

your work in Questions for Critical Reading—to examine Spar’s essay. Is the baby market a kind of social drama? Do international adoptions represent a kind of false identification?

Language Matters

1. How do foreign languages affect our understanding of language in general? Use your experience with a foreign language, learned at school or at home, to think about your own writing. Does understanding the grammar of another language help you in your writing?
2. Wikipedia is an increasingly popular resource, though one that usually plays little role in academic writing. Start by reading Wikipedia’s entry for Diana Taylor. Then write a short piece that could serve as the entry for this essay. What information would you include? Before writing, you might want to check out Wikipedia’s style manual at en.wikipedia.org/wiki/wikipedia:Manual_of_Style. What grammatical issues seem most important in a Wikipedia entry, and why? How does writing for this online encyclopedia differ from academic writing? Why might that influence the usefulness of this source in research?
3. What’s the social function of grammar? Why do we even have grammar? Connect your answers to Taylor’s concepts.

Assignments for Writing

1. Engage Taylor’s text by assessing the relationship between culture and politics, and then write an essay in which you examine the role of popular culture in political discourse. How do societies construe their politicians? Does “popularity” matter in political discourse? Why or why not? What is the appeal of foreign political figures to other cultures? What is the role of performance in culture and politics? You might want to begin your response with your work from Question 2 of Exploring Context.
2. Taylor examines the reactions of people around the world to the death of Princess Diana. Analyze the role of celebrity in today’s society, and then write an essay in which you examine the power of celebrity in our society. What effect does the cult of celebrity have on society? Is the mirroring of style, appearance, and actions positive or negative? Do things like location, religion, nationality, gender, or race factor into an individual’s or a society’s reaction to celebrity?
3. Explore the specific reactions people have to universal tragedy throughout Taylor’s essay, and then write an essay in which you evaluate the function of individual tragedy for groups. What function does the press have in the shaping of universal tragedy? How does the concept of social drama interact with this widespread identification? What is the role of collective imagining?

KENJI YOSHINO

Kenji Yoshino is the Chief Justice Earl Warren Professor of Constitutional Law at New York University. Previously, Yoshino was a professor of law and the deputy dean of intellectual life at Yale Law School, where he earned a J.D. after graduating from Harvard and Oxford universities. His articles have appeared in various law journals as well as the *New York Times*, the *Village Voice*, the *Boston Globe*, and the *Nation*. His book *Covering: The Hidden Assault on Our Civil Rights* was published in 2006.

Covering offers a unique perspective on the familiar concepts of assimilation and passing, utilizing Yoshino’s background experience as both a law scholar and a gay Asian American. Yoshino combines personal narrative and legal argument to lay out a new definition of civil rights. The term *covering*, as Yoshino uses it, means “to tone down a disfavored identity to fit into the mainstream,” and Yoshino argues that though Americans value the idea of the melting pot as a model for our culture, that ideal can have unintended negative consequences. Despite our avowed appreciation for multiculturalism, the unstated public expectation is still for people of all genders, sexual orientations, and races to conform to rigid expectations.

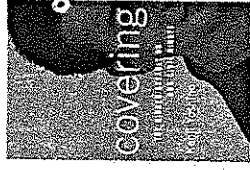
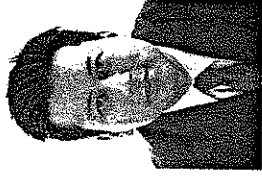
The selections here, “Preface” and “The New Civil Rights,” form something close to a set of bookends for Yoshino’s argument in *Covering*. After defining the concept of covering and the problems caused by it in the “Preface” and investigating the issue of a distinct “True Self” and “False Self” in the second excerpt, Yoshino moves on to propose a new paradigm for civil rights. Questioning the idea of legislating civil rights, Yoshino suggests that the next step may have to occur in bars, restaurants, and Internet chat rooms; he also suggests that in order to accommodate an increasingly diverse population, the model of civil rights itself must change. Yoshino points the way by helping us to rethink our model of civil rights and the mechanisms used to bring those rights into existence.

The United States is more diverse than ever. How can we balance the rights of diverse groups with the demands of individuals and the nation?

▲ TAGS: *community, identity, social change, diversity, civil rights, human dignity*

Preface

Everyone covers. To cover is to tone down a disfavored identity to fit into the mainstream. In our increasingly diverse society, all of us are outside the mainstream in some way. Nonetheless, being deemed mainstream is still often a necessity of social life. For this reason, every reader of this book has covered, whether consciously or not, and sometimes at significant personal cost.



