# Civility at the Breaking Point

## Laura Newhart

*Laura Newhart* is a Professor of Philosophy in the Department of History, Philosophy, and Religious Studies at Eastern Kentucky University. She is a Certified Logic-Based Therapy Consultant. Her areas of specialization are practical ethics, especially biomedical ethics, and social and political philosophy. Her current research interests include philosophy of mothering, philosophy for children, and philosophical counseling.

Abstract: This paper explores the recent social phenomenon of the confrontation by critics of government officials while they are out in public, yet engaged in "private" activities, e.g. eating dinner at a restaurant, shopping in a bookstore, or getting into their cars. This paper argues that such confrontations are a symptom of the lack of trust brought on by the absence of shared social values that results in toxic forms of public discourse, the blurring of the classical liberal distinction between the public and the private realms, and the inability to hold one another responsible for the violation of self-avowed moral norms. Implicit in this argument is the conclusion that such confrontations are ineffective at best. Some have suggested more physical intermingling among people who hold conflicting political views in order to establish such trust (Haidt, Wilk). In the absence of such opportunities for intermingling, sharing our value-laden personal stories with each other, in the spirit and style of Michelle Obama's memoir *Becoming*, might help to create tolerance and trust among those with differing political perspectives.

I wrote this paper because I wanted to better understand a contemporary social phenomenon and my personal reaction to it. The phenomenon in question is the confrontation of government officials and political leaders while they are out in public yet engaging in "private" activities. A spike in such incidents occurred this past summer: On June 25, White House Press Secretary Sarah Huckabee Sanders was asked to leave the Red Hen Restaurant in Lexington, Virginia because the owner claimed she "worked in the service of an inhumane and unethical administration and publicly defended the president's cruelest practices". On June 27, Senator Majority Leader Mitch McConnell and his wife were confronted in a parking area outside of Georgetown University by protestors asking, "Why are you separating families?" in regard to the Trump Administration's policy of separating children from their parents at the Mexican border. On June 8, presidential strategist Steve Bannon was confronted in a Richmond, Virginia

bookstore by another customer who called him "a piece of trash" and had to be escorted out by police. There were several other such incidents involving Betsy DeVos, Marco Rubio, Rand Paul, etc. This spate of such incidents seemed to arise from Representative Maxine Waters' call to publicly confront representatives of the Trump administration with their egregious policies and harmful practices.

The rise in these incidents presented for me an intense, almost visceral, ethical dilemma. On the one hand, as a consistent critic of the Trump Administration's policies and practices, I strongly sympathized with the sentiment behind these incidents. Moreover, I relish a good political protest as much as the next person. On the other hand, this new approach just seemed too raw, direct, and personal, in a word it seemed "uncivil". My instincts and intuition told me that these confrontations pointed to the demise of civil society, and hence, were wrong. My discomfort with this approach seemed to have something to do with the classical liberal distinction between the public and the private realm but I was confused about what was actually public and what was private in these situations. In writing this paper, I was hoping to find a resolution to this dilemma.

I found a collection of helpful articles in relation to this issue that seemed to serve as bread crumbs or stepping stones on my way to understanding this phenomenon and my own discomfort with it. While some of them disabused me of my initial instinctual and intuitive assessment of the phenomenon, together they broadened my perspective on the larger context in which these incidents occurred so that my dilemma could be dissolved and a solution that might get to the root of the problem giving rise to this phenomenon could be identified. The articles that I found most helpful were "On Smarm" by Tom Scocca, "Between Public and Private" by

Adam B. Seligman, and "Trust, Communities, and the Standing to Hold Accountable" by Thomas Wilk.

Each article looks at this situation from a different perspective: Scocca considers it from the perspective of contemporary cultural discourse; Seligman considers it from a historical sociological perspective; and, Wilk considers it from the perspective of ordinary language philosophy. In spite of their different perspectives, each article either directly or indirectly focuses on the autonomous, bourgeois individual buffeted by the forces of an impersonal capitalist market in the absence of more substantial commonly shared public values. No matter which perspective or angle we examine it from, we see that a lack of mutual trust in a capitalist society (where such trust could bridge the gap between the public and the private realm) wreaks havoc with the expected social norms and values of civil society: according to Scocca, it causes us to bounce between the isolated poles of snark and smarm in our public discourse; according to Seligman, it causes the public and the private realms to invade or bleed into each other with surprising and annoying results; and, according to Wilk, it renders us incapable of holding each other responsible for the violation of presumably shared moral norms and values.

