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Imposition

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IMPOSITION

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I. INTRODUCTION

In *Merritt v. Faulkner*,[1] the Seventh Circuit rejected a plea brought by a prisoner who already had filed a number of other claims. Describing him and other prison writ-writers as petty and litigious,[2] the court went on to declare their refusal to come to terms with their own guilt and their constant hounding of the authorities as yet further proof of their unregenerate condition.[3]

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1. 823 F.2d 1150 (7th Cir. 1987) (holding that the district court properly rejected an inmate's challenge to the validity of a settlement agreement in his civil rights action against prison officials).

2. *Id.* at 1157 (Posner, J., concurring) ("Inmates love turning the tables on the prison's staff by hauling it into court. They like the occasional vacation from prison to testify in court."); *see also* McKeever v. Israel, 689 F.2d 1315, 1323 (7th Cir. 1982) (Posner, J., dissenting) (recording his "amazement" at the large number of prison suits).

3. *Merritt*, 823 F.2d at 1157 (Posner, J., concurring); *see also McKeever*, 689 F.2d at 1323 (Posner, J., dissenting) ("[I]nstead of reflecting on the wrongs they have done to society our convicts prosecute an endless series of mostly imaginary grievances against society "); Harris v. Marsh, 679 F Supp. 1204, 1347 (E.D.N.C. 1987) ("Instead of spending a significant amount of her time at work initiating grievances without merit, and filing baseless charges of discrimination, perhaps plaintiff would have been better off to remember that the greatest deterrent to racism is excellence in performance. Unfortunately, this was a lesson plaintiff never learned or, if learned, was long ago forgotten."), *aff'd in part, rev'd in part sub nom.* Blue v. United States, 914 F.2d 525 (4th Cir. 1990), *cert. denied*, 111 S. Ct. 1580 (1991).

Courts, including the Supreme Court, lately have been employing more and more such expressions of exasperation in cases brought by prisoners, minorities, and other outsider groups.[4] Our thesis is that the court system, like society generally, deploys terms of *imposition* at key moments in the history of a reform effort, such as blacks' struggle for equal opportunity, women's campaign for reproductive rights, or the effort of the institutionalized to win humane conditions of confinement.[5]

Before reaching that point, society tolerates or even supports the new movement. We march, link arms, and sing with the newcomers, identifying with their struggle.[6] At some point, however, reaction sets in. We decide the group has gone far enough. At first, justice seemed to be on their side. But now we see them as imposing, taking the offensive, asking for concessions they do not deserve. Now they are the aggressors, and we the victims.

At precisely this point in a reform's history, we begin to deploy what we call "imposition language"—language of encroachment.[7] We decide the group is asking for "special" status. We find their demands excessive, tiresome, or frightening. The imposition narrative delegitimizes the reform movement, portraying it as unprincipled. But by a neat switch, it also enables us to feel comfortable about withdrawing our support; the imposition paints us as morally entitled to oppose the movement and bring it to a halt.

Part II of this Article explains how narratives guide perception, become ingrained, and enable us to construct and under-

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4. Examples of such cases are discussed *infra* part II. *See also* Richard Delgado & Jean Stefancic, *Scorn*, 35 WM. & MARY L. REV. 1061 (1994) (discussing the Supreme Court's use of satire and caustic language directed at disempowered groups). For a habeas corpus case also brusquely dismissing a prisoner's suit, see Gomez v. United States Dist. Court, 112 S. Ct. 1652 (1992).

5. *See infra* part V.B. (addressing the special situation of black Americans, and arguing that this group is subject to a double axis of forces).

6. On triumphalism and the cheerful optimism of many liberals with respect to black progress, see, for example, Randall Kennedy, *Race Relations Law and the Tradition of Celebration: The Case of Professor Schmidt*, 86 COLUM. L. REV. 1622 (1986); Richard Delgado, *Derrick Bell and the Ideology of Racial Reform: Will We Ever Be Saved?*, 97 YALE L.J. 923 (1988) (reviewing DERRICK BELL, AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE (1987)).

7. Viz, you have taken advantage and gone too far. For an analysis of the various subnarratives that constitute the idea of imposition, see *infra* part IV.A.

stand the world. Part III focuses more closely on the narrative of imposition, illustrating its role and function from a number of periods and sources, including Supreme Court jurisprudence. Part IV explains how and why the imposition mechanism works. Part V summarizes the argument, situates the imposition strategy within a general framework by which society resists social change, and concludes by offering our thoughts on ways in which reformers may deflect or counter the narrative when it is arrayed against them.

II. THE NARRATIVE MOVEMENT AND THE LAW

Recent scholarship has focused on the role of stories and narratives in guiding perception and determining legal outcomes.[8] Writers such as Derrick Bell,[9] Mari Matsuda,[10] and Charles Lawrence[11] have analyzed stories about racial justice; Thomas Ross,[12] Kathryn Abrams,[13] Toni Massaro,[14] and Randall

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8. *See* ON NARRATIVE (W.J.T. Mitchell ed., 1981); 1 & 2 PAUL RICOEUR, TIME AND NARRATