

Focus Questions for “How Civility Works”

These focus questions are intended to aid you in the active reading of Keith Bybee's “How Civility Works,” the next of the books selected by the faculty of the Syracuse University College of Law to help prepare you for your time studying law. This book was chosen by the author of the book, the law school's Vice Dean Keith Bybee, although he had to have his arm twisted to select his own book.

The questions are written with the intention of helping you. You won't be tested on your answers and you can feel free to read the book without them should you choose. And there aren't any correct answers for these questions. It's more important to question the text and reflect on what the answers might be than to seek for a definitive “correct” answer.

The questions are designed to model the process of active reading, which is a skill with which you should already be familiar. Active reading is a crucial skill for doing well in law school, and the more adept you become at it before you come to school, the better you will do during your time here. If you would like to learn more about active reading, there will be content discussing the topic in more depth on the Legal Writer's Toolkit site.

You shouldn't assume that these questions indicate a point of view or that they're trying to steer you to answer them in a particular way. Rather, they're intended to provoke you to think critically about what you read and to help you form your own conclusions, based on the information the author gives you about the topics discussed in the book.

We hope you enjoy “How Civility Works,” and we look forward to meeting you and working with you over the course of the next few years.

The Promise of Civility

1. The author begins this book with Rodney King's famous 1992 plea "Can we all get along?" The author correctly remembers that King's plea was remembered for the rest of his life, but it's also true that this plea was also widely mocked at the time as being hopelessly naive. Do you suppose that the mockery King's plea received is an example of the lack of civility this book might address?
2. What role do you think civility plays in the practice of law? What role should it play, particularly in those parts of the law that are adversarial?
3. Do you agree with the surveys to which the author cites that suggest Americans believe we are living in an age of "unusual anger and discord?" To what examples of recent behavior would you refer in support of your answer?
4. Are you surprised to learn that Americans have always felt that the times in which they were living were times of "escalating incivility?" Other than the examples cited by the author, can you think of other historical examples that might have caused people to think that their times were ones of increasing incivility?
5. Had you considered that the Constitutionally mandated protection of free speech might contribute to a level of incivility in American discourse? How do you imagine the author is going to address this complication?

Civility Defined

1. Before reading any further, how would you define civility? What are its characteristics and qualities? How do you practice civility in your life? Now continue reading this chapter and compare the author's definition of civility to yours. Do your definitions align? Are they radically different?
2. Had you considered the possibility that there might be more than one set of rules of civility to follow? If civility is not a universally-agreed-to series of behaviors, does civility hold out any hope of making society more civilized?
3. The author describes the problems caused by competing codes of conduct. Had you considered before that some of society's problems are not caused by too little civility, but rather too much?
4. The author outlines some of the things Donald Trump said in the run-up to the 2016 Presidential election. These comments, or similar ones, might be familiar to you but had you

considered, as the author suggests, that they were strategic, calculated, and dependent on an understanding of, and reliance on, the rules of civility.

5. The author writes of examples of the law being used to prohibit incivility. Do you think that the law is an effective mechanism in the struggle to promote civility in society. Is there a difference between promoting civility and preventing incivility? And does the First Amendment set boundaries on how the law can be used to prevent incivility? The author proposes some other reasons for not using the law as a means of imposing civility in society. Do you agree with him that the temptation to use the law in this way should be resisted?

The Excellence of Free Expression

1. The author describes John Stuart Mill's belief that "progress toward the whole truth can be made only through the free competition of ideas." Had you considered this perceived benefit of free speech before? What do you think of it? If this belief is correct, then should we worry about civility at all? If we need the free expression of opposing viewpoints, with both positions likely to make their opponents furious, in order to find truth, is civility actually an impediment to truth?
2. Had you considered that civility might be used as a method of reinforcing repressive social divisions? If civility is used to reinforce social classes, can it truly be said to be civility?
3. The author points out examples where social protestors have been accused of incivility by those who are seeking to not address the underlying reasons for the protests. Can you think of other examples of this strategy being deployed to stifle social unrest?
4. The author observes that civility is a "simple, easily employed means of conveying integrity and moral standing . . ." Do you agree? Is this observation relevant to today's society?
5. The author refers to the work of Warren Farrell, who contends that in American society it is men who are oppressed and women who secretly control men and society. Do you agree with this contention? Do you see any flaws in Farrell's reasoning?

Are You Just Being Polite?

1. The author writes of the dangers of civility being faked. This is a well-known strategy: think of Marc Anthony's "Friends, Romans, Countrymen" speech in Julius Caesar, where Anthony says he is not praising Caesar but in so doing, in fact, praises Caesar and condemns his assassins. Can you think of contemporary examples of this strategy?
2. If one genuinely dislikes someone or that person's positions, is it hypocritical to be civil to or about that person? If it is, does this undermine the search for civility?
3. The author states that "the opportunity for concealment is not an incidental feature of civility; instead it is an essential part of the experience of being in civilized company." Had you thought about civility in this way before? Given what you've learned about civility by reading this book, does this assertion surprise you or had you come to this conclusion yourself?
4. The author quotes several writers on the theme of "do the right thing, and in time you will want to do the right thing." Do you agree with this assertion? Why? If not, why not?
5. Do you agree that people "do not naturally get along?" If not, what is the value of civility?
6. Have you felt the benefits of civility the author describes when you were civil to others, even when you might not have wanted to be? Have you experienced civility from someone else when you expected hostility? Were you civil in return?

Strength in Weakness

1. Are you surprised to read that "logical consistency is not always the hallmark of enduring social practices?" As someone about to study law and become a lawyer, did you expect to learn this?
2. Have you been pessimistic about the way social discourse has seemingly become increasingly aggressive and uncivil? Before reading this book, would you have agreed with the assertion that today's conditions appear "to be in crisis and a harbinger of imminent social collapse?" If so, has this book given you hope?
3. Having read this book, will you be more conscious of civility, both in the broader world and in your life and the way in which you interact with others? As a lawyer, will you strive to bring civility into your professional life? How will you do that?