Christianity or religion means he gets a concept that is not actually civility. This is one possibility which stems from inside-out treatment. But the alternative objection responds to the thought that *maybe* the idea of a *Christian* civility is not itself wrong. Indeed, it seems perfectly sensible to think that civility is such a concept that allows for some variation such as *Christian* civility, *Western* civility or, indeed, *Republican* civility. We might similarly think that Christian thinking about courage might lead to a Christian inspired account of courage. The mistake would be to think that *these* accounts of civility were basic, *general* civility. They are not: they are *special*, particular accounts of civility for particular contexts. For example, a Christian civility might well make sense in a Christian context where the society or culture is broadly Christian and/or where an agent themselves is Christian. What would be wrong is if we took one of those accounts to tell us about civility *generally* because they will, by their nature, have features that mark them out as distinct from just general civility.

In Carter's case, I find no explicit claim that his account of civility is meant to be the exclusively right one. But nor can I find any claim that it is merely a special account for a

Christian society. Either way, taking Carter's civility to a conception of civil disobedience would render it clearly restrictive in terms of the context it applies to or the agents it can feasibly include: we are not trying to give an account of *Christian* civil disobedience. This is the second problem of inside-out treatment: the resulting concept is made *overly restrictive and narrow* to be applied to a more general concept by depending on other prior concepts and problems they seek to address.

The point about this "restrictiveness objection" is that the inside-out treatment of civility makes it inappropriate at least for application to a general concept of civil disobedience. There is a concern that our concept of civility and civil disobedience are not unnecessarily restrictive and are, so far as reasonable, inclusive (e.g., Zerilli, 2014; Bejan, 2019:154; Scheuerman, 2021a:14, 19; Delmas, 2021:210; Brownlee and Delmas, 2021: §1.3). With regards to political civility, the restrictiveness could mean two things. One is a claim of exclusivity: to use Carter's account as an example, that Christian civility just is civility. The other as I suggested is that, by drawing civility out of other concepts (with their own boundaries) one actually gets a restrictive account of civility: Christian civility is a *particular* form of civility, for Christians and/or Christian contexts.

The exclusivity claim may just lead us to an implausible conclusion and thus is a version of the first objection against inside-out treatment: only in X contexts can political civility be performed. To draw on this particular example: civility can only be performed in Christian contexts. The idea that civility is distinctly Christian finds little support these days despite its historical, Western support (see Bejan, 2019-28-30); the idea that civility is distinctly liberal democratic virtue (Orwin, 1991) is one which perhaps lingers implicitly, as we shall see. I think we may just want to outright reject that exclusive conclusion anyway. But, *even if we do not*, such restrictiveness makes it greatly unappealing to theorizing civil disobedience: this is the distinctive objection of restrictiveness. Unless we are only interested in civil disobedience within whatever the restrictive context is, we want an account of civil disobedience to be broadly applicable across contexts. If political civility just is restrictive in its very nature, then it is not the civility we want to apply to civil disobedience. If what we end up with are special accounts, then they may not be wrong as special accounts of civility but, they are inappropriate for application to civil disobedience: maybe Christian civility is fine, but it would be a mistake to make Christian civility the bar for civility in civil disobedience since the civil disobedience would be restricted to Christian contexts/agents.

❖ *Summary*

With these two brief examples, I hope to have shown the underlying mechanics of the two problems of the inside-out treatment of civility when it comes to political civility. Neither of these two examples is exactly typical of accounts of civility: republicanism has plenty of detractors and—it is probably fair to say—much less support than deliberative democracy, for example, which informs a lot of political accounts of civility; and Carter's reliance on love in civility would generally be considered too strong. My hope is that their unusualness better highlights the problems with the resulting conceptions from inside-out treatment. As I trust is clear from this discussion, either one of the examples could be said to suffer from either of the issues. Pettit's account of civility might not fail as an account of civility—if the reader's intuition about vigilance differs from mine—but, if it is civility, it is clearly a particularly narrow, specific account of civility and so would narrow the account of civil disobedience to which it was attached. Alternatively, if Carter's idea of civility is meant to be an account of general civility rather than a special account, if he intends to claim that Christian civility just is civility, then the account is *wrong* not merely restrictive.

Both problems stem from the fact that the idea of civility is treated inside-out. Were civility treated independently—outside-in—and then brought to bear on other questions of interest to the theorists we might get a better idea of what civility is and what it is not. It is not a problem to say that vigilance or love are one thing and civility another, but it is a problem to conflate them. It gives us an incorrect concept of civility. If civility were treated outside-in, one could better understand what the "core" of civility was and how, if at all, any special variations on civility (such as Christian civility) are distinctive. This would avoid the second problem: of using a special, narrow account for a general, basic account of civility and thus developing an overly restrictive concept of civil disobedience.

I now return to some familiar accounts of political civility to show that these are also subject to the same problems because of their inside-out treatment of civility. This makes them unsuitable for application to civil disobedience.

§II.II Political Civility: Inside-out

❖ *Peterson's Political Civility*

As we have already seen, Peterson's political civility demands various things of citizens in terms of their conduct and emotions. However, Peterson treats political civility inside-out of other problems. In this case, political civility comes out of deliberative democratic theory. This

means that the resultant civility is vulnerable to the two problems of inside-out treatment: it may be flawed as an account of civility, or it may be overly and needlessly restrictive for general application to civil disobedience. For the sake of analysis, let us take two requirements of this political civility: sustained engagement with others and taking others' interests seriously.

Peterson (2019:2) is quite open about his interest in civility as "…a virtue for democratic life and participation". Yet it soon becomes clear that the democratic life Peterson has in mind is a deliberative democratic life. This is revealed at various points throughout his book. For example, he writes that "…certain features of deliberative democratic theory (and indeed practices) have close synergies with political civility…" (2019:21) and goes on to suggest civility's great importance to deliberative democracy: "civility can be understood as a core prerequisite of deliberative democracy, central to its very meaning". In later chapters, for example, he highlights the importance of deliberative *fora* for developing and maintaining civility (e.g., 2019: 40) and focuses on deliberative democracy in his discussion on cultivating civility through education (2019:55ff). Moreover, Peterson (2019:21) explicitly draws (inside-out) on deliberative theory to inform his account of civility: "Further help in delineating the form of conduct political civility requires of citizens can be gained by examining the main tenets of deliberative forms of political discourse." So, deliberative democratic theory very much sets the context for the theorizing of civility itself.

The deliberative democratic theory affects the resulting civility, notably in the demand for attentiveness in the serious and sustained engagement with fellow citizens' interests. Recall from the earlier example of the neighbour talking over the fence in which ethical civility seemed compatible with simply nodding along pleasantly, not *really* listening or engaging in any deep or sustained sense. Political civility, on the other hand, required more than this. For Peterson, attentiveness and taking interests seriously is a particularly demanding but important part of civility:

> *"In other words, and crucially, civil conduct requires that citizens are present with and are attentive to others, listening to their ideas and stories and seeking to empathise with them. Part of the problem when public discourse fails or becomes overly fractious is precisely because some or other citizen or group fails to be attentive to the interests of others."* (Peterson, 2019:24)

The requirements of civility in the form of engagement and attentiveness to interests are reiterated throughout the work. But are these really requirements of civility? Or are they requirements of some *other* concepts and ideas rather than civility?

Consider an older, feudal society and what civility might look like there. It would seem odd to suggest that a requirement of such a society's citizens (in a broad sense) in terms of civility requires deep sustained engagement with fellow citizens on matters of mutual concern or taking others' political interests seriously. In such a society, it seems especially odd to require citizens *as a matter of civility* to engage on these matters, to debate the merits of various political decisions in which they have little to no say at all. Alternatively, if we imagine a hypothetical libertarian aggregative democracy in which it is expected that the people vote in their own private interests, or Rousseau's ideal citizen acting from the general will in relative isolation, the requirement to engage with others and take their interests seriously seems misplaced; the people of that society fail to be civil by Peterson's account.

According to the first problem of inside-out treatment, these "requirements" are not requirements of civility at all but of some *other* idea connected with deliberative democratic practice. Thus, I think that the reason that these requirements feel odd in these other contexts is because civility *is* operable in them and these requirements are wrong. They might be valuable things, but the question is whether they are actually requirements of *civility*. The mistake is attaching them to civility when their value should be judged independently. Just as "vigilance" attached itself to the republican civility only because of particular concerns in republican theory, the two requirements here have found their way into civility only because of particular concerns in deliberative democratic theory. Thus, the resulting account of civility is flawed.

A danger with examples which appeal to intuition is, of course, that the reader does not share one's intuition about the case. Deliberative democracy has far wider support among theorists than republicanism does which, I think, makes the example less intuitively striking as odd than the republican requirement of vigilance. It is also one of the reasons I think that the first issue with inside-out treatment with political civility goes under the radar. Most theorists are broadly speaking democratic, and most probably think that deliberation plays an important role in democracy (whether this meets the extent of deliberative democracy is another matter). Another thing is that many of us associate the ideas of "deliberation" and "civility" very closely: the idea of a civil discussion, to "disagree without being disagreeable" as Barrack Obama put it (in Peterson, 2019:22). So, one might a) not object instinctively to the requirements or b) think that civility is deliberative in nature.

To A, we would need to check that we are not reducing every good thing to civility. There are many valuable things besides civility, and I am not suggesting that any of the proposed requirements we have encountered thus far are not in themselves valuable things. I am just proposing that they are not *civility*, and that the only reason they are there is because the idea of civility is drawn inside-out of other problems to which those requirements look to respond. I could well think that Carter's Christian love is extremely important or morally required of everyone, but that does not mean that it is a requirement of *civility*. Similarly, many might think that the deliberative democratic requirements that sneak in under the banner of civility are good and important things and so not objectionable. But that does not make them requirements of civility.

But if we still think the requirements of Peterson's civility are not out of place as part of civility, then perhaps this is because we think that civility is deliberative (B). This would then make the deliberative requirements of civility happily coincide with requirements of deliberative democracy (which is not the same as claiming that civility itself is deliberative democratic). This latter thought seems to be one Peterson accepts. He notes both the intuitive importance of civility to effective deliberation (2019:20-21) and how effective deliberation is essential to deliberative democracy: "civility can be understood as a core prerequisite of deliberative democracy, central to its very meaning" (Peterson, 2019:21). Particularly, Peterson (ibid.) references Calhoun's account when he affirms that civility is an inherently communicative virtue, "certain features of deliberative democratic theory (and indeed practices) have close synergies with political civility, and as Calhoun (2000, p. 260) remarks, "civility is an essentially communicative form of moral conduct"".

However, it is a mistake to think that the inherently communicative nature of civility makes it deliberative. Hurling expletives at someone is perfectly communicative but it is not at all deliberative: deliberation requires communication, but communication does not require deliberation. This explains why we tend to associate the idea of civility with deliberation—as a communicative virtue, it makes sense that it would be especially relevant in a communicative practice such as deliberation. They will often be found together. But they are neither the same thing nor inherently bound together. The claim that political deliberation is the "primary" expression of civility might well be true (Peterson, 2019:21), but Peterson explicitly uses deliberative theory to develop his account of civility rather than taking an idea of civility (outside-in) to deliberation. For this reason, the requirements of attentiveness and taking interests seriously find their way into civility. They are important to good deliberation for sure:

effective resolutions require one to stay present and pay attention to the issues presented. But there is no reason to think they are independent requirements of *civility*. Civility is an inherently communicative virtue, not a deliberative one. It is thus a mistake to draw inside-out of deliberative theory in developing an account of civility.

Peterson's account seems that it may be flawed as an account of civility, requiring things that are not requirements of civility at all and have grown out of his treatment of civility as derivative from deliberative democracy/ theory. The two requirements I have looked at here seem only to be a part of his account of civility because of this treatment: there is no independent case made for their being a part of civility. The resulting requirements of civility also mean the account cannot work in, say, a feudal society. But at this point, one might well recall that Peterson is clearly and expressly interested in civility as a virtue for (deliberative) democracy. Perhaps Peterson's account is meant to be a special account of political civility and, as such, those requirements are part of an especially deliberative democratic political civility. This could make Peterson's account like Carter's Christian civility in that it could make sense in a corresponding context only; the fact it does not outside of this context would therefore not be a problem. To return to our example, it is no more troubling that Peterson's civility makes no sense in a feudal environment than Carter's making no sense in a Buddhist one. It would only be troubling if the claim were one of being a general account: that their account was not special but was indeed the correct account of civility (thus denying everyone else's civility!). But if we accept that for the sake of argument, it still means that the account is overly restrictive and would not be a general, basic civility that we require for an inclusive and broadly applicable account of civil disobedience.

- *Public Reason*

Another requirement which often finds its way into civility is one of reasonableness, usually informed by ideas of public reason e.g., Rawls' duty of civility (2005:217; Dagger, 2016). This may be the sort of distinctly political civility Scheuerman claimed theorists of civil disobedience to be interested in. Indeed, there is a ready example of political civility of this sort applied to civil disobedience: William Smith's (2013) deliberative democratic civil disobedience. Smith is interested in civil disobedience within the context of deliberative democracy. Much like Peterson, Smith's account of civility is therefore suitably deliberative democratic but, unlike Peterson, Smith's account of civility is based on Rawls' Duty of Civility.

> *"The idea of deliberative democracy is associated with a moral account of the duties of democratic citizenship. This includes a duty of civility that requires citizens to limit their political advocacy to reasonable objectives and a duty of justice that requires citizens to comply with deliberative democratic decisions."* (Smith, 2013:12)

As that quote suggests, civility here is bound up with the idea of *public reason* which "...requires citizens to abstain from certain kinds of arguments in their deliberations" (Smith, 2013:21). Smith claims civility also requires the development of certain skills, reflecting deliberative democratic demands. These Smith draws from Matthew Clayton:

> *"The duty of civility requires the cultivation of certain kinds of skills and attitudes that should be conducive to the development of our sense of justice. As Matthew Clayton suggests: deliberative citizens display a set of skills and virtues related to deliberative interaction: skills related to articulating a position and the reasons for its affirmation; listening skills; the ability charitably to understand the views of others; analytic skills that facilitate a critical assessment of different positions; an appreciation of the benefits of exchanging ideas; and a commitment to reason."* (Smith, 2013:26 is paraphrasing Clayton, 2006:147)

Those skills mirror, unsurprisingly, those of Peterson seen above and again suggest that deliberative theory has affected the resulting account of political civility in these cases: one is civil to the extent that one engages with interest-formation and articulation, engages with others, appreciates the benefits of engagement, etc. But the manner and content of deliberation determine its compliance with the duty of civility with regards to *reasonableness*. The use of public reason to develop an account of civility is clearly inside-out treatment: civility is significantly derived from this other concept. As before, the concern here is that the judgements about civility on the one hand and, in this case, reasonableness on the other might be independent and that running them together undermines the account of civility. One could be civil but unreasonable, or reasonable but uncivil.

One result of tying civility to public reason is that it means civility is lower (or not possible) where there is less of a culture of public reason and *vice versa*. This speaks to the restrictiveness objection: it is doubtful how many current societies actually reach the bar of public reason and it certainly implies that almost all societies of the past were less civil or indeed uncivil. Deeply religious political communities likely fail to live up to public reason, since views will often be put into the public domain with explicitly religious arguments and such. A more palatable

conclusion is that societies where a culture of public reason is low are just as able to be civil even if they are less able to be (publicly) reasonable. As before, it may be that public reason-based civility is a special account of civility applicable only to contexts where public reason is relevant, like the ideal deliberative democracies Smith has in mind. In this case, such accounts would still be the wrong sort of civility to apply to civil disobedience generally as they would be too restrictive. But we may also think that the conclusion that civility is lower (or not possible) where there is less a culture of public reason indicates that the account is just wrong because they are simply not connected: civility and reasonableness are independent, and it is therefore a mistake to imbue civility with the demands of reasonableness inside-out.

An example that might help pull these two concepts apart is that of Daryl Davis, a Black musician who is in the practice of conversing with and befriending *Ku Klux Klan* [KKK] members and ultimately converting them. Or, as he prefers to say, allowing them to convert themselves. While there is quite considerable variation in what public reason exactly demands (see Quong, 2022: §4), it is pretty certain that racist views are never going to qualify as reasonable. Davis' conversations with KKK members invariably saw him on the receiving end of decidedly unreasonable views, yet the interaction often seems to have remained within the bounds of civility, laying the groundwork for further interaction: "The fact that a Klansman and Black person could sit down at the same table and enjoy the same music, that was a seed planted. So what do you do when you plant a seed? You nourish it." (Davis in Brown, 2017) Repeated interactions led to Davis being invited to parties and homes of KKK members, and to being on the receiving end of more unreasonableness, but the point is that it seems to have been stable interaction. They did not merely "sit down at the same table" but engaged in various other social activities. So, it seems plausible that Davis experienced both civility *and* unreasonableness simultaneously.

It might strike us as odd to consider that a Klansman can act civilly, but this is likely because a lot of the actions we rightly associate with a terrorist group such as the KKK are decidedly and obviously uncivil. But were we to say that some Klansman was honest, that might not immediately strike us as odd. A Klansman could be just as capable of acting civility as he is of acting honestly, but neither his honesty nor civility need affect our judgement about his unreasonableness (and other vices). If this is true, then reasonableness and civility are independent. Just as how societies with low or no culture of public reason are still capable of civility, KKK members might be racist and vicious in all manner of ways including being publicly unreasonable, but this does not preclude civility. It seems, therefore, to be an error to

include as part of civility a demand for reasonableness which only finds its way into civility because it is derived inside-out from public reason.

❖ *Liberal Values*

Finally, it seems to me that certain requirements of civility find their way into the concept because they are drawn inside-out from broadly liberal values. This speaks to both problems of inside-out treatment: first that such requirements render the account of civility flawed because civility does not have such requirements; second, even if the resulting accounts could be claimed to be special cases of civility, they would overly restrict the account of civil disobedience to liberal contexts. While Clifford Orwin (1991) is explicit in considering civility a distinctly liberal democratic virtue, others are not so explicit. Nonetheless, their theorizing about civility inside-out of ideas of liberal democracy affects their resulting account of civility.

One requirement of civility that often appears is along the lines of "treating fellow citizens as equals in a political project" (e.g., Shils, 1997:338; Carter, 1999: 11; Bonotti and Zech, 2021:38; Zurn, 2013: 357). Again, this requirement probably does not strike any reader as objectionable in itself; but it need not be a requirement of civility. I would suggest that this requirement comes from ideals of liberal justice, not from an idea of civility. If civility is possible in the societies we have been thinking about, then it is an odd requirement of civility to require treating fellow citizens as equal participants when they are not and do not think they are either. Egalitarian treatment comes not from thinking about civility but from another independent concept.

More starkly, some have claimed that a "a deep moral commitment to liberal political values" is a requirement of political civility (Bardon et al., 2023). Again, if that is what civility requires, then historic and modern autocracies, oligarchies, and anything other than broadly liberal democratic societies cannot realize political civility. Civility was very important to ancient Chinese philosophers, and they did not inhabit anything like a liberal democracy with liberal democratic notions of "free and equal citizens" or, indeed, liberal values. Yet, they seem to have been able to talk sensibly about a political civility without recourse to liberal democratic values (see Olberding, 2019). Unless we want to conclude that such societies are uncivil (or less civil than ours), civility does not seem to have anything to do with equal treatment in political projects or commitment to liberal values.

Even an attempt to distil civility into a pure or "mere" form like Bejan's *Mere Civility* (2019) can result in a similarly distorted and restrictive account. Drawing on Roger Williams' "meer"

civility that would underpin a tolerant society Bejan (2019:9), updating for the modern age, defines mere civility as: "a minimal conformity to norms of respectful behaviour and decorum expected of all members of a tolerant society as such". Thus, civility is geared towards serving a particular form of society, the "*two-fold*" toleration of liberal democracies: 1) diversity of its members particularly in politics and religion and 2) of the disagreements arising from that (Bejan, 2019:7). It is a "conversational" virtue (2019:65) that focuses narrowly on cases of disagreement, and Bejan is clear here that disagreement means active, outward disagreement.[20] Set up like this, civility demands a commitment to "continue to include and engage others in conversation" (2019:74) and to do so as to help their interlocutors "become less sensitive" to insults, offence, the discomfort of engagement (2019:79); to develop "thicker skins"(2019:162). Such an aim makes sense only if one assumes that the function of civility is to produce more tolerant citizens;[21] but it seems odd to me to think that is really an aim of civility and not simply a product of drawing civility inside-out of a concept concerned with allowing relentless evangelism and updating that end to a (broadly liberal) one of continued—but not fatal—disagreement.

To be clear, the view that civility is just as operable in non-liberal societies as it is in idealistic liberal democracies is entirely compatible with the thought that the latter are better societies by other metrics. The view simply asserts that, whatever is wrong with feudal or caste societies, it is not that they are incapable of civility. These broadly liberal "requirements" of civility likely appear only because of inside-out treatment like we have seen already, that come about because theorists think about civility in these particular contexts and allow those contexts to inform civility (rather than the other way about). While it is always possible that an independent concept of civility has requirements which coincide with other concepts like liberal values, the requirements of civility should track with it and not run into trouble when applied beyond liberal societies. If they do, then they are at best restrictive and special accounts of civility.

❖ *Summary*

[20] "Although it may be possible to "disagree" with a person or proposition internally, I will use the term *disagreement* throughout this book to refer to the outward expression and exchange of differing opinions with others" (Bejan, 2019:177, n3). Note the account *only* applies to cases of such disagreement, it cannot say anything about the civility of everyday politeness which do not involve such outward disagreement and exchange of views. In this case, mere civility is a highly specific account of civility. In this way the account is restrictive: indeed, it has nothing at all to say about general civility when there is no such disagreement.

[21] It is aimed at broadly tolerant citizens rather than specifically liberal democratic ones (Bejan, 2019:164): one can be tolerant of others in many different sorts of political societies of course, it is just that it is thought to be a prominent and salient issue for liberal democracies and, with disagreement, especially for deliberative variants.

Political civilities seem to have issues related to their inside-out treatment of civility which led them to become either flawed or overly restrictive accounts of civility. Many commonly proposed requirements of civility to do with good deliberation, reasonableness, and liberal values seem not to be a part of civility but to have been bolted on following inside-out treatment. They appear to be drawn directly out of deliberative theory, public reason, and liberalism. At the very least, such requirements of civility restrict the concept to a very narrow application where those other concepts make sense. But I think we have good reason to doubt that they are part of civility anyway, valuable though they may be.

In either case, these issues are prevalent in political civility and, while they may not be insurmountable, ethical civility provides us with a ready alternative. The ethical civilities we saw do treat civility independently, as its own virtue, and are theorized independently of the sorts of concepts that political civility draws on. As we have also seen in the first section, proponents of political civility generally take it to be an expanded version of civility that includes ethical civility. Thus, if a political civility can be shown to overcome the objections I have raised here, it could always in principle be "added on" to the ethical account used here. For these reasons, we shall apply an ethical civility to civil disobedience.

§III. Conclusion

In this chapter, we have looked closer at the distinction between ethical and political civility. We also saw why it was a particularly relevant distinction for civil disobedience to engage with. We could see that ethical civility can stand alone whereas political civility was said to include but go beyond ethical civility. For this reason, I suggested that we could consider political civility an expanded account of civility. Despite the initial appeal of taking an expanded account of civility to civil disobedience, I then proceeded to justify why we should take only an ethical account to civil disobedience. This was based on two objections to political civility. The first was that they may just be flawed accounts of civility; the second was that, even if they are not, they are overly restrictive for an account of civil disobedience. I argued that these problems appear to arise in political civility because of its inside-out treatment. This happens with three common components of political civility: deliberativeness, reasonableness, and liberal values. I have suggested that these issues might be surmountable because there may be a natural cross-over in the values of one concept and another; but to know that we would need to treat civility independently, i.e., outside-in. Rather than seek to fix political civility, ethical civility provides a ready outside-in approach to civility which can

be applied to civil disobedience as (at the very least) a core concept of civility. Thus, we are justified in taking an ethical civility to civil disobedience rather than a political civility.

Still, we saw two variants of ethical civility in this chapter capturing the respectively warmer and colder variants of Calhoun's and Waldron's accounts of civility. And showing that ethical civility avoids the problems of political civility in its treatment does not show that it is, as it stands, suitable for application to civil disobedience itself. So, in the next chapter, we will address the variation and problems within ethical civility and begin the process of developing an ethical account of civility that we shall apply to civil disobedience.

Chapter III
Ethical Civility

As we saw in the previous chapter, ethical civility is not without variation. Thus, we must address these differences *within* ethical civility to make headway on our understanding of this civility for civil disobedience. In the previous chapter, we saw two variants of ethical civility and followed Waldron's naming of them as "warm" and "chilly" civility. The former was represented by Calhoun and the latter by Waldron himself. In this chapter, we will first look at the warm/chilly distinction and interpret it in two ways that allow us to see important similarities and differences between Calhoun's and Waldron's accounts of ethical civility (§I). Then we will look at three other areas in which they seem to differ: a focus on acts and dispositions (§II), their responses to the limits of civility question (§III), and the functions they take civility to serve (§IV). From this I conclude that, while both provide insights, Waldron's abstract account is a better basis on which to develop an account of civility and that the application of virtue theory seems a promising way to do that (§V).

§I. Warm and Chilly Civility

Let us start by recapping how Calhoun's and Waldron's accounts of civility present themselves.

For Waldron (2014:52), civility "…involves a willingness to respect the formalities of an interaction… The rules provide a basis for coordination and mutual trust, for the pace and order of interaction, and for mutual assurance that the deal will go through as all the steps are taken." Following the rules of interaction requires putting aside one's feelings about those one is interacting with, and this allows civility to realize its function even in the absence of genuine affection. It is this which makes civility a "cold" or "chilly virtue" (2014:67): "I believe civility is a cold virtue, not a warm one, not really a matter of affection or benevolence… I am going to associate civility with formality. And I want to maintain that this indicates an important contrast with kindness, niceness, and familiar forms of friendship." (2014:49) For Waldron, then, we can summarize civility as principally: *following the rules of interaction for the sake of mutual assurance of the security of that interaction*.

For Calhoun (2000:255), civility is for "[communicating] basic moral attitudes of respect, tolerance, and considerateness. We can successfully communicate these basic moral attitudes to others only by following socially conventional rules for the expression of respect, tolerance, and considerateness." Calhoun also contrasts civility with other values, claiming that it is "…tied to social rules in a way that, for example, honesty, justice, kindness, and respect are not." (ibid.). Using the shared language of social convention, we can successfully communicate appropriate basic moral attitudes towards others even in the absence of a shared critical morality. Thus, for Calhoun, civility is principally: *using social rules for the sake of communicating basic moral attitudes.*

The distinction Waldron suggests between warmer and colder accounts of civility can, depending on how we interpret it, help us to see how the accounts are in some ways similar than one might think and how they do in fact differ. One way of interpreting this distinction is about the delivery of the civility, i.e., for Waldron, civility is performed in a cooler manner whereas Calhoun's account requires warmth (at least in many cases). Friendliness can be an important part of Calhoun's civility, but it is not a part of Waldron's. However, we will see that this way of distinguishing warm and chilly civility actually collapses the distinction. It puts the accounts in the same "chilly" camp and demonstrates that the accounts are actually closer than first appearances suggest.

§1.1 Eliminating the Distinction

The initial appearance of difference is aided in part by how the theorists focus on different aspects of civility and particular examples: Waldron focuses on more formalized rules (e.g., club rules) while Calhoun tends to focus on the more informal formalities of interpersonal interaction (e.g., manners). Those two different aspects might well explain why warmth is needed in one case but not the other: the interpersonal nature of manners lends itself to warmth, whereas the commitment to governing rules seems perfectly functional without a warm delivery. For example, we can imagine someone saying "I think this is complete nonsense, I don't like this decision at all. Still, I will respect the rules…". This may lead us to wonder whether the "rules of interaction" that Waldron has in mind are relevantly similar to the "social rules" and "conventions" that Calhoun refers to. However, Waldron's account does accommodate the more informal formalities that Calhoun has in mind.

First of all, Waldron's "rules of interaction" do encompass those of politeness. Waldron is clear that his account of civility is meant to be general, not merely capturing civility in particularly formalized settings of politics and courtrooms but also of people in their ordinary lives:

> *"Also it would be helpful not to confine our discussion of civility to particular settings – the legal profession or behavior in courts, for example. Civility for lawyers may not be the same as civility for politicians, and civility for politicians is not the same as civility for ordinary citizens in their arm's-length dealings with one another."* (Waldron, 2014:47)

Manners are of course "rules of interaction" too, albeit less explicitly encoded than the rules of a courtroom. Politeness with others is a matter of civility in our everyday interactions. Moreover, our ability to display our politeness (our commitment to these rules of interaction) serves the function of civility that Waldron points out: it is reassuring to encounter someone following the conventions, meeting our expectations, because it gives us a sense of security that they will abide by them and we can expect certain things to happen (or not to happen). Conversely, when someone acts rudely, it is alarming because their display conveys a lack of commitment to the rules of interaction, thus undermining our assurance that rules will be followed.

While Waldron's examples are geared towards more structured and formalized rules of interaction, this is because the work draws heavily on his previous work *When Justice Replaces Affection* (1988) in which he makes the case that we need a legal system of rights because it is dangerous to rely solely on the goodwill or affection of others. The argument he wants to make in *Civility and Formality* is similar: we need civility because it gives us security of interaction even when we cannot rely on goodwill or affection. The examples in *Civility* are drawn from the older work which deals explicitly with legal, enforceable rules to make a parallel case[22] and this obscures the fact that the formalities of courtroom behaviour and the yet more "informal" formalities that Calhoun discusses (holding doors open for people, bowing etc.) are rules of interaction in which Waldron is interested. This is also why "rudeness" is considered part of incivility by Waldron in various places (e.g., 2014:48-9; 2017:11).

The question goes the other way; Does Calhoun's account accommodate the more explicit formalities of Waldron's rules of interaction? Calhoun does not focus on them but is focused instead on the relation of civility to respect, kindness etc, in direct interpersonal interaction.

[22] Romeo and Juliet (2014:52-3; 1988: 632-4), Market Transactions (2014:51; 1988: 641), Shop Keeper (2014:54; 1988: 642), Welfare for Elderly (2014:54; 1988: 635).

Regarding legalistic formalities, Calhoun only comments that civility may or may not relate to "law-abidingness" (2000:259 fn16). Still, her mention of "campus communities and sharing public highways" (2000:266) indicates more explicit formalities, as does the discussion of the US military's *Don't Ask, Don't Tell* policy (2000:263). Also, given that her account emphasizes social convention, and that involves respecting more formalized codes of conduct, an *open* display of not following a formalized rule is also likely going to communicate contempt. So, the more formalized rules of courtrooms and such are also relevant formalities for Calhoun's account.

Thus, the two accounts have a significant overlap in the "formalities" they take as relevant to civility. This being so, we are now in a position to see how the distinction between warm and chilly civility that sets the accounts apart cannot be about the *delivery* of civility. Quite often, particular acts of politeness cannot be delivered in a chilly manner and do require the display of warmth. But consider the practice of waiting which varies across cultures and contexts. Sometimes a polite waiter is one who is deferential and humble, sometimes all that is expected is an emotionless performance of utility, and other times a waiter is expected to be friendly and chatty with the customers. In the latter context, a waiter who failed to be friendly and chatty with the customers and was purely utilitarian in their work would come across as rude, hostile, or improper, i.e., they would fail to act civil in that context. The rules of interaction in that context require a warmth in delivery that the waiter failed to express.[23] Thus, we should not think that ethical civility is inherently "warm" or "chilly" because it depends on the context of the formalities.

Understood this way, the distinction between a "warm" and "chilly" civility is not about the manner of its delivery (which can be as warm or cold as the situation calls for); it is about the requirement of *genuine* warmth as opposed to *performed* warmth. "Chilly" civility of course captures Waldron's idea that it can operate in the absence of genuine affection, but it also captures Calhoun's account of civility which can operate in the absence of genuine moral attitudes. The kind, chatty waiter does not need to be truly kind and affectionate towards the customers on account of civility, they merely must *display* kindness and friendliness. In this way, the two accounts of civility are closer despite their different emphasis on warmer and

[23] An alternative example that may help here is of a context in which the waiter is expected to be purely utilitarian in their job, but the waiter (perhaps coming from an environment in which the warmth was required) comes over all chatty and friendly. This warm display in this case is what is wrong with it from the perspective of civility—they are being overbearing, or overly familiar, in a way deemed inappropriate for the interaction.

colder *displays* of civility in the examples they use. Instead of contrasting with each other in this respect, they contrast with other accounts of civility which require *genuine* moral attitudes/ affection as a matter of civility e.g., Carter's Christian love. Since both accounts emphasize display, it is an important point of similarity that both accounts accommodate warm delivery (or chilly as appropriate to the context) but that neither requires (as a matter of civility) genuine affection.

§I.II Retaining the Distinction

Reinterpreting the warm/chilly distinction in another way helps highlight an important difference between the accounts. Instead of focusing on the manner of the delivery, perhaps the distinction is in the functions that civility is trying to realize on each account. Those functions might be aptly described as warmer and colder in nature and can be captured by two broad dimensions of the value of civility that I will call the security dimension and the esteem dimension.

For Waldron, the function of civility is primarily about security of interaction: you displaying your commitment to the rules framework allows me to be reassured that we are "on the same page" regarding what you're going to do next, what you expect me to do, what sorts of things are "improper" and will not be done and vice versa. It keeps us together on the same path of interaction so that we can reliably realise the goods of that interaction, whatever they are: pleasant feelings, a resolved debate or issue, a successful business meeting, etc. Likewise, Calhoun (2000:266) recognises this as a function of civility: "civility signals others' willingness to have us as co-participants in practices ranging from political dialogues, to campus communities, to funerals, to sharing public highways." Thus, across various domains, civility allows us to convey our commitment to the interaction and those with whom we are interacting. Let us call this value "*keeping people on board*".

Calhoun (2000:266) explicitly states another aspect of this security dimension of civility: "for those who are not already coerced into sharing social practices with us, civility may be a precondition of their willingness to enter and continue in cooperative ventures with us". In other words, civility functions not only to keep people on board but to assure those *outside* the interaction that they could join it. Waldron focuses mainly on the first aspect of the security dimension, but he does mention this second aspect at one point. Waldron discusses an example of Patricia Williams, a Black woman, whose experience of getting a rental agreement for an apartment was enhanced by more formality whereas her colleague's, a White male, was

not. Williams' colleague was able to negotiate more informally, he made a cash deposit and a verbal agreement and was secure in doing so; Williams was struck by this because whenever she was trying to get a lease, she was in a "rush to show good faith and trustworthiness… [signing] a detailed, lengthily negotiated, finely printed lease firmly establishing me as the ideal arm's-length transactor." (Williams, 1992:146 in Waldron, 2014:55). As Waldron points out, her colleague felt able to rely on good faith (genuine affection if you like) and deformalize the interaction, whereas Williams felt the need to rely on formalities as fully as possible, i.e., could not rely on good faith. Here, civility is a prerequisite for Williams feeling able to engage properly with getting a rental agreement. Thus, both Calhoun and Waldron recognise this aspect of the value of civility. Let us call it "*getting people on board*".

Away from the security dimension, Calhoun emphasizes another which does not appear clearly in Waldron's account: an esteem dimension. This is the value of civility on which Calhoun's account focuses its attention. Calhoun (2000:266) writes that "…civility supports self-esteem by offering token reminders that we are regarded as worth respecting, tolerating, and considering" and that it "protects individuals against the emotional exhaustion of having to cope with others' displays of hatred, aversion, and disapproval". Thus, this dimension has two aspects to it, one promotive and the other protective. In the promotive sense, civility allows us to successfully communicate basic moral attitudes to others. It is the shared social rules that operate as a shared language that enable us to say "X is displaying respect to me" by, for example, bowing. There is nothing *inherently* respectful about bowing, but it is a way in which various cultures convey respect. In the protective sense, civility codes tell us to refrain from certain actions. Calhoun (2000:261) gives the example of not complaining audibly about sharing public transport with others, but we can also think of other examples like "don't talk about religion" or "don't say something offensive". In such cases, civility operates as a shield (despite ill-feeling) against the hurt and "exhaustion" of being on the receiving end of malevolence. It might be better if Jim did not hate Jane but, if he does, it is better that civility stops him short of expressing it explicitly. Let us call these values "*esteem granting*" and "*esteem protecting*" respectively.

In summary, both accounts claim that civility is valuable because it "keeps people on board" and "gets people on board". They both affirm the chillier security dimension that displays reliability and secures the goods of interaction. But Calhoun seems to go further and claim a warmer esteem dimension to civility in "granting esteem" and "protecting esteem". That dimension lends itself to communication of particular moral sentiments to others. Thus, an

important difference between the accounts is that Waldron focuses on the security dimension, where Calhoun focuses almost entirely on the esteem dimension.

§I.III Section Summary

Thinking about how the accounts might be distinguished as warm or chilly helps us to see how the accounts are similar in some important respects as well as help us identify where they do actually differ. Both accounts operate in the absence of genuine affection, though they emphasize different functions of civility with Waldron's account focusing on the security dimension of civility and Calhoun's the esteem dimension. In what follows, I will make the case that Waldron's account seems the most promising base on which to build a fuller account of civility to be applied to civil disobedience. This case is centred primarily around two points of difference between the accounts: their relative focus on acts and dispositions (§II), and their responses to the "limits of civility" question (§III).

§II. Acts and Dispositions

For Calhoun, what makes an act civil or uncivil is its success or failure in communicating the appropriate attitudes towards someone: "displays" of respect, tolerance, considerateness and, theoretically, any moral attitude society has seen fit to encode in our social norms. This focus on the acts themselves is important to Calhoun's account for two reasons.

First, successful communication requires acting in ways "that the target of civility might reasonably interpret as making it clear that I recognize some morally considerable fact about her that makes her worth treating with respect, considerateness, and tolerance" (Calhoun, 2000:259). This means I need to perform the *right* act, the act that my interlocutor will understand as respectful or considerate; for this, we have the rules framework of social norms, forms and manners. Naturally, if I perform some act that in my culture is taken to convey esteem but, in the cultural context I find myself in, conveys disrespect then I have not acted civilly. Being civil means "successfully communicating" the appropriate attitudes (Calhoun, 2000:269). Civil acts can also be acts of concealment: "In social life, there are unending opportunities to find other people boring, disagreeable, repulsive… The civil person typically conceals these unflattering appraisals" (Calhoun, 2000:260). In the former overt case, these acts are esteem-granting and, in the latter covert case, esteem-protecting. This success criteria that depends on utilising the correct forms leads Calhoun to focus in on acts, rather than the

broad underlying disposition towards formality that Waldron refers to: "a *willingness* to respect the formalities of an interaction…" (2014:52 *original emphasis*).

Second, Calhoun's primary aim of the work is to show how civility is distinct from critical morality, i.e., the kindness, considerateness, respect of civility is not the same as morally right kindness, considerateness, respect. These represent "…two *competing* moral considerations: (1) the value of successfully communicating basic moral attitudes (civility), and (2) the importance of treating people with genuine respect, tolerance, and considerateness." (Calhoun, 2000:264 original emphasis). Concluding that sometimes "…in morally imperfect social worlds, we may have to choose between being civil… and behaving in ways that are genuinely respectful or tolerant." (Calhoun, 2000:269). Calhoun thus hopes to show that civil displays of those moral attitudes are not necessarily expressions of their actual corresponding moral virtues. My civil kindness need not be *genuine* kindness, my civil respect need not express morally critical respect, and so on. Because the difference reflects itself perhaps most clearly in the choice of acts, this may also explain the tighter act-focused account Calhoun provides and why she does not address something like a broader "disposition" of civility.

