

Index

50 State Civility Tour, 17 American Immigration Lawyers Association, 97 Abdollahi, Mohammad, 98, 99 American Law Institute, 145 amnesty, moral basis for deportation acquired immunodeficiency syndrome (AIDS), 150 (Carens), 101 Andiola, Erika, 69, 77 activism, 133 civil assimilationist, 133, 134, 141 antipathy civility and (Waldron), 50 DREAMer, 12 versus affection (Waldron), 9, 136, 141 immigrant, 90 noncitizen (Volpp), 12 Antonio, Jose, 69 Silence=Death (ACT-UP), 133, 140, 150 Arendt, Hannah, 13, 112-14, 118, 128 uncivil liberationist, 133, 141, 153 Aristotle, 27n39, 56, 60 Armstrong, Elizabeth, 144, 145n45 youth, 91 authenticity, civility suspending (Zerilli), 137 Adams, John, 107 Adolphe (Constant), 39 avoidance, method of Ahmad, Muneer, 93 Nussbaum, 125 AIDS Coalition to Unleash Power (ACT-UP), Rawls, 123, 125n49, 130 150-53 Alchemy of Race and Rights, The Ball for the Council on Religion and (Williams), 55 Homosexuality, 144 aliens, 83-106 Banfield, Edward, 71 civility and, 89-106 Becker, S. S., 145 Behemoth (Hobbes), 24, 31 Constitutional protection of, 84 Bejan, Teresa M., 8–9, 76, 132, 135, 138 DACAmented, 95 deferred action to childhood arrivals Beltrán, Cristina, 90, 105 (DACA), 95 Berry, John, 50 Bertin, François, 35 illegal, 88 K-12 education and, 89 Bhabha, Homi, 78 normative political channels and, 138 Bickford, Susan, 108, 116, 117 Registered Provisional Immigration Status, 96 Bills, Bronson D., 6 statuses of, 83n62 Blanco, Richard, 103 Bonald, Louis de, 33 suffrage, 85 territorial personhood and, 84 Bosniak, Linda, 79 Boston marriage, 143 undocumented, 84 Bowers v. Hardwick (1986), 150, 154 monetizing, 102 voting and, 85-86 Bradford, Erin, 49n15 Alito, Samuel, 155 Brown, Wendy, 76



buggery, laws prohibiting, 141	civility
Bush, George W., 18n11, 75	adversarial political emnity and, 58
Buss, Sarah, 19n13	apolitical cooperation and, 11
	as a cold virtue (Waldron), 49
Cacho, Lisa, 91	as a lesser virtue, 135
calumny	as a tactical political tool
as a capital crime in 18th century France, 9	Volpp, 11
Constant and, 32–40	Zerilli, 119–30
defined	as an overrated virtue (Sandel), 2, 64,
Encyclopédie, 35	132, 139
Paine, 17	as civilizing (Volpp), 81
Erasmus and, 16	care for the other and, 118
Carens, Joseph, 100	citizenship status and
Carter, Stephen, 5-6	Volpp, 11
censorship, Constant and, 33	citizenship status and (Volpp), 73
Chafe, William H., 117	civic virtue and (Volpp), 11, 75, 77, 81
Cheney, Dick, 64	civilizing discourse and
Christiano, Thomas, 116, 120	Volpp, 11, 78, 80, 81
Christopher Street Liberation Day, 149	Zerilli, 105
citizenship	contemporary understandings of (Volpp), 11
acquisition (Schuck and Smith), 82n58	defined
acts of, 81, 87	Bills, 50n17
alien and, 83–89	Benjan and Garsten, 9, 44
as right to have rights, 84n65	Berry, 50
as a verb (Volpp), 81	Boyd, 4
* * * *	Carter, 5
civility and, 79–89 earned	Chafe, 117
	Coles, 4
Obama and, 1011127	
earned (Shachar), 100, 101	Day and Bradford, 49n15
formal legal status and (Bosniak), 11, 79	Institute for Civility in Government, 58
identity and	Kennedy, 4n7, 21n18
alien, 87	Meyer, 4
Bosniak, 81	Oxford English Dictionary, 73
Volpp, 11	Rehnquist, 6n18, 6n18
internment and, 88n ₇ 8	Rose, 74
meanings of (Volpp), 11	Sarat, 4
political activity and	Schmidt, 21117
Bosniak, 80	Shils, 4, 115
Volpp, 11	Sinopoli, 4110
rights and	Swedenborg, 73n14
Volpp, 11	Volpp, 11, 71–78
solidarity and (Bosniak), 81	Waldron, 9, 58, 59, 61, 137
civil disobedience, 69, 97, 98	Webster's New World Dictionary, 4
aliens and (Volpp), 138	White, 77n39
citizenship and, 99	Zerilli, 114
civil virtue	dimensions of (Volpp), 11, 72–78
civility and (Walzer), 15111	discursive, silencing speech, 78
civil worship	dual nature of (Elliott and Lunn), 132
defined	duty of
Hobbes, 25n28	Rawls, 19113
civilitas, 72, 103	Waldron, 139



