America: Mosaic or Melting Pot?

Traditionally in both American Law and Culture, we've thought of assimilation as being just a simple escape from discrimination, and I think what we tried in the 60s was to say, "Now, wait a minute, assimilation can sometimes be an escape from discrimination but it can often be an effect of discrimination."

We start to push against this assimilation ideal and started to think that there might be something harmful about the American Melting Pot. We were looking for other models. So, Canada for example has a counter metaphor which is the Mosaic as opposed to the Melting Pot, and I think that one of the things that's really useful about that metaphor is that it says, "Why do we have to melt? Why can't there be a model of enduring diversity and difference in a culture that would actually enrich it for all of us?" So long as it would simulate into the secular norm, we're not going to go after you on the basis of religion, but once you start "flaunting it", or this language comes from France where France banned headscarves in schools, as you know.

And one of the things that the directive says is that, "We want to ban ostentatious displays of religions." So it didn't target any particular religion, but it did target flaunting, you know. So, on a very simple level what we have is the Sikh who doesn't wear the turban getting the employment and Sikh who does wear the turban not getting employment.

So, what message does that send to the broader Sikh community about what America is willing to tolerate and what it isn't? If you go back a generation or two, what you see is just categorical prohibitions on groups so it's no racial minorities allowed, no women allowed, no gays allowed, no individuals with disabilities allowed, no religious minorities allowed and those are just group-based categorical prohibitions.

The triumph of civil rights has been that all those barriers have been lifted, but now the discrimination has morphed in a way so as to sub-divide each group. So now instead of saying, "No racial minority is allowed," we say, "Oh, racial minorities are welcome but racial minorities who wear cornrows are not welcome."

National origin minorities are welcome, so we love Latino's, but we don't like Latino's who lapse into Spanish so that people can get fired from "English Only" work places for demonstrating immutable aspects of their ethnic identities. I think it sends a really pernicious and disparaging message which is to
say, "We're not going to permit discrimination against groups as groups but we are going to permit discrimination against cultures."

Covering was when you try and tone down a known identity. So it's not the same as passing, because in passing you don't actually disclose the identity. They said that many people who actually are willing to disclose the identity, bend over backwards to keep that identity from being salient in social interactions.

Religious minorities are asked to cover all the time so the Sikh who's asked to remove his turban or the Muslim women who's asked to drop her veil or in either case if individuals are asked to drop the Arabic or to change their names or to drop any other part of their cultural practice, that could be seen as a form of covering which the state is unwilling to protect. The most advantageous thing to do is to drop these non-mainstream attributes, but if everybody does that then those attributes never make their mark on our common culture. I'm troubled by people who say, "Why should racial minorities, or ethnic minorities, or other groups be able to bring their culture into the popular, the mainstream space?"
Because it assumes that the public fear belongs to the historically dominant group, first of all.

And second, oftentimes people who invade on certain kinds of ethnic traits will embrace other traits. So if we look at, you know, ethnic food or African-American rap or gay style, like all of these things are things that Americans have embraced rather than rejected. I don't think that people should be able to pick and choose the cultural attributes that are most interesting to them without also asking themselves what traits might be important to the dignitary interests of those who bear these traits. None of us are fully inside of the mainstream and so all of us have some attribute that there's going to be a disfavored and therefore some attribute that were going to be asked to cover in the world.

And one of the things that I feel hopeful about is that I feel that time is on our side, in the sense that as we get more and more pluralistic, everyone is going to realize that they have a dog in the fight, you know, everyone is going to realize that they have some individual stake and what I view to be the core ideal of civil rights which is not simply racial justice or feminism but which is much more broadly about human flourishing and about our desire, the kind of desire that starts within us all for human emancipation and expression.