Civility: Power Beyond Politeness

by Stella Rabaut

Consider civility. Few words have been as poorly served by their dictionary definition. The dynamic power of "civility" is trivialized when defined as no more than:

Formal politeness and courtesy in behavior or speech
— Oxford English Dictionary

The dynamic of civility has evolved beyond its definition to now describe an attitude and pattern of behavior that has great value and power. Civility is tough, substantive, and impactful upon others. Not surprising, since it is essentially a habit of the heart.

Last summer’s baseball season provided a memorable story. A well-intentioned and experienced major league baseball umpire made a mistaken call with great consequences. The pitcher, Armando Galarraga of the Detroit Tigers, had pitched a perfect game into the ninth inning. Then he was robbed by a mistaken call from umpire Jim Joyce. The pitcher’s response was one of compelling civility; he embraced the human nature of Joyce by simply stating, “We all make mistakes.” His manager reinforced this by calling Joyce “one of the best in the business.” Forgiveness can be the highest form of civility as couched in graceful words. George Will commented later that through this remarkable civility, the pitcher and his manager had created a more rare and memorable moment in baseball lore than simply another perfect game. Most memories of the action from last season have vanished, but not this story. Such is the power of civility.

In our law practice we may find ourselves being misquoted, misrepresented, or demeaned by colleagues. The challenge of responding with civility is a tough one. Ours is a profession that does little to emphasize or encourage patience or humility. Some argue that acting with civility is weak, bordering on “unethical,” not zealously pursuing the client’s interests.

I am increasingly curious about civility. At the heart of the art of practicing law is the skill of using language and presence with care and civility. By contrast, conversations with colleagues frequently end up with tales of egregious acts of incivility. Thus, I have read articles and books, tuning my antennae for positive stories from our shared community lies at the core of civil behavior. A deep appreciation for one another’s act of incivility, a more aware response can shift the context and transform the moment.

Consciousness
The practice of mindfulness is one pathway to living and practicing more consciously, that is, intentionally. This is crucial for practicing law with civility. Living with awareness gives us the ability to manage skillfully both our own emotions and emotional reactivity by others. Daniel Goleman has described this as the essence of “emotional intelligence.” Rather than reacting emotionally to and escalating rudeness or another’s act of incivility, a more aware response can shift the context and transform the moment.

Creativity
Engaging in creative processes fosters civility by exercising the brain muscles that enable us to imagine ourselves “outside of the box.” Creative acts such as making music, producing visual art, writing for pleasure, dancing, acting, and any type of playing enable us to slow down and be in the moment. These types of activities reduce stress and make us more likely to feel joy. They also sharpen our ability to maintain an open mind, see situations from multiple perspectives, listen without predetermination, and remain flexible. All of this supports interactions that are civil, leading to best outcomes.

Community
While concern for another’s well-being may seem beyond the call of duty, it is not beyond the call to civility. A deep appreciation for our individuality and our membership in shared community lies at the core of civil behavior. Self-interest can co-exist with altruism in a form of “reciprocal altruism.”

Evolutionary psychology now tells us that sympathy for others is as deeply ingrained in human nature as the competitive instinct. Collaboration and bonding are “epigenetic principles.” “Survival of the kindest” parallels “survival of the fittest.” Courteous behavior is not required by law, but it is in our nature. We become stressed story? What behaviors promote practicing law with civility?

Three themes are important when considering the development of intentionally civil behavior. These are consciousness, creativity, and community. Let me explore these briefly.

Civility is contagious.
Civility is good for our health.
Civility is good for the bottom line.

Assuming these three propositions to be true, questions arise: Is civility a natural skill that we either have or don’t? Can it be taught and learned? Has each one of us been heavily influenced in this matter by our own family culture and personal life experiences? What behaviors promote practicing law with civility?

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when we forsake it. Ironically, we forsake it when we become stressed.

Much of law practice is competition and conflict-based. Combine this with the demands and pace at which we live and we have the recipe for incivility. Communal experiences that provide mutual social support reduce stress and generate civility. Civility may begin as “formal politeness and courtesy.” Consider the remarkable debasement of the use of language in society today. The issue of how we humans talk with one another rises all the way to the question of the survival of the species. The stakes are high and rising. This may not be reflected in the dictionary, but it is happening on the ground.

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Stella Rabaut practiced law for over 20 years as an oil and gas attorney, general counsel to a nonprofit organization, and solo practitioner. Her interest became sustaining the human spirit while practicing law, designing retreats for lawyers and judges. She has chaired the WSBA Professionalism Committee and is a life fellow of the State Bar of Texas. Stella consulted with the Fetzer Institute on their Law as a Healing Profession Program. As adjunct faculty at Seattle University School of Law, she designed and taught a course entitled “Transforming the Legal Profession: Emerging Trends in the Practice of Law.”

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