exclusionary, 135, 139	contemnation
facilitating difficult discussions, 135	defined
formality and (Waldron), 10	Oxford English Dictionary, 17110
G. W. Bush and, 18111	condemn, defined by Oxford English
liberal	Dictionary, 17n10
Benjan and Garsten, 9, 23, 42, 44	contempt, 17
Kennedy, 21n18	communication and, 17
Zerelli, 14	disagreement and, 8, 23, 34, 41, 61
masking tensions and antagonisms	eighth law of nature and (Hobbes), 8, 22
(Kennedy), 21n18	Hobbes and, 24–32
	individual dignity and (Hobbes), 32
Obama on, 2–3, 16, 16n2, 18n12	contumely
obligations of, 137	
oppressive (Schmidt), 21n17	ancient republics and (Hobbes), 32
pluralism and, 13	defined
power differentials and, 11	Bejan and Garsten, 22
preconditioning democratic dialogue	Hobbes, 8
(Carter), 5–6	eighth law of nature (Hobbes) and, 8
public good and (Kronman), 6	equality and, 27
respecting formalities (Waldron), 52	Hobbes and, 24–32
restraining the exercise of power (Sarat), 136	Cotton, Rev. John, 142n28
rules of, as rules of morality (Carter), 5	Coutin, Susan, 104
self-control and (Volpp), 11, 75, 80	Cowan, Margot, 97, 100
sly (Bhabha), 78	Crage, Suzanna M., 144
social order and, 11	Cravatts, Richard L., 109
staying present and (Waldron), 10, 58	crimes against nature, laws prohibiting, 141
stifling dissent (DeMott), 72	Critical Legal Studies movement, 55
tactical (Volpp), 78	2
white progressivism and, 117	Darwall, Stephen, 41
Civility and Citizenship (Banfield), 71	Darwish, Nonie, 111
Civilizing Process, The (Elias), 73	Daughters of Bilitis, 144
Clayton, Cornell, 107, 108	Day, Terri, 49n15
Cohen, Joshua, 120	De Cive (Hobbes), 22, 28, 29
Coleman, Daniel, 77	Defense of Marriage Act (DOMA), 133, 140,
Coles, Robert, 4	
Collins, Jeffrey, 31n60, 31n60	153–55 Due Process and, 154
Common Cause, 69	
communication	Equal Protection and, 154
	federalism and, 154
civility and, 75	Define American project, 95
non-neutral political, 108	deliberation deficit (Goldfarb), 121
condemnation	delicacy
defined	as oversensitivity (Constant), 23
Oxford English Dictionary, 18110	Constant and, 32–40
condemnation, cotemnation and, 19	defined (Constant), 38
consensus, overlapping (Rawls), 127n56	DeMott, Benjamin, 72
consensual sex	Deneen, Patrick, 114, 118
between same-sex members	deportation, 92
first prosecution of, 142n30	amnesty and, 101
Constant, Benjamin, 8, 20, 22–23,	cost of, 102
32–40, 44	self-
contemn, defined by Oxford English	HB 56 (Alabama), 88
Dictionary, 17n10	SB 1070 (Arizona), 88, 94



