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Necessary, but Paradoxical and in Need of Further Development?

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Civility during Covid-19 Crisis

Comments on Matteo Bonotti and Steven T. Zech's *Recovering Civility during Covid-19*

Civility during Covid-19: Necessary, but Paradoxical and in Need of Further Development?

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Abstract: Civility is an important theoretical category, both for political theory generally and in order to understand and discuss the many issues raised by the Covid-19 crisis, as well exemplified by Matteo Bonotti and Steven Zech's book *Recovering Civility during COVID-19*. Bonotti and Zech's examples of issues during Covid-19 related to civility as politeness do, however, indicate more general problem relating to civility, which might amount to a paradox of civility. Furthermore, their discussion of justificatory civility indicates that there may be further aspects of relevance than the usual distinctions between public and non-public reasons from the public reason literature.

Keywords: Civility, Civil society, Covid-19, Justification, Politeness, Public reason.

Civility: an important but often neglected idea in political philosophy

One story about the provenance of ideas of civility is social contract theory, which modelled politics on an imagined move from a pre-political state of nature to a political state of – precisely – civil society. Most classical social contract theory, e.g. in Hobbes, Locke, Rousseau and Kant, focused on the creation of a state understood as institutions empowered to employ coercion in order to enforce formal rules – usually in the form of laws – as binding on all members of the social contract and hence the civil society it creates.

However, this focus on formal institutions and state power has often led to a neglect of other aspects of what it means to create or uphold a civil society. Civil society is not only a matter of having formal institutions governed by laws and authorized to employ coercion, it is also a matter of informal norms and customs for how members of a

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society engage with each other and act in relation to each other within the framework set by the formal institutions. No matter how good institutions and laws, it will not be a very civil society if citizens only do what these formal institutions minimally require and relate to each other as if they were still in a state of nature in other respects.

Several societal developments in recent years have provided sobering illustrations of this, the followers of former president Trump probably being the clearest example. The behavior of Trump supporters during the Trump presidency and especially after the presidential election that ended his time in the White House show how little formal institutions and laws can do to uphold society if citizens are not also committed to being civil towards each other. The idea of civility is therefore extremely important in order to capture the whole of what political philosophy should be concerned with and in order to understand and discuss many actual political and societal developments and challenges.

Civility thus understood is on the one hand *a general interpretative category* that we can use to capture aspects of politics and social life, and on the other hand *specific norms of civility* that might either be accepted by people or be proposed as norms that ought to govern how people behave in specific contexts.

In light of this, Matteo Bonotti and Steven Zech has done several great things with their book *Recovering Civility during COVID-19*. The book collects and systematizes different discussions of civility and show their relations to each other. It also uses these conceptions of civility to discuss important aspects of the Covid-19 situation, which shows how many of the issues we have been concerned with as effects of the immediate health crisis and the political handling of it really concerned issues of civility.

The book is thus both a great contribution to scholarship concerning civility in political theory and a contribution to our understanding of the Covid-19 crisis.

The paradox of civility

The first main sense of civility identified and discussed by Bonotti and Zech is “civility as politeness”. This concerns how people behave in relation to each other horizontally, i.e. in ways not dictated or directly regulated by formal (“vertical”) laws or legal rules. Bonotti and Zech provide ample examples of how the Covid-19 emergency had effects for civility as politeness. The changed circumstances made the applicable norms of civility uncertain, since what used to be polite suddenly might be impolite, e.g. due to new norms of social distancing. This uncertainty, together with other features of the changed circumstances, such as mask wearing, made it difficult for behavior in accordance with civility norms to fulfill the functions that civility is supposed to, in terms of both facilitating social interaction and communicating respect for the equal status of others. The situation itself provided ample occasion for conflicts among citizens, to which the uncertainty about and barriers to civility only further contributed.

Bonotti and Zech provide a wealth of illustrations of this, many of which show not only how civility is a difficult exercise under changing circumstances but which also show how actors can exploits such circumstances to act in ways contrary to civility. I

agree with all of this. However, the many examples raise the worry that the problem may not only be one of difficulties due to specific circumstances and examples of exploitation hereof. The examples might rather indicate how there are problems inherent in civility as politeness *as such*, which are merely amplified in cases such as Covid-19.

I have earlier in another context written about what I called a “paradox of civility” (Lægaard, 2014). The context was the Danish cartoons controversy over the publication and republication of the Mohammed cartoons and the resulting reactions to this. My point then was that many aspects of this controversy concerned issues of civility rather than legally regulated free speech. More specifically, I introduced the notion of a paradox of civility in order to capture and explain an aspect of the discursive dynamics of civility claims, which I thought important to understand part of the cartoons controversy. The idea was that some of the objections to the cartoons were framed in terms of civility. This implies that the objections presupposed several things:

- a) a social relationship exists among those publishing and defending the cartoons, on the one hand, and those objecting to them, on the other,
- b) the publication violated applicable norms of civility holding in this relationship, and
- c) the objections are an appeal to partners in the relationship to acknowledge this violation in an appropriate way in order to mend the social relationship and get future common life back on track.