The conclusion to be drawn from these articles is that the authority of more traditional social values, norms, and mores is gone; and, the institutional norms of proceduralism that remain are insufficient. We need more shared substantive and affirmative personal and second-personal norms and values to repair our civil society in deep and authentic ways; and, we need to develop communities of trust in order to effectively hold each other accountable for our self-avowed moral commitments. One approach to developing these communities of trust lies in the possibility of getting to know each other through our stories. In her book tour for her new memoir *Becoming*, Michelle Obama calls the process of telling her story a humanizing project.

She stresses the importance of valuing one's own story and the stories of others as a way of understanding the broader context in which each person is situated. To ignore or foreclose this context (as we seem to do in our current political climate) is to dehumanize ourselves and each other and can only lead to the unfortunate and uncivil incidents that served as the impetus for this paper.

My first come-uppance or rude awakening from my dogmatic slumbers concerning civility came from "Do We Need Civility in Politics?" a contemporary analysis of this spate of incivility in a news article by Steve Rousseau. Rousseau suggests that civility is a tool meant to protect those in power. It shields them from taking responsibility for their egregious policies and harmful practices in face-to-face confrontations with those whom their policies and practices affect, e.g. the transgender troop ban or separating families at the border. Rousseau asks, "Should all political debate be civil? If one administration's policies are so clearly disrespectful of human rights—going so far as to literally pull out of the UN Human Rights Council—does one attempt to debate them respectfully?" Rousseau also cites Splinter News' Hamilton Nolan who claims, "This is what is on one side of our current disagreement: death, and human rights, and freedom, and equality. And this is what is on the other side: wanting to eat at a nice restaurant without having anyone remind you that you are ruining people's lives. The sides of this scale are not even close to balancing yet" (Rousseau 4-5)

**Snark and Smarm**

Rousseau references Tom Scocca's 2013 article "On Smarm" as "the one thing to read on this dynamic—of folks demanding that we be nice to each other, regardless of what is up for debate" (Rousseau 5). In "On Smarm" Scocca describes two polar opposite forms of public discourse. One he labels "snark". Snark is negative, jaded, and cynical, marked by

disillusionment and resentment. Snark is a negative attitude—a 'hostile, knowing, bitter tone of contempt" (Scocca 2).  Scocca provides as an example of snark a literary critic claiming that a successful author has 'sold out'.  "Smarm" is the polar opposite of snark and is actually a reaction to snark. Smarm can be understood as the cultural equivalent of the advice offered by Thumper's mom in the name of Thumper's absent dad in the Disney movie *Bambi*, "If you can't say anything nice, don't say anything at all."   Scocca's formal definition of smarm makes clear its hypocrisy and its deeper structure: "(Smarm) is scolding, couched as an appeal to goodness, in the name of an absent authority" (Scocca 3).

Scocca stresses the relation of both snark and smarm to the forces of a capitalist market. Snark is the expression of those who have been deceived, beaten, or disillusioned by these impersonal and often cruel forces. Smarm, on the other hand, is an attempt to take the place of traditional older moral norms, values, and mores whose authority no longer stands.

As Scocca tells us:

Smarm hopes to fill the cultural or political or religious void left by the collapse of authority, undermined by modernity and postmodernity. It's not enough to point to God or the Western tradition or the civilized consensus for a definitive value judgment. Yet a person can still gesture in the direction of things that resemble those values, vaguely. (Scocca 10)

More importantly, smarm—this saccharine form of inauthentic niceness--plays into the forces of a capitalist market by aiming for popularity. Popularity translates into sales, and sales translate into profit, which is the only kind of value that really counts in a capitalist market. For example, in the name of smarm, public relations professionals have gone so far as to call for "Snark-Free Days" which were days where no snarky comments were allowed, stating "(I)f we

can put the snark away for just one day, we can all be happier and more productive" (quoted in Scocca 3). As Scocca tells us, snark may be the theory of the cynicism brought about by the inexorable, impersonal, and often cruel machinations of the capitalist market but smarm is its practice.