disagreement, 137	Deneen, 114
accommodating radical, 57-65	instrumental, 53
civility and, 60, 137–39	legislative (Waldron), 65–67
civilizing (Bejan and Garsten), 21, 138	protecting against injustice (Weldron), 136
contempt and (Bejan and Garsten), 8	Waldron, 138, 139
disagreeableness of, 8	Franco, Francisco, 64
Hobbes and, 22n22, 28	freedom of the press
hostility and, 57	Constant and, 33–39
liberal democracy and, 18	Freud, Sigmund, 143
liberal sensibility and (Constant), 8	friendship, 50, 65
offensive (Hobbes), 8	civic, 57
public, role of (Mill), 124	Front Page Magazine, 109
uncivil, 17–45	Tront rage magazine, 109
governmental efforts to control, 37	Gabel, Peter, 55
disenfranchised minorities, 7n22, 12–13	Gallup survey (on LGBT issues), 156n101
dishonour	
	Gandhi, Mahatma, 78, 124
dissent and (Hobbes), 30n51	Garsten, Bryan, 8–9, 76, 132, 135, 138
dishonour (Hobbes), 25	Gay Activists Alliance, 147
dissent	Gay Liberation Front, 147, 148
dishonor and (Hobbes), 30n51	gay pride
religious, Hobbes and, 30–31	movement, 144–50
diversity, 10, 65–68	parades, 149, 149n60
Downes, Lawrence, 102	week, 149
DREAM (Development, Relief, and	Giffords, Gabrielle, 2, 3
Education for Aliens Minors) Act,	Goldfarb, Jeffrey, 121
2–69, 6911, 90, 94, 95, 96–100,	Government of the Tongue, The
961110, 9811116	(Allestree), 28
Dream is Now, The (film), 69	Greer, Germaine, 52
DREAMer's Nightmare, A (Navarette), 70	Guantánamo, 93
DREAMers, 12, 89	Guggenheim, Davis, 69, 102
duels, 6, 107	Guizot, François, 37, 38
Constant and, 37	
Constant-Bertin, 35	Habermas, Jürgen, 76, 76n33, 119
Constant-Issarts, 35	Harcourt, Bernard, 78
Constant-Sibuet, 35	hatred
Courts of honor and, 35	disagreement, contumely, and, 29
Hobbes and, 35	eighth law of nature and (Hobbes), 8, 22
Dumm, Thomas L., 7n22	Herbst, Susan, 78
	Herek, Gregory, 143
Elias, Norbert, 73	Heritage Foundation, 110
equality, 126-28	Hitler, Adolf, 64
artificial (Hobbes), 27n39, 27n39	Hobbes, Thomas, 8, 20–22, 24–32, 25n28,
Equality Act of 1974, H.R. 14752 93d Cong.	42, 44
(1974), 149	Erasmus and, 28
Erasmus, Desiderius, 16	Hoekstra, Kinch, 27n39
Eskridge, William, 142, 143	Holder, Eric, 154
	Holtsberry, Kevin, 110
Family Research Council, 110	homosexuality, 142
formality	as a mental disorder, 143
as civil silence (Waldron), 19	delisting, 149
civility and (Waldron), 52–68	as a phobic response, 143