The paradox of civility arises when such objections are received, not in a way acknowledging these assumptions, but as expressing an incivility on the part of the objectors, who, rather than being seen as committed to upholding a social relationship, are seen as revealing their non-commitment to what others take to be the right norms of civility. Rather than raising the issue about the cartoons as one of civility, the objectors thereby end up being understood by others as being uncivil themselves.

This might seem paradoxical in itself. But it has the further effect that, if one party takes something to be impolite and thus in breach of applicable norms of civility, if this party raises this as a civility issue, the effect might be one of furthering the perceived impoliteness in question rather than regulating behavior away from it. Rather than agreeing that we should not picture the prophet, we end up having the Mohammed cartoons republished every time the issue comes up.

Going back to Bonotti and Zech’s treatment of civility during Covid-19, it seems that a similar paradox of civility might be a *general* feature of civility claims. Where the motor for the paradox in the cartoons controversy was different understandings of civility in different groups, nationally as well as transnationally, the motor during Covid-19 was additionally the swiftly changing circumstances and the uncertainty about applicable civility norms that this occasioned.

This suggests that civility presupposes both stability and shared understandings. In order to act with civility, people have to have a shared understanding of both the circumstances and of the applicable norms of civility. Once either of these conditions is not fulfilled, it becomes difficult to regulate social interactions through civility – and what is worse; trying to do so might in itself become a source of the kinds of social tensions and conflicts that civility was supposed to guard against.

If this is the case, then civility is inherently problematic in the sense that, in the kinds of situations where it is most needed, it is also hardest to make civility work in accordance with the aims of facilitating social interaction and expressing respect. This might be an example of how political ideas that make sense in ideal theory fare much worse in non-ideal – but unfortunately realistic – circumstances.

Bonotti and Zech's examination of civility during Covid-19 might thus have revealed some problematic features of more general relevance.

The agent-relativity of justificatory civility

Bonotti and Zech also discuss several types of failures of civility understood as public mindedness. They distinguish between moral and justificatory civility, where the latter is their label for well-known debates about public reason. Failures of justificatory civility include cases where political actors appeal to sectarian rather than political values or when political actors balance political values in unreasonable ways. These both seem to be obvious and important examples of failures of civility during Covid-19. Furthermore, the second of these offer an much needed supplement to traditional discussions of public reason, which have tended only to focus on the distinction between public and non-public reasons.

However, there might be additional issues during Covid-19 that we could understand in terms of civility as public mindedness but which do not fit within one of these categories. I have in mind cases where:

- a) political actors appeal to clearly public reasons, e.g. the need to protect public health, and
- b) where the balancing of the public values at stake are not obviously unreasonable (although the balance can of course always be contested), but where
- c) the weighing of the public reasons at stake in order to make the decision might be thought to be carried out by *the wrong actors*.

Two possible examples of this during Covid-19:

Denmark: Crucial decisions about the handling of Covid-19, including going quickly into strict lockdown with closing of borders, which seems to have been a good and effective decision, judging from the comparatively low levels of cases and deaths in Denmark. However, this decision was taken by the government *against* the advice of the public health authorities, who are supposed to have the competence to assess public health emergencies and appropriate measures.

Sweden: Decisions to leave society relatively open and with comparatively little restrictions in order to strike a balance between public health and other reasonable public reasons such as personal liberty and economic concerns. However, public health authorities took these decisions, apparently without any real involvement of or responsibility by political actors, who are supposed to be the guarantors of the democratic legitimacy of political decisions.

In both Denmark and Sweden there have been debates about these decisions. The discussions have generally not questioned whether public health, on the one hand, or

personal liberty and economic concerns, on the other, are relevant public policy aims. So there is no issue about whether these are relevantly public reasons. Furthermore, while there have been disagreements about the proper weighing of these aims, it has generally been agreed that it can be legitimate to weigh them as both the Danish government and the Swedish health authorities have done. Therefore, the issue is not about an unreasonable balance of public reasons either.

The debate has rather been over whether it is legitimate for the government to take drastic public health measures against the explicit advice of the public health authorities, in the Danish case, or to delegate decision-making competence over such matters of great public importance to a technocratic rather than democratic body, in the Swedish case.

It is plausible to interpret this debate in terms of civility as a distinctively political virtue since it does not concern the *decision* taken but *how* it was taken. This seems to fit under the general heading of justificatory civility since it concerns the decision how to act on specific public reasons.

This seems to suggest a third sense of justificatory civility in addition to those captured by a) the standard public/non-public distinction and b) the question of reasonable weighing of public reasons; civility also seems to have c) *an agent-relative aspect*, or one perhaps captured in terms of *role-obligations* linked to different public functions. It seems to matter whether the decision how to weigh public reasons is taken by the right actors, independently of whether this makes a difference for whether the weighing is reasonable or not.

This might be another example of how the examination of civility during Covid-19, in addition to revealing much about this specific situation, reveals more about the theoretical category of civility. Covid-19 is an exemplary case of how public policy crucially depends both on strong political leadership and on scientific expertise. However, how these two necessary factors interact in decisions about how to handle the situation itself raises problems in terms of justificatory civility.

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