Famous examples of covering abound. Ramón Estévez covered his ethnicity when he changed his name to Martin Sheen, as did Krishna Bhanji when he changed his name to Ben Kingsley. Margaret Thatcher covered her status as a woman when she trained with a voice coach to lower the timbre of her voice. Long after they came out as lesbians, Rosie O'Donnell and Mary Cheney still covered, keeping their same-sex partners out of the public eye. Issur Danielovitch Demsky covered his Judaism when he became Kirk Douglas, as did Joseph Levitch when he became Jerry Lewis. Franklin Delano Roosevelt covered his disability by ensuring his wheelchair was always hidden behind a desk before his Cabinet entered.

I doubt any of these people covered willingly. I suspect they were all bowing to an unjust reality that required them to tone down their stigmatized identities to get along in life. Sheen says he needed to "get a name people could pronounce and connect with" if he "wanted to work commercially." Yet he now regrets having done so, and has exhorted his sons—Emilio and Charlie—to use the family name. One of them has not done so, signaling the enduring force of the covering demand.

In a supposedly enlightened age, the persistence of the covering demand presents a puzzle. Today, race, national origin, sex, religion, and disability are all protected by federal civil rights laws. An increasing number of states and localities include sexual orientation in civil rights laws as well. Albeit with varying degrees of conviction, Americans have come to a consensus that people should not be penalized for being different along these dimensions. That consensus, however, does not protect individuals against demands that they mute those differences. We need an explanation for why the civil rights revolution has stalled on covering.

Covering has enjoyed such a robust and stubborn life because it is a form of assimilation. At least since Hector St. John de Crèvecoeur's 1782 *Letters from an American Farmer*, this country has touted assimilation as the way Americans of different backgrounds would be "melted into a new race of men." By the time Israel Zangwill's play of that name was performed in 1908, the "melting pot" had acquired the burnish of an American ideal. Only with the civil rights movement of the 1960s was this ideal challenged in any systematic way, with calls to move "beyond the melting pot" and to "celebrate diversity." And not withstanding that challenge, assimilation has never lost its hold on the American imagination. Indeed, as our country grows more pluralistic, we have seen a renaissance of the melting pot ideal. Fearful that we are spinning apart into balkanized groups, even liberals like Arthur Schlesinger have called for a recommitment to that ethic. In the United States, as in other industrialized democracies, we are seeing the "return of assimilation."

I recognize the value of assimilation, which is often necessary to fluid social interaction, to peaceful coexistence, and even to the dialogue through which difference is valued. For that reason, this is no simple screed against conformity. What I urge here is that we approach the renaissance of assimilation in this country critically. We must be willing to see the dark side of assimilation, and specifically of covering, which is the most widespread form of assimilation required of us today.

Covering is a hidden assault on our civil rights. We have not been able to see it as such because it has swaddled itself in the benign language of assimilation.

But if we look closely, we will see that covering is the way many groups are being held back today. The reason racial minorities are pressured to "act white" is because of white supremacy. The reason women are told to downplay their childcare responsibilities in the workplace is because of patriarchy. And the reason gays are asked not to "flaunt" is because of homophobia. So long as such covering demands persist, American civil rights will not have completed its work.

Unfortunately, the law has yet to perceive covering as a threat. Contemporary civil rights law generally only protects traits that individuals cannot change, like their skin color, chromosomes, or innate sexual orientations. This means that current law will not protect us against most covering demands, because such demands direct themselves at the behavioral aspects of our personhood. This is so despite the fact that covering imposes costs on us all.

The universality of the covering demand, however, is also a potential boon for civil rights advocates. I, too, worry about our current practice of fracturing into groups, each clamoring for state and

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social solicitude. For this reason, I do not think we can move forward by focusing on old-fashioned group-based identity politics. We must instead build a new civil rights paradigm on what draws us

together rather than on what drives us apart. Because covering applies to us all, it provides an issue around which we can make common cause. This is the desire for authenticity, our common human wish to express ourselves without being impeded by unreasonable demands for conformity.

