



Civil Society, Civility, and Urban Public Space

John Michael Roberts
Department of Social and Political Sciences
Brunel University of London
John.Roberts@brunel.ac.uk

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Abstract – This paper critically discusses a common liberal relationship between civil society and civility. It highlights how liberal theory constructs a theory of civil society which, at the same time, suggests that one can pursue certain democratic ideals as long as they remain ‘civilised’. The paper shows how these liberal ideals have in practice constrained the voices of many from participating fully in the public sphere. Moreover, liberal ideals on civil society and civility have been employed to physically exclude from the public sphere those deemed to be ‘uncivilised’. These ideals have also been reproduced into contemporary developments in urban public space. The paper first maps out early classical liberal debates on civil society and civility. Following this, the paper shows how these early debates became reproduced in new ways in more contemporary strands of liberal theory. Focusing on the UK and USA, the paper then discusses how these themes have found their way into a number of changes in urban public space in these two countries. The article concludes with some final thoughts.

Introduction

This paper critically explores a common liberal relationship between civil society and civility. It highlights how liberal theory constructs a theory of civil society which, at the same time, suggests that one can pursue certain democratic ideals as long as they remain ‘civilised’. Among other things, this implies that liberal theorists invariably impose a symbolic classification upon what is said to be ‘respectable’ types of public discussion; for example, certain cultural styles of speaking about issues within a public sphere are seen said by liberal thinkers to be the ‘correct’ or ‘civilised’ modes of engaging in democratic debate. In practice, so the paper argues, this is in fact one way that dominant groups can classify voices as being the ‘correct’ ones to listen to about certain public issues and, as a result, a way to classify some voices as being ‘worthy’.

The paper also argues that liberal theorists tend to define civil society a realm of voluntary associations distinct to the state in which ordinary people can debate and discuss issues of importance in public sphere amongst one another. The public sphere is conceptualised as being separate from the ‘coercive’ dictates of the state. Accordingly, John Keane argues:

(W)ithout a secure and independent civil society of autonomous public spheres, goals such as freedom and equality, participatory planning and community decision making will be nothing but empty slogans. But without the protective,

redistributive and conflict-mediating functions of the state, struggles to transform civil society will become ghettoised, divided and stagnant, or will spawn their own, new forms of inequality and unfreedom.¹

Problematically, however, this characterisation of civil society underplays the extent to which in modern capitalist societies it is in fact Janus-faced. On the one hand, its separation from the state implies that civil society can act as a safeguard for social rights. On the other hand, capitalism entails the private economic exploitation of human beings within civil society. That is to say, civil society is a celebration of capitalist and atomistic ideals in which people are forever in competition with one another. And those who do not live up to these capitalist principles can be portrayed by dominant mores and values as being 'feckless', 'lazy' and 'uncivilised'. In this respect, civil society represents a modern form of public and moral coercion.²

The paper expands and develops these points through three main sections. The first section discusses the emergence of the term, civil society, in early modern England. It shows how the term was embedded in a justification for nascent forms of capitalist property relations and also in moral definitions of 'uncivilised' behaviour, which could be punished by law. The paper then explains and demonstrates how these early liberal ideals have been reproduced in new ways into contemporary strands of liberal theory. Finally, the paper argues that all of these themes are noticeable in different areas of transformations in urban public space since the 1980s. Some concluding observations are then presented.

Civil Society, the State, and Publics

There are of course many different versions of liberalism. But a guiding principle to all is the idea that individual freedom is the most important quality for people to pursue in their daily lives. Civil society is thus a key area of interest for liberal thinkers. For liberals, state power must be kept in check so that governments cannot arbitrarily impinge on certain basic liberties enjoyed by individuals in civil society, such as freedom of expression, freedom of choice, freedom of speech, freedom of religion, freedom to exchange goods in the marketplace, and freedom to vote in elections. Personal autonomy is key for individuals to make use of these civil liberties.³ But debates by liberal thinkers about civil society have also more often than not also been related to discussions about how capitalist marketplaces are inherently 'rational' and should therefore be subject to minimum state regulation. State intervention in civil society should instead be focused more on developing laws and other regulatory mechanisms to ensure people engage in 'civil' and 'civilised' democratic activity and democratic debates.