**Public and Private**

In "Between Public and Private," Adam B. Seligman defines civil society as the bridge between the public and the private realm. Seligman notes that the use of the term "civil society" has become ubiquitous to the point of meaninglessness in contemporary scholarship. He claims this is in part due to confusion about what constitutes the public and private realms not only in practice but also in theory. According to Seligman, it is no wonder that we are witnessing the deterioration of civil society and its accompanying "civility" given the nature of the historical and sociological construction of the public and private realms and the distinction between them.

Seligman traces the historical construction of the public and private realms and their distinction through the sociological phenomenon of the specialization and division of labor into various social roles. As each person began to take on a multitude of different social roles in the public realm, the private individual self became the locus of these diverse and sometimes conflicting roles. The private self also became the center for personal moral values as public life was gradually drained of substantive and affirmative moral values. Thus, we see the birth of the modern autonomous individual who chooses one's own values and goals and acts within a public realm governed by impersonal procedural norms to achieve those goals. With values firmly entrenched in the private realm, we have lost the ability to discuss these values publicly, let alone rely upon them in the public sphere.

According to Seligman, there can be no real distinction between the public and private in modernity because the autonomous individual as the locus of moral values has been relegated to the private realm, whereas the public realm is informed by abstract universal rights and value-free procedural norms. We cannot represent the public realm as a collective or whole, nor can we represent its relation to the private individual, because there are no shared public values or ways of representing the collective in terms of its boundaries or criteria for belonging, etc. Because the private realm depends on the public realm to define itself, the lack of substantive positive values in the public realm leads to the collapse of the value-laden private realm as well.

At this point, we cannot identify commonly shared substantive and affirmative public values because these values would have to be negotiated within, among, and through the private lives of autonomous individuals. Given that the private realm is not as rigidly defined and governed by legally sanctioned norms as the public realm, this gives rise to a lack of trust and an intolerable indeterminacy in our social interactions as private individuals, with serious and detrimental effects on civil society as the bridge between the public and private realm.

Thus, we end up with a blurring of the distinction between the public and the private realm where either the private is projected into the public realm as an attribute of representation or the public realm invades the private lives of individuals by imposing rigid norms on speech and behavior in interpersonal social relations. As examples of the first, Seligman cites our excessive concern for the drinking or sexual (mis)behavior of public officials in the United States or the bumper stickers announcing to the world that one's child is an Honor Student. As examples of the latter, Seligman cites "'speech codes', housing associations, smoking laws, and other forms of formal regulation (and sanctions) of interpersonal behavior," including one might add sexual conduct codes, often associated with multiculturalism and political correctness.

Seligman explains that this dynamic accounts for much of what is contradictory in modern social and political life, including "increasing regulation from the top (as social actors can no longer negotiate their own role behavior) but (also) a rise of affective group identities from the bottom….that take the place of those individual identities which we had come to equate with the progress of modernity" (Seligman 36).

        As Seligman explains:

> Without a shared universe of expectations, histories, memories, or affective commitments, no basis of trust can exist. In a situation of radically incommensurate life-worlds (or even their potentiality) that trust necessary to negotiate role expectations and social behaviors is lacking.  (Seligman 36)

**Holding Accountable and the Standing to Do So**

In "Trust, Communities, and the Standing to Hold Accountable," an article in the *Kennedy Institute of Ethics Journal's* Special Issue on Trump and the 2016 Election, Thomas Wilk invites us to consider attempts to hold people accountable in their private lives for their public behavior as second-personal speech acts that fail to felicitously perform their function. Wilk's focus is on people who confront their family, friends, and acquaintances for voting for Donald Trump in spite of their self-avowed anti-racist, anti-xenophobic, anti-sexist, anti-ableist deontic (or duty-based) normative values. In essence such people are asking, "How could YOU vote for Donald Trump given your self-avowed deontic moral commitments?", implicitly issuing the imperative, "YOU should not vote for Donald Trump given your deontic moral commitments." which is significantly different from the third person prescriptive, "One should not vote for

Donald Trump if they avow certain deontic moral commitments". Holding people in power accountable in their private lives for their decisions, policies, and actions in the public realm seems to fit into this category in relevant and  important ways as well.