Naturally, it may be the case that this is all Calhoun is trying to do: to give an account of civil/uncivil acts and how they are distinct from respectful, kind, tolerant acts. But if we want to talk about civility fully, to give a complete account of civility, we cannot afford to overlook a dispositional element which, as will be shown below, seems significant to our judgements about cases. In short, a problem with Calhoun's account is that it wrongly leaves acts as the sole determinant of civility, resulting in inaccurate judgements about cases.

- *Jack and Jill*

Imagine twins, Jack and Jill, who have gone on holiday to a faraway land which has a culture markedly different from their own: their customs, modes of address, habits etc., are all alien to Jack and Jill. At one point Jack goes to a local market and Jill rests at the hotel. Jack pays close attention to what is happening around him, how people greet each other and such, and has even tried to read up on some of the local "dos and don'ts" in advance on the flight over though the information was quite limited. Unfortunately, at one point he makes what he mistakenly believes to be a friendly gesture only for the shocked reaction of the locals around him to reveal it is not. Even more unfortunate is that this particular gesture conveys just about the worst sentiments one can to those it is directed at. Jack is mortified at having acted like this and hurries back to the hotel. Jack recounts his embarrassment to his sister and decides to

recuperate at the hotel. Jill is bored and feels mischievous. She decides to go to a local market and deliberately deploy the same gesture as Jack did. Naturally, this causes the same upset as Jack's incident earlier on and she is delighted.

Calhoun's act-focused account judges Jill's civility to be the *same* as Jack's: Both do the same act, both fail the function of civility in the same way, they are equal. That does not seem right. While neither genuinely holds the terrible sentiment the gesture coneys to the locals, and both acts cause the same upset, there is surely more to be said about the (in)civility of Jack and Jill here that would show they are *not* equal in respect of civility.[24] I would suggest that this is because civility is not merely a property of acts, but a property of persons. Civility goes beyond mere display in a way in which an act-focused account cannot appreciate.

While the act-focused approach that Calhoun takes allows her to clearly show how it differs from critical morality and how it can function without sincerity (genuine affection)—indeed, sometimes it may demand a certain insincerity—in order to reliably perform its function, I worry that this leads Calhoun's account to overlook the sense in which there is some important motivational or affective component to civility. Here, Waldron's approach indicates what Calhoun's lacks.

Waldron's account stands in contrast to Calhoun's with respect to its focus on civility as a disposition rather than a mere act. Waldron's (2014:47) focus in not on "…the actions it requires, but the sort of virtue it is". As a result, he refers to it as "…a *willingness* to respect the formalities of an interaction and to put one's feelings toward the person you are dealing with – whether they are warm feelings, hostile feelings, or feelings of indifference – to one side, at least in the sense of subordinating them to and disciplining them with the rules prescribed for the interaction" (2014:52, emphasis added). This captures the sense in which civility is not merely a property of acts but also of persons. A civil person has a certain underlying commitment to formality that an uncivil person does not.

Waldron's dispositional approach points to a relevant difference between Jack and Jill in that the latter's lack of willingness to respect the rules of interaction reveals an incivility that Jack does not share. The judgement that Jack is more civil than Jill comes from his willingness to

[24] An alternative example is one where Jack is civil (by doing X, Y, Z) because he cares about abiding by the social rules, showing himself to respect them and such, and Jill who is also civil (with the same actions) but does so either by accident or because she simply cannot be bothered with any fall-out from acting otherwise. An act-focused account would say these two cases of civility are the same but, like the example of incivility, that does not seem right.

respect formality, which we may think he reveals in various ways: his effort to understand the formalities before arriving, his intention to utilize it well at the market, his upset at getting it wrong. Jill has a blatant disregard for the formalities. By acknowledging this dispositional side to civility, we can correctly judge that Jack and Jill are not equal in respect of their (in)civility. Of course, we would want to know more about what the correct disposition entails and its relation to action. This is not something Waldron is concerned with in the paper because he is explicitly trying to address its "abstract" nature.[25] But, at a general level, it seems clear that civility involves this internal, dispositional element that is crucial to arriving at better judgements about cases of (in)civility like Jack and Jill. Thus, we want an account of civility to capture some distinction and relation between *acting* and *being* (un)civil.

§III. The Limits of Civility

Waldron and Calhoun have different responses to the limits of civility question. This is the question that many of the theorists we have previously encountered have also tried to address in one form or another, the question of "when can I be uncivil?" or "Can't I be uncivil to *that*?" (Calhoun, 2000:267). Admittedly, it is a question that Calhoun does more to address than Waldon. Nonetheless, as we will see, they disagree over effectively how high the bar is to be set with Waldron setting a high bar. In what follows, I will suggest that the problems with Calhoun's approach suggest that Waldron is on the right track.

§III.I Calhoun against Moral Authority

On Calhoun's account, in order to function, civility must be detached from critical morality. Acting in ways which one takes to be *genuinely* respectful, considerate, tolerant rather than ways in which social norms take to *demonstrate* respect, considerateness and tolerance are unlikely to succeed in communicating the basic moral attitudes. But this seems to cause problems when we face apparent conflicts between social norms and critical morality. One obvious way to resolve that conflict is to simply say that civility gives way to morality (I will call this the "moral authority solution").

[25] "It would be good to have some sort of abstract understanding of civility and incivility, not because abstraction is valuable in itself but because one might want an indication of how we extrapolate from the examples we are confident about and think about other cases that may be less familiar or more controversial or more challenging" (Waldron, 2014:47)

Calhoun's (2000:262) example of a possibly quotidian conflict between civility and morality is men holding doors open for women: it may not be genuinely respectful to hold doors open for women (at least just because they are women), it may be that it actually is an act of disrespect toward women; however, it is the socially conventional way of displaying respect for women. A man who decides to put civility aside in favour of critical morality in this case risks communicating disrespect and thus disesteeming the woman. To still succeed, the woman would have to share the same sense of the rules of interaction (which in this case would be counter to the general rules of interaction) and thus understand the act of letting the door close in her face as something like showing respect for her own capacity to open a door. This requires either extraordinary luck or, more likely, a leap of faith on behalf of the woman that this act, which is considered uncivil in the society they are in, was actually one made from genuine goodness and not a lack of respect. Civility allows the man in this case to communicate respect for the woman *without* having to share a sense of critical morality with her. As Calhoun asserts, this is especially important in a pluralistic world in which we do have considerable variation in our understandings of morality.

This leads Calhoun to reject an obvious solution to the conflict, to limit civility to the bounds of critical morality: the moral authority solution.

> "*...which views are and are not owed a civil response cannot be a matter for moral philosophers to decide by appeal to some socially critical moral framework. A socially critical moral view is, after all, a particular normative view and thus likely to be held by some people and not by others. It is Miss Manners's critical moral view that sexual harassment and subjecting others to cigarette smoke are intolerable and not owed a civil response. It is Gutmann and Thompson's critical moral view that a defense of racial inequality does not count as a genuine moral position. The objective intolerability of sexual harassment and racial supremacy seem obvious to us now. Neither was obvious in earlier historical periods; and there is presently substantial disagreement about what in fact counts as intolerably subjecting others to smoke.*" (Calhoun, 2000:270)

As both Waldron and Calhoun point out, civility exists in large part precisely to deal with difference. Difference in people, in their views and outlooks, in their behaviours. That is why both Waldron and Calhoun require civility to detach itself from genuine affection or goodness. It needs to work despite variation in affection and understandings of the good. As Calhoun (2000:271) puts it, "if we appeal to any particular moral framework to determine the bounds of civility, we must treat as settled the very questions that civil dialogue was supposed to

resolve." And so civility cannot be tied to—and thus limited by—a particular account of morality. The solution to the limits question cannot be moral authority.

§III.II The Problem of Civility Anarchy

Despite the rejection of the moral authority solution, Calhoun shares what she takes to be the concern that moral authority seeks to address. The reason that philosophers have tried to tie civility into a moral framework is to avoid what Calhoun (2000:270) calls "civility anarchy": "everyone is entitled to use their preferred moral framework and decide for themselves where the bounds of civility are set—producing "civility anarchy" since we will likely not all agree on what is and is not owed a civil response." As an example, she gives the following in a footnote:

> "*A good example of this civility anarchy is the variety of nonsmokers' judgments about which behaviors on the part of smokers are intolerable. Smoking near fellow passengers, in offices, in restaurants, in bars, on public streets, and in areas designated for smokers might, depending on the person, be regarded as exceeding the bounds of the tolerable.*" (Calhoun, 2000:270 fn25)

Calhoun does not further elaborate on the problem of civility anarchy but clearly takes it to be undesirable. There are a couple of ways in which we may interpret the idea of civility anarchy. In one sense, it may be the realistic outcome of moral authority anyway. It is as near as makes no difference an impossibility that we might—as a society—come to agree on the correct moral framework to regulate civility. We are not going to agree with a "philosopher king"; instead, we are going to be operating from our own best understanding of what morality actually requires. As Calhoun (2000:271-2) puts it, "civility is owed only to people who have (in one's own best judgment) gotten it more or less right. People one judges to have gotten hold of a morally pernicious view are not owed a civil response". Thus, moral authority and civility anarchy would be indistinguishable. It would simply be a matter of theory that civility ought to be regulated by the correct moral framework (whatever that actually is). In practice, individuals would be left to their own devices to determine the limits of civility in line with their best understanding of morality.

This causes a problem because, given the myriad ways in which people disagree about morality and its requirements, agents are going to rarely agree on which rules are worthy of allegiance. Moreover, faced with non-compliance, the conversation would shift to a discussion about the correct morality and bypass civility. If you fail to hold the door for me and it slams in my face, as a breach of civility I may challenge you. Your response would be to suggest that this particular practice should be abandoned because it is not actually in alignment with critical

morality. We then could argue over who has understood morality correctly. This is a hardline view, where civility is very much attached to a particular morality and presents its own problem not likely to be resolved any time soon.

A softer line to take would be one of relativism in which we are each guided by our own interpretation of morality. In this case, your response might be to explain your own interpretation while conceding that it may differ from mine (and that neither of us is especially right or wrong). My best option in such a case would just be to accept that your interpretation of morality draws the limits of civility for you, and vice versa. Unlike a strict version of the "moral authority" view, civility is not actually tied to a particular morality at all; rather, it comes down to individual integrity. Even if this were the practice everyone subscribed to, it would not help us achieve stable rules of interaction because, just like the hardline approach, every agent determines for themselves when civility is to be jettisoned in favour of morality. In some ways, there is even less to be said upon challenging you for letting the door close in my face. Civility seems to lose all force.

§III.III Calhoun's Social Authority Solution

Calhoun proposes an alternative. This is what I will call the "social authority solution". When setting out the social authority solution, Calhoun uses the example of sexual harassment and racist discrimination which some theorists consider not to be owed a civil response because such positions are objectively, *morally* wrong. Instead, Calhoun suggests they are not owed a civil response because they are *socially* considered wrong:

> *"It is no accident that Miss Manners and Gutmann and Thompson choose sexual harassment and racial discrimination as examples of the intolerable. These are moral matters on which there is presently extensive social consensus (which is not to say unanimity). Standards of civility reflect that social consensus. We need not respond civilly to a view or behavior once there is social closure on its intolerability."* (Calhoun, 2000:271)

The limits of civility are thus determined by social consensus, with civility only being due to those following socially accepted behaviours/ views. This, Calhoun argues, allows her account of civility to make sense of why racism or sexual harassment are not due a civil response without appealing to a critical moral framework or descending into civility anarchy. Rather than *the rules only matter if there is no conflict with morality*, the social authority solution says *the rules only matter if there no conflict with social consensus of tolerability.*

For Calhoun, this makes intuitive sense and accounts for the fact that standards of civility (and what is considered tolerable) have varied across time and space. It likely also strikes the reader as unobjectionable that we should not feel compelled to civilly respond to such things as racism and sexism. But this intuition perhaps rests on a tacit acceptance of a particular moral framework—we are pretty sure that we are *right* that sexual harassment and racial discrimination are wrongful, so the fact that society broadly agrees chimes with the feeling that such things are not owed a civil response. However, such an outlook is not shared universally, and certainly not in the past. And thinking about this leads us to question Calhoun's conclusion that "…civility is a virtue that we are required to exercise toward others only if they pursue socially acceptable views and behavior." (2000:272)

Many societies have had—and still do have—social consensus that, for example, homosexuality is wrongful and intolerable. And here the intuition that the social authority solution served in Calhoun's example points in the other direction: we are not intuitively happy with the thought that homosexuals in such places are not owed civility on account of their being homosexuals. But that is what the social authority solution suggests in such a case: civility says that no person in that society need be civil to them—civility is not the appropriate response to those following socially unacceptable behaviour or espousing socially unacceptable views. And in these societies, being gay is as socially unacceptable as racism or sexism is to the societies Calhoun draws on. Considered this way around, the problem with resting civility on social authority is that vests too much trust and judgement in society or, more accurately, in the dominant culture of that society to determine for what things civility is or is not appropriate. In this example, the social authority view tells us that I need not act civilly towards gays. My failure to do so is not judged as a failure of civility. Moreover, if I am gay and social norms require me to act with deference towards heterosexuals or conceal my sexuality, my failure to do so would be a failure of civility on this view. This response to the limits of civility seems far too rigid and stringent.

To consider how an account of civility might avoid tying civility too tightly to critical morality and social authority while also avoiding the worst of civility anarchy, let us look at why Calhoun's account ends up being too rigid and stringent. This will help us identify some ways in which an account of civility might, in a sense, close the gap between full-blown civility anarchy on the one hand and the problematic social authority on the other.

- *Problems with Social Authority*

The first problem with the social authority solution that Calhoun suggests is that it appears to take a homogenous idea of "society" to do the important work in determining the limits of civility. For Calhoun, "...civility is a virtue that we are required to exercise toward others only if they pursue *socially* acceptable views and behavior." (2000:272, original emphasis). But what is the "society" that determines this? In the discussion on limits of civility, Calhoun is referring to society writ-large, once we (as society) have "social closure" on something's intolerability that is where we draw the line for civility. But this view masks how society writ-large is comprised of a plethora of other "societies"—the sort that Calhoun refers to earlier on in the work, the campuses, public highways, funerals, etc., where civility applies. In each of those cases, Calhoun of course can recognize that the demands of civility differ: it may be acceptable for me to dress flamboyantly on campus, but not at a funeral, for example. What is civil, what is tolerable, varies from each of those contexts. Each of those might be considered "societies" in themselves (some contexts literally are "societies" with different codes of conduct).

In order to determine the limits of civility on the social authority view, we first need to ask, Which society? Simply using the dominant society or society in the aggregate leaves us to override important rules of civility. Imagine a society with a strong and persistent culture of atheism in which it is not considered problematic to declare religion to be "hocus pocus" or show any sort of disrespect towards religion. There is, as it were, consensus overall that religion is silly and improper to engage in, yet a minority still practice it. Yet it still seems clearly uncivil to convey contempt for religion to the congregation in that minority church by flouting its formalities or to those known to be religious. Pointing to the fact that society at large has consensus that religious practice is not worthy of respect does not seem an adequate defence of the predictably offensive behaviour with regards to civility. What actually counts as "socially acceptable" behaviour or views depends on the particular "society" in question.

In Calhoun's example, perhaps the "society" in question is better thought of as something like "political debates" in which we have come to consider certain views "off the table". This is a much more limited version of the social authority solution. To say that sexists and racists are not due civility really means that those espousing those views (considered intolerable within the context of political debate) are no longer owed the civility of *that* society, i.e., the rules of interaction that govern this political debate. So, it may not be uncivil to tell a racist to "shut up" during a political debate, even though it is generally uncivil to tell someone in a political debate to "shut up". The racist cannot expect to have the benefits of civility while not acting appropriately in this limited context.

Even then, we may be concerned about just how clear we can be on which set of rules, which "society", is in play. There may often be overlap between contexts (think about how a debate society may have various rules for its members, one of which may be "be polite to other members") and it may not always be clear or obvious which one should be prioritized. Moreover, sometimes the rules of interaction may be ambiguous. These concerns lead us to the next concern with the proposed solution: its rigidity. There are two strands to this thought.

First, Calhoun's account implies that those who do not comply with civility norms are not due civility *at all* because they are acting inappropriately. It seems to be all or nothing. If society is taken as society writ-large then, to use Calhoun's example, sexists and racists are not due civility *at all*. Even in the more limited version of social authority, those who transgress the rules of civility for the given context are immediately no longer appropriate targets of civility. Civility, in these cases, can be abandoned.

Second, this view leaves little to no room for challenging the norms of civility while remaining civil (or retaining the protection of civility). Not only do norms of civility change, it seems to sell civility short if it cannot itself be a part of that change. In both cases, civility surely has more to say when faced with non-compliance than Calhoun's solution suggests. I will argue that it seems intuitively wrong to say that those who are following socially *unacceptable* behaviour are not, by virtue of that, due civility. From this, we will see some ways in which civility may be able to offer a middle ground between total civility anarchy and social authority.

§III.IV Civility and Non-compliance

If we imagine two cultures encountering each other for the first time, it is true that neither group can display socially acceptable behavior in the eyes of the other because they do not yet share a "society". But I think that civility is going to be very important here. It does not simply say that civility is not due to either side. So, rather than abandon civility the groups are going to try and establish civility norms—they are going to try to come and understand one another, establish some things they can and cannot do, work out what actions are greeted warmly and those which are not, and so on. In other words, they are going to want to establish a rule-framework for their "society" with its own civility. They will want this for security of interaction and for the ability to reliably communicate particular attitudes to each other. Thus, civility seems to compel us to *establish* norms even in their absence, and in many ways we want them precisely because we do not share a "society" with its rule-framework. So rather than having nothing to say in this case, civility seems to want to get us to establish some rules. To

create a rule-framework. That is one alternative possibility that civility can suggest when faced with socially unacceptable behavior: redefine the framework.

One might think that the above example is misleading because there is no "society" already in operation. So, in such cases civility calls for us to establish the rules of interaction precisely because they are entirely *absent*. But consider the following cases of non-compliance where there are already some established rules frameworks and how a few alternatives to abandonment present themselves from the logic of civility. In these cases, civility also seems to strongly suggest we re-establish rules of civility one way or another; the fact of non-compliance is insufficient to negate the demands of civility.

In some cases, the non-compliant agent may be *ignorant* of the rule-framework in operation. Someone may come from a background where swearing is considered normal and unproblematic. We can imagine that person suddenly finds themselves in a context where swearing is considered really offensive language. Upon swearing though, it seems wrong to say, no matter how offensive the others found it, that this person is no longer due civility. Rather, it seems to me that civility calls on the other social agents present to try and *correct* this behaviour, i.e., to *reestablish* the rules of this society. Part of "keeping people on board" and the assurance that comes with stable interaction involves making sure those involved are "on the same page". Indeed, this seems the first port of call when faced with the racist or sexist from Calhoun's example. Civility implores us to first try and reestablish the norms, to correct the non-compliant agent's behaviour.

Aside from ignorance, an agent may also, for one reason or another, *lack capacity* to respond to the contextual rules. For example, autism can severely impact on the ability to pick up on social cues which are essential for smooth social interaction. Naturally, to the extent that some agent lacks the capacity to respond to rules, civility will be much harder to establish/maintain. However, it is not the case that even severe transgressions here lead us to think that we need not concern ourselves with civility anymore in our interactions with that agent. The only time where civility would seem to truly be inconsequential would be if the agent *completely* lacked the capacity for it. In this case, the reason that civility has nothing to do is that the agent (and reciprocally those around them) cannot enjoy the goods of civility. But nearly always agents are capable of some degree of responsiveness, and then the reason for continuing to deploy civility becomes clear: the agent (and those around them) can still benefit from partial compliance. Even partial compliance gives *some degree* of assurance and *some* ways in which

basic attitudes can be reliably communicated. Here, rather than trying to educate the non-compliant agent into conformity, civility sees us adjust our expectations. We alter the rules framework from within in order to accommodate someone and realize the goods of civility (if only partially). Thus, another possibility is the compromising of the rules.

Finally, perhaps most importantly, one may display socially unacceptable behavior as part of trying to *renegotiate* the rules (reestablishing the rules of society from the outside). The racists might be said to be doing this in the political debate example, by trying to renegotiate what topics can be "on the table". But so too is the gay person coming out at his conservative family's Christmas dinner. In neither case are they ignorant of the rules as others perceive them: they know what the rules require, what they reject is that these rules should be the rules of the interaction. In effect, by not complying with them, they are demonstrating and proposing a new way forward. We can be wrong about what things should or should not be included in a rule-framework at any given time. We need some way of affecting change within rules frameworks. We may not pity racists and sexists being unable to table racist and sexist points in debate and find themselves unprotected by the rules of civility. But our bias in these cases should not blind us to the fact that many topics we think of as acceptable or even essential were once (and in some places they remain) "off the table" for debate. I doubt we are so comfortable with the idea of a woman raising women's rights being denied the goods of civility so readily just because the society in which she finds herself considers this topic "off the table". But that is what Calhoun's social authority solution seems to imply about civility—that this woman is uncivil and that the other members of society need not respond civilly to her. Again, I think that civility suggests trying to reestablish the norms. As we will see later, this might involve education, accommodation, or even a complete rewriting of the formalities. Civility suggests this by its own logic because civility can still serve its function(s) and realize its goods by following any of those alternative responses to non-compliance. Being able to simply abandon civility rather obviously undermines its goods for all involved.

§III.V Waldron's High Bar

The above instances of non-compliance all suggest civility demands responses in line with civility rather than the negation of civility. There is a lot more to be done before we reach that point, it seems. This suggests that Waldron is closer to the truth with the higher bar he sets for rejecting civility. Calhoun's approach lets us very quickly abandon civility when we encounter others not following socially acceptable behaviour or espousing socially acceptable views. Waldron's suggestion of the demands of civility being defeated only by "thugs", those

with whom civil relations are *impossible*, clearly sets the bar much higher: "From the point of view of civility, nothing is beyond the pale" (Waldron, 2014:63) in that civility requires engagement with the rules of interaction with people that one detests or whose views one finds contemptable.

In this way, Waldron's account of civility seems more intuitive in its resistance to rejection in the face of non-compliance. For Waldron, we keep trying to restore civil relations if there is hope and only when faced with impossibility do we, regretfully, put the demands of civility to one side. Waldron elaborates:

> "*...[it is] not that civility requires* **something else** *when thugs are in prospect, but the demands of civility may have to yield to other considerations. I think the analysis I have given explains what is going on in those cases – which is not that we don't want to be nice to thugs, but that there may sometimes be overwhelming costs even in the chilly formal accommodation of thugs in a proceduralized politics*" (Waldron, 2014:64-5 original emphasis)

Thus, it is a matter of *regret* that we cannot be civil in such cases. These are "the rare cases where, with the greatest reluctance, civility should be abandoned." (Waldron, 2014:64)

Perhaps the reason Waldron is keen to emphasize how we should not reject civility lightly is because he emphasizes the security dimension of civility. Even in less-than-ideal circumstances, there is always *something* to be said for stability of interaction, assurance of treatment, and so on. Security of interaction has obvious value both in allowing the accrual of goods that would come out of the given interaction as well as avoiding the potentially very high costs of unsecured interactions in which we cannot predict and anticipate what others will do. Indeed, in its negative cast, civility seems incredibly valuable as a layer of defence against the worst of human instability (one of the reasons Hobbes took an interest in civility [see Bejan, 2019:86-95]). Perhaps the particularly high stakes of politics—the context in which Waldron discusses thugs—is what makes this clearer.

While this particular point and the general discussion about limits focuses on politics, we can work back to a more general answer to the limits question. If a "thug" is someone with whom it is impossible to have civil relations, it means they have no intention of respecting rules of interaction. I think this can go one of two ways. There is an obvious hostile way in which they may be "thugs": the costs of engaging civilly with them may simply be far too high to make them reasonable; it may make it far easier for them to do great harm to yourself or others, for

example. Thus, one need not worry about civility when confronted with an armed maniac any more than one would worry about civility when confronted with a political actor who intends to do great harms while you follow political formalities. It is still a shame that the situation was such that we could not utilize civility (since we cannot benefit from its value now and must live with the instability). But there is a more neutral way, when the agent in question does not or cannot respect the rules of interaction while not necessarily being malevolent, as in the lack of capacity example from earlier. In this case, they cannot "interact" with you in the way that would bring in the rules of interaction and make them function: because they do not and cannot share the same framework, it cannot serve to provide them with assurance (and likewise it cannot serve you). In this case, civility has nothing to say. But *impossibility* is a very high bar.

This focus on the function suggests a promising avenue for dealing with civility anarchy while neither tying civility to critical morality nor leaving society as the final arbiter. By using civility's function(s) as a reference point, civility itself can have something to say about and in the face of non-compliance. The solution is to consider the function of civility: what is it for? And then ask whether particular rules or norms serve that end or not. This provides not only an obvious reason to comply with civility (because it serves important ends) but also a reason *not* to comply with particular norms because they do not serve its function. It provides a reason from *within* civility. Of course, many changes to norms happen very slowly and for various reasons: many rules change for pragmatic purposes as others are found to be more efficient for the given practice, some change as a result of shifting moral attitudes. However, we can challenge existing rules also from the perspective of civility. In other words, rather than challenging something because it is impracticable or immoral we can alternatively (or additionally) challenge some practice as uncivil even while it is currently taken by society to be civil.

While we will develop this idea further in the following chapters, this approach to considering the limits question requires us to be sure of the ends of civility. And here we find another difference between Calhoun and Waldron, with Calhoun seemingly having more functions that may be referred to in order to determine the limits of civility. If civility is about esteeming people, then practices that disesteem people are practices that can be challenged on account of civility. And if the esteem dimension is a key part of civility and Waldron's account cannot accommodate it, then it is a worse account for it. However, we shall now address this final point and I will show that Waldron's account does indeed accommodate the esteem

dimension, though in a more general way to Calhoun's "personal" interpretation. Nonetheless, I will argue that this general understanding of the role of esteem in civility is the only one necessary to understand civility. Waldron's account is therefore the most parsimonious of the two.

§IV. Esteem as an End of Civility

Esteem and its role in political theory is not insignificant: John Rawls (2001:58-9) asserts the "bases of self-respect" to be one of five primary goods whose distribution is a matter of justice. Michael Sandel (2021) considers esteem essential for a collective life together and the process of disesteeming others a significant contributor to the rise of populism and, we might add, the instability it brings with it. Indeed, esteem can be said to play a role within respect, recognition, and tolerance (Brennan and Pettit, 2000; Iser, 2019; Forst, 2017). The value of esteem and the disvalue of its degradation are broadly recognized.[26] So, if civility is important for esteem, it would be a problem if an account of civility could not recognize that.

However, while less explicit than Calhoun, Waldron can account for how civility addresses esteem. The way civility addresses esteem on Waldron's account is more general in a sense than Calhoun's. Whereas Calhoun's is personal (in the sense that it involves direct communication of particular moral attitudes) Waldron's is social in that it communicates that one acknowledges the other as one deserving of the formality set, a member of the formality governed interaction. By acknowledging and displaying my commitment to the rule-framework of interaction, I show a certain respect for both the interaction itself and those partaking in it as members of that interaction in general sense. I acknowledge you as an equal member of the interaction as someone who has the status due that particular set of formalities.

For example: following the rules of a business meeting, I not only reassure those present that they can feel confident that I will follow the rules and that they can feel confident in doing likewise, I also show that I acknowledge them as participants of a business meeting. In a more political vein, communication that one recognizes someone as a holder of equal rights may be an important part of a more specific political etiquette of equality (e.g., Eidelson, 2023). When I am polite to you, I show that I consider you someone worthy of the rule-framework of

[26] Another familiar term in philosophy that might be associated with esteem is "dignity". For instance, as a prerequisite for dignity it may be important to acknowledge others in various ways and in a manner that they understand as acknowledgment of some morally relevant fact about them.

politeness, and so on. In this way, civility allows one to esteem others by respecting their broader, social status in respect of a set of formalities.

A suggestion of this possibility may be found when Waldron is discussing the Williams case from earlier. There he cites the following passage from Williams with approval:

> ""*Rights" feels new in the mouths of most black people. It is still deliciously empowering to say. It is the magic wand of visibility and invisibility, of inclusion and exclusion, of power and no power. The concept of rights, both positive and negative, is the marker of our citizenship, in relation to others.*" (Williams 1992:164 in Waldron, 2014:56)

In this narrower instance, using rights and having others respect them shows they respect you as a rights-holder. And a parallel may be had with the rules of civility—in the manner the paper is written—in which one is seen as a holder of legitimate expectations regarding interaction, for example. Thus, while it may be given less attention than the security dimension, Waldron's account still captures an important way of esteeming others: recognising and acknowledging them as worthy participants of a given interaction, as due recipients of the formalities of the interaction.

As I said, this way of acknowledging the esteem dimension of civility is more general and social than Calhoun's more personal interpretation. In Calhoun's civility, the esteem is affected *directly* with particular persons and communicates particular moral attitudes to them personally. In politeness, it is the difference between conveying the more personal moral attitudes "I am considerate towards you, I am kindly towards you" etc., and the more general acknowledgment "I see you as one deserving politeness" (and from the assurance point of view "do not worry—I am a polite person!"). As this example shows, both seem to be relevant to our interactions. Yet I think Waldron's more general view of esteem captures the more personal one of Calhoun, and thus we should build on Waldron's.

The broader social view can do the work where the rules of interaction do require the communication of particular moral attitudes. If we take basic politeness as an example, I do need to do X, Y, Z with you and it is true that X, Y, Z also communicate particular moral attitudes towards you (kindness, considerateness etc.). In other words, to esteem you as a member of the polite interaction I just do have to communicate those basic moral attitudes towards you because that is what following the rules of interaction entails in this context. However, by responding to these rules of politeness I am importantly showing you that I consider you worthy of politeness (and when you respond in kind, you are reassuring me that

I am also one worthy of politeness). A failure to be polite is a failure to acknowledge you as someone worthy of politeness. That is incivility (with respect to the esteem dimension of the practice of politeness). In sum, accounting for that general social respect for someone's status regarding formalities captures what is broadly right and wrong with regards to (in)civility from the perspective of esteem; furthermore, it also accounts for the more discrete, personal esteem aspects because those are generated by the particular formalities utilized. So, the communication of basic moral attitudes is effectively accounted for within the communication of basic social esteem.

§V. Conclusion – A Virtue (Theory) of Civility?

Engaging in detail with Waldron's and Calhoun's approaches to thinking about ethical civility helps to identify some ways in which they are similar but also crucially different. Three pivotal differences concern: 1. The emphasis on acts or disposition (§II), 2. Their responses to the limits of civility question (§III), and 3. How they understand the esteem dimension of civility (§IV). Discussion of these differences showed how Waldron's account is a more accurate and general account of civility, and suggests what we want from a fuller account of ethical civility:

1) First, an account cannot be entirely act-focused since correct judgements about civility depend on a dispositional element. Having said that, Waldron's admittedly abstract focus leaves room for a little closer attention to actions and how they relate to a disposition of civility.
2) Second, while both accounts need to operate without agreement on a particular moral framework, Calhoun's social authority solution is problematic and undesirable. Instead, the sorts of reasons why Calhoun's conclusion in support of the social authority solution seems incorrect, as well as Waldron's higher bar, suggests that the limits of civility may be found by reference to its function. Thus, one way an account of civility can discuss the limits of civility is by reference to its function: the reasons for compliance may also present reasons for non-compliance. That led us to the final discussion about the ends of civility and whether and in what way esteem should be a part of that.
3) The upshot of that is, third, an account of civility should also account for a general, social esteem, i.e., acknowledging the recipient as a member of the interaction.

> Waldron's account was shown in the end to be able to accommodate a broader "social" interpretation of the esteem dimension in which it is the display of respect for one's status that is important in civility: acknowledging someone as worthy of a given set of formalities e.g., politeness. This also effectively includes the more personal communication of basic moral attitudes that Calhoun focused on.

The above suggests that Waldron offers the more natural foundation on which to build an account of civility. One promising way forward that will allow us to flesh-out Waldron's abstract sketch is through the application of virtue theory. Both Waldron and Calhoun—and the majority of the other theorists encountered previously—refer to civility as a "virtue". Granted, they do not use that term in the strict way that a virtue theorist might understand it and do not subjecting civility to explicit virtue-theoretical treatment. Nonetheless, very generally, virtues are excellent traits of character some main examples of which are honesty and courage. And as others have pointed out (e.g., Moraro, 2019:29), "civility" seems like it could be akin to courage and honesty in that respect e.g., someone can be a civil person just as an honest person and so on. More broadly, as virtue ethicists Rosalind Hursthouse and Glen Pettigrove explain:

> "*A virtue is an excellent trait of character. It is a disposition, well entrenched in its possessor—something that, as we say, goes all the way down, unlike a habit such as being a tea-drinker—to notice, expect, value, feel, desire, choose, act, and react in certain characteristic ways. To possess a virtue is to be a certain sort of person with a certain complex mindset.*" (Hursthouse and Pettigrove, 2022: §1.1)

The above I think captures the "fuller" nature we need to grasp when it comes to civility. A way in which we might try and join up the acts of civility with the disposition of civility to give a full account of the virtue. Moreover, as an excellent trait of character, it seems that civility *is* something we admire in others. Nelson Mandela, for example, has been frequently lauded for his civility. Thus, *if* civility is a virtue—and for now let us say it seems plausible and note that many theorists use the term "virtue" for civility—then treating it properly as a virtue, i.e., virtue-theoretically, promises to help us advance our account of it. Moreover, treating it properly means that the account we have will give us a concept of civility that we can be confident has been developed outside-in: treated independently of the question of civil disobedience, to be applied to it. Therefore, this is the task of the next chapter: to develop a virtue-theoretical account of civility.

Chapter IV
Civility as a Virtue

The previous chapter led us to see that ethical civility concerns itself with formalities of interaction. It has two functional values: assurance of interaction and a minimal sort of "social" esteem by acknowledging others' status as appropriate recipients of the given rule-framework. This is something that the two accounts of ethical civility were shown to have in common despite their different emphases. Ultimately, Waldron's account was argued to be a preferable starting point from which to develop a fuller account of civility; and that is the task of this chapter. More specifically, to consider it as a *virtue.*

In this chapter, we are going to set out an initial account of Civility as a Virtue. One of the reasons that Waldron's account of civility was preferable to Calhoun's is that it captured a dispositional understanding of civility beyond mere acts: that civility is a property of persons not merely acts. This chimed with the fact that theorists have tended to refer to civility as a *virtue* even if they have not explicitly drawn on virtue theory. And virtues, as we saw at the end of the previous chapter, are types of character traits. So, here we build on Waldron's abstract sketch and draw on virtue theory to provide a more detailed account of a dispositional trait of civility. We will assess the account further in the next chapter including whether the trait meets the standard of virtue.[27]

In §I, we begin with a working definition of civility as *the disposition to respond positively to formality.* I will first address a plurality of ways in which one may respond positively, which this definition is intended to capture. I will then utilize Christine Swanton's account of the anatomy of a virtue to break down the general term "formality" into more specific "items" that demand the various responses. In §II I will go into more concrete detail to illustrate how these positive responses create a logic of civility which underpin behaviour of typically civil persons and some key characteristics of civil persons. In effect, responding to these "items" explains

[27] Some traits are famously vices (e.g., greed) but others may not be virtues but not be vicious either. For example, ambitiousness might not strike us immediately as one thing or the other, it seems to be a trait that is neither inherently admirable nor deplorable.

characteristically civil behaviour. We will then be able to assess this account and apply it to the case of civil disobedience in the remaining chapters.

§I. Defining Civility

We can start to think about what Civility as a Virtue would look like with a working definition. This is not something that Waldron's account provides—it explicitly does not try to do so—but we do get the basic idea that civility "…involves a willingness to respect the formalities of an interaction" which often involves putting aside our personal feelings to respect the rules of interaction (Waldron, 2014:52). Let us begin with the following working definition: *civility is the disposition to respond positively to formality.*

While I hope this definition is at least not counterintuitive, it does naturally require some further unpacking. First, I will expand on what I mean by "respond positively"; then, I will break down the general term of "formality".

§I.I. Responding Positively

Traditionally, theorists have tended to think of responses in terms of responses to *value*(*s*), and in terms of *promoting* or *honoring* the value(s) (e.g., Pettit, 1989). Promotion as a mode of response is straightforward enough: the basic utilitarian or consequentialist notion that the appropriate response to value is to increase it or at least protect it (Pettit, 1991:340). Thus, I might respond positively to justice by acting in ways that increase the levels of justice in the world. On the other hand, a more "deontic" approach might see us look to *honour* justice rather than necessarily promote it: the important thing for honouring is that *I* act and live in accordance with the value, regardless of whether and how my doing so affects the aggregate level of justice in the world (Pettit, 1991:339-40). Honouring tends to be thought of as mostly keeping one's hands clean regarding some value: "not dirtying one's hands in respect of a value" (Swanton, 2003:221). The apparent distinction between promotion and honouring as modes of response to value marks the respective territories of deontology and consequentialism to some degree (see McNaughton and Rawling, 1992).

However, this dichotomous approach to responsiveness is considered limiting and unhelpful by many theorists who instead propose a pluralistic array of positive responses beyond honoring and promoting (e.g., Anderson, 1993; Adams, 2008; Swanton, 2003). The "respond

positively" of our definition captures these further possibilities. Elizabeth Anderson suggests that, beyond promoting and honouring, there are *loving, revering, respecting, admiring, appreciating* which also need to be accounted for (1993: 10)—and this is not meant to be an exhaustive list. More modes of response are considered by others.

For example, Robert Adams suggests the following range of responses as ways of "being for" something: *Being for* something involves "loving it, liking it, respecting it, wanting it, wishing for it, appreciating it, thinking highly of it, speaking in favor of it and otherwise intentionally standing for it symbolically, acting to promote or protect it, and being disposed to do such things" (Adams, 2008:15-16). One reason Adams and others consider a wider range of responses is because they have more objects of those responses in mind than mere, straightforward value: one can *be for* both abstract values like justice or fairness as well as more concrete objects, such as practices, political campaigns, or particular persons (2008:19-23). I take "being for" to be roughly synonymous with "respond positively" regarding the definition of civility.

Christine Swanton likewise considers a vast range of "modes of responsiveness" that may be appropriate for any given object. Swanton writes:

> *[The modes of responsiveness] include not only promoting or bringing about benefit or value, but also honouring value (roughly, not dirtying one's hands with respect to a value, e.g. by not being unjust in promoting justice), honouring things such as (appropriate) rules, producing, appreciating, loving, respecting, creating, being receptive or open to, using or handling appropriate things in appropriate ways. One may respect an individual in virtue of her status as an elder or one's boss; promote or enhance value; promote the good of a stranger or friend; appreciate the value of an art work, nature, or the efforts of a colleague; create a valuable work of art, creatively solve a moral problem; love an individual in ways appropriate to various types of bonds; be open or receptive to situations and individuals; use money or natural objects.* (Swanton, 2003: 21-22)

The apparent advantage of such a plurality of responses to the world as seen in Anderson, Adams, and Swanton, is that it allows for a much richer engagement with a complex real-world by complex human agents: indeed, each of those theorists is more interested in the idea of human "character" beyond mere acts in a way in which, at least traditionally and primarily, consequentialists and deontologists have not been (Anderson, 1993:6-8; Adams, 2008:14-16; Swanton, 2003:5). Likewise, we are interested in an account of a virtue of civility, and virtues

are taken to be complex traits of characters or "multitrack" dispositions that suggest a range of response-modes.