The beginnings of these associations can be traced back to liberal discussions of civil society can be traced back to Tudor times in the sixteenth century. According to Wood and Wood, the English Tudor political thinker, Sir Thomas More in *A Discourse of the Commonweal of This Realm of England* (1581) was one of the first modern political thinkers to map out the characteristics of a 'civil order' based, in part, through the profit-seeking activities of self-interested individuals in what he termed as 'civil society'. Individuals accumulating private property, even if this pursuit was motivated by greed, was subsequently good because it motivated people to better themselves and, as a result, created a harmonious community. For Smith, the role of the modern state was to ensure this order remained in place.⁴

The association between civil society and good civilised behaviour became even more pronounced in public discourse when in 1767 the Scottish social commentator, Adam Ferguson, was the first person to write a book in English devoted exclusively to analytically dissecting the term, 'civil society'. Ferguson's most famous tract, *An Essay on the History of Civil Society*, was concerned principally with the decline of civil society through the threat of corruption and the threat of decay. Civil society was thus equated with *civility*. Indeed, for Ferguson, those participating in public life

1 Keane (1988), p. 15.

2 Wood (1995), pp. 252-256.

3 Ramsay (1997), p. 1.

4 Wood and Wood (1997), pp. 48-49.

had to be *civilised* to do so.⁵ Importantly, Ferguson equated 'civility' with the rights of private property. A civilised society was one that recognised the benefits of capitalist property relations. State political authority enshrined in civil law, was therefore a just and righteous order for the maintenance and regulation of private property. Private rights of individuals within civil society could only be maintained if those very same individuals recognised the legitimacy of the magistracy, in particular the right of the state to ensure the socio-economic mechanisms were in place for the acquisition of wealth and to maintain a 'civilised' order.⁶

In some respects, Ferguson was already building upon a narrative at the time that had gained momentum amongst certain elites, which stressed the necessity to engage in civilised and 'polite' conversations when in public. Published in 1755, for example, Samuel Johnson's, *A Dictionary of the English Language*, promoted polite, standardised pronunciation against what were perceived by these elites as more chaotic and less educated oral local dialects.⁷ Public debate was in theory now open to all through a defined national language. In practice, however, the 'qualification' for participation in public debates, such as a good grasp of standard English, was set at so high a level that access for the majority was closed. Property, ownership, education and the like would, after all, be seen to guide individuals into the public sphere of enlightened, disinterested, rational discussion on public matters, while at the same time denying entrance for the uneducated majority who did not possess the elite cultural tools to participate in these privileged debates.

Importantly, once the idea of 'civilised' public speaking and action within the spaces of civil society became part of a new middle-class hegemony, then the state could be justified in enacting a series of laws to constrain and regulate what it viewed as 'uncivilised' behaviour in the public sphere and civil society. During the eighteenth century, Britain was increasingly governed by new legal outlook and one preoccupied with outlining the boundaries of the 'public good' and decency. In respect to eighteenth century legal judgements, for instance, emphasis was placed upon the voluntary actions of individuals and upon their ability for self-regulation and free choice. The fault of criminal action was therefore said to lay with the individual perpetrator. In the eighteenth century criminal and moral behaviour thus became entwined. Cornish and Clark observe of this new legal thinking:

The links connecting these proceedings to major crime was the enduring belief that the worst offences were only the product of loose, unsupervised living – drunkenness, prostitution, irreligion, rootless wandering, festering disrespect for those in higher station.⁸

These liberal ideals were also exported across the globe as a means to justify global atrocities, such as the slave trade. For example, the broad idea extolled by classical liberal thinkers, such as John Locke and John Stuart Mill, was that indigenous populations in Britain's colonies personified being barbarian-like hoards who lacked the faculties to engage in serious debate and discussion. As a result, it was just and righteous that 'western civilisations' could use their military and bureaucratic power to 'civilise' these 'hoards'. That is to say, 'liberal ideas of freedom, progress, development, and democracy are deeply embedded in the idea of Empire', and being 'civilised' are a key ideological markers of this colonial history.⁹ In a newly independent America, some of the Founding Fathers were also clear in their belief that owning land was everyone's right, even if this meant owning the land of indigenous communities and making black slaves one's own property.¹⁰

5 Becker (1994), p. 6.

6 Jack (1989), pp. 134-144; Wood (1991), pp. 27-28.

7 Becker (1994), p. 4.

8 Cornish and Clark (1989), p. 546.

9 Banerjee (2021), p. 4.

10 Losurdo (2014), p. 225.

Civility and Civilised Publics Today

The 'civility' element in liberal theory's account of civil society is still with us today in various guises. One contemporary strand of liberal theory is that of deliberative theory. Deliberative theorists argue that good discussion between individuals in community forums about a respective public or local issue is built on democratic attributes and goals of informed decision-making, mutual respect between those involved in a deliberative encounter, and equal inclusion for all in a variety of public forums.¹¹

