

Civil Society or Political Society?



Animosity and resentment have replaced civility for many Americans, driven by populism and demagoguery that arbitrarily pit citizen against citizen. But a rebirth of civil society is possible by reversing the colonization of the civil by the political.

ILLUSTRATIONS BY PABLO DELCAN AND DANIELLE DEL PLATO

The Choice That Shapes America's Future

By Tom G. Palmer

It seems that we live in a time of extreme polarization, of mutual loathing among so many of our citizens, of an unwillingness to live together in a civil society. Political leaders label their opponents “the enemy of the people” and threaten “retribution” and “revenge.” Internet mobs demand—and often get—“cancellation” of those whom they find offensive so that they may not speak again. According to a 2020 YouGov poll, 38 percent of Republicans and 38 percent of Democrats would be “very upset” or “somewhat upset” if their children were to marry people from the other party. Many seem unwilling to live together peacefully as equal citizens of *res publica*, our constitutional republic. The practice of civility is withering, and with it, the civil society a constitutional government is intended to protect.

Many diagnoses have been advanced and many cures or fixes proffered. They are worth examining from not only the perspective of what ought to be done but also what each of us as citizens is capable of doing—and, if we wish to preserve civility, ought to do.

Adam Smith noted that persistent hatred is not only “detestable” but also incompatible with the continued existence of civil society and therefore ought “to be hunted out of all civil society.” (In contrast, even an excess of “friendship and humanity,” although perhaps injurious to the one who is overly friendly, is neither ungraceful nor disagreeable, for “we only regret that it is unfit for the world, because the world is unworthy of it”).

A society whose members hate and resent one another cannot persist for long, certainly not as a civil society. And with the

loss of civil society comes the loss of civil liberty. The rule of law is transformed into rule *by* law, an instrument of retribution, redistribution, and revenge, policies that parties on the left and right have been threatening with increasing vehemence. Far-left “black bloc” militants and rioters (often referred to as “antifa”) and far-right militants and rioters (members of the “Proud Boys” among them) are quite eager for violence; their brutality is a small taste of what may come if civility is not restored.

The alternative to civil society is civil war, which is the ultimate undoing of civility. Some activists, pundits, and politicians relish the thought; the president of one think tank even warned that the “second American revolution” he proposes “will remain bloodless if the left allows it to be.” The implication is clear: “If we lose, prepare for bloodshed.”

Americans should fear a future in which citizens hate one another so much as to promise blood, in which they designate one another not as fellow citizens who may disagree but as enemies who may not be tolerated, who “live like vermin within the confines of our country.”

What Is Civil Society?

“Civil society” refers not merely to a specific part of society but to voluntary and self-governing social orders generally. It emerged historically in the absence of central direction. The historian Walter Ullmann rooted civil society in “the manner in which those far away from the gaze of official governments conducted their own affairs,” which in Europe after the Dark Ages included the formation of self-governing cities, the self-governance associations

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that were known as “communes.” Such communes were oath-based fellowships of citizens who provided governance of cities and towns. The term “civil” comes from the Latin “*civitas*,” which refers to a city in its juridical—rather than physical—existence, a distinction that is harder to express in English. Thus, people in the newly founded cities lived in “civil society.” The behavior of their members was civil. (The English word “courtesy” comes from the behavior expected at the royal court. As royal courts have disappeared or diminished in importance, the two terms have approached each other in meaning.)

“Civil” refers not only to the legal and political orders of such cities but also to the standard mode of behavior—civility—that characterized them and the organization of social order through voluntary and contractual relationships. Civil behavior is not restricted only to one’s family or neighbors or co-religionists but can also be extended to strangers, including foreigners. Civility does not require an embracing loyalty to a leader, clan, party, religion, or even city or country. It entails respect for persons, for property (meaning their rights generally, including but not limited to their possessions), and for promises. Such civil societies were typically founded by merchants. In the then-prevailing feudal system, traders had no status; consequently they created, in effect, their own status alongside that of knights, clerics, and peasants.