The basic idea of a multitrack disposition is that it is a deeper, richer disposition beyond merely being disposed to act in certain ways—it is a disposition that "goes all the way down" (Hursthouse and Pettigrove, 2022: §1.1). At a basic level, a multitrack trait is one that enables its possessor to act for the sake of that trait, e.g., honestly or greedily; but more broadly it encompasses a lot more of what we expect from possessors of such traits, which involves various responses to various features of the world (Hursthouse, 1999a:11). Hursthouse gives an example with honesty. An honest person, Hursthouse says:

> *...[tends] to avoid the dishonest deeds and do the honest ones in a certain manner—readily, eagerly, unhesitatingly, scrupulously, as appropriate... We expect a reliability in the actions that reflect their attitude to honesty, too. We expect them to disapprove of, to dislike, and to deplore dishonesty, to approve of, like, and admire honesty... this spills over into the emotions we expect from them. We expect them to be distressed when those near and dear to them are dishonest, to be unresentful of honest criticism, to be surprised, shocked, angered (as appropriate) by flagrant acts of dishonesty... Finally, we may not actually expect, but may notice, if we are fortunate enough to come across someone thoroughly honest, that they are particularly acute about occasions when honesty is at issue.* (Hursthouse, 1999a:11-12)

A multitrack civility will thus follow a similar pattern and forms the basis for my account of a trait of civility based on a plurality of positive responses to formality.

However, despite the alignment of a pluralistic set of modes and a multitrack disposition, the pluralistic approach does have drawbacks to acknowledge. The first is that it will be naturally more complicated, which invites the danger of being overly complex. The second and related issue is the need to select which modes will be considered here: none of those theorists above takes their lists to be exhaustive. To that end, I will only consider the following positive modes of response: **promoting**, **honouring**, **appreciating**, **respecting**, and **creating**.[28] While I will demonstrate these modes in detail and "in action" in §II, let me briefly sketch them in abstract terms for now (leaving aside promoting and honouring having just discussed them).

[28] These should be sufficient for generating an account of the underlying disposition of Civility as a Virtue, one that captures a good sense of what *being* civil consists of at the level of a trait. It is possible that they are the only modes of responsiveness relevant to civility but, naturally, with a pluralistic view one of the downsides is that it is a very big task with diminishing returns to assess every possible mode of response.

- **Appreciating** something is to acknowledge and comprehend its value. In this case of formality, it is to appreciate the worth of it, to understand why one bothers with it, and so on.
- **Respecting** involves acknowledging something's status and acting in accordance with it. In the case of formality, this means recognising authoritative rules and acknowledging members of the interaction as agents due the behaviour that the formalities demand.
- **Creating** can involve either the creation of things of value or creative responses (as in Swanton's long quote above). In the case of formality, a creative response may see rules adjusted or new frameworks established.

All these positive modes of response sketched above respond *to* formality. But, more accurately, they respond to particular parts of "formality". Let us now turn to this.

§I.II Formality

Civility is the disposition to respond positively (by promoting, honouring, etc.) to formality. But formality is a general term and involves more specific parts which are what ultimately demand responses of a certain sort. To break "formality" down, I will draw on Swanton's work and terminology on the anatomy of virtues (2003:19-33). In this, the *modes of responsiveness* are meant to respond to the demands of various *items* in the *field* of a given virtue. Briefly, the *field* is the range or domain of a virtue: it "...consists of those items which are the sphere(s) of concern of the virtue, and to which the agent should respond" (Swanton, 2003:20). The *items* can be many things:

> *...items may be within the agent, for example, the bodily pleasures which are the focus of temperance, or outside the agent, for example, human beings, property, money, or honours. They may be situations, for example, the dangerous situations which are the concern of courage; abstract items such as knowledge or beauty; physical objects such as one's children, friends, sentient beings in general, art works or cultural icons, or the natural objects which are the concern of the environmental virtues.* (Swanton, 2003:20)

I will break formality down into three items: (1) formalities, (2) the value of formality, and (3) social actors.

1) The *Formalities* are the specific, real-world "rules of interaction" of a given practice. For example, table manners, the rules of political debate, local etiquette, etc. These

formalities are what we interchangeably called formalities, rules of interaction, civility codes etc., in the previous chapter.

2) The *values of formality* are those identified in the previous chapter: assurance of interaction and a minimal social form of esteem.
3) The *social actors* are the contextually relevant human agents: the members of the group, the guests at the table, and so on. The ones to whom the rules are meant to apply.

These items variously demand the responses of promotion, honoring, respecting, and the like. As Swanton explains, "different types of response are warranted by the different types of morally significant features in the items… call such features *a basis* of moral acknowledgement" (2003:23 original emphasis). For example, the values of formality demand promotion and honoring because of their *value*, formalities can demand respect as do the social actors of a given interaction in virtue of their *status*, formalities may even need to be created or creatively adjusted in certain circumstances, and so on.

It is important to clarify that these responses to items of formality are not a list of necessary and sufficient conditions for civility. They admit degrees: one can promote something to more or less a degree, or honor something more or less well, etc. This is befitting of character traits: we do not think someone is simply honest or dishonest, though our final judgment may well fall into one discrete bracket or the other; rather, we think of them as more or less honest or dishonest, and we may add important qualifications or notable exceptions. Civility as a virtue is thus a "threshold concept" or "a matter of degree": when we say that someone is civil (or honest or courageous), we mean that they are to a "good enough" extent (Swanton, 2003:24-25; Honohan, 2002:160).

To conclude this section, here is the unpacked definition:

> *Civility is the disposition to respond positively (by promoting, honoring etc.) to the demands of the items of formality (formalities, the value of formality, and the social actors of the interaction).*

We are now in a position to go into more detail on what this actually means for civil persons by illustrating these positive responses in action.

§II. Civility and Four Key Characteristics

In order to flesh out this account of civility from the definition given, we need to look in more detail at how the positive responses to different items of formality play out in ways which give rise to what I take to be some key characteristics of a civil person.[29] I will base the following section around those characteristics as a means to show both the more concrete workings of the responses and how these characteristics come out of them. The four key characteristics are that civil persons: 1) *appreciate the value of formality*; 2) are *reliable in following the rules of interaction*; 3) are *sensitive to the rules of interaction*; 4) are *responsive to non-compliance*. The first concerns responses to the value of formality, the second and third to formalities, and the fourth to social actors. I begin here with appreciation since it comes to bear on many of the other characteristics.

§II.I Appreciating the Value of Formality

Just like the multitrack disposition of honesty that Hursthouse (1999a:11) sets out, we also expect civil persons to "reflect their attitude" towards formality in various ways. The primary way this attitude can manifest is in the agent's motivation for acting as they do. A civil person is motivated to act, think, and feel as they do *vis-à-vis* formality because of how they appreciate its value (how they respond positively to the values of formality). We may say that they "stand in a certain relation" to formality. And here it is important to make some distinctions between what an agent may appreciate when ostensibly acting civilly.

- *Distinguishing Practice-Specific Goods*

Formalities govern a near-infinite variety of interactive practices and many of those practices have their own values (or are at least taken to). Thus, agents may appreciate the value(s) of the practice but, for civility, one must appreciate *the value of formality*, not the practice-specific values or goods. Naturally, one can appreciate both: it is possible, even likely, to have a plurality of reasons for acting civilly, i.e., civil reasons and independent reasons (and practice-specific appreciation is one such independent reason). But the important point is that those independent reasons, whatever merits they have independently, are not relevant to civility.

[29] Although I take these characteristics and much of the following discussion to be essentially intuitive of civility, I am not arguing that we should accept my account on this basis. The reasons we should accept this account, particularly as a virtue, are the province of the next chapter.

For example, John might go to a party and be impeccably polite there because he wants to make friends and socialize, and parties are valuable partly because they facilitate that. This is a perfectly good reason for John to comply with party etiquette, but it is not an appreciation for the value of formality. It is conceivable that John is *purely* motivated by the possibility of friendship and that the formalities of the occasion are merely a means to that; if John were not so motivated, he would not comply with the formalities. By contrast, a civil John—one motivated by the value of formality—would be inclined to be polite there *even were he not motivated to make friends and such*. A civil John could be poorly motivated with regards to friendship or the party in general—he may have been in various ways compelled to attend—and yet the appreciation of formality itself would motivate him to remain amicable and pleasant. A civil person is, after all, one who is reliable across formality-governed contexts—not merely those cases that happen to align with their independent interests or values; just as the honest person is one who can be honest in situations other than those where it is directly in their interest to be honest.

In some ways, this point seems trivial: civility requires appreciation for the value of formality, not other things. If John *only* appreciates the value of friendship, he is not valuing formality. But formalities cover a vast array of practices which reflect an even wider array of values to appreciate because many serve (or are taken to serve) a plurality of ends. And given that a more realistic agent than John likely appreciates a plurality of things about the given practice, it is important to be able to distinguish between civil reasons and other reasons, between values of formality and values of other kinds, when we are trying to say something about civility. Without that distinction, it may be hard to understand why civility may suggest one course of action over another or considering how the value of civility is to be weighed against other values. We will see this in various ways as we go on. For now, while the practice-specific appreciation for formalities may be independently admirable or good, responding positively to formality requires I appreciate—probably additionally—the value of formality: I conform because doing so assures others of my behaviour and acknowledges them as appropriate recipients of this behaviour. This is what we need to "pick out" when assessing some agent's underlying civility.

❖ *Other General Appreciations*

The second differentiation is between types of general appreciation that might also underpin compliance with formalities and the appreciation of the value of formality. The problem is that there may be other general motivations, away from civility, that also reliably see their agents

conform to formalities (or even generally respond positively). For example, a traditionalist may be reliable in following the rules for the sake of tradition. So, how strict are we to be on an agent's understanding of the value of formality for it to qualify as appreciating formality?

The perfectly virtuous agent does the right thing for the right reasons, and so the perfectly and saintly civil person is civil for the right reasons: which, following the previous chapter's discussion of Waldron and Calhoun, I have suggested are assurance and esteem. But unless one wishes to set the bar for civility extraordinarily high, we may appreciate the nature of civility as a matter of degree by allowing for a "ballpark" understanding of the value of formality. To the extent that the appreciation is "on the right track", the agent is to that extent appreciating the value of formality (and, to that extent, manifesting their civility). An ideally civil person appreciates formality for the *right* reasons, but a decently civil persons may appreciate them *well enough*. We might worry how much this "ballpark" aligns with thinking on the value of formality. In response, I would point to the fact that the value of civility being *something* to do with assurance of interaction and *some form* of respect is hardly controversial. All the accounts we have encountered, including political ones, take civility to have *something* to do with one or both of these things. Some posit additional values of course: For Carter (e.g., 1999:18-19), it would not merely be a way to show respect for others but also a *love* for God's children. But, at least so far as appreciating the value of civility goes, Carter would still be "in the ballpark". Whereas some general motivations, such as a mere desire to avoid condemnation, are clearly outside of the ballpark and could not be said to contribute to the appreciation of the value of formality.

There is the more difficult question of the right *weight* the civil person gives to formality. This is made more difficult by the fact that we naturally want to weigh it against *something*, but rarely can we truly say we are sure of the weight of that thing's value. One of the things about civility, as we have seen, is that it seems especially valuable in light of the fact that we do disagree about the relative value of other things. Weighing civility against justice, for example, is easier in principle than it is in practice: it is one thing to say that civility should give way to justice, but quite another to agree on what is an injustice and, even if we can agree on that, the degree of that injustice, i.e., its weight. I think the most we might say is that the value of formality has to have a significant bearing on civil persons: they do not appreciate the value trivially, casting it aside for any old potential gain (as with "John" above, they are motivated to

act civilly even when that motivation is under pressure); equally, it would be odd for them to think that civility is the be-all and end-all as no civility theorist does.

Where does this leave our judgement with an agent who, let us say, is reliable in responding positively in all other respects (i.e., they have the other characteristics of the paradigmatically civil person) but lacks the appreciation for formality's value? Suppose we have a traditionalist, who is committed to traditional practices and strongly and deeply motivated to support such things. Traditional practices can and often do include formalities of course. And let us suppose for argument's sake that this traditionalist does *not* have an appreciation for values of formality additionally. So, this traditionalist appears almost exactly as we would expect a civil agent to appear. How does this factor into our judgement? The answer involves qualification, but it brings out the importance of these key characteristics and their holistic nature in terms of civility.

If the agent hypothetically meets the other targets (reliable in following rules, etc.) then, to that extent, they are already on the way to being aptly described as a "civil" person. After all, we can say they do, by and large, respond positively to formality. But their failure in this regard, their appreciation being significantly off-target directed as it is towards the values of tradition rather than formality, is going to be a *significant qualification* to our judgement either way. We might hesitantly conclude "yes, I suppose they are civil; though, they're more interested in tradition than anything really". Alternatively, we may say they are civil but not *virtuously* civil, i.e., they are good at civility but not fully excellent, if we want a particularly demanding criteria of qualifying as virtuous (e.g., excellent in all respects). We can picture someone who is excellent in all other respects, including appreciation, but who is unable to reliably follow the rules (perhaps they suffer from terrible social anxiety which ultimately undermines their performance). In this case, we would probably feel inclined to qualify our judgement by saying something like they are "civil at heart". Or, again with a demanding account of virtuousness, that the circumstances are such that they cannot realize a truly excellent civility. A significant shortfall regarding any of the key characteristics of civility is going to significantly affect the assessment of civility.

Having said that, failing to qualify as civil does not qualify someone as uncivil. Perhaps one thinks the traditionalist is sufficiently far off base, or in an alternative example is hardly stellar in all other characteristics of civility, to conclude that they do *not* qualify as civil. But this would not render them uncivil, just "not civil". Incivility is the antithesis of civility, something

which is also a multitrack disposition but of the opposite nature and also a matter of degree. Between the civil and the uncivil, there remains a not insignificant grey area where persons may not quite warrant the title of either camp—at least, not without qualification e.g., "civil but" or "not *virtuously/viciously* civil/uncivil".

§II.II Reliable in Following the Rules

The most basic, intuitive sense in which someone reveals their civility is that they are reliable in following formalities, i.e., "getting it right". [30] The paradigmatically civil person tends to know what is expected of them and others, they understand the framework(s) in play, and they can execute the acts expected of them. In social settings, we might describe such a person as "smooth" or at least "polite": they appear to act with a grace and elegance that suggests a confidence in what they are supposed to do or say in interaction or, at least, express politeness as expected. In more "formalized" settings, we might describe them instead as "proper" in the sense that they seem to have no difficulty in performing as is expected of them: they conduct themselves in the correct way for the interaction and we can rely on them to do so. Because of this, we are confident in someone who is civil to navigate the demands of the rules framework(s)—we can depend on them in this respect.

How does this follow from the definition of civility? Well, first of all, it is usually the most obvious manifestation of *promoting* the value of formality. By *honouring* the rules of interaction oneself, one contributes to the promotion (or protection) of assuredness and one can esteem other members of the interaction: by submitting to the rules of interaction, we display our commitment to doing so, and the rules provide the means by which we can show our respect, in the minimal social sense, to others as members of the interaction. Whether by bowing as prescribed or more broadly treating someone politely, I am acknowledging them as appropriate recipients of either the specific rule (bowing) or the rule set (politeness). Because the civil person appreciates the value of formality, they are motivated to promote and honour it in action. This generally involves following the rules of a given interaction.

I say "generally" and "usually" because thinking about civility in these terms also provides a reason for a civil agent's own *non-compliance* with the rules. If those rules do not realize the

[30] The idea that the civil person "gets it right" should not be read in a morally critical way. The civil person is not necessarily equivalent to the moral person, for reasons covered previously. Here I just mean they are skilful and reliable in performing in accordance with the context's formalities. The less civil person in this respect is one we might describe as awkward or, perhaps, socially clueless. They are not reliable in "getting it right" like the ideally civil person is. But this says nothing about the moral quality of their social clumsiness.

values of formality, then a civil agent has no reason—at least, no *civil* reason—to submit to them: they do not promote the value of formality and thus a civil agent does not honour formality by following them. We can also see this in terms of respect and the status formalities have. Rules have an authoritative status as rules of formality to the extent that they support the value of formality. A hopefully illuminating parallel can be drawn here between this and the idea of "respect for law" often found in discussions of civil disobedience.

We would expect that someone who has respect for law to generally comply with its real-world iteration; however, one reason they might not is that a particular law (or set of laws) does not actually "live up to" the ideal of law and thus fails to have the status it should. Rather than compliance being an expression of their law respectingness, in this case compliance would be disrespectful of law, a disgrace to its value, to abide by this law would be to dishonour the ideal of law, and so on.[31] Thus, while law respectingness would ideally involve reliably conforming to laws it may, for the very same reasons, involve *not* conforming to laws. Similarly, a civil agent's compliance with formalities—and respect for them—stems from an appreciation of the value of formality and a desire to see it promoted and honoured: it is not simply a mechanical compliance. Take the following example.

Discussing civility and race relations in the US, Carter (1999:57) talks about the previously unequal formality of proper forms of address for White Americans, Mr., Mrs., etc., while Black Americans were to be addressed by first name alone. The "rule" here was seemingly taken to be fine by the White majority, but clearly it was demeaning to Black Americans. Since this practice is actively disesteeming towards its target, it undermines the value of formality and, thus, as a rule of formality it lacks an authoritative status. In this case, a civil White American—were they in possession of the fact that this practice is disesteeming—would have clear *civil* reasons not to comply with the rule.

Thus, if the rule(s) in question undermines the value of formality, then its exercise does not promote or honour formality; rather, it demotes and dishonours formality. Likewise, in so

[31] William Scheuerman (2015:433) captures this with his discussion of the compatibility of respect for law and law-breaking: "The US legal system too often made a mockery of basic legal virtues, King recognized, particularly when it came to guaranteeing their potential advantages to African-Americans... Our general obligation to the law demanded of us that we overhaul a legal and constitutional status quo that failed to live up to certain basic legal ideals". Of course we would expect the law-respecting person to be alive to the laws themselves, to recognize them as laws even if they are not worthy of allegiance—their law-respectingness gives them a sort of *prima facie* reason to respect the law; in the same way we would expect the civil person to be alive to the formalities in play, to know what they are, even while recognising they are also not worthy of allegiance from the perspective of civility.

undermining their function, those rules have no authoritative status to be respected. In these cases, civility presents its own reasons for non-compliance by reference to the very same reasons that generally suggest compliance.

§II.III Sensitive to Rule Changes and Ambiguity

A civil person is also typically alive and receptive to new and/or changing rules. In many ways, this characteristic follows on from reliability: to be reliable in following the rules, one needs to *know* them. Indeed, to make any sort of critical assessment of a rule or rules of the sort discussed above, one first must know what they are. This sensitivity is important since our practices and corresponding rules frameworks change over time, and across contexts, and some practices might have ambiguous rules.

A straightforward example of this sensitivity to new formalities would be when a civil person is visiting a foreign country with an unfamiliar culture. The civil person typically displays this sensitivity to new rules by trying to acquire them (e.g., looking up cultural dos and don'ts in advance) and/or being alert to what the locals do, how they react to certain acts, explicitly asking locals or those "in the know", etc. A civil person cares about "getting it right" and wants to act appropriately in the new context.[32] By comparison, a less civil person may need prompting to do this or only learn after mistakes; and a much less civil person, perhaps uncivil, is one who could not care less about the changes in custom.

However, ambiguity can arise in even more familiar contexts. Practices can change or be challenged for external reasons, i.e., non-civil reasons. This might be because a particular part of the rules is being challenged, such that there is a lack of clarity over whether "we still do that" or not. This can happen because rule-changes tend not to be straightforward cases of simply rejecting a rule but of adapting it e.g., holding doors open *for others* has probably developed from the norm of doing so *for women*. During this adaption, ambiguity poses a problem. For example, to return to Carter (ibid.) and formal titles, part of his discussion involves admitting being particularly sensitive to the then-new problem created by some people's expectation that they should first-name *everyone*: that for many the egalitarian "informality" of first names is not a mark of respect but of disrespect. Talking of a receptionist's use of first names, Carter writes: "I suspect that the receptionist's thoughtless effort at

[32] Here, "getting it right" means acquiring the correct understanding of the rules in play (so far as that is possible) and this is what enables a civil person to think more critically about the formalities should they be presented with evidence that those formalities or parts of them are problematic from the perspective of civility.

familiarity offends some of the patients, actually making them less, not more, comfortable." (1999:57-8). Yet, in such a context, the receptionist is faced with an ambiguous rule because of changing social mores in wider society: to address someone by first name might fail to esteem them, but to address them formally might well also fail to do so.

A civil person is sensitive to these ambiguities in the rules because they clearly affect their ability to act civilly. They would prefer them resolved, and that may be possible in smaller practices where the agent has the capacity to alter the rules. For example, there may be some ambiguity over timeliness for workplace meetings, and they may seek to clarify this by saying something like, "can we all agree to just X?". However, when that is not possible, they try to manage the ambiguity as best they can. This may simply be acknowledging the awkwardness of the practice as it currently stands—e.g., "sorry, I'm not really sure if we X or Y here"—to clarify that their actions or inaction in this regard is not stemming from a lack of civility. Or it could be shown in a higher degree of awareness and alertness to the problematic part in the hope of navigating it successfully. For example, the receptionist from earlier might look for clues as to what the person expects—as Carter implies, in that context they could be demographics of age or race—in the hope of navigating the situation successfully, rather than a "thoughtless" approach that Carter laments.

Again, the rationale for this comes from the same rationale as reliability in following the rules: to *promote* the value of formality via practices, one must know what those practices' rules entail. Ambiguity obviously undermines one's ability to act in accordance with those rules and thus the ability to honour or promote the value of formality (or assess that they cannot do that). If a time traveller visits a noble court of 15th century France but has no clue what the rules of interaction of the court are in that context, then they shall not be able to reliably act in ways which assure the other members of the court nor in ways which would acknowledge them appropriately. Identifying these ambiguities and addressing them is thus a natural feature of a civil disposition.

§II.IV Responsive to Non-compliance

Civil persons are responsive to non-compliance because of how they appreciate formality: another agent's non-compliance is not something *neutral* to a civil person, it is to various degrees a problem in need of addressing in one way or another. Just as we would expect an honest person to be appropriately disappointed, upset, annoyed, or angry with dishonesty and not non-plussed about it, so too the civil person can be responsive to the failings in formality,

whether those are mere non-compliance or full-blooded incivility. In this section, we will consider how civil persons on this account respond to non-compliance. We will begin with non-compliance in the mere sense and then move on to out-and-out incivility. To frame the discussion, imagine the following scenario called "Fish out of Water".

❖ *Non-Compliance: a Fish out of Water*

Imagine our civil agent is well-versed in upper class etiquette and is currently attending some fancy do. There she sees another attendee whose working-class background has left him as our proverbial fish: he is uncomfortable and does not know how he is supposed to act in this context (perhaps he is unsure how he should address others or is overwhelmed by the small arsenal of cutlery on the tables). As a result, Fish is non-compliant.[33] How does civility direct our civil agent in this scenario? My intuition is that the civil agent would look to help get Fish "on board", to accommodate him better into the formalities of the practice. And this approach to the situation has its underlying logic in this account of responding positively to formality.

The main logic for this "accommodative" approach is that it typically promotes the value of formality. At an abstract level, getting non-compliant agents to comply with functioning formalities is a gain. In this case, our civil agent has good reason to think that Fish would comply if only he knew how, and thus he would contribute to assurance by acting as expected and esteem other members by treating them correctly. But in general, getting someone on board who wants to be there should promote or at least protect the value of formality. Protecting rather than promoting the value of assurance may sometimes be more apt since something that Fish and other non-compliant agents bring into the equation is uncertainty: we are not assured of what they will do or how they will behave, so by accommodating them we may be said to be protecting the value of assurance rather than necessarily increasing it.

Promotion is not the only response to formality which suggests accommodation here either. Fish is also a member of the interaction (or at least intends to be or is taken to be), and as such demands a respecting response.[34] To be esteemed as a member of the interaction, Fish needs to be able to appreciate the markers of respect in the context in order to correctly interpret them as respectful gestures and thus be esteemed. By accommodating him into the practice

[33] This example deals with a general non-compliance, where Fish is effectively clueless, but more naturally it would be a case of partial compliance: there would be a particular aspect of the formality that is going wrong or not being done. The responses are the same.

[34] It is important to remember the difference here between critically respecting someone and esteeming someone as a member of the interaction. The former can be achieved without the target's recognition that they have been respected but esteem cannot since it must be felt.

better, our civil agent helps to ensure that Fish can be respected as a member of the interaction, i.e., one owed these formalities, and that he, in turn, can respect others as members by utilising the formalities they receive as esteeming. All else equal, that someone would consider themselves a member of the interaction—and thus be esteemed by appropriate treatment—presents a civil reason to accommodate them into the practice. Finally, the desire to honour formality means that the civil agent wants to be able to treat Fish accordingly herself. Because Fish considers himself/wants to be seen as a member of this interaction, to esteem him civilly requires getting him on board in the first place.[35]

Here I should address a possible concern: that this accommodative aspect is something other than civility e.g., compassion or kindness. The reason we expect our civil agent to act as they do in the case of Fish is that we expect her to be compassionate, for example. However, once again I think we can accept that such virtues and motivations may happily coincide while being distinguishable. While it may be a more common experience that civil persons tend to be accommodating in kindly ways, this is not a requirement of *civility*. If one does these things because one is concerned to see assured interaction and members appropriately esteemed, that is enough for civility. That does not necessitate being compassionate or kindly towards the non-compliant agent in anything more than a minimal sense, i.e., I want you to feel comfortable in this interaction for it to go well and acting overly cold towards you would undermine that. As Waldron (2014:67) says, sometimes it is especially important to have reliable interaction with others we do not feel kindly or compassionate towards: it is better that our civil agent accommodates Fish even if she does not feel especially kindly toward him. It is thus possible to distinguish this characteristic's accommodative manifestations from those of other virtues. While this and compassion, for example, may often go together, they are not necessarily bound-up: one might accommodate another purely for civil reasons, for purely compassionate reasons, or hopefully both.

Accommodating others into practices can serve the ends of formality, and this gives a civil person civil reason to try and accommodate a non-compliant agent into a practice. But how might they actually go about it? Recall from the previous chapter that civility seemed to present a few possible responses to non-compliance beyond the singular writing-off that

[35] We might also imagine another approach, whereby our civil agent tries to accommodate Fish into their own interaction: a set of rules/ expectations between them. Our civil agent may say something like "Oh don't worry about all this stuff with me, we don't have to do that". This can work if the non-compliant agent is also receptive to this idea, though it does not directly resolve the then group-to-group interaction. It might be that a civil agent in this case works as a sort of mediator.

Calhoun's account suggested. There I noted three potential paths which we can now consider in more detail: education, compromise, creation.

❖ *Accommodative Approaches*

Education seeks to bring the non-compliant agent into the formalities by giving them the information needed for them to "get on board". The information might be a straightforward reason, or it may be useful knowledge that the non-compliant agent previously lacked. So, with Fish, our civil actor could help him to understand what is expected in this context e.g., "we work from the outside in with the cutlery" or "address that one as Colonel Mustard, not Jim". She provides the information that was lacking and acts as a sort of tutor for Fish to help him comply and partake assuredly in the interaction. Similarly, we can imagine someone acting as such a tutor for an agent in an unfamiliar cultural setting. In the education case, the formalities themselves are unaltered.

On the other hand, ***compromise*** involves altering the rules framework by waiving certain requirements to act in certain ways or by adjusting the requirements accordingly because of particular facts about the non-compliant agent. It might be done explicitly "oh don't worry about that" because doing so puts the non-compliant agent at ease and reassures them that their actions or inactions in that regard are not going to be taken in the wrong way. Explicitly compromising also addresses the group at large to essentially convey the message to them that the rules have been adjusted. But it could just as easily be implicit, when such an adjustment is plainly obvious. For example, some practices might expect persons to stand for prolonged periods, and this may be clearly beyond the capacities of the frail. In those cases, it may be unnecessary to communicate this compromise to the wider group since the accommodation is obvious: nobody takes the frail person remaining seated or having to sit down as problematic from the perspective of formality. Equally, an explicit acknowledgment can be reassuring itself since the frail-but-civil person would, if they could, comply but they are simply unable. Knowing that this compromise is in effect, the civil person does not need to worry about their actions being misconstrued as disrespectful and such. The point here is that, overall, the established formality is still in play, but particular exceptions and adjustments have been made to accommodate particular members of the interaction. In the case of Fish, a compromise route might be an implicit decision by the group to not hold Fish to the same standards as everyone else because of an understandable lack of knowledge. The civil person might communicate that to Fish to reassure him, or she may instigate this change for the group.

Finally, ***creation*** is a novel but difficult way to respond to non-compliance. A civil person may at times find that the rules in play are failing in particular respects, or that there is an absence of a framework for a particular interaction. Thus, creation involves either trying to develop new frameworks or adjusting current ones with new additions or alternatives. Developing new frameworks is a rare demand, but an example would be "first encounters" between groups where there is a lack of a mutual rule-framework, or perhaps in diplomacy where one must establish norms of interaction between hostile groups. The demand to creatively adjust current formalities is probably more common.

Ella Al-Shamahi (2021) provides something of a mini case study of this with her creative solutions to the practice of handshaking (a small component of a larger etiquette system) while being, at that time, a particularly conservative Muslim. This proscribed handshaking between men and women. Some of the more promising tactics Al-Shamahi deployed were to substitute handshaking with something else: saluting or placing her hand on her heart. The former did not seem to work reliably but the latter was much more successful in communicating a certain "warmth". This shows an interesting creative response to, in this case, one's own non-compliance: Al-Shamahi reveals a civil disposition by attempting to accommodate the needs of others in the interaction (who are expecting a handshake) with an alternative meant to convey the same sort of thing.[36]

Naturally, this approach comes with risks: the salute often fell flat and the risk at times of failing to esteem or assure another—or actively disesteem and alarm them—may not be deemed worth it. Al-Shamahi concedes that at times she felt this was the case for her and that, in exceptional cases, she would opt for a handshake simply to avoid the risk. The creative approach's success depends significantly on others in the interaction, and this in large part depends on their own civility in respect of their sensitivity. If, for example, they are sensitive to contexts and various forms of greeting, Al-Shamahi's hand on heart substitute is probably going to be accepted easily enough—they interpret it correctly as an attempt to substitute the handshake rather than cluelessness or something. But the creator can make better or worse choices too: the salute is so iconically military that even decently sensitive civil agents would probably find it jarring outside of that context. In this case, we can readily imagine an

[36] Although this case involves addressing one's own non-compliance, it is fairly easy to picture this situation involving someone else's where, upon being questioned about their non-compliance, this issue is raised as their reason. A civil person may, in this case, offer creative alternatives to that non-compliant agent.

especially civil person forewarning Al-Shamahi that this substitute is highly unlikely to succeed because of the meaning it has in another distinct context.

These three accommodative ways of responding to non-compliance are not mutually exclusive e.g., it is entirely possible to both educate someone on what is expected while also waiving certain requirements. The discussion of this characteristic also parallels what Hursthouse says about honesty and the thoroughly honest person's acuteness to situations in which honesty is at stake: a thoroughly civil person spots these sorts of "fish out of water" problems. Having said that, I do not mean to suggest that the civil person need always act directly in these cases. Civility presents a reason to have the non-compliant accommodated, but it does not mind exactly who does it or which among the methods I suggested are utilized. For example, our civil agent may pass the job of educating Fish onto another member of the group, because she herself lacks the time or ability to reliably "teach" Fish. The important thing for civility is that the demand to respond to the non-compliance is recognized and addressed.

❖ *Why Not Exclusion?*

By this point, we can see that there are distinctly civil reasons why a civil agent would look to accommodate others in various ways into practices. Yet, one may still wonder whether exclusion can be as much an option as accommodation and that, by focusing on accommodation, I have skewed the picture of civility towards a more inclusive vision. However, exclusion is rarely going to present itself as a civil option as it is an atypical and last resort. Let us begin by thinking about how exclusion *could* work on a logic of civility in principle.

It would have to be the case that excluding the non-compliant agent would better (or at least equally) serve the values of formality than including. Suppose someone does want to be involved but, unlike Fish, has no real intention of doing so properly: call this one "Shark". In this case—assuming knowledge of Shark's intentions—the civil agent cannot promote the ends of formality by accommodating them. Accommodation is doomed to failure, it will have further a negative effect on the values of formality (assuming that, like Fish, Shark is currently promoting uncertainty by their non-compliant behaviour). Moreover, even if Shark would be esteemed by being treated according to the formalities, his lack of intention to reciprocate means that the rest of the group will not be esteemed. Thus, if Shark could be excluded, if he could be removed from the equation, then this would be a civil course of action since doing so

would protect and perhaps promote the value of formality. In other words, in a case like this, we have civil reasons to exclude.

There are a few things to say about the Shark case. The first is that for voluntary domains Shark cases seem quite unlikely: there is a fairly safe assumption of conformity for most people who *want* to enter into interactions because being a part of those interactions involves, among other things, these formalities.[37] For example, it is very strange to imagine someone wanting to join in a traditional tea ceremony without any intention of conforming to the formalities, because those formalities are part of the practice. Thus, many scenarios in which one may accommodate or exclude are going to be presumptively in favour of accommodation: the civil agent would need to have very good reason to think that the would-be member is a Shark and not a Fish.

The second thing to observe is that the would-be member *wanting* to be involved suggests that they would be socially esteemed by being treated according to the formalities: that is, after all, a signal that one is involved in the practice. And this always presents a *prima facie* civil reason to accommodate them rather than exclude. One part of the value of formality looks like it could be realized. Of course, this depends on whether the would-be member would be reliable in following the rules: if they would not be, as in Shark's case, then the esteem value will not be properly realized because it will not be reciprocated. Thus, the question that remains is whether the would-be member would or could reliably follow the rules (thus, promoting assurance and esteeming the other members of the practice). A civil reason to exclude would only be given by a definitive, negative answer to this question—as in the Shark case. But, the civil person is first going to consider the possibility of accommodating them if possible: for example, if what they lack is knowledge, as in the case of Fish, then civility presents a reason to try and resolve this problem and avoid exclusion. Perhaps some rules need to be adjusted, waived, or created, and doing so means a greater realization of the value of formality and that the would-be member *can* be esteemed. It is only if this is truly not possible that exclusion follows from a logic of civility.[38] Thus, exclusion is an atypical and last resort.

[37] This does not imply total conformity. It may be the case that they will not comply with particular rules for various reasons (perhaps civil, perhaps moral) and try to address this partial non-compliance in the ways we have already addressed. The point is that, overall, they are going to conform.

[38] It might also be the case that the effort to accommodate comes with unreasonable costs that render it effectively impossible or just plain unreasonable. In these cases, civility is frustrated because it is *defeated* by these other, external reasons. It is not that in those cases we have civil reasons for exclusion.

Naturally, in the complex real world, there are reasons beyond the civil for exclusion/inclusion. Here I am only considering those civil reasons. But this recognition provides a natural boundary to what civility can say *vis-à-vis* inclusion or exclusion. As I have said previously, formality governed practices have their own goods and values beyond formality. There may be reasons of function, tradition, or religion to exclude because of how they relate to the idea of membership within that practice. Perhaps one reason I ought not to be allowed to join Chess Club is that I do not appreciate chess at all. Or perhaps I may be excluded from religious services on account of my atheism. Even if I would be esteemed in both cases to be included, and *even if I would reliably follow their formalities* (and thus there are civil reasons for my inclusion), there are not unreasonable reasons to exclude me anyway—they are just independent from civility. And there may be grander reasons for inclusion or exclusion: justice for example. Consider a political debate society and suppose public reason is morally correct. Public reason may well provide reasons to exclude me based on the views I intend to air and, thus, there are justice-based reasons to exclude me even if there are civil reasons to include me. Therefore, a great many reasons for inclusion and exclusion are independent of civility.

It is important to be clear whether the reasons we have in any case are of civility or something else. We may imagine a scenario where accommodating Fish, despite being an uncostly approach, would not be accepted by the wider group. Perhaps this is for legitimate independent reasons of the sort above. Here, acknowledging the civil reasons is beneficial because it clarifies what is at stake—if there is a debate to be had about inclusion/exclusion, it is not about civility but about those other reasons. But perhaps the wider group are fish-bigots and thus have illegitimate independent reasons for exclusion. Here it seems important to take away the defence of exclusion as civility: their reasons for exclusion, whatever they are, cannot be civil ones. They cannot so easily hide behind civility.

- *Responding to Incivility*

We have already shown why a civil person is not neutral with regards to the mere non-compliance, and they are certainly not neutral with regards to acts of incivility or incivility itself. Incivility itself is more than mere non-compliance, which can just be the result of a lack of awareness or knowledge; incivility is the antithesis of civility (like dishonesty for honesty, and cowardice for courage). As such, it is an entrenched multitrack disposition of the opposite sort to civility: at its most extreme and vicious end it revels in breaking the rules, it enjoys

seeing people unnerved and made ill-at-ease by disruptive behaviour, and so on.[39] As a multitrack disposition, we expect the civil person to be moved by incivility in emotion and action; whereas mere non-compliance of the sort we have addressed is likely to engender little more than a feeling of concern, incivility is not so much a problem to be *addressed* as a something to be *opposed*.

From the perspective of action-based responses, the accommodative approaches remain possible responses to incivility. Though these are made more difficult to the extent that the uncivil actions reflect an uncivil disposition and thus an unwillingness to respond to the demands of formality. But a further option, which is more salient in the case of incivility, is condemnation. Condemnation can play a natural part in education because it can be educative. For example, we might explicitly condemn a child's behaviour as rude in the hope that the condemnation would see them change their behaviour. But condemnation can also serve *honouring*, especially when there is no chance of success in terms of converting the uncivil agent: by condemning uncivil behaviour even without any hope of educating, the civil person demonstrates expresses their appreciation of and respect for formality. They are affirming that *they* are not uncivil, that *they* see incivility as a problem, that *they* respect the rules, and so on.

At a minimum, faced with no realistic chance of accommodation, we would expect a civil person to at least condemn the incivility internally: a sort of personal matter of integrity, affirming their own relation to formality. They may well do so externally, but this can come with high costs (getting one's head kicked in is when prudence trumps civility!). Even so, it is important to recognize that the demands of formality here are being defeated by external factors. Civility still gives us a reason to confront the uncivil, even when doing so would be physically dangerous, so long as doing so would contribute to the value of formality through promotion or honouring. It is just that it can be reasonably defeated in the final equation in those cases. Perhaps more likely is some sort of middle ground. For example, knowing glances and expressions of disapproval among those present, concealed from the uncivil person, would work for group affirmation that "the rest of us" are not like this, and we can be assured of that much at least. Naturally, this response is a last hurrah (or a final whimper) for civility: civility

[39] As Waldron's high bar suggested, this extreme end is probably quite rare: these are the ones with whom civil relationships are "impossible" (2014:64). Even those who are uncivil to certain groups, for example, probably are civil to others and thus demonstrate a capacity for civility. Thus, they do not represent "impossible" cases and there remains some possibility and scope for civil interaction.

in these cases has reached its end point, it can do no more; the interaction as it stands remains affected by the incivility, and assurance and esteem suffer as a result.