as a religious transgression, 142	Kramer, Larry, 151
pathology of, 143	Kronman, Anthony, 6, 61
prosecuting consensual, 142n30	
scientific understanding of, 144n43	L'Amis des lois, 35
Honig, Bonnie, 105	Lavender Menace, 148
Horowitz, David, 110, 145	Law and Disagreement (Waldron),
Huntington, Samuel, 107	61, 65
, , ,	Leach, Jim, 17
identity	Left not all that Interested in Free Speec
homosexual or lesbian, 142	(video post, Holtsberry), 110
issues and (Hobbes), 139	legality, 135
Ignatieff, Michael, 54	legislation, civilitarian (Hobbes), 29
Immigrant Youth Justice League, 92	Leopold, David, 97, 100
immigration	Lesbian Avengers, 152, 152n77
European, 85	Lesbian Liberation, 148
legislation, 12, 96	Leviathan, The (Hobbes), 22, 25n31, 28,
offenses (criminal and civil), 90n83	
reform, 91, 94, 96	31, 32 eighth law of nature, 8, 24, 26
incivility	
· · · · · · · · · · · · · · · · · · ·	Levine, Mark, 111
as pluralism run amuck, 107	libel, 26n32 liberalism
defined (Sen), 46	
disenfranchised minorities and, 116	defined (Rawls), 123n42
Volpp, 12	political
Zerilli, 13	defined (Rawls), 123n42,
function of (Zerilli), 14	124n44, 125n51
Hobbes and, 24	Nussbaum, 123
injustice and, 134	Rawls, 123, 128
perception of, and disagreement, 41	self-standing (Rawls), 123n42, 123n42
Ingraham, Laura, 99	Logevall, Fredrik, 108
injustice, 2, 135	Luther, Martin, 16
civility defending, 21, 117, 133	
formality and (Weldron), 136	Mae Cohen, Hattie, 152
Institute for Civility in	manners
Government, 58	citizenship and, 114
Isin, Engin, 81	civil (Shils), 115
Issarts, Forbin des, 35	civility and, 4, 5, 13, 21, 103, 112
Izzadean, Abu, 111	defined
	Hobbes, 25n28
Jefferson, Thomas, 107	Zerilli, 114
Jimenez, Cristina, 97	expressive function of (Buss), 19113
judgment, burdens of	Marcuse, Herbert, 6, 76
McCarthy, 122n40	market exchange (Smith), 50
Rawls, 42, 62, 122n40	market transactions, 54
justice, 123n42	Mattachine Society, 144
justice (Rawls), 123n42	McCain, John, 3, 94
140000 (14010), 123142	McCarthy, Thomas, 122n40, 122n40
Kanstroom, Daniel, 85	Mercure de France, 33
Kennedy, Randall, 4n7, 4n7, 7, 21n18, 21n18,	Meyers, Diana Tietjens, 117, 126
63, 64, 135	Milk, Harvey, 92
Khadr, Omar, 93	Mill, John Stuart, 124
Koch, Ed, 152	Minor v. Happersett, 85
, , <i>-</i>	



164 Index

mission civilisatrice, la, civility and, 77 Plyler v. Doe, 89, 94 Mock, Brian, 152 politeness, civility and (Montesquiue), 40 Molé, Louis-Matthieu, 33 political community (Rawls), 122n40 Montesquieu, Charles-Louis de Secondat, Political Liberalism (Rawls), 19113, 19113, 123 Post, Robert, 48 Baron de La Brède et de, 39 Principles of Politics (Constant), 33, 37 Myers, Ella, 118, 130 procedure, good faith observation of, and National Coming Out of the Shadows civility (Waldron), 59 public discussion, Rawlsian limits on, 137 Week, 92 National Gay and Lesbian Task Force, 149 public reason (Rawls), 122n40 National Immigrant Youth Alliance, 95, 98 public spaces, civility and, 75 National March on Washington for Lesbian public speech, Constant and, 33-39 and Gay rights, 150 Navarrette, Ruben, 70, 77, 105 Queer Nation, 150-53 Needs of Strangers, The (Ignatieff), 54 New York Times, The, 95, 102, 152 Radical Fairies, 148 Ngai, Mae, 104 Radicalesbians, 148 Nielsen, Greg, 81 Rawls, John, 19113, 19113, 62, 119, 120, 1221139, Nights Out, 152 128-29, 137 Nixon, Richard, 64 recognition, civility's burden of (Waldron), 61, Nussbaum, Martha, 123-28 135n6, 136 Rehnquist, William, 6n18, 6n18 O'Connor, John Joseph, 151 Reid, John, 111 O'Reilly, Bill, 3 Reign of Terror, 36 Obama, Barack, 2-3, 16, 16n2, 18, 95, 102 Reno v. American-Arab Anti-Discrimination On Liberty (Mill), 124 Committee, 84n63 One Today (Blanco), 103 revelation, 129 opposition Strauss, 120n60 as straight disagreement, 61 rights loyal, 63 associational, 84 protecting political (Constant), 32 expressive, 84 tolerance and, 7 personhood's right to have, 84 order maintenance policing (Banfield and political, Wilson), 72 aliens and, 85 Oregon Martyrs, The, 152 taking, 105 Oren, Michael, 109, 111 to marry, 140, 153-57 outing, 153 riots, 133 Outweek (newspaper), 153 Gene Compton's Cafeteria, 145 Stonewall Inn, , 133, 140, Paine, Thomas, 17 146-48, 155, 157 Pallares, Amalia, 91 Rivera, Silvia, 147 Robert's Rules of Order, 67 parades, gay, 149n60 Roberts, John, 155 Parents and Friends of Lesbians and Gays (PFLAG), 141 Roll, John, 3 Park, Terrence, 102 romantic friendship, 143 Pew Research Center (report on LGB issues), Romeo and Juliet (Shakespeare), 52 Romer v. Evans, 153 156n101 Rose, Nikolas, 74 pluralism value, 122n39, 122n39, 128 pluralism, reasonable Sandel, Michael, 2-69, 132, 139 Rawls, 42, 122, 122n40 Sarat, Austin, 78, 132