Crucial to liberal deliberative theory is the idea that public discussion is conducted in a civil manner. For deliberative theorists, 'civil' discussion embedded in 'mutual respect, recognition, and reciprocity'¹² and 'ethical self-limitation' and 'informal standards of appropriateness' by discussants.¹³ The idea here is that 'we' are positioned as 'all together' in a 'community' to deliberate about issues through a constrained politeness, restraint and types of civilised reason. On this understanding, 'uncivilised' discussion is that which is, 'unrestrained, unreceptive...more self-regarding, and generally lacking in tact'.¹⁴

But, as critics have noted, this deliberative civilised style of public debate can act to symbolically restrict discussion in deliberative forums, not enhance and encourage them. After all, 'uncivilised' speech can be portrayed as such on a deliberative account if it expresses disdain and maybe anger towards the unjust distribution of resources. 'Taking to the streets' to demonstrate against a government policy, for example, or militant protests demanding the redistribution of wealth, or debating and discussing public issues through alternative media outlets, might all be deemed as being 'disruptive' to 'civilised' deliberation.¹⁵ In its 2017-18 report, for instance, the UK's House of Commons Digital Culture Media and Sports Select Committee noted that social media companies should 'distinguish between quality journalism, and stories coming from organisations that have been linked to disinformation or are regarded as being unreliable sources'.¹⁶ As Cram observes, this binary construction between 'quality' speech and 'unreliable' speech extols the virtues of so-called 'neutral' and 'rational' contributions from professional 'experts', while denigrating 'speculative assertion from ordinary speakers' and from social movement activists.¹⁷

Moreover, studies show that deliberative ideas of civility will often implicitly reproduce other social divisions and inequalities. One reason for this lies with the very rhetoric of civility inherited from the liberal tradition, which was explored earlier in the paper. Such rhetoric will often frame deliberative encounter as one in which 'we' are 'all' together in a 'community' to deliberate about certain issues through a constrained politeness, temperance and types of reason. Crucially, the framing of civil modes of talk can be employed, even if only implicitly, 'as a strategic means to...distance oneself from personal accountability for' certain social ills in society, such as racism'.¹⁸

Some deliberative theorists nevertheless defend their account of 'civility' on grounds that it builds 'legitimacy' for deliberative encounters because it encourages one to see the other as democratic equals, as being part of mutual humanity, and who should therefore be treated with care. The problem here, however, is that once again this viewpoint starts from an idealistic position in which communication is simply a mode for building relationships of meaning between individuals. It therefore underplays how communication is invariably mediated through certain hegemonic agendas and policies of the more powerful in society. Indeed, the 'legitimacy' and the meaning of a liberal deliberative agenda have more often than not already been established, framed and finalised by policy-makers *before* the deliberative event itself.¹⁹

11 O'Flynn (2022), p. 86.

12 Sorial (2012), p. 66.

13 Chambers (2015), pp. 15-16.

14 Sorial (2012), p. 67.

15 Kairys (2013), p. 111.

16 Cram (2019), p. 134.

17 Cram (2019), p. 136.

18 Owens-Patton (2004), p. 65.

19 Chappell (2012), p. 154

Naturally, mechanisms in deliberative forums can be established to ensure all participants have an equal voice, yet deliberative forums mostly operate to appeal to an idealized civilised type of talk. To give one illustration, 'instrumental' and means-end forms of talk are thought by deliberative theorists to be less rationally civilised modes of discussion than deliberative forms. Even so, it is often the former 'instrumental' type of dialogue that can in fact carry more worth for some groups in society. As Siapera notes, immigrant communities often value digital forums and digital sites that present practical information, such as access to health facilities, employment opportunities, education and housing in a new country. Information of this type creates not deliberative ideals, but instrumental knowledge that then goes on to form communities around every day and ordinary life embedded in an ethics of care.²⁰

Furthermore, the liberal civilised/uncivilised boundary also operates at a global level. Western global military interventions in so-called failed developing states are frequently justified, in part, on grounds that democratic peacekeeping armies, sanctioned by western states, need to intervene in these countries to maintain 'order' from 'corrupt' and 'marauding' local 'thugs' and 'gangs'. But the reality is often the reverse, with western military intervention re-establishing elite interests in these states in and against indigenous democratic movements who are far from being 'thug-like'.²¹

