



# Seeking Civility: Common Courtesy and the Common Law

*George W. Jarecke, Nancy K. Plant*

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Road rage threatens mental health and physical safety. People use cell phones in public places with blithe indifference for the tranquillity of others. Smokers, while fewer in numbers, still have a defiant look about them when they light up outside office buildings and are not especially careful where they blow their smoke. In these and similar incidents involving a lack of common courtesy or respect, individuals often turn to the legal system to resolve personal disputes. But is the law the best vehicle for enforcing good manners or behavior?

George W. Jarecke and Nancy K. Plant explore this question by describing in rich detail a broad range of cases--some shocking, others amusing--that illustrate how intentional acts of incivility have been punished by the nation's laws and litigated in the courts. Writing in accessible, engaging prose for the general reader, the authors focus on different legal actions that fall under tort law: battery and assault, trespass and nuisance, emotional distress, verbal abuse, badgering, stalking, defamation. They consider why the law is ineffective in settling common disputes of incivility, suggesting that it actually encourages both unnecessary litigation and another act of incivility--the lawsuit itself. Jarecke and Plant discuss the limitations of the law in regulating certain discourteous acts, such as obscene and blasphemous speech, and question if claims centering on laws that govern incivility are actually increasing or merely being expressed in different ways. For example, while cyberstalking has become enough of a problem to require criminal legislation, a new etiquette for e-mail is just developing. The authors demonstrate that the legal system is neither an efficient nor an effective mode of enforcing common courtesy, and argue convincingly that individuals may be better advised to seek mediation by objective third parties to resolve common disputes.

In today's litigious society, this lively and informative work offers a refreshing perspective on the interplay between courtesy and the law.

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