Beyond acts, a civil person can be expected to react emotionally to incivility. As already said, at a minimum non-compliance is concerning, but apparent incivility is worse. Hursthouse (1999a:12) suggests that we expect the honest person "...to be surprized, shocked, angered (as appropriate) by flagrant acts of dishonesty, not to be amused by certain tales of chicanery, to despise rather than to envy those who succeed by dishonest means, to be unsurprised, or pleased, or delighted (as appropriate) when honesty triumphs." In the same vein, we expect the civil person to be similarly disproving in their sentiments by acts of incivility (especially when those acts suggest an uncivil character and not merely a mistake), to be generally unimpressed by intentional rudeness and to see such incivility celebrated. These sentimental responses are not limited to the incivility of others. A civil person is distressed when *they* act uncivilly, they are disappointed in themselves, and so on. A key difference between a civil and uncivil person is that the former is distressed by accidental incivility whereas the latter is unfazed by it (or, if they are especially uncivil, even pleased). I recall an occasion where my brother, caught up in a frustrating telephone call, responded rudely to a barista's clarification of his order at the local café. As he hung up the phone, the realization of what had just happened dawned on him and a look of horror crossed his face. He immediately addressed his transgression with the barista, apologising and explaining himself. Doing so is a means to restore the assurance of the interaction, and to try and correct the disesteem caused—those actions are important; it is a sort of self-condemnation. But just as important to dispositional civility is the sentiment behind it.

§III. Conclusion

This chapter set the task of developing an account of a virtue of civility, to build on from the previous chapter. To that end, we began this chapter by defining civility as the disposition to respond positively to formality.

In §I, we looked at both what was meant by responding positively and the general term of formality. First, we considered a pluralistic array of positive responses and selected promoting, honouring, respecting, appreciating, and creating as the modes sufficient to start developing Civility as a Virtue (§I.I). Next, we unpacked formality by utilizing Christine Swanton's account of the anatomy of virtues and broke formality down into "items": formalities themselves, the value of formality, and social actors (§I.II). This led us to the unpacked

definition of civility as: *the disposition to respond positively (by promoting, honouring etc.) to the demands of the items of formality (formalities, the value of formality, and the social actors of the interaction)*.

In §II, we explored in more detail how this disposition to respond positively manifests in civil persons. The discussion followed and was based around four key characteristics of civil persons which stem from the modes of positive response: 1) they appreciate the value of formality; 2) are reliable in following formalities; 3) are sensitive to formalities; and 4) are responsive to non-compliance. We unpacked how those characteristics grow out of the underlying disposition to respond positively to formality, from a "logic" of civility, and looked at a range of responses to non-compliance beyond exclusion.

By considering the underlying logic of civility and how this plays out for a civil agent, we now have a good sense of what a virtue of civility would look like based on our definition. We are now in a position to do a few things in the next chapter. First, we can assess whether Civility as a Virtue really does meet the standard of virtue. Second, we can subject this account to some typical criticisms of civility and show how it responds to them. Third, we can demonstrate how this account of civility meets the success criteria identified over the previous chapters and, thus, why we ought to accept it and apply it to civil disobedience.

Chapter V
Civility: Virtue or Vice?

In this chapter, we will assess the account of Civility as a Virtue given in the previous chapter by three lights. The first of these is to ask whether it really is a virtue or not, as many have called it. After all, I have sketched out civility as a trait using virtue theory to inform that sketch, but plenty of character traits described in such terms would not get so far as being considered a *virtue.* Instead of nailing my colours to the mast of a particular account of virtue and showing that civility meets its standard of virtue, I will argue that we can be reasonably confident civility is a virtue—whatever theory of virtue one prefers—since it meets the criteria of a wide range of theories (§I). Then I will address some of the reasons we may, in fact, not be inclined to value civility by considering how my account responds to an array of criticisms of civility. As we will see, some typical critiques of civility simply do not apply to this account, but others pose a challenge to which Civility as a Virtue can offer some response (§II). Finally, I will show how civility as a virtue meets the success criteria that we have generated for an account of civility to be applied to civil disobedience (§III). Thus, this account of Civility as a Virtue offers a promising way forward and we have good reason to accept it and apply it the question of civil disobedience.

§I. Is Civility a Virtue?

There is considerable variation in virtue theory, not least because of the relatively recent resurgence of virtue ethics as a potential third-way in ethics beyond consequentialist and deontic approaches (see Hursthouse and Pettigrove, 2022: §1). Trying to defend something as a virtue on any given account can therefore become a task not only to show that the trait is a virtue but, also, that the account of virtue on which it rests is correct. One strategy to try and cut through this when one is less concerned to defend a particular account of virtue is exemplified by Glen Pettigrove's article on meekness as a virtue (2012). So, what is Pettigrove's argumentative strategy?

The strategy is to show that the proposed virtue (for Pettigrove, "meekness") is a virtue across a range of criteria for virtue; thus, whichever account one favours, we can be reasonably

confident that the trait is a virtue.[40] Pettigrove begins with a *disjunctive criterion* for virtue following Hume: virtues are *useful* **or** *agreeable to self* **or** *others*. Pettigrove then addresses Rosalind Hursthouse's (1999b) criticism of this Humean criterion as overly permissive and her solution of an Aristotelian alternative more demanding *conjunctive criterion*: virtues are *useful* **and** *agreeable to self* **and** *others*. Pettigrove proceeds to show that meekness meets that criterion and, hence, must meet any within that range. For example, Julia Driver's consequentialist account of virtue requires that virtues "...generally speaking, produce good outcomes for others" (1998:122). Thus, on a consequentialist account, virtues must be *useful to others* and, thus, are covered by the conjunctive criterion. On the other hand, a trait's immediate agreeability to self and others may be sufficient for those who ground virtues in independent admirability. For example, Linda Zagzebski's account (2004:41) suggests that virtues are constituent traits of "paradigmatically good persons" that we admire; and Michael Slote—with a sentimentalist account of virtue—considers traits to be virtues on account of their immediate admirability (2001: 21, 38). Therefore, the Pettigrove strategy involves showing that some proposed virtue meets the Aristotelian conjunctive criterion and thus is plausibly a virtue on many other prominent accounts.

Before proceeding we need to clarify what is meant by the terms "useful" and "agreeable". "Usefulness" is understood straightforwardly as benefit. If a trait serves utility for oneself, others, or society at large, then it is useful. That would be enough to classify a trait as a virtue on Hume's disjunctive criterion. The term "agreeable" is less straightforward because Hume, as Pettigrove (2012:346) points out, uses a few different terms such as "pleasure", "approbation" and "esteem" but takes them to be synonymous with the idea of giving satisfaction. Naturally, something can be in this way agreeable to oneself or others precisely because of its usefulness and so there are many virtues for Hume which overlap in this regard (Pettigrove: 2012: 346-7). However, there are some virtues which may be immediately agreeable even when they possess no obvious social utility, i.e., admirable without "...any further thought to the wider consequences that trait brings about" (Hume, 1998: §8.1). For instance, Hume considers the ability to converse well and wit to be immediately pleasant to others in one's company, regardless of any actual utility it may bestow (Hume, 1998: §8.4). Thus, for Hume, a trait could be a virtue while *only* being agreeable to self or others. Hence the disjunctive criterion.

[40] This strategy has also been used by others, such as in the case of a virtue of self-cultivation (Stangl, 2020: esp. Chapter 5).

§I.I. Meeting the Conjunctive Criterion: Useful AND agreeable to self AND others.

As we set out in the previous chapter, Civility as a Virtue has two values to which it responds: the assurance of interaction and basic social esteem. Let us begin to show how civility meets the more demanding conjunctive criterion with reference to *usefulness*.

❖ *Useful to Self and Others*

A trait that secures interaction without relying on goodwill—so we can get along and pursue our aims without personal feelings or vices derailing things—is plainly useful. Indeed, civility seems to have obvious utility in a protective sense: insofar as destabilized interactions tend to lead to unpleasantness or, at the extreme end, violence, civility has utility in guarding against these bad outcomes. If two people know they hate each other but are nonetheless civil, they—and others around them—can interact securely knowing they will follow the formalities of the interaction in spite of their differences. This is clearly useful to self and others: it is obviously good for individuals to avoid harms, and it is generally collectively good for society that interaction among its members is peaceful. But civility also has more positive obvious utility.

Civility is useful *to oneself* by allowing oneself to be able to interact assuredly with others. If I am civil, I am the sort of person who can adapt himself to various interactions given my sensitivity to formalities. I can depend on myself to remain civil even when I am tempted to act otherwise, to "hold my tongue" when I feel tempted to say something I would soon regret, and so on because I appreciate the value in formality. Moreover, my sensitivity to formality and appreciation of it mean that, in the event I make a mistake and act uncivilly, I should be quick to recognize and address it; thus, reassuring other members of the interaction. Finally, if I find myself in a tricky situation in which the demands of formality run up against other demands (such as in the Al-Shamahi handshaking case in the previous chapter) or are ambiguous (such as Carter's receptionist case), I am well placed to try and resolve or manage the situation by finding suitable substitutes, addressing the ambiguity, or making a best educated guess in ways that do not undermine the value of assuredness (or at least guard against the worst risk). All of this means I can accrue whatever benefits there are to be had in such interactions. That could be friendship, business deals, simple transactions, sporting success, etc. The list is as endless as the possibilities of human interaction. Therefore, civility is positively useful for oneself by enabling these possibilities.

Tied to interaction as it is, civility is clearly useful *to others* for essentially the same reasons: they can depend on me to act in certain ways, to adapt myself to the context and so on. The benefits of any interaction clearly require others to be fulfilled. This requires others to behave in certain ways, it requires their compliance. Knowing others will likewise be inclined to "hold their tongues" and correct their shortcomings in respect of formality to keep things ticking along is also assuring of the interaction. As we have seen, civility not only enables us to reliably follow rules but also be sensitive to changes and receptive to the needs of others. Consider the various ways in which civility in others helps Fish to better interact with the practice and its participants, how this in turn makes interaction among the group more assured. In this way civility is mutually useful in securing reliable interaction. In terms of assurance, civility is useful to self *and* others.

The esteem dimension of civility allows us to also acknowledge others as participants in interaction(s) and thus minimally respect them in relevant ways. The esteem of civility naturally speaks to agreeableness more, but there is an element of utility too. It is useful in allowing participants to know "who's who" in a given context and provide a reliable and standard way of acknowledging their status, because civil persons are sensitive to formalities and reliable in their performance. As we particularly noted when discussing civility and etiquette with Calhoun, the framework of formality gives us ways of reliably communicating respect and other relevant attitudes towards other participants. A sensitivity to the rules means a civil person will have something like a *lingua franca* to able to convey this respect correctly to the right people and how to understand it when it is directed to them in turn. Reading from the same hymn sheet, so to speak, is useful to all those involved in singing the same song.

The case for civility's usefulness for self and others is perhaps not hard to see, based as it is on reciprocal interaction and its value being instrumental regarding assurance. Indeed, recall that Waldron suggested formalities themselves "… may have only instrumental value (though instrumental value is important enough when it serves human needs)" (2014:53) so perhaps it should come as little surprise that the virtue that concerns those formalities likewise has a clear instrumental profile. Meeting the criteria of being useful to oneself and others would make civility a Humean virtue at least, but something can be useful yet disagreeable. It may be that I am disposed in some way that benefits society and perhaps earns me decent money also: it is useful to myself and to others. But perhaps this trait comes at great personal cost, it is psychologically damaging for me to utilize it and as such it is disagreeable to myself. Or it may

be that society sees the use of my disposition but finds its deployment repugnant. It would thus be disagreeable to self and others despite its utility. A possible example of this might be found in Michael Walzer's *Just and Unjust Wars* (2006: 323-25) where he discusses how soldiers being unscrupulous in their obedience—i.e., willing to follow morally dubious orders or do things ordinarily wrong like bombing civilian areas—might be useful (indeed necessary) for survival in particularly grim circumstances, yet society ought to "disown" them after their usefulness is spent given their dishonourable actions.[41] To translate this to our discussion, a *trait* of unscrupulous obedience in soldiers might be useful in this non-ideal world, but it can never be agreeable. Thus, agreeableness and utility can come apart and, in such instances, it would not be strange to think that the value in the utility is tainted or defeated by the inherent disvalue. There are more than a few ways in which we may think that civility's functional value might nonetheless be disagreeable to oneself or others and thus not meet the conjunctive criterion. So, let us turn to agreeability.

- *Agreeable to Self and Others*

We should start with the clearest way in which civility is agreeable. The esteem dimension of civility is what makes it immediately agreeable to others. It is pleasant and esteeming to be treated appropriately as a member of some interaction. Indeed, in the case of manners, Hume (1998: §8.1 original emphasis) takes this to be one such case of a clearly immediately agreeable trait: "These attentions and regards are immediately *agreeable* to others, abstracted from any consideration of utility or beneficial tendencies: They conciliate affection, promote esteem, and extremely enhance the merit of the person, who regulates his behaviour by them." To be acknowledged via formalities is pleasing for others and it is likewise pleasing to oneself. Civility is what enables one to esteem others in this way and be esteemed in turn by recognising markers of respect and such as such. In this way, civility in self and others is immediately agreeable.

Still, it is not too hard to think of times and contexts when being civil would *feel* disagreeable. If we are annoyed and irritated about something, or in a rush and preoccupied with something else, then the demands of politeness will likely see our civility strike us in the moment as a disagreeable trait. It is burdensome and constricting, we feel we would like to say or do

[41] "...a nation fighting a just war, when it is desperate and survival itself is at risk, must use unscrupulous or morally ignorant soldiers; and as soon as their usefulness is past, it must disown them." (Walzer, 2006: 325)

something very much uncivil in that moment. This is undoubtedly not an uncommon experience.

But here we find an obvious way in which civility is very much agreeable to others in a more negative vein! It is pleasant for others to know that the civil person will resist temptations of this sort to be disruptive or hostile. It is agreeable on both the assurance and esteem dimensions because others can rely on the civil person not only to not destabilize interaction but, also, to avoid the temptation to act in disesteeming ways.[42] Civility is pleasant by comparison with the unpleasant alternative. As Calhoun (2000:266) suggests, there is clear value to society in people not simply voicing every honest assessment they hold of others and this is especially true for disadvantaged groups—to be hated is bad, but to be hated and have that hate communicated freely is worse still. Thus, the commitment to respect the rules of formality which guard against such things is clearly agreeable to others.

So, civility may be pleasant for other people, but it is generally agreeable for its possessor? While we may *at times* find civility's demands burdensome or annoyingly constricting, we tend to think it "worth it". Indeed, we may be very glad that our civility stops us from being rude to someone when we are irritated or preoccupied with something else. Though it may take some considerable effort to be polite in such cases, we do not tend to think it a disagreeable thing that civility compelled us to do so; rather the opposite. Conversely, if our civility was not enough to constrain our actions in those cases, we would tend to be disappointed and consider it a pity that we were unable to act civilly even though we acted in a manner that was apparently agreeable to ourselves. As social animals, this is liable to be a source of shame as indeed may be the condemnation of others witnessing or experiencing our transgression(s). Such sentiments are undoubtedly disagreeable.[43] In other words, acting contrary to civility tends to be disagreeable for its possessor.

Civility is generally appreciated because of its effects on our interactions, whether immediate or longer term, but there is also a sense in which it is admirable even in odd circumstances in which it does not provide benefit. In the previous chapter, I suggested that there remains something still praiseworthy about the person who, despite being good in all other key

[42] Even strangers have ample scope to hold disparaging opinions of others from the way they dress, talk, or the job they perform.

[43] This point mirrors Pettigrove's on Meekness: "Insofar as anger, resentment, and the like are unpleasant feelings, a tendency to remain calm and not experience such emotions will be agreeable by comparison. The person who is not easily provoked will avoid feeling displeasure in a number of circumstances in which others would commonly be upset." (Pettigrove, 2012:349)

characteristics of civility, is unable to reliably perform the formalities. Despite this clearly hampering the promotion of the value of formality, and thus heavily qualifying their civility, I suggested we would still be inclined to consider them "civil at heart". But why would we care if only its direct benefits mattered? The reason that being civil at heart matters is that it does still reflect an admirable disposition independent of benefit for others. Civility expresses a human concern for living together at the most basic level. Not the highest or most profound—civility is not compassion or justice—but nonetheless sensitive to a fundamental human need. And that surely remains admirable and praiseworthy even with the qualification that this good motivation sadly does not lead, as it ordinarily should, to its best outcomes. Thus, we may say that civility is in this way agreeable without any regard for further benefit.

❖ *Useful and Agreeable to Self and Others*

The most influential account of virtue ethics is the Neo-Aristotelian approach. For the neo-Aristotelian accounts, the useful and agreeable are bound up together—that is why Hursthouse proposes the conjunctive criterion as an alternative to Hume's—but the reason they are bound together is because of a central idea in Aristotelian virtue ethics: *eudaimonia*, i.e., human flourishing (Hursthouse, 1999b:68-69).

Virtues are beneficial for humans because they generally enable them to live well *qua* humans, and they are agreeable insofar as they are befitting of human nature. Humans are obviously social animals, and civility as a responsiveness to formality is clearly part of a wider pro-sociability. Being receptive to the formalities of any given interaction is effectively a prerequisite of becoming part of it. Being disposed to conceal one's unpleasant appraisals or to withhold from hostilities for the sake of assurance seems clearly essential to human flourishing: it is impossible to imagine humans flourishing with unstable and unpredictable interactions among themselves and civility, with its responsiveness to formality, offers a means of doing this.

That seems true of all human history, but especially in today's world which is filled with differing and often conflicting conceptions of rightness and moral goodness (or who is admirable and who is deplorable). Ideally, we may think that humans would flourish far more if they all agreed on justice and goodness, or if they could view everyone amiably. But such an ideal world feels very far removed from our own. As both our collective human history and current affairs demonstrate clearly, simply being able to "get by" with other humans is no mean feat. Human flourishing is not aided by unstable interactions because at best such interactions

are awkward and fail to function efficiently; at worst, they descend into violent chaos. In a universe in which humans will disagree on rightness and goodness—and will always be capable of both liking and disliking (and loving and hating) others—civility and its commitment to formality is something that humans need for *eudaimonia*. Thus, civility seems a very plausible virtue on the dominant neo-Aristotelian account of virtue.

In the ways set out above, we can see that civility is a trait that is both useful and agreeable to its possessor and others. Thus, it meets Hursthouse's more demanding conjunctive criterion. Civility is not merely a virtue on Hume's account but an exemplary one in being useful and agreeable to self and others. Furthermore, following Pettigrove's methodology we can be reasonably confident that it is a virtue on many other accounts that fall *within* the conjunctive criterion as we saw at the outset. Let us now run through those.

In being *useful for others*, it meets the demands of a consequentialist virtue theory, such as Driver's where a virtue is "...a character trait which, generally speaking, produces good consequences for others." (Driver, 1996: 122). In being *agreeable to others* and independently admirable, civility plausibly also meets Linda Zagzebski's (2004:41) standard of virtues being constituent traits of "paradigmatically good persons" that we admire for their own sake. As Rebecca Stangl succinctly puts it "...those traits that are immediately agreeable to oneself or others seem just to be the kind of traits possessed by those we find admirable for their own sake" (2020:120). And, in being independently admirable as an expression of human concern, civility is plausibly a virtue on the sentimentalist approach of Michael Slote (2001:21, 38) who considers traits to be virtues on account of the inherent admirability of their underlying motivation. Therefore, civility is plausibly a virtue on many accounts of virtue within the conjunctive criterion. We can therefore be reasonably confident that it is, in fact, a virtue.

§1.II Beyond the Conjunctive Criterion

Civility is useful and agreeable to self and others. It looks like a plausible virtue across multiple accounts from the Humean to the Aristotelian. But we can push the boat out a little further and suggest that civility meets some requirements *beyond* the conjunctive criterion and thus give further weight to the case that civility is a virtue by addressing some further accounts of virtue that may not sit so neatly within the disjunctive/conjunctive criterion.

Philippa Foot's (2002:3-4, 8) account of virtue requires a virtue be both: 1). Beneficial to oneself or others and, 2). Corrective of "some temptation" or "deficiency of motivation". The first criterion we have effectively already covered with the conjunctive criterion. But the second

part of her standard is that it be "corrective" of "…some temptation to be resisted or deficiency of motivation to be made good." (Foot, 2002:8). This goes beyond the conjunctive criterion. However, we have already seen how temptations to be rude when we should be polite are not uncommon, either out of our own bad character or out of external factors like being in a rush or distracted. More generally, interactive practices often present opportunities to renege for personal gain or even for perfectly understandable reasons. A paradigmatic example of the latter might be Nelson Mandela. Mandela is, of course, especially admired for his civility (e.g., van Zyl, 2019:7-8; Swanton, 2003:204-5). And his civility is especially striking considering it concerned his interaction with people who had wronged him and seen him incarcerated for 27 years—unable to pursue a legal career, to raise his children, to be with his wife. Such wrongs generate understandable and justifiable resentment and anger and, contrary to an idealized view of Mandela as saintly forgiving and loving, Mandela's biographer suggests he did indeed feel that way (Stengel, 2010: 98). Mandela's commitment to remaining polite and receptive even to those who had wronged him and a great many others besides enabled him to work productively for the good. It is precisely because we appreciate the reasonable and understandable temptation to renege on civility that Mandela had that we admire his civility all the more. This suggests, we may find civility is especially valuable when it operates as exactly this sort of "corrective".

Some consider virtues as traits that allow their possessors to "respond well to the demands of the world" or to "spheres of common human experience" (Swanton, 2003:19; Stangl, 2020:§5.1; Nussbaum, 1993). Civility clearly does this. Many interactions call on us to set aside our feelings or personal desires and have them regulated by a rule framework for the interaction. This could be a meeting that requires impartiality, or a social interaction with others one is not especially fond of, for example. These interactions are very much spheres of common human experience as social animals. Indeed, it is hard to think of a more common human experience than interacting with other humans; it is hard to think of a more generally valuable experience than peaceful interaction. Moreover, civility helps to respond to the demands of formality. We have seen how civil persons adapt to new rules, help others abide by them or be brought into interaction, confront or resolve incivility, recognize when particular formalities are failing and so on. It enables us to find ways of respecting others' status as participants of interaction, to show a minimal respect that is due to them even while they may, in our eyes, fall short of being owed proper respect. And this is possible because civility calls on us to respect authoritative formalities and our fellow social actors, to appreciate and promote the value of formality or honour it even when we cannot promote it, and so on.

§I.III Conclusion

Using Pettigrove's method, we have shown that civility is plausibly a virtue because it meets the most demanding conjunctive criteria of being both useful and agreeable to self and others (and we have even gone further in showing how it meets some criteria that don't neatly fit within the criterion). This also provides some support for the apparent intuition that theorists have had about civility being a "virtue", even if they have not subjected it to virtue-theoretical treatment or even talked about it in character-based terms. But civility is obviously not without its critics. So, having had the "case for" civility, we should now show how Civility as a Virtue responds to typical criticisms of civility that might undermine its virtue status, i.e., question just how useful and agreeable it really is.

§II. Responding to Criticism of Civility

Criticisms of civility are not hard to find but, perhaps because of the nebulous ideas of civility they confront, it is harder to determine which criticisms are most relevant to any given account of civility. Many critics launch multiple criticisms which may attack quite different aspects of civility: its substantive, theoretical conception as civility and/or its practice(s) in the real world which may or may not be directly related to any specific theoretical account. This kaleidoscopic criticism is common because, just as no civility theorist thinks civility the greatest virtue, no critic of civility is against civility *tout court* (Edyvane, 2017:351). In what follows I will try to address a good spread of criticism to indicate how Civility as a Virtue can respond. We will begin with an example of those targeting political civilities to show why Civility as a Virtue can side-step that sort of criticism and how proposed solutions to the criticism can repeat the same issues we previously identified with narrow accounts.

§II.I Narrow Account Criticism

Many criticisms of civility will not readily apply to Civility as a Virtue because they attack narrow accounts of civility, the likes of which we have already seen and dismissed in Chapter II. We rejected those accounts because they were overly narrow and restrictive e.g., Peterson's liberal deliberative democratic civility or Carter's Christian civility. Many of the criticisms of civility attack accounts like this for being faulty in various ways that do not translate over to the general, virtue-theoretical account such as this. But their proposed solutions can also be

narrow and, as a result, they also do not provide alternative accounts to Civility as a Virtue. Let us look at an example from Teresa Bejan and Bryan Garsten's *The Difficult Work of Liberal Civility* (2014).

Bejan and Garsten (2014:23) take aim at certain conceptions of *liberal* (political) civility "as an aspect of the liberal spirit or character that can equip citizens to manage the passions of disagreement bound to arise in pluralistic societies" (2014:23) for being overly sanguine about disagreement and peaceful living in a pluralistic body-politic. For Bejan and Garsten, liberal civility fails to account for how "contempt is inseparable from disagreement" which leads it to attempt to eliminate contempt rather than simply manage it (2014:23). Bejan and Garsten suggest that liberal civility should not be understood as a quest for higher moral aspirations such as being moved by the "force of the better argument" or adopting something like a Rawlsian "reasonable pluralism" in which we liberal citizens are able to escape our lesser tendencies (which, drawing on Hobbes and Constant, they take to be unrealistic); instead it should be "the practices and character traits necessary to engage in disagreement sustainably precisely when these moral aspirations have not been met" (2014:42).

Civility as a Virtue is, of course, not a *liberal* civility: it is a general character trait and not "narrow" like the accounts we rejected in Chapter II. Thus, we may be said to side-step this objection simply because Civility as a Virtue is not the target: the target is an account that takes civility to be based on a wrong account of what political participation should look like (more conciliatory and less agonistic) and/or what people are like (able to disagree without being disagreeable, committed to pluralism, etc.). Civility as a Virtue is not concerned with what good citizens look like and how society ought to be politically. Our commitment to something substantive is that human beings value stability and the minimal esteem of recognition that formality allows. That is far more general than an account concerned with managing disagreement in a liberal society. Thus, criticism which targets an account's ability to serve a particular role or domain does not readily apply to Civility as a Virtue.

But note that Bejan and Garsten's alternative civility is *also* narrow: it specifically concerns pluralistic liberal societies and specifically relates to the management of disagreement in debate. In essence, their account does not provide an alternative for our purposes: the move is to replace one narrow account with another. But interestingly, it need not necessarily be in conflict either. As Bejan and Garsten note, theirs "needs further elaboration" but it is a particular account of civility: "…distinguished from other codes of civility by its commitment

to equality, to expressed disagreement, and to the management of feelings of contempt and insult" (2014:44). As a result, it is entirely possible that as a more specific account of civility *in a given context* the formalities they would suggest could align with Civility as a Virtue. [44] Just as the formalities of eating in a high-end restaurant in Paris are specific and could be accommodated on a general account, so too could the formalities of debate *within a liberal, pluralistic society*. After all, Civility as a Virtue takes no stand on the substance of the formalities in play beyond them serving the value of formality.

Finally, while they are generally favourable towards Waldron's formality-based account of civility, Bejan and Garsten suggest the following issue:

> *Still, in making the legalistic formality of procedure so central to civility, Waldron may risk importing the higher standards of conversational virtue appropriate to the special contexts of the courtroom or legislative chamber to other settings where they are not to be expected. Civility as formality runs the risk of overburdening everyday interactions and extending to them the chill of civil silence on questions deemed too controversial.* (Bejan and Garsten, 2014: 43)

We have already seen in Chapter III that Waldron's account is general: it is intended to be applied across different contexts and its content changes with them. But we also saw how Waldron's examples and focus is on the legalistic which does somewhat obscure its general nature. So, I think Bejan and Garsten are mistaken that Waldron's Civility as Formality risks this blurring of formalities since the account would state that transposing the formalities of the courtroom onto citizens in their everyday interactions would be wrong. Certainly, Civility as a Virtue emphasizes that the actual content of the formalities is context dependent: an agent who expects the formalities of the courtroom from the supermarket cashier is as profoundly confused as the agent who expects the formalities of her own culture to be the same in another. On the matter of civil silence, Civility as a Virtue does not inherently support this (we shall say more in due course on its relationship with the *status quo*), but it is true that formalities can include those of not raising particularly controversial subjects. I can remember my great aunt commenting on how in her day one would never talk about politics or religion, and how

[44] It seems clear that Bejan and Garsten take "civility" to be broader than *just* a character trait such that civility is a *set* of things that go together (e.g., "practices and character traits" and "set of habits of speaking and listening" [2014: 42, 44]). So, I do not mean that the accounts would be entirely compatible since part of the set of things that make up civility on their account would include something like tolerance (which I would consider a separate virtue/trait). But so far as the *formalities* of civility go in the context of disagreeable debate, there need not be a conflict.

"nowadays" (a couple of decades ago) people would speak about it more openly. The rules do change over time and context, and Civility as a Virtue is sensitive to that. But what scope and capacity it has to affect such changes to the formalities may not be so clear.

For sure, sometimes civility can get stuck; but there are conditions in which it can offer more than one might think when addressing some concerns that critics legitimately have of it. In what follows we will consider three broad areas that present charges against civility. I will not aim to entirely subdue all concerns with civility, but rather to try and show how and when it *can* say more and *can* offer some resources to correcting or offsetting these problems. We will look at:

A) Civility's relationship with the *status quo* (§II.II).

B) Civility's response to non-compliance (§II.III).

C) Civility's denial of the value of incivility (§II.IV).

§II.II Civility and the Status Quo

The concern for civility's conservative nature rendering it inherently supportive of the *status quo* is probably the most common criticism. It is the second of Calhoun's (2000: 252, 254) three strikes against civility: "More so than other virtues, civility has intimate associations with following socially established rules, whether those be rules of etiquette or civil law" making it "…a morally uncritical conformity to socially established rules of respect, tolerance, etc.". Similarly, Bejan and Garsten summarize the *status quo* objection: "Civility can therefore seem to be a defensive and inherently conservative demand and, worse, one that is not courageous or straightforward enough to defend the status quo it implicitly prefers" (2014:15). Let us start with whether Civility as a Virtue inherently supports the *status quo* itself.

One can easily see how even general conception of civility can—wittingly or otherwise—mask or reinforce unjust practices: some practices like elitist manners, or sexist norms that govern the behaviour of women. Some practices may also just be bad: the formalities of a poorly set-up court of law will reinforce that practice's failure to the extent that participants comply with them (and that may be bad for justice, or just bad from an efficiency point of view). So, one problem of civility responding to formality is that it protects bad formally regulated practices which are at best inefficient, and at worst unjust, and thus plays a role in that

inefficiency or perpetuated injustice. And because Civility as a Virtue does not presuppose that any given formality regulated practice is actually good or worthwhile, it cannot distinguish between practices that are independently good and just and those which are bad and unjust. This is unlike the narrow, political accounts which are bound up in political values that could well discriminate between certain good and bad practices based on those values. So, while I have justified why I have deliberately avoided bringing in these narrow but substantive ideas into civility, I must concede that it could well be the case that to conform to some particular practice might be both *civil* **and** *unjust* (or civil and cruel, civil and cowardly, etc.). However, this alone is not especially problematic.

It is hardly a crippling admission that the demands of virtues have their limits and run up against others. It is not hard to think of someone acting both *honestly* but *meanly*, for example. As we have already seen multiple times, theorists of civility seldom, if ever, claim that civility is the "be all and end all" and are often at pains to point out just the opposite. Acting civilly need not entail being *right*, any more than acting honestly necessarily means acting right. At best one is "right" with respect to the given virtue, but that is different to saying one is right overall. After all, a moral person possesses many virtues; they need to precisely because doing what is right requires the exercise of more than one alone. So, we can accept the point that civility is not the most important thing. Moreover, we can well accept the criticism that, in terms of how we practice civility, we need to be aware of that fact. Critics of civility in this respect perform an essential function in alerting us to our "blindness" when we focus on civility to the detriment of justice or compassion. The virtue of civility does not deny the value of other virtues, it merely asserts its own.

Still, unlike concerns about acting both honestly and meanly and similar, critics might be justifiably more concerned with civility because of its apparent pervasive and conformist nature. In other words, it is not enough to simply say that civility can conflict with other values just like anything else: civility itself warrants a significantly higher level of scepticism than other virtues. Not only is it theoretically more likely to preserve an unjust *status quo*, it has done and *is* doing this in the real world for various practices. Given this, we might worry that civility is a minor virtue at best or maybe that it is not one at all: if civility inherently works counter to justice, then it is not *really* useful or agreeable. Here, doing as other civility theorists have done—by pointing out that civility is not the most important virtue or that it can give way to other matters—rings hollow. If civility is inherently conservative of the *status quo*, then whenever an unjust practice at least partly governed by formality is identified, civility will

inherently work to maintain and protect that practice. However, we can push back against the worry that Civility as a Virtue is inherently contrary to justice.

We might start by drawing on some apparent exemplars (though we will look at them more closely in the next chapter). The examples of Gandhi, King, and Mandela are generally taken to be exemplars of civility (among other things). They are also strongly associated with justice and its pursuit. Gandhi and King especially are renowned for their civility *while* directly confronting deep injustice as they both "emphasized the centrality of politeness and decorum to [civil disobedience]" (Scheuerman, 2021b:395). And, as already seen, Mandela's political career after being freed from jail saw him lauded for his civility while he worked for reform. *If* those exemplars are indeed exemplars of civility, then this alone is sufficient to show that the possession of a trait of civility and its exercise *is* compatible with broadly speaking non-conservative goals.[45] Thus, it would not be true that civility and its practice *inherently* work to protect unjust practices. Clearly it could work against the *status quo*.

However, we can avoid complex real-world examples and go direct to the underlying theory to see why Civility as a Virtue is not inherently conservative. The reason is precisely because, as set out in the previous chapter, civility does not entail blindly following formality. A civil person is not one who simply and thoughtlessly follows the rules as they are. That would indeed lead to civility inherently supporting the *status quo*. Civility is distinguishable from traditionalism and other motivations for more stringent rule-following. Instead, we saw Civility as a Virtue provides critical space and remains receptive to *change*; both of these things make Civility as a Virtue less conservative than one might think. One reason civility provides its own critical space is because formality rules are only authoritative insofar as they support the values of formality—assuredness of interaction and basic esteem—and, if they do not, then the civil person does not honour formality by submitting to them and indeed has distinctly civil reasons to try and change them (Chapter IV: §II.II). The civil are receptive and sensitive to new and changing rules: what matters is the value of formality, not which formalities *exactly* are conducive to it. Thus, formalities that underpin unjust or bad practices are not *necessarily* supported by civility.

[45] Contrary to their usual inclusion in a standard Rawlsian account of civil disobedience, some have suggested that the paradigmatic cases of Gandhi and King may have had "revolutionary" goals (Lyons, 1998:40). If that is correct, and I think it is, then a trait of civility may be compatible with goals that are more than simply non-conservative.

The most obvious example of this was the foreign traveller adapting to new rules which effectively convey the same things: it is not shaking hands or bowing that matters *per se*, but the esteem they help to secure (Chapter IV: §II.III). This receptiveness to change means that the civil person is amenable to change in formalities when external reasons, whether they be moral or practical, cause those formalities to be challenged. And, from the perspective of civility, it does not matter what the agent themselves particularly thinks about the apparent problems of the formalities outside of their value *qua* formalities: whether they think doing X is actually immoral or impractical is by the by; what matters is that fellow or potential participants think that it is, and this disrupts the civil flow of interaction. And recall the example we drew from Carter of titles and race: the "correct" manners involved not using titles for Black Americans. Civility as a Virtue showed how a genuinely civil person has no civil reason to support and follow that rule since it was antithetical to the value of formality. Thus, to submit to the *status quo* would be uncivil because the "correct" manners are not supported by civility.

Thus, Civility as a Virtue is not *inherently* supportive of the *status quo.* However, this does not overcome the worry that it still *could* support it—and badly. As I have already conceded the possibility that something could be both civil *and* unjust, it is possible that the gap between the civil and the just could be significant since the standard of civility is naturally lower than that of justice. In those cases, we shall have to hope (as we should anyway) that people are not *merely* civil but good in other respects also. It is important to be aware of civility's limitations and, as I said, my goal is not to deny them. However, it is also important to recognize when civility *can* do more and what Civility as a Virtue *can* do in those cases.

One concern might be that Civility as a Virtue still tends towards accommodating actors *into* the current structure and thus remains inclined to encourage those that may be in various ways disadvantaged by the formality *status quo* to comply with their own disadvantage. This is because the tendency for civility is "when in Rome": one does not alter codes without reason, if they work then that is fine, and most codes and most components of codes do function unproblematically most of the time (or appear to: we do tend to assume that formalities are unproblematic in the absence of evidence to the contrary). In practice, we may be rightly concerned that the weight lies with the majority (or the dominant group) such that civility may lead a civil person of the minority to yield too readily to the *status quo*.

Quite how stuck in the mud Civility as a Virtue is depends on how groups have bought into the established codes. Regrettably, it has nothing to say in cases where disadvantaged actors *fully* "buy in" to the codes, i.e., when they are actually content with the codes. Groups may "buy in" wholeheartedly in this way because they actually believe the formalities to reflect something substantively true or valuable. But alternatively, they may "buy in" because they judge it to be best in the circumstances—they are content with the formalities as they are, not necessarily delighted with them, but they find them to be acceptable all things considered. And here civility has something to say.

For example, imagine a hierarchical society where one group is meant to signal deference to their superiors in various different ways. In the first case, the group may genuinely believe that deference is right: the others *are* their superiors and *are* owed these displays. Well, here clearly the formalities are maintaining a peaceable situation and not actually disesteeming anyone involved because the displays are taken to be appropriate.[46] Thus, this is a case in which we must hope—assuming this situation is, as I expect most people would view it, unjust—that justice can come to the rescue of civility. In the second case, the "lesser" group might not actually buy in wholeheartedly at all. Instead, they may think the formalities are just "the way of things" and their displays of deference are just that: displays. They subscribe to them for the sake of stability or perhaps some other value they think important. In such cases, Civility as a Virtue leaves open the possibility of challenging the *status quo*. It is clear that the formalities ideally would be something other than they are and could be more esteeming but that, in this instance, they are not sufficiently far enough from ideal to be worth challenging from the perspective of civility. Quite where the line is to be drawn is obviously a very difficult question. Clearly, formalities are never going to be a perfect fit for someone all of the time. Just as a *lingua franca* has its drawbacks and imperfections but retains value in functioning "well enough", so too I think formalities can function "well enough" without being perfect. Civility as a Virtue at least recognizes this shortfall from the ideal, and that allows some guidance in terms of how far short we are falling and the relative worth of addressing the gap.