Wilk claims that these attempts to hold people accountable fail due to the lack of shared values to support them. Wilk claims that the person being held accountable has every right to challenge these demands for accountability given that they have no evidence that such acts of holding accountable and the standing to do so are reciprocal. In other words, they have no reason to expect that the person attempting to hold them accountable would allow themselves to be held accountable by their target in similar ways. As autonomous, private, individuals acting to realize our goals and get our needs met in a procedural-based public realm free of shared normative values, none of us has the standing to hold others accountable in this way. To do so in the absence of reciprocity sets up a social hierarchy or caste system which violates the autonomy and threatens the agency of the one being asked to account for or defend their public actions in these private situations. Wilk calls for communities of trust to allow for the existence of the kind of collective values that might allow us to hold one another accountable in this way. These values can't be merely impersonal, procedural, institutional norms based on abstract universal rights. They must be substantive affirmative values that can support and enable second personal speech acts of the form "Why did you do this?"

Wilk compares attempts to hold others accountable without evidence that such standing to hold accountable is reciprocal to hypocrisy. At first glance, we might think that hypocrisy on the part of the one attempting to hold another accountable produces a tu quoque, i.e., a sense of "who are you to tell me…? Pot calling the kettle black", reaction

in the target who assumes that the past misdeed by the person attempting to hold them accountable renders that person ineligible to hold them accountable for similar behavior. Wilk claims that it is not always this simple. The person's past violation or misdeed doesn't by itself warrant challenging that person's standing to hold another accountable.

The problem is that if the person doesn't own up to the misdeed and try to make amends that person is demanding that the target of their holding accept their standing to hold without reciprocally recognizing the target's standing to hold them accountable as well. This seriously threatens the target's agency in relation to the holder by establishing a hierarchy between them where none existed before. The target then takes on the role and status of one being given an order. In such cases, the target's challenge to the standing of the one attempting to hold them accountable is justified because in such cases hypocrisy undermines trust.

There are, however, two cases in which the target's challenge is not justified. The first is where the one attempting to hold the other accountable accepts or acknowledges their past misdeed and attempts to make amends, thereby recognizing the target's reciprocal standing to hold them accountable as well. In such a case, the holder takes steps to restore the relation of trust with the target.

The second case is where the one holding and the target are related to each other in a "complex norm-laden social field" in deeply layered and multi-dimensional ways such that the trust required to recognize the standing of another to hold one accountable to self-avowed deontic moral norms has been built up over repeated interactions in smaller and more trivial instances of reciprocal holdings. Wilk refers to such "complex norm-laden social fields" as communities of trust. An example might be two cyclists who

ride together, live in the same neighborhood, have children who are in the same class at school, and find themselves in a political discussion. In such an example, the trust required to hold one another accountable for self-avowed deontic moral norms is supported by numerous past reciprocal holdings accountable, whether they be practical, logical, emotional, etc.

**Communities of Trust**

Wilk concludes that two points follow from his analysis. The first is that communities with varied, richly layered multi-dimensional relationships are central to our moral practice. Such communities create the conditions of trust for the reciprocal recognition of standing to hold one another accountable for the violation of our self-avowed deontic moral norms. In such communities, mutual trust is built up organically in situations with lower stakes. This kind of trust is missing in our attempts to hold our acquaintances and distant relatives accountable for their votes on social media. It is also missing in our frenzied, angry confrontations with political leaders and government officials in restaurants, parking lots, and bookstores.

The second point concerns a positive recipe for building the trust that has gone missing and that we so desperately need. That is that we need to interact more with people we don't agree with in our living arrangements, our practical activities, our social lives, etc., in order to initiate these lower-stakes holdings that provide the foundation necessary for the mutual trust that would allow for the reciprocal standing to hold each other accountable for the violation of our deontic moral norms. Moreover, we need to re-engage with our physical communities in real time and space because we are not going to be able to do this in our well-curated virtual communities.

Underlying Wilk's analysis is the notion that the standing to hold one accountable for the violation of their self-avowed moral norms is something that must be negotiated. There are no hard and fast rules for who has this standing and who doesn't. Nevertheless, we can still determine a particular person's standing in a reasoned way. So, in response to Seligman, our interactions with each other can be unpredictable but the unpredictability doesn't have to be intolerable. Wilk reminds us that the process of re-engaging in our physical communities and determining who has the standing to hold us accountable for violations of our moral norms will leave us vulnerable. It will not result in a clear imposition of our preferred interpretation of these norms but it will allow for a *conversation* in which different interpretations are contested in the space of reasons. But, as Wilk concludes, this is, after all, what we want: "a functioning moral dialogue across political divides." (Wilk 18).

