

R. Brooks, October 31, 2016.

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Addressing Conflict & Political Address

The following are shortened preliminary chapters of a book project exploring the ways in which we address one another, with an emphasis on the role of law. Address exerts a profound influence on our civil, political and social lives. These simple, often mundane, acts of civility, contempt, deference, insolence and politeness are essential aspects of social order. Titles and forms of address are common in cultures throughout the world. There is a reason for this. They are elemental features of society. Titles and address coordinate behavior from the ground up, subtly yet forcefully guiding individuals through everyday encounters.

I have attached excerpts from the first four chapters. All are incomplete, preliminary and rough, especially the fourth, which along with the third, are the focus of my workshop. Chapters 1 and 2 are only for context (for those who want it) and may be skipped entirely for the workshop. Please focus your attention on Chapters 3 and 4, pages 34-66. I am eager for suggestions, corrections and arguments, for and against what I have written. Please forgive the typos and other errors.

all best, -Rick

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1. first law of address

Address is the kernel of society. People everywhere use words—names, nicknames, titles, styles, curses, terms of endearment or abuse—indicating some aspect or assessment of persons with whom they are interacting. Absent address, society retreats. Our social world would wither without it. Address also gives countenance to individuality, stoking the persistent anxieties of identity and personality. A measure of dignity, degradation or other sense of self emerges when even the most banal honorific or humilific is offered, or denied. These imprints of address register in our basic biology.¹ Doubtless these broadly felt experiences contribute to the range and salience of address across societies.

Beyond its bearing on “the self” and “the social”, the two great concerns of contemporary life, spoken address brings about something more mundane but no less vital. Address publicly conveys expectations of how an encounter will unfold. As such address allows speaker, addressee and audience to coordinate their beliefs and behaviors based on commonly known announcements. This subtlety is the first law of address. Among the numerous laws relating to titles and address considered throughout this book, this first law has the broadest scope and greatest authority. And yet it escapes almost all scrutiny, overlooked often as mere convention.

Most people are scarcely aware of the degree to which address steers their everyday lives. Address is largely taken for granted, rarely noticed unless spoken inappropriately or in some other unexpected way. Call them “address blunders.” Those unanticipated moments when address fails to achieve its usual and expected effects, ironically, best reveal its functions.

Address blunders by definition occur less often than successes. Still, there is no shortage of failures in the corpus of common experience.

Notable failures are found in the most ordinary circumstances. Take, for instance, an address encounter, described by Alvin Poussaint, which might have been a typical exchange at the time in the American South.² Poussaint, however, was a stranger to the South. A black doctor from New York City who had recently moved his practice to Mississippi, Poussaint recalled leaving his office with his secretary one day when a white policeman yelled at him, “Hey, boy! Come here!” Before going further, let’s identify, precisely, the address form used in the utterance. Forms of address are often used to initiate an exchange or to get someone’s attention.³ In this case, those functions were served by the policeman’s exclamation “Hey,” which preceded his command “Come here!”. What’s left is the address, *boy*.

Poussaint shot back, “I’m no boy!,” which concluded the address failure. The blunder was complete. A short moment later, however, came the fallout. Apparently caught off guard by Poussaint’s defiant response, the policeman raced at him, “inflamed,” wrote Poussaint,

snorting, ‘What d’ja say, boy?’ ... Frightened, I replied, ‘Dr. Poussaint. I’m a physician.’ He angrily chuckled and hissed, ‘What’s your first name, boy?’ When I hesitated he assumed a threatening stance and clenched his fists.

A mundane failure to coordinate expectations based on address had now escalated into a serious and dangerous encounter. Poussaint felt the peril that would accompany any insistence on being addressed by his professional title and last name. As Poussaint withdrew, his “heart palpitat[ing],” he recalled muttering, “in profound humiliation, ‘Alvin.’ ”

Poussaint’s own recollection of the encounter is both poignant and detailed, but there is more still to observe in that moment of address. Considered in its context, which is to say the American South in the 1960s, at the height of the civil rights movement, the address is clearly a response to a real and substantial threat—the threat Poussaint posed to the policeman’s settled conceptions of order. The policeman’s response was disproportionate and still subtle. By repeatedly addressing Poussaint as *boy* the policeman was not merely situating himself and Poussaint within the existing, though increasingly fragile, racial hierarchy of the American South, he was also invoking a more ancient order, calling on the unquestioned deference slaves owe their masters.

Slaves and servants have throughout history answered to *boy*. As a generic summons to those who serve, “boy, come here,” is more deeply rooted in servitude than racial subordination. A conflation of race and servitude

(especially through slavery) in the Americas has obscured this important fact. Regrettably, this historic conflation still confounds Americans confronted with situations wherein dominance and race intersect. We will see this confusion materialize in events discussed throughout the book. For now, however, the policeman's solicitation of slave-order by invoking *boy* may be more easily appreciated by looking past America's exceptionalism.

Addressing Slaves and Servants

Evidence of slave address can be found in some of the earliest written records. Mesopotamian slave contracts from the first millennium BCE used various generic terms to refer to slaves, e.g., “ardu (masc.), amtu (fem.), qallu (masc.), qallatu (fem.), lamutanu etc.”⁴ When these contracts made reference to specific individuals, free citizens were “usually identified in the documents both by their father's name and by a family name,” while slaves were “most often called just by their personal name, followed by ‘slave (woman) of so-and-so’.”⁵ Administrative records maintained in temples and archives kept by elite Babylonian families indicate that certain “servile” names predominated among slaves.⁶ These materials, however, disclose little about how slaves were addressed conversationally. The challenge here, as Eleanor Dickey observes, is not primarily a “question of the difference between spoken and written language.”⁷ It is rather a matter of genre. Contracts and other official documents are seldom conversational. Contracts and official documents are, by design, not meant to reflect a conversational exchange but instead a conclusion that comes at the end of a conversation.⁸ One must look to writings in other genres for reflection of ordinary speech.

Searching for colloquial exchange in ancient languages is necessarily a text-based task. But not every textual exchange is revealing on the matter. Some texts hew more closely to common talk than others. Greek tragedy, for instance, with its characteristic elevated speech and uncommon words, is a poor place to find ordinary talk.⁹ Comedy, on the other hand, as Dickey observes, tends to speak more plainly. Looking at the more likely sources for common expression, she collected and reviewed nearly twelve thousand address tokens from the prose of more than two dozen authors writing between the fifth century BCE and the second century CE. She observed consistent a pattern of address between and among citizens and slaves: “Free adult males addressed each other by name, whatever their age or rank, but they often addressed slaves (their own or someone else's) as *paî* ‘boy’ or with other terms which indicated servile status.”¹⁰ Additional evidence that slaves were addressed as *boy* can be found in republican Rome. Antiquarians have organized Roman slave-names into a number of distinct

categories. In the oldest categories, “the slave is designated as puer of his master.”¹¹ Slaves were named in the early republic by appending “boy” to the names of their masters. For example, a slave belonging to Marcus would be called Marcipor, a slave of Lucius called Lucipor and Quintin’s slave Quintipor etc., where the “por element has been explained as puer,” Latin for “boy.”¹²

Turning to early English usage one again finds “boy” more closely associated with slaves and servants than as an address or reference to young males. How and when “boy” entered English usage are far from settled questions. Some etymologists trace it to Old French (for instance, to “ba-iasse, -esse ‘woman-servant’ which has a variant boiasse”), others point to derivations from Low German, Middle Dutch and even baby talk.¹³ The absence of consensus over the source of the English “boy” should not belie the broadly accepted view of the term’s first recorded usage. Dobson (1940) observes that *boy*’s earliest written expression (c. 1260) applied to male servants and others of servile status.¹⁴ Thereafter “boy” was applied to “the lower orders of society,” suggesting “churl” as contrasted with the well-born or nobility. Churl had not yet acquired its current gloss of contempt, but was rather a more neutral description of a social level, unlike *boy*, which was already then a term of derision.

Not until the fifteenth century did the first instances of “boy” referencing “male child” arise in written English. Before that time, young males were called *frumberdling* (c. 1000), *hind* (c. 1297), *swain* and *page* (c. 1300) among other addresses.¹⁵ Young males were also addressed as *gyrle* (or variants *gurle*, *gerle*, *gorrel*, from c. 1300, a reference to a child irrespective of sex), which was subsequently feminized to today’s *girl*, beginning around the same time that *boy* attached to young males. Yet even as “boy” acquired its more familiar contemporary meaning, from the 1500s through the 1800s, according to the Oxford English Dictionary, it continued to be “used (chiefly by white people) with reference to non-white slaves and (in English-speaking colonies) to non-white servants, labourers, etc.”¹⁶ It was in this later period, marked by European colonization, when race and slavery fused and *boy* acquired dark-skin connotations.¹⁷

European colonists in the new world adjusted various practices of slavery to serve their particular environment and aims, but they did not abandon its oldest usages. In some cases, as we shall see, they abdicated prior conventions of address; in other cases they maintained the old familiar forms. Slave address fell into the latter category. Some suggestion of the synonymic character of “boy” and “slave” can be seen in Figure 1, which shows the frequency usage of “boy” and “slave” from a corpus of millions of digitized books, restricted to American English publications from 1800

to 2010.¹⁸ The two terms appear to track each other closely until the early



Figure 1: “boy” “slave” Google Ngram, American English, 1800-2010

1860s, after which time “slave” drops precipitously and remains low (with a minor, though revealing, bump in the mid-1960s and 1970s, during the American Civil Right movement), while the frequency of “boy” increases during the American Civil War and remains above the antebellum peak for the next century.¹⁹ The figure is perhaps too suggestive, as it no doubt captures broader shifts in register during the period, but it is difficult to entirely discount the image given the long historical link between the terms. Throughout recorded history *boy* has been the spoken badge of slavery and servitude.

Boy's Contemporary Usage

How does the ageless association of *boy* with slaves and servants bear on conventional practices in the American South of the 1960s or even today? That is to pose a pointed version of the more general inquiry pursued here: what are the practical consequences of established patterns of address in everyday encounters? The long answer to this question is provided in the chapters ahead. An abbreviated response is found in the shorthand labeled the “first law of address,” that is, in the capacity of address to coordinate expectations, which preserves ancient forms of address while at the same time guiding present-day conduct. Traditional forms and contemporary practices are mutually perpetuated through address.

Game theorist and Nobel laureate Roger Myerson wrote that, “in any cultural tradition that has survived into the modern world we should expect to find generally accepted systems of rights and authority that provide effective focal coordination in most of the important games [of] daily life.”²⁰ Equating the demands of daily life with “games” is not an effort to reduce

real-world burdens to trivialities. Rather, it is a way of exposing implicit rules behind daily routines too easily taken for granted. Tacit rules associated with spoken address reflect intergenerational and broadly-shared assumptions of entitlements and authority that determine outcomes across widespread daily interactions. Daily observed outcomes, in turn, support the continuity of these old assumptions. They are mutually constitutive.

Why has the subservient address *boy* survived into the modern world and what does its utterance accomplish today? A Parisian waiter may today bristle, but would not be shocked at being hailed *garçon*. No American waiter would countenance being addressed as *boy*, although some might forgive or unknowingly bow to the French translation. Modern American usage of “boy” is primarily a reference to young males. As a form of address, it sometimes takes an affectionate or play form among intimates or operates as an expression of solidarity.²¹ Between non-intimates *boy* remains derisive. Said to adults or even adolescents, *boy* signals disrespect. It is also used to interpret the speaker’s intention with respect to actions taken proximate to the spoken address. A recent U.S. Supreme Court case, *Ash v. Tyson Foods*,²² illustrates these points.

Two black men, Anthony Ash and John Hithon, initiated the case, alleging discrimination by their employer, Tyson Foods. Ash and Hithon worked at Tyson’s poultry processing plant in Gadsden, Alabama, where they had been line workers for years killing, plucking, eviscerating and deboning birds among other tedious chores before eventually becoming low-level plant superintendents. When two shift manager positions became available, they applied but were denied based on their race, they argued, after discovering the jobs went to two less experienced white employees from other Tyson plants. Two separate juries accepted their argument and ordered Tyson to pay compensatory and punitive damages. A magistrate judge soon overturned their fleeting victories and the federal court of appeals agreed with the judge, arguing that “as a matter of law” no reasonable jury could have inferred discrimination based on the evidence presented by Ash and Hithon.

Actual juries did, of course, infer discrimination based on the evidence presented, which included *inter alia* corroborated testimony that the Tyson manager charged with the promotion decision had a habit of addressing Ash and Hithon as *boy*, such as saying “Boy, you better get going,” to Ash while he was having lunch with his wife in the plant cafeteria, and yelling “Hey, boy,” to Hithon as he was walking out of a conference room. Judges on the appeals court dismissed these comments as merely “conversational” and ruled that “[w]hile the use of ‘boy’ when modified by a racial classification like ‘black’ or ‘white’ is evidence of discriminatory intent, the use of ‘boy’

alone is not[.]”²³

In other words, the appellate court concluded, “white boy” or “black boy” can indicate a racially discriminatory disposition, but addressing someone merely as *boy* could never reasonably convey such an attitude. This argument could not be both sincere and informed. Justices on the U.S. Supreme Court wrote as if it was the latter that was absent. In a 2006 per curiam opinion, i.e., unanimous and anonymous, the Court reversed the appellate court finding, ruling that though *boy* “will not always be evidence of racial animus, it does not follow that the term, standing alone, is always benign. The speaker’s meaning may depend on various factors including context, inflection, tone of voice, local custom, and historical usage.”²⁴

Custom and historical usage are indeed important for grasping meaning, but that does not imply one must fully appreciate original practices and usages to effectively issue an address. Tyson’s plant manager needn’t have been fully aware of *boy*’s historical meaning. He was aware enough of its social meaning, as were Ash and Hithon.²⁵ In that context, addressing a man as *boy* is not an effort to infantilize him, say, to treat him as if he was a child or childlike, but rather to subordinate him, to treat him as if he was a servant or slave rather than as an employee or co-worker. Moreover, in the American South it has long been settled that when a white man addresses a black man as *boy*, the usual intention and effect is to insult, to humiliate or to ‘put him in his place.’ There is nothing subtle about the comment in moments of conflict backed by a threat of violence or reprisal, such as termination, demotion, failure to promote or issue a pay raise.

These notorious moments of conflict, however, only give a glimpse of the independent power of address. When commands, like “come here” or “get going,” are backed by clear and credible threats it is difficult to appreciate the subtle power of address. Address power gets overshadowed by the power of the threatened sanction to compel behavior. Address then largely appears as humiliation or an honorific, as an expression of superiority or solidarity, all of which are well-studied aspects of how address functions. These functions were displayed in the *Ash* case, as well as in the encounter described by Poussaint. Recall Poussaint conceding that he was profoundly humiliated by the address encounter. The policeman also apparently sought to subordinate Poussaint and superordinate or honor himself through the address. Furthermore, as it was a public encounter, presumably audible to Poussaint’s “Negro secretary” and others, the policeman’s address likely occasioned a moment of solidarity between the doctor and his secretary, intervening in the ordinary hierarchy of their professional status and roles. Additionally, like-minded whites witnessing the policeman’s verbal assault may have experienced group solidarity and privilege in the moment. His

address gave them notice that irrespective of whatever titles blacks bore, they were still to be addressed as *boy* and were entitled to no special deference from whites.

Honor, humility, authority and solidarity—identified within practices of civility, etiquette and politeness—are familiar themes in the study of address. Recognizing these essential themes and practices, this book emphasizes a different function, the coordination function of address. That address coordinates human activity, one might fairly say, is so obvious it hardly needs emphasis, much less a book. Yet it is exactly this obviousness, the ho-hum quality of address, which hides its influence in plain sight and that calls for focused examination. Address coordinates by telling us (and others) who we are, how to behave and what to expect from others—the first law of address. These are the *constitutive*, *regulative* and *correlative* modes of address. Each mode exerts its own form of influence, amplified when combined, as they usually are, sometimes all three manifesting at once.

Gentle Power, Liberal Obedience

To appreciate the distinctly constitutive, regulative and correlative modes of address, first consider how address can both express and produce ideology. For instance, in addressing Poussaint as *boy*, the policeman did not simply exhibit his personal authority and privilege as a white man in the American South; he was also acting as an agent of the state and as such he was bidding Poussaint to accept his place in the scheme of things, to accept the ideology of his own subordination. Speaking with the voice of the state, the policeman made his overture perfectly clear. After demanding a first name, the only personal address he would grant the doctor, he “bellowed,” recalled Poussaint:

‘Alvin, the next time I call you, you come right away, you hear? You hear?’ I hesitated. ‘You hear me, boy?’ My voice trembling with helplessness, but following my instincts of self-preservation, I murmured, ‘Yes, sir.’ Now fully satisfied that I had acquiesced to my ‘boy status,’ he dismissed me with, ‘Now, boy, go on and get out of here or the next time we’ll take you for a little ride down to the station house!’

A choice was offered. Poussaint could defer or descend into further conflict. He chose deference, addressing the policeman with a gratuitous *sir*. That was a moment of ideological recognition. Now everyone knew their places and what was expected “the next time.”

It is in these practical rituals of everyday life, observed the French political philosopher Louis Althusser (1970), that “ideology ‘acts’ or ‘functions’ in such a way that it ‘recruits’ subjects[,] or ‘transforms’ the individuals into subjects.” Althusser called this transformative process “interpellation” and, as it happens, he illustrated it with an example of a policeman addressing a pedestrian on a crowded street by calling out from behind, “hé, vous, là-bas!” (hey, you, there!). By turning around the addressee gives himself up to the state, argued Althusser, as if through “this mere one-hundred-and-eighty-degree physical conversion, he becomes a subject.” Although the account is allegorical, intended to illustrate how individuals become subjects of political ideology, no nuance is required to see how this allegory applies to an encounter where a policeman yells, “Hey, *boy!* Come here!” and a man acquiesces, “Yes, *sir.*”

Althusser’s interpellation illustrates the *constitutive* function of address. When addressed by the state in such manner, subjects are brought into being in a particular way. When the Queen of England says “I dub thee, *Sir* Elton John,” she creates or constitutes a new subject of the realm with distinct entitlements, obligations and expectations. John, of course, already existed,²⁶ but in whatever form he was previously received or perhaps continuously remained, he became something else, instead or in addition, when the Queen created him a *knight*. We needn’t determine his exact metaphysical form in order to recognize that there are pragmatic implications that follow from this constitutive address. What practical difference does a constitutive address make—politically, civilly, socially, morally?

Before answering that question, some clarification may be in order. First, state actors (monarchs, police and such) are not the only ones empowered to constitute subjects through address. Commonplace thugs are created as *made men* through mafia address rituals. Failure to appreciate the effect of this constitutive locution can lead to dire consequences. Second, formal ceremonies are not required. People constitute each other everyday with ordinary polite speech (e.g., “good day, *sir*”) and impolite utterances (e.g., slurs, curses and hate speech) with consequences potentially no less dire, as discussed in chapters 7, 8 and 9. Third, these everyday addresses inform and are informed by ideology. Calling someone by an offensive name presupposes a belief set that makes offense from the name-calling intelligible. Address and ideology are mutually constitutive and, moreover, they constitute both subjects and the contexts subjects inhabit. That is to say, address may both constitute individuals to an interaction as well as the interaction itself.

Apart from its constitutive capacity, address also serves a *regulative* function. Here address says less about who or ‘where’ you are, than how

you ought to behave. Forms of address are not merely instances of civil or polite speech, they are also terms suggesting conduct, like scripts prescribing appropriate behavior. All the etiquette guides ever written contain only a small fraction of the socially sanctioned rules of conduct that are invoked by address. Proper responses to address are learned everywhere and from very early. Infants are instructed to look surprised and then smile at the call of *peek-a-boo*. Not all the youthful lessons are so sweet, however. Recall the plant manager at Tyson Foods, beckoning Hithon, “Hey, boy,” or commanding Ash in the cafeteria, “Boy, you better get going.” Those old men, speaker and addressees, no doubt learned what conduct was called for by that address when they were young too.

Calling for an action, however, does not assure that it will be forthcoming. Whether anyone complies with the regulative norms triggered by spoken address is another matter. Consider, once more, the encounter in the cafeteria at Tyson Foods. After being publicly addressed as *boy*, while he and his spouse were having lunch, Ash was left, it seems, speechless. His wife was not. She retorted, “He’s not a boy. He’s a man.” Speaking on his behalf she rejected the script—the call for Ash to properly comport himself by deferring when addressed as *boy*. Her retort accomplished something else too. By openly confronting the plant manager before the assembled crowd in the cafeteria, she also weakened the power of the address *boy* to bring about deferential behavior merely by coordinating expectations in the moment and going forward. Her retort affected the *correlative* function of the address; that simple capacity to align action based on common knowledge of what’s expected is the basis of the correlative modality.

No grand normative structure is required for the correlative mode. Take, for example, a hunter and a second animal predator, each separately in pursuit of the same prey, as they lock eyes and form a common expectation of what the other will do next. The expectation may be based on their relative size or posture, continued eye contact or aversion, bared teeth or something else mutually observable or audible, like the presence of nearby cubs. At some point one predator may back away—losing the prey but potentially avoiding a fight with the other hunter—or not. While it may be rational for the predators to avoid a fight, whatever the rational outcome is, it isn’t inevitable. The point is simply that the actions of the two pursuers may align based on a shared expectation that is informed by some commonly observed or heard aspect of their encounter. Behavioral conventions observed in nature, e.g., ritualistic animal contests, sex-roles in parental care, seniority and territoriality, have long been seen for their correlative capacity.²⁷ It is at this very base level where the correlative mode operates, which is why it is so ubiquitous and largely taken for granted.

