

CONTENTS

Introduction 3

PART I CIVIL SOCIETY IN SOCIAL THEORY

1 Possibilities of Justice 13

2 Real Civil Societies: Dilemmas of Institutionalization 23

Civil Society I 24

Civil Society II 26

Return to Civil Society I? 29

Toward Civil Society III 31

3 Bringing Democracy Back In:

Realism, Morality, Solidarity 37

Utopianism: The Fallacies of Twentieth-Century Evolutionism 38

Realism: The Tradition of Thrasymachus 39

Morality and Solidarity 42

Complexity and Community 45

Cultural Codes and Democratic Communication 48

PART II STRUCTURES AND DYNAMICS OF THE CIVIL SPHERE

4	Discourses: Liberty and Repression	53
	Pure and Impure in Civil Discourse	54
	The Binary Structures of Motives	57
	The Binary Structures of Relationships	58
	The Binary Structures of Institutions	59
	Civil Narratives of Good and Evil	60
	Everyday Essentialism	62
✓	The Conflict over Representation	64
5	Communicative Institutions:	
	Public Opinion, Mass Media, Polls, Associations	69
	The Public and Its Opinion	71
	The Mass Media	75
	<i>Fictional Media</i>	75
	<i>Factual Media</i>	80
	Public Opinion Polls	85
	Civil Associations	92
6	Regulative Institutions (1): Voting, Parties, Office	107
	Civil Power: A New Approach to Democratic Politics	109
	Revisiting Thrasymachus: The Instrumental Science of Politics	110
	Constructing and Destructing Civil Power (1):	
	The Right to Vote and Disenfranchisement	114
	Constructing and Destructing Civil Power (2):	
	Parties, Partisanship, and Election Campaigns	123
	Civil Power in the State: Office as Regulating Institution	132
7	Regulative Institutions (2): The Civil Force of Law	151
	The Democratic Possibilities of Law	151
	Bracketing and Rediscovering the Civil Sphere:	
	The Warring Schools of Jurisprudence	157
	The Civil Morality of Law	161

Constitutions as Civil Regulation 164

The Civil Life of Ordinary Law 169

Solidarity 172

CIVIL SOLIDARITY AND CONTRACT LAW 173

Individuality 178

Legalizing Social Exclusion: The Antidemocratic Face of Law 184

8 Contradictions: Uncivilizing Pressures and Civil Repair 193

Space: The Geography of Civil Society 196

Time: Civil Society as Historical Sedimentation 199

Function: The Destruction of Boundary Relations

and Their Repair 203

Forms of Boundary Relations:

Input, Intrusion, and Civil Repair 205

PART III

SOCIAL MOVEMENTS IN THE CIVIL SPHERE

9 Social Movements as Civil Translations 213

The Classical Model 214

The Social Science of Social Movements (1):

Secularizing the Classical Model 217

The Social Science of Social Movements (2):

Inverting the Classical Model 221

The Social Science of Social Movements (3):

Updating the Classical Model 224

Displacing the Classical Model: Rehistoricizing the Cultural

and Institutional Context of Social Movements 228

Social Movements as Translations of Civil Societies 229

10 Gender and Civil Repair: The Long and Winding

Road through M/otherhood 235

Justifying Gender Domination: Relations between
the Intimate and Civil Spheres 236

Women's Difference as Facilitating Input 237

CONTENTS

Constitutions as Civil Regulation	164
The Civil Life of Ordinary Law	169
<i>Solidarity</i>	172
CIVIL SOLIDARITY AND CONTRACT LAW	173
<i>Individuality</i>	178
Legalizing Social Exclusion: The Antidemocratic Face of Law	184

8 Contradictions: Uncivilizing Pressures and Civil Repair 193

Space: The Geography of Civil Society	196
Time: Civil Society as Historical Sedimentation	199
Function: The Destruction of Boundary Relations and Their Repair	203
Forms of Boundary Relations: Input, Intrusion, and Civil Repair	205

PART III

SOCIAL MOVEMENTS IN THE CIVIL SPHERE

9 Social Movements as Civil Translations 213

The Classical Model	214
The Social Science of Social Movements (1): Secularizing the Classical Model	217
The Social Science of Social Movements (2): Inverting the Classical Model	221
The Social Science of Social Movements (3): Updating the Classical Model	224
Displacing the Classical Model: Rehistoricizing the Cultural and Institutional Context of Social Movements	228
Social Movements as Translations of Civil Societies	229

10 Gender and Civil Repair: The Long and Winding Road through M/otherhood 235

Justifying Gender Domination: Relations between the Intimate and Civil Spheres	236
---	-----