Civility and Urban Public Space

Deliberative civilised discussion has nevertheless been quite influential in the neoliberal era of urban planning. One prominent neoliberal theme is the idea that different 'partnerships' come together in a local community to deliberate about a possible development scheme in a local area. Indeed, and as a multitude of urban researchers have demonstrated, neoliberalism itself adopts a democratic rhetoric for communities in cities in order to push its agenda even further into urban spaces. As Galvis observes, neoliberal urban policy agendas are rooted within the local complexities of specific cities and anchored in the unique social class politics and relations of inequality in cities. So, for example, a particular neoliberal agenda will often adopt a rhetoric of 'empowerment', 'inclusion' for all and 'community participation' in order to suggest that everyone within the locality will benefit from the development policy in question. In this instance, however, 'the notion of equality that these policies defend depends on idealizing classless, abstract citizens who meet in public space. In other words, rather than embracing class difference, this kind of egalitarianism works by stripping subjects of their 'socio-economic conditions'.²²

Classically, there has been much debate about the impact of gentrification in cities. Influential in these discussions has been Neil Smith's work on revanchist cities. Smith employs this term to make sense of how major cities across the world, like New York and London, embarked in the early 1990s on a new process of neoliberal restructuring in urban space. This was based on a set of urban policies aimed at rolling back certain welfare entitlements in cities that ran in parallel with a rolling out of new restrictions on so-called 'deviants' in cities coupled with new types of neoliberalisation of urban spaces.²³ For instance, new gentrified middle-class zones and 'gated communities' have become palpable in major cities. These spaces are designed to shut those as deemed 'undesirable' like the homeless, underclass, or those from a particular racial or ethnic background. Or, policies have been designed to forcefully remove 'undesirables' from public spaces like public parks.

To give one illustration, policies designed to remove homeless people from public parks in the US has grown in recent years, helped along by neoliberal cuts in welfare expenditure, while in some cities in the UK regeneration schemes have striven to promote sanitised city places with pockets of deprivation being relocated beyond the sights and sounds of new entrepreneurial visibly 'clean' spaces. Madden, for example, explores these issues through Bryant Park, situated in midtown Manhattan behind the New York Public Library. Madden shows how, over time, Bryant Park was restructured through more 'publicity' but less democratic input from ordinary people. By

20 Siapera (2005), pp. 512–513.

21 Tzouvala (2020), p. 177.

22 Galvis (2014), p.1469.

23 Smith (1996).

the 1960s, Bryant Park was both a place of leisure, but also a feared place for some because of the alcoholics, drug users and homeless who would frequent the Park. Crime and disorder were soon seen as problems by some in the park. In the 1980s, Bryant Park Restoration Corporation (BPRC) took over its management. The new management team redesigned Bryant Park by opening up its boundaries – some fences were removed, for example – and by encouraging the public to subject their own behaviour to surveillance. New technological surveillance systems were also installed that operated alongside a new mode of thinking of keeping ‘undesirables’ out of the park through the likes of family events. At the same time, BPRC increased private commercial and business ventures in Bryant Park. For Madden, these changes demonstrate that increased publicity in a park can in fact lead to less democratic input from citizens into how a park is managed.²⁴

Tough new laws on tackling homelessness and anti-social behaviour in cities therefore grew from the 1980s alongside the increasing ‘militarisation’ of public space through new policing and surveillance techniques and by zoning cities into places of what would be deemed to be ‘acceptable’ practices of exercising civil rights. Eick notes that since the 1990s, the police in America have been increasingly ‘militarised’. To give one illustration, federal and state law enforcement agencies have been legally entitled to request the transfer of defence properties to their respective agencies in order to engage in war on drugs. At the time of writing his article, Eick estimated that about \$5.1 billion worth of property had been transferred to these agencies. Moreover, an increasing number of police departments have received military-style weapons and defence vehicles more accustomed to army-based combat armaments. This blurring of the boundaries between the military and police impacts on the right to assemble and protest in American public space.²⁵ This is important because, as Eick observes, it provides a route for those deemed in the minority to voice their concerns in a public arena. Clearly, this should focus on the rights of people to protest in a public space.