I thought I would make this argument in purely political terms. As a law professor, I have become accustomed to the tones of legal impersonality. But I came to see that I could not compose an argument about the importance of human authenticity without risking such authenticity myself. So I have written this . . . in a more intimate voice, blending memoir with argument. In trying to make the stakes of assimilation vivid, I draw on my attempts to elaborate my identity as a gay man, and, to a lesser extent, my identity as an Asian-American.

Yet this is not a standard "coming out" narrative or racial memoir. I follow the Romantics here in their belief that if a human life is described with enough particularity, the universal will begin to speak through it. What interests me about my story, and the stories of others, is how similar they are in revealing the bones of our common human endeavor, the yearning for human emancipation that stirs within us all.

The New Civil Rights

To describe the new civil rights, I return to the source of my argument. What most excited me about gay civil rights was its universal resonance. Unlike other civil rights groups, gays must articulate invisible selves without the initial support of our immediate communities. That makes the gay project of self-elaboration emblematic of the search for authenticity all of us engage in

as human beings. It is work each of us must do for ourselves, and it is the most important work we can do.

In looking for a vocabulary for this quest for authenticity, I found psychoanalysis more helpful than lawyers. The object-relations theorist D. W. Winnicott makes a distinction between a True Self and a False Self that usefully tracks the distinction between the uncovered and covered selves. The True Self is the self that gives an individual the feeling of being real, which is "more than existing; it is finding a way to exist as oneself, and to relate to objects as oneself, and to have a self into which to retreat for relaxation." The True Self is associated with human spontaneity and authenticity: "Only the True Self can be creative and only the True Self can feel real." The False Self, in contrast, gives an individual a sense of being unreal, a sense of futility. It mediates the relationship between the True Self and the world.

What I love about Winnicott is that he does not demonize the False Self. To the contrary, Winnicott believes the False Self protects the True Self: "The False Self has one positive and very important function: to hide the True Self, which it does by compliance with environmental demands." Like a king casting behind a rock in chess, the more valuable but less powerful piece retreats behind the less valuable but more powerful one. Because the relationship between the True Self and the False Self is symbiotic, Winnicott believes both selves will exist even in the healthy individual.

Nonetheless, Winnicott defines health according to the degree of ascendancy the True Self gains over the False one. At the negative extreme, the False Self completely obscures the True Self, perhaps even from the individual herself. In a less extreme case, the False Self "permits the True Self 'a secret life.' The individual approaches health only when the False Self has 'as its main concern a search for conditions which will make it possible for the True Self to come into its own.'" Finally, in the healthy individual, the False Self is reduced to a "polite and mannered social attitude," a tool available to the fully realized True Self.

This paradigm captures my coming-out experience. My gay self, the True Self, was hidden behind an ostensibly straight False Self. Yet it would be wrong to cast the closeted self as purely inimical to the gay one. In my adolescence, this False Self protected the True Self until its survival was assured. Only at this point did the False Self switch from being a help to being a hindrance. And even after I came out, the False Self never disappeared. It was reduced to the minimum necessary to regulate relations between the True Self and the world.

I could slot other civil rights identities into Winnicott's paradigm. The importance of the paradigm, however, lies in its self-conscious universality. Winnicott posits that each of us has a True Self that must be expressed for us to have the feeling of being switched on, of being alive. And if the True Self embodies the importance of authenticity, the False Self embodies our ambivalence about assimilation, which is both necessary to survival and obstructive of life. The goal is not to eliminate assimilation altogether, but to reduce it to the necessary minimum. This is what the reason-forcing conversation seeks to do.

When I describe the uncovered self in Winnicott's terms, many people respond immediately with stories that attest to the concept's universality. Most of these have little to do with conventional civil rights categories. They often pertain to choices about people's careers or personal lives. Like the woman who left a career in law to write plays, or the man who left his fiancée at the altar to pursue his first childhood love. I nonetheless hear the same themes threading through these stories as I do through the traditional civil rights cases. These individuals cannot articulate what authenticity is, but know an existence lived outside its imperative would be a substitute for life.

Parents often respond to the concept of the True Self by speaking of their children. Based on extensive clinical research, psychologist Carol Gilligan argues that children have an authentic voice they lose as they mature, with girls retaining it longer than boys. (The breaking of this emotional voice mirrors the breaking of the physical voice, as the voices of boys break earlier and more dramatically than those of girls.) Gilligan's work is replete with instances of parents awed by the directness and realness of their children. These parents suggest that one of the most agonizing dilemmas of parenting is how much they should require their children to cover in the world.

This psychological discourse about authentic selves sounds distant from current civil rights discourse. We must close that gap. The new civil rights must harness this universal impulse toward authenticity. That impulse should press us toward thinking of civil rights less in terms of groups than in terms of our common humanity.

Two recent cases show that the Supreme Court is sympathetic to that shift. In the 2003 case of *Lawrence v. Texas* . . . the Supreme Court struck down a Texas statute that criminalized same-sex sodomy. Many assumed the Court would use this case to decide whether to give gays the judicial protections currently accorded to racial minorities and women. But while the Court struck down the statute (and overruled *Bowers v. Hardwick* in the process), it did not do so based on the equality rights of gays. Rather, it held that the statute violated the fundamental right of all persons—straight, gay, or otherwise—to control our intimate sexual relations.

Similarly, in the 2004 case of *Tennessee v. Lane*, the Supreme Court considered the question of whether two paraplegic individuals could sue Tennessee for failing to make its courthouses wheelchair accessible. (One plaintiff was forced to crawl up the courthouse steps to answer criminal charges against him; the other, a certified court reporter, alleged she had lost job opportunities because some county courthouses were inaccessible.) Again, the Court ruled in favor of the minority group without framing its ruling in group-based equality rhetoric. Rather, it held that all persons—disabled or otherwise—have a "right of access to the courts," which had been denied in this case.

In an era when the Supreme Court has closed many civil rights doors, it has left this one wide open. It is much more sympathetic to "liberty" claims about freedoms we all hold than to "equality" claims asserted by a subset of the population. It is easy to see why. Equality claims—such as group-based accommodation claims—inevitably involve the Court in picking favorites among groups.

In an increasingly pluralistic society, the Court understandably wishes to steer clear of that enterprise. Liberty claims, on the other hand, emphasize what all Americans (or more precisely, all persons within the jurisdiction of the United States) have in common. The claim that we all have a right to sexual intimacy, or that we all have a right to access the courts, will hold no matter how many new groups proliferate in this country.

The Supreme Court's shift toward a more universal register can also be seen in its nascent acceptance of human rights. I worked on a friend-of-the-court brief in the *Lawrence* case produced by a team centered at Yale Law School. With the former President of Ireland and U.N. High Commissioner Mary Robinson as our client, we argued that decisions by international tribunals and courts in other Western democracies had recognized the fundamentality of the right to adult consensual sexual intimacy. We knew this argument would be resisted by some justices on the Court, who do not take kindly to arguments that decisions outside the United States should guide their jurisprudence. But to our surprise, the majority opinion cited our brief for the proposition that *Bowers* violated "values we share with a wider civilization."

At the end of their lives, both Martin Luther King Jr. and Malcolm X argued for this transition from civil rights to human rights. Both believed that civil rights unduly focused on what distinguished individuals from one another, rather than emphasizing what they had in common. As Stewart Burns, one of the editors of the King papers at Stanford, observes, King "grasped that 'civil rights' carried too much baggage of the dominant tradition of American individualism and not enough counterweight from a tradition of communitarian impulses, collective striving, and common good." Similarly, Malcolm X exhorted Americans to "expand the civil-rights struggle to the level of human rights," so that the "jurisdiction of Uncle Sam" would not prevent us from allying with our "brothers" of other nations.

The universal rights of persons will probably be the way the Court will protect difference in the future. I predict that if the Court ever recognizes language rights, it will protect them as a liberty to which we are all entitled, rather than as an equality right attached to a particular national-origin group. And if the Court recognizes rights to grooming, such as the right to wear corrurows or not to wear makeup, I believe it will do so under something more akin to the German Constitution's right to personality rather than as a right attached to groups like racial minorities or women.

One of the great benefits of analyzing civil rights in terms of universal liberty rather than in terms of group-based equality is that it avoids making assumptions about group cultures. I've touched on the problem that the covering concept might assume too quickly that individuals behaving in "mainstream" ways are hiding some true identity, when in fact they might just be "being themselves." A female colleague of mine gave me a powerful version of this critique: "Here is what I dislike about your project. When I do something stereotypically masculine—like fixing my bike—your project makes it more likely people will think I'm putting on a gender performance rather than accepting the most

straightforward explanation for what I'm doing. I don't fix my bike because I'm trying to downplay the fact that I'm a woman. I fix it because it's broken."

She gave another example: "When I was in graduate school, there was an African-American man who studied German Romantic poetry. Under your model, I could easily see someone saying he was 'covering' his African-American identity by studying something so esoteric and highbrow. But it was clear to me he was studying Romantic poetry because he was seized by it. And if someone had assumed he was studying it to 'act white,' they would have diminished him as a human being."

The coup de grâce: "Your commitment is to help people 'be themselves'—to resist demands to conform that take away their ability to be the individuals they are. But the covering idea could perpetuate the stereotypes you want to eliminate. One way minorities break stereotypes is by acting against them. If every time they do so, people assume they are 'covering' some essential stereotypical identity, the stereotypes will never go away."

I have literally lost sleep over this criticism. But in my waking hours, I take it more as a caution than as a wholesale indictment. I agree that we must not assume that individuals behaving in "mainstream" ways are necessarily covering. My ultimate commitment

is to autonomy as a means of achieving authenticity, rather than to a fixed conception of what authenticity might be. (Here I follow Winnicott, who observes the True Self is not susceptible to specific definition, as its nature differs for each of us.) In talking about classic civil rights groups, I have focused on the demand to conform to the mainstream because I think that for most groups (except women) these are the demands that most threaten our authenticity. But I am equally opposed to demands that individuals reverse cover, because such demands are also impingements on our autonomy, and therefore on our authenticity.

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In practice, I expect the liberty paradigm to protect the authentic self better than the equality paradigm. While it need not do so, the equality paradigm is prone to essentializing the identities it protects. Under an equality paradigm, if a woman who wore a lot of makeup were protected by a court because makeup is an "essential" part of being a woman, this could reinforce the stereotype that women wear makeup. But if the same woman were given the liberty right to elaborate her own gender identity in ways that did not impinge on her job performance, she would be protected from demands to be either more "masculine" or more "feminine." Marsha Wislocki-Goin would be protected for wearing "too much makeup" and Darlene Jespersen the full panoply of options from which she could fashion her gender identity. And in protecting that range, the law would not articulate any presupposition about what an "authentic" or "essential" woman would look like. Authenticity would be something these women, and not the state or employer, would find for themselves.

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Group-based identity politics is not dead. As I have argued, I still believe in a group-based accommodation model for existing civil rights groups. This is in part because I believe we have made a commitment to those groups to protect them from such covering demands. The statutory language of the Civil Rights Act and the Americans with Disabilities Act already protects racial minorities, religious minorities, women, and individuals with disabilities as *groups* against covering demands. It has been the courts that have erroneously limited the ambit of those protections. Such a group-based equality paradigm is completely consistent with the individual liberty paradigm. In fact, the equality and liberty strands of antidiscrimination law are inextricably intertwined.

Moreover, even if we shift the focus of civil rights law away from equality to liberty, identity politics will still be crucial. If it weren't for the gay rights movement, or the disability rights movement, cases like *Lawrence* or *Lane* would never have made it to the Court. But I'm sympathetic to the Court's desire to frame these cases not as "gay" or "disability" cases, but as cases touching on rights that, like a rising tide, will lift the boat of every person in America. Ironically, it may be the explosion of diversity in this country that will finally make us realize what we have in common. Multiculturalism has forced us to vary and vary the human being in the imagination until we discover what is invariable about her.

While I have great hopes for this new legal paradigm, I also believe law will be a relatively trivial part of the new civil rights. A doctor friend told me that in his first year of medical school, his dean described how doctors were powerless to cure the vast majority of human ills. People would get better, or they would not, but it would not be doctors who would cure them. Part of becoming a doctor, the dean said, was to surrender a layperson's awe for medical authority. I wished then that someone would give an analogous lecture to law students, and to Americans at large. My education in law has been in part an education in its limitations.

For starters, many covering demands are made by actors the law does not—and in my view should not—hold accountable, such as friends, family, neighbors, or people themselves. When I hesitate before engaging in a public display of same-sex affection, I am not thinking of the state or my employer, but of the strangers around me and my own internal censor. And while I am often tempted to sue myself, this is not my healthiest impulse.