Women's Difference as Facilitating Input	237
--	-----

✓	Women's Difference as Destructive Intrusion	239
✓	Gender Universalism and Civil Repair	241
✓	The Compromise Formation of Public M/otherhood	243
✓	Public Stage and Civil Sphere	250
✓	Universalism versus Difference:	
✓	Feminist Fortunes in the Twentieth Century	253
✓	The Ethical Limits of Care	259
	11 Race and Civil Repair (1): Duality and the Creation of a Black Civil Society	265
	Racial Domination and Duality in the Construction of American Civil Society	268
	Duality and Counterpublics	275
	The Conditions for Civil Repair:	
	Duality and the Construction of Black Civil Society	277
	Duality and Translation: Toward the Civil Rights Movement	286
✓	12 Race and Civil Repair (2): The Civil Rights Movement and Communicative Solidarity	293
✓	The Battle over Representation:	
	The Intrusion of Northern Communicative Institutions	296
✓	Translation and Social Drama:	
	Emotional Identification and Symbolic Extension	303
	The Montgomery Bus Boycott:	
	Martin Luther King and the Drama of Civil Repair	307
	13 Race and Civil Repair (3): Civil Trauma and the Tightening Spiral of Communication and Regulation	317
	Duality and Legal Repair	318
	The Sit-In Movement: Initiating the Drama of Direct Action	323
	The New Regulatory Context	333
	The Freedom Rides: Communicative Outrage and Regulatory Intervention	338
	Failed Performance at Albany: Losing Control over the Symbolic Code	344
	Birmingham: Solidarity and the Triumph of Tragedy	347

14 Race and Civil Repair (4): Regulatory Reform and Ritualization 359

The First Regulatory Repair: From Birmingham
to the Civil Rights Act of 1964 362

Regulatory Reform Enters the Communicative Domain:

The President's Declaration of Identification 362

Filling in the Symbolic and Institutional Space:

Ritual Mobilization and Legislative Action 366

The Second Regulatory Repair: Rewinding the Spiral
of Communication and Regulation 370

Freedom Summer: Identification Becomes Concrete 371

Selma and Voting Rights: Ritualizing

the Communications-Regulation Spiral 376

The End of the Civil Rights Movement:

Institutionalization and Polarization 384

PART IV

**MODES OF INCORPORATION
INTO THE CIVIL SPHERE**

15 Integration between Difference and Solidarity 395

Convergence between Radicals

and Conservatives 397

Recognition without Solidarity? 398

Rethinking the Public Sphere: Fragmentation

and Continuity 402

Implications for Contemporary Debates 406

16 Encounters with the Other 409

The Plasticity of Common Identity 409

Exclusionary Solidarity 411

Forms of Out-Group Contact 411

Nondemocratic Incorporation 413

Internal Colonialism and the Civil Sphere 415

Varieties of Incorporation and Resistance

in Civil Societies 417

	<i>Closing Down the Civil Sphere</i>	417
	<i>Opening Up the Civil Sphere</i>	419
	<i>Stigmatized Persons and Their Qualities</i>	421
17	The Three Pathways to Incorporation	425
	The Assimilative Mode of Incorporation	426
	The Hyphenated Mode of Incorporation	431
	The Exception of Race: Assimilation and Hyphenation Delayed	443
	The Multicultural Mode of Incorporation	450
18	The Jewish Question: Anti-Semitism and the Failure of Assimilation	459
	Jews and the Dilemmas of Assimilative Incorporation	461
	Anti-Semitic Arguments for Jewish Incorporation: The Assimilative Dilemma from the Perspective of the Core Group	466
	Initial Jewish Arguments for Self-Change: The Assimilative Dilemma from the Perspective of the Out-Group	471
	The Post-Emancipation Period: Religious and Secular Modes of Jewish Adaptation to the Dilemmas of Assimilation	477
	<i>Restructuring Organized Judaism</i>	478
	<i>Religious Conversion</i>	483
	<i>Secular Revolution</i>	485
	New Forms of Symbolic Reflection and Social Response in the Fin de Siècle: The Dilemmas of Assimilation Intensify	488
	<i>Irony and Absurdity: New Religious and Secular Literary Genres</i>	489
	<i>Zionism: The Effort to Withdraw from Western Civil Society</i>	493
	The Crisis of Anti-Semitic Assimilation in the Interwar Period: Resolving the Dilemmas of Assimilation by Going Backward	495
	<i>Restrictions on Jewish Incorporation in the United States</i>	496
	<i>Europe's "Final Solution" to the Jewish Question: Resolving the Dilemmas of Assimilation by Eliminating the Jews</i>	500
19	Answering the Jewish Question in America: Before and After the Holocaust	503
	Keeping Jewish Identity Private: Self-Change and the Utopian Project of Hyphenation	504

CONTENTS

<i>The Dilemmas of Jewish Incorporation and Communicative Institutions: Factual and Fictional Media</i>	506
<i>The Dilemmas of Jewish Incorporation and Regulative Institutions: The Law</i>	510
The Failure of the Project: Jewish Exclusion from American Civil Society	511
<i>Anticivil Exclusions from Education</i>	512
<i>Anticivil Exclusions from Economic Life</i>	516
<i>Just Fate or Dangerous Exclusion?</i>	517
Responding to Nazism and Holocaust: America's Decision to Be "With the Jews"	520
Beyond the Assimilative Dilemma: The Postwar Project of Jewish Ethnicity	523
Making Jewish Identity Public: The Multicultural Mode of Jewish Incorporation	530
<i>Making the Good Jew "Bad": Phillip Roth's Confidence</i>	533
<i>The Universality of Jewish Difference: Woody Allen as Cultural Icon</i>	539
The Dialectic of Differentiation and Identification: A Crisis in American Jewry?	543
20 Conclusion: Civil Society as a Project	549
Notes	555
Bibliography	723
Index	787