Yet a further worry may be that in practice people will buy in begrudgingly because they do not expect the dominant group to actually be receptive to changes even if these are what civility would demand ideally. This seems a very plausible scenario. It is easy to imagine such a group threatening to withhold future cooperation unless they have compliance with their

[46] Here again the distinction between critical respect and the esteem of civility is important: one can be disrespected without knowing it, but one cannot be disesteemed without knowing it.

preferred codes. Such a background of power difference certainly presents an issue and, again, civility can only do so much here. Its saving grace is that it does still assert that the correct civil thing to do for the dominant group is to look to accommodate the others (and that does not necessarily entail retaining the original, established codes). In other words, it says the dominant group who are aware of the issue[47] but who nonetheless refuse to act in accordance with civility are in fact failing civility. And as I said in the previous chapter, this at least allows us to pull down a *façade* of civility from within a conception of civility itself.

A further criticism of civility is found in Zerilli's work as part of her attempt to show that *incivility* can "function in democratically productive ways" (Zerilli, 2014:131). I will address that main point in §II.IV and show how Civility as a Virtue can account for the value of incivility. But the criticism I am referring to here is that civility is not broad enough in its scope to do the work required of good, democratic citizens: democratic care for the world. It falls into a "care for the other" category. Here, Zerilli draws on Ella Myers:

> *Democratic care for the world is not simply an extension or expansion of caring for oneself or caring for another… those practices of care, while valuable, may impede action in concert that aims to shape worldly conditions because they either direct people's focus inward as they "work" on themselves or, alternatively, turn toward answering the immediate needs of vulnerable Others. Neither activity, however worthy, can be counted on to encourage coordinated action by citizens who aim to affect an aspect of public life.* (Myers, 2013: 80 in Zerilli, 2014:118)

Civility puts "care for the other" before care for the world in a way that means it cannot aid citizens to realize their proper function *qua* democratic citizens (Zerilli, 2014:118-119). Unlike political accounts, Civility as a Virtue does not rise or fall itself on whether it is a good thing for *democratic citizens* in particular since it is a general character trait, not a role virtue. Nonetheless, it remains a legitimate concern for critics that Civility as a Virtue seems to fall into: it certainly looks more focused on immediate others than on grander scales and it would be foolhardy to suggest that somehow it could work for "care for the world" directly because it is not justice. Still, there is a way in which Civility as a Virtue can address a macro scale and

[47] Another practical issue here is that a vulnerable group may feel unable to raise these civil issues and thus the dominant group will have no information that the formalities are not functioning. Once again here the work of thinking critically about our practices and formalities is shown to be important since this may help to alert a dominant group to potential issues that would otherwise go unnoticed.

offer *something* to the conversation which is worth clarifying: a way to address the wider scale and, perhaps, injustice indirectly.

An example which Zerilli uses to illustrate the difference between these two modes of care is the politics of hunger.

> *A person who cares about the existence of hunger might pursue the strategy of care for the self and change her diet to bring it in line with more sustainable modes of food production. Or she might focus her care on someone who is hungry and attend to the needs of this other by working in a local soup kitchen.* (Zerilli, 2014:119)

But this care, though perhaps valuable, is not the sort of action that is going to resolve the issue of hunger. That would have to be done by "… campaigning for debt relief in developing countries, promoting new microfinancing initiatives, organizing on behalf of domestic food programs or subsidy reform…" and other forms of concerted actions reflecting a wider care for the world (Myers, 2013:109 in Zerilli, 2014:119). Thus, care for other—while not unimportant—is not something which will ultimately serve social justice.

We can return to a familiar example to illustrate the same difference but involving formalities: the example of proper titles and race relations. We have already seen that civility suggests that failing to use a proper title with Black Americans would have been contrary to civility, and so the civil person (properly informed) would have no civil reason to comply with the established formality. So, we might say that such a civil person, using a proper title for a Black American, was reflecting a microlevel "care for the other". The interaction after all is small scale and concerns only those actors involved: it is akin to the soup kitchen example above, i.e., neither negligible but nor is it directly serving social justice by resolving the background conditions that hinder it. Obviously, that would involve directly challenging—in concert with others—the fundamental problem of racism. Thus civility, in the absence of some wider concerted action, could be little more than papering over the cracks.

But this is such a case when civility *can* offer some resources to that wider ambition. This is because the situation is one in which two conditions are met: 1) The civility codes are directly related to the wider problem; 2) Those codes are not supported by civility itself. In these cases, civility offers a challenge to the macro-level as well because those formalities fail civility and, just as the individual has no civil reason to comply with them and civil reasons to alter them, society at large has the very same reasons. In this way, Civility as a Virtue does offer some

resources to challenge problematic formalities on a wider scale. Codes can be challenged not just on account of justice but additionally, or alternatively, on account of civility.[48] In other words, civility can add further support to the idea that we ought not to do X and be part of that wider care for the world strategy in the right circumstances. It is important to acknowledge this possibility.

§II.III Civility and Non-Compliance

The second part of the *status quo* objection is that our responses to incivility that civility suggests are themselves problematic. As Zerilli puts it, "Not only the charge of incivility but also the practice of civility itself has oftentimes worked to mask relations of power in a veneer of politeness" (2014:116). This is invariably discussed in the context of political discourse. The problem is that a concern for civility leads to condemnation of apparent incivility, and this has a "chilling effect" on the sorts of views that can be aired, or how they can be aired, or who can air them (e.g., Bejan, 2019:98-101; Zerilli, 2014:116). Responses to incivility are, as it were, exclusionary.

Much of the response to civility's problematic relation to exclusionary political discourse practices is the same as its response to exclusionary elitist manners: civil persons *are* open and receptive to changes in formalities on the basis of civility alone. As we saw in the previous chapter, civility cannot answer everything regarding inclusion in practices because the question of inclusion turns on teleological arguments about the practice, or perhaps deontic or consequentialist moral arguments, which are independent from the question of whether some rule or other supports the value of formality. But the point is that civility *is* open to the revision of formalities to the benefit of inclusion and does supply its own resources to that effect.

However, the other part of the worry is that civility involves a response to incivility that itself works to quash any resistance to the *status quo* before it gets off the ground. Civil persons are responsive to non-compliance which includes incivility (Chapter IV: §II.IV)—they are not

[48] Civility could be a useful alternative option as part of a wider strategy because its demands are lower than that of justice and, as such, it is plausible that the claim that *one ought not to X because it is uncivil* is less controversial or demanding than *one ought not to X because it is unjust*. Utilized as an alternative it will always seem a second-best, non-ideal option, but those who aim to address the wider and more complex issues of the world need—as the suggested diverse responses to the politics of hunger suggest—to be open to a range of strategies to achieve their ends. And it also seems plausible that changing the way we outwardly act towards one another could be useful in ultimately changing the way we think about each other.

neutral when faced with acts of incivility—and so my account still effectively says that incivility is a problem that needs to be addressed. Indeed, in arguing that civility is a *virtue* it may be thought that this account is in some respects worse than others in not just condemning apparent incivility as *wrong* but actually *vicious*. As such, the concern about how civility prompts us to respond to incivility is important to address.

However, recall that in the previous chapter we saw that there are *multiple* other responses to non-compliance than condemnation: education, compromise, creation. So, the first thing to say is that condemnation is not the only response to incivility. Indeed, only one of these responses, i.e., education, is actually supportive of the *status quo*. The others quite clearly involve revisions to and rejection of it. Furthermore, we saw that responses to incivility were "accommodative" and that exclusion was a last and atypical resort. Therefore, at a theoretical level, Civility as a Virtue not only provides more than one response to incivility but also is geared towards inclusion rather than exclusion.[49]

Still, those acting uncivilly for justice are not necessarily aiming at inclusion but possibly exclusion. In acting uncivilly, I might be calling for a group to be excluded on account of justice rather than for us to find a new means of living together. For example, in acting uncivilly towards members of the KKK, we are not trying to accommodate them but precisely to exclude them. Civility can only caution against this. At the extreme end of things, intentional incivility can lead to conflict but at the less extreme end of the scale it also detracts from the possibility of future civil relations: the more one shows oneself to be ready to cast civility to one side, the less sure others can be of our future relations and the contempt caused by incivility can work to sour future relations with the targets of incivility.

Of course, we may think that incivility in the cause of ridding society of the KKK is a worthy pursuit; but it is generally a difficult task to balance the value of formality against what we hope to achieve. It is a task made harder when considering how sure we are—or ought to be—of our position. In the KKK case, we can be conveniently confident of wide agreement of their intolerability and our just cause. Many other contemporary issues may not be so clear to wider society. For example, to many vegetarians and vegans I expect the farming and killing of

[49] One possible area of relevance for this concerns responding to anger. A call for civility in response to apt anger is liable to be a call that one "tones down one's anger" (Tanesini, 2021:144). However, doing that in the name of civility looks like it may be an error on my account of civility: Alessandra Tanesini (2021:144-5) claims that it is "...unlikely to be effective since they are likely to stoke further anger" and that "the request that the angry tone be cooled down is itself a slight. As such it might well be perceived as offensive and thus cause a greater fitting anger." Yet, insofar as that is right, the formality of calming down in such a manner lacks authority as a formality of civility on my account.

animals is akin to slavery and mass murder; clearly that view is not one on which there is anything like consensus such that nobody would bat an eyelid over a butcher being insulted, threatened or more. Yet it does not seem inconceivable to me that in 100 years we may look upon this much the way we do slavery and racism now; but we might not. The more controversial the case, the more civility cautions us to reflect on the fact that we might be wrong and that, even if we are not, others may not be wrong because of some vice on their part. As Calhoun writes on weighing civility:

> *I am inclined to weigh civility heavily in the scales because I find something odd, and oddly troubling, about the great confidence one must have in one's own judgment (and lack of confidence in others') to be willing to be uncivil to others in the name of a higher moral calling. When one is very very sure that one has gotten it right, and when avoiding a major wrong is at stake, civility does indeed seem a minor consideration. But to adopt a principle of eschewing civility in favor of one's own best judgment seems a kind of hubris.* (Calhoun, 2000:275)

When civility and justice appear to conflict, a civil agent is inclined to weigh civility heavily, but not necessarily decisively. This is similar to how we would expect the honest person to feel uneasy and reluctant about seemingly having to act dishonestly for justice's sake. Indeed, we might think that such an agent would expend some effort in the hope of discovering a way to work for justice while acting honestly. Their doing so reflects their honest character. And the KKK example actually recalls a case where civility rather than incivility is put in the service of justice. Recall the Daryl Davis example from Chapter II: here we have someone who utilizes civility precisely with the goal of ultimately undermining the KKK; instead of incivility, Davis saw a possibility of civil relations and attempted to cultivate that possibility. This shows a way in which civil inclusion might ultimately be aimed at the elimination of apparent thugs by "*dethugifying*".[50] Once again, we see that civility can have the ability to provide an alternative option. The relative palatability of civility over one's own best judgement of justice in practice will vary depending on one's own idea of what morality requires of us and how agonistic or conciliatory society ought to be.

[50] Though this is a positive case, the idea of dethugifying throws up an obvious problematic case of "civilizing barbarians". The positive case effectively works by assimilation, but so does the negative. Civility requires that both groups effectively "buy-in" to the framework, so we need not worry about unwilling assimilation in a straightforward sense being supported by civility. But we should remain cautious about groups being duped into such frameworks because, as already said, civility has to be rescued by justice in cases where unjust situations are supported by formalities that have been fully bought into.

§II.IV Civility and The Value of Incivility

Another line of criticism is that a focus on civility leads us to underestimate or undermine the value of *incivility*. That is the upshot of Zerilli's article, that incivility can "function in democratically productive ways" (2014:131), similar to the sorts of claims about *incivility* in disobedience and dissent (e.g., Delmas, 2016; Edyvane, 2019). Incivility itself can be valuable, and it therefore seems important that an account of civility can say something about this. This seems especially salient for a virtue-theoretical account because, in claiming that civility is a virtue and valuable as such, we seem committed to the view that incivility is a *vice* and *disvaluable* as such. It seems we must say something about either why the perception that incivility can be valuable is wrong or else how the views are compatible. Here we will take the latter approach. So, how is this account compatible with the claim of critics that incivility can be valuable?

One of the things that makes Civility as a Virtue a more rounded account of civility is that it involves treating civility as a trait of character. It is a property of persons, not merely acts. This allows the important distinction between *acting* civilly and *being* civil and correspondingly, between *acting* uncivilly and *being* uncivil. This is a distinction that matters greatly on the point of incivility's value. *Being* uncivil concerns the corresponding trait of character with a corresponding multitrack nature: being uncivil goes "all the way down". Being uncivil is, at the most extreme end, being a "thug": it is impossible to have civil relations with them because they simply do not value civility but rather its exact opposite. Incivility as a *vice* is not valuable. Civility as a Virtue is committed to that. But *acting* uncivilly, performing discrete acts of incivility is another matter. This distinction means the judgment of some agent's character and their acts can come apart and allows us to potentially label an *act* of incivility as good while maintaining that a *trait* or *vice* of incivility is bad. Consider how an honest person can recognize that some unfortunate situations call for acts of deception, i.e., sometimes deception can be good all things considered, but they can maintain that being generally dishonest is nonetheless bad. It is *acts* of incivility that critics wish to praise as being potentially good, not incivility as a *vice*.

The emphasis on particular acts is most explicitly found in Edyvane's (2019:5) distinction between acts of incivility and of "un-civility": the former a measured act of dissent deliberately rejecting formalities, the latter from "…a kind of obliviousness to civility norms stemming from

ignorance, sociopathy, or by the sense of not being bound by the civility code"; the former potentially praiseworthy in ways that the latter is not.[51] And that sense of un-civility certainly speaks to some underlying character. Critics of civility are less clear but again it is discrete acts that are praiseworthy, not a vice. Let us look at some examples.

Cornell Clayton (2010:3) gives the example of Fanny Wright's 1836 speech at Tammany Hall where "she was shouted down by men who saw her very presence there as improper". This is taken to be an example of an act of incivility serving as "an important part of broadening democracy and empowering excluded groups." (ibid.; also, Zerilli, 2014:109). But there is no suggestion that Wright was uncivil in the vicious sense. Indeed, many of her speeches display a concern for our interactions with one another, how we treat one another and so on (see Connors, 1999). And that itself is evidence of a civil disposition, not someone disposed to incivility, and a million miles away from an anti-civility "thug".

Letti Volpp draws on the example of the so-called "DREAMers" protesting for citizenship status in the US. As "outsiders" their means of protesting tended to be restricted to those more likely to be considered "uncivil" (Volpp, 2014:96-7). Because of the ambiguity of their citizenship status, their claims that might ordinarily be considered proper were inclined to be taken as uncivil (Volp, 2014:87): "spoiled brats", lacking "respect" with their "in-your-face agitation" (Volp, 2014:70-71 cites Navarette, 2012; 2013). Again though, their demands at least partially refer to standing and treatment (in this instance the distinctly political vein of being a "citizen"), suggesting they did indeed want to "get on board".[52] They were not "thugs". Their acts of apparent incivility were aimed at achieving valuable things e.g., "draw[ing] attention to the Obama administration's unprecedented rate of deportations" (Volpp, 2014:97). Indeed, Volpp's point is that they would prefer to take civil action rather than uncivil action were that available to them. So, their acts of incivility are plausibly valuable and praiseworthy, but there is no suggestion that they are uncivil characters.

Similarly, Heather Elliott and Gerald Lunn praise the "distinctly uncivil actions of ACT-UP" (2014:157), among others, as valuable in improving the situation and standing of LGBT

[51] It is not my goal here to discuss when and why incivility may be valuable, only to point out that my account can allow for the fact that it can be.

[52] "We belong here and need more recognition… Dreamers continue facing legal battles because of politicians who don't see the contributions we make in society… They view us as second class. They continue to use Dreamers as a scapegoat to defer attention from the real issue; that the immigration system is broken." (DREAMer activist Alondra Garcia quoted in Omokha, 2023)

people.[53] As Elliott and Lunn point out, ACT-UP's incivility was calculated and measured: they showed an appreciation for why they were doing it; their actions were designed to make people feel "uncomfortable" and be "unsettling" without being "morally wrong"; the point was specifically to realize their goal of "bringing into focus the problems which [the authorities] are unwilling or afraid to address" (Greenberg, n.d. in Elliott and Lunn, 2014:151). And again at least part of the demands that such groups make concern how we treat and interact with one another; they concern matters of civility. Thus, once again what is valuable is the measured *act* of incivility not a vice of incivility.

Therefore, the value of incivility that these critics point to is as a measured act rather than a trait of character. Civility as a Virtue recognizes this important distinction and leaves room for when incivility is right for independent reasons (justice, compassion, honesty etc.) in addition to being able to account for its being the right thing by civility itself. In this latter case, what we have are acts of *prima facie* incivility: acts which, because of formal expectations in the context, will be interpreted as uncivil (or at least not civil) because they go against the established rules of interaction. However, insofar as the aim of such acts is to correctly reform formality codes to the benefit of the value of formality, they are actually acts in the service of civility.[54] This sort of *prima facie* incivility is different from acts of incivility which are not principally concerned with reforming formality and are instead directed as a means towards some other independent good like justice. And in those instances, an agent need not defend their acts in terms of civility any more than an honest person who acts dishonestly for the sake of compassion or justice need contort their acts to be honest as well. They are just uncivil acts that work for justice or whatever and, as such, have value.

Of course, the virtuously civil person is likely to be unhappy about the need for incivility in such cases (or to be initially considered uncivil in the *prima facie* case) just as the honest person would find acting dishonestly unpleasant. Such uncharacteristic acts are not ideal. But this does not mark them apart from the examples we have already seen who also would much have preferred to use civil means to solve their problems: it is just that those options were not viable. For example, ACT-UP only turned to its disruptive tactics when "civil" routes proved utterly ineffective (DeParle, 1990), and the DREAMers would much have preferred to be in a legal

[53] While the authors do not provide particular examples beyond the intention of ACT-UP to act in ways deemed uncivil, some examples might include interrupting Mass with whistles and chanting (Allen, 2002:143) or covering a senator's home with a giant condom (Strub, 2008)!

[54] That is, they reflect a positive response to the virtue, but that is not to say they are civil acts. We will cover this in the next chapter but for now consider that someone giving a talk on the value of honesty can be said to be acting *in the service of* honesty without the talk itself being an honest act.

position that allowed them to participate in the "civil" ways of legal citizens but, as Volpp (2014:99) points out, their alien status meant their "mere performance of public existence" was considered a sort of "civil disobedience". The critics of civility are right that acts of incivility *can* be valuable in various ways. Yet, Civility as a Virtue leaves room for this. What the virtue of civility does claim is that incivility as a vice is disvaluable. That distinction between the acts, which may be acceptable, and the vice, which is not, is something that comes naturally out of the virtue-theoretical approach to civility. None of the critics here, nor any I have ever come across, suggest that incivility as a *vice* is valuable.

§III. Meeting the Success Criteria

We now have an account of civility which has been built on the foundations of the previous chapters. Throughout those chapters, we have encountered various problems with both the use of the idea of "civility" in civil disobedience and with the idea of civility itself. This has allowed us to generate some success criteria that an account of civility for civil disobedience needs to meet to be acceptable. So let us go through these to demonstrate how the account of civility as a virtue meets them.

§III.I Outside-in, Explicit, Sufficiently Engaged

First, there was the concern that ideas of civility (particularly those of theorists of civil disobedience in Chapter I) were generated inside-out of other ideas in a way which compromised the account of civility. In the case of civil disobedience, this usually resulted in things which appeared to have no real connection to an independent idea of civility being included in the "civility" of civil disobedience such as interpretations of non-violence, publicity, and non-evasion which seemed to draw more on preconceived ideas of what civil disobedience is rather than what civility is. One of the things we wanted to do to improve upon the existing literature was to develop an independent account of civility that we can take and apply to civil disobedience "outside-in" to assure ourselves that the requirements it places on civil disobedience do in fact stem from civility.

This account has been generated from an independent treatment of civility: it has not drawn on particular practices like civil disobedience in order to determine its nature. Indeed, despite the project ultimately concerning civil disobedience, chapters II to V have specifically addressed various aspects of civility without particular recourse to civil disobedience. And

this responds to the other concern of Chapter I: that theorists of civil disobedience had not treated the idea of civility in sufficient depth (even where they had to some extent taken an outside-in approach). We have treated civility on its own terms without concern for its role in civil disobedience, citizenship, or anything else in particular. Moreover, this account of civility has been built on Waldron's general and abstract account of civility, which itself was intended to say something broadly in common across the various domains of civility: political, legal, social. As a result, it is less bound up with any particular domain than had we focused on one and built out from there. Thus, we can be confident that our civility is something distinctive that can be applied "outside in" to civil disobedience (or anything else for that matter).

§III.II Ethical not Political (General not Specific)

Secondly, we wanted to ensure the conception was suitably *general* in not being overly specific or restrictive to particular contexts. This was a key problem for so-called *political* accounts of civility, which generated overly specific accounts of civility (ones only related to political practice) that were usually and often implicitly tied to even more restrictive environments such as, most commonly, deliberative democracies. The advantage of *ethical* civility was that it tried to account for a *general* civility, at least one that was not inherently tied to political contexts. This was the upshot of Chapter II.

Civility as a Virtue does not refer to persons within a particular political community, nor is its focus the specific role of citizen. It is a character trait of persons generally, not of democratic citizens specifically, meant to follow someone around from context to context. It is not an account of what it is to be a civil lawyer, a civil partygoer, a civil politician; it is an account of what it is to be a civil person. Thus, this account of civility as a character trait is sufficiently general to be applied to any context. This makes it suitable for application to civil disobedience without the worry that we are sneaking in ideas about citizenship or good political discourse under the guise of civility.

It is also not overly restrictive in applying to particular cultural contexts. So far as is possible, we have tried to abstract away from any particular formalities which naturally vary in place and time. The account leaves the details of "formalities" to be filled in, it is not based on any particular set (though we have obviously utilized examples from specific contexts for demonstrative purposes). So, we can be reasonably confident that the account does not

privilege particular codes over others. Thus, in these ways, the account we have will not inherently curtail the scope of civil disobedience to which it is applied.

§III.III A Property of Persons

When we came to Chapter III, we found that one problem with Calhoun's account of civility was that it was "act-focused" in a way which seemed unable to account for our intuitions about judging civility/incivility. Those intuitions pointed to the idea that civility is not merely a property of acts but also of persons: something that people *are* rather than merely *do*. Waldron's account was preferred as a basis for an account of civility for this reason because it captured the sense in which civility concerned some inner disposition rather than mere reliable performance of acts. As a result, we wanted a conception of civility to flesh out Waldron's broad, abstract sketch of civility that likewise understood civility as dispositional.

In the previous chapter, Civility as a Virtue demonstrated its multitrack nature and how *being* civil involves vastly more than merely *acting* in conformity with formality. By treating civility as a character trait (and thus a potential virtue), we naturally developed an account which was dispositional rather than act-focused. With the distinction between incivility as an act and incivility as a vice, we have also demonstrated the account's capacity to discriminate between properties of acts and persons in an important way.

We also built on Waldron's account by developing a more specific definition of civility and a breakdown of its *field* that allowed us to see the *bases*, *modes* and *targets* of civility explicitly. The interaction within the field allowed us to make sense of why we can expect paradigmatic civil persons to respond to formality the way they do. For example, civil persons paradigmatically are reliable in following the rules of a particular formality because doing so allows them to promote and honour the value of formality. As such, the account is one which captures the dispositional nature of civility and builds on Waldron's account with greater detail.

§III.IV Limits of Civility and Confronting Non-Compliance

The other thing we wanted an account to do was to try and say more regarding the limits of civility, i.e., when can one act uncivilly? And how do we respond to non-compliance?

We saw in Chapter III that both accounts focused on the *when* question more than the *how*. Recall that in Waldron's case, the *how* is not really posed except with regard to incivility at the extreme end of "thugs". And there the answer is somewhat open ended except that we are then

able (reluctantly) to abandon civil concerns in our interactions: "the rare cases where, with the greatest reluctance, civility should be abandoned." (Waldron, 2014:64). In Calhoun's case, we also get the answer that withdrawal is the appropriate response but to a worrying large set of cases. In Calhoun's civility, "...civility is a virtue that we are required to exercise toward others only if they pursue *socially* acceptable views and behavior." (2000:272, original emphasis). That is a far wider scope than the extreme ends of thuggery: the non-compliant are not due civility *at all*. I suggested in Chapter III that civility might be able to suggest a richer array of responses to non-compliance by considering the question from within civility itself.

This idea was developed further in the previous chapter and utilized in this one. Civility as a Virtue has shown how we can get a range of responses to non-compliance by considering the ends of civility. We have seen that it can involve education, compromise and creation in order to accommodate others beyond the limited and last-ditch case of exclusion. We have also seen that these sorts of approaches are implied by the value of formality and the disposition of a civil agent to respond positively to it.

As for *when*, Calhoun's account gave an all or nothing response based on an overly strict "social authority" account of civil behaviour: those deviating from social expectations are not compliant and as a result not due civility. Waldron provided a starting point in the form of "thugs" not being owed civility: "thugs" only briefly defined as those with whom it is impossible to have civil relations. As a result, Waldron set the bar for the withdrawal of civility much higher than Calhoun. Still, both seem to put the answers *outside* of civility: when faced with someone acting antisocially or immorally by established standards, one is no longer bound by civility; when faced with a thug, civility is defeated and so how we deal with them is the concern of some other sphere.

Our answer to the when of incivility retains the standard response: civility *can* be defeated by other things. For Calhoun (2000:271) that was when confronted with antisocial behaviour but also when civility was clearly defeated by other demands like justice: the note of caution being that civility has its significant value and we ought not to be overly confident that we have got our conception of justice correct, so we ought to weigh civility heavily in these cases (2000:275). Waldron (2014:49, 64) likewise suggested that civility can be defeated by external forces: sometimes justice, sometimes prudence, but again civility has its value that we should not take lightly. As we have seen, these "external" reasons fit the standard response: sometimes, external things like justice or prudence can trump civility; and naturally to say

when exactly one beats the other is a huge task since, assuming these things can actually be "weighed" against one another, we need to determine not only the weight of civility but of all the other values with which it could conflict.

But we were able to find "internal" reasons for non-compliance with civility, i.e., reasons from within civility itself for failing to comply with established formalities. Civil reasons for non-compliance with formalities are based on the very same reasons one would ordinarily have for compliance. Put simply, some rules do not serve formality and so submitting to them would be contrary to civility. This allowed us to critically assess formalities by the lights of civility which prevents it from being a mere matter of conformity with established norms. Thus, this account shows that civility need not be silent when considering the limits of civility: it can provide at least part of the answer. In this way, we have been able to say more than others about the limits of civility.

§IV. Conclusion

In this chapter, I have argued that we ought to accept that the account of civility in the previous chapter is an account of a *virtue* of civility. By utilizing Pettigrove's strategy, we can be reasonably confident that it is a virtue since it meets a wide range of criteria across various main accounts of virtue in being useful *and* agreeable to self *and* others (§I). Furthermore, we have also seen that it can respond to typical criticisms of civility: Civility as a Virtue is not inherently conservative and, while it has some natural limitations, we have also seen that it does have some capacity address a few potential pitfalls (§II.I-II.III). This account can also recognize an important distinction between incivility as an act and incivility as a vice. This allows us to vitally discriminate between vicious incivility, which is bad, and acts of incivility, which can be good: thus, leaving room for righteous incivility that critics tend to think is obscured by civility (§II.IV). Finally, we can see that this account of civility meets the success criteria of the previous chapters: it is outside-in, non-political and general, and it captures the sense in which civility is a property of persons not merely acts. It also offers more resources in terms of responses to non-compliance and the limits of civility by providing its own internal reasons in addition to the standard, external ones (§III). Therefore, we now have an account of the virtue of civility which is independently applicable to the matter of disobedience.

Chapter VI
Civility in Action and Disobedience

In this chapter, we bring together the account of Civility as a Virtue with civil disobedience, asking: how should civility relate to civil disobedience? As we will see, understanding civility in virtue-theoretical terms suggests multiple possibilities. To address this question, we must first examine how virtue relates to action in general, and how this applies to civil action in particular. In §I, I set out an important distinction in virtue theory between *acts of* and *acts from* virtue, which highlights the difference between virtuous motivation and successful action. I then apply this distinction to civility specifically, drawing on examples from earlier chapters to show how Civility as a Virtue allows us to make suitably nuanced judgments about cases of civility in action. With this framework in place, we can then explore the possible ways in which civility might relate to civil disobedience. In §II, I examine paradigmatic cases of civil disobedience, focusing on Mahatma Gandhi and Martin Luther King Jr, in order to assess how these various potential connections between civility and disobedience align with the best examples of the tradition.

§I. Civil Action

The most straightforward way of thinking that civility might be connected to civil disobedience is through action, roughly: civil disobedience involves civility in action. To assess this, we first need to consider how Civility as a Virtue relates to action. So far, we have discussed what constitutes a civil *character*, but we now need to clarify what civil *action* is. I will begin by discussing an important distinction in action between acts *from* and acts *of* virtue at a general level. Then I will turn to civility specifically, and we will look at various examples from previous chapters to demonstrate the application of this conception of civility.

§I.I Acting From Virtue & Acts of Virtue

The distinction between an act *of* virtue and acting *from* virtue is roughly that of performing some external action aligned with the virtue and acting out of that virtue itself (i.e., out of a state of virtue). Robert Audi nicely sums up the distinction as the difference between acting from a virtuous disposition and "acting merely in accordance with it" (1995:449). Though the wording is not Aristotle's, he suggests it by distinguishing between those who simply act in

just and temperate ways, and those that do just and temperate things as just and temperate people do them (Nicomachean Ethics: 1105a25-1105b15). This distinction allows that an agent might act in accordance with a given virtue, i.e., perform an act *of* V, without possessing the virtue V. Thus, one can perform an act *of* justice, honesty, or generosity without actually *being a* just, honest, or generous person.

One can do this because an act *of* virtue realizes the *aim* of a given virtue and that does not require possession of that virtue. Audi refers to this realization as hitting the "target" of a virtue: "the characteristic *targets* it aims at, such as the wellbeing of others in the case of beneficence and the control of fear in the case of courage." (1995:458 *original emphasis*). This idea of a "target" is the same utilized by Swanton's target-centred account where a "virtuous act (in respect V)" is one that "realizes the end of" a given virtue by hitting its target (2003:228).[55] On the other hand, an action *from* virtue is an action that sufficiently "...displays, expresses, or exhibits all (or a sufficient number of) the excellences comprising virtue" in the sense of a "...disposition of acknowledging or responding to items in the field of a virtue in an excellent (or good enough) way." (Swanton, 2003:233). In other words, "acts from" express the inner virtue but do not refer to whether the aim of the virtue is realized or not. Let us start with some general examples before moving onto civility.

I might ensure that some children get an equal share of sweets I am offering. This action looks like the sort of action a just person would perform and is aptly described as an act *of* justice because it realizes the end of justice in this instance as the fair distribution of sweets, i.e., this action hits the target. I may do this out of a sense of justice, that ensuring the children get equal shares of the sweets is the fair thing to do. To the extent that my motivation stems from a deep and persistent trait of justice, I am acting *from* virtue (justice) because the action also expresses that deeper commitment to justice. But I also perform an act *of* virtue (a just act) because I hit the target. But perhaps I mete out the sweets equally in ways which do not come out of a trait of justice: I do so by mistake or chance, or for praise, or even because I think doing so will upset one of the children I dislike. The external act itself is the same in all cases because it hits the target of justice in the context: fair distribution. But this description makes clear that, while

[55] The terminology of "virtuous act" is perhaps a bit misleading since it means an act is "virtuous in respect V" where V is the given virtue (2003:228). This is simply to say that an act is a successful act of the type of that virtue and not that it necessarily involves the virtue. Additionally, we should note that the target-centred account does not have an entirely external criterion of success for virtues because some targets are internal e.g., determination or the control of fear in courage (Swanton, 2003:235; Audi, 1995:458). I may control my fear successfully and thus perform an act of courage, but I might not succeed in overcoming the hungry lion!

this is an act *of* justice, it is not an act *from* justice and that I am not a just person. An act of virtue can be "...identical with an action that, under another description, is performed from virtue." (Audi, 1995:453). Both Swanton and Audi accept that a virtuous act/ act of virtue can occur without virtuous motive.[56]

The two can come apart in another way. A virtuous agent can act *from* virtue but not ultimately succeed, i.e., perform an act *of* that virtue. For example, I might act from beneficence in giving money to a charitable organization in the reasonable expectation that my donation will benefit those in need. Unfortunately, the donated money gets lost and so my act fails to be a beneficent one because it does not actually realize the end of beneficence. Or if one prefers a more direct example, perhaps I am a care worker and administering medication to a client. The medication is meant to benefit them, but it turns out they have an as-yet-unknown allergy to the medication. In this case, I can well have acted out of genuine care for my client's wellbeing (acting from virtue), and taken all reasonable precautions in its administration, but I have rather obviously failed to enhance or protect my client's wellbeing and thus have not performed an act of beneficence. In both cases I act *from* virtue but fail to hit the target of the virtue. Thus, bad luck or factors outside the agent's control can mean that even a virtuous agent can fail to act successfully in respect of a given virtue even while acting *from* that virtue. Therefore, an act can express one's virtue and yet fail to realize the aims of that virtue and so fail to be an act of that virtue (e.g., benevolent, generous, etc.).[57]

§I.II The Case of Civility

Now let us return to civility. Recall from Chapter IV the definition of Civility as a Virtue: *civility is the disposition to respond positively to formality*. We unpacked that a little more to get the more specific: *Civility is the disposition to respond positively to (by promoting, honouring etc.) the demands of the items of formality (formalities themselves, the value of formality, social actors)*. But what is it aimed at? As discussed in Chapter III's examination of ethical civility, civility has two dimensions to its aim: the assurance of interaction that is stable and socially esteeming (the security and esteem

[56] For example, Audi (1995:451) states: "Thus the adverbial forms of virtue terms such as "courageously", "honestly", and "justly" can apply to actions not performed from the relevant virtues, and even to actions aimed at pretending to manifest those virtues." And Swanton (2003:239): "A virtuous act may fail to be an action from virtue because it fails to manifest aspects of the profile of the relevant virtue at all."

[57] Swanton accepts that this can happen because even a fully virtuous agent is not omniscient, nor are they impervious to misfortune — in this she follows Aristotle (see Swanton, 2003:239-40). Likewise, Audi who writes "Virtue allows for fallibility, and although there are limits to how far off the mark one can be, action from virtue is consistent with some degree of "unavoidable" error" (1995:456)

dimensions). That is what Civility as a Virtue is "characteristically aimed at", what it means to be a successful act of civility. Thus, for an act to be an act of civility, it needs to be an act that communicates that assuredness and basic esteem (as discussed previously, that will generally involve established formalities).

Naturally what sort of actual actions that involves varies from context to context—acts *of* are always more context dependent than acts *from* (Swanton, 2003:239)—because it depends on the formalities themselves. Indeed, hitting the target may involve creating formalities. But at the abstract level, what is happening in successful cases of civility in action is that the aim is being realized. Acts from civility, on the other hand, are acts that express one's underlying motivation through responsiveness to formality such as caring about social esteem in interaction, having respect for (authoritative) formalities, and so on. In the case of civility then, as other virtues, one might act *from* civility yet fail to perform an act *of* civility.

To demonstrate this distinction more clearly, we will now utilize some examples. We start with a return to Jack and Jill, our travellers in an unfamiliar culture, who had dispositions that led them to approach the situation quite differently but who both failed to act civilly (Chapter III). This is a good example to start with since it deals with a straightforward case of civility and is in many ways a typical case. Having demonstrated the distinction and clarified civil action in these simpler cases, we will then move onto familiar but less typical cases in the shape of the Al-Shamahi handshaking and Carter's proper titles examples.

- *Jack and Jill*

Jack and Jill go to another country with a very unfamiliar culture. Recall that Jack is disposed to care about formalities: before travelling for example, he does some of the things we talked about in Chapter IV like looking up "dos and don'ts" in advance in a guide and paying attention to what the locals are doing when he is there. Jack goes out to a local market while Jill waits at their hotel. For the most part things go well. Jack performs actions A, B, and C which are in keeping with the local formalities **[Case One]**.

Unfortunately, at one point he performs action D which he wrongly believes to be a friendly form of greeting. He believes this based on what he read and reasonably believed to be correct, but this turns out to be an error in the guide. Regrettably, D is not a friendly greeting but a decidedly unfriendly way of acknowledging someone and causes great offence **[Case Two]**.

Jack, horrified, returns to the hotel and tells Jill what happened. Jill is not in possession of a trait of civility. Recall that she most certainly does not appreciate the value of formality and tends to revel in seeing people become concerned and unsettled about her behaviour, offending others and such. So, when Jack tells her of his disaster with act D, Jill goes out to perform the same act D and, of course, the result is the same **[Case Three]**.

Finally, suppose an alternative case where Jack anticipates what Jill would do and decides to tell her that acts A, B, and C were offensive instead of D. In this case, Jill goes out and performs those actions with the intent of causing offence and upset but, of course, this does not happen since those actions are in keeping with the formalities. **[Case Four]**

We have four cases here and the distinction between acts *of* and *from* civility will allow us to make suitably nuanced judgements about those cases.

Case One is a straightforward case of exemplary civility. A, B and C involve formalities that are authoritative because they are taken to be basically assuring and esteeming. When Jack performs these actions, he succeeds in communicating that assurance and esteem to the interlocutors and thus his action *hits the target of civility*. This is an act *of* civility. Yet, we know that this action comes from Jack's underlying civil disposition: he is motivated by civility, the desire to basically assure and esteem people he interacts with; he wants to "get it right". Thus, A, B and C are not merely acts *of* civility, they are acts *from* civility also. In this way, we can say that the case reflects exemplary civil action because it is successful *and* expresses the underlying virtue of civility.

Case Two fails as an act *of* civility. However, Jack acts *from* civility: his act here is intended to be an act of civility, and he intends to express his civility through it as the description of his underlying motivations reveals.[58] Unfortunately, Jack fails to hit the target of civility because act D is not in conformity with a formality which realizes the value of formality (rather the exact opposite!). His act D was not an act *of* civility, even though it was an act *from* civility, because it failed to be a successful act. This is surely the intuitive evaluation of this case: Jack did not act civilly but he most certainly was trying to (and that matters at least because this expresses his virtuous disposition). To put it plainly: he got it wrong, but he did so from a good place. This is an example of a failed act of civility, albeit one virtuously motivated.

[58] Crucially, his understanding of D as being civil is *reasonable*—it is not through sheer carelessness that he makes this mistake. Being too careless in his preparations would suggest he was not sufficiently civil in character because he simply did not care enough to try and get it right.

In **Case Three**, Jill goes out to perform the same act D with the same result. The action fails to hit the target of civility: it fails to realize the value of formality, it undermines it (i.e., hits the target of incivility). And again, the distinction is central to providing a complete evaluative picture. Jill also fails to perform an act *of* civility, like Jack in Case Two. But Jill, unlike Jack, does not act *from* civility (indeed, she appears to be acting from incivility). This aligns with the judgement in Chapter III that Jack and Jill *are* different in respect of civility even though both perform the same act: they both fail to act civilly, but one expresses an underlying civility. Jill has no intention of acting civilly and no underlying disposition of civility from which to act. So, while Jack's failure is still a failure to act civilly, Jill's action is clearly not civil *at all* since it involves neither an act *of* nor *from* civility. Indeed, since she acts out of incivility and succeeds in causing upset and offence, this action is clearly best categorized as an act of vicious incivility.