Almost anything can be enlisted to correlate strategies by facilitating a shared expectation of what will follow. Which prompts the question, ‘how are these correlation devices determined?’ In animal encounters nature tends to select, assisted by evolutionary pressures, the traits and features around which action is correlated. In most human encounters, reason replaces natural selection. It must, since the time-scale required for natural evolutionary processes is too great to account for the novelty of shared beliefs based on traits and features of social encounters. Culture, assisted by a somewhat analogous cultural evolutionary processes, is the principal contributor to social expectations based on commonly observable cues.²⁸ For address encounters, in particular, it almost goes without saying, that the central source for expectations of how individuals will behave come from the constitutive and regulative modes of address. The correlative modality is primed when these other modes are activated. Loosely speaking, one could say that the correlative mode of address is contained in (or, slightly more accurately, informed by) the constitutive and regulative modes, further contributing to the former’s hidden quality.

Still, it is possible to isolate the correlative mode of address from the other two. An address is sometimes infelicitous, failing to constitute a subject as anticipated or calling for behavior or for a disposition that is inappropriate. Nonetheless, the mere mention of an inapt title, name or pronoun can be enough to correlate expectations and coordinate subsequent actions. Mistakes and slips of the tongue provide good examples. When a patient calls a doctor *nurse* or classroom visitor calls a student *professor*, beliefs about how the patient or visitor will act toward the doctor or student, and vice versa, become common knowledge among speaker, addressee and audience. At this point the doctor or student may correct the speaker, but sometimes there won’t be time for that or she simply may not want to bother it. Misspoken speakers who are or become aware of their own mistaken addresses may also find it convenient to avoid self-correction. Notwithstanding the mistake the parties may still coordinate their actions based on the commonly known (yet inaccurate) belief. Alternatively, they may fail to coordinate in a manner suggested by the inapt address, potentially producing conflict, however small, which might appear inexplicable to an unaware speaker and in consequence may lead to greater conflict. Bearing in mind the likelihood of conflict, even if scarcely conscious of the calculation, addressees often choose to ‘go along to get along,’ complying with the call of an infelicitous address.

Such is the manifest power of address. Address produces practices that support political ideologies, cultural conventions and other social structures, even when those ideologies, conventions and structures are not embraced by the participants. Given the exigencies of everyday life, the beliefs and

expectations associated with various forms of address can bring about and maintain the very patterns of behavior called for, simply by giving voice to it. Importantly, this self-realizing power of address works even absent the force of the state or the force of habit. Address power operates largely unimpeded for another reason. Its authority is not beyond question, but rather fails to reach the point of questioning. “We are but too apt to consider things in the state in which we find them,” as Edmund Burke cautioned, “without sufficiently adverting to the causes by which they have been produced, and possibly may be upheld.”²⁹

Address exerts multiple influences over society, but one is most subtle. In addition to its contributions to self and social understanding, address exhibits a nearly imperceptible, almost natural, equilibrium force in social encounters. Address bears its own authority. And, for precisely this reason, ancient usages persist in the modern world, often unquestioned. Continuity of address forms follows not merely from commitment to tradition or unexamined conservatism, but from the subtle capacity of conventional address to coordinate expectations and direct conduct across time and contexts. Making “power gentle and obedience liberal,” to invoke Burke again, address forms often eclipse the “conquering empire of light and reason.”³⁰

Continuity and Change of Address

Aristocratic address, glamorous and wicked curses along with other archaic oral-encounter rituals remain part of everyday practice. These rituals, moreover, nudge contemporary thought and behavior in exactly the same way they swayed ancestral imaginations and deportment. How is this possible? There are no slaves currently in the American South, no nobility in North America, no witches staked in Salem for uttering curses. No one alive has ever heard a Theban slave addressed as *boy*. Yet when said in appropriate contexts the address reaches back with wind-swift speed, summoning our oldest intuitions of servitude and slavery. By what mechanism do such utterances recall ancient and ostensibly abandoned practices? The simple answer is that the usages have never left us, even though some of the associated practices have been formally renounced.

Address forms associated with slaves, nobility, witches and other ancient ideal types continue to influence contemporary conduct. In some cases these forms have receded to smaller spheres of influence. The old usage of *boy* apparently still thrives in the chicken plants of Alabama and other backwaters. Along with other ancient addresses it has survived in the modern era. *Dukes*, *marchioness*, *earls*, *baronesses* and *viscounts*—including later administrative derivatives of *viscount*, i.e., *bailiff* and *provost*—are still ad-

dressed as such in proper courts and circles.³¹ In these contexts the address functions much as it always has. Moreover, if left unchecked, these timeworn forms would threaten to spread beyond their limited circles and take root in other domains.

Address power exists in a steady state of potential expansion. Within the audible sphere of address there is an “intrinsic tendency to expand, an endogenous imperialism constantly pushing to spread its surface and increase in extent, depth, and subtlety.”³² This endogenous imperialism was well known to imperialists of the past. Recognizing the power of address, officials and insurgents have long sought to harness or subvert that power for their own purposes. Much of their efforts are recorded in laws, codes and other written records, which are the primary sources for the arguments in this book. These sources reveal an additional important fact about titles and address conventions. As much as they aide and are aided by equilibrium forces, the continuity of these conventions is hardly a forgone conclusion. Not all conventional titles and addresses successfully resist change. Conscious and concerted effort may shift prior meanings and functions. Toward that end, perhaps no better example may be found than the American disavowal of titles of nobility.

Formalized at the founding of the United States, the repudiation of noble titles and addresses had long been observed in everyday colonial conduct. To be sure, English subjects in colonial America were well aware of the “ancient opinions and rules” that “harmonized the different shades of life” under the monarchy.³³ Yet, “habituated as they were to monarchical hierarchy and desirous of stability and continuity, most were” as Gordon Wood wrote, “not disposed to perceive, much less to understand, the structural shifts taking place in their society.”³⁴ English subjects in the colonies lived among a relatively level and itinerant population, loosely and increasingly disconnected from an already weak local aristocracy (except perhaps in Virginia and few isolated pockets in other colonies). For them the etiquette and customs of aristocratic order had little bearing in their day to day lives. Common people more and more looked past, not to, colonial aristocrats, who lacked the influence and resources of their counterparts in England. “There were no dukes, no marquesses, no court, and nothing like the fabulous wealth of the English nobility.”³⁵ Noble status mattered little, not only on the frontier as Arthur Schlesinger stressed, but even in colonial centers of commerce.³⁶ Social and economic order eventually detached completely from the old aristocracy. Political independence soon followed.

In the wake of the American Revolution no one knew and many feared, with good reasons, that this republican independence would not last. It was entirely reasonable to suppose that when the swirling social and economics

forces settled down, the old regime or perhaps a new bloodline aristocracy would establish itself. It was easy to imagine that elites and common citizens alike would seek order in familiar forms of political power and obedience. Anticipating reversion, the national founders tugged at the roots of royal and aristocratic order. They seized on the titles and addresses that supported the old monarchical order. “Nothing need be said to illustrate the importance of the prohibition of titles of nobility,” wrote Alexander Hamilton. Notwithstanding his own sympathy for hereditary titles, or perhaps because of it,³⁷ Hamilton argued that constitutional prohibition “may truly be denominated the corner-stone of republican government; for so long as they are excluded, there can never be serious danger that the government will be any other than that of the people.”³⁸ In both federal and state Constitutions, as well as in common practice, Americans ratified their rejection of noble titles and addresses along with the political order those forms sponsored.

Americans, of course, were not alone in turning their backs on heredity titles. In France, around the same time, titles of nobility were also abolished. “Is it, then, any wonder that titles should fall in France?” asked Thomas Paine, the most vocal critic of aristocratic titles in both the American and French revolutions. Paine had directly observed and appreciated the awesome power that aristocratic titles held over the masses. Yet, although he understood the awe, his appreciation of the subtler effects of these titles was belied when he asked, “Is it not a greater wonder that they should be kept up anywhere?”³⁹ No. Once established and ingrained in common practice the tendency of titles is to perpetuate themselves. At that point, the greater wonder is their demise, not their upkeep.

Aristocratic titles and address had for centuries structured social exchange across Europe. While it is easy to see why revolutionaries would want to abandon forms that support traditional patterns, the difficulty lies in adjusting social expectations of ordinary people in their everyday interactions. “It is common opinion only that makes them anything or nothing,” wrote Paine, prescient about so much in the midst of two revolutions. Yet he seemed insensitive to the difference in common opinions about these forms in America and in France. Less than two decades after the French Revolution, Napoleon Bonaparte reinstated titles of nobility. Styles derived from these titles are now embraced by the masses in France, where every man is addressed “my lord” (*monsieur*) and every woman “my lady” (*madame*). Lords and ladies have never fared well in America. Rejected in common society and in many elite circles, these forms struggled and ultimately failed to find footing in the United States. It was not for lack of trying. Conscious and active efforts were required to keep them at bay, as described in chapter 4, on the occasions they threatened to expand their authority on American soil.

Organization of the Book

[The book proceeds in three parts. The remainder of this part, *Organizing Structures*, completes the building blocks and expands on the theoretical approaches used throughout the book. Chapter 2 focuses on the basics of address theory and elaborates on the framework of the analysis. Chapter 3 turns more explicitly to game theory, emphasizing the role of address in facilitating and constraining violence. The second part of the book, *State and Society*, delves into the role of ‘polite’ address in structuring everyday political, civil and social exchanges. These themes are explored in three chapters, based on the tripartite distinction drawn from American constitutionalism: political address (chapter 4), civil address (chapter 5) and social address (chapter 6). The third part of the book, *Sacred and Profane Address*, moves beyond ‘polite’ address—turning to cursing (chapter 7), swearing (chapter 8), hate speech (chapter 9)—and questions law’s capacity to regulate these forms of address. A brief Coda closes the book.]

2. address theory

Three aims are pursued in this chapter. First, and throughout, various terms and concepts from the literature on address are introduced. This introduction is necessarily brief and partial. Thousands of manuscripts have been written on address in the past few decades alone. No chapter could adequately summarize the existing literature.⁴⁰ Second, this chapter will emphasize prevalent features of American speech and address. Notwithstanding this emphasis, it is important to stress that this work is not limited to the spoken address of the United States. Almost everything argued here claims broader application, without asserting any universalities. Appealing to specific moments and modes of American speech, however, allows abstract arguments to take tangible familiar forms. At the same time it bears notice that some American manners defy easy generalization. Restraint therefore is warranted, as is always the case, when moving from specific to general arguments, which brings us to the third and final aim of the chapter. Building on the first two aims, the chapter then sketches a theoretical framework of address that is deployed throughout the book: the persistence of address forms and their focal capacity.

Preliminaries

Address, as used here, is a verbal form of referring to persons or parties to whom one is speaking. Many of the claims made throughout this book are applicable to spoken references more broadly, but for brevity and analytical precision we begin with the more narrow notion of address.⁴¹ Formally defined, address is a linguist marker made by speakers regarding their col-

locutors. Conventional ways of voicing this reference are called forms of address. There are many forms. First names are common, in full (e.g., *Margaret, Leonard, Charles*) and in diminutive forms (*Moll, Leo, Charlie*) as well as nicknames (*foxy, bones, yardie*). Nicknames, which may be flattering or pejorative or more neutral, often characterize some behavioral or physical aspect of an individual (e.g., *foxy*, referring to a person thought to be clever as a fox or attractive or both), or an occupational or vocational status (e.g., *bones*, a shorthand for sawbones, slang for physician or surgeon) or a particular locale associated with an individual (e.g., *yardie*, said to an addressee who shares a place of origin with the speaker). Surnames or last names alone are occasionally said as an address, but more often polite speakers use honorific or occupational titles plus last names (*Mrs. Flanders, Dr. McCoy, Prof. Kingsfield*) or just titles (*Ma'am, Mister, Professor*).

Generic names (*Shiela, Mac, Jack*) are sometimes invoked when personal names are unknown or otherwise unavailing, as are common descriptors (*lady, officer, fellow*), which are not necessarily descriptively accurate. Kinship terms reflecting actual familial relationships (*mother, son, uncle*) or fictive family bonds (*sister, brother, pops*) are widely voiced in some communities and situations of heightened intimacy or trust. Closely related are life-stage terms (*child, babe, old-man*) used without any fealty to age or biology, and more general terms of endearment (*my dear, buddy, sweetheart*). At the other end of the spectrum are terms of scorn or ridicule (*whore, quack, son-of-a-bitch*), occasionally appropriated as endearments between familiars or signs of respect in some contexts. Although terms of endearment and scorn may be highly creative, and are in some sense most effective when inventive, the focus here is on the banal forms that have broadly understood meanings.

Forms of address and reference are issued for varied and plural reasons. Through address parties establish or acknowledge relationships, indicate status or circumstance, create or close distance between speaker and addressee or audience. Personal names and nicknames are often associated with closeness and tend to reflect addressees' individuality more so than generic names, common descriptors, kinship terms, honorifics and occupational titles. Yet, personal names are sometimes used without any perceived closeness or connection (recall the policeman's insistence on calling *Dr. Pouissaint* by his first name) and nicknames are often issued with an abusive intent. Because they are personal, these forms of address may be allied with more idiosyncratic responses and reactions. Categorical forms, in contrast, often draw addressees into more predictable routines and responses based on their identification or dis-identification with the category, kinship or occupational roles. These forms, even when combined with extremely personal names (e.g., *Miss. Molly, Uncle Leo, Mr. Charlie*) tend to indicate atti-

tudes about privileges and obligations, particularly who is expected to defer to whom.

Address indicating deference is most evident in nonreciprocal and asymmetrical forms, where interlocutors exchange dissimilar addresses. A doorman may greet a visitor or resident with “good evening, *Sir*,” and receive in response a first name or nickname address, or only a nod, if that. Patients address their physicians as *Dr.* plus last name, college students call their teachers *Prof.* plus last name, and employees call their employers *Mr.* or *Ms.* plus last name, while patients, students and employees are often addressed without title, by first name or other. Traditional roles and status distinctions are preserved by these forms, where they are observed.

Tradition, however, is giving way to reciprocal and less formal symmetrical forms of address across more and more hierarchical encounters. Nowadays professors and graduate students exchange first names, as do employers and their employees, who tend to echo the address they receive from co-workers and supervisors, resulting in a great deal of address symmetry at the workplace. At home telemarketers call and, without asking, use first names from the first occasion of address. Receptionists, repairmen, shop-clerks, and agents of common carriers and public accommodation will give as good as they get, and no better, because, according to common complaints, people are too sensitive these days. No sphere seems unaffected by the weight of our language leveling down, bearing down on traditional forms. Tradition is under siege, critics warn, even time-honored ancient forms of polite address are not immune, they claim, from the enfeebling sensitivities of contemporary society.

Calhoun and the Council of Masters

Late summer, 2015, one week before the freshmen arrived on campus, Stephen Davis, a professor at Yale and head of one its residential colleges, asked students, faculty, and staff to no longer address him as *master*, the title and address long-reserved for college heads at Oxford and Cambridge and more recently at Harvard, Princeton and Yale. Davis invited those who would address him formally to use *doctor*, *professor* or simply *head of college* instead. Pointing to “deeply problematic” racial and gender aspects of the so-called “Oxbridge” address convention, he wrote,

there should be no context in our society or in our university in which an African-American student, professor or staff member — or any person, for that matter — should be asked to call anyone ‘master’[.] And there should be no context where male-gendered titles should be normalized as markers of authority.

Davis's email struck a chord in a campus debate—already approaching fever pitch and that would become sharper still—about race, speech and tradition at Yale.

To that point the campus debate was largely focused on the propriety of naming a residential college, in 1931, in honor of John C. Calhoun.⁴² A century earlier, Calhoun, a senator from South Carolina and former U.S. Vice President, was the foremost advocate of slavery and white supremacy in the U.S. Congress. By the 1930s, however, prevalent academic and popular views had become sympathetic to Southern resistance to Reconstruction and white supremacy. Yale's chair of its Committee on Names and Terminology could then assert, without apparent controversy, that Calhoun was the institution's "most eminent graduate in the field of Civil State."⁴³ No doubt many considerations were at play. Calhoun's name may have been advanced to encourage enrollment among young white men from the South, drawn more to Princeton, widely regarded (even before Woodrow Wilson's reign there and certainly after) as the most "Southern" of the elite northern colleges while Yale was viewed as the most Yankee.

Selecting this son of the South was a pragmatic and expedient means of attracting students and donations. But by connecting the College to Calhoun, a man so inextricably linked to American slavery, Yale's naming committee planted a seed of controversy that would eventually bust through the surface of polite address between students and their *masters*. None of this was lost on university administrators. In his 2015 welcome address Yale's president invited those gathered to participate in year-long discussion of the legacy of slavery reflected in the school's traditions and naming conventions. At the time Davis renounced the title *master*, the Council of Masters, which Davis headed, had already agreed to discuss the matter in the fall.⁴⁴ By unilaterally and publicly taking a position before the discussion, many felt that Davis preempted the internal debate.

In fact, he simply moved it to a more public forum, where it became quickly apparent that not everyone agreed with Davis's position. His "reading of the title is more literal and focused on our national narrative and naming practices than mine," wrote Jonathan Holloway, Yale College Dean and former *master* of Calhoun College.⁴⁵ Nicholas Christakis, *master* of Yale's Silliman College, said he could not "think of a better title than *master* actually."⁴⁶ Anthony Kronman, former Dean of Yale Law School, called Davis's disavowal of the title "ill-considered," "self-serving," "thoughtless," "puerile," and "an act of insufferable arrogance."⁴⁷ Abandoning the title and address *master* was, he argued, a consequence of the coddling demands for political correctness, an "enervating spirit of all-too-ready offense that has deformed our culture."⁴⁸

Two separate charges sound in this critique. First, today's students, encouraged by administrators, are too sensitive, too ready to perceive offense where there often is none. Second, even if there is actual offense, students and administrators are chilling debate, stifling speech, diminishing our democracy and encouraging mediocrity. With the first, they are too weak, too sensitive; the second, too powerful, too intolerant. Of course, the two charges are related. Student inability to endure offense, real or imagined, undermines basic values of free expression and critical engagement, not to mention broader cultural traditions, as illustrated in what came next.

As October's end approached, students receive a statement from Yale's Intercultural Affairs Committee, urging them to avoid customs featuring blackface, turbans, American Indian feathered headdresses or otherwise culturally mocking themes. Questioning the perceived heavy-handedness of the Committee's statement, Erika Christakis, *associate master* of Silliman College, wrote "I wonder, and I am not trying to be provocative: Is there no room anymore for a child or young person to be a little bit obnoxious ... a little bit inappropriate or provocative or, yes, offensive?" By recognizing an interest in being inappropriate, provocative or offensive, Christakis was sounding the second charge, arguing for less restrictive speech, less meddling by administrators and more engaged debate among students.

Referring to her husband, *master* of the College, Christakis shared his advice to upset students, "Nicholas says, if you don't like a costume someone is wearing, look away, or tell them you are offended. Talk to each other."⁴⁹ Simple enough advice, and good advice too, for those who will heed it. Look away or talk it over. Easier said than done, however, particularly when caught up in indignation. Note, additionally, that it is the offended party who must make the effort—to turn away or to initiate a state of talk about his or her sensitivity to offense—not the potential offender, who might bear some burden to change course, to think or talk about whether his or her speech or conduct may be a cause of unintended offense. Yale's Intercultural Affairs Committee was, it seems, attempting to shift the burden to the latter; Christakis was seeking to put it on the former.

Now, it may be entirely sensible to place the weight where either would have it, but it is not obvious where it must land. Whatever balance best struck in a classroom or in college residence, needn't be best in other settings or in society at-large, or even in the same academic settings with different participants. To state the entirely obvious—from an abstract perspective, it is an open question whether and when unfettered speech is better than restraint. Ask anyone who has ever said something he regretted, or failed to say something when she wish she had. We do not live in abstractions, however, even in a place of ideas, concrete realities and interests always in-

tervene in everyday encounters, making the “right answer” appear all too clearly, all too often. Without resolving the question of whether a culture of hyper-sensitivity is undermining contemporary discourse, let’s recognize a bias in the balance between restricted and unfettered speech that is distinctly American. In such contests free speech always has a first-mover’s advantage in the United States, where the nation’s creation myth is significantly founded on the First Amendment, notwithstanding its failure to be incorporated in the original constitution and practice of the country.⁵⁰ Compared to the venerated past, Americans today are simply too sensitive, we’re told, including being too sensitive to address. This too is a myth.

Addressing Masters and Mistresses

“No American will receive an insulting word,” wrote the radical English socialite Francis Wright in 1821, after her two-year tour of the young nation.⁵¹ A great admirer of the United States, if not of all its institutions, Wright observed the extreme “sensitiveness of the American pride,” particularly concerning the address *master*.⁵² She was neither the first nor the last to comment on this feature of American address. In 1805, Richard Parkinson, an English agriculturist at one time employed by George Washington, wrote, “If you call at the door of any man, and ask the servant if his *master* is at home, he will say, ‘*Master!* I have no *master*.’”⁵³ William Priest, a traveling musician, similarly recalled, following his visit to New York City in the mid-1790s, “If you want to hire a maid servant in this city, she will not allow you the title of *master*, or herself to be called servant.”⁵⁴ “[T]o speak of their *master* or *mistress*, is a grievous affront,” wrote Charles William Janson in 1807.⁵⁵ “Servants,” observed John Harriott in 1808, “they will not allow themselves to be called, nor will they stile [sic] their employer *master* or *mistress*.”⁵⁶

Household servants were not the only ones who forsaked the title *master*. Michel Chevalier, the eminent nineteenth-century French economist, noted more generally the American worker’s “reluctance to make use of the term *master*.”⁵⁷ Men and women across America, including shomemakers in Philadelphia, tailors in New York, workingmen in Charleston and domestics in Cincinnati, all resisted the call of *master*.⁵⁸ Europeans found the American sensitivity to the title confusing and extraordinary, to say the least, given the long and honorable usages of “master” with which they were familiar. Janson viewed the American manner as thin-skinned “arrogance,”—“particularly calculated to excite the astonishment of strangers.” Counseling foreigners to prepare themselves for this peculiarity, Wright advised visitors that “they will be styled *Mr.* and *Mrs.*” and that if they don’t make too much of it, “things may go on smoothly, but if they ask why the epithets

master and *mistress* are dropped, ten to one but they will receive for answer, that there are no masters and no servants in America,” followed by an indigent and hasty abandonment.⁵⁹

Ritual rejection of *master* is as old as the nation itself.⁶⁰ But what accounts for this longheld resistance to the deferential address? Edmund Burke, who was notably sympathetic toward the American colonists, suggested a possible answer in another context. Writing in the wake of the French Revolution, he observed, “Those who are servants in name, as well as in effect, do not like to be told of their situation, their duty, and their obligations.”⁶¹ However, few complaints about the usage of *master* are found in the colonial period, notwithstanding the great number of servants, indentured and otherwise, on American soil then. Moreover, it was not only workers who rejected the master-servant usage. New England employers, for instance, were “quite as willing to call their servants ‘helps’ or ‘domestics,’ as the latter repudiate the title of ‘*master*’ in their employers.”⁶² Like man, like master, Americans of all stripes, following the Revolution, were so touchy and hesitant about the address that it seemed to provoke something more than a mere a reminder of a worker’s duty.