Law is also an incomplete solution to coerced assimilation because it has yet to recognize the myriad groups subjected to covering demands outside traditional civil rights classifications like race, sex, orientation, religion, and disability. Whenever I speak about covering, I receive new instances of identities that can be covered. This is Winnicott's point—each one of us has a False Self that hides a True one. The law may someday move to protect some of these identities. But it will never protect them all.

Most important, law is incomplete in the qualitative remedies it provides. I confronted this recently when I became a plaintiff in a lawsuit against the Department of Defense. Under a congressional statute called the Solomon Amendment, the department threatened to cut off \$350 million of federal funding

from Yale University if the law school did not exempt the military from the law school's policy of protecting gays against discrimination by employers. Our suit argues that the statute is unconstitutional. I believe in this lawsuit, and was heartened that the vast majority of my law school colleagues signed on as plaintiffs. I was also elated when the district court judge, Judge Janet Hall, granted summary judgment in our favor. (As the government has taken an appeal, the case is still pending.) But there is nothing like being a plaintiff to realize that lawsuits occur between people who have no better way of talking to each other.

When I think about the elaboration of my gay identity, I am grateful to see litigation has had little to do with it. The department is the only entity I have ever wanted to sue. Even when I encountered demands for assimilation, my best response was to draw my interlocutor into a conversation. Just as important, framing the project of self-elaboration in purely legal—and therefore adversarial—terms would fail to honor all those who were not adversaries. I have described in these pages many individuals who helped me toward myself. But there were many more. I think here of my law professor Charles Reich, who wrote a memoir about coming out in 1976, when it was an act of real courage to do so, and who let me write the essay that begins this book in his class, though its relationship to the law was then entirely unclear. I think of the chair of my midtenure review committee, who sat me down when I was the only untenured member of the faculty and, unsurprisingly, a mass of nerves, to give me the verdict of the committee. He told me his only advice for the coming years was that I should be more myself, that instead of reasoning within the law as it existed, I should speak my truth and make the law shape itself around me. And I think of my parents, whose response to this manuscript was to say, with calm and conviction, that they were proud of the man I have become.

For these reasons, I am troubled that Americans seem increasingly to turn toward the law to do the work of civil rights precisely when they should be turning away from it. The real solution lies in all of us as citizens, not in the tiny subset of us who are lawyers. People who are not lawyers should have reason-forcing conversations outside the law. They should pull Goffman's term "covering" out of academic obscurity and press it into the popular lexicon, so that it has the same currency as terms like "passing" or "the closet." People confronted with demands to cover should feel emboldened to seek a reason for that demand, even if the law does not reach the actors making the demand, or recognize the group burdened by it. These reason-forcing conversations should happen outside courtrooms—in workplaces and restaurants, schools and playgrounds, chat rooms and living rooms, public squares and bars. They should occur informally and intimately, where tolerance is made and unmade.

What will constitute a good enough reason to justify assimilation will obviously be controversial. But I want to underscore that we have come to some consensus that certain reasons are illegitimate—like white supremacy, patriarchy, homophobia, religious intolerance, and animus toward the disabled. I ask us to be true to the commitments we have made by never accepting such biases as legitimate grounds for covering demands. Beyond that, I have sought

to engender a series of conversations, rather than a series of results—what reasons count, and for what purposes, will be for us to decide by facing one another as individuals. My personal inclination is always to privilege the claims of the individual against countervailing interests like “neatness” or “workplace harmony.” But we should have that conversation.

Such conversations are the best—and perhaps the only—way to give both assimilation and authenticity their proper due. These conversations will help us chart and stay the course between the monocultural America suggested by conservative alarmists and the balkanized America suggested by the radical multiculturalists. They will reveal the true dimension of civil rights. The aspiration of civil rights has always been to permit people to pursue their human flourishing without limitations based on bias. Focusing on law prevents us from seeing the revolutionary breadth of that aspiration, as law has limited civil rights to particular groups. I am not faulting that limitation, as I think prioritization is necessary, and that the law’s priorities are correct. But civil rights, which has always extended far beyond the law, may now need to do so more than ever. It is only when we leave the law that civil rights suddenly stops being about particular groups and starts to become a project of human flourishing in which we all have a stake.

We must use the relative freedom of adulthood to integrate the many selves we hold. This includes uncovering the selves we buried long ago because they were inconvenient, impractical, or even hated. Because they must pass the test of survival, most of the selves we hold, like most of our lives, are ordinary. Yet sometimes, what is consequential in us begins to shine.