Case Four sees Jill attempt to offend the locals with A, B and C, but this does not actually offend anyone (much to her disappointment) and indeed functions as formality. What does the distinction tell us here? It tells us that Jill *does* succeed in performing acts of civility because her actions are assuring and esteeming: she hits the targets. But it draws attention to the important qualification in the overall evaluation of her acts: she did not act *from* civility. Again, this seems intuitive. Jill accidentally "gets it right" with the formalities: she really does perform an act of civility even though she has no intention to do so. But her actions do not reveal a civil disposition: she is not actually civil herself; she does not act *from* civility even though she performs an act *of* civility.

The distinction shows that the question "is act X civil?" is ambiguous. One may mean was it motivated by civility, or did it succeed as an act of civility, or was it both, i.e., exemplary? The same for other virtues: is act Y honest? could mean the act was successful in being truthful or not deceitful, or was the person who took that act acting out of honesty (regardless of how the act turned out), or was it exemplary in realising both? But as the cases show, understanding an act of civility as successful external action leaves plenty evaluative space to criticize or highlight the important motivational components of action while acknowledging the "external" success for what it is worth. In Case Four Jill, saying she performed an act of civility is only to say she succeeded in performing the right act in respect of civility; it says nothing of her motivations, intentions, and character which are of course criticizable. And likewise, while we must say that Jack fails to act civilly in Case Two, this is only to say he failed externally to

perform a right act in respect of civility. We can now look at some less conventional civil action cases.

❖ *Handshakes and Titles*

Let us start with the handshake case in Chapter IV. Here we had an agent who, for personal religious reasons, felt unable to comply with the particular formality of handshaking. In Chapter IV we saw how a civil person can respond creatively to the demands of formality, and how Al-Shamahi's approach revealed a civil disposition in her attempts to substitute the handshake rule. This involved not using established formalities but instead responding creatively to them. But we also saw there that not all her attempts were successful. Looking at the isolated action of the alternatives, we can again make sense of them.

In the hand-on-heart case, Al-Shamahi effectively selected an alternative expression which "worked" because it succeeded in hitting the target of civility. That is, despite not being the established formality, the action still realized the value of formality by being assuring and basically esteeming because those with whom Al-Shamahi is interacting interpret it as such. Thus, the hand-on-heart action was an act of civility; because it came out of the civil disposition, it was also an act *from* civility. Thus, despite not using an established formality, the hand-on-heart case is, like Case One Jack, exemplary civil action. On the other hand (as it were), the salute failed. It failed to hit the target of civility because the action did not realize the value of formality (despite being an act from civility). Those with whom she was interacting did not interpret that action as a replacement.[59] Once again, the distinction between acts of and acts from allows us to conclude that Al-Shamahi acts from civility in the saluting case but fails to act civilly. That is effectively her interpretation of her actions as well: she was clearly trying in both cases; she failed in the salute case. While she responds creatively to the formalities and demonstrates an appreciation for the value of formality in seeking to address her own non-compliance, the creative solution does not hit the target of civility because it does not realize the value of formality. So, this is like Case Two Jack: it is not an act of civility.

Another case we considered in Chapters IV and V was that of Black Americans and the use of proper titles. This was a case in which we had an established formality (first-naming Black

[59] As failures go though it is important to note that there are many degrees of failure and that this, unlike the Jack and Jill case, fails to be an act of civility but does not fall into an act of incivility. Al-Shamahi herself reflects on it as "startling" rather than something deeply offensive: "In hindsight, a Muslim woman in a floor-length, dark abaya cloak in the 2000s saluting people was probably startling and perhaps "off brand"" (Al-Shamahi, 2021). One can hit or miss targets to varying degrees.

Americans) which could be non-authoritative because it was a rule whose deployment in action was disesteeming. As a result, the civil person has no civil reason to comply with that rule when it is non-authoritative.[60] Regarding action, this means that an agent who used a proper title with a Black American would be acting in a way which is contrary to the established formality. However, in doing so, assuming their use was interpreted as genuine and not mocking, they would hit the target of civility and thus would perform an act of civility. Conversely, to use a first name instead would have been in keeping with the established formality but *not* an act of civility because, not being interpreted as basically esteeming, it fails to hit the target of civility. This aligns with what has been argued previously: acting civilly is not mere conformity to established rules.

§I.III The Problem of an External Target

Civility's aim *qua* virtue is to positively affect interaction in respect of assurance and esteem: it is external and thus successfully acting civilly is never fully within the agent's control. "Getting it right" with civility depends on others because it is communicative and thus relies on the "uptake" of others. This is why even those acting from civility, like Jack or Al-Shamahi, can still fail despite intending to act civilly and despite being civil persons. As we have seen in earlier chapters, real-world complexity can make this a distinct possibility.

One example of this was Carter's lamenting of the general use of first names rather than proper titles. He used the example of a receptionist having to call out patient names: "I suspect that the receptionist's thoughtless effort at familiarity offends some of the patients, actually making them less, not more, comfortable." (Carter, 1999:57-8). But the receptionist is facing a difficult real-world case of ambiguity: society is moving towards a more "informal" and familiar way of addressing one another, yet different sections of society feel differently about that change. The receptionist need not be "thoughtless" to get civility wrong: she can indeed act from civility and still fail. As I suggested in Chapter IV, we would expect the civil person to be sensitive to certain cues in the context—age and race as Carter hints—as to what form is likely to function in the context, but there are no guarantees. Using proper titles might indeed convey respect to some but another might well be on board with the new "trend" and find the use of a proper title distant and cold. So, Carter is right in the sense that the familiar approach *can* be an uncivil act (presumably it would be such if he were the patient in question). But this target-centred

[60] Of course, it is possible that some Black Americans did buy-in to first-naming and here, as we have seen previously (Chapter V), the civil thing to do is at odds with morality because to first-name them would hit the target of civility. We will come onto the problem of ambiguity with the receptionist example in a moment.

account of civility explains why it would be so in that case, as well as when and why it would be an act of civility instead. It also appreciates that a failure can still come from civil motivation: that even using the wrong title can still be an act that expresses the underlying civil disposition.

It is not always from bad luck that civil agents might fail to act civilly. For one thing, they can of course act "out of character". A civil agent may be irritated and find that this causes them to, say, fail to hold the door for someone. Such an act of course conveys contempt, but a civil agent is not acting from incivility even while they fail to act from civility because of their irritations. Even deliberately acting rudely to someone, if the trait of incivility that motivates the act is not particularly deep, this isn't sufficient to say they act *from* incivility since this refers to a *vice* of incivility. A civil agent may also act uncivilly for reasons we encountered in the previous chapter: in the case of protest, a civil person may well think that a distinctly uncivil communication and/or expression of their grievance is best for justice in that context. In this case unlike the distracted agent, they are intentionally acting uncivilly—the action is meant to be in various ways disturbing, uncomfortable, offensive etc. And it is not merely an accident. This is not civility, but that is not to say it is *wrong* overall any more than an act being *civil* is *right*. Hitting the target of civility is only to say that some act has succeeded in being a *civil* act—nothing more.

❖ *The Impossible Case*

Because civility's target is external and depends on others' uptake, even perfectly civil agents could theoretically be faced with an impossible case in which they cannot succeed because no act they could perform would be interpreted as esteeming and assuring. Here is an example of such an impossible case.

Suppose that group Y wants or needs to interact with group X. However, group X will simply and genuinely not accept any of their actions as civil, i.e., esteeming and assuring.[61] Since that value of formality can only be realized if those with whom we are interacting interpret our actions as assuring and esteeming formalities, Y cannot make any action here that would hit the target of civility. They might try to respond creatively, like Al-Shamahi, and create some formalities that they hope would work (assuming they suspect that X are reluctant to receive

[61] "Genuinely" is important because in the abstract the account of civility we have is not thrown off by mere disingenuous claims to have been offended for example. If you perform act X to me and X is esteeming and assuring as a formality then you act civilly even if I deny it.

them civilly); but they cannot succeed because, unlike the Al-Shamahi case, the interlocutors are not disposed to interpret anything they do as civil. Thus, despite being civil and wanting to be civil with X, Y's action will inevitably fail.

At first glance, we might think this unsatisfactory. Perhaps we want that civility could say *more* about this situation, that there is *something* it can do here; perhaps we think such a possibility as this could leave a group like Y vulnerable to the charge of incivility. But the target-centred account with the distinction between acts of and acts from civility can say plenty.

The first and perhaps most obvious thing that we can point to is that though Y cannot act civilly in this impossible case, they can still act *from* civility. Insofar as Y's actions *vis-à-vis* X express their underlying civility (because they appreciate formality's value, care about good interaction and are committed to civility, attempt to respect or create formalities, etc.) then even though they must fail to hit the target of civility they still respond positively to its demands in various ways by simply trying. It is thus important to recall this distinction which is important to the *overall* evaluation of a case: if we were to focus merely on the acts, we would be missing an important part of the evaluative whole (as the Jack and Jill cases also show). Civility as a Virtue allows us to identify their civility because they at least acted *from* civility.[62] Thus, despite the inevitability of failure for civility in action in this case, group Y are civil and can express that civility.

This provides a contrast because we might ask: Who is really failing to be civil here? We can point rather clearly to the failure of X's civility. For one thing, they are refusing to bring the interaction under civility: they are denying that there are any formalities that do or could exist that would work for the value of formality. Civility aims at the assured and esteeming interaction and, as I argued in previous chapters, it does not care for the interaction's content beyond that: it does not care if for example the manners are upper-class, English, medieval or whatever; it does not care if the interaction itself has any particular independent value; it only cares that it is assuring and esteeming. And so, when group X refuse to work towards finding suitable formalities and accommodating Y, they refuse to respond to the demands of formality and thus refuse to act *from* civility. As a result, the more significant failure of civility lies with them. For even though it is true that Y cannot perform an act of civility, Y at least act *from*

[62] I say "at least" but many take action from virtue—or more broadly "motivation"—to be more important to evaluation in terms of goodness, admirability, or blameworthiness. Robert Audi writes: "action from virtue… is very important in appraising people…" as it is "…a reliable indication of their aretaic character." (1995:465)

civility. X does not even do that. Civility as a Virtue ensures that people cannot so easily hide behind civility.

Finally, there is something we might say about the situation itself rather than the actors. Because Group X fail to acknowledge Y as civil agents and have any of their actions interpreted as civil, the interaction is not regulated by formality. But it cannot be even if Y try to respond creatively with formalities since nothing they can do will be interpreted as civil. This context does not look like one in which the demands of civility are salient. For one thing, there cannot be a demand on Y to perform an act of civility since this is impossible: there are no formalities to be respected, nor any that might be (successfully) created. We would expect the civil person to be saddened by this of course: it is group to group interaction that *ought to be* governed by formality, but it is a situation in which the value of formality cannot be realized. They would consider this a pity, and express that in various ways, since they appreciate the value of formality which is inevitably absent here. But the demands of formality are diminished in this context and a commitment to expressing one's civility in such a case seems a matter of integrity.

Obviously, this is easier to state in this highly abstract case: we can say for *certain* here that X will *never* accept anything Y does as civil; we can be *certain* that there really is no act of civility Y can make. In reality, we might always have some reasonable hope that there *are* possible courses of action. We might expect the civil to always have at least the hope or belief that there is *something* they could do and thus continue to respond creatively to formality in trying to find ways that work.[63] They might continue to act from civility with the hope that either the other group or some third-parties come to see their underlying civility thus deny the validity of their exclusion based on civility[64] and/or highlight the incivility of the other group. Thus, even in seemingly impossible cases, one can still express one's civility and there may be good reason to do so even when the demand to do so is dampened.

[63] There is a sense in which civility parallels what Andrew Sabl says about future cooperation. In most real cases, groups show some capacity for responding to formality either within their own group or with others, and this represents some hope for future civil relations: "What rightly motivated the activists, rather than revolution, was their regard for future possibilities: they thought cooperation with former oppressors was both desirable and possible. Their rulers, after all, usually behaved in a relatively cooperative and fair way *within* their own group, and it was far from unimaginable that they might someday come to extend this habit of mind to others." (Sabl, 2001:309-10 *original emphasis*)

[64] Because as discussed in Chapter IV, even if there are not civil reasons for exclusion, there can be other legitimate reasons for doing so.

§II. Civility and Paradigmatic Civil Disobedience

Having developed an account of civility as a virtue and its connection to action, we are now positioned to explore how civility relates to civil disobedience. We can now see a few possibilities initially present themselves when civility is understood in virtue-theoretical terms:

1. *Successful Civil Acts are sufficient*: Civil Disobedients perform acts *of* civility, but they need not be civil persons acting *from* civility.
2. *Civil Motivation is sufficient*: Civil Disobedients perform acts *from* civility, expressing their virtue, but this does not require those acts are successful.
3. *Exemplary Civility is required*: Civil Disobedients must perform acts of civility that are motivated by civility.

We will consider these possibilities in light of paradigmatic civil disobedience: the examples of Mahatma Gandhi and Martin Luther King Jr. are iconic. They are taken to be paradigmatic cases of civil disobedience and any account of civil disobedience that wants to be taken seriously would need to address them. But more important for us is that they are taken to be exemplars of civility and thus of a distinctly *civil* disobedience. But it is important to clarify the role of these cases. I am not concerned with them empirically as historical characters: both men have become mythologized for all sorts of reasons and reinterpretation of their actions and characters as more realistic and less saintly might cast some doubt on the real humans behind these paragon figures and their commitment to different parts of their "non-violence" (e.g., Lyons,1998; Cobb, 2014:17); Rather, I treat them as *paradigm cases*—as figures who, in our shared political and ethical imagination, exemplify civil disobedience at its most recognizably "civil". This will involve drawing on their writings and speeches which helped create their public personas, colour their actions, and ultimately contribute to their status as paradigm civil disobedients. Thus, Gandhi and King offer models against which different ways of relating civility to civil disobedience can be considered in light of the paradigm they represent. So, let us see how Civility as a Virtue fits with them.

§II.I Gandhi, King, and Civility

Both Gandhi and King are taken to be exemplars of civility in disobedience, but the reader may well recall from Chapter II that there were two ways in which civility itself has been understood in civil disobedience: political and ethical. Gandhi and King are taken to be

interested in ethical civility (Scheuerman, 2018:11-31), i.e., the sort concerned with formality, civility codes, etc. (Chapter II). As William Scheuerman (2019:5) writes, in contrast to *political* civility "Gandhi, King, and other spiritually minded advocates did in fact emphasize the role of politeness and decorum within [civil disobedience]." Gandhi was very much interested in "good manners" and "courtesy" claiming that "intemperate and rude behavior revealed a lack of personal control, anger or "violence of the spirit"" (Dalton, 1996:46). Following Gandhi but with his own Christian spin, King also cared about civility in such terms: famously disobedients were encouraged to wear their Sunday best, to be respectful and polite even when confronted with disrespect and worse, and to demonstrate respect for law and for their jailors (Scheuerman, 2018:22ff, 44; Delmas 2021:213). King also felt that insults and curses conveyed an "internal violence of spirit" (King, [1961]2016:134-5). This is clearly a civility concerned with formality, with assurance and esteem, rather than political civilities concerning good citizenship.

So, Gandhi and King are interested in ethical civility. The apparent reason why both are committed to civility is that it forms part of a much wider ethic of "non-violence" which, actually, goes far beyond the normal understanding of violence. And both claim to hold that ethic as part of a moral life.

- *The Ethic of Ahimsa (Non-Violence)*

For Gandhi, civility was part of *ahimsa*, generally translated as "non-violence". But *ahimsa* goes far beyond violence in the usual sense of physical harm. It was a moral doctrine he held independently of resistance in which that internal violence of spirit including "harsh words" was seen as potentially more insidious form of *himsa* (violence) than physical aggression (Gandhi, 1996a:122). Thus, it involved a commitment to "non-violence of the spirit" too, hence the emphasis on "good manners" and "courtesy" (Dalton, 1996:46); but it went further by including a loving benevolent attitude toward others as well (Gandhi, 1996d). Likewise for King, inspired by Gandhi, a principle of "non-violence" was a moral principle aside from the case of disobedience. While he took it to be a good ethics for disobedience, he also interpreted it as a Christian ethic: non-violence was "Christianity in action," "witness to the truth" (Scheuerman, 2018: 23) and thus part of a wider ethical doctrine. For this reason, both cared about displaying respect and decorum as part of that wider ethical doctrine. As Scheuerman (2018:13-14) puts it "[Disobedience] had to be civil, not because it entailed common or civic obligations to a community of political equals, but because its practitioners should abide rigorous norms of proper moral behavior and decorum. Why? Because God demanded nothing

less." Thus, civility mattered as part of a broader ethic under the potentially misleading headline of "non-violence".[65] And it clearly informed their disobedience too in acting *from* civility. So, we start with that aspect of civility in action.

§II.II Acts from Civility

Gandhi and King presented themselves as civil persons acting *from* civility in their disobedience. Along with restraint and discipline, it was important to demonstrate in Gandhi's words "good manners and humility" (1996b:47) since rudeness was violence of the spirit. Gandhi is clear that disobedients ought to place great importance on civility in their disobedience:

> *"Civility and humility are expressions of the spirit of non-violence while incivility and insolence indicates the spirit of violence. A non-cooperator, therefore, ought never to be uncivil. However, the most persistent charge leveled against non-co-operators is that they lack manners and are insolent, and the charge has much substance in it."* (Gandhi, 1996b:47)

Likewise, King also wanted civil disobedience to be civil. As above, disobedients were called upon to dress smartly, to be respectful in the face of insults and worse, and so on. Inspired by Gandhi, this was seen as an important part of "non-violence" of the spirit:

> ""*If you are hit do not hit back, if you are cursed do not curse back." This is the whole idea, that the individual who is engaged in a nonviolent struggle must never inflict injury upon another. Now this has an external aspect and it has an internal one. From the external point of view it means that the individuals involved must avoid external physical violence. So they don't have guns, they don't retaliate with physical violence.... But it also means that they avoid internal violence of spirit*" (King, [1961]2016: 134-5)

This civil motivation is also reflected in the fact that both wanted their disobedience to be *civil* (as well as not physically violent, open, loving etc.) because they believed the means had to be as pure as the ends. A moral end needed moral means, and a world in which people would be treated with civility was (in part) what both aimed at. In *Letter from Birmingham City Jail*, King ([1963] 2016:158-9) writes: "Over the last few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. So I have

[65] This is important because a lot of their writings concern that broader "non-violence" which includes civility as part of it and should not be confused with a mere commitment against physical harm.

tried to make it clear that it is wrong to use immoral means to attain moral ends." And likewise Gandhi (1996c:140) held that "Impure means result in an impure end". Hence, civility was a necessary part of disobedience as a pure, "non-violent" moral disobedience.[66] Therefore, what we see is that in these paradigmatic cases is that civility is not merely tied to their characters but to their action also. Their disobedience was intended to be civil. In this case, we have acts *from* civility also.

This would mark apart this paradigmatic civil disobedience from other sorts that people plausibly or ostensibly committed to civility might perform. For example, as has been noted throughout this work, Mandela is widely lauded for his civility and is often taken to be a civil person. However, his disobedience connected with *Umkhonto we Sizwe* [MK] is rarely characterized as *civil* disobedience. Now that can be because of other failings regarding the civil disobedience playbook such as non-violence, or publicity; but it can also be understood through the lens of civility itself. Even if we assume, for the sake of argument, that Mandela was a civil person, the disobedience he supported through MK was neither civil in character nor intended to be an expression of civility. There would be no sense in which Mandela thought that blowing things up was an expression of civility. And indeed, the formation of MK was intentionally a move away from civil means that could, in Mandela's mind, no longer help against the "brute force" of the oppressors (Boehmer, 2008:93). So, this disobedience did not involve action from civility nor was there an attempt to suggest that it was.

We can apply this thought to a contemporary case like Pussy Riot's punk prayer which is taken to be paradigmatic *uncivil* disobedience (Delmas, 2016). We have no real reason to think that members of Pussy Riot are uncivil as persons. Indeed, we might take as an indication of that the closing statement of Nadezhda Tolokonnikova which can be taken as a defence of her civil character.[67] However, even granting that they are civil persons, the actions they performed—intentionally provocative and offensive performances in sacred spaces—do not

[66] Both considered their movements to be morally "pure" means. For example, Gandhi claimed that "Civil disobedience is the purest form of constitutional agitation." (1960a:165) and "A weapon of the purest type" (1960b:164). Likewise, King (1964:7): "...this method must guide our action...we must work passionately and unrelentingly for full stature as citizens, but may it never be said, my friends, that to gain it we used the inferior methods of falsehood, malice, hate, and violence."

[67] Take the following passage for example: "We called for contact and dialogue rather than confrontation. We extended a hand to those who have chosen to see us as the enemy. We were laughed at, and the hand we extended was spat upon. We were sincere in what we said, as we always are. We may be childishly naïve in insisting on our truth, but we nonetheless regret none of what we said, including what we said that day. And even as we are spoken ill of, we will not speak ill in return." (Tolokonnikova, 2016:184) Of course, one can in any case think the document merely represents a sensible last legal effort to overturn the charges of "hooliganism" facing Tolokonnikova.

express civility. As Candice Delmas (2021:212-13) points out, acts that are uncivil in their mode of protest intuitively fall outside the domain of civil disobedience (which is not to say they are illegitimate or wrong) and, like Mandela, they are not trying to be civil. For the paradigmatic civil disobedience, acting from civility is important.

The paradigm cases of civil disobedience are distinguished from other forms of disobedience that could involve civil persons via action *from* civility. They endeavour to convey a civil motivation and an underlying commitment to civility in their disobedience. We can now turn to how acts *of* civility fit with the cases. As we will see, acts of civility prove to be a very difficult affair.

§II.III *Acts of Civility*

While Gandhi and King both wanted actions *from* civility, their cases reveal a problem they would face with—in our terms—acts *of* civility. Gandhi and King both recognized that despite all their efforts, many of their actions would simply not be interpreted as civil by some people. Indeed, both men spent time acknowledging and trying to counter accusations of incivility, insolence, hooliganism, etc. Thus, an important feature of these paradigm cases is, as theorists have pointed out, neither Gandhi nor King's disobedience was universally seen as civil at the time (e.g., Delmas, 2021:213; Pineda, 2021b:161).

Because Civility as a Virtue depends on uptake to succeed, an act from civility can still ultimately fail (despite good faith efforts) to hit the target of civility and thus fail to succeed as an act *of* civility. This presents an interesting feature of civility in paradigmatic civil disobedience. Gandhi and King acted *from* civility but faced the fact that not everyone would accept their actions as civil. Here we find the first feature of paradigmatic civil disobedience that shows how assessments of acts of civility are difficult: a *pluralistic audience*, by which I mean a diverse addressed public consisting of groups with differing moral, political, and cultural orientations, who may therefore respond quite differently to the same act.

- ❖ *Audience Pluralism and Uptake*

The idea of a *pluralistic audience* is not unique to the case of disobedience,[68] but its larger scale, public nature, and function make it significantly more salient. King and Gandhi's audience

[68] In the cases used previously when discussing civility, we have focused on straightforward cases of an individual interlocutor or a broadly homogenous group. But, to use a cultural example, one can imagine how it is more difficult to hit the target of civility if one is simultaneously interacting with two persons each from wildly different cultural backgrounds that have different conceptions of formalities.

consisted—in very simple terms—of their allies, their opponents, the "moderate" fence-sitters that King bemoaned ([1963] 2016:150), and the "world looking on" (King, 2018:33). And these are simple terms indeed when one considers that those audiences are not exactly homogenous themselves. Thus, each of these audiences presents another variable in terms of whether or not one's act from civility has uptake and thus succeeds as a civil act. Hence, the natural outcome that their actions were not universally seen as civil acts.

Those audiences are not mere onlookers though. The disobedience plausibly addresses each of these groups in terms of civility: opponents and moderates straightforwardly; but also one affirms one's civil position amongst allies as a matter of integrity. Take King's (1955) call during the Montgomery Bus Boycott: "My friends, don't let anybody make us feel that we are to be compared in our actions with the Ku Klux Klan or with the White Citizens Council". And likewise, the "world looking on" is not intended to be a detached observer, but a target also of civil action insofar as the movement wanted and needed the outside support, something both King and Gandhi made use of. Gandhi in particular was known for addressing the wider world regarding his movement e.g., his letter *To American Friends* (Gandhi, [1942]1968). Each of the audiences are therefore recipients of acts of civility, and each may or may not interpret such acts as civil.

Civil action in civil disobedience may be said to succeed to the extent that they hit the targets of civility for those audiences. Roughly, the more the audiences interpret the acts as civil acts the more the function of civility is realized. As a result, our evaluation of acts of civility must account for a scale of success relative to the audience(s).[69] In the paradigm cases, we could not expect complete success at the time because a large section of their audience was prejudiced against their civility (amongst other things, obviously). We might say that their disobedience involved acts of civility 'on the whole,' but the pluralistic nature of their audience makes any such evaluation context-dependent and certainly open to challenge. Understanding the pluralistic audience problem at least allows us to offer some nuance to our judgement though: we could say they were successful to this extent to those groups (but not others) as well as whether they were "on the whole", but by no means can we arrive at a clear-cut judgement.

Beyond these paradigm cases we might think, given that civil disobedience is likely to tempt various opponents into interpreting such acts as threateningly uncivil and that cases might

[69] A set of actions also needs to be assessed on a scale with civility generally. For example, my comportment at a party involves lots of actions and assessing whether my action at the party was civil or not requires looking at it "on the whole". A pluralistic audience just adds another factor into the equation.

also involve similar deep prejudices, it is an unrealistic expectation in civil disobedience generally to expect successful civil acts. So, we should think of acts of civility as a matter of degree along a continuum of uptake—a natural but not guaranteed corollary of acting *from* civility—within realistic expectations depending on the context. If disobedients address an audience that is ill-disposed towards them in respect of civility, then expecting success is unreasonable. However, it is worth reiterating that the account in the abstract does not say that success is determined by someone *claiming* they were esteemed or assured by the actions but rather *being* esteemed and assured. Insofar as we have reason to think that some offence is feigned or exaggerated—when we have evidence such as racial prejudice or inconsistency with what formalities are expected—we have reason to defend the corresponding act as an act of civility. And so there is some resistance to "bad faith" calls of incivility.

❖ *Contrast and Conversion*

A further complication with assessing acts of civility in disobedience is brought to light when considering one of the reasons King and Gandhi valued being civil despite accepting that not everyone would interpret their acts as such. Their commitment to "non-violence" was intended to create contrast.

As Scheuerman (2019:6) points out, both contrasted their civility with the incivility of their opponents: "Gandhi and King use the term [uncivil/incivility] to characterize opponents, e.g. violent southern segregationists, or 'incivil' state officials Gandhi described as disrespectful, rude and violent." (Scheuerman, 2019:6).[70] One purpose of that contrast was to create a moral tension within their opponents (or moderates). This idea of moral tension is to appeal to the conscience, by displaying goodness in response to their hate and suffering in the face of their indifference with the aim to "convert":

> *Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that*

[70] For example, in *Letter* King ([1963]2016:150) highlighted the difference between the protesters' open and loving act and the hateful act of their opponents: "One who breaks an unjust law must do it openly, lovingly (not hatefully as the white mothers did in New Orleans when they were seen on television screaming, "nigger, nigger, nigger")". In *Message to the Nation*, Gandhi ([1930] 2016:127) contrasted the government's uncivil actions with those of his movement: "Not a sign of mischief, not a sign of violence have I seen… They have remained perfectly peaceful and nonviolent, although Government officers have transgressed all bounds" calling it "barbarism pure and simple".

> *will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood.* (King, [1963]2016: 146)
>
> *I have deliberately used the word conversion. For my ambition is no less than to convert the British people through non-violence, and thus to make them see the wrong they have done to India. I do not seek to harm your people. I want to serve them even as I want to serve my own. I believe that I have always served them.* (Gandhi, 1996e:78)

Both believed that maintaining civility in the face of incivility would ultimately convert opponents and moderates, by exposing—through contrast—their adversaries' shortcomings in decorum, non-violence, and moral restraint.[71] This highlights a feature of civility perhaps again especially relevant in the case of disobedience.

Given that these paradigmatic cases aim to cause a moral tension in opponents and moderates, we are presented with the case that some audience might ultimately come to reinterpret actions from civility as acts of civility even when they initially rejected them as such. Indeed, in the case of King in particular, Erin Pineda demonstrates that his concerns go far beyond merely challenging law but also challenging prevailing civil codes: It was a means of "…disrupting the perverse forms of civility, along with the damaged civic relations and oppressive modes of comportment, required by "white democracy," while creatively enacting new habits and new relations required to build a multiracial democracy." (Pineda, 2021a:67). By trying to be civil, part of the hope is to make the opponent aware of their own incivility. In this way, an act or set of actions that was initially held to be uncivil by an audience could come to be viewed as civil.

This is possible because civility requires uptake to succeed, and it relies on interpretation. This means something can be interpreted and reinterpreted at different times by the recipient of the act. For example, suppose I went to shake Al-Shamahi's hand before she responded with one of her creative alternatives. It is possible that at first (T1) I simply take the refusal to shake hands as rudeness but, later (T2) because I come to understand the cultural context and recognize the substitute for what it was, I reinterpret what happened as an act of civility: I come to view my interpretation of that action at T1 as incorrect. Al-Shamahi would have failed

[71] For examples, King ([1961]2016:137) "But we must never forget that there is something within human nature that can respond to goodness, that man is not totally depraved; to put it in theological terms, the image of God is never totally gone. And so the individuals who believe in this movement and who believe in nonviolence and our struggle in the South, somehow believe that even the worst segrationist [sic] can become an integrationist." And Gandhi (1960b:164) "I am quite sure that the stoniest heart will be melted by passive resistance…This is a sovereign and most effective remedy…"

to act civilly at T1 but by T2 has succeeded because of the delayed uptake. Likewise, if I am visiting a country and find myself receiving the "thumbs-up" a lot, I might find this perfectly esteeming at first (T1) until I learn that this gesture is here closer to the "middle finger", and then I will not be so happy and have reason to be offended (T2)! Those who were trying to act uncivilly to me at first failed but succeeded later because of uptake. So, it is a feature of acts of civility in general. But the possibility of conversion, especially in the context of disobedience, which is inherently challenging, make it a particularly notable feature of civility in disobedience.

This possibility for delayed success in civil acts in paradigmatic cases clearly adds another complexity to assessing the civility of civil disobedience via acts of civility. Not only do they potentially address a pluralistic audience but they can—and indeed may aim to—succeed by hitting the target of civility later. Those various members of the audience, too prejudiced at first to interpret acts from civility as acts of civility, can come to see them as civil. The possibility of audience prejudice (with regards to civility) that is clear in the paradigm cases remains a possibility for civil disobedience more generally. After all, disobedient resistance is inherently challenging and it is always possible that disobedience might involve the sorts of prejudice that Gandhi and King faced. Thus, in addition to a pluralistic audience against which we must measure success, our judgement about acts of civility in civil disobedience remains dynamic because of the possibility of audience reinterpretation.

An account of civility that can capture this natural difficulty with acts of civility is important because it recognizes the fact that even the paradigmatic cases of Gandhi and King were not universally taken to be civil, that they had to defend themselves against charges of incivility despite acting from civility in their disobedience. It can capture the nuance of multiple audiences as well as the possibility of delayed success. Acts of civility really can fail with regards to some audiences at some time and then succeed later, and one can be more or less successful with regards to the pluralistic audience of one's actions. But while that may help us to understand the civility in play, it may not be so good for an account of civil disobedience.

Acts of civility are dynamic and that of course makes a settled judgement about any particular case challenging. Asking whether some case of disobedience involved acts of civility is not straightforward. While possible to do, the evaluation is difficult and need not lead in a clear direction. Moreover, because success lies outside the agent's control, we might be concerned about essentially making acts of civility a requirement of civil disobedience (especially given conditions of prejudice). Requiring only successful civil acts would make the civility of civil

disobedience fragile and in any case beyond the agent's control. And that naturally implies that requiring exemplary civility in disobedience (both acts of and from) might be excessive: especially given that it is not clear that even paradigm cases achieved this at the time at least.

§II.IV Hursthouse's Qualified Agent

Whereas evaluations of acts *of* civility are dynamic, acts *from* civility are usefully fixed as a matter of fact at the point of action. Whether some agent has or has not acted out of a virtue of civility is not dependent on uptake or interpretation: it does not matter whether the interlocutor thinks the agent has or has not the virtue, has or has not been motivated into action by it, etc. Whether the civil act succeeds or fails, there remains a fact of the matter whether someone acted *from* civility. We saw that of course in earlier examples: Jack acts from civility even though he fails to perform an act of civility, and Jill did not act from civility whether she acted civilly or not. Taking acting *from* civility to be central would give us a fixed means of exemplifying civility in civil disobedience.

However, the motivational aspect of acts *from* civility faces challenges of its own. Motivations can be extremely obscure, mixed, and even unknown to the actor themselves; but perhaps more problematic is that acts *from* require actual possession of the virtue in question. It is not enough for an act *from* X that the motivation is temporary and transient even if sincere. Audi (1995:451) gives an example of someone usually greedy being moved temporarily by a colleague's "moving moral exhortation" such that he acts justly for a little while. While better motivated than it might otherwise be, it is not sufficient for an act *from* X. We may worry this sets the bar too high and/or that it sets the bar in such a way that it puts undue emphasis on the disobedient's actual moral character rather than the form of the disobedience. We may imagine opponents looking for evidence of a lack of civility in the disobedients' personal lives and thus trying to claim they cannot be civil persons and, as a result, cannot have performed civil disobedience.

Besides this, requiring acts *from* civility could rule out cases we would surely want to keep in. Suppose someone wants to perform civil disobedience and looks to mirror King, they are genuinely inspired by King's style of disobedience and go out and perform disobedience very much reminiscent of this paradigmatic example. Yet, this person is not actually in possession of a virtue of civility. They may not have developed it enough yet for it to be considered an adequately stable disposition or sufficiently refined; alternatively, they may choose to emulate this style of disobedience because they think it most suitable for their protest, because they

take it to be effective. Whether the virtue is insufficiently developed or not in play at all, it would seem incorrect to rule this case out as civil disobedience because of it. Of course, it cannot involve virtuous civility, but it still surely would be far too stringent to dismiss it as civil disobedience.

A pragmatic way of thinking about civil action in civil disobedience may be found by adapting Rosalind Hursthouse's account of right action known as the *qualified agent* account. Roughly, the idea that a right action is one a virtuous agent would characteristically perform in the circumstances i.e., acting in character (Hursthouse, 1999:26-29). Of course, we are not interested in *right* action here nor with virtuousness generally. Our focus is on something much narrower: with what could be characteristic *civil* action in the context of civil disobedience.[72]

The qualified agent approach would give us something like this: a disobedient agent's action qualifies as civil if, overall, they act as a civil person *characteristically* would i.e., acting in character as a civil person. The account gives constraints too: the corollary of acting as the virtuous agent would characteristically act is *not* acting as the vicious agent would act (van Zyl, 2011:87-88). As we have seen previously, civil agents can act *uncharacteristically*: through lapses and irritation, through non-ideal conditions, etc. They can also obviously act in ways that are effectively neutral with regards to civility because they can perform actions that simply do not concern civility e.g., drinking a cup of tea. Thus, we have a range of actions from characteristically civil to neutral to characteristically uncivil.

In our case, the qualified agent approach would require that they perform acts *of* civility where possible and relevant. But they should behave and react in ways that would be compatible with acting *from* civility (for example, expressing regret when their civility is frustrated because this is what we would expect a civil person to characteristically do in response). At the other end of the spectrum, they ought not to act as the uncivil agent would characteristically act. So, even when positive civility is not possible, hurling insults and such would count against the civility of the civil disobedience as they are characteristically *uncivil* i.e., the sorts of acts we would expect uncivil agents to characteristically engage in. And finally

[72] While civility can come to bear on the broader deliberation about whether to disobey—we will touch on this in the next chapter when discussing respect for law—the qualified agent approach here concerns the conduct of the disobedience itself: it asks, given that the agent is disobeying, do they do so in characteristically civil ways?

neutral acts, those that do not characteristically represent the behaviours of civil or uncivil agents, would naturally not affect the civil quality of the disobedience.

Such a view would capture the paradigm cases of Gandhi and King. Their presentation above reflects characteristic civility: drawing on formalities to address their audience(s), outwardly conveying a commitment to civility and a regret for when their attempts to act civilly were not well received. In effect, they hit targets when possible and even when not possible they appeared to act from civility. And here what matters for qualifying is that evidence of acting as we would expect the civil person to characteristically act, not whether Gandhi or King were virtuously civil persons and genuinely acting from civility. Of course, people tend to think they *were* civil persons and, if true, that obviously enhances the civility of their civil disobedience; but that is different from making it a requirement of civil disobedience. As a result, non-virtuous emulation can count as civil disobedience because, despite not being (fully) in possession of the virtue or necessarily acting out of it, they can still perform in characteristically civil ways. A qualified agent view captures the paradigm cases without making saintliness an obstacle to more "everyday" civil disobedience.

However, it is still worth noting that it is reasonable to think that anyone continuing to act in ways characteristic of a civil person for a sustained time during disobedience probably *is* virtuously civil. After all, acting in apparently virtuous ways when the virtue in question is under pressure is decent evidence of a deeper commitment to that virtue. To act as a civil agent would characteristically act in civil disobedience is hardly a trivial demand. But rather than strictly requiring successful civil acts and/or a specific civil motivation, the qualified-agent view allows us to join civility and civil disobedience without making full virtue-possession or impeccable motive the bar to entry.

This qualified agent approach is less demanding than requiring exemplary civility, less brittle and susceptible to bad luck than the acts *of* only option, and both less stringent and more observable than acts *from* only. So, the qualified agent approach provides a practical way of relating civility to civil disobedience.[73] Thus, we should look for agents to act as a civil person would characteristically act.

§II.V A Recap of Other Accounts

[73] We will see this application in the next chapter when we apply civility to civil disobedience more broadly.

Having applied Civility as a Virtue to these paradigmatic cases of civil disobedience, it is worth briefly considering how—in broad terms—the accounts of civility we rejected along the way handle them. Although we have already rejected them as accounts of civility, we will see that they do face some difficulties with the paradigm cases in any event.

Consider an "act-focused" approach like Calhoun's that we addressed in Chapter III. Such an act-focused account could of course appreciate acts of civility. But by focusing on the acts alone, it misses that important and fundamental aspect of civil action: acts from the virtue. This seems vital to both fully evaluating the civility in these paradigmatic cases but also naturally leads us to the same problems as taking a *civil acts only* approach to civil disobedience. We can have no stable means of evaluation and, focused on acts alone, disobedients are almost entirely vulnerable to the charge of simply being uncivil because some act failed (though the act-focused account can still point to multiple audiences and the possibility of future re-evaluation). From the perspective of civility, there would be no difference between the civil act failing of Pussy Riot's *punk prayer* and a Gandhi or a King facing deeply ingrained prejudices that undermine uptake. Civility as a Virtue, on the other hand, can make that distinction because it can capture the full exemplification of civility in action, even when acts (inevitably) fail. Furthermore, Civility as a Virtue captures more of the admirability of civility in these cases by at least looking like the behaviour of civil persons (and, as above, doing this in the context of civil disobedience being good evidence of virtuous civility). The act-focused account is detached from any motivational component.