By joining guilds and communes, people realized their distinct individual identities through voluntary association. As historian Antony Black concluded in his book *Guilds and Civil Society in European Political*

Thought from the Twelfth Century to the Present, “The crucial point about both guilds and communes was that here individuation and association went hand in hand. One achieved liberty by belonging to this kind of group. Citizens, merchants, and artisans pursued their own individual goals by banding together under oath.”

That social order was characterized by the virtues common among merchants, who regularly engaged in repeated exchanges with multiple trading partners. Reputation thus became of paramount importance. It became normal to consider others the bearers of rights, notably including the right not to buy, and thus normal to exercise punctuality, honesty, good faith, respectful toleration, and negotiation rather than resort to violence. Historian Geoffrey Parker noted that the merchants of the city of Antwerp, then subject to the Spanish king, objected to the king’s plans to introduce the Inquisition, on the grounds that “the inquisition was contrary to the privileges of Brabant and that, more specifically, so many heretics came to Antwerp to trade that its prosperity would be ruined if a resident inquisition were introduced.”

Respect was—and is—paramount to the maintenance of civil society. In his *Rules of Civility and Decent Behavior*, George Washington listed as the first: “Every action done in company ought to be with some sign of respect to those that are present.”

Civil society flourished and over time came to be the dominant form of social interaction, at least in free societies. Slavery, serfdom, absolutism, and persecution were largely swept away by the new civil societies. Those societies became fertile ground for new associations of all sorts. As historian Margaret Jacob notes, civil

society saw a proliferation of “voluntary association, in which strangers could become acquaintances.” These associations included businesses, business associations and laborers’ associations (often known as guilds), Masonic and other lodges, lending libraries, sodalities, charitable societies, temperance societies, and more. As the principles of civil society extended far beyond city limits, they embraced agricultural associations, hunting associations, and a dizzying array of voluntary clubs and groupings.

Masonic lodges put great stock in being voluntary associations of free persons without regard to religion, race, kinship, or social standing, each one governed by its constitution as laid out in 1723 in James Anderson’s *The Constitutions of the Free-Masons*.

In *Democracy in America*, Alexis de Tocqueville distinguished political society (“relations between the federal and particular governments and the citizen of the Union and citizen of each state”) from civil society (“relations of the citizens with each other”) and religious society (“relations between God and the members of society, and of the religious sects with each other”). He observed that in the United States of America, under a relatively limited constitutionally constrained and guided political system, there was an especially robust flowering of voluntary associations:

Of all the countries in the world, America has taken greatest advantage of association and has applied this powerful means of action to the greatest variety of objectives. Apart from permanent associations created by the law, known as towns, cities and

counties, a multitude of others owe their birth and development only to individual wills.

Problems were addressed and solved through voluntary association rather than immediate recourse to a petition to the political authorities.

Americans of all ages, of all conditions, of all minds, constantly unite. Not only do they have commercial and industrial associations in which they all take part, but also they have a thousand other kinds: religious, moral, serious ones, useless ones, very general and very particular ones, immense and very small ones; Americans associate to celebrate holidays, establish seminaries, build inns, erect churches, distribute books, send missionaries to the Antipodes; in this way they create hospitals, prisons, schools. If, finally, it is a

matter of bringing a truth to light or of developing a sentiment with the support of a good example, they associate. Wherever, at the head of a new undertaking, you see in France the government, and in England, a great lord, count on seeing in the United States, an association.

That flourishing civil society provided the foundation for constitutional liberal democracy in America and for a society of civility among strangers. It later became the foundation of the movement to secure civil rights for all—that is, the rights of persons in a civil society. The abolitionist movement is an especially impressive example of a network of civil society organizations that coordinated to demand liberty for all, including helping enslaved people escape to freedom. As black Americans gained greater liberties following the Thirteenth, Fourteenth, and Fifteenth Amendments, that movement was succeeded by a deep network of churches, professional and



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business clubs, labor unions, and many other associations among black Americans. That network in turn was the basis for the organization of boycotts, political action, mass protests, and other elements of the drive to realize the unfulfilled promise of the American Declaration of Independence, “that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness— That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.” Civil society makes possible peaceful and mutually beneficial relations among countless strangers and, of great importance to the functioning of liberal democratic politics, the redress of grievances and the reform of injustices.