Questions for Critical Reading

1. What does Yoshino mean by the “new” civil rights? Define the term by locating passages from his text. What makes it new? How does it differ from “old” civil rights? Use Yoshino’s text to define liberty and equality paradigms as part of your response.
2. What is “covering”? Define the concept using Yoshino’s text and then offer your own example.
3. How does Yoshino think we can achieve the new civil rights? Provide passages that show his position and then respond to it. Do you think his vision is possible? Is it something we should strive for? In making your response, reread Yoshino’s text critically to locate points of connection between his position and yours.

Exploring Context

1. Explore the Web site for the U.S. Commission on Civil Rights (uscrr.gov). Which paradigm does it reflect, liberty or equality? Use your definition of these terms from Question 1 of Questions for Critical Reading.

2. Yoshino uses recent Supreme Court decisions to make his argument. Visit the Web site for the Supreme Court at supremecourtus.gov. What recent cases have concerned civil rights? What impact do these cases (or the lack of such cases) have on Yoshino’s argument?
3. According to Yoshino, changes in civil rights should come not from legislation but through conversation. Visit BlogPulse’s trend tool (blogpulse.com/trend) and search for *civil rights* and related terms. Are people talking about these issues online? What does this say about Yoshino’s argument? Connect your exploration to your response to Question 3 of Questions for Critical Reading.

Questions for Connecting

1. Kwame Anthony Appiah also extols the power of conversation in “Making Conversation” (p. 57) and “The Primacy of Practice” (p. 63). Place his ideas in conversation with Yoshino’s essay, synthesizing their ideas about the power of conversation. Is Yoshino also calling for cosmopolitanism? How do civil rights function like other social practices?
2. Though explicitly concerned with aesthetics, Virginia Postrel’s “The Boundaries of Design” (p. 296) might also be considered as an essay on civil rights and individual liberties. How do Postrel’s arguments affect Yoshino’s? How are the challenges of locating aesthetic boundaries similar to the challenges of civil rights? Can Postrel’s insights help us achieve a new civil rights, or do they point to the difficulty of such a project? Use your understanding of the new civil rights from Question 1 of Questions for Critical Reading in your response.
3. Francis Fukuyama argues for the necessity of a concept of human dignity in his essay of the same name (p. 142). What role might human dignity play in civil rights? Is Factor X an essential component of a new civil rights? Synthesize the ideas of Fukuyama and Yoshino into an argument about human rights.

Language Matters

1. Every part of speech and every punctuation mark has certain “rights”; for example, the period has the right to end a sentence and the comma does not. How can we describe the rules of grammar using Yoshino’s ideas of liberty and equality paradigms?
2. Defining terms is an important part of academic writing. Locate a passage where Yoshino defines a term. What strategies does he use? Does he offer a dictionary definition? An example? An authority? How should you define terms in your own text?
3. Is there a form of covering that takes place in peer revision? Are people tempted to tone down unfavorable comments? How does Yoshino’s discussion of covering offer advice for more effective peer revision?

Assignments for Writing

1. Yoshino discusses the concept of groups and individuals covering in order to conform to the mainstream. Locate your own example of covering and then write an essay that extends or complicates Yoshino's argument through your example. Does your example reinforce or refute Yoshino's ideas about covering? Are any civil rights at stake in your example? What relation is there between covering and civil rights? You will want to use your definition of the term *covering* from Question 2 of Questions for Critical Reading.
2. Yoshino discusses the challenges to civil rights posed by the proliferation of groups engendered by a diverse society; he offers his own vision of how to transform civil rights to account for these groups. Write a paper in which you suggest what changes we should make to civil rights and how we might achieve those changes. Draw from your work in Questions for Critical Reading and Questions for Connecting in making your argument. Consider, too: Should we use a liberty paradigm or an equality paradigm? Would you propose a different paradigm of your own? Is legislation the best way to achieve your vision for civil rights? Is conversation?
3. In Question 3 of Exploring Context you examined current online conversations about civil rights. Yoshino suggests that such conversations are the best means of achieving a new civil rights. Write a paper in which you argue for the role of conversation in social change. Is talking about an issue enough to engender change? Does it matter who is doing the talking? How does change happen in society?

ASSIGNMENT SEQUENCES

EMERGING

CONTEMPORARY READINGS FOR WRITERS

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