Political accounts of civility are, as I argued previously (Chapter II), in any case dubious as accounts of civility, but many would also not even account for the civility that Gandhi and King are especially interested in as we have discussed here. This would overlook an important, virtuous aspect of these paradigmatic cases of civil disobedience that enhances the ethical quality of their acts. This is something that is not only admired in their actions but also is plausibly a crucial element in the distinction between broadly civil and uncivil forms of disobedience (Delmas, 2021:212-213). Furthermore, even if an account of political civility could accommodate ethical civility, its inside-out nature means it will invariably be restrictive in a way that I argued is unpalatable for something like civil disobedience (Chapter II: §II). Civility as a Virtue is something that can be broadly appreciated because it is a fundamental social virtue, whereas political civilities are restrictive in being applicable to—primarily—deliberative democratic liberal societies. For example, Gandhi neither operated in anything like a liberal democracy, nor can he be easily rendered into a liberal democrat (see Mehta,

2010): so, such an account seems inapplicable to a paradigmatic case. Thus, the civility in the paradigmatic cases of civil disobedience can be understood more straightforwardly with Civility as a Virtue.

Finally, another account I previously dismissed as overly restrictive and inside-out is the Christian account by Carter (Chapter II: §II.I). This approach, grounded in Christian love, naturally aligns closely with King's disobedience, given his own deep commitment to Christian ideals. However, it fails to adequately capture Gandhi's approach. Even though Gandhi was broadly receptive to religious ideas (see Singh and Singh, 2004), he was not a Christian, nor was he operating in a distinctly Christian context. This limitation highlights a key advantage of a more general account of civility: it provides a framework that can encompass both King and Gandhi without relying on religious specificity. While a Christian account might descriptively fit King better, a general account can recognize this specificity without becoming exclusionary—much like acknowledging distinctive "Western civility" or "British civility" without making them the standard. Moreover, many of the religious elements plausibly go beyond civility as a result of inside-out treatment. Concepts like martyrdom and Christian love might fit into the broader "non-violent" ethic but that goes *beyond* civility. No doubt Christian love is hugely important to King's disobedience, but we do not need to discuss it in the same breath as civility. As argued previously (Chapter II) there is no reason to think that love is part of civility, and so there is no reason to think love should be part of civility in civil disobedience: they are both part of a wider ethics. As was shown in Chapter II, civility is often conflated with other goods and virtues; Civility as a Virtue avoids this problem and, as a result, we can capture a civility of the paradigm in Gandhi and King that can also be applied generally.

§III. Conclusion

In this chapter, we established a framework for understanding civil action grounded in virtue theory, distinguishing acts *from* civility (expressing virtuous motive) from acts *of* civility (successfully realizing the virtue's targets), and showed through a series of examples how these can come apart. We then tested three candidate views for coupling civility to civil disobedience—requiring successful civil acts alone, civil motivation alone, or both—against the paradigm cases of Gandhi and King. Each proved inadequate: acts *of* civility were too fragile and context-dependent, acts *from* civility too demanding and unobservable, and their

combination excessively stringent. This led to a fourth, pragmatic possibility: the qualified agent approach, which asks whether the disobedient acts as we would expect the civil person to characteristically act.

We are now in a position to take this qualified agent approach to inform an account of civil disobedience. In the next chapter, we will apply this qualified agent approach to civil disobedience broadly beyond the paradigm cases and demonstrate how civility alone can explain a considerable amount of what we take to be important to the idea of civil disobedience: publicity and communication, non-violence, and respect for law.

Chapter VII
Civility-Focused Civil Disobedience

So far, we have identified a problem with the use of the idea of "civility" in the civil disobedience literature (Chapter I), ascertained that we should utilize an ethical rather than political account of civility (Chapter II), developed a virtue-theoretical account of Civility as a Virtue (Chapter III-V), and given an account of Civility as a Virtue in action (VI). In that previous chapter, we argued that the connection between civil disobedience and civility is that the disobedient agent *must act as a civil agent would characteristically act* by looking at the paradigmatic cases of Gandhi and King.

In this chapter, we will take this understanding of civility and disobedience to develop a unique "civility-focused" account of civil disobedience to show how much of the conceptual heavy lifting civility alone can do for an account of civil disobedience. In short, on this account civil disobedience is *an act of illegal protest or resistance that reflects civility.* But we can provide a more expanded definition that captures more of the nuance:

> **The Civility-focused Account**: An act of illegal protest/resistance counts as civil disobedience if, on the whole, the *agent acts as a civil agent would characteristically act in the circumstances*, i.e., adopts the forms and responses that express assurance and basic esteem toward relevant audiences and seeks to avoid threat or contempt signals (incivility).

This captures the scalar nature of civility: one can be more or less civil. It involves positive and negative elements which affect the civil quality of one's actions: positive insofar as we still expect targets to be hit (to the extent possible) by the civil agent, but negative in allowing that actions can detract from the civil quality of the disobedience and we would expect civil agents to try and avoid those. It is not sufficient for an act of disobedience to merely avoid hurling insults, for example, to count as civil disobedience (this would simply be "neutral" with regards to civility). As is generally recognized in concepts of civil disobedience, there is always the possibility of marginal cases and, because of its scalar nature, a civility-focused account naturally faces those: some cases could involve fairly minimal civility compared to paradigmatic cases.

We will first set out the idea of a "civility-focused" account, what it aims to do and the advantages such an account might have (§I). Then we will go through the other key elements of civil disobedience—publicity (§II), non-violence (§III), and respect for law (§IV)—demonstrating how the civility-focused account can accommodate them in various ways and, to that extent, represents a plausible and recognizable account of civil disobedience. Finally, we will confirm the benefits of adopting a civility-focused account and consider a potential objection (§V). Ultimately, we conclude that the civility-focused account offers a plausible and appealing alternative account of civil disobedience.

§I. Civility-Focused v One Among Many

In Chapter I, we saw that there were four key elements of civil disobedience around which conceptual debate has tended to focus. While their names have varied among theorists, I referred to these for simplicity as: non-violence, publicity, respect for law, and civility. They align with what Candice Delmas dubs the civil disobedience "playbook" (2021:209): these are taken to represent a "standard" account of civil disobedience associated with John Rawls (1971:§55-57) that has rather set the shape of the debate since. Delmas also takes them to reflect something of the "socially accepted norms of civil disobedience" (2021:213). But, as discussed in Chapter I, theorists disagree about the various salience or weight of each of them with civility (or "decorum") getting considerably less attention than the others (Delmas, 2021:212). Nonetheless, they capture a broad sense of what civil disobedience is about even as those elements are reinterpreted or rejected.

On the standard view, we could show how properly understanding civility affects the overall account of civil disobedience based on that standard list of the key elements: we could assess civility as *one* of the key elements of civil disobedience, i.e., *one among many*. To the extent that the "standard" is to be upheld, civil disobedience should be non-violent, public, respectful of law *and* civil in the sense of Civility as a Virtue. On this view, a disobedient being civil is insufficient to qualify them as a civil disobedient: it is one hurdle, they must also jump the others. Having certainly given civility its time in the spotlight by considering it independently "outside-in" as an ethical account, we are in a good position to do that.

Yet, theorists have tended to favour one element over others. Some emphasize civil disobedience's respect for law (e.g., Scheuerman, 2018) while others emphasize its public[74] nature through communication (e.g., Brownlee, 2004). And we also saw in Chapter I that Tony Milligan (2013) presented a "civility-focused" account of civil disobedience. Such accounts in essence reinterpret the other elements through their respective lenses, sometimes rejecting them as a result. This gives us an alternative to *one among many*: a *focused* account, in this case *civility-focused*.

In effect, the concept of civil disobedience becomes more parsimonious: we need fewer—perhaps even just one—criterion for illegal protest or resistance to count as *civil* disobedience. On this *civility-focused* approach, the idea is that by understanding what civility requires, we can explain why the other playbook criteria tend to be associated with civil disobedience—not because they are conceptually separate requirements, but because and to the extent that they are implications or expressions of civility itself. For example, just as communicative theorists explain the relevance of publicity or non-violence through the idea of communication (e.g., Brownlee, 2004), a civility-focused account might show how being civil entails a certain kind of public presence, a manner of engaging with the law, or a restraint from violence. Rather than civility being one element among many, the focused account suggests that determining whether a disobedient is a *civil* disobedient effectively requires looking at one criterion: civility.

Our civility-focused account starts from a stronger place than others: the account of civility has been developed outside-in and is ethical in nature and thus avoids the flaws associated with inside-out and political approaches (Chapter I); whereas others, including Milligan, reject the key element of decorum (ethical civility), we have acknowledged and embraced its centrality to the concept of civility as well as addressed the concerns of religiosity and elitism associated with it commonly used to dismiss it (Chapters II-V). What follows in this chapter is an attempt to use *that* understanding of civility to develop a civility-focused account of civil disobedience. What criteria can we have to determine the viability of an account of civil disobedience? And what advantages might there be to a *civility-focused* account?

In Chapter I, we saw that recent theories of civil disobedience have tended to move away from the "standard" account typically represented by Rawls (1971). Delmas (2021:214) suggests the main reason for reevaluating the standard playbook approach has been to broaden the idea of

[74] As stated in Chapter I, I am treating "communication" under publicity.

civil disobedience into a more inclusive concept away from an apparently overly restrictive standard. After all, in principle, removing criteria or understanding them more broadly reduces the number of hurdles a disobedient must jump to count as a *civil* disobedient. However, in making our accounts more inclusive we risk letting too much in.

Indeed, Delmas (2021:216) argues that in straying too far from the key elements, inclusive accounts effectively stretch civil disobedience beyond recognition: the "civility" that makes civil disobedience civil ends up unhelpfully "lumping violence, coercion, covertness (anonymity), evasion, and offensiveness together with their opposites". Likewise, against the over broadening of the concept, Ten-Herng Lai and Chong-Ming Lim write:

> *"Part of the reason for civil disobedience's elevated moral status lies in its constituting what people regard as a reasonable way of conducting ourselves in the face of, and in our attempts to, address injustice. When we fold radical acts into the category... we distort what it is that we care about when we care about civil disobedience."* (Lai and Lim, 2023:501).

As we saw before in Chapter I, Brownlee could reinterpret the non-violence criterion because, *contra* Rawls, violence *is* compatible with communication; whereas before violence is simply ruled out, now violent acts that are communicative are included within civil disobedience (Brownlee, 2004). At an extreme end, we also saw Robin Celikates completely reject the key elements because of understanding "civil" as contrasting with "military": "[Celikates'] broad conception imposes no requirement on the agent's attitude toward the system, her target, or the principles she appeals to. The civilly disobedient act need not be done publicly, nonviolently, or non-evasively. It can shock and offend." (Delmas, 2021:215). Thus, one desideratum is that it retains **recognizability**, i.e., avoids stretching civil disobedience beyond recognition (A).

One way we can measure this is by using the key elements of the standard criteria of civil disobedience as a reference point. Since they are taken to represent the socially accepted rules of civil disobedience, an account maintains the recognizability of civil disobedience to the extent that it captures them. In this way, the civility-focused account succeeds desideratum A to the extent that it makes sense of the remaining key elements: publicity, non-violence, and respect for law.

Relatedly, an account of civil disobedience should also be able to distinguish its own cases from other non-civil forms of protest and resistance. It should capture paradigm cases which, as we saw in the last chapter, Civility as a Virtue does do. But we do not want to blur the line between distinct phenomena and, as Delmas (2021:216) points out, many cases of disobedience are intentionally *not* civil: putting Gandhi and King with the likes of Pussy Riot or Femen's intentionally offensive disobedience, with the Gulabi Gang's vigilantism involving the battering of abusive husbands, with the covert and prankish hacktivism of Anonymous, and so on just looks like an error. So, we want the account to **differentiate** between its cases and other forms of protest and resistance (B)

If the *civility-focused* account does this, then it is surely a plausible account of civil disobedience. But why would we opt for it, what advantages might it confer?

Perhaps the most obvious gains are its **parsimony** and conceptual unity (C). These are appealing in themselves—offering a clearer and more integrated view of civil disobedience, avoiding redundancy, and potentially yielding better explanatory power for the norms commonly associated with it. After all, if the civility-focused account can make sense of a lot of the other key elements, then they may be redundant. This contrasts sharply with Milligan's civility-focused account which cannot be said to be aimed at parsimony: as seen in Chapter I, Milligan (2013:54) has a long and incomplete list of civil norms. Furthermore, a parsimonious account may also serve practical concerns: insofar as it is easier to grasp, it may offer a more accessible conception for activists and the public alike (e.g., Vinthagen, 2015:531).

While it should capture a core of the standard approach so as not to stretch the concept beyond recognition, we saw in Chapter I that the standard approach is not without its problems in being too demanding or excessively restrictive. If the civility-focused account can address some of those issues while retaining the recognizability of civil disobedience that would mean the account occupies a theoretical space between the pure standard and the overly inclusive new accounts of civil disobedience, offering a valuable alternative by **expanding inclusion** without sacrificing the recognizability of civil disobedience (D). Indeed, one advantage of an account of civil disobedience that retains its recognizability is that it keeps *civil* disobedience within the bounds of public acceptability in a way that lends it more public support and/or legitimacy (Delmas, 2018:37) which can be useful in achieving its goals.

Finally, given the rise in interest in uncivil disobedience, an account of a distinctly *civil* disobedience may help clarify the scope of *uncivil* disobedience. Delmas' use of uncivil disobedience as an umbrella term is problematic for essentially the same reasons as she criticizes the more inclusive accounts of civility. In covering such a wide array of protest and resistance "an astonishing variety of uncivil acts gets clumped together, with [uncivil disobedience] functioning as an amorphous, residual category (meaning, in effect, 'non-CD,' with CD narrowly and controversially defined)." (Scheuerman, 2019:10). Too much may be getting in as uncivil disobedience but, by getting a better hold on those "marks of civility" (Delmas, 2018:26) in the form of an outside-in ethical civility we may find a tighter conception of civility than the one Delmas uses to generate uncivil disobedience gives us the **clarity of a distinctly *uncivil* disobedience**, rather than simply non-civil disobedience (E).

To assess this civility-focused account, we will go through the three remaining key elements of civil disobedience: publicity, non-violence, and respect for law. We begin with publicity and how the communicative thesis relates to our civility-focused account.

§II. Key Elements: Publicity and Communication

The communicative thesis (or communication thesis) is the largely accepted thought that civil disobedience is inherently communicative. More specifically, that it is akin to "symbolic speech" aimed at delivering a message to an audience—usually, the "majority" or the government (Delmas and Brownlee, 2021: §1.2.1). While there are various ways of fleshing out the communicative requirement—for example, by requiring appeals based on public principles/reason (Rawls, 1971:365-366) or prompting deliberative democratic exchange (Brownlee, 2016:968)—the point is that each considers civil disobedience *inherently* and especially communicative.[75] The upshot of that is that various types of disobedience can be ruled out in failing to be primarily communicative: traditionally, it rules out covert, non-public action such as animal rescue or tree-spiking since it does not address an audience (e.g., Milligan, 2013: esp. Chapter 2 and Chapter 10).

[75] As Milligan (2013:104) points out, almost anything that social animals such as us do *could* be considered communicative in some respect or other; what the communicative thesis claims is that civil disobedience involves communication as an important and significant feature of the disobedience rather than incidental.

Such cases are generally thought to be classed merely as direct action, i.e., action that directly targets the alleged wrong. This is contrasted with indirect action, which may involve breaking unrelated laws in order to make the case about the alleged wrong. The latter is primarily about raising awareness whereas the former is primarily concerned with challenging the wrong. That is not to say that civil disobedience cannot be direct also—Gandhi's Salt March directly challenged the very law considered unjust—but it need not be since one might blockade a road, for example, in order to make a case about some other law or policy presumably not connected with functioning highways! It is also not a distinction Gandhi or King seem to have cared much about.

Yet, Milligan presents his civility-focused account as in direct opposition to the communicative thesis: "Rather than communication-based, the favored approach will be civility-focused." (Milligan, 2013:16). And it is those cases of apparent pure direct action, like animal rescue in particular, that Milligan (2013:20) wants to accommodate under civil disobedience. Activists such as the Animal Liberation Front [ALF] are primarily concerned with directly stopping wrongdoing, not communicating the wrongdoing or appealing to the public (see Milligan, 2013: Chapter 11). Such cases could not count as civil disobedience on the standard approach since their entirely covert, non-communicative nature undermines the publicity requirement in the form of communication. They *can* count if they were followed up by an open communicative element after the fact (e.g., Brownlee, 2012: 213-14; Scheuerman, 2014). But that communicative step is simply not necessary according to Milligan's civility-focused account. Is the civility-focused account really in such direct contrast to the communicative thesis?

§II.I Civility as Inherently Communicative

Such a sharp distinction between a civility-focused account and the communicative thesis always appeared suspect. Even political accounts of civility have tended to have communicative elements primarily in the form of deliberation (Chapter I), but the ethical accounts are particularly communicative (Chapter II). Whereas Milligan's civility-focused account bypasses communication, this move is not clearly available to ours since Civility as a Virtue *is* inherently communicative in aiming to convey assurance and esteem through

formalities (Chapter III). Thus, a sharp distinction between civility on the one hand and communication on the other is untenable.[76]

Still, the communication *inherently* required of civility is minimal by comparison with more weighty conceptions of communication in communicative accounts. There is no intrinsic connection between conveying assurance and esteem through formalities and communicating a more substantive position on an issue of justice—let alone to do so in particular ways such as public reason or to have that communication be broadly dialogical in nature. The only restraint upon communication of a more substantive sort is that it is civil.[77] However, Civility as a Virtue goes beyond that minimal requirement.

While civility does not *inherently* require a substantive address in cases of disobedience, it will almost always imply one *indirectly*. Disobedience is, by nature, disruptive—and performing disruptive acts typically demands a civil response. In general, when one causes some disruption and/or distress to others, civility calls on one to acknowledge it. Usually and minimally, this would involve some sort of apology or appeal to pardon. That seems true from trivial to significant forms of disruption: burping, bumping into someone, closing roads for maintenance. Even when the disruption is legitimate or unavoidable, failing to acknowledge it appears rude. It is a failure, in our terms, because to fail to reassure and offer basic esteem conveys the attitude that one simply did not care about the other in either way: it suggests indifference at best and contempt at worst and thus not the way a characteristically civil person would act.

Yet in many cases, particularly in the case of *significant* disruption, a *mere* apology looks insufficient. Some sort of explanation of one's conduct seems necessary. Turning up to a vitally important meeting half an hour late and simply saying sorry looks inadequate: scarcely better than turning up, sitting down and acting as if nothing had happened. It conveys almost the same contempt for others affected by one's disruption. We would not expect that from a civil person. In such cases, an apology *and* some explanation are required. As discussed in Chapter IV, the explanation and excuse act to repair any damage done by reassuring of one's general

[76] Scheuerman (2018:145) also suggests that it seems unlikely that many of Milligan's civil norms could be met without some more substantial form of address than he envisions in any case.
[77] This aligns with Milligan (2013:45) who writes that even where civil disobedience so happens to involve fuller communication: "…then the manner in which communication is carried out and the content of what is said should itself conform to basic levels of respect for others and that it should not begin to involve, or approximate to, hate speech."

commitment to formalities and to re-esteem as necessary by conveying the basic respect one has for others in offering apologies. The disruption of civil disobedience is likely to be significant, and so likely entail as a matter of civility some explanation of one's conduct. Furthermore, even if a disobedient does not take the initiative in offering a more substantive explanation of their actions, it is also likely that a disobedient would be asked why they have acted as they have. A failure to respond to being asked for an explanation looks even more contemptuous than failing to provide one in the first place. We can think of this as an "excuse/explanation condition". As a result, civility indirectly accounts for presenting one's case in a more complete way thus approximating the standard communicative requirement of publicity.

Naturally, there is a question here about the audience. To whom should the civility and civil explanation be addressed? Ordinarily, that is understood to be the public at large, but the civility-focused account does not require that. After all, the excuse/explanation condition suggests it should be directed to the relevant audience(s), i.e., those affected by it. It would be odd, upon accidentally knocking the neighbours' fence down while mowing the lawn, to offer apologies to a passerby but not the neighbours themselves. While the broader public may well be relevant in this way to disobedience, they need not always be. Sometimes, disobedience may be directed at a private entity or a more isolated target. For instance, disabling a logging company's destructive vehicles is not obviously disruptive to the public at large. Of course, in a democracy, there are good reasons for addressing the public just from the perspective of resistance: enacting change requires the public that, in principle at least, wield power. But those are pragmatic reasons rather than civil ones.

This communicative element makes for a more stringent account than Milligan's. On his account, forms of direct action like tree-spiking, damaging logging equipment, and animal rescue that make no attempt to communicate still get in (Milligan, 2013:113-115). A criticism of this is that it renders civil disobedience indistinguishable from other forms of resistance (Weltman, 2023:422). Yet it also looks problematic from the civility perspective. A failure to warn workers about tree-spiking or damaged gear, a significantly disruptive tactic at best and potentially harmful at worst, looks disesteeming and potentially threatening. Breaking into an animal lab is still a disruptive form of protest that presumably would be distressing to the workers.[78] While a failure to acknowledge that may not be such a significant failure of civility

[78] This example will be discussed more fully below.

as the prior example, it nonetheless is a situation in which we would expect the civil person to acknowledge the disruption making it at best a non-civil form of disobedience. While their lack of a communicative element is not a problem for Milligan's account, the excuse/explanation condition means we retain enough of the communicative element to differentiate them from civil disobedience.

In sum, trying to be civil requires more than a mere apology in disruptive disobedience. One need not address the majority as such, nor do so to facilitate deliberation or in a manner in keeping with principles of public reason. But some form of explanation of reasons, directed to relevant audiences, is strongly implied by civility in the context of civil disobedience as a means of reassurance and basic esteem. Thus, the civility-focused account can capture a significant part of the communicative thesis and also distinguish between civil disobedience and non-communicative direct action.

§II.II Uncivil Communication

What is important to note here is that it is not communication *per se* that matters but *civil* communication. Pussy Riot and Femen are presented by Delmas (2021:212-213) as clear cases of *uncivil* disobedience: cases that were intentionally offensive and provocative in their communication. Delmas notes the apparent importance of decorum to civil disobedience since both these cases plausibly met the other key elements but there was a general resistance to calling it *civil* disobedience; trying to include them merely because they are communicative is an error (Delmas, 2021:214). Our civility-focused account makes that reason clear. It supports Delmas' view that such acts are indeed *uncivil* acts of disobedience as intentionally rude and offensive. Their communicative nature alone is insufficient to qualify them since the communicative requirement is derived from civility. More than that, its intentionally offensive communication places it as a distinctly *uncivil* form of disobedience: thus, the civility-focused account correctly places paradigmatic incivility in the uncivil disobedience camp.

Not only is that placement intuitive, it also fits with self-perception of the resistors since these cases also often involve groups *not* trying to be civil:

> *Emmeline Pankhurst defended suffragists' use of "militant methods" (including heckling, window-smashing, sabotage, arson, and hunger strikes) and characterized herself as a "soldier" in a "civil war"*

> *waged against the state. Ukrainian-French radical feminist collective Femen brands its disobedience as radical and provocative, not civil, by calling its tactics– which include "sex attacks, sex diversions and sex sabotage"–*sextremism*. In short, agents may see themselves, and seek to be perceived, as radical and provocative rather than civil.* (Delmas, 2021:216 original emphasis)

Since we know that broadly non-civil forms of disobedience can be legitimate and justified, we need not worry that claiming something is not *civil* disobedience delegitimizes it. Offensive disobedience often is trying to be something other than the disobedience of a King or Gandhi. Indeed, incivility can be a powerful expression of dissent especially for those for whom a "fair hearing" is either unlikely or even not the goal: not every form of protest and resistance is aiming to table motions, some are there to just express anger or to make demands (e.g., Edyvane, 2019). Distinctly civil disobedience may well be less effective or desirable in such situations, but that does not mean we need to widen the account when we might more readily talk of distinctly *uncivil* disobedience.

§II.III Publicity

The communication thesis underpins much of the publicity terrain. Publicity is generally taken to involve some or all of the following: "(i) the openness of the act, (ii) non-anonymity of the agent, (iii) advance warning of planned action, (iv) responsibility-taking for the action, or (v) an appeal based in publicly shared principles of justice" (Delmas and Brownlee, 2021:§1.2.2). We saw the "openness" requirement above: the excuse/explanation condition combined with the realities of protest and resistance necessitates some sort of address to a relevant audience. In essence, it cannot be purely covert (we will come onto non-evasiveness in due course). We retain, with others, the same caveat that acts may be initially covert (i). But we also saw that civility indirectly supports a more substantive explanation than a mere apology for disruption, which speaks to (iv) while not going so far as to require a far more demanding (v). That leaves us with non-anonymity (ii) and advance warning (iii). What does civility suggest about those?

Advance warning has always been a problematic idea in the case of civil disobedience that—beyond the traditional accounts of Rawls (1971) and Bedau (1961)—is largely discredited. Quite simply, giving advance notice to the authorities will almost always undermine the

disobedience because the authorities will have the opportunity, be inclined, and possibly even duty-bound, to prevent illegal activity (Dworkin, 1985:115; Smart, 1991; Brownlee, 2016:966). Outside of all but the most ideal of contexts, giving advance warning of planned illegality will completely undermine the disobedient action making it an implausible requirement. Is it a requirement on the civility-focused account?

Advance warning at a general level does seem obviously civil: rather than simply apologising to my neighbours for the noise last night or explaining it was a special birthday, it would have been better perhaps to have given them advance warning of it. But civility is scalar and context sensitive: one does not fail to be civil simply because one did not take every action one could have plausibly taken that would esteem and assure through formality: the civil agent does not go around maximising all opportunities for civility. Take being polite at a party for example. There are many different ways of expressing one's civility in that context but one hardly needs to go about performing all of them to count as polite. Advance warning, in the context of disobedience, is certainly one theoretical option then rather than a requirement. But it is one that, unlike warning neighbours of upcoming festivities, is highly likely to be outweighed by the negative implications of doing so. In any case, apology and explanation are the salient civil requirements; if a warning would have undermined the action, explanation suffices.

Non-anonymity partly relates to non-evasion, which will be discussed below in the respect for law section (§IV). But it is also taken to be a requirement of civil disobedience as an open, communicative act (Delmas and Brownlee, 2021:1.2.2; Milligan, 2013:18–21). As with openness more generally, the move here has been to suggest that the disobedient act need not be entirely open in respect of anonymity so long as the act is followed up with a revealing of one's identity. An example of this is Edward Snowden's whistleblowing—an initially covert and evasive act followed up by open communication (Scheuerman, 2014; Brownlee, 2016). Whereas Delmas (2018:62,101) takes the covert anonymity of the likes of Anonymous and those helping undocumented migrants to be uncivil disobedience.

However, anonymity is not inherently uncivil. Context matters greatly: social formalities may or may not demand identity disclosure and to varying degrees. Certainly, it is possible to think of scenarios in which formalities clearly involve revealing one's identity: approaching guard stations and introductions. But masquerade balls and certain cultural attire like burkas show it is not a straightforward relationship: concealment of identity can be unproblematic for civility and clearly civil persons can attend masquerade balls and wear burkas without their

concealment putting pressure on their civility. Civility, as we've seen, requires the capacity to assure and esteem others through formality. For this to occur, what matters is not full identification, but rather that the civil agent is available as a target for civil engagement. A pseudonym, group name, or other partial identity may suffice for this purpose.

On this view, a group like Anonymous *could* be civil—it is simply the case that Anonymous rarely communicate politely (probably intentionally)—but those secretly assisting illegal migrants anonymously would not count as civil since they do not address affected parties in civil ways. They would be more akin to the Underground Railroad in being a direct, non-communicative disobedience. Anonymity does not inherently tell against civility: concealing identity is not inherently characteristic of the civil or uncivil. Yet, intentional concealment may increase the risk that others interpret one's actions as uncivil because threatening. For that reason, civil disobedients ought to prefer non-anonymity where possible all else equal.[79] Thus, the civility-focused account does not require full identity disclosure but does capture the reassuring value of non-anonymity.

In sum, the proposed civility-focused account makes sense of much of the publicity and communication requirements of civil disobedience. Civility, despite being only minimally communicative in nature, naturally entails a more substantive communicative element because of what civility suggests about disruptive action and how to respond to it. It does not require the more demanding form of communication in being dialogical, based on principles of justice or public reason, etc; but some civil explanation of one's disruptive conduct should be forthcoming. It also clarifies that it is not communication per se that matters but *civil* communication and thus the account is able to rule out paradigmatic incivility from civil disobedience. It also helps explain why certain covert direct action or anonymous actions fall outside the scope of civil disobedience. It is not because they are covert or anonymous as such, because concealment can be compatible with civility. But they can represent degrees of failures of civility which, at least, put pressure on the civil nature of the disobedient act.

§III. Key Elements: Non-Violence

[79] Pragmatic concerns arise here too. Concealing one's identity may be prudent in the face of extreme punishment and reprisals, it may also be necessary for smaller groups to maintain resistance since smaller groups are more easily undermined by arrests.

The question of violence and civil disobedience is certainly a contentious area and looms large in terms of what we think ought to count as civil disobedience. Non-violence seems central to paradigmatic cases, as we saw previously with Gandhi in particular. But central as non-violence was, its name was somewhat misleading as it captured a much wider ethical stance than mere pacifism. While those paradigmatic cases embodied a notably pacifistic stance with a tendency towards ideals of martyrdom, non-violence remains key to the standard account. It is considered central to civil disobedience's communicative aims: "To engage in violent acts likely to injure and to hurt is incompatible with civil disobedience as a mode of address. Indeed, any interference with the civil liberties of others tends to obscure the civilly disobedient quality of one's act" (Rawls 1971: 366).

The requirement of non-violence does present many problems: practical ones such as the realistic chance of sporadic outbursts, self-defensive violence, whether it includes violence to self (e.g., self-immolation) and whether and to what extent it includes property damage. More inclusive accounts have tried to break from the non-violence element and avert many of these problems. For example, as previously discussed in Chapter I, Brownlee (2004) demonstrates that violence *can be* communicative and thus compatible with civil disobedience as a mode of address. And some go further in thinking violence is compatible with civil disobedience at least within certain bounds such as non-life-threatening or not militant (e.g., Welchman, 2001; Celikates, 2016) regardless of its communicative value. This naturally lets in a lot of things normally considered uncivil such as assault, threats, arson, sabotage, etc. (Lai and Lim, 2023: 502; Weltman, 2023:421). Others try to accommodate non-violence in a less strict way requiring it to be only "*…largely* non-violent or *aspirationally* non-violent and primarily with regard to persons" (Milligan, 2013:14 original emphasis; also Zinn, 2013:45-60) thus avoiding an overly stringent account. Yet, there seems to be "…an essential and powerful association between civil disobedience and non-violence: the civility of civil disobedience seems to entail non-violence." (Delmas and Brownlee, 2021: §1.2.3).

But on a civility-focused account, "non-violence" is not a requirement itself. Recall that civility *can* be compatible with physical violence (Chapter I), and indeed some now antiquated forms of violence that seem pertinent to the context of protest and resistance such as duels and *seppuku*. As a result, our approach to "non-violence" is akin to the communicative account: we accept the potential compatibility between the two and use civility to determine what violence is compatible with civility and thus civil disobedience. Violence is not ruled out *per*

se—as it is on the standard account—but assessed according to whether it breaches civility's assurance and esteem. Thus, the civility-focused account need not rule out disobedience as civil disobedience *merely because of violence*.

In theory, this makes for a more inclusive account than the standard, traditional view with its strict pacifism. Thus, Milligan (2013:151) is effectively right that a civility-focused account does not have to entail saintly commitment to pacifism. But unlike Milligan and those in the "aspirationally" non-violent camp, we need not rule out premeditated violence because it is entirely possible for premeditated violence to be civil: duels and *seppuku* are both premeditated and potentially civil. But does this actually distort civil disobedience beyond recognition?

I think not. We will go through some of the main features of the "violence" topic below but consider this general point first. Almost all physical violence and threats thereof *are* uncivil.[80] The anachronistic examples above rather attest to that. Even comparatively minor physical violations compared to full-on assault such as throwing soft toys or pies at people are ordinarily uncivil because they are disesteeming of basic social respect (that is often the point of them), and more serious forms of violence obviously threaten assurance in the most serious ways and potentially beyond repair. In fact, the obscurity of the examples of civil violence above suggests civil violence—outside of obvious contexts like martial art sports—is hard to come by. So, civility does rule out large swathes of violent conduct indirectly. As a result, the civility-focused account accommodates the intuition that there is a connection between civil disobedience and non-violence. Not as an independent requirement of civil disobedience, but a strong correlation that *civil* disobedience *tends to be* primarily non-violent. Let us consider the questions of self-defence (particularly salient given police brutality), non-physical violence, and property damage to see not only how the civility-focused account aligns with the general thought about civility and non-violence but also how it intuitively avoids an overly stringent pacifism.

§III.I Violence in Self-Defence

Requiring strict non-violence means that even self-defensive violence raises a problem for the standard account. But for the civility-focused account, because violence itself is not the problem, the question is to what extent self-defensive violence is compatible with civility.

[80] And many things besides—something might be violent but calling it "uncivil" might rather miss the point since that is not its most salient or vicious feature.

Here we will see that it is effectively a "non-civil" act which does not undermine one's civility. However, given the nature of protest and resistance, there are civil reasons to limit self-defensive violence.

There are of course degrees of violence but let us start at an extreme end of the spectrum and outside the civil disobedience context. Suppose a civil agent is walking down the street when an armed attacker charges them. Is it uncivil for them to defend themselves violently against such an attacker? The obvious, intuitive answer is "no". The attacker renders the interaction beyond formality: they offer no reasonable hope of its restoration and, obviously, the risk associated with attempting to do so is high. As a result, the defender's violence is effectively a non-civil act and compatible with being a civil person. Moreover, we can be clear that it is the instigator who acts uncivilly because *their* violence shatters the conditions of civility. To put this in our terms, knowing that someone defended themselves against an armed attacker does not actually tell us anything about whether that person is likely civil or not i.e., it is neither characteristically civil nor uncivil to defend oneself. Thus, to engage in self-defensive violence does not compromise one's civility even if the act of self-defence is not a positive civil act.

Insofar as police brutality reflects a similar challenge to assurance with dire consequences, disobedients may be said to face a similar situation. Rather than requiring martyrdom because of strict non-violence, *civil* disobedients can engage in a degree of self-defensive violence to protect themselves without compromising their civility. However, there are some important caveats here. While another group's violence can undermine conditions of civility, we would still expect civil agents to characteristically respond in various ways that mean the self-defensive violence compatible with civility is lower in scope than what may be permissible morally—especially in the case of disobedience. Let us look at these now.

For one thing, displays of violence are potentially threatening to others that may be present e.g., third-party onlookers, and this may mean doing far less violence than would be morally permissible as self-defence. For example, a proportional response to violent suppression may well be effectively war on the streets, but that is perilously threatening to those around the protest. More extreme violence is more threatening to witness than more measured violence; thus, even when more extreme violence is proportionate, lesser violence is preferable for civility. Second, in protest violence likely engenders more violence (e.g., Ives and Lewis, 2020) rather than a return to civil conditions. Thus, submission and in particular "retreat" present more attractive options than prolonged self-defensive violence which carries a risk of

escalation. A civil person characteristically looks to secure the assurance of those around them and escalated violence goes against that, as a result, there is a greater emphasis on limiting self-defensive violence on account of civility. There are parallels here with Gandhi calling off planned resistance because of concerns with violent escalation (Milligan, 2013:87).

Further, because of that violent feedback loop, even self-defensive violence means that the protest is likely to morph beyond *civil* disobedience since the conditions for civility are unlikely to return. It is at best going to end up a sort of non-civil self-defensive resistance but, again, civility makes clear that this is the fault of the attackers rather than the disobedients. Their civility remains intact even while their disobedience is unable to continue civilly. But the fact that police brutality can undermine civil disobedience is another reason why a civil disobedience movement, as a whole, should prefer to avoid the potential for self-defensive violence: insofar as they want to be a *civil* disobedience movement, keeping the protests within the bounds of the civil is important.

In essence, while self-defence is compatible with civility there are reasons for civil agents to be averse to self-defensive violence in the context of civil disobedience. In limited and contained ways, it is compatible with civil disobedience because in those limited ways it remains neither characteristically civil nor uncivil; but, in all likelihood, the need for sustained self-defence is going to move the protest beyond *civil* disobedience.

§III.II Non-physical Violence

There is a species of "violence" that is categorically ruled out by civility, found in what Gandhi and King referred to as "violence of the spirit." As we established, civility does not demand the full scope of that spiritual non-violence ideal: it does not require a loving disposition or the absence of hate. But it clearly rules out the use of insult and abuse. Unlike physical violence, insults aim to belittle and disesteem and thus are *inherently*—indeed, *paradigmatic*—acts of incivility. Likewise, personal threats to harm are generally incompatible with civility insofar as they convey a willingness to renege from established formality to the detriment of assurance. Abusive and threatening behaviours are acts of characteristically *uncivil* persons.

The idea that *actual* physical violence might not count against a claim of civil disobedience while the *threat* of it would count against it might strike the reader as counter-intuitive. But I

think that intuition, on closer inspection, probably draws on two things that mislead it. The first thing is to remember that only a smaller class of self-defensive action is compatible with civility (as neither characteristically behaviour of the civil or uncivil) rather than the full proportional range and certainly anything beyond that. The second thing is that the intuition is served by the thought that it is obviously better to be *threatened* with assault rather than *actually* have one's face rearranged by a brute. That is obviously true. But the claim here is what is characteristically an act of a civil person not what is morally best *all things considered*. Similarly, we might think it fine that someone respond to horrific insults with insults of their own; but again, its being *permissible* morally speaking does not make it characteristically civil. The civility-focused account of civil disobedience is concerned with characteristically civil action and this is why threats and insults count clearly against the civility of disobedience that deploys them.

Threats and insults might seem to be ruled out on some communicative accounts also—particularly those of a more deliberative nature—insofar as they may be thought to undermine deliberation or be "incompatible with a commitment to genuine dialogue" (Brownlee, 2012:69). But as others have shown, they are not without communicative value and uncivil dissent may even be functionally useful for democracies (Zerilli, 2014; Delmas, 2018:57-59; Edyvane, 2019). In effect, communicative accounts will face a tension between the communicativeness of these actions and their place in civil disobedience. Civility as a requirement, whether the key requirement or one among many, clarifies that problem since it makes clear that is not merely communication but *civil* communication that matters. This neatly rules out characteristically uncivil actions from coming under the banner of civility.

The parsimony of the civility-focused account is also helpful in dealing with novel cases of violence. For example, Milligan (2013:150–151) points to "trolling" and "cyber-bullying" as examples of novel, non-physical forms of violence. However, rather than relying on what Milligan (ibid.) rightly sees as an inherently "ambiguous" concept of violence to determine whether such novel acts are excluded from civil disobedience, our civility-focused account bypasses that problem. Instead, it handles them—and indeed any future novel examples—via their (in)civility instead. In this example, rather than question whether cyber-bullying qualifies as "violent" we can see that it is simply uncivil. Thus, if we accept that civility can capture the intuition behind the relationship between civil disobedience and violence on its

own, a large swathe of problems bound up with the concept of violence need not bother us anymore.