**A Possible Path to Communities of Trust**

Both Seligman and Wilk argue for the establishment of communities of trust in order to counter not just the bitterness of snark and the hypocrisy of smarm but more importantly the divisiveness—the anger, hatred, and violence—that have taken root in our "civil" society. The old norms and values have lost their authority. The procedural norms of our capitalist democracy are insufficient to maintain genuine civility. We must begin to forge and foster richly layered multi-dimensional relationships that can sustain the civility of a society informed by substantive and affirmative values. However, we can't force people to get off the internet or leave social media; and, we can't all afford to live in the same neighborhoods with members of the Congress and the Presidential Cabinet. So, what can be done?

Michelle Obama's new memoir *Becoming* provides one path to the development of communities of trust that might allow for public recognition and acknowledgment of substantive and affirmative social and moral values that might sustain and nurture genuine civility. Obama claims that it's not what she calls our "stats", e.g., our degrees, positions, or incomes, that make us who we are. It is our stories, our unique experiences, that capture our essence. Obama credits her parents for helping her "see the value in our story, in my story, in the larger story of our country. Even when it's not pretty or perfect. Even when it's more real than you want it to be. Your story is what you have, what you will always have. It is something to own" (Obama xi). Obama hopes that her book will reignite an interest not just in our own stories but in the stories of others. We all have stories worthy of being told and heard. We are all, as Obama refers to her own life, extraordinarily ordinary. To ignore or downplay those stories in favor of the more abstract, universal approach to values taken in our public realm seems to encourage the dehumanization of ourselves and others. Sharing our stories presents an opportunity to engage our personal moral values in an interpersonal, humanizing, and public setting. Again, Obama invokes her mother's wisdom for approaching those one disagrees with or doesn't understand, "Even if we didn't know the context, we were instructed to remember that context existed. Everyone on earth, they'd tell us, was carrying around an unseen history, and that alone deserved some tolerance" (Obama 7). If we can recognize the broader context of each life through our stories, i.e., the experiences and the values embedded in those experiences, perhaps we can begin to restore the bonds of civil society.

Works Cited

Manchester, Julia. "Corrected: Maxine Waters Calls on People to Confront Trump Official in

    Public Spaces." *The Hill*, 24 June 2018,

    https://thehill.com/homenews/house/393874-maxine-waters-calls-on-supporters-

    to-confront-trump-officials-in-public-spaces

Oppenheimer, Maya. "Mitch McConnell's Wife Steps in to Defend Him after He is Confronted by

    Protestors over Separated Children." *Independent*, 27 June 2018,

    https://www.independent.co.uk/news/world/americas/mich-mcconnell-elaine-

    chao-wife-republican-child-separation-protesters-georgetown-a8419851.html

Rousseau, Steve. "Do We Need Civility in Politics?" *Digg*, 25 June 2018,

    http://digg.com/2018/sarah-sanders-civility-politics

Scocca, Tom. "On Smarm." *Gawker*, 05 December 2013,

    https://gawker.com/on-smarm-1476594977

Seligman, Adam B. "Between Public and Private." *Society*, March/April 1998

Selk, Avi and Sarah Murray. "The Owner of the Red Hen Explains Why She Asked Sarah

    Huckabee Sanders to Leave." *The Washington Post*, 25 June 2018,

    https://www.washingtonpost.com/news/local/wp/2018/06/23/why-a-small-town-

    restaurant-owner-asked-sarah-huckabee-sanders-to-leave-and-would-do-it-

    again/?utm_term=.24b1140281f9

Wang, Amy B. "Bookstore Owner Defends Calling Police on Woman Who Told Steve Bannon He

Was a "Piece of Trash." *Washington Post*, 8 July 2018,

https://www.washingtonpost.com/news/local/wp/2018/07/08/bookstore-owner-

defends-calling-police-on-woman-who-told-steve-bannon-he-was-a-piece-of-

trash/?utm_term=.c3fa3212c530


Wilk, Thomas. "Trust, Communities, and the Standing to Hold Accountable." Special Issue:

Trump and the 2016 Election. *The Kennedy Institute of Ethics Journal*. 20 July

2017, https://kiej.georgetown.edu/trust-communities-standing-hold-accountable/