What Has Happened to Civil Society?

Civil society seems to be in a bad way. Civility has certainly declined. (During a car ride in 2020, I saw three gigantic billboards that featured the name of a presidential candidate in huge letters, followed by “Because F**k You!”) The behavior is found on both sides of the political divide (“deplorables,” “the Enemy Within,” “racist,” “deranged and sick,” “media scum,” etc.) and is making actual deliberation—a defining feature of liberal democracy—much harder, if not impossible, to pursue.

A commonly noted issue is that many of the associations that once were central to civic life have withered. I often speak to college-aged audiences, and I ask them about a well-known American TV show: the cartoon *The Flintstones*. When I ask the students where Fred and Barney would go

out together in the evenings, eventually a few volunteer, “The lodge?” I reply by asking what the lodge was. Usually not one student can answer. In the early 1960s, when the show originally aired, tens of millions of Americans went to meetings of civic associations, whether called lodges, fraternal societies, clubs, sodalities, or some other name. They provided mutual aid, including medical and life insurance supplemented by fraternal visits and assistance from fellow members; a wide variety of forms of aid to members in need; and charitable activities to benefit suffering nonmembers in their towns and communities. Today these associations are struggling with aging memberships.

One reason for their decline, no doubt, was the rise of insurance companies employing the principles of sound actuarial science. Such companies pool the risks of mishaps more efficiently than groupings of persons with like inclinations, locations, or occupations, which are often susceptible to problems of adverse selection. Another reason that has received too little attention is the way in which political policies have made voluntary associations redundant by taxing people to provide services for which they were previously paying dues or fees. As Tocqueville warned, “The morals and intelligence of a democratic people would run no lesser dangers than their trade and industry, if the government came to take the place of associations everywhere.” In the United Kingdom, the once hugely popular “friendly societies” that provided medical care to millions (and were more popular and numerous than the better-remembered trade unions) went into a steep decline when the National Health

Service began to charge compulsory fees for the same medical services for which members of friendly societies voluntarily paid for coverage for themselves and their families. Why pay twice for the same service, they reasoned. Similar processes have gutted organizations in the United States or made them contractors for state policy, including formerly volunteer-organized and financed Meals on Wheels, Catholic Charities, and many more, which now receive the bulk of their funding (and various associated controls) from federal and state governments. As the magazine of the Fraternal Order of Eagles noted in 1915, “The State is doing or planning to do for the wage-earner what our Order was a pioneer in doing eighteen years ago. All this is lessening the popular appeal of our beneficial features. With that appeal weakened or gone, we shall have lost a strong argument for joining the Order; for no fraternity can depend entirely on its recreational features to attract members.” Such displacement of voluntary associations has many implications, among them the decline of the role of associations as a counterbalance to state power and a check on the overweening ambitions of potential tyrants. Recall that a plethora of voluntary associations of many sorts were what forced the political system to recognize the civil rights of black Americans; had the many voluntary associations of civil society been further weakened by a segregationist state, Jim Crow laws might still be in place.

Those are among the factors that have led to a decline in face-to-face connectedness among Americans. (Labor mobility, which used to be blamed for rootlessness, has in fact been declining

during the same period that membership in lodges and other clubs has been declining, making it a poor candidate for explaining declining membership in voluntary associations.)

Why the Decline of Civility?