Different symbolic tools have been used in innovative ways by neoliberal authorities to bolster revanchist city spaces. Music is a case in point. According to Marie Thompson, music produces a ‘sense’ or ‘feeling’ in individuals that evoke memories, or create ‘atmospheres’. Music can also create ‘alliances’ and ‘connections’ with others and with one’s surroundings, and it can generate ‘potentials’ of futures not yet planned or enacted. Importantly, Thompson notes further that certain forms of sound can be weaponised in favour of specific hegemonic agendas. Classical music is often thought to be a cultured type of music, but also carries the potential to be weaponised to target and ‘improve’ the behaviour of ‘undesirables’ in public spaces. It can also be strategically employed to drive away undesirables from public spaces. Classical music, then, is seen to both ‘soothe’ and ‘remove’ undesirables. ‘(W)eaponised classical music exemplifies how musical affects can serve to reproduce social stratifications’ and as such contributes towards the militarisation of the revanchist city.²⁶ Other examples of a new militarization of public space are legion. In August 2014, 18-year-old African-American, Michael Brown, was shot by police officer in Ferguson, Missouri. Protests and demonstrations erupted in Ferguson. But, as Passavant notes, Ferguson police had for some years been disproportionately targeting poor black communities.

According to collected data, between 2012 and 2014, black people were subject to 85 percent of vehicle stops, 90 percent of all citations, and 93 percent of all arrests made by Ferguson police officers, though only 67 percent of Ferguson’s population is black. Black drivers are twice as likely as whites to have their vehicles searched by police, yet are 26 percent less likely to be found in possession of contraband (Passavant 2021: 193).²⁷

Neoliberal developers will also sometimes seek to negotiate with selective members of a community about a development in question, while ignoring others in the very same community. In a comparative case study of community participation in two towns – Burch Village, Champaign, Illinois in the US and Smethwick, West Midlands in

²⁴ Madden (2010).

²⁵ Eick (2016), p. 1250.

²⁶ Thompson (2027), p. 273.

²⁷ Passavant (2021), p. 193.

the UK – Beebeejaum (2006) found that race and ethnicity were key determinants in facilitating, or not, public deliberation with local residents over land-use planning. Smethwick, for instance, has a large Asian community. Planners began to consult with the Asian community about a new housing scheme under a formal umbrella group, Sandwell Ethnic Minority Umbrella Forum, which represented a number of racial and ethnic groups in the area. The Indian group was represented by an Asian business men group. Through consultation, the Asian business men group made it clear that they wanted 25 per cent of affordable housing to be set aside for ethnic minority groups. The Asian business men group also lobbied for their group to be consulted on any future development plans. The planners, invoking a preconceived notion of 'Asian-ness' based upon the belief that Asian communities are close-knit, agreed to these concerns. However, as Beebeejaum further notes, by believing that the Asian business group was a legitimate voice of the Indian and Asian community, planners neglected other community voices associated with women, the young and the old. Overall, suggests Beebeejaum, the case- initiatives to promote equal public participation in community deliberative forums can be based upon preconceived beliefs that may in fact lead to unequal outcomes and thus silence some voices in a community.²⁸

Conclusion

Without doubt, civil society is a realm element of co-operation between different groups, institutions and public bodies. It comprises 'households, voluntary associations, professions, communications media and disciplinary institutions such as schools, prisons and hospitals', among many other groups and associations.²⁹ But while democratic input from residents and their representatives in civil society over developments is encouraged by public officials, this does not necessarily imply the input of residents are always regarded as important. Rather, participation by local community members is often thought of by developers and policy-makers as primarily being public deliberation based 'in' communities instead of participation being 'community based'.³⁰

Tensions can, however, often be observed in redevelopment neoliberal projects. For example, a partnership network requires some closure in order to ensure that key players in the partnership work efficiently together. But closure can lock-in partners that may prove problematic to the successful realisation of certain neoliberal goals. If for this reason openness in the partnership network is instead the favoured option, then some or future partners may be discouraged from entering the network in the fear that the context is too unstable.³¹ Under these conditions, the state may find that it has no choice but to intervene to resolve conflicts within and between such local partnership networks. If the state does take this path, however, the it might then inadvertently increase conflict between partners in different social networks by generating distrust between some or all relevant key players involved, including distrust towards public deliberation.³² At the same time, these tensions can create opportunities for alternative visions of community empowerment. There are some examples of local residents who have designed their own community plans to regenerate an area, but have done so in such a way that the regeneration scheme is consciously protected from speculative financial investors.³³ These alternative community developments represent promising alternatives to neoliberalism.

28 Beebeejaum (2006).

29 Keane (1988), p. 58

30 Eisenschitz (2008); see also Shirlow and Murtagh (2004).

31 Jessop (2000), p. 21

32 Davies (2024), p. 326

33 See Russell, et al. (2023).

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