Scalia, Antonin, 155	surveys
Schmidt, James, 21n17, 21n17	Gallup
Schuck, Peter, 82n58	May 2013 (GLB issues), 156n101
Second Congress to Unite Women, 148	Pew Research Center reports
self-expression, culture of, 5	June 2013 (LGB issues), 156n101
Sen, Amartya, 46	suspicion, civility and, 62
sexuality	Swedenborg, Emanuel, 73n14
gay, lesbian, bisexual, 132–57	5wedenborg, Emander, /3m4
politics of (Elliott and Lunn), 140–57	Taming of the Shrow The (Shekespeere) 50
	Taming of the Shrew, The (Shakespeare), 50
Shachar, Ayelet, 100	Tancredo, Tom, 111
Shils, Edward, 115	Theory of Justice, A (Rawls), 123n42
Sibuet, Georges, 35	Thomas, Clarence, 155
Sinopoli, Richard, 4n10	thug, 10
Smith, Adam, 50	arguing with (Kennedy), 7, 63, 135
Smith, Rogers, 82n58	defining, 64
sodomy, 142n33, 142n33	tolerance
laws prohibiting, 141	opposition and, 7
Georgia's orientation-neutral, 150	repressive (Marcuse), 6, 76
repeal of, 145	toleration
Texas, 154	civility and, 104
speech	civility and, 76
civilizing through legislation, 8, 44	Hobbes and, 30
French New Republic and, 36	Tomlinson, Barbara, 111, 115
free, 5, 110	Tongue, The (Erasmus), 16
academic, 109	Transgendered/non-cisgendered people,
movement (Berkeley), 145	132111, 1411126
violating, 109	-)=,
hate, 16, 22, 110	undocuqueer, 92
defined	United We Dream, 97
British formulation, 48	Officed We Dieam, 97
Canadian formulation, 48	Values Bus Tour (Wisconsin), 110
New Zealand formulation, 48	Vannatta, Shane, 50
pluralism, diversity and, 56	Vargas, Jose Antonio, 95
regulating and restricting (Hobbes), 31n60,	Village Voice (newspaper), 147
31n60	Volpp, Leti, 11–12, 20, 132, 135, 139, 140
uncivil, 13	****
contingent harms of, 26	Waldron, Jeremy, 9–11, 19, 41, 44,
eighth law of nature (Hobbes) and, 24	132, 135
valuable, 5	Walton, Charles, 17, 34, 36
Spirit of the Laws (Montesquieu), 39	Walzer, Michael, 4n7, 15n1
Spyer, Theya, 153	We are Americans (Just not legally.), 69,
Stael, Germain de, 34	99
Stewart, Potter, 47	Weber, Max, 129
strangers	Weinrib, Ernest, 53
civility and, 136–37	When Justice Replaces Affection, 51, 52
market exchange (Smith) and, 51	White, Melanie, 77n39
Strauss, Leo, 129	Whitman, Walt, 142
Street Transgender Action	Williams Institute report on poverty, 157
Revolutionaries, 147	Williams, Patricia, 55–56
subordination, civility as an ideological tool	
	Wilson, James Q., 5, 72
of, 78	Wilson, Joe, 107



166 Index

Windsor v. United States, 140, 153–55 Windsor, Edie, 140, 153 Wolfe, Ross, 74 Wolin, Sheldon, 25n30 Woman Identified Woman, The, 148 worship civic (Hobbes), 25n28 civil, 25 divine and, 30 private, 30 Wright, Fanny, 108 Yick Wo v. Hopkins, 84 Zerilli, Linda, 12–14, 20, 44, 105, 132, 135, 136, 137, 139