But why the decline of civility? That's a complicated and difficult topic, but it certainly involves a combination of the rise of populist ideologies and demagogues that differentiate between the "true people" and "enemies of the people"; the segregation of the population by income and education, as Charles Murray documented in his disturbing 2012 book *Coming Apart*; the low-level culture war against rural Americans who live in so-called flyover country, which is evident in the mockery they face in films and on television; the creation of echo chambers in social media, in which people hear only the views of those like them and come to regard people who believe otherwise as irredeemably alien and threatening; and the ever-greater politicization of society (or, as some academics might say, "the colonization of civil society by the political"). Some of those causes are best addressed by promulgating changes in behavior and reverting to the norms of civil society, notably respect for everyone and refusal to designate one's political opponents as "enemies of the people."

However, the last of the suggested causes—the colonization of civil society by the political—is clearly a matter for public policy. Nondefense federal spending has risen from 5.1 percent of gross domestic product in 1955 to 18.6 percent today and consumes 48 percent more of our economic output than it did as recently

as 2000. All that additional spending attracts lobbyists and special interests more effectively and quickly than a picnic attracts ants. More than 2,000 trade and professional organizations have their headquarters in Washington, DC, and its suburbs—not because the air around the Capitol is especially conducive to voluntary association or commercial relations but because it's where they can more easily lobby for subsidies, special favors, and other benefits of rent-seeking behavior.

As more and more functions of the voluntary associations of civil society are colonized, taken over, and preempted by the political arena, more and more matters become subjects of political contestation. They become winner-takes-all games, with a structure like that of the religious wars of centuries past. During those wars, if one religion gained the power of the state, the others were persecuted, and thus the stakes were made so high that one's opponents (and rivals for state power) were characterized as heretics and infidels—that is, as irreconcilable enemies. All that mattered was winning; losing meant being burned at the stake. We're seeing a similar dynamic being played out today. Will a federally funded policy have to establish "progressive" or "woke" or "family-friendly" or "traditional" credentials as a condition of receiving funds? Each decision, regardless of which faction is in power, is another move in a culture war, another occasion for hatred and resentment, another nail in the coffin of civility. Such hatred and resentment not only undermine or even negate civility itself, they also make it harder to sustain the pluralism that is central to the functioning of civil society. It's the multiple crosscutting

loyalties of civil society, in which two people may be members of different religious congregations, send their children to different schools, and have very different political views, yet meet together as team members or sports fans, as neighbors or coworkers—in a nutshell, as equal citizens who may differ without enmity—that makes sustainable and harmonious pluralism possible. As Tocqueville noted in *Democracy in America*, "The morals and intelligence of a democratic people would run no lesser dangers than their trade and industry, if the government came to take the place of associations everywhere."

Reviving Civility

There are many projects underway—one hopes that they are not too late—to revive civility. Sphere Education Initiatives—part of the Cato Institute's Project Sphere, which endeavors to help people learn to listen to one another despite their differences—is working with America's middle and high school teachers to model civil discourse and encourage respectful engagement rather than polarization and demonization. Other organizations, such as the John Locke Institute, teach high school and college students to pass what economist Bryan Caplan calls the "Ideological Turing Test," whereby they compete to state convincingly the very best case for the positions they personally reject, whether on abortion, taxes, trade, transgender sports participation, or other topics. Understanding the best case for the other side is a good way to begin seeing the other side as fellow citizens and not as enemies. Those initiatives are addressing important manifestations of the decline in civility.

Others are clearly needed.

On the policy front, restoring civility will mean rolling back or exercising restraint on the ongoing process of the colonization of civil society by the political. That means not being seduced by the pseudologic of the politician's syllogism—"Something must be done; this is something; therefore, this must be done"—whenever any issue raises concerns and looking instead to the resources of voluntary association. The latter proved far better, to take one prominent example, in curbing alcohol abuse than did Prohibition, which actually increased it. In short, a civil society requires a limited government.

We all have a stake in the outcome. Will we live in a country permanently divided by hatred? Will we slide into civil war? Or will we reaffirm a commitment "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity"? When we find ourselves consumed with anger and resentment and hatred of "the other party," it would be wise to keep in mind the last rule in George Washington's *Rules of Civility and Decent Behavior*:

"Labor to keep alive in your breast that little celestial fire called conscience." ♦

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