William Priest concluded, in 1802, that “a republic is *not* the place to find good servants.” The country was, of course, full with able servants, not to mention an embarrassment of slaves. There was no shortage of labor in the servant classes. Priest was not speaking of economic conditions however, but rather about republican ideology. That Americans rejected the labels (though not the categories) of *master* and *servant*, argued Priest, was “the natural consequences of liberty and equality.”⁶³ Alexis de Tocqueville agreed, and, as might be expected, offered a subtle analysis. Even in a republic, wrote Tocqueville, “there is still a class of menials and a class of masters,” but in America “these classes are not always composed of the same individuals, still less of the same families; and those who command are not more secure of perpetuity than those who obey.”⁶⁴ Their behavior followed from this perpetual uncertainty of status and position.⁶⁵ Among free citizens in America, only serendipity and perhaps a covenant⁶⁶ bound master and servant—no fidelity to traditional role, position or status connected them in fixed hierarchical form—and their address reflected this republican equality. “Such is the charm of these democratic manners,” Tocqueville fawned, “that even the partisans of aristocracy are attracted to it.”⁶⁷

Not everyone was so charmed by the manners of Americans. Frances Trollope was not. Trollope left England in 1827 at an invitation from her friend Francis Wright to settle at Wright’s anti-slavery experimental colony called Nashoba in Tennessee, not far from Memphis. Trollope found Nashoba intolerably rough and soon left for Cincinnati, where she lived

among the local society for [?] years. There she discovered she detested the “extraordinary familiarity” of Americans, which she experienced as a kind of “violent intimacy.” Servants presented a particular challenge for her, she wrote: “The greatest difficulty in organizing a family establishment in Ohio, is getting servants, or, as it is there called, ‘getting help,’ for it is more than a petty treason to the republic to call a free citizen a servant.” Trollope’s disparagement of American sensitivities was undoubtedly extreme and surely exaggerated, as much or more polemic than analysis. William Thackeray once wrote “she makes up for want of argument by a wonderful fluency of abuse.”⁶⁸ Still, she was a discerning observer—according to Mark Twain, the most perceptive among the foreign visitors of her time, which included Tocqueville—and as we have seen, her assessment of the prickly American reaction to servile address was widely shared.⁶⁹

Calling men *masters* left a bitter taste on the American tongue. Observing this fact, however, does not explain its existence. A fuller account of why Americans rejected *master* is presented in Chapter 5, but a glimpse of the argument can be appreciated from an encounter described by Janson, in 1807, recalling an occasion when he asked a maid, “Is your master at home?” Her reply was emphatic and revealing. “I have no *master*,” she said, “I am no servant; none but negroes are servants.”⁷⁰ Race and slavery surely influenced the local usage and address, but Americans didn’t simply adopt the view that only slaves had masters. They knew better. Whites in colonial America had many masters too, and their familiarity with the circumstances of white bound labor, perhaps even more so than slavery, influenced their disposition toward the address *master*.

Chattel slavery (of foreign-born, so-called saltwater negroes, and domestic blacks along with native tribes’ men, women and children enslaved under laws of conquest or capture) represented only one facet of bound labor in the colonies. Whites were also bound in servitude through various means, including by order of transportation for felons, indentures and “apprenticeships” for orphans and imported juveniles, as well as through debt and convict labor. Their numbers were not insignificant. Estimates suggest that one-half to two-thirds of all European immigrants to the American colonies arrived as indentured servants [confirm latest estimates!] and “[t]he convict element was larger than American patriotism has generally admitted.”⁷¹ Absconding and run-away whites sought, like slaves, to escape the conditions of their servitude.⁷² Christopher Tomlins and other historians of labor in the colonial period have identified the distinct position and treatment of these unfree white workers in court rulings and legislations in Connecticut, Delaware, Massachusetts, New Jersey, Pennsylvania, Virginia, the Carolinas and other colonies. In the common parlance of the time, these numerous white servants, in addition to slaves, were well-understood to have masters.

By denying the address *master* after the Revolution, *free* citizens of the new republic sought to distinguish themselves from a broader state of servitude, which included but was not limited to slavery. Race and slavery were approximations of forced servitude, but only loosely so, which prompted vigilant rejection of servile address among free citizens, and not only whites. Frances Wright cautioned travelers to United States to avoid the mistake of believing that black Americans would more readily bow to servile address than their white counterparts because “blacks constitute a *second état*; possessing fewer privileges, and consequently, less pride than the white community; and who may, therefore, be treated *de haut en bas* with impunity.” Unwary visitors were quickly disabused of this assumption. “It is not occasionally without feelings of high resentment,” continued Wright, “that Europeans are made sensible of this error.”⁷³ There was an even greater imperative for free blacks to distinguish themselves from their enslaved counterparts by refusing to call any man *master*.

How does all of this inform our understanding of *masters* at Yale in the twenty-first century? As the Supreme Court observed in *Ash v. Tyson*, local custom and historical usages matter when interpreting an address. Over the extended and particular history of slavery and slave-like servitude in America, *master* acquired a distinct meaning. When free to choose, blacks and whites across social classes soundly rejected the usage because of what *master* came to broadly mean as a form of address. European visitors to the early American republic failed to grasp the effect of the colonial experience, but contemporary Europeans can look to their own history to appreciate the general phenomenon. An old and previously common address for leader, *fürher*, is today unspeakable in Germany, less so in Austria, because of how the address intertwined with local history and context in those nations.⁷⁴ While *master* does not have the same valence in the United States, it certainly has a distinct ring and history here.

Davis’s rejection of the title *master* of Pierson College may also be usefully seen in its local context and history. As late as 1960, reported the *Yale Daily News*, “Pierson’s unofficial mascot was quite literally a slave. The college’s weekly publication was aptly titled ‘The Pierson Slave.’ A ‘Bring a Slave’ party was hosted onsite. Lower Court was referred to as ‘the Slave Quarters’ until” it was renamed following black student protests in 1980.⁷⁵ Moreover, it was not only privileged students who were called upon to address Davis and other College heads as *masters*. It was also the common address given by the largely working-class black cooks, cleaners, janitors, grounds keepers and other servant-employees of the university. It is hardly unimaginable that speaker and addressee might have winced in those moments, but continued the pattern of address out of respect for tradition or based on the expectation of others in correlating their actions.

Lastly, what of Davis's claim about *master* as gendered title that normalizes a marker of male authority? At the time of the controversy half of Yale's residential colleges were headed by women. All were addressed as *master*, rather than *mistress*, the feminized version of the former. Historically, *mistress*, (abbreviated *Mrs.*, and which was historically silent on a woman's marital status) meant first and foremost "a woman having control or authority," (OED) almost the opposite of the prevailing "whore" connotation today, although not so far from the bondage dominance sado-masochism application, which is yet still sexual. There is a certain bivalent quality to *mistress*, as authority figure and sexual object (a quality common to other female-gendered addresses—e.g., *madam*—wherein the same word can often be used to disparage or elevate). This fact undoubtedly influenced women heads of Yale Colleges, to select *master* instead of *mistress* as their title of address. History, again, should also be kept in mind.⁷⁶ [Remainder of this section redacted for space constraint.]

Relentless Informality of American Address

Nineteenth century visitors to the United States were not only personally offended by the refusal of servants to grant *them* the dignity of a proper address, they also found the failure of Americans to properly address their own domestic superiors troublesome in another way. Familiar address between Americans of different social ranks confounded Europeans, making it difficult for them to figure out contexts and appropriate responses across situations. "Among the white men in America," lamented Richard Parkinson, in 1805, "they are all *Mr.* and *Sir*; so that in conversation you cannot discover which is the master or which is the man." By the twentieth century, however, even this polite convention was gone. Now neither master nor man answered to *mister*.

Note the inversion from the past, which preserved the basic difficulty. If before the problem was that Americans were all *misters*, or its equivalent, making it difficult to recognize distinctions, the trouble in the next century was that none of them would claim the title, making it difficult to recognize distinctions. "If Woodrow Wilson were in politics today, he would probably have to submit to 'Woody'—if not 'Willie'," quipped Morton Cronin in his 1958 essay *The Tyranny of Democratic Manners*. No doubt Cronin had in mind then U.S. president Dwight D. Eisenhower, popularly known as Ike. But presidential diminutives were common before Eisenhower and, for that matter, before Woodrow Wilson's Administration. At the turn of the nineteenth century, Harry Thurston Peck observed, "Americans almost universally drop the 'Mr.' in speaking of a person ... they mention any one and every one, from the President down, by his last name only or by a

nickname[.]”

It is important here to distinguish between *reference* and *address*. During the late 1800s and early 1900s, no one objected, Peck clarified, “to giving anyone the title ‘Mr.,’ at least in speaking *to* him,” which is to say, when addressing him. But when referring to someone, especially to superiors, Americans have always been grudgingly parsimonious with the title, *Mr.* “The stable-boy, the laborer, the clerk, the employé of every grade will almost invariably be heard describing his employer and his employers friends by their last names.” By denying them in absentia the verbal deference they demand in-person, the subordinate seemed, wrote Peck, to be soothing and elevating his spirit, as if “refreshing himself,” he stressed, “by an assertion in private of his own equality.” By mid-century things had changed. There was no longer any need to go behind the boss’s back, according to Cronin, to freely suppress the hierarch’s title.

Freely engaging in a behavior does not mean it is costless. Without forms of address to acknowledge a superior’s status, Cronin argued, the worker would become “over-civil,” as Jock Locke put it, “debas[ing] himself to low and servile Flattery”⁷⁷ — e.g., grinning too much and too often, fidgeting, giggling, wiggling and engaging all manner of unseemly self-deprecatory contortions. American professional etiquette, it appeared to him, had replaced measured spoken deference with signs of physical subordination and obedience. Workers now had to obsequiously nod, however slightly, to display the deference that the American egalitarian pretense made unutterable. “It should be just the opposite,” urged Cronin, “the system of etiquette ought to furnish him with formal gestures of respect for his superiors and let his informal self work out its own salvation. It should be easier to render the boss what is the boss without throwing in one’s soul too.”

At every turn, Cronin saw the boss denied his prerogatives—his employee “sits down in his presence, wears the same kind of clothes[,] and ostensibly comports himself in general as if he and the boss were as equal as two farmers.”⁷⁸ His account recalled, in some respects, Parkinson’s eighteenth century stories “told of the servant in America wanting to eat and drink in the dining-room with their masters.” There is one big difference though. Whereas in 1798 servant and master may have addressed each other as *Mr.*, by 1958 a new kind of informal symmetry had evolved, where the American worker “greet[s] the boss by his first name [and] avoids the use of *sir*.”⁷⁹ As these superficial forms of showing respect and conceding rank vanish, worker and boss are both left worse off, sublimating their desire for dignity and distinction in conspicuous consumption and other counterproductive means. This, at least, was Cronin’s impression of the state of things in mid-century America.

At the same time, 1958, Roger Brown and Marguerite Ford were undertaking their now famous empirical study of American address. Their findings tell a more nuanced story. Surveying address preferences and practices of businessmen from various regions of the country, Brown and Ford confirmed extensive mutual first name usage among professional acquaintances, but hierarchical address was also common. For instance, at a Boston drafting firm, where Brown and Ford made direct observations, they reported that only about 20 percent of addresses were nonreciprocal, with the organizational superiors receiving title plus last name 9 times out of 10. It is unclear, however, how often and under which circumstances subordinates addressed their superiors by their first names. Nonetheless, Brown and Ford left little doubt that superiors were still frequently addressed as *Mr.* in the workplace.

Two categories of asymmetric status encounters were significantly associated with nonreciprocal first-name address in the Brown and Ford study. First, adults used first names with children and younger adults, while receiving a ‘title plus last name’ address from their more youthful collectors. Second, the same pattern was observed within professional or occupational encounters, where only the perceived superior received a ‘title plus last name’ address. Brown and Ford further refined this category, describing three classes of occupational subordination where a pattern of deferential address persisted: [i] “a relation of direct and enduring subordination (e.g., master-servant, employer-employee, officer-enlisted man); [ii] a relation of direct but temporary subordination, involving someone in a service occupation (e.g., waiter, bootblack) and a customer; [iii] an enduring difference of occupational status that does not involve direct subordination (e.g., United States senators have higher status than firemen).”⁸⁰ In the mid-twentieth century, at least in some context, *Mr.* was still common.

And so it remained at the turn of the most recent century. In 2002, Thomas Murray reported results from a replication of Brown and Ford’s study.⁸¹ Murray looked at more than 9,000 dyadic address tokens from a number of sources, including fictitious encounters from then-popular television programs, survey responses and observations of actual address encounters in an accounting firm in Kansas City, Missouri. Murray found significant evidence of mutual first name address, even among newly-introduced adults, suggesting a growth in informality (Brown and Ford found mutual title plus last names were common among adults less acquainted). Murray’s results, however, also display a pattern of continuing nonreciprocal address in hierarchical encounters. Table 1 summarizes his finding. While reporting that older adults and superiors always use first names when addressing lower-status persons, the table shows that children and younger adults call their elders by first names in only 42% and 58% of the cases, respectively,

Table 1: Percent of First Name Address in Asymmetric Status Encounters

First Name Usage by Younger Speaker to Older Addressee ^a	
child → adult,	42%
younger adult → older adult,	58%

First Name Usage by Subordinate Speaker to Superior Addressee	
direct and enduring subordination: subordinate → superior,	28%
direct but temporary subordination: subordinate → superior,	37%
enduring differences of occupational status: subordinate → superior,	18%

^aRight arrows point to addressees in the speaker/addressee relationship: Speaker → Addressee. The designation “older adult” refers to an adult apparently 15 or more years older than the “younger adult.” In all cases (i.e., 100%), Murray reports that the elder or superior, when speaker, addressed the younger or subordinate with First Name. [Source: Murray (2002), Table 2, P. 51.]

which, to be sure, is significant. Across occupational encounters, however, first names for superiors is less common: 28% in relations of direct and enduring subordination, 37% in cases of direct but temporary subordination, and 18% in relations of enduring difference in occupational status.

Although Murray emphasizes the use of first name address by subordinates, more often than not superiors in his data are addressed more formally. The point is not to deny the salience of informal address among Americans. Empirical studies are not needed to confirm the continued existence of that “familiarity of address,” as Trollope put it in 1832, which is “universal throughout all ranks in the United States.” Pick up a newspaper or the telephone the next time a marketer calls. Confirmation of the practice is easily found in everyday encounters. Yet, however commonplace first name address may be, titles and polite address has always been and will remain inextricably conventional because of what they accomplish. The threat to formal address stressed by Cronin was illusory. The boss gets her due when it is required or requested. If anything, the threat is not to formality but to intimacy. We no longer have the privilege of inviting someone to address us informally or intimately, *tutoyer*, because the stranger presumes that much. Yet, when formality is needed, Americans, like everyone else, are able to invoke it. In appropriate circumstances, they rely on the focal influence of formal address.

Nominal and Pronominal Address

Titles, names and other nouns of address are the primary interests of this book. These are the words we call each other. Less central here, but also important, are references and addresses that manifest in other parts of speech. A parent issuing the order, “Bobby, you apologize to your sister and go directly to bed!” addresses the child not only with a noun—a first-name, *Bobby*—but also with the pronoun *you*. These noun and pronoun addresses are also present when the policeman says to *Dr. Poussaint*, “Alvin, the next time I call you, you come right away, you hear?” In many languages, verbs, too, reflect address. For example, the command “come right away!” in French may take the form “*venez tout de suite!*” or “*viens tout de suite!*” depending on whether the speaker chooses to conjugate the verb *venir* (to come) to refer to the addressee more or less formally. French also allows the speaker to choose a more or less formal form of the second-person singular pronoun (i.e., you), using either *tu* or *vous*. These two forms, said to derive from the Latin *tu* and *vos*, also exist in other romance languages (for example, Italian allows *tu* or *Lei* [confirm], Spanish *tú* or *usted*). Similar distinctions are observed in non-romance languages throughout Europe (e.g., German speakers use *du* and *Sie*) and other parts of the world, where more than two options can often be found.

Colloquial speech in Early Modern English once similarly maintained this distinction in second-person singular pronoun. Addressees were at that time referred to either with *thou* or *you*, the former being less formal and even considered insulting in certain contexts. Shakespeare’s *Twelfth Night* illustrates the point when *Sir Toby Belch* advises *Andrew Aguecheek* how to incite an adversary to duel: “thou’st him some thrice, it shall not be amiss.” Now except for liturgical or ritualistic speech in some religious communities and practices, particularly in prayer, the informal form has disappeared, leaving only one second-person singular pronoun option for English speakers, *you*.

A substantial and growing body of research has detailed the distinctions of pronouns of address. While this work may appear irrelevant to the concerns of contemporary English speech, it stands to offer insights applicable to the use of titles and other nominal address forms, as will be clear shortly. Early writings on pronominal address date back at least to the eighteenth century, but it was the mid-twentieth research by Roger Brown and his collaborators, Albert Gilman and Marguerite Ford, that sparked modern interest on the topic. Brown and his colleagues conjectured that the selection of the second-person singular pronoun in France and several other European countries was determined along one of two dimensions, representing either a power relation or solidarity between speaker and addressee.

More recent work reveals this simple dichotomy of power and solidarity cannot adequately capture address choice and usage.⁸² Nonetheless, for present purposes, these two dimensions are useful points of departure and are due some elaboration.

Along the power dimension, higher status persons were addressed with the *V* form (i.e., *vos, vous, Lei, Sie*, etc.) rather than the more informal *T* form (*tu, du*). According to Brown and Gilman, this pattern began with the deferential address reserved for the Roman emperors in the late fourth century and was subsequently appropriated by the nobility and later the bourgeoisie. A clear linear order from top on down was secured by the medieval period, visible both in practice and doctrine. God addressed angels with *T* and received *V* in return, angels addressed men with *T* and received *V* in return, men of higher orders addressed those of lower orders with *T* and received *V*, and animals were addressed with *T*. Along the solidarity dimension, a dual address system evolved, where elites exchanged *V* with each other while commoners used *T* amongst themselves. An equilibrium persisted along these lines, Brown and Gilman argued, until it was perturbed in the late nineteenth century by the spread of democratic and egalitarian norms occurring in a context of increasing social mobility across Europe. The asymmetric power dimension of pronominal address gave way to widespread solidarity address norms. Yet, they observed, power and status had not disappeared entirely from forms of address. “A French lady and her maid exchange [vous] nowadays but the maid will say Madame and the lady ‘Yvonne’.”

The persistence of power and status in addresses using titles and personal names raised a puzzle for Brown and his collaborators. “The puzzle is the survival of a status norm in titles and names in the face of its suppression for pronouns. Why,” Brown asked, “should the coding of differential status in pronouns be intolerable today when it is not intolerable in other forms of address?” Brown suggests an answer, which one senses he himself finds less than compelling. He locates the difference in the almost mandatory use of pronouns in ordinary speech. Pronouns are employed so frequently in common discourse, Brown argues, it would be difficult for people to talk to each other without making their statuses constantly salient under the traditional pronominal power rule. Titles and names, however, are less necessary parts of everyday speech, so most conversations can be had without constant status reminders.

The distinction lies in what linguists refer to as bound and free forms of address. Names and other nouns of address tend to be free while pronouns and verbs are more likely bound. To see this, recall the command, “Alvin, the next time I call you, you come right away, you hear?” Here *Alvin* is a free

form of address, meaning it may be moved or removed with limited affect to the sentence syntax. All of the following are essentially equivalent to the original command: (1) “The next time I call you, Alvin, you come right away, you hear?”; (2) “The next time I call you, you come right away, Alvin, you hear?”; (3) “The next time I call you, you come right away, you hear, Alvin?”; (4) “The next time I call you, you come right away, you hear?” On the other hand, the pronoun, *you*, in its various deployments, is considered more integrated or bound in the sentence structure. Yet it is clear that *you* can also take free form or be moved or removed without loss of meaning. Consider, for instance, “You!, the next time I call, come right away, hear?” The address *You* is unnecessary in the previous sentence, and if is used to get the addressee attention then “Hey” would have worked just as well.