§III.III Property Damage

The apparent incompatibility of property damage with civil disobedience and its relation to "violence" is generally attributed to classical liberalism (see Delmas and Brownlee, 2021:§1.2.3), but it is by no means as attached as the idea of non-violence to persons: King (2016:148) himself made a clear distinction between violence to persons and violence to property with the latter clearly not a priority to him. Some in the more standard vein do take property damage to be beyond the bounds of civil disobedience (e.g., Bedau, 1961:656; Smith, 2013:3). Others think some degree is fine insofar as it supports the communicative nature of civil disobedience (see Scheuerman, 2018:46-7; Marcou, 2021). Indeed, far from anti-communicative, some property damage can be clearly communicative: "Burning a police car or vandalizing a Confederate monument, as some protesters did under the Black Lives Matter banner, conveys a clear message of opposition to police brutality and anger at the state's failure to address systemic racism" (Delmas and Brownlee, 2021:§1.2.3). The question of drawing the line, between destruction that is symbolic and communicative (in the right way) and that which is unacceptable, may be inherently blurry (Marcou, 2021:507). For us, whether property damage is a type of violence is not the problem, the question is whether and to what extent it is compatible with civility.

A civility-focused account should have *something* to say about property damage. Rather obviously property damage *can* be uncivil. As Milligan (2013:16) points out "…certain kinds of property damage conspicuously fail to show civility or respect. Indeed they are incompatible with either." And it is hard to think of a positively civil form of property damage. So, the question really is whether property damage always is uncivil or whether it can effectively be neither civil nor uncivil and thus not detract from the civil nature of the act.[81]

[81] Again this assumes there is or will be some positive civil action in the disobedience. Without that it would just be at best non-civil resistance.

Here, Milligan's account provides a useful template. Milligan picks out a distinction between types of property as more or less connected to the person (such that an attack on that property is closer to an attack on the person) and the aims of the damage:

> *"...there is a significant difference between damaging impersonal property (locks, gates, windows and fences) and damaging personally significant property (such as someone's front door); and a difference too between property damage as an unavoidable part of a raid and smashing things up as an expression of rage or hatred."* (Milligan, 2013:123)

Although Milligan's distinction between property types and aims is connected to his set of norms, it seems intuitively in keeping with Civility as a Virtue. This is because the nature of the destruction—the thing damaged (its "personal proximity"), how it is damaged, and the apparent reasons why (how functional it was, whether it was gratuitous or threatening)—is what may convey threat and/or contempt and thus render it uncivil. We can use an example to illustrate this.

Suppose a case of animal rescue. In iteration one, the disobedients cut through a fence, smash a window to gain entry, and "steal" the animals inside. In iteration two, they cut through a fence, smash a window to gain entry, proceed to smash up everything including personal items in offices (framed pictures of family for example), "steal" the animals and opportunistically seize anything else of value about the place. The second is not merely worse in scope but worse in respect of civility: the targeting and destruction of personal items in particular is not functional to the disobedience but indicative of action from incivility. These are acts that convey contempt whereas in iteration one the property damage is *functional* in nature (in the sense it is necessary to the performance of the disobedience and the "theft" of the animals *is* the disobedience). Thus, the damage is closer to a neutral act with regards to civility than an uncivil one.[82]

Again, because property damage *per se* is not ruled out, the civility-focused account is less restrictive than the standard account. But it can be more restrictive than communicative

[82] It is worth noting that as this description stands the case does not yet involve any positive civility but, if the excuse/explanation condition is met in some fashion, the functional property damage need not affect the status of the act as civil disobedience.

accounts: symbolic destruction can still be highly communicative yet uncivil. The example above of burning police cars is perfectly communicative but seems threatening through the use of arson all else equal. Such an example might not meet the bar of some communicative accounts anyway depending on how communication is specified. But, again, the point is that something that looks decidedly uncivil *could* get in on communicative grounds whereas it cannot on civil grounds. The civility-focused account strikes a good balance: it permits some forms of property damage that are not expressly uncivil, while clearly ruling out others that are, capturing how property damage can bear on the civil quality of civil disobedience without rendering the concept overly rigid.[83]

To summarize, while the civility-focused account does not rule out violence categorically—as Rawlsian or pacifist traditions—it captures why most violence is incompatible with civil disobedience: because it is typically uncivil in nature. Thus, it retains the recognizability of civil disobedience (A). Yet, it does this without relying on inherently difficult and ambiguous concepts of violence resulting in some clear advantages. Perhaps most importantly, this approach accommodates limited self-defensive violence while recognising the incivility of the initiator of violence. Unlike inclusive communicative accounts, which may struggle to disqualify threats, insults, or property damage that retain communicative and perhaps even deliberative value, the civility-focused view places a clear boundary: not all communicative acts are civil. In this way, paradigmatic incivility is not bundled in with cases of civil disobedience (B). Thus, the integrity and recognizability of *civil* disobedience is retained without a strict non-violence requirement.

§IV. Key Elements: Respect for Law (Non-Evasion)

The idea that civil disobedience is inherently law-respecting despite involving breaking the law has remained broadly appealing not least because it counters the perception of disobedient action as mere criminal lawlessness (Scheuerman, 2018:7). Famously, King ([1963]2016:150) declared that the disobedient action was "…in reality expressing the very highest respect for law." Similarly, Rawls' influential account emphasizes the disobedient's "fidelity to law" (1971:366), a commitment which has been taken to entail a range of expectations: most consistently, that the disobedient (i) accepts arrest and punishment (i.e.,

[83] It may also be noted that the manner of the destruction or damage occurs affects the degree of threat or contemptuousness: carefully pick-locking a door is better in this respect than smashing it open with an axe.

is non-evasive), but also potentially (ii) pleads guilty in court, (iii) does not defend the illegality of the action, or (iv) refrains from complaining about the punishment (Delmas and Brownlee, 2021: §1.2.4). What does civility say about respecting the law?

Whereas a political account of civility—a virtue for citizens—might obviously want to say something about the citizen's relations to law, it is not obvious that it should matter to the ethical sort. After all, ethical civility is independent of critical morality and thus the sorts of duties that are thought to underpin political obligation do not impinge upon civility. Yet, insofar as laws concern our social interaction, there is scope for our interaction with law to be relevant to civility. However, it is important to note that it is not *breaking the law* that is uncivil: possessing illegal substances for personal use or concealing my full income from tax authorities, these are not a matter of *incivility*. Whatever else is wrong with it, it does not concern social interaction that threatens assurance or esteem. However, flouting laws *openly* can affect assurance and esteem in relevant ways. For instance, jumping a red light in front of others is illegal *and* uncivil in that it conveys contempt for others much like queue jumping is similarly insulting (at least in the contexts I am familiar with!). Such cases directly convey contempt by one's illegal conduct.

Often, openly comporting oneself contrary to a law is going to convey those uncivil things to others. Yet, some laws will be generally considered silly or pointless, and thus openly violating them is not uncivil: Jaywalking in the US might be one such example where a majority admit to doing it (Moore, 2014) and, thus, breaking the law here is likely to be seen as trivial and unproblematic from a civil perspective. Civil persons of course have a sort of *pro tanto* reason for outwardly obeying legal formalities (someone unfamiliar with the triviality of jaywalking may comply in order to avoid a perceived risk of conveying contempt for others). But the point here is that there is a gap between *failing to obey a law* and *failing to be civil*. To draw on the jaywalking example, seeing someone jaywalking does not say anything about their civility or incivility. Indeed, the break between legality and civility can be starker: laws may attempt to govern our social interactions directly in ways that are uncivil. In those cases, it would be uncivil to comport oneself in alignment with them (a legal parallel to non-authoritative formalities seen in previous chapters). Thus, Civility as a Virtue does have something to say about law but not about its status *qua* law; rather, whether and the extent to which our failure to conform to it conveys incivility. In this way, civility tends to suggest a certain *outward* respect for law.

On a civility-focused account, the point is not fidelity to legality but *manner* toward legal actors and the formalities of those institutions. Civil disobedients ordinarily owe officials and affected publics assurance and basic esteem; they do not owe deference to the law as such. It also does not entail disobedients drawing on legal ideals or principles to support their disobedience though, of course, they might coincidentally and there may be good legal reasons for doing so: they do not need to declare their "highest respect for law". This will explain why open, courteous "law-facing" comportment enriches the civility of civil disobedience—but it does not entail duties to surrender, to plead guilty, or to accept punishment gladly.

§IV.I The Standard Requirements and Civility

One obvious way "respect for law" and civility coincide is the fact that engaging with the legal system can offer many opportunities to demonstrate civility. Given the likelihood of arrest, legal formalities are a common context through which the disobedient expresses esteem and assurance. Everything from the initial arrest to the trial and any declarations and statements offer good and likely opportunities to enhance the civil quality of the disobedience. After all, we would expect the civil person to generally comply with the formal expectations of such affairs outside of this context. But the more demanding implications of respect for law assumed in traditional accounts do not carry over as requirements of civility. We will turn to the issue of non-evasiveness shortly, but there is nothing inherently civil about pleading guilty (ii) or refraining from defending one's "crime" in court (iii). As for accepting punishment without complaint (iv), while complaining can certainly be uncivil, anyone who has worked in customer service will know there is a world of difference between civil and uncivil complaints. So, simply accepting one's punishment without protest is not itself a marker of civility.

As for non-evasiveness (i), one may think that a disobedient ought to seek out arrest and punishment or, if they need not actively seek arrest, that at least they do not resist when found. This latter point seems true enough subject to the issues of self-defence and brutality discussed in §III. While there is no strong civil reason to actively seek out arrest, there may be performative benefits to doing so: one can perhaps make more of a show of doing so civilly and thus the scope for clear civil action is widened. Perhaps more importantly, it might also help to offset the aspect which is more indicative of incivility: actual evasiveness. Evading arrest

could potentially look uncivil: it is like doubling down on any initial contempt of breaking the law in the first place.[84] Like advance warning, there may be weak reasons for preferring seeking arrest; but similarly, there are plenty of reasons that seeking arrest may be excessively demanding. It may undermine smaller resistance movements entirely because they cannot afford to lose the small number of resistors they have (Milligan, 2013:44, 105-106), states may also punish excessively (Scheuerman, 2018:49-51) or may lack the right to punish at all if it is itself compromised (e.g., Zinn, 2013:35-40). These reasons for evasiveness can be communicated if they are not obvious to offset concerns about incivility i.e., to offer some support for the idea that these actions were not the product of incivility. We would expect civil persons to be alive to that concern and thus address it. So, I do not think evading arrest need trouble us overly from the perspective of civility; no more than the initial breaking of the law.

Part of the appeal of the traditional emphasis on respect for law is that it helps mark civil disobedience as morally distinct from ordinary criminality: it signals a principled allegiance to legal and social order even in the act of defiance. Communicative accounts may offer a similar reassurance in suggesting that civil disobedients affirm shared public norms by addressing fellow citizens as moral equals. At first glance, a civility-focused approach may seem too thin: it does not require fidelity to law, nor a substantive communicative appeal to public reason or deliberative ideals.

Yet Civility as a Virtue expresses something more foundational than legal fidelity—it embodies a basic commitment to prosocial interaction and mutual regard. While it may not mark commitment to a given legal system or political order, it does indicate a commitment to *others* and to a virtue in the form of civility. Indeed, given the context of protest and resistance in which such commitments might reasonably be thought to be under strain, being civil in that context seems indicative of a deeply held commitment. After all, the truly civil are not merely civil when it is easy to be civil, when there is no significant conflict or incentive to renege. Moreover, that basic social commitment to others transcends legal boundaries and, arguably,

[84] As always context matters hugely: in societies where there is a decent legal system and a sense of fair play, the evasion puts more pressure on the civility of the disobedience; in a society with a clearly oppressive legal system there may be no such sense of fair play (or similar) that would make evasion be interpreted as anything other than purely sensible action, i.e., it would *not* put pressure on the civility of the act.

predates it.[85] In essence, we may think it represents a more fundamental commitment than respect for law.

The civility-focused account may not differentiate the civil disobedient from the ordinary criminal as starkly as the standard law-respecting account can: ordinary criminals are obviously not law-respecting in behaviour or disposition. Still, it yields a notable contrast. Criminal acts typically do not reflect the virtue of civility; offenders do not tend to act in characteristically civil ways (and often act uncivilly). It is conceivable that certain offences could be carried out with outward courtesy—the romantic "gentleman thief," say—but such cases are striking precisely because they are both highly unusual and, in cases like this, because civility is presumably conditional upon the victim's submission and acquiescence. Thus, while not as stark, the civility-focused account also differentiates the civil disobedient from ordinary criminal agents.

§IV.II Increasing Inclusivity

An advantage of the civility-focused account's treatment of the "respect for law" aspect is that, without wholly distorting the face of civil disobedience, we can get a more inclusive account of civil disobedience than the standard account which is generally considered overly restrictive. The standard account's demand for respect for law is considered problematic in various ways. For example, David Lyons (1998) argues that the legal systems confronted by King and Gandhi were themselves so morally compromised that they did not merit respect—and that neither King nor Gandhi, in fact, respected them as they were. And we have already seen the various issues raised with accepting punishment. The standard account is overly demanding in requiring respect for law. For example, Brownlee (2016:969) claims the focus on disobedients who possess fidelity to law means the legalistic account "…has little to say about disobedients who are ambivalent or hostile to their legal system or who are not members of the society whose laws they oppose." This does seem a little concerning given contexts where, as Lyons points out, there really ought not to be any respect for the law.

Let us start with the first point about the sorts of agents it rules out. The civility-focused account does not require an actual attitude of respect for the law. Hence, it is possible to be anti-law *and* civil. So, the account is theoretically more accommodating and less demanding.

[85] There may be issues with the use of the idea of a "pre-law" society (see Anderssen, 2023; cf. Hart, 1961), but it seems clear that humans have had social rules before legal structures and concepts of law.

Gandhi and King did not *have* to respect the laws of their unjust societies, nor did they even in have to respect the law in principle; their outward displays are captured by a combination of civil comportment and, to a considerable extent, a penchant for martyrdom and the ugly contrast it made with their opponents. Of course, we should not overstate how appealing the civility-focused account might be to those hostile to the law of their society: it will often suggest comportment that could well be *taken to be* respect for the law and that may be unappealing insofar as it conveys an endorsement of the legal system. A distinctly uncivil disobedience may be better for those who wish to make their lack of allegiance abundantly clear. Yet Gandhi and King were both able to express their opposition to the systems they found themselves under while remaining civil: so, we should not think that civility and expressing opposition to the legal system are entirely incompatible either.

Some posit that the standard respect for law applies narrowly to citizens of their own state. For example, Brownlee writes: "Consider the person who travels to another country and engages in an illegal demonstration in solidarity with local people. As someone who lacks the standing to have a fidelity to the law of that society he sits outside the conceptual and evaluative space [of the standard view]" (Brownlee, 2016:969). Law respectingness may be connected to the idea of citizenship and duties of obedience for which political civilities are also considered restrictive (Volpp, 2014). Insofar as respect for law is inherently tied to a state, then civility offers an alternative because it transcends legal boundaries. The civility-focused account is not narrowly focused on *citizens* and even operates even in the absence of effective law. It does not require disobedients to be part of the legal society they wish to challenge and is in this way wider in scope. Indeed, the account does not limit its disobedients to citizens of a given state or of particular types such as deliberative democratic ones: civility applies across those domains and so citizens of other countries and none, such as stateless persons, are also able to perform civil disobedience.

Scheuerman's (2015:442) more idealistic account of respect for law requires demonstrating respect for the law *in principle*—the ideal of *rule of law*—rather than the law *as it is.* That gets around the first concern easily: the idealistic version of respect for law allows a distinction between affirming the ideal of law and the law as it is practiced or manifested in one's society. As for the second, someone can have respect for the rule of law that grounds and motivates their disobedience *somewhere else* and one need not be a member of society to express that. Scheuerman (2015:427) worries that the "anti-legal turn" risks cutting off civil disobedience

from its normative grounding and "robs civil disobedients and their advocates of an impressive line of defense". This latter point matters though only to the extent that the actual legal system is responsive to those principles. When it falls short, evasion is compatible with this ideal respect for law as in the Snowden case (Scheuerman, 2014).

Of course, disobedients may utilize legal principles and it may be legally effective too. But that does not mean ideal respect for law is conceptually necessary for civil disobedience. Consider an illegal protest by committed anarchists who explicitly reject respect for law both as it is and in ideal terms. Suppose they act non-violently, offer a basic explanation of their protest, and comport themselves in a way that manifests assurance and esteem. Perhaps additionally their cause is not one easily linked to law: challenging social norms or general treatment rather than any specific law or policy. Surely this should not detract from their position as *civil* disobedients. If the lack of ideal respect for law does not affect the qualification as civil disobedience, then Brownlee is right that fidelity to law is not essential to the concept.

In sum, the civility-focused account reorients the idea of respect for law by shifting attention away from legal fidelity and toward the interpersonal regard of civility. Some notable measure of outward respect for law is suggested by civility, and the legal system naturally provides a likely environment in which a civil agent would characteristically display civility. So, civility explains many outward features of respect for law. Yet, it avoids the rigidity of traditional legalistic models and the limitations they impose, while still preserving a normative distinction from criminality through the civil comportment of the disobedient.

§V. The Losses and Gains of a Civility-Focused Account

The main benefit of a civility-focused account of civil disobedience is parsimony. Rather than a collection of different requirements as reflected in the standard account and the playbook, we have one guiding element: civility. Civil disobedience is not disobedience which is non-violent, *and* law-respecting, *and* (deliberatively) communicative, *and* public, *and* (perhaps) civil/decorous; it is disobedience that is *civil*. Streamlining the account does not render civil disobedience unrecognizable: It captures much of the open, communicative requirement albeit indirectly (§II); it accommodates the strong, intuitive relationship between non-violence and civil disobedience (§III); and offers some support for non-evasiveness and an outward showing

of respect for law (§IV). We capture all that with civility. This parsimony is theoretically neat and also clarifying, as we have seen, of some more problematic concepts such as violence.

Further, we have seen that the civility-focused account occupies a potentially appealing middle ground between the pure standard and the (overly) inclusive accounts: it retains recognizability, but the reframing of the standard elements via civility makes the account more inclusive. While it does entail communicativeness, it does not require a more demanding public reason or deliberative standards. While disobedients ought to provide some sort of explanation of their conduct, it need not be in the form of presenting a case to be considered by the wider public and it need not be deliberative in nature. That allows for disobedience whose primary function is not to address the public but to directly challenge injustice. Civility rules out most violence because most violence is uncivil. Yet, it can permit some forms compatible with civility including, importantly, some degree of self-defensive violence. And because the problematic concept of violence itself is replaced by civility, the relationship between property damage and civil disobedience simply turns on its (in)civility. The civility-focused account can distinguish between damage that is functional and that which is decidedly uncivil. As for law, the civility-focused account does not require respecting laws in any deep way, connecting one's disobedience to legal principles, or any of the classic requirements like accepting punishment, guilty pleas, and such. Additionally, and as established in Chapter II, because the civility concerned is also neutral with regards to particular political conceptions unlike political civilities, it is also more accommodating of disobedience by non-citizens and applicable to contexts (agents and environments) that are not, say, deliberative democratic. Thus, we have an account that is both parsimonious and more inclusive than the standard without distorting it beyond recognition.

Finally, the account has a further advantage in clarifying the conceptual space of a distinctly *uncivil* disobedience. The civility-focused account suggests a clearer boundary between civil, uncivil, and non-civil forms of disobedience and resistance. Some direct action will not count as civil disobedience since it does not meet the excuse/explanation condition. Absent civil address, it would not be civil disobedience but nor would it fall into *uncivil* disobedience by default. It is simply not civil disobedience (non-civil disobedience). On the other hand, disobedience that is significantly disesteeming and/or threatening is decidedly *uncivil*. As is generally the intention: Delmas' examples of Pussy Riot and Femen are intentionally rudely provocative and so are straightforward cases of uncivil disobedience, as Delmas suggests they are. But just because something is not public, or is evasive, or non-communicative in a more

substantive sense does not mean it should be considered *uncivil* disobedience. The civility-focused account suggests a clearer concept of uncivil disobedience: a boundary between civil, non-civil, and uncivil forms of disobedience.

While civility appears capable of doing much of the conceptual heavy lifting in defining civil disobedience, and confers these notable advantages, we might still question whether it is sufficient on its own. Perhaps it is best treated as one important criterion among others. Giving civility its proper due would still enhance our understanding of how it shapes the concept: for example, recognising that disobedience should not only be substantively *communicative* but *civilly* so would thereby rule out insult-laden expression no matter its communicativeness. And this may turn out to have similar advantages to the focused account in terms of inclusivity without losing recognizability. But I want to consider a potential objection here, namely that the civility-focused account places attention on civil resistance rather than a form of address to the public.

§V.I Civil Disobedience and a Mode of Address

We may worry that the civility-focused account loses sight of a central function of civil disobedience: namely, its role as a public mode of address on matters of justice. Accommodating communication only indirectly perhaps changes the function of civil disobedience too much. It has long been considered a mode of address, albeit an illegal one, for the public at large. It might be thought that this address on matters of injustice just is the crucial function of civil disobedience; something that sets it apart from directly challenging perceived injustice or from simply imposing one's vision unilaterally as a revolution might. The civility-focused account by contrast can accommodate more direct disobedience—so long as it has the minimal requirements—which is not primarily concerned with addressing the public on matters of justice. Thus, civil disobedience would no longer be a mode of address, just a civil form of illegal resistance. If that is cause for concern, a few things may be said in response.

First, a more substantive sort of address remains a likely feature of most civil disobedience. This is because it is a form of protest and resistance that requires acting as a civil agent characteristically would, which almost always will entail some sort of explanation of one's conduct (as per §II). One will often be in a position then to provide the more substantive forms of address that communicative accounts expect and there may well be good reasons for doing so: after all, insofar as correcting the apparent injustice requires public uptake and/or

deliberative or democratic processes to realize, it makes sense to address the public as part of effective resistance. Yet, it may be that the weight given to the centrality of public address is misplaced because we tend to connect civil disobedience to democracies.

Second, considering civil disobedience as a mode of address—a way of presenting matters of justice for consideration to a wider audience when ordinary channels fail—seems to presuppose an ideal deliberative democratic society. But the idea that civil disobedience is a mode of address for the public only appeals to the extent that the public is in some way instrumentally critical to policy change: otherwise, civil disobedience as a mode of address would seem to prioritize messaging over actual resistance. As above, in democratic contexts—where uptake, contestation, and sanction flow through public opinion and elected officials (at least in theory)—addressing and attempting to persuade the public is often instrumentally crucial to effective resistance. Yet, outside such contexts it may be less so and perhaps even entirely irrelevant. Sometimes even in democracies, publics may be aware of an injustice and do not need persuading; rather, it is elite groups that effectively hamper amelioration. In such cases, civil disobedience as a mode of address to the public seems pointless. Treating the public address as an incidental rather than central feature of civil disobedience, the account is better suited to non-idealized contexts.

Finally, implicitly binding civil disobedience to deliberative democracy can render the concept needlessly exclusionary. The less demanding communicative standard in the civility-focused account means that those who are less well placed with respect to democratic deliberation are also not disadvantaged. This is a familiar concern for deliberative ideals in political theory which, to the extent that civil disobedience's mode of address is connected to them, likewise applies to civil disobedience. For example, not every agent has the necessary capacity or resources to reach deliberative ideals and deliberative ideals themselves may be, in our non-ideal world, compromised. "Under conditions of structural inequality, normal processes of deliberation often in practice restrict access to agents with greater resources, knowledge, or connections to those with greater control over the forum" (Young, 2001: 679). Furthermore, some forms of address such as those presented as rational argument may be privileged with respect to a fair hearing compared to more symbolic or expressive forms (Schäfer and Merkel, 2023); and some agents may even find contribution to deliberation an unenviable hurdle through their "…culturally devalued way of speaking" (Holdo & Öhrn Sagrelius, 2020: 648).

Unless we want to restrict our accounts of civil disobedience to deliberative agents and environments, we have good reason for lowering the communicative bar in any case. The civility-focused account offers a way of doing this while remaining recognizably *civil* disobedience. Because civility is inherently communicative, it still places the disobedient in a communicative relation to others and demands that disruption be handled in a way that tries to convey assurance and basic social regard through formality. This requirement is lighter than dialogical or rational-deliberative standards yet still manages to exclude forms of clear incivility like contempt, insult, or intimidation despite their obvious communicativeness. Civil disobedience may cease to be *inherently* a mode of address to the public but, to the extent that the value of such an address is compromised—such as outside of ideally deliberative democratic contexts—that connection seems less important.

§VI. Conclusion

In this chapter we have seen that civility can do the conceptual heavy lifting in civil disobedience. On the proposed civility-focused account, an act of illegal protest or resistance counts as civil disobedience when the agent acts as a civil agent would characteristically act: adopting forms and responses that express assurance and basic esteem toward relevant audiences and seeking to avoid threat or contempt signals. We wanted the account to retain the recognizability of civil disobedience and, to this end, we tested it against the remaining standard key elements of civil disobedience. There it was able to capture much of the familiar terrain yet provide distinct advantages and insights. The communicative element and publicity follow because civility—properly understood—is minimally communicative: an availability and excuse/explanation condition rule out non-communicative direct action and suggest a more substantive address. Yet it does not call for the more demanding public reason or meeting of deliberative criteria, and it also clarifies the importance of *civil* communication that rightly places intentionally offensive action outside of its domain (§II). As for violence, almost all physical violence is uncivil and so the account captures the strong link between civil disobedience and non-violence; yet it does so without a stringent pacifism nor relying on an inherently ambiguous concept of violence which allows it to accommodate self-defensive violence and some property damage (§III). Civility also captures an outward respect for law in a way that makes a degree of respectful comportment within legal *fora* a likely feature of civil

disobedience. Yet, while that courteous engagement is civility-enhancing, actual fidelity to law, guilty pleas, and willing acceptance of punishment are not conceptually required.

The result is an account that is parsimonious yet recognizable as *civil* disobedience: it captures the core normative shape associated with paradigmatic cases while avoiding the rigidity of traditional models and the over-inclusiveness of purely communicative approaches. It also clarifies the conceptual landscape by distinguishing civil from uncivil disobedience more clearly. Because civility is still restrictive enough, the account leaves room for disobedience which falls outside of civil disobedience and the clearer account of *civil* disobedience offered a more straightforward sense of what should count as distinctly *uncivil* disobedience. The idea of civility then does seem to have a lot to add to the concept of civil disobedience.

Whether civility alone should serve as the core of the concept will remain part of the continued debate of the contested concept of civil disobedience. But this chapter has shown that a civility-focused approach is not only conceptually coherent; it also seems to align well with our sense of what makes civil disobedience *civil*. It is, at the very least, a viable and illuminating contender in the landscape of conceptual theories of disobedience. Civility as a Virtue unifies and clarifies the concept of civil disobedience.

Conclusion

This thesis set out to clarify civility and its role in civil disobedience by addressing the problematic use of the idea of "civility" in civil disobedience. This required engaging with the concept of civility, to develop an account suitable for application to civil disobedience, before ultimately applying it to civil disobedience. I have argued that civility ought to be understood "ethically" rather than politically, that it is very plausibly a virtue whatever account of virtue one prefers, that it is a virtue aimed at assuring and esteeming social interaction via formalities, that civility is not inherently supportive of the *status quo* and that it has, in fact, some resources of its own to confront its critics and apparent shortcomings. As for its role in civil disobedience, I have shown how it was important to paradigmatic cases and some ways in which a virtue of civility may be connected to the concept of civil disobedience. Ultimately, I argued that we ought to take the qualified agent approach: the civility of civil disobedience involves acting as a civil agent would characteristically act. In the end, this saw the development of a virtue-theoretical civility-focused account of civil disobedience that overcame some of the problems of the "standard" account while remaining recognizable as *civil disobedience* by capturing the key elements of civil disobedience (albeit understood from the perspective of civility). Thus, civility may not merely be important to civil disobedience as one key element, but potentially central to our understanding of it.

Chapter Recap

In Chapter I, the problems of the treatment of civility in civil disobedience were identified. I distinguished two forms of treatment: inside-out and outside-in. I showed how inside-out treatments were parasitic on ideas about civil disobedience when informing their idea of "civility" that led to them including items under the banner of civility which we could not be sure really were parts of civility. This counter-intuitive treatment could be resolved by outside-in treatment, i.e., treating the concept of civility independently of civil disobedience before applying it to that case. I then showed some problems with outside-in treatment, how it was often vague or implicit and sometimes insufficiently engaged with the civility literature to generate a suitable account for civil disobedience. Thus, an account for civil disobedience would have the following success criteria: it would be treated explicitly and outside-in,

independently of civil disobedience before being applied to it and it would engage with the civility literature.

In Chapter II, we saw an important distinction in the civility literature between political and ethical civilities. I argued that we ought to take an ethical account to civil disobedience because political accounts were problematic. Political accounts were problematic for two reasons: Either they represent inside-out treatments from other concepts (usually deliberative democracy) which undermines the account of civility by bringing in demands beyond civility or else they represent particularly narrow accounts in being overly restrictive to where or to whom they can apply. This latter problem may make them passable accounts of special civility (like French civility, or Medieval civility), but it rendered them overly restrictive as general accounts of civility—and we want a general account for civil disobedience. Ethical civility treats civility as its own, distinctive good and generally rather than specifically. Thus, in addition to the criteria of Chapter I, the account should be *ethical* not political and *general* not special.

Chapter III assessed two seminal accounts of ethical civility from Calhoun and Waldron. Here I looked at how the accounts were similar and the ways in which they differed. By weighing the accounts against each other, I demonstrated that both provided valuable insights into civility while both leave more to be said for a fuller account of civility. From this I argued that civility involves the use of formalities for the sake of basic social esteem and assurance of interaction; moreover, I showed that civility ought to be understood as a property of persons, not merely acts. Waldron's abstract account would form the basis of a more developed account. This "dispositional" understanding of civility led to the conclusion that civility might be a virtue—as it has often been called if not strictly treated as such—and, therefore, one way we might advance our understanding of civility is to treat it virtue-theoretically.

In Chapter IV, I set out an initial sketch of a virtue-theoretical account of civility: Civility as a Virtue. I started from a working definition based on Waldron's account and expanded it to the following: *Civility is the disposition to respond positively (by promoting, honouring etc.) to the demands of the items of formality (formalities, the value of formality, and the social actors of the interaction).* I expanded on the responses and the items to explain them and showed how some characteristics of civil persons arise from the underlying logic of the interaction between those responses and items. I also showed how Civility as a Virtue makes sense of both when civil persons follow formality as well as when they would not, why it is distinct from other values

and virtues, and set out some ways in which civility responds to non-compliance. Having set out this account, the next chapter would be where I assessed it.

In Chapter V, I assessed the account of Civility as a Virtue developed in the previous chapter. I confirmed that civility is indeed plausibly a virtue because it meets a wide range of accounts of virtue. Thus, we can be confident in considering it such. I then argued for various ways in which the account also responds to typical criticisms of civility. I showed that civility is not inherently supportive of the *status quo* and highlighted some ways in which it can respond to problematic cases. Decoupled as it is from critical morality, there are of course limits to civility; nonetheless, I argued that it does possess greater capacity than may be appreciated for overcoming or responding to some challenges. I also argued that Civility as a Virtue leaves room for righteous incivility because the incivility that critics praise is measured *acts* of incivility rather than the vice itself. Finally, I showed that the account meets the success criteria developed in Chapters 1 and 2 and thus is suitable for application to civil disobedience.

Chapter VI began by explaining the difference between acts *of* a virtue and acts *from* a virtue. I applied this to civility and showed how it can be used to make accurate and nuanced judgments about cases. I then turned to the matter of civil disobedience to figure out how civility ought to relate to this concept: acts of, from, or something else? I demonstrated how civility related to the paradigmatic cases of Gandhi and King, and highlighted some problems with acts of and from civility in the particular context of civil disobedience. A pragmatic solution to these problems was suggested with Hursthouse's "qualified agent" approach to right action (which I adapted to the particular case of civil action). Thus, the civility of civil disobedience requires agents, on the whole, to act as we would expect the civil agent to characteristically act, i.e., hitting the targets of civility where possible, reflecting the attitudes of a civil person (especially when civility is frustrated), and avoiding threat and contempt signals.

Finally, in Chapter VII the civility-focused account of civil disobedience was set out. Here I argued that rather than simply being one key element among many, civility could be *the* key element. I argued that such an account could overcome some of the traditional problems with the "standard" account of civil disobedience while remaining recognizably civil disobedience. It could achieve this latter feat to the extent that it could make sense of the remaining key elements: communicativeness (publicity), non-violence, and respect for law. The civility-focused account had the advantage of being a much more parsimonious account of civil

disobedience. By reinterpreting the other key elements via civility, the account was also able to offer novel insights into problems associated with them e.g., stringent non-violence. The account also suggests a cleaner distinction between civil and *uncivil* disobedience: it makes good sense of why Pussy Riot are, as Delmas suggests, paradigmatic uncivil disobedience but casts doubt on something being uncivil disobedience merely because it was, say, non-communicative. The civility-focused account thus represents a genuine and advantageous alternative to existing conceptions of civil disobedience.

Discussion

The thesis has covered a lot of ground in trying to engage with civility before even getting to its connection to civil disobedience and plenty remains to be said with respect to both domains.

Although I have suggested some ways in which civility is distinctive from other goods and virtues, there is no doubt more to be done to investigate those differences and the impacts such distinctions may have on broader conceptions of civility that take it to include a set of things from tolerance to chivalry (e.g., Bejan and Garsten, 2014; Bybee, 2016): a closer examination may help us refine those broader accounts and better identify when and where civility matters and can help us and where something else does. While I have demonstrated that civility is plausibly a virtue and provided an account of it, I have intentionally done so without subscribing to a particular account of virtue theory: it would be interesting to see how the various accounts of virtue might ultimately interpret a virtue of civility and whether more specific accounts may have more to say on civility's "dark side" or, indeed, its role in disobedience. Naturally, the increasing interest in accounts of other specific virtues[86] also may help us understand how civility may be weighed against those of other virtues, or perhaps how civility might be integrated into a wider account of the virtues. Indeed, if the virtues are meant to be structured with some virtues subordinate to others (e.g., Russell, 2009:177ff), this may provide another way in which the limits of civility question might be addressed if civility is subordinate to some other higher virtue. Furthermore, Civility as a Virtue provides another way to critique our current practices of formality, as it may identify various nonauthoritative

[86] Hursthouse and Pettigrove (2022:§4) highlight work on decency, truthfulness, ambition, and meekness in addition to the cardinal virtues.

rules which we actually have no civil reason to comply with. Thus, the ongoing task of bettering formalities (Bybee, 2016:78) can be aided from the perspective of civility itself.

While I have expressed some scepticism that political civilities are really civility at all, the good or virtue they try to capture supposedly includes ethical civility in some way; yet, there remains a question about just how compatible they are. For example, particularly strong deliberative accounts which emphasize citizen engagement in search of some sort of resolution may well find that the politeness of civility cuts deliberation short. If so, how are we to weigh the value of engagement versus the value of ethical civility that, at least ostensibly, political "civilitarians" still want citizens to possess? Responding to the growing perception of incivility among politicians, we might well ask to what extent it is realistic or even desirable for our politicians to be civil with each other. May they sometimes also be engaged in a sort of righteous incivility? I also hope that by drawing attention to political civility's tendency to depend on liberal, deliberative democratic ideals I have identified a potential problem in equating civility with liberal democracy—the civil person with the good liberal citizen. As I argued earlier, this seems inappropriate for civil disobedience; but I think it raises questions about its appropriateness more broadly perhaps especially when it comes to the teaching of civility in schools as part of a desire to educate for virtues (e.g., Athanassoulis, 2013; Peterson, 2019). How are we to think of other forms of political civilities especially in relation to our own?

As for the disobedience side, the debate about the concept of civil disobedience is alive and well and the civility-focused account provided here engages with that. It offers a novel conception of civil disobedience, but it does not amount to a full theory of civil disobedience. It doesn't, for example, address the question of permissibility and it may well be that civility itself cannot answer that satisfactorily. At best it suggests some laws may be nonauthoritative from the perspective of civility. Still, there is the possibility of a virtue-theoretical theory of civil disobedience. That is how this project was first conceived, but that would obviously go well beyond the virtue of civility: virtues of justice, obedience, compassion, honesty and courage *inter alia* could all play into a wider theory of civil disobedience. Indeed, there is an increasing interest in virtue in jurisprudence (e.g., Solum, 2003; Cimino, 2018) that could also inform state/official responses to civil disobedience. And given that climate change is one of, if not the, biggest issue of our time and the focus of much protest and resistance, the flourishing area of environmental virtue theory (see Hursthouse, 2022) offers another avenue for further crossover between virtue theory, political theory, and protest and resistance.

Questions remain about the desirability of civil disobedience of course, for example about whether it has had its day. An account like mine that tries to retain much of the "standard" account rather than revolutionize the concept it (e.g., Milligan, 2013) probably does too little to appease the sceptic there. There may well be many questionable features that this civility-focused account brings in tow that I have not been able to consider here. For one thing, the emphasis on communicative civility and maintaining that civil flavour to disobedience probably enhances the role of the spokesperson for a campaign, someone who can imbue the campaign with civility and challenge inevitable deviations and shortfalls, and their ability to do that seems obviously made stronger by the authority they are taken to have (that is something that Gandhi and King provided); yet, as Milligan (2013:128-129) points out, many modern resistance groups are less hierarchical and even less structured in general making the role of an authoritative spokesperson perhaps deeply unattractive to modern movements. How much the civility-focused account depends on that in practice and, if it does, how problematic it would be, have not been addressed in this work. I have only tried to give an account of what civil disobedience *is*, not to judge whether it remains especially relevant or even its relative value compared to other forms of protest and resistance.

Concluding Remarks

As noted in this work, civility is quite rightly considered a difficult and often vague concept. While work on political civility has enjoyed more recent focus, ethical civility has had to play second fiddle. Yet, by asserting civility's value as a virtue, I hope to have made the case that it ought to be considered a little more important than mere politeness or an elite conception of manners. In addressing the first half of my question, what is civility? I hope to have contributed to a better understanding of it through Civility as a Virtue. As for its role in civil disobedience, this work has shown that the civility of civil disobedience can be readily and fruitfully understood in the ethical sense of civility. There is the possibility of retaining the recognizability of classic civil disobedience with just *one* key element of civility. That key element can capture the public communicative nature without requiring more demanding deliberative criteria. It can capture the sense in which violence is generally antithetical to civil disobedience without making it wholly pacifistic. It can capture the sense of why civil disobedience would often involve displays of respect towards law and law officials without requiring a genuine respect for the law as it stands, or even in principle. All this shows that civility (or "decorum") at least deserves its place among civil disobedience's key elements; but,

at best, it is a potentially unifying element that offers some fresh perspectives on the essentially contested concept of civil disobedience. Civility as a Virtue offers an illuminating and clearer way of thinking about civil disobedience.

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