Free and bound forms of address are not determined by categorical bright-line rules. They fall along a scale. “It seems to be primarily a question of the degree of linguistic compulsion,” Brown and Gilman argue. “In face-to-face address we can usually avoid the use of any name or title but not so easily the use of a pronoun. Even if the pronoun can be avoided, it will be implicitly in the inflection of the verb [in many languages].” Now, because names and titles can often be avoided entirely, when they occur they stand to be more informative, they tend to serve more purposeful ends, precisely because they are invoked when they needn’t be. It is not simply that status-coding by title and name is “more tolerable because less compulsory,” as Brown and Gilman say, as if this coding was simply something we put up with, like annoying little vestiges of dead and dying old-world deference norms in an increasingly democratic and egalitarian world. The social world is comprised of many spheres, not all of which exhibit or aspire toward egalitarian ideals. Nor could they, without sacrificing competing values of efficiency, stability, and order that modern egalitarians all take for granted.

Persistence and Focal Capacity of Address

While titles and names are clearly optional and sometimes avoided, it is equally clear that they remain regular parts of speech across numerous domains. The question, then, remains: why has the status norm in title and naming practices survived in these domains? They survive not as feeble remnants of the past, but because they serve a present purpose. All archaic rituals that seem to resist strong modern contrary tendencies, are likely to possess embedded structures of entitlement-like rights, privileges, duties, and immunities, which *inter alia* facilitate social exchange and coordination by their capacity to make these structures focal and commonly known. Titles, names and other nouns of address serve these functions by signaling role, status, beliefs and expectations concerning personal, interpersonal

and contextual features of daily interactions. When spoken through address and reference these forms direct parties toward equilibrium outcomes while avoiding behaviors that are likely to lead to unintended conflict or violence (which is not to speak of subordination or intended violence, *see, esp.* chapters 3 and 7).

At the same time, and unlike pronouns, use of titles and name address can be narrowly tailored. Pronouns do not locate status deference within particular domains or encounters, [it is hard to go back and forth between *T* and *V*] where titles do most of there work. College teachers are called *Professor* in the classroom, physicians are called *Doctor* in the examining or operating room, judges are called *Your Honor* in the courtroom. Similar patterns are observed in boardrooms and war rooms, as well as on shop floors, sports fields and battlefields. Titles and address establish expectations within encounters and domains where situational deference is likely to serve coordination. These forms persist in settings that rely on or otherwise value this type of coordination. It comes at a cost, of course, in that it promotes naked subordination and purely conventional forms of engagement and thinking. For these reasons, some modern firms have sought to do away with titles and formal address, to encourage conflict and to challenge traditional thinking.⁸³ That comes at a cost too: there can be too much conflict, or just senseless conflict that produces no value, and let's not forget the costs of sublimation that concerned Cronin. But it needn't be all or nothing, and in most cases it's neither.

Titles and other nominal address are focal devices that guide behavior as the situation calls for it. Their optionality, i.e., the fact that they can be expressed or suppressed more freely than other parts of speech, allows for narrow tailoring and sustains them in certain contexts. A study of address among Marines during the Vietnam War, for instance, reported significant variation in the use of titles among personnel “not near the current action but [occasionally] under fire” (i.e., where “incoming rounds are the exception rather than the rule”). Soldiers and their commanders, often close in age, used first names and nicknames among other forms in these relative calm settings. Titles and address adjusted, however, in times when coordinated action was most pressing: “for the period of crisis only, that is, while the rounds were coming in, the shortest addressed forms were used, generally titles between all ranks.”⁸⁴ Titles and addresses are stressed among soldiers because in combat settings the consequence of coordination failure is often dire.⁸⁵

Military titles and addresses facilitate coordination especially when needed—when troops are battling—just as titles serve teachers when teaching, physician when examining or operating on a patient and judges when

presiding at court. Titles are also invoked, of course, although less often, for the teacher outside of the classroom but still on the campus, the physician outside of the examination or operating room but still in the hospital and the judge outside of her courtroom but still in the courthouse. As teacher, physician and judge move further from their spheres of official dominance—say, to the supermarket—the formal authority of their titles recedes. Those official titles are less likely to help resolve coordination problems at the supermarket checkout line, at the children’s playground or at a traffic jam caused by a fender bender on some rural backroad. Though lacking formal authority at these remote sites, however, the teacher, physician and judge may still exert an informal authority through their titles.

Imagine a dispute that developed in the checkout line, provoking the judge to announce her title, or if someone falls to the ground, encouraging the physician to say “I’m a Doctor,” telling others to step out of her way so she can get to the fallen customer. It is not simply that the judge may be more competent at resolving checkout line disputes or that the physician may be best suited to help someone who has fallen to the ground; others, in fact, may be better situated to intervene. Yet by announcing their titles, judge and doctor invoke their status, making it salient and focal, thereby facilitating effective coordination of all the people milling about the situation that has developed in the line or supermarket aisle. When the titles of the judge or doctor are announced, their spheres of influence are expanded.

An imperialism of titles threatens constant expansion. It needn’t be a self-consciously ambitious announcement by the titleholder. Third-parties or associated structures or features of the environment (a name tag, a lab coat or other) are often enlisted in the expansion of title influence. (We will see that there is a close relationship between dress and address.) When a student, clerk or patient recognizes his teacher, judge or physician and calls out “*Professor*,” “*Your Honor*” or “*Doctor*” that signals to observers that the addressee may be accustomed to and expecting of deference, and she has reason to think that observers may be forming this expectation. Deference is more likely to follow among all those who now have common knowledge of the address, including the addressee (even by those of unknown, but greater status than the teacher, judge and doctor). In this manner, the use of titles and address may expand one’s domain of influence in ways that are otherwise not merited or legitimate. This insight is expanded upon in the chapters ahead, which consider titles and addresses across various institutional contexts. To lay the groundwork for that more nuanced discussion, the next chapter develops further the basic framework for analysis.

3. addressing violence

Every encounter, no matter how brief or banal, may escalate into violence. Wherever and whenever people come together there is always a threat of assault, wrote Erving Goffman, “each person becomes a potential victim or aggressor in the potential occurrence of violent interpersonal actions, such as physical or sexual assault, blocking of the way, and so forth.”⁸⁶ Beyond their capacity to issue or be subject to physical harm, parties to an encounter are also “in a position to accost or to be accosted by others for the purpose of initiating a state of talk—... they can command and plead with each other, insult or compliment each other, inform and misinform each other.”⁸⁷ So much can go wrong, terribly wrong, in any encounter. Managing the latent violence of mundane encounters is the most basic achievement of civil society. How is this feat accomplished? Thomas Hobbes famously argued that pre-political societies escape their unmanaged violent “state of nature” by subjecting themselves to the greater violence of the Leviathan, the State. Yet even before the State, families, clans, tribes and other informal groupings relied on norms— rules of social engagement, including forms of address and other speech conventions like modulating tone and volume of voices—to defuse the dangers inherent in their routine encounters. They had to!

State and society is simply unimaginable without first solving “the problem of maintaining orderly activity internal to the encounter.”⁸⁸ Maintaining orderly activity, however, should not be confused with avoiding dominance and subordination within encounters. Dominance is entirely consistent with avoiding direct conflict and violence so long as others present at the situation appreciate their subordinate roles. Situational subordination,

moreover, is often the best response when facing a dominant counterparty or someone who expects to be treated as such, whether or not deference is otherwise merited. Civil address, through which parties learn or affirm their roles and the expectations of others, is arguably the primary means of bypassing unwanted and unintended conflict and violence. There is a further subtlety to see in encounters of civil address. While careless or impolite address (e.g., slights, insults, curses) are often precursors to violence and are themselves instances of conflict, considered and polite address can facilitate even greater harm. Civil address is used not only to avoid violence, but also to achieve it, and in an orderly and most effective manner. Hence, even the Hobbesian State relies on these ancient forms to refine and perfect its own violence.

Controlled Violence

Consider the exchange below, from the courtroom of Judge Elie L. Holton, where an attorney, M.C. Pritchard, questioned George Street in a manner the opposing counsel, Millard Farmer, found objectionable.⁸⁹ “Q.”, indicates a question from Pritchard to Street.

Q. When did this take place, *George*?

Mr. Farmer: *Your Honor*, may I object to I don’t mean to harass Mr. Pritchard too awful much, but we will refer to our client George Street by his first name, because that’s an affectionate way that we feel about him. And, we’ve known him a period of time. But, we would insist that when he is referred to by the prosecutors that he be referred to as Mr. . . .

Mr. Pritchard: In other words, . . .

The Court: I will not direct you to do that.

Q. Do you have any objection to me calling you *George*?

Mr. Farmer: Yes, *sir*, *Your Honor*, I object to . . .

The Court: Objection overruled. You may ask the question.

Mr. Farmer: *Your Honor*, ...

The Court: The objection is overruled. The objection is noted in the record.

Q. *George*, when did Mr. Strickland . . .

Mr. Farmer: *Your Honor*, I object again to him calling my client *George*. ... He is not his friend. He is trying to have him electrocuted.

“Not even the facade of civility,” wrote Robert Cover, “can obscure the violence of a death sentence.”⁹⁰ Farmer would not allow Pritchard’s colloquial address to conceal the violence he sought to levy on Street, himself a convicted murderer. Both men, Pritchard and Street, had a personal awareness of what it took to kill someone and were willing to use instrumentalities available to them for that purpose. Their distinct means and approaches, however, well-illustrate the difference between senseless and thoughtful orderly violence.

Context provides the fundamental distinction between the means and approaches of Street and Pritchard.⁹¹ Whereas Street acted within a social context seeking to inhibit killings, Pritchard occupied a role within an institutional setting designed to overcome this inhibition. Individuals opposed to capital punishment, for instance, are prohibited from sitting as jurors in the non-sentencing (“the guilt”) phase of capital trials, rendering so-called ‘death-qualified’ juries, which exhibit strong biases toward conviction and execution.⁹² Death qualification is an obvious mechanism for limiting conflict among jurors and other courtroom participants, which further facilitates the institutional administration of violence. Forms of address may be a less obvious but no less important mechanism that serves the same purpose. Some background on the case may clarify the point.

In the courtroom exchange above, reproduced in a 1981 Federal Court of Appeals case, Street was being questioned by Pritchard in the second sentencing phase following his conviction for a murder, which occurred on October 14, 1974. That morning Street’s common-law wife, Ruby Taylor, was raced to the local emergency room. She was pregnant and had gone into labor. They lacked health insurance. Hospital staff told Street that his wife would not be transferred from the emergency room into the hospital without adequate assurance of payment for her expenses. He then left the hospital, hailed a taxi, and directed the driver to several homes, where he sought to borrow money, without success, from various friends and family members. At the last stop, which turned out to be a deserted home, Street and the cabbie, M. B. “Red” Herrin, argued over the mounting taxi fare.

At the deserted home the police later found a trail of blood running from the front yard through the abandoned house into the backyard and over to an old well. Bloodstains curled around the well’s curved wall and disappeared into the water. Reaching over the well wall, the police chief used a pike pole to assess the bottom, but the water was too deep. Then, secured by a rope, the chief himself was lowered into the dark water, where he continued to stir the pike pole until he hooked something. A right shoe first surfaced, still laced to the foot of a man floating upside down in the well. It was Herrin. His bloated body stretched at the seams of more than a dozen

knife cuts. An autopsy identified 14 recent stabs and slashes to his torso and body. The coroner reported “[t]he cause of death was multiple deep knife wounds and drowning, the latter possibly being the terminal event.” It is difficult to imagine a more horrible death—bleeding, drowning, completely submerged upside-down in a dark narrow wellshaft.

Street killed Herrin, in self-defense, he claimed. Words of address were no doubt exchanged between them. Their address in all likelihood escalated, rather than eased, the conflict between them, which was messy, bloody, passionate and senseless.⁹³ Killing a man over a \$38 cab fare could hardly be the product of a sensible or rational plan. Later chapters will discuss how address contributes to this kind of ‘senseless’ ‘irrational’ violence. For now the focus is how address controls anticipated painful violence, which exists in its most refined form when the State kills Citizens.* Itself unable to take life, the State must enlist numerous individuals, in various roles, to do its killing. Nor do judges themselves ever kill defendants, or executioners themselves. To execute a convicted defendant, within the U.S. constitutional order, requires a vast “system of roles,” as Robert Cover has observed, wherein “the social cooperation of many others, who in their roles as lawyers, police, jailers, wardens, and magistrates perform the deeds which judicial words authorize.”⁹⁴ Oddly enough, the system of roles seems to enlist even the obliging participation of the defendant, whose “world is threatened. But he sits, usually quietly, as if engaged in a civil discourse.”⁹⁵ All these actors know and keep their roles in no small part with the aide of forms of address.

Address contributes greatly to the maintenance of violence in our legal order. It recalls and reinforces the hierarchy of authority required to execute commands, which ordinary individuals (lawyers, jurors and members of the courtroom audience among others) might otherwise eschew.⁹⁶ To illustrate, let’s return to the case at hand. At his initial trial, Street’s self-defense claim was rejected by jurors. They convicted him of murder

*As Robert Cover noted, this “well-coordinated form of violence is an achievement. The careful social understandings designed to accomplish the violence that is capital punishment, or to refrain from that act, are not fortuitous or casual products of circumstance.” Our expectation of “near perfect coordination” is so great, that its failure disturbs even otherwise indifferent observers. For many, the recent embarrassment of American capital punishment system was not that innocent persons are sometimes executed; Type I errors are predictable outcomes even in highly rational, fair and efficient criminal justice systems. Rather it was the messy and amateurish manner in which state killings were carried out when it became difficult to acquire drugs for their lethal injections. All pretense of rational sanitized execution was lost on April 29th 2014, when the state of Oklahoma executed Clayton Lockett with a mixture of drugs put together by non-medical professionals that left Lockett thrashing and screaming for three quarters of an hour. “‘This shit is fucking with my head,’ he said, head bucking, before he finally died.” S.M., “Death-penalty drugs: Dangerous cocktails,” *The Economist*, April 29th 2015. See also, Jeffrey E. Stern, “The Cruel and Unusual Execution of Clayton Lockett,” *The Atlantic*, June 2015.

and sentenced him to death. The United States Supreme Court vacated the death sentence, on technical grounds, remanding the case for rehearing on the sentencing aspect. It was at this rehearing where Pritchard kept calling Street by his first name, leading Farmer to scathingly remind those present that Pritchard is not Street's friend but is rather "trying to have him electrocuted." As Judge Holton responded to the objection, the exchange continued in revealing form.

The Court: Objection overruled.

Q. *George*, when did . . .

Mr. Farmer: *Your Honor*, I object to him referring to our client . . .

Mr. Pritchard: . . .

Mr. Farmer: . . . by any name . . .

The Court: Don't get up . . .

Mr. Farmer: . . . at all.

The Court: Have a seat. *Mr. Sheriff?*

Sheriff: Yes, *sir*.

The Court: Sit this gentleman down by the name of Mr. Farmer. Don't make that objection again. I will let you have it as a continuing objection throughout the trial.

Mr. Farmer: May we be heard?

The Court: No, *sir*.

Mr. Farmer: May we put up evidence?

The Court: No, *sir*.

Mr. Farmer: *Your Honor*, may we argue this motion?

The Court: No, *sir*. It's already been argued all the Court is going to hear it.

Mr. Farmer: *Your Honor*, may I . . .

The Court: No, *sir*.

Mr. Farmer: May I have time to prepare a motion?

The Court: No, *sir*.

Mr. Farmer: *Your Honor*, may I prepare a motion?

The Court: No, *sir*.

Mr. Farmer: May I make an offer of proof?

The Court: No, *sir*.

Mr. Farmer: May I confer with my client?

The Court: Not at this point, no *sir*.

Mr. Farmer: May I advise . . .

The Court: Your client is on the stand just like . . .

Mr. Farmer: . . . my client regarding his rights?

The Court: . . . Don't interrupt the Court. Your client is on the stand. You put him on the stand just like any other witness. He will be treated just like any other witness.

Mr. Farmer: *Your Honor*, I . . .

The Court: No better or no worse.

Mr. Farmer: I didn't put him on the stand to have him discriminated against.

As the tension between them escalates, note the heightened civility (which is not to say politeness) in Holton's expressions, addressing Farmer as *sir* repeatedly and referring to him as a *gentleman* and as *Mr. Farmer*, even as he orders the sheriff (calling him *Mr. Sheriff*) to restrain Farmer. Likewise Farmer maintains an appropriate deference, even a distant formality with the repeated use of "we" near the start (i.e., may *we* be heard? may *we* put up evidence? may *we* argue this motion?), which he switches to "I" as their exchange becomes more heated and personal. Still, while being confrontational, both men maintain civil forms. Their exchange might have continued along this line but for what came next:

The Court: Overruled. Now, don't make that objection again. You have a continuing objection. I mean about the calling him by the name of George.

Mr. Farmer: *Your Honor*, do you object to me calling you Elie?

A line was now crossed. Farmer begins with *Your Honor* but ends with a reference to the judge's first name, Elie. It was an obvious challenge. Holton responds not by saying how dare you ask *me* that question, but by directing Farmer's comment to the institution. In his response, Holton shifts Farmer's address away from himself, as an individual or even as a judge, toward *the Court*, the law, and in doing so enlisted another set of coercive mechanisms.

The Court: *Mr. Farmer*, do not ask the Court any such question as that. That is a direct confront of the Court of its authority. If you do that again I will consider it as a contempt of this Court.

Mr. Farmer: What, *Your Honor*, may I ask *the Court*. I want to inquire . . .

The Court: *Mr. Farmer*, this Court finds your continual interruption of the Court, your refusal to allow us to continue with examination of this witness to be in contempt of the Court. This Court so finds you in contempt of Court. It is the judgment of the Court that you are in contempt of Court. It's the judgment of the Court that you be sentenced to the common jail of this county for a period of 24 hours. *Mr. Sheriff?*

Eight days later Farmer received a second contempt judgement after accusing Holton of participating in and covering up efforts to discriminate against his client:

The Court: All right, *Mr. Farmer*, the statement that the Court wants to cover it up is a direct contempt of this Court, knowingly made by you. I have repeatedly warned you about this. Again you have sought to make that statement. The Court finds you in contempt of Court, *sir*, again. The Court sentences you to 3 days in the county jail, ser . . .

Mr. Farmer: *Your Honor*, may I be . . .

The Court: . . . service to begin at the termination of this case. That's all.

Mr. Farmer: *Your Honor*, may I be heard on this?

The Court: No, *sir*.

Mr. Farmer: *Your Honor*, may I have counsel to represent me and present evidence on this issue?

The Court: No, *sir*.

Mr. Farmer: *Your Honor*, may I for the purpose of here forward understand what can be my role in representing Mr. Street as far as bringing out the reason that I feel that he is being denied a fair trial. I don't understand, *Your Honor?*

The Court: You'll have to exercise your discretion and your knowledge as an attorney.

Mr. Farmer: *Your Honor*, . . .

The Court: That’s all.

Mr. Farmer: *Your Honor*, may I . . .

The Court: No, *sir*, we’re through with that discussion. All right, call the next juror, *Mr. Clerk*.

The exchange between Farmer and Holton is a striking example *regulative mode* of address on display. We see forms of courtroom address used to maintain orderly activity in a context of extraordinary brutality and violence committed by subjects of the law and by legal officials. Address here invokes “scripts,” telling participants in the courtroom encounter (i.e., judge, defense attorney, prosecutor, defendant, witness, bailiff, sheriff, clerk, jurors, aggrieved family members, reporters and other audience) how to behave. Scripts, however, are not sufficient to assure compliance, as the exchange above illustrates. There are a number of reasons for this insufficiency. First, scripts are always incomplete, providing no explicit direction for any number of contingencies that parties may face. Second, scripts are often ambiguous or vague, leaving parties unsure about what is required of them even when there is some nominal direction. Third, parties sometimes contest or reject an unambiguous applicable script. Farmer belonged to this category.

In other courthouse encounters around the same time Farmer had been “rushed by a fist-waving prosecutor, punched by a deputy, banned from a Florida courtroom” and publicly reviled by jurists throughout Georgia. A staunch opponent of the death-penalty, Farmer specifically rejected the scripts associated with the administration of capital punishment, which he viewed as racially biased. In one case he had half of a dozen trial judges removed by asking them, under oath, if they would approve of their daughters marrying black men.[†] In Street’s case, both in and out of court, he called the prosecutor, Pritchard, and the judge, Holton, racists. Pritchard had no patience for Farmer’s approach and accusations, which he saw simply as an effort to “intimidate the court.” Pritchard refused to address Street as *Mr.*, he later told reporters, “because I wouldn’t call any man *mister*, black or white, if I knew he was a mad-dog killer.” Holton, whose home

[†]As reported in a local newspaper account, he had “six trial judges removed . . . after putting some of them under oath and asking if they would approve of their daughters marrying a black or if they would object to sharing a hotel room with one.” The same article observed “In his most publicized case, Farmer represented five blacks accused in 1977 of killing a white man during a robbery in Dawson, Ga. The defendants were acquitted after Farmer warned the jury at one point that the rural Terrell County town was ‘on trial for racism’.” “Newman attorney Millard Farmer: Death-penalty opponent handles cases by challenging the legal system” Georgia newspaper article [get exact cite]. [Note the absence of “man” and “men” following the adjective “black”, but not “white”, in this local newspaper account.]

was picketed while Farmer sat in jail for contempt, took a more forgiving view, observing that Farmer was “a darned good attorney, but sometimes he wants to run the whole show.” And that, for Holton, was what was at stake in the encounter.

Who is to be dominant and who subordinate? In the end, Holton asserted his dominance through the threat of violence, deploying the *in terrorem* and peremptory power of contempt (which is explored in more detail in Chapter 5), but that was only after their exchange of addresses failed to coordinate the various parties engaged in the witness examination. This is important: even while rejecting the script, Farmer still sought to avoid conflict (and jail) through the *correlative mode* of address. Indeed, it was a heat-of-the-moment reference to Holton’s first name, not an address blunder, that resulted in the courtroom coordination failure. Had Farmer not slipped, if it was a slip, a continuing exchange of civil addresses between Farmer and Holton might have lead any one of them to eventually back down. Pritchard might have called Street “*Mr.*,” just to get on with the examination; Holton might have ordered Pritchard to address Street as *Mr.*, which is now required by law; or Farmer might have desisted, if he felt persistence was doing his client more harm than good.[‡] To clarify the dynamics and distinctions of these modes of address in managing conflict, the next section introduces the stylized depiction of conflict know as the hawk-dove interaction or game.

Hawks and Doves

The hawk-dove game is a general representation of situations where individuals (or players) choose from two actions—one more aggressive (*hawk*) and one less aggressive (*dove*). Real world examples are easy to find. Imagine two drivers approaching an intersection where one or both might acquiesce to the other or accelerate through; or take two parties (spouses or business agents) negotiating from positions of conciliation or conflict; or a couple of steadfast pedestrians about to walk directly into each other on a sidewalk unless one steps aside; or a judge and a lawyer at odds about the treatment of a witness on the stand. A two-person version of this game is shown below in the matrix below, where each cell (labeled i, ii, iii or iv) depicts the outcome from combinations of the players’s various actions.[§] When both

[‡]It is worth noting, around the time, that “only two juries in the 200 or so capital cases in which [Farmer had] participated have returned a death verdict.”

[§]Player 1’s actions are depicted along the rows, while player 2’s actions are shown on the columns. Player 1’s outcome is shown in the lower left corner of each cell, while player 2’s in the upper right corner.

are aggressive (*hawk, hawk*), cell (i), the *worse* possible outcome results for each player. When one party is aggressive and the other is not, cells (ii) or (iii), the one who plays *hawk* gets the *best* possible outcome, while the less aggressive party gets a *good* outcome, but would have had a *better* outcome had the other party also chose *dove*. This is the basic structure of the hawk-dove game, which is easy to describe but can be tricky to solve.

		Player II	
		hawk	dove
Player I	hawk	(i) worse worse	(ii) good best
	dove	(iii) best good	(iv) better better

To more easily see the solution, or equilibria, of this game, the terms describing the outcomes in each cell have been replaced by numbers, that fully preserve the basic structure, in the matrix below.[¶] Thus, the payoff to each player when both are aggressive (*hawk, hawk*) is -2, which is the “worse” outcome for the players. When they are both less aggressive (*dove, dove*) each gets a payoff of 1—a fine outcome, indeed “better” than being a *dove* to a *hawk* and getting 0, but not the “best” outcome a player can achieve when the other player plays *dove*. That is, when Player I plays *dove* (the bottom row of payoffs apply) Player II gets a higher payoff (i.e., 2) from playing *hawk* instead of *dove*. And, should Player II in fact choose to play *hawk*, Player I can do no better than to play *dove* (securing a payoff of 0 rather than -2 by playing *hawk* too). Player I choosing *dove* and Player II choosing *hawk* is a Nash Equilibrium: neither player has incentive to change strategy given the other player’s strategy. By symmetry, Player I choosing *hawk* and Player II choosing *dove* is also Nash Equilibrium.⁹⁷ From a shared welfare perspective, it doesn’t matter who plays *hawk* and who plays *dove* so long as both don’t play *hawk*. But from an individual player’s perspective this is the key question. Who shall play *hawk* and who *dove*? Nothing in the

[¶]The figure with numbers below retains the nonnumerical description for the row player (in parentheses) to facilitate translation as the outcomes are characterized in terms of payoffs.

game provides any clue to this question and failure to resolve it may lead to the mutually undesired outcome where both play *hawk*.

		Player II	
		hawk	dove
Player I	hawk	<div style="display: flex; justify-content: space-between; width: 100%;"> -2 0 </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 5px;"> -2 (worse) 2 (best) </div>	<div style="display: flex; justify-content: space-between; width: 100%;"> 2 1 </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 5px;"> 0 (good) 1 (better) </div>
	dove	<div style="display: flex; justify-content: space-between; width: 100%;"> 2 1 </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 5px;"> 0 (good) 1 (better) </div>	<div style="display: flex; justify-content: space-between; width: 100%;"> 2 1 </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 5px;"> 0 (good) 1 (better) </div>

Yet perhaps it is not so dire. People don't usually commit themselves unbendingly to an initial decision that turns out to be bad for everyone. Rarely do two approaching pedestrians purposefully walk into each other on sidewalks. Though they sometimes do when both refuse to reconsider their course of action. More often after observing that the other player has also chosen to play hawk, each player decides whether to stay with the initial decision or change to dove. Their interaction is dynamic and each moment that the players simultaneously determine their actions can be thought of as a distinct game where every instance of hawk-hawk conflict imposes some inconvenience or costs on the players. We have all witnessed someone, perhaps even ourselves, walk in the on-coming path of another person and stop just before colliding, and then attempt another route (or not) just to have another near collision because the other person also adjusted (or not), until one or the other (and sometimes very occasionally both) stood still, encouraging or challenging the other person to go around. This dynamic interaction has an equilibrium, similar to that of the one-shot game, where it is expected that Player I will choose dove and Player II will choose hawk following any number of previous hawk-hawk near misses. There is also an equivalent equilibrium where in the next moment Player I is expected to choose hawk and Player II to choose dove irrespective of their prior interactions. As with the one-shot game, an expectation that either player will play hawk supports an equilibrium where the other plays dove, just as an expectation that one will play dove supports an equilibrium where the other plays hawk. The dynamic game is a little more complicated and perhaps a lot more realistic, but there is still nothing in the game that resolves the

indeterminacy of who is going to play hawk and who should play dove for their part of the equilibrium.

Correlating Behaviors on Social Distinctions

One way to resolve the indeterminacy of the games equilibria is to take cues from outside of the game. External cues can assign the role of hawk to one player and dove to the other.^{||} For example, players might correlate their behaviors based on some observed event, like rainfall, such that when it is raining Player I plays hawk, while Player II takes that role when it is not raining. Road rules can operate along these lines, encouraging one driver to be more or less aggressive with respect to another following some mutually observed weather or road condition. More generally, game theorists have developed randomized correlated strategies (using a coin flip, for instance, to assigns hawk to Player I and dove to Player II if “heads” and the reverse if “tails”) to resolve indeterminacy in coordination games like Hawk-Dove.

There is, however, no reason for the assignments to be strictly random, even if they are arbitrary. The key feature is that the players have shared expectations about who will do what in the interaction between them. An infinite number of things can bring about these expectations. For example, when two players face off, the bigger one or the surlier one may be expected to play hawk. Sex differences might also determine assignment, where tradition may establish an expectation that males play hawk in coed encounters. Any physical difference, including skin color, may be enlisted to correlate behavior toward certain equilibrium outcomes. A common history between the players might, for instance, predispose lighter skin persons to play the dominant hawk when facing someone darker, or vice versa.⁹⁸

Social distinctions, even more than physical ones, play an essential part in resolving hawk-dove interactions in society. Social distinctions, of course, are often associated with physical differences. Appearance, demeanor, dress, audible speech and accent, apparent age and so on, all contribute to social status. Still, it is possible to isolate purely physical differences, like sex and skin color, from socially determined differences, like gender and race. These strictly social differences, which include titles, honorifics and other forms of address, coordinate much of everyday behavior by providing effective focal bases for organizing activity.** When two individuals agree on their relative social status or rank, for example, that shared

^{||}[Perhaps, elaborate on the distinction between “actions” versus “strategies” here.]

**Titles and address, in particular, can also be used to counter coordination on unwarranted criteria (like, in most cases, skin color, sex, race and gender). [Discuss Delta Airlines and black women doctors].

belief will often determine which one of the two is “entitled” to the *hawk* role and who must be satisfied with *dove*.

Persons assigned to play *dove* based on their status may not like it and might even resist it, but they can do no better in the immediate instance than to follow their assignment. Importantly, it is not fear of sanction or retribution that leads the player assigned *dove* to comply. Compliance follows from the reasonable expectation that the other player will play *hawk*, and given that belief there is nothing to be gained from deviation. It is in this way that fulfilling the roles assigned by one’s social categories facilitates coordination and avoids conflict. However, merely because it is useful, in some sense, to conform to the expectations of one’s social role, does not mean that those expectations will be or should be followed.

Roles, Scripts and Strategies

When and whether to follow the dictates of one’s role are deeply normative questions, whereas the Hawk-Dove game offers only a descriptive account. It is simply a heuristic for considering a stylized form of coordination. Several points are worth noting about the game as thus far described. First, the outcome of the dove-dove strategy combination may be socially preferred to the hawk-dove ones. The summed payoffs are the same for all these outcomes (i.e., 2), but they are shared equally when both players choose dove and perfectly unequally when one chooses hawk and the other dove. Even if there was some way to costlessly tax and redistribute the gains of the one playing hawk so that both players end up with an equal post-tax payoff, or some manner of alternating play so that the payoffs are equal on average, there may still be societal value in having both players choose the same strategy, the less aggressive one, or in denying to any player the more aggressive strategy.

In addition to serving some larger societal purpose, discouraging aggressive play may also be jointly better for the two players. Imagine, for example, that the payoffs for the dove-dove strategy combination were changed from 1 to 1.5, while keeping everything else the same. There would be no change in the pure strategy equilibria of the game, where one player chooses *hawk* and the other *dove*. But now that *dove-dove* strategy combination creates a summed payoff of 3, which is greater than what is produced by any other strategy combination. In this case, society may have a strong incentive to discourage playing *hawk* with legal or social sanctions.

On the other hand, the payoff for each player when both play *dove* could also be changed from 1 to 0, without affecting the pure strategy equi-

libria. Now the *hawk-dove* outcome leads to the greatest joint payoff. A society, in this case, may wish to encourage hierarchy; or perhaps not. Broader societal norms of egalitarian engagement may trump efficiency gains from certain *hawk-dove* exchanges. One can say that such considerations are strictly outside of the game and ought to be discarded, as they have nothing to do with what is optimally determined within the game. But, of course, looking outside of the simple game structure is precisely what must be done to assign actions to players in games with the multiple equilibria. It seems somewhat artificial to say that parties look beyond the game in forming expectations about who will play *hawk* and who will play *dove*, but take no other cues from society.

At the same time, social expectations do not dictate individual behavior. Prescribed norms of behavior are necessarily incomplete.⁹⁹ Typically, they only suggest behaviors that should be, or are generally, taken in certain contexts. There remains unspecified contingency in all social interactions, which make the relationship between role and behavior indeterministic. Social roles, moreover, in many contexts offer no unique prescription because individuals occupy multiple roles. *Mother, citizen, lawyer, spouse, employer, daughter, activist, teacher* are social roles that a single person may simultaneously occupy. Situational indeterminism cannot be resolved by prescribed conduct when multiple roles offer differing and conflicting prescriptions.

Additionally, it may be unclear what conduct is called for with any given role or status. Dominant individuals sometimes choose *dove* despite their higher status. This observation raises a fundamental question. What does it mean to play *dove*? Any particular hawk-dove exchange must be considered in light of broader structured interactions that define the individuals' social context. At any moment, choosing the less aggressive strategy can be an indication of a player's dominance—a dominance so evident the player can afford to be generous. Playing *dove* may also create status for a player, in the way that ritual offerings function in traditional gift economies. These rituals are observed in market economies too, of course. Thorstein Veblen described them in the behavior of the gentlemen who enlisted both friends and competitors to demonstrate pecuniary prowess by offering “valuable presents and expensive feasts and entertainments.”¹⁰⁰ Whether gift rituals like potlatch and expensive feast originated in religious or redistributive aims (such as, allowing a subordinate to acquire the better outcome in some particular instance), there is little doubt that these practices endow the giver with honor and status.

Furthermore, an individual's behavior is also importantly determined his or her personality. Some people are simply hawkish and their behaviors are determined as much by individual temperament as they are by social

role. Others have a preference for dove-like conduct, conciliation and sharing being prized by them more so than personal accumulation of material gains. Furthermore, being familiarized, socialized or habitualized with or within certain roles or statuses, “with their characteristic value-orientations, may so affect the formation of personality as to make it sometimes more, sometimes less, difficult to act out the requirements of other statuses.”¹⁰¹ These are all important caveats, and must be kept in mind in evaluating the predictive and descriptive value of the rational-strategic structure of the interaction. All of the above notwithstanding, there are still useful lessons to be taken from the simple Hawk-Dove game.

The potential for conflict in certain encounters are often addressed by observable social distinctions. Social distinctions create shared expectations of appropriate behavior, which parties may use to coordinate their actions. When they act in accordance with shared prior expectations, individuals tend to avoid conflict and they preserve the status quo. Titles and social roles serve this function exceptionally well, although they are not the only means of establishing social distinction in encounters. Dress, demeanor and even consumption, in everyday and ceremonial forms, all indicate social distinctions that can be enlisted to correlate strategies, as well as spatial distance and gestures, like handshakes, nods and winks. Yet among all these conventions, titles and address represent a particularly universal and effective means of relating people and coordinating expectations. More fluid than dress, more flexible than demeanor, titles and address are pervasive and effective coordination devices for controlling violence in Hawk-Dove situations and other conflictual interactions.

A final lesson to be drawn from the discussion of roles in Hawk-Dove encounters concerns the distinction between “scripts” and “correlated strategies.” Scripts provide independent self-focused instructions for action. Correlated strategies are dependent and outward looking. Parties look to the actual existing context, not to the one presupposed by the script. An analogy may clarify. “All the world’s a stage,” wrote Shakespeare, “And all the men and women merely players.”¹⁰² Players in a Shakespearian play may proceed adequately by following the script—their lines and stage directions. Scripts in the real world, however, as mentioned previously, tend to be ambiguous, vague and incomplete, forcing players on the world’s stage to improvise based cues not in the script.

To be sure, not all scripts in the social world are so indefinite. Some social roles come with highly articulated scripts (i.e., strictly prescribed conduct) especially when partnered with particular counterpart roles, like *parent* interactionally partnered *child*. When paired in such interactions role-occupants tend to follow well-known scripts. These role-pair scripts

tell individuals what to do—how to behave—in their interactions with each other. If everyone follows her script and if the scripts are “written” to avoid conflict, then coordination is assured, even absent any regard for the expectation of others. The clearer the script the better. “It is relatively easy to decide who is dominant,” observed sociologist Roger Gould, in context where “the people in them occupy roles for with there is an explicit terminology. Children and parents, workers and employers, slaves and masters typically have a vocabulary for the way they relate to each other.”¹⁰³

The more explicit the terminology and the distinctions of rank, the less likely violence and conflict will result, continued Gould, as “only one person can plausibly lay claim to preeminent status, at least if the rules are followed.”¹⁰⁴ Yet it is often not sufficient, or necessary, to rely on a belief that the rules will be followed. When, in particular, the terminology of role is unclear or the distinctions of rank are ambiguous, it would be silly to leave one’s face buried in the pages of a script. Parties, instead, look to counterparties and contexts for cues of how they expect to be treated and received in their interaction. Titles and address provide essential clues. Titles, in the broad sense of encompassing social labels, relate members of society to each other—doctor to patient, citizen to police officer, customer to clerk and so on. Beyond these dyads, parties are often subsumed within role-sets that further situate and regulate their behavior, as described below.¹⁰⁵

Regulating Role-Sets

A role-set should not be confused with the “multiple roles” that a single person might occupy at any time, such as *mother*, *lawyer*, *niece*, *employee*, *veteran*, *daughter*, *citizen* and on. These roles (or “statuses,” “social positions,” or “social statuses”) come with norms that prescribe various, and often conflicting, demands on an individual occupying them. A young *associate* at a law firm, who is a *parent* to a young child, will often face great difficulty balancing competing social expectations of those two roles alone, particularly but not only when the *parent* is a *mother*. Adding more roles only makes the balancing more challenging, but it is important to see this challenge, ultimately, as a personal one. It is a question of how an individual chooses allocates her time, attention and recourses across the multiple roles she occupies. Role-sets face a different problem, one that is interpersonal rather than personal, because role-sets characterize associated roles, simultaneously occupied by different persons. Each role or social status has complementary roles or statuses.

For example, *mother* is associated with *son* and *daughter* as well as with *father*, while *lawyer* is generally in interactional role-relationships with

client, partner, secretary, clerk, judge, opposing counsel, bailiff, and so on. Someone who is a *lawyer* will, of course, interact with people in other roles too, such as a *babysitter, parent, neighbor, doorman* and *surgeon*, but typically, hopefully, not in her role or status as *lawyer*. In her role or status as *lawyer*, the essential interpersonal problem is, as Merton put it, “identifying the social mechanisms which serve to articulate the expectations of those in the role-set so that the occupant of a status is confronted with less conflict than would obtain if these mechanisms were not at work.”¹⁰⁶ In organizational settings, address is often the central mechanism that articulates expectations in order to mitigate conflict.

Conflict within role-sets is inevitable. Occupants of connected roles or statuses develop different interests and values, not only due to inherent operational conflict between some roles, such as between prosecutor and defendant, but also, and significantly, as a result of the very processes of social differentiation that lead particular individuals to occupy distinct roles within the set. Moreover, “to the extent that members of the role-set themselves hold substantially differing statuses, they will tend to have differing expectations (moral and actuarial) of the conduct appropriate for the status occupant.”¹⁰⁷ Add to this a greater frequency and intensity of interactions within many role-sets and the likelihood conflict becomes increasingly certain.

Merton proposed a number of mechanisms that work to counteract the structural tendency toward conflict within the role-set. Some mechanisms are based on the relative importance, power and authority of the roles in the set (e.g., a judge’s evident supremacy over the courtroom bailiff reduces potential for conflict not only within the judge-bailiff dyad, but also in the judge-jury and lawyer-bailiff dyads among others). Additional mechanisms contain conflict by limiting the observability or verifiability of dyadic exchanges within the larger role-set. Take, for example, the dispensation afforded a lawyer to speak the judge in chambers away from jurors and other audience, or the rule allowing privileged and confidential information between lawyer and client. More extreme responses might even limit or eliminate interactions within a role-dyad.¹⁰⁸ It is sometimes essential to abridge the role-set, e.g., limiting who may speak to whom (as well as how and when), to maintain a stronger “consensus of role-expectations among those who remain.”¹⁰⁹

Forms of address serve to articulate and maintain expectations within functional role-sets.¹¹⁰ Address literally verbalizes expectations across role-relationships.¹¹¹ Conflict reduction is especially important in institutions that deploy purposeful, if not “rational,” violence. Separating senseless violence from the purposeful sort is the first task in the efficient organization of

violence. Next is to eliminate or reduce the senseless and to refine purposeful aggression. Address fulfills a key function at this stage. Think about address practices in organizations that typically engage in violence. Military and mafia address may first come to mind. Members of these organizations are trained and habituated to carry out brutal acts, and the way they address each other and their victims undoubtedly facilitates their efficient operation. Yet, the success of address regulating premeditated violence is best evidenced not by professional killers, but by the way address enlists ordinary civilians to participate in extraordinary violence—sometimes lawful (e.g., capital jurors) sometimes not (mobs engaged in lynching and stoning).

Framework, Unit of Analysis and Further Caveats

Titles and associated address do more than honor their holders. Often the status norm of titles indicates who, if anyone, is to be master of a situation and who is to be subservient. Yet, titles are not the only way to determine situational dominance. Why, then, distinguish them here from other focal coordination devices? One reason is the degree to which titles allow for complexity in relating and coordinating people. Consider, as an alternative, proximity to or possession of physical property, such as clothing, a crown, land or some other object. Possession is an excellent cue of one's dominance over property and one's perceived rights and status with respect to others as signified through that property. In this way possession of property serves a central coordination function by making clear certain expectations of behavior and discouraging wasteful conflict. Property, however, as elaborated in the next chapter, can have constraining, as well as facilitating effects on expectations in interactions. Moreover, possession does not easily distinguish among various relations and contingent claims. One's asserted dominance over property sends the same signal to all manner of those who observe it (with only a limited number variations typically observed; indeed the limited forms of possessory entitlements (i.e., *numerus clausus*) is thought an essential feature of property.

Titles, on the other hand, allow for rights and obligations that vary significantly across categories of individuals, which provides for more nuanced interactions. A hierarchy of n titles allows for $n(n + 1)/2$ unique two-party combinations of titleholders. Just 6 titles (e.g., on a hospital ward—attendant, nurse, resident, doctor, surgeon, and chief—or at a baseball game—ball boy, captain, coach, manager, umpire and fan, called sir or ma'am) will generate 21 distinct pairings, 15 of which are hierarchically nonequivalent. But having more titles comes at a price. Simple possession of property is readily observable with broad social significance, like skin

color in many cultures, making it an obvious candidate for focal coordination. A large number of titles, however, requires much shared knowledge among parties (such as that observed in the military and other hierarchical organizations) or expert interpreters (such as oracles, guilds, arbitrators and lawyers) of the words' meaning. Relying on experts would be, in most situations, very inefficient. Knowledge of titles and their rank among ordinary participants, however, is what advantages them as focal devices. "It is the great convenience of a hierarchical society," as Gordon Woods observed, "that this sort of knowledge is easy to come by and widely diffused."

[the remainder of this final section, to be completed, briefly discusses the unit of analysis; psychologically anonymous agents; partial equilibria and the totality of social encounters; treating "institutions as rules of the game" versus "institutions as equilibria", single-exit frameworks; critique of situational determinism and determinist 'linguistik-system'; and adds a few more minor caveats.].

4. political address

Article I, Section 9 of the U.S. Constitution states that “No Titles of Nobility shall be granted by the United States.” Yet foreign visitors to eighteenth century America were often surprised by the embarrassment of social distinctions and titles among the colonists. Titles were a currency of the time, in wide use and subject to inflation. General George Washington, for example, sought the presidential title *His High Mightiness, the President of the United States and Protector of Their Liberties*. He changed his mind, settling for “Mr. President,” after hearing that “His High Mightiness” sounded too much of royalty. The change of mind was telling. It was not simply a question of titles or even lofty ones. What Americans resisted by prohibiting titles of nobility, as well as corruption of blood, were the prevailing privileges and disabilities of birth.

Noble titles, their precedence and associated conventions, were the cornerstone of the inherited advantages that ordered social relations and exchanges in the countries from which the colonists came. It was not always that way. Venerable titles, like *duke* and *count*, were once based more on merit than the arbitrariness of birth. In Roman antiquity these designations marked titles of office and command over territories. Officeholders had no personal rights over the titles or the territories. All entitlements belonged to the office; the officeholder retained no power beyond the pendency his term. But over time the territories were given as spoils of military and political service, rendering the lands feudal and inheritable, and making “perpetual (being before temporary),” the holding of titles.¹¹²

Titles soon ceased to signify office, although they remained attached to the territories: “the feudal dignities were those of duke, marquis, and earl, and were not mere personal distinctions, but annexed to lands.” In time, however, even then annexation to land was abandoned: “men were made dukes, counts, marquises, and barons of places, herein they had neither possession nor command.” Eventually, as Thomas Hobbes observed (relying largely on John Selden) in *Leviathan*, the old “offices of honour, by occasion of trouble and for reasons of good and peaceable

government, were turned into *mere titles*, serving for the most part to distinguish the precedence, place, and order of subjects in the commonwealth.”

Calling them “mere” titles was not meant to suggest that they were insignificant. Hobbes, in fact, thought these mere titles were essential for stable state formation. In *Elements of Law*, he emphasized the importance of shared names and appellations to escape from natural condition to the civil state. “In the state of nature, where every man is his own judge, and differeth from other concerning the names and appellations of things, and from those differences arise quarrels, and breach of peace; it was necessary there should be a common measure of *all things* that might fall in controversy” (emphasis added). While in *Elements of Law* he gives example of the need for common measure of things like what is a ‘pound’ or ‘quart’, else there will be continual fights, in *Leviathan* it clear that persons too must be measured for the same reason. “[C]onsidering what values men are naturally apt to set upon themselves, what respect they look for from others, and how little they value other men, from whence continually arise amongst them emulation, quarrels, factions, and at last war,” Hobbes continued, “it is necessary that there be laws of honour and a public rate of the worth of such men as have deserved or are able to deserve well of the commonwealth, and that there be force in the hands of some or other to put those laws in execution.”

Notwithstanding the claimed necessity “that there be force in the hands of some” to enforce the laws of honor and public rate of worth or rank, it is important to observe that a principal force behind compliance (and avoidance of conflict) was simply having a commonly known order of persons, “announced” through styles and forms of address to those present in situations of potential conflict. The sovereign’s acknowledged prerogative to declare the rank of subjects was the key enabling source of its authority.* “To the sovereign therefore it belongeth also to give titles of honour and to appoint what order of place and dignity each man shall hold and what signs of respect in public or private meetings they shall give to one another.” When Hobbes wrote this he was not suggesting that the sovereign’s statement of rank was completely arbitrary, although it could well have been, and in some cases, no doubt, was arbitrary. He had seen the sovereign’s ranking “a public rate of he worth of such men as have deserved or are able to deserve well of the commonwealth.” But deservingness should not be overstated.

Take, for example, controversy stirred after Henry VIII created his mistress, Anne Boleyn, the Marchioness of Pembroke in 1532, giving her precedence over all her rank. In doing so he disturbed the old and equitable ordering principle, true for property as well as the peerage, of priority going to those first in time. Earlier created marchionesses were surely infuriated that they had to defer to the royal mistress, yet their fury would have only revealed the exceptional nature of the king’s pronouncement. Despite the outrage they would comply with the pronouncement, not necessarily because Boleyn was worthy of the honor and dignity, nor entirely

*A popular eighteenth century pamphlet made this point exceptionally clear: “Precedency, like Forms in Parliament, considered only in itself, is ridiculous and vain: But considered as a Means to the Support of Dignity and Order, is essential to the very Existence of Authority.” *The Question of the Precedency of the Peers of Ireland in England*, 1739.

because they feared retribution from the enforcers of the king's honor regime. The source of compliance was more internal. Self-restraint and self-enforcement were the principle mechanisms of order in the king's court and, eventually, throughout the realm.

A distinction between self-restraint and self-enforcement should be observed as they relate to titles, polite address and other civil practices. In his classic work, *The Civilizing Process*, Norbert Elias described how civility and manners at court, and later in the country, taught subjects to defer their immediate, often violence, impulses. Through forms of address—along with increasingly refined standards concerning table manners, bodily functions and the like—self-restraint became internalized, which supported the conditions for early modern state formation.¹¹³ Although not without its critics, Elias's thesis of court etiquette and the process of learning self-restraint undoubtedly provides great insight about violence and the modern state.¹¹⁴ The focus of this chapter, however, is self-enforcement, which operates by a different, although not necessarily independent, mechanism.

A sovereign, as the fountain of all honor within the realm, merely had to state an order of rank and precedence to curb quarrels, factions, and war. Common knowledge of the stated order was enough to sustain deference to that order, both in public encounters and private ones beyond their gaze of the sovereign's enforcers. The ritual public practices of address and other civilities spread the knowledge of rank and the knowledge of the knowledge of that and so on. The sovereign's sole authority to determine, whether rightly or wrongly, where everyone falls along the social scale and the routines for creating public knowledge of that ordering were key to self-enforcement. Any unique ordering—established through titles, honor or other—can be enlisted, even absent external enforcement, to structure all sorts of coordinated interactions that might otherwise end in quarrels and conflicts.

circulation of elites

Hawk-Dove interactions, of the sort described in the prior chapter, offer one clear example of the way in which titles maybe enlisted to circumvent conflict. Titles and the associated conventions of styles and deferential address can create publicly observable (audible) signs that allow parties to correlate strategies. Using correlated equilibrium strategies, parties can limit the risks of coordination failure and conflict across many contexts. Additionally, titles and address are key features of social norms and practice that create (as opposed to simply 'correlate') equilibria. Consider, for instance, the common contest depicted below, known as the *Prisoners' Dilemma*.

In this interaction, each players can choose to either *comply* (i.e., cooperate) with the other player or *dominate* the other, at least attempt to do so. Mutual compliance produces an egalitarian and Pareto Efficient outcome for the parties, leaving each with a payoff of 2 in the stage game. However, if one party chooses to be compliant, the other will find it individually rational to dominate him and get a payoff of 3 instead to 2, while leaving the compliant party with 0. When the game is played once their is only one rational outcome. Each party will have incentive to

		j	
		comply	dominate
i	comply	2, 2	0, 3
	dominate	3, 0	1, 1

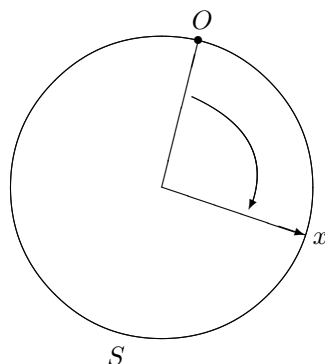
choose *dominate*, and when both do the, they each receive a payoff of 1, the worse joint outcome and the only equilibrium outcome.

Repeating the game for an indefinite number of rounds, however, other equilibrium outcomes become possible. The parties may, for instance, agree to *comply* so long as neither has attempted to dominate the other in any prior round and otherwise choose *dominate* in every subsequent round. For parties who care sufficiently about the future, the threat of facing the grim prospect of a counterparty who will never comply is enough to discourage any immediate desire to dominate him.¹¹⁵ Or the parties can choose to take turns—one dominating while the other complies in any given round and switching in the next round—in a kind of tit-for-tat reciprocal interaction where they end up with roughly comparable payoffs. Numerous other strategies that leave the parties on average better off than the one-round interaction are imaginable.

One might presume that the parties would only, perhaps even could only, choose strategies that result in fairly egalitarian outcomes. Yet observed inequalities across societies and over time counsels this presumption. Rational inequality could very well arise in the context of this interaction with the support of social norms and institutions like polite address and conferred titles. To see this, imagine a society with some large number of individuals, who are uniformly distributed around a circle with circumference equal to distance $2S$.[†] These individuals are matched in every round through some technology to play the stage game described above. To motivate the matching technology, picture some random point on the circumference, say O , as shown in the figure below, that represents the location of player O . Now imagine a spinner set at point O being spun once. The spinner can be spun in either direction, clockwise or counterclockwise, but the pointer will not pass O .

[†]A circle seems appropriate for modeling the American-English context. Compared to the royal centrality of France, where even in “purely spatial terms” the king’s court served as the locus through which the nobility constituted itself, in England, particularly after 1688, the aristocracy relied more on “a multiplicity of focal points,” as Jorge Ardití observed, “around which action is oriented and in terms of which the group takes shape.” see Jorge Ardití, *A Genealogy of Manners: Transformations of Social Relations in France and England from the Fourteenth to the Eighteenth Century*, The University of Chicago Press, Chicago, 1998, at 218. Speaking of sixteenth and seventeenth century France, Ardití writes, “[i]n purely spatial terms—living much of the time close to each other, sharing the same routines, meeting at almost every occasion, having to overcome, together, the very real boredom of life at court—the multitude of courtiers that crowded the king’s palace were literally forced to bear one another’s company for long periods of time.” [145]

The pointer may stop at any other point on the circumference. Let's say it stops at point x following a clockwise spin. There are a number of ways we could describe the likelihood of this outcome occurring.¹¹⁶



The spinner could have some pull (drawing it away from its origin) or some resistance, making it more likely to come to rest near its point of departure. Intuitively, this means that the players would be more often matched for interactions with those who are closer to them geographically, socially or however else distance around the circle is interpreted. The circle's circumference defines the space of interaction and the spinner (possibly with resistance or pull) provides the matching technology.

Without loss of generality, assume there is neither resistance nor pull on the spinner, meaning all pairs of players are equally likely to be matched in any round. It is perhaps tempting to imagine that across many interactions and over time the payers would receive relatively equal payoffs, but what if the society on the circle's circumference is divided between noble orders and commoners. Suppose there is some mass $p \in (\frac{1}{2}, 1)$ of commoners and the rest are noble. Suppose further a social norm, similar to that proposed by Dal Bó (2007), where commoners always *comply* and noble elite *comply* only when matched with each other and otherwise *dominate*. So long as the commoners continue to follow the social norm with the threat of playing *dominate* if anyone deviates from the norm, then this norm supports an equilibrium strategy where commoners get $2p$ on average (which is greater than the average alternative payoff where everyone chooses to play *dominate*) and the noble elite get $2 + p$ on average (also better than the alternative).[‡]

A regulated institution of titles with requisite forms of address produces an inegalitarian structure where nobles receive higher payoffs and are deferred to, while they dominate those 'beneath' them and comply only with their peers. Titles

[‡]A formal appendix is available upon request. This equilibria maybe established based on a Folk Theorem result, or as I prefer, based on a simple 2-period model with community enfacement.

divide the society and styles (addresses) makes it common knowledge which actions parties expect in any round. This simple heuristic of play around the circle offers some insight into the structure of early European political formation. It is not the entire story, but is it an important part, with rippling effects across the Atlantic and over time as we shall see. First, however, a little more about the early practice.

order all the way down

Although the written Orders of precedence (in the English Commonwealth) limited their discussions to persons of higher rank—the royal family, the peerage, the baronetage, the knightage, officers of state, ecclesiastic orders, the judiciary and esquires among other privileged social groups—it is important to bear in mind that precedential order was known all the way down to and within the ranks of low commoners.¹¹⁷ Everyone in the feudal regime had his and her place, and this was common knowledge. They held to a strict social hierarchy, believed to be a part of the divine plan, a role for the king, the gentlemen, yeomen, artificers common laborers. At the margins, economic and social movements might influence expectation in the lower orders, which caused some trouble as merchants, artificers, and skilled craftsmen sought greater deference. Artificers in particular, it has been suggested, seemed to be not just moving up but creating their own class above other manual workers. They often took on younger sons of gentlemen as apprentices, observing and seeking to imitate the habits of the gentility. They sought to adopt manners, speech, dress and titles to signal their new status.

Early signs of a fundamental realignment of status-formation—from the old ways to the modern—were visible in market transactions contesting the sovereign’s *legitimate* monopoly to determine the social order. Someone who could afford the trappings of a gentleman might demand to be called Master; while ordinary yeomen wanted to be called goodman. These “[s]ocial upstarts, some critics claimed, not only were dressing above their station; but were expecting to be addressed above it, as well.” It is perhaps unsurprising then, as observed by the renowned professor of English, Joseph Williams, that “the first instance of sustained condemnation of any specific point of English usage concerned not word choice, pronunciation, or grammar, but how Elizabethans used titles of address such as Master, sir, and, goodman. It was the first topic in our social history through which critics alleged that a specific item of usage threatened the social order.”

This was not some pedantic hairsplitting deliberation among fussy English dons. Weighty and trivial everyday affairs hung in the balance. “[W]hen the meaner sort dropped their visible distinctions of dress, some feared that the social order was threatened both by the lack of sartorial distinctions and by the consequent inability to know how to address a stranger. The increasing absence of signs of the social order seemed to threaten the order itself.” It was not the first time (nor, of course, the last) that the market threatened to undermine established social order.[§]

[§]Contestation over the correct allocation of labor, for instance, crystalized in the famous Mill-Carlyle debate over slavery, which led Thomas Carlyle to indelibly dub economics the “dismal science,” for its failure to recognize and follow the divine social order. Releas-



By the time of Queen Elizabeth and her leading jurist, Sir Edward Coke, English titles were set apart from land. It was market that prodded this change. Titles became incorporeal hereditaments—unhinged from real property, thereby allowing alienation of land while preserving a stability of rank—because the evolving feudal regime for transactions involving property introduced glitches in the social order. “By the feudal law dignities were transferable with the feuds to which they were annexed; so that if an estate, which had been erected into a duchy or marquissate, was sold with the consent of the feudal lord, the purchaser acquired the dignity, as well as the estate.”[¶] The market thus became a separate font of honor. The effect of this was not only a challenged the sovereigns exclusive authority to determine social status, but it also confounded the focal device of known and accepted rank.

Partitioned from land, however, mere titles could be maintained without hindering the market for realty or the sovereign’s order.^{||} Separating titles from

ing labor to the impulses of the market, Carlyle argued, only magnified the governance problem of ordering differently abled actors (different by divine design):

what relations the Eternal Maker has establish between these two creatures in the respective qualities, strengths, necessities and capabilities this will be a long problem; only to be solved by the continuous human endeavor, to find the rights terms of a contract that will endure, and be sanctioned by Heaven, and obtained prosperity on Earth between the two.

Carlyle asks, “What are the true relations between Negro and White, their mutual duties under the sight of the Maker of them both; what human laws will assist both to comply more and more with these? Certainly not the laws of supply and demand, he answered,—“this of declaring that Negro and White are unrelated, loose from one another, on a footing of perfect equality, and subject to no law but that of Supply and Demand according to the Dismal Science; this which contradicts the palpablest facts, is clearly no solution, and every hour we persist in this is leading us towards dissolution instead of solution.”

[¶]Cruise, Section 6 (p. 3). See also Blackstone: “The right of peerage seems to have been originally territorial; that is, annexed to lands, honors, castles, manors, and the like, the proprietors and possessors of which were (in right of those estates) allowed to be peers of the realm, and were summoned to parliament to do suit and service to their sovereign: and, when the land was alienated, the dignity passed with as appendant ... But afterwards, when alienations grew to be frequent, the dignity of peerage was confined to the lineage of the party ennobled, and instead of territorial became personal. Actual proof of a tenure by barony became no longer necessary to constitute a lord of parliament; but the record of the writ of summons to them or their ancestors was admitted as a sufficient evidence of the tenure.”

^{||}Blackstone also suggests that the partitioning of titles from property was related to the frequency of alienation of land: “so here it seems like heredity is what causes the removal of titles from the lands annexed to them.” Requiring the sovereign’s express consent for every transfer of ennobled land would reassert the dominance of the sovereign, but increase the transaction costs of sales. Separating the land from the title may have been the lowest costs means of preserving the sovereigns authority. Blackstone provides additional reasons, i.e., occasions of trouble, which may brought about the partitioning of land and titles. In his discussion of the title “baron,” he notes that as it was given to ever more people, the title signified less, until it became a “mere title”: “A barons is the most general and universal title of nobility; for originally every one of peers of superior rank had also a barony annexed to his other titles. But it has sometimes happened that,

property solved the troubles caused by feudal realty law, it also allowed high titleholders greater capacity to exercise dominance beyond the sphere of individual fiefdoms. Landed titles entailed rights and obligations associated with properties, *in rem*, as opposed to the evolved titles, which were more *in personam*. Once titles were no longer confined by property, but rested in the person, the power of the title became as mobile as the person. Imperialist titleholders needn't expand their territorial ownership to increase their dominance. Wherever they moved they carried their dignity, and hence their capacity to dominate, with them.

In terms of the model described above, partitioning title from land would mean that the deference strategy was no longer localized. Nobles could move anywhere on the circle's circumference and expect deference. The expectation of deference itself could make deferring in response an optimal strategy. This allowed a tremendous expansion of authority by nobles over the lower orders. Colonists in America on the eve of their Revolution understood this in all its practical weight. They resisted the incorporeal hereditaments of titles and other emoluments because they knew it was an essential aspect of the political order against which they would revolt. [The remainder of this chapter explores certain historical aspects of titles in colonial and antebellum America. The following chapter pick up this history following the American Civil War.]

native titles

The early European colonists of America did not, of course, find a land devoid of status, rank and precedence. What they did observe among the native tribes, however, was not entirely familiar to them. They saw peculiar organizations of precedence and property, which they attempted to render sensible by overlaying what they knew from Europe. They look at the sachem,—the title given the chief

when an ancient baron has been raised to a new degree of peerage, in the course of a few generation the two titles have descended differently; one perhaps to the male descendants, the other to the heirs general; whereby the earldom or other superior title has subsisted without a barony: and there are also modern instances where earls and viscounts have been created without annexing a barony to their other honors: so that now the rule does not hold universally, that all peers are barons ... It may be collected from king John's magna carta, that originally all lords of manors, or barons, that held of the king in capite [in chief], had seats in the great council or parliament, till about the reign of that prince the conflux of them became so large and troublesome, that the king was obliged to divide them, and summon only the greater barons in person . . . which gave rise to the separation of the two houses of parliament. By degrees the title came to be confined to the greater barons, or lords of parliament only; and there were no other barons among the peerage but such as were summoned by writ, in respect of the tenure of their lands or baronies, till Richard the second first made it a mere title of honor, by conferring it on diverse persons by his letters patent." Additionally, as Blackstone also mentions, "[a] peer cannot lose his nobility, but by death or attainder." So "it has been said indeed, that if a baron waste his estate, so that he is not able to support the degree, the king may degrade him: but it is expressly held by later authorities, that a peer cannot be degraded but by act of parliament." Perhaps the fact that titles could not be taken away led to its dissociation from land and office.

or head of some native New England tribes—and imagined he, or she, exercised dominion over lands (which they called sachemdoms or sachemship, or the realm of a sachem) as European lords dominated their lordships. Like levels in the peerage, there was suggested that among certain tribes “[t]heir principal chiefs were called Sachems; their subordinate ones, Sagamores.” It was not an accurate translation, but by imposing some order of precedence and property over native tribes, various colonial interests were able to effectively exercise authority over sachemships without war and outright conflict. The New England Company, for instance, through a series of transactions eventually became sachem of Wampanoag lands in Massachusetts. As such the corporation could not evict tribal occupants, but it could rightly (even in the eyes of most tribal members) give orders to determine how the land would be used each season and which members of the tribe would enjoy use of which tracts.

Precedence among the early colonists was also different on the frontier than it had been in the metropole. “The wilderness environment from the beginning had threatened the maintenance of elaborate social distinctions.” Along the frontier, said Arthur Schlesinger, “it was man alone, not his ancestors, who counted.” Schlesinger probably leaned too much on the image of the frontier and the figure of the isolated rugged individual. Most colonists lived in societies where kinship mattered, even if differently than it did in Europe. The cultural, political and religious beliefs they brought along with them also continued to resonate in their daily interactions. Which is to say that they brought whole cloth the traditional practices and beliefs of the old world.¹¹⁸

Moreover, the colonists relied extensively on the militia, particularly in the South, to give structure to civil society. Military rank and titles were “carried over into private life.” The military template for patterning social hierarchy was so pervasive that actual military service was often unnecessary. In Virginia, tavern keepers were called “majors” and gentlemen were “colonels,” regardless of their militia participation. Although these conventions served some local purposes, it must have been perplexing to European travelers to the colonies. As one visitor, “Edward Kimber wrote in 1746, ‘Wherever you travel in Maryland (as also in Virginia and Carolina) your Ears are constantly astonished at the number of Colonels, Majors, and Captains, that you hear mention’.” The militia was not the only source of titles. There were, to be sure, few inherited titles, like duke, earl, or baron—these English titles rarely survived on American soil—but there was no shortages of esquires, doctors, reverends, right reverends, your honors, yeomen, husbandmen, gentlemen, merchants and various tradesmen. These titles, interacting with each other, directed and maintained order within encounters, from the trivial “allocation of talking time” to the serious “inhibition of hostility.”

Social interaction among colonists was less a function of group and class membership, says Gordon Wood, than structured dyadic exchange: “most people could locate themselves only in superiority or in inferiority to someone else. Their behaviors and courtesies were always relative[,]—depending on the person with whom they were dealing.” Titles played the central role in sorting out the relatedness of people, where “the degrees of these relationships could sometimes be calculated with startling precision.” Precision followed from familiarity. When everyone knows their place and those of others it’s easy to figure out what’s required

for order.

revolution and political re-formation

Difficulties arose, however, with the great movements of people and commerce leading up to the American Revolution. Old relational structures become unsettled and new ones were created. Patronage waned as market forces extended their reach, preparing the ground for sweeping political and economic changes. These changes were reflected in the usage of titles and address. As the American Revolution approached the title ‘merchant’, once reserved for a relatively small group of elite businessmen, “lost its exclusivity.” At the same time “the designations of ‘yeoman’ and ‘husbandman’ dropped out of use [while] ‘Mr.’ increasingly came into general use among adult white males.”

In a world where all white men would be “citizens,” even radical elites feared the absence of distinctions among them would promote social conflict and political instability. Conservative calls were made to establish “an order of patricians [with] a title one degree above that of esquire” or a nonhereditary noble class to counter the imminent threat to “the most elemental principles of order and discipline in society.” The American revolutionaries were not so radical as to disregard these elementary principles. Even John Adam, a rabid advocate for the abolition of titles of nobility, argued that “it is of Consequence that the Titles denoting those Ranks should not be confounded.”

The Founders hewed to what they saw as an obvious and necessary distinction between social equality and civic equality (i.e. civil and political equality under law). No revolution could achieve the former, at least none that they imagined or desired. America’s revolution was grounded in the ideals of civil and political equality among capable white men. “In embracing the idea of civic equality,” Gordon Wood notes, “the revolutionaries had not intended to level their society. They knew that any society, however republican and however devoted to the principles of equality, would still have to have ‘some Distinctions and Gradations of Rank arising from education and other accidental Circumstances.’ ”

Some distinctions and gradations were thought natural and inevitable. Few revolutionaries believed women or inferior races could responsibly exercise civic privileges. Nor could white men, rendered disabled by God or nature, vote or engage in civil transactions with sound mind. The rest, however, were equal in law, but law could never make them social equals. This was a basic proposition to the founders of the nation. The proclaimed self-evident truth in the Declaration of Independence, “that all men are created equal,” was a statement of equality before law and the state, not before society.

Yet, however willing to their were to countenance social distinctions, the Founders were fervently committed to the abolition of hereditary titles in the new country. They feared what had become the natural imperialism of noble titles. They knew these titles allowed their holders to exercise authority without enforcers and beyond territories where they held legitimate command. If ennobled persons walked about the territorial landscape of America as privileged citizens, with their

titles and sense of precedence, they would exercise authority over ordinary citizens and always expand the scope of aristocratic authority. This effect and distrust of hereditary titles were very much part of the American revolutionary dialogue.

In 1775, Thomas Paine wrote in the *Pennsylvania Magazine* a “Reflection on Titles,”¹¹⁹ which described an acute awareness of the tendency among the masses to unthinkingly defer to holders of noble titles. “Dignities and high sounding names have different effects on different beholders. The lustre of the Star and the title of My Lord, over-awe the superstitious vulgar, and forbid them to inquire into the character of the possessor.” Bypassing the need for inquiry into character, however, is a key aspect of the power of titles to coordinate. One needn’t assess Anne Boleyn’s character to know whether to defer to her once she was created Marchioness of Pembroke. Titles answered such questions (often given voice through polite address) and if that were all they did, Paine might not have found them so objectionable.

Commoners did not see the titles and prerogatives of nobles as simply a means to coordinate. “Nay more, they are, as it were, bewitched to admire in the great, the vices they would honestly condemn in themselves.” Titles casted a spell over the political imagination of ordinary men, argued Paine, leading them to surrender critical judgement about the rightness over the order of things. “This sacrifice of common sense is the certain badge which distinguishes slavery from freedom; for when men yield up the privilege of thinking, the last shadow of liberty quits the horizon.”

While “the reasonable freeman sees through the magic of a title, and examines the man before he approves him,” Paine feared the simpleminded masses would defer to noble titles as the pre-existing political regime had demanded of them and their ancestors for nearly a millenia. He was not alone. The mindless deference of the masses to hereditary elites was also discussed at the Constitutional Convention. In resisting popular elections as a means of electing the executive of the newly formed United States of America, Elbridge Gerry argued that “The ignorance of the people would put it in the power of some one set of men dispersed through the Union & acting in Concert to delude them into any appointment. [S]uch a Society of men existed in the Order of the Cincinnati.”

The Order of the Cincinnati—which based its name on the Roman patrician Cincinnatus, an aristocrat who twice took the title dictator, *Magister Populi*, during military challenges to the Roman Republic, and twice relinquished the title and rank after securing victory—was founded as a hereditary society for military officers who served in the American Revolutionary War. George Washington was the first President General of the Order, Alexander Hamilton was the second, and Charles Pinckney the third. The Order’s larger membership was also filled with heroes of the revolutionary war and their sons.

“They are respectable,” conceded Gerry, and through the Order they are “United, and influential. They will in fact elect the chief Magistrate in every instance, if the election be referred to the people.” Beyond Gerry, vocal critics of the hereditary Order included Benjamin Franklin, Thomas Jefferson, and John Adams among other Founders. Concerns of such threats from within, from respectable heroes of the war for American independence, along with the continuing threat from monarchs abroad, with colonial outposts bordering on the fragile Union, en-

couraging the Founders to prohibit noble titles in the Federal Constitution.

The purpose of the prohibition was viewed as apparent and essential. “Nothing need be said to illustrate the importance of the prohibition of titles of nobility,” wrote Alexander Hamilton in *The Federalist Papers* No. 84, “This may truly be denominated the corner-stone of republican government; for so long as they are excluded, there can never be serious danger that the government will be any other than that of the people.”

after the revolution

Article I, Section 9 of the federal Constitution states, in relevant part, that “No Titles of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign state.” The language followed from the Articles of Confederation, which prohibited each state as well as the states assembled (as the United States) from granting “any title of nobility.”¹²⁰ Individually, states also took it upon themselves to ban titles of nobility.

State constitutions, such as those of Georgia (1777), Maryland (1776), Massachusetts (1780), North Carolina (1776) and Virginia (1776), were all explicit in censuring hereditary titles.¹²¹ Moreover, in 1810, the federal congress and the states reaffirmed the nation’s principle opposition to titles of nobility, when the House and Senate passed a proposed amendment to the Constitution stating that “if any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, ... from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States.”

Threatening to denaturalize citizens for accepting foreign honorifics was too much. The proposed amendment failed to carry. But it was close. Had just two more states ratified the proposal, it would have become the Thirteenth Amendment of the Constitution. An irony, to be sure, for it was the eventual Thirteenth Amendment—adopted more than half a century later, and only after a civil war—that removed the sole hereditary distinction inscribed in the Constitution. Yet even in its failure, the would-be Thirteenth Amendment of 1810 reveals important insights about the fear and functioning of noble titles in the early United States.

Why, at this particular point, did Congress seek to disable citizens from accepting foreign titles? The congressional record is thin, but there is some evidence telling an important connection between titles and state formation. Most provocatively, some historians point to the 1803 marriage of Napoleon Bonaparte’s younger brother, Jerome, to an American, Elizabeth (Betsey) Patterson, daughter of a prominent Republican family.¹²² The short marriage produce one child, a boy, named Jerome Napoleon Bonaparte, who was feared in some quarters to be a real threat to American republican order.¹²³ Yet his uncle, Napoleon Bonaparte, was the more credible and immediate menace.¹²⁴

Napoleon’s accession in France was evidence of the continuing monarchical threat to American republicanism. French revolutionaries, like their American

counterparts, had abolished titles in the wake of their revolution in 1789. And even though the American Revolution preceded France's, the latter struck a much more profound blow to monarchical order, right in the center of the metropole rather than at some distant colonial outpost. "The reason why the French Revolution was, at least up to its time, the greatest incubator of extremist ideologies, 'progressive' and 'reactionary' alike, in human history was," wrote Clifford Geertz, "because the central organizing principle of political life, the divine right of kings, was destroyed." Napoleon recognized this fact, which facilitated his grasps of the throne. But he would not leave undisturbed the ideological vacuum that allowed his rise.

In 1808, however, Napoleon reinstated titles as part of his empire building in Europe and Northern Africa. Both Napoleon and U.S. Congress understood the importance titles in securing political and social order. Titles are a kind of cultural symbol-system, an ideology as Clifford Geertz puts it, which provide "extrinsic sources of information, templates for the organization of social and psychological processes, [and] they come most crucially into play in situations where the particular kind of information they contain is lacking, where institutionalized guides for behavior, thought, or feeling are weak or absent. It is in country unfamiliar emotionally or topographically that one needs poems and road maps." In other words, it is when institutions are fragile, when they are least able to structure social intercourse, that titles, as an extrinsic source of information, may subtly guide behavior most.¹²⁵

By reviving titles, nobility and *de jure* rank, including the reintroduction of slavery in the French colonies, Napoleon provided a familiar basis to securing his new order. To watch him breathe life in the old order must have been alarming to the Americans and their young republic. Viewed in this light, one need not be convinced that the child, Jerome Napoleon, constituted a threat to the American polity to believe that his mere presence exacerbated popular fears of European influence and reinstatement of the old social order suffused with aristocratic and hereditary privileges.

No doubt some public actors at the time did consider the Bonapartes of Maryland to be a threat to the United States. Betsy Bonaparte's ambitious behavior only contributed to this sense of threat. She actively sought the benefits attendant to European nobility, and she went out of her way to publicly demonstrate her possession of these benefits in Washington, D.C., and Baltimore. In November 1809, Betsy secured a large annuity from Napoleon, which had been promised to her at the time of the marriage to Jerome. This annuity, combined with Betsy's social position and the fact that her child possessed Bonaparte lineage, raised the hackles of Americans who wished to protect the fledgling states from foreign influence.¹²⁶

Whether any of this actually threatened the fledgling United States, her spectacle clearly did prompt Senator Thomas Pickering's scrutiny. Pickering recorded rumors that Napoleon had sent a "Squire" to attend to Jerome Napoleon, along with sums of money; and that "every one's eye" was watching the boy "destined by his imperial uncle to a throne." Pickering further wrote that "'a lady of [Betsy's] character' and her 'so connected' son could not 'with safety be allowed to reside within the United States.'" Yet there were larger, more sinister, forces at work

than Betsy and her boy.

The proposed Titles of Nobility Amendment was a manifestation of hostility and fear of foreign influence during the Napoleonic era and the nascence of the United States polity. This was an era where suspicion of political opponents' loyalties was a regular feature of party politics; it was also punctuated by a few conspiracies and scandals that contributed to the the controversy.¹²⁷ There were accusations of collusion between Thomas Jefferson and Napoleon, or John Adams and the British, which certainly seem far-fetched in hindsight.¹²⁸ Similarly, there were a whole host of conspiracy trials and accusations, some well-founded, leveled against high-ranking members of the United States military in the years leading up to the 1810 proposed Amendment.¹²⁹

When the Amendment was introduced in 1810 by Senator Philip Reed of Maryland, a Democrat-Republican, the language in the first draft was similar to the federal naturalization bill passed in 1795, which required the renunciation of titles and orders of nobility by any emigrant alien applying for citizenship. Old anxieties over hereditary societies certainly played a part in the development of the 1795 Naturalization Act and the proposed Titles of Nobility Amendment. But there were new anxieties at play too.¹³⁰

Whatever fears and concerns that gave rise to it, the proposed Titles of Nobility Amendment was quickly voted out of both houses and ratified by ten states, just two states short at the close of the War of 1812 to become part of the Constitution. [check numbers]. Yet with the end of the war, it appears that urgency behind passing the Amendment had dissipated. The Amendment was never to be ratified into the constitutional text. Yet the imperative behind it—its desire to wipe clean state-sanctioned hereditary privileges—would continue to influence political participation and citizen behavior in fundamental ways through the Civil Rights Movement of the 1960s and after. This is pursued in the next chapter, on civil address..

Notes

¹Dov Cohen, Richard E. Nisbett, Brian F. Bowdle and Norbert Schwarz, "Insult, Aggression, and the Southern Culture of Honor: An 'Experimental Ethnography'," *Journal of Personality and Social Psychology*, May 1996, vol. 70 (5):945-60 (finding an effect of disparaging address in cortisol levels).

²Alvin F. Poussaint, "A Negro Psychiatrist Explains the Negro Psyche," *New York Times*, August 20, 1967. Susan Ervin-Tripp (1972) discussed Poussaint's account in her foundational work on address.

³Friederike Braun, *Terms of Address: Problems of Patterns and Usage in Various Languages and Cultures* (Berlin: Mouton de Gruyter, 1988), 7.

⁴H. D. Baker, "Degrees of Freedom: Slavery in Mid-First Millennium BC Babylonia," *World Archaeology* 33, no. 1, *The Archaeology of Slavery* (June 2001): 18-26. At p. 20 (citation, Dandamaev 1984: 81-102, omitted).

⁵*Id.*, 22.

⁶"Certain types of name were restricted to slaves and seem not to have been borne by free persons living in Babylon." *Id.*, 22. See also, Rivkah Harris, 'Notes on the Slave Names of Old Babylonian Sippar,' *Journal of Cuneiform Studies* 29, no. 1 (Jan. 1977): 46-51.

⁷Eleanor Dickey, "Forms of Address and Conversational Language in Aristophanes and Menander," *Mnemosyne*, Fourth Series 48, no. 3 (1995): 257-271, at 258.

⁸Depositions, trial transcripts and other legal records of conversational exchanges are, of course, obvious exceptions.

⁹Aristotle acknowledged as much, in *Poetics*, by challenging critics who "ridiculed the tragedians for using phrases which no one would employ in ordinary speech" without appreciating that "[i]t is precisely because such phrases are not part of the current idiom that they give distinction to" tragic style. Dickey, "Forms of Address," 259. See also, Aristotle, *Poetics* (Part XXII), Translation by S.H. Butcher. "Aristotle says that the goal of tragic language is a dignity and elevation gained by the use of rare and unfamiliar words; that is, by the avoidance of pure conversational language (*Poetics* 1458a)." [Dickey, get pincite]

¹⁰Eleanor Dickey, "The Ancient Greek Address System and Some Proposed Sociolinguistic Universals," *Language in Society* 26 (1997):1-13, at 5.

¹¹"Dr. Lambertz mentions in this work (page 6) that Roman slave-names fall into three classes: (1) the oldest ones, in which the slave is designated as puer of his master." F. F. Bruce, "Latin Participles as Slave-Names," *Glotta*, 25. Bd., 1./2. H. (1936), pp. 42-50, at 43. Cf. Linda C. Reilly, "The Naming of Slaves in Greece," *The Ancient World*, 1, no. 3 (1978):111-113, at 112-113 (contesting the claim that slave names, at least in ancient Greece, represented any distinct category). There is a consensus that names of slave and free citizens in the ancient world overlapped significantly; any debate is merely about the degree of overlap.

¹²Clive Cheesman, "Names in —Por and Slave Naming in Republican Rome," *Classical Quarterly* 59, no. 2 (2009): 511-531, at 511. See also Stefan Brink, who writes "Roman slaves originally had no name of their own. They took their master's praenomen (the first the usual three names) in the genitive with the suffix por (or puer), e.g., Marcipor, Publipor, Quintipor." X goes on to note that [t]he suffix puer was later replaced by servus, thus a slaves name could be Aphrodisius Ploti Gai servus," Stefan Brink, "Names and

Naming,” in *The Historical Encyclopedia of World Slavery*, ed. Junius P. Rodriguez (1997), 455. As Cheesman notes, the —por element results from puer by “undergoing syncope and passing from an—o—to a consonantal stem in the third declension.” *Id.*

¹³“Boy is a baby word. All over the world, one finds similar words beginning with b and p and meaning ‘child’; boy is allegedly one of them.” Liberman (2000, 201). See Eric J. Dobson, “The Etymology and Meaning of boy,” *Medium Aevum* 9 (1940): 121-154; Bernhard Diensberg, “The Etymology of Modern English BOY: A New Hypothesis,” *Medium Aevum* 50 (1981): 79-85; Anatoly Liberman, “The Etymology of English boy, beacon, and buoy,” *American Journal of Germanic Linguistics & Literatures* 12, no. 2 (2000): 20134.

¹⁴Dobson, “The Etymology and Meaning of boy.”

¹⁵Males transitioning between boyhood and manhood were referred to as *young man* (c. 1122) and *lad* (c. 1500), along with the less common *stripling* (c. 1398), *springal(d)* (c. 1450), *gorrel* (c. 1530) and *hobbledehoy* (c. 1540), OED, Online.

¹⁶*Ibid.*

¹⁷[Note: Arab slavery in sub-Saharan Africa was distinct from the race-slavery fusion in America.]

¹⁸For a description of data source, see Jean-Baptiste Michel, Yuan Kui Shen, Aviva Presser Aiden, Adrian Veres, Matthew K. Gray, William Brockman, The Google Books Team, Joseph P. Pickett, Dale Hoiberg, Dan Clancy, Peter Norvig, Jon Orwant, Steven Pinker, Martin A. Nowak, and Erez Lieberman Aiden. *Quantitative Analysis of Culture Using Millions of Digitized Books*. Science (Published online ahead of print: 12/16/2010).

¹⁹In the United States slaves were certainly addressed as *boy*, a term that seems to have taken on greater salience in the years following the civil war. When *slave* lost much of its content and utility following the American Civil War and the Thirteenth Amendment to the U.S. Constitution, there was an synonym, *boy*, politically and otherwise more correct, that could still be applied in its place.

²⁰Roger B. Myerson, “Justice, Institutions, and Multiple Equilibria,” 5 *Chi. J. Int’l L.* 91, 102-103 (Summer 2004).

²¹Even contemporary usage of endearment (“he’s my boy” largely equivalent to “my man,” just as “my nigger” among black Americans; “good ole boy” among Southern whites.: cite Urban dictionary.) At(t)boy; male affectionate usage Anatoly Liberman p. 209.

²²546 U.S. 454, 126 S. Ct. 1195 (2006).

²³Ash II, 129 Fed. App’x 529, vacated, 546 U.S. 454, 126 S. Ct. 1195 (2006), at 533 (citation omitted).

²⁴126 S.Ct. 1195 (2006). It would be another five years, in 2011, before the United States Court of Appeals for the Eleventh Circuit, on its fifth review of the case, would allowed the jury verdict for compensation (no punitive damages) of Hithon to stand. The appeals court dismissed Ash’s claim.

²⁵That meaning was common knowledge throughout the South long before Martin Luther King Jr., in his *Letter from a Birmingham Jail*, famously described the pervasive practice of blacks being addressed as *boy* “(however old you are).” Gunnar Myrdal (1944) observed the same twenty years earlier, in *An American Dilemma*, as had others before him.

²⁶[ref. Judith Butler, *Yale French Studies*]

²⁷J. Maynard Smith and G.R. Price, “The Logic of Animal Conflict,” *Nature* 246(2): 15-18 (1973); John Maynard Smith and G.A. Parker, “The Logic of Asymmetric Contests,” *Animal Behavior*, 24:159-175 (1976); Avi Shmida and Bezalel Peleg, “Strinct and Symmetric Correlated Equilibria are the Distributions of ESS’s of Biological Conflicts with Saymmetric Roles,” in *Understanding Strategic Interaction: Essays in Honor of Reinhard Selten*, Wulf Albers, Werner Güth, Peter Hammerstein, Benny Moldovanu and Eric van Damme (Eds.), Springer [YEAR?]; Karl Sigmond, “John Maynard Smith and Evolutionary Game Theory,” *Theoretical Population Biology* 68: 7-10 (2005).

²⁸L.L. Cavalli-Sporza and M.W. Feldman, *Cultural Transmission and Evolution: A Quantitative Approach*, Princeton Univ. Press, Princeton, NJ (1981); R. Boyd and P.I. Richerson, *Culture and the Evolutionary Process*, Univ. of Chicago Press, Chicago, London (1985).

²⁹Edmund Burke, *Reflections on the Revolution in France*, 1790, at 133.

³⁰Edmund Burke, *Reflections on the French Revolution*, 1790, at 128. “The age of chivalry is gone. That of sophisters, economists, and calculators has succeeded.”

³¹Confirm that *bailiffs* and *provosts* derive from viscount; see Petit-Dutaillis, C. (1936). *The Feudal Monarchy in France and England*. Oxford, UK: Routledge. at p. 162. ISBN 9781136203503.

³²Michel Foucault, *The Birth of Biopolitics*, Picador, New York, 2004, p.187. Foucault made these comments, skeptically, about a description of the state’s tendency to expand. Yet there is little reason to doubt the inherent expansive force of title and address.

³³It was no coincidence that these “old manners and opinions” were associated with political order. “These public affections, combined with manners,” observed Edmund Burke, operate “always as aids to law.” He argued that “[t]here ought to be a system of manners in every nation, which a well-formed mind would be disposed to relish. To make us love our country, our country ought to be lovely.”

³⁴Gordon S. Wood, *The Radicalism of the American Revolution*, 1993, Vintage Press, New York, at 125

³⁵Gordon S. Wood, *The Radicalism of the American Revolution*, 1993, Vintage Press, New York, at 112

³⁶Arthur Schlesinger, *The Aristocracy in Colonial America*, 74 Proceedings of the Massachusetts Historical Society 3 (1962).

³⁷[Discuss Hamilton and the Society of the Cincinnati; Work through timing with *The Federalist Papers : No. 84.*]

³⁸Alexander Hamilton, “Certain General and Miscellaneous Objections to the Constitution Considered and Answered ,” *The Federalist Papers : No. 84.*

³⁹Thomas Paine, *Rights of Men*, Vale: New York, 1848, at 40.

⁴⁰Since selecting is necessary, and selection bias inevitable, there is no sense in pretending the sketch of this vast literature is neither arbitrary nor opportunistic. Themes and ideas are described, not as part of a literature review, but to advance the book’s arguments. Literature reviews may be found in [cite Annual Review articles and books]. Richard D. Alford, *Naming and Identity: A Cross-Cultural Study of Personal Naming Practices*, 1988 Hraf Press, New Haven, CT.

⁴¹Self-reference and reference to others will function as address does for a number of purposes and across a variety of contexts.

⁴²Calhoun was selected by Yale’s committee on nomenclature and approved by the Yale

corporation in 1931; the building was opened in 1933.

⁴³One should note that Calhoun was identified for this distinction from a pool that included William Howard Taft, then former President of the United States and Chief Justice of the Supreme Court, among other distinguished statesmen who had attended Yale. R. Owen Williams, "Honoring the Dishonorable: Calhoun College at Yale University," [complete reference]. On the so-called Dunning School, which advanced a historical perspective on Reconstruction as sympathetic to white Southerners as it was disparaging about black political incompetence and Northern ambitions, see Adam Fairclough, "Was the Grant of Black Suffrage a Political Error? Reconsidering the Views of John W. Burgess, William A. Dunning, and Eric Foner on Congressional Reconstruction," *Journal of The Historical Society*, 12: 155 (June 2012); Eric Foner, "Black Reconstruction: An Introduction," *South Atlantic Quarterly*, 112 (3): 409418 (2013).

⁴⁴Emma Platoff & Vivian Wang, "Davis preempted master conversation," *Yale Daily News*, Sep 16, 2015.

⁴⁵Emma Platoff & Vivian Wang, "Stephen Davis asks Pierson students not to call him 'master'," *Yale Daily News*, Aug. 14, 2015. Holloway was surprised by the email, but otherwise welcoming of the conversation it provoked.

⁴⁶Emma Platoff & Vivian Wang, "Davis preempted master conversation," *Yale Daily News*, Sept. 16, 2015 (emphasis added).

⁴⁷Anthony Kronman, "Our Honorable Masters," *Yale Daily News*, Aug. 28, 2015. Kronman stressed questionable procedural and substantive aspects of Davis's email, but he saw something else more nefarious at work too.

⁴⁸*Id.* More generally, see, Greg Lukianoff and Jonathan Haidt, "The Coddling of the American Mind," *The Atlantic*, September 2015.

⁴⁹"What does this debate about Halloween costumes say about our view of young adults, of their strength and judgment?"

⁵⁰I mean both big "C" and small "c" constitution here. [Elaborate.]

⁵¹[Wright, 461]

⁵²[Wright, 461-2]

⁵³Richard Parkinson, *Tour in America*, London: Printed for J. Harding, (1805) at p. 19 (emphasis added).

⁵⁴William Priest, *Travels in the United States of America: Commencing in the Year 1793, and Ending in 1797*, J. Johnson, London, 1802, at 24 (emphasis added).

⁵⁵Charles William Janson, *The Stranger in America*, London: Printed for J. Cundee (1807) at 87 (emphasis added).

⁵⁶John Harriott, *Struggles through Life ; exemplified in the various Travels and Adventures in Europe, Asia, Africa, and America*, (1808) (emphasis added).

⁵⁷Michel, Chevalier, *Society, manners and politics in the United States; being a series of letters on North America* By Michael Chevalier. Tr. from the 3d Paris ed., Boston, Weeks, Jordan and company, 1839. (emphasis added).

⁵⁸Christopher Tomlins, 223-; Trollope

⁵⁹Frances Wright, *Views of society and manners in America: in a series of letters from that Country to A Friend in England, During the Years 1818, 1819 and 1820* (By an Englishwoman): London: Longman, Hurst, Rees, Orme, and Brown (Paternoster-Row) 1821, LETTER XXVI: Department of the citizens; Character of Servants in America

(Philadelphia, April, 1820) at 460 (emphasis added). It was common enough that Wright observed, “I have witnessed several amusing scenes of this description; and some of my American friends have witnessed many more.” *Id.*

⁶⁰Stephen Davis’s renouncement of the title at Yale may be best seen in light of this distinctive American practice. Whether his disavowal of *master* reflects some misplaced or undue sensitivity (in him or his students) to the title, there is no doubt that the repudiation rings more sincerely in the American vernacular than the twentieth century effort to import Oxbridge usages to New England and New Jersey.

⁶¹Edmund Burke, *Reflections on the Revolution in France*, 1790

⁶²The Americans in their moral, social, and political relations. By Francis J. Grund, London, Longman, Rees, Orme, Brown, Green, & Longman, 1837, at 66. (emphasis added).

⁶³William Priest, *Travels in the United States of America: Commencing in the Year 1793, and Ending in 1797*, J. Johnson, London, 1802, at 24 (emphasis added).

⁶⁴Alexis de Tocqueville, *Democracy in America*, 219-20 [check ref.]

⁶⁵During his tour of America in 1831, Tocqueville saw a fluid country where, he wrote, “[a]t any moment, a servant may become a master, and he aspires to rise to that condition[.]” Hence, they resist calling others *master* and recoil at being addressed as *servant*, as if it was an accusation of some fixed station.

⁶⁶[mention reflection in modern covenant-not-to-complete statutes and cases.]

⁶⁷Alexis de Tocqueville, *Democracy in America*, 239 [check ref.]

⁶⁸William Thackeray, Review of *The Vicar of Wrexhill* in Heineman, *Mrs. Trollope* at 52. [find original cite] Her son, the famous writer Anthony Trollope, characterized his mother as “neither clear-sighted nor accurate and her attempts to describe morals, manners, and even facts, were unable to avoid the pitfalls of exaggeration.” (Anthony Trollope, *An Autobiography* at 32.

⁶⁹[get Twain reference]

⁷⁰Charles William Janson, *The Stranger in America*, London: Printed for J. Cundee (1807) at 87 (emphasis added).

⁷¹Allen Walker Read, *Milestones in The History of English in America*, Duke Univ. Press (2002), pp. 83-94, at 83-4.

⁷²See analysis of advertisements for run-away white servants in Allen Walker Read, *Milestones in The History of English in America*, Duke Univ. Press (2002), pp. 83-94.

⁷³Frances Wright, *Views of society and manners in America: in a series of letters from that Country to A Friend in England, During the Years 1818, 1819 and 1820* (By an Englishwoman): London: Longman, Hurst, Rees, Orme, and Brown (Paternoster-Row) 1821, LETTER XXVI: Deportment of the citizens; Character of Servants in America (Philadelphia, April, 1820) at 463-4 (some emphasis added).

⁷⁴I’m grateful to Zoltan Szabo for bringing this example to my attention. Continued usage in Austria may be seen as a statement that they were less implicated with the term’s attachment to Adolph Hitler. Similarly, Benito Mussolini adopted a previously not uncommon term for leader, *il Duce*, which today is seldom used except as a reference to Mussolini.

⁷⁵Confirm and get sources from YDN, article: JT Flowers, “On Oxbridge and Pierson,” *Yale Daily News*, Aug 28, 2015

⁷⁶When the heads of colleges at Yale were first endowed, there were no women in those positions to consider. It was a different matter at women's colleges and girls' schools. A notable example is Cambridge's Girton College, where the head is styled *mistress*. Girton began as a women's college, although it now admits men, but it has yet to have a male head of college. Were a man selected to lead that college, it is hard to imagine that he would choose *mistress* over *master*. In this regard traditional male titles are more adaptable than their female counterparts. Women military and police officers often prefer to be called *sir*, rather than *ma'am* or some similar gendered alternative. Persons in these positions seek to project power to encourage compliance, and *sir* is more associated with power than its feminized counterparts. "Address and addressee-reference options not only very frequently signal gendered identities and relations of interlocutors," as Sally McConnell-Ginet has written, "but they often do considerable work in giving content to gendered performance." Sally McConnell-Ginet, " 'What's in a Name?' Social Labelling and Gender Practices," in *The Handbook of Language and Gender*, eds. Janet Holmes and Miriam Meyerhoff, Blackwell Press, 2003 (pages 69-97) at 87. In other words, while the address *sir* signals gendered male identity, it also aides in the performance of deference and respect through the regulative and correlative modes described in the first chapter.

⁷⁷John Locke, *Some Thoughts Concerning Education*, 1692

⁷⁸[12]

⁷⁹[12] (emphasis added)

⁸⁰Roger Brown and Marguerite Ford, "Address in American English," *Journal of Abnormal and Social Psychology*, 62: 375-85 (1961) at 377.

⁸¹Thomas Murray, "A New Look at Address in American English: The Rules Have Changed," *Names* 50(1):43-61 (March 2002).

⁸²Sally McConnell-Ginet, " 'What's in a Name?' Social Labelling and Gender Practices," in *The Handbook of Language and Gender*, eds. Janet Holmes and Miriam Meyerhoff, Blackwell Press, 2003 (pages 69-97). [add additional citations]

⁸³[find some reference to the regular account of a Silicon Valley firm getting rid of titles; reference the Korean Air fiasco too.]

⁸⁴[add pincite.]

⁸⁵[Add discussion of Department of Defense opening up combat roles for women and Navy Secretary Ray Mabus renaming positions (for soldiers in the Navy and Marine Corps.) that end with "man," such as including rifleman, &c. (and the debate about yeoman). How does the Navy train its recruits to address female officers? How do soldiers address superiors under fire today? Look for studies; conduct survey if none.]

⁸⁶Erving Goffman, *Behavior in Public Places*, at 197 (1963).

⁸⁷*Id.*

⁸⁸Erving Goffman, *Behavior in Public Places*, at 153-154 (1963)

⁸⁹*Farmer v. Holton*, 146 Ga.App. 102, 1978 (emphasis is added for non-pronoun addresses)..

⁹⁰Robert Cover, "Violence and the Word," *Yale Law Journal*, 95:1606-1629 (1985-1986), at 1623.

⁹¹[I am setting aside any personal dispositions toward violence, about which the record reveals no useful comparative information].

⁹²Cite Ellsworth study. Robert Cover helpful observes that "for most of us, evolutionary, psychological, cultural and moral considerations inhibit the infliction of pain on other

people. Of course, these constraints are neither absolute nor universal. [Additionally] in almost all people social cues may overcome or suppress the revulsion to violence under certain circumstances. These limitations do not deny the force of inhibitions against violence. Indeed, both together create the conditions without which law would either be unnecessary or impossible. Were the inhibition against violence perfect, law would be unnecessary; were it not capable of being overcome through social signals, law would not be possible.” Cover, “Violence and the Word, 1613

⁹³Two lives lost—one murdered, one executed [confirm date!—over a \$38 cab fare; a cautionary illustration of how disputes over small debts, trivial misunderstandings and perceived slights can spiral quickly out of control. See R. Gould, *Collision of Wills*.

⁹⁴Robert Cover, “Violence and the Word, Yale Law Journal, 95:1606-1629 (1985-1986), at 1620.

⁹⁵*Id.* at 1607. “It is, of course, grotesque to assume that the civil facade is ‘voluntary except in the sense that it represents the defendant’s autonomous recognition of the overwhelming array of violence ranged against him, and of the hopelessness of resistance or outcry. *Id.*”

⁹⁶“It is crucial to note here that if the warden should cease paying relatively automatic heed to the pieces of paper which flow in from the judges according to these arbitrary and sometimes rigid hierarchical rules and principles, the judges would lose their capacity to do violence. They would be left with only the opportunity to persuade the warden and his men to do violence. Conversely, the warden and his men would lose their capacity to shift to the judge primary moral responsibility for the violence which [1626] they themselves carry out.” Cover, 1626-1627

⁹⁷Both players choosing *dove* is not an equilibrium outcome because one can do better by playing *hawk* when the opponent chooses *dove*. Similarly, both players choosing *hawk* is not stable outcome since neither player would maintain strategy *hawk* if convinced the other player was also choosing that strategy. In equilibrium one player plays *hawk* and the other plays *dove*. There is also a third equilibrium to this game where each player randomizes between *hawk* and *dove* in a manner that makes the other players randomized play a best response.

⁹⁸See Richard H. McAdams, Conformity to Inegalitarian Conventions and Norms: The Contribution of Coordination and Esteem, 88 *The Monist* (2005).

⁹⁹Goffman, Turner (19xx). Scripts are necessarily incomplete because of bounded rationality (Simon 1954) and indescribability of events yet realized (Maskin and Tirole, 1999). Even the most detailed dramatic script leaves gaps. All scripts are merely “sketched out beforehand.” (1989:55). Behind every actor’s social and theatrical performance lies the already established skein of collective representations that compose culture—the universe of basic narratives and codes and the cookbook of rhetorical configurations from which every performance draws. In a the theatrical performance, the actor strives to realize ‘individual character,’ as Turner (1982:94) put it, but he or she can do so only by taking ‘partly for granted the culturally defined roles supposedly played by the character: father, businessman, friend, lover, fiancé, trade union leader, farmer, poet” (Turner, 94)... The ability to understand the most elementary contours of a performance depends on the audience knowing already, without thinking about it, the categories within which actors behave. In a complex social order, this knowledge is always a matter of degree.”

¹⁰⁰Thorstein Veblen, *The Theory of the Leisure Class*, 1967, at 75.

¹⁰¹Merton, *Social Theory and Social Structure*, p.381

¹⁰²William Shakespeare, *As You Like It*, Act 2, Scene 7.

¹⁰³Roger V. Gould, *Collision of Wills* (2003), 44.

¹⁰⁴Roger V. Gould, *Collision of Wills* (2003), 44.

¹⁰⁵Robert Merton (1957) introduced the idea of a role-set.

¹⁰⁶ [114]. “[U]nlike the problems centered upon the notion of multiple roles, this one [the role-set] is concerned with social arrangements integrating the expectations of those in the role-set; it is not primarily concerned with the familiar problem of how the occupants of a status [role] manage to cope with the many, and sometimes conflicting, demands made of them.” *Id.* [114]

¹⁰⁷Merton, 122.

¹⁰⁸For example, restraining orders; removing a disruptive or explosive role-pair; sequestering witnesses or juror, limiting lines of questions, exercising power of criminal contempt]

¹⁰⁹Merton, 121. The structural arrangement of tripartite address, where one addresses a second party on behalf of a third, partitions off some role-subsets for a variety of reasons, including limiting conflict. We will return to tripartite address in chapter 7 in the context of swearing.

¹¹⁰“Doubtless, these are only some of the mechanisms which serve to articulate the expectations of those in the role-set.” (Merton at 121) Address is a most effective response to “the general problem of identifying the social mechanisms which serve to articulate the expectations of those in the role-set so that the occupant of a status is confronted with less conflict than would obtain if these mechanisms were not at work.” [114]

¹¹¹Its centrality is evident in military contexts. Proper address is the first lesson for cadets at West Point, where initiates, like Klinker, must perfectly dispatch the basic declaration—“Sir, New Cadet Klinker reporting to the Cadet in the Red Sash for the first time as ordered, sir”—before beginning their course of study; common recruits in basic training, as well as their drill sergeants, must also master strict rules of address: drill sergeants are to be addressed as such (not *sir*) and “recruits must be referred to as ‘private,’ ‘soldier,’ or ‘warrior,’ or by last name.” Brian Mockenhaupt, “The Army We Have” *The Atlantic* June 2007. [Get reference for how to address “drill sergeants”] On West Point see David Lipsky, *Absolutely American: Four Years at West Point*. 2003, p. 152. See also George A. Akerlof and Rachel E. Kranton, “Identity and the Economics of Organizations” 19(1):9-32 *Journal of Economic Perspectives* (2005) at 9.

¹¹²John Seldon, *Titles of Honour*, 1614, Chapter 1, Part 27.

¹¹³Elias describes the practices in the first volume, *The History of Manners*, (1969), which he connects to political organization in the second volume, *State Formation and Civilization*, (1982).

¹¹⁴[Describe criticism: “Rise of the Fork,” New York Review of Books; and recent support: Pinker, “Our Better Angles”.

¹¹⁵The punishment need last only long enough to disgorge the immediate gains from dominating a compliant party.

¹¹⁶Consider a simple probability model where the spinner can only go clockwise and the pointer is equally likely to come to rest at any point (except O) on the circumference. In the simple case the density function is uniform (i.e., every outcome is equally likely), but we can imagine more complicated matching. For example, in Dixit’s (2003) trade matching model, he adds some resistance to the spinner so that it is less likely that the pointer will come to rest at points farther away from the point of departure, O , going in a clockwise or counterclockwise direction. The area immediately around point O is the most likely place for the pointer to come to rest and the likelihood decreases steadily going toward

point S in either direction. The decrease is captured using a negative exponential density function, $e^{-\alpha x}$, where $\alpha > 0$ can be thought of as the degree of resistance added to the spinner. Bigger α 's means that pointer is less likely to come to rest at a neighborhood near S and far away from O , and as $\alpha \rightarrow 0$ then all neighborhoods become equally likely (we go back toward uniform density). Actually, the density function is a little more complicated:

$$\frac{e^{-\alpha z}}{2[1 - e^{-\alpha S}]/\alpha}.$$

In the continuous case, the probability of any $x \in X$ being selected is zero, and note that $f(x)$, is not the probability of x , rather $f(x)dx$ is the density of the outcome x ?.

¹¹⁷The earliest systemic evidence of precedence in England may be found in the Doomsday Book, but “[t]he most authoritative pre-Reformation statement of the law of precedence among laymen is the order taken for ‘the placynge of Lordes and Ladyes’, entitled ‘Precedence of Great Estates in their owne degree’ [from 1520].” The document, according to Squibb “can fairly be described at the basis of the modern system of precedence,” relied upon by the Commissioners “in 1595, when they were ordered by Elizabeth I to inquire into place and precedence.”

¹¹⁸The presence of early American political and religious organization tended, in fact, to undermine rather than bolster regard for traditional institutions and hierarchies. Yet a distinct American order “gradually emerged out of raw frontier areas” and their unique social organization produced new institutions replete with distinctions.

¹¹⁹[cite] Paine used the nom de plume Vox Populi.

¹²⁰“No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.” Articles of Confederation, VI, March 1, 1781.

¹²¹Take, for instance, Section VI of the Massachusetts state Constitution (1780), which reads, “No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.”

¹²²The wealthy and beautiful Elizabeth Patterson married Jerome Bonaparte, Napoleon’s youngest brother, in 1803, having been introduced by Samuel Chase, a signer of the Declaration of Independence and Associate Justice of the Supreme Court at the time of the introduction. Jerome, described by one historian as “the most splendidly and expensively idiotic of all the Bonapartes,” was only nineteen, and the ambitious Betsy eighteen at the marriage. Napoleon learned of the union from a report in the British press, it is said, he was so furious that when he declared himself Emperor, he left Jerome off the roster of new princes. He also considered imprisoning Jerome. Betsy’s father hoped to encourage Napoleon’s acceptance of the marriage despite his anger. Patterson requested and received the aid of President Thomas Jefferson, Secretary of State James Madison, and Minister to France Robert R. Livingston in this diplomatic endeavor. In the end, the diplomatic attempts came to naught: Betsy and Jerome last saw each other in 1805, with Jerome annulling the marriage at the insistence of his older brother.

¹²³Betsy had one son with Jerome, though: giving birth in England in 1805, Betsy named

the child Jerome Napoleon. As the Patterson-Bonaparte marriage faltered, the mother and child returned to the United States, where their presence—and Betsys social ambition—would play a role in fomenting fear of foreign influence on the politics of the fledgling United States. By the time Betsy left the United States in 1815, the Titles of Nobility Amendment had faded into a side note in the annals of politics, but the controversy surrounding it demonstrates a great deal about the importance of titles to a young nation seeking to build and strengthen its new social order in the face of the ever-present threat of the old order's return.

¹²⁴For many years, the legal history regarding this causal relationship between the Maryland Bonapartes and the Titles of Nobility Amendment was thin at best. However, thanks to original source research conducted by Gideon Hart, we now have a better set of sources for arguing the causal connection. Hart concludes that the marriage of Elizabeth Patterson to Jerome Bonaparte and the birth of their son, Jerome Napoleon Bonaparte, wasn't the exclusive reason for the proposed Titles of Nobility Amendment, but rather these events "exacerbated a much deeper fear that the European powers would reach across the Atlantic and corrupt the American republic."

¹²⁵In polities firmly embedded in Edmund Burke's golden assemblage of 'ancient opinions and rules of life,' the role of ideology, in any explicit sense, is marginal. ... But when, as in the revolutionary France, Burke (perhaps his nation's greatest ideologue) observed those hallowed opinions and rules of life come into question, the search for systematic ideological formulations, either to reinforce them or to replace them, flourishes. "The function of ideology is to make an autonomous politics possible by providing the authoritative concepts that render it meaningful, the suasive images by means of which it can be sensibly grasped."

¹²⁶For instance, The Connecticut Herald wrote, "Mrs. Jerome Patterson, of Baltimore ... has been created a duchess of the house of Napoleon, with a salary of 50,000 crowns per annum. Her son is created a prince of the French empire ... Baltimore is to be the Imperial and Royal residence for the present?" Betsy Bonaparte did little to dispel the notion that she and her son were now of noble stock. Betsy, who eventually came to be known as Madame Bonaparte throughout the States, proudly flouted American social convention, prompting one poet to accuse her of being "ill suited for the life / Of a Columbians modest wife."

¹²⁷Most of these suspicions—like that of an American branch of the Bonaparte dynasty being launched by Betsy Bonaparte and her young child—are perhaps best seen as hyperbole that manifests the more general fear of European influence and domination prevalent at the time.

¹²⁸However, other plots were all too real, like former Vice President Aaron Burr's trial for treason, which had only taken place in 1807.

¹²⁹Cite and discuss Hart.

¹³⁰According to one theory, the Democrat-Republicans proposed the amendment to counteract the perception that Thomas Jefferson, James Madison, and others were too close with the French. Another theory emphasized that naturalization bill was at least partly designed to assuage the "fear that former French nobility fleeing the French Revolution would come to the United States and reestablish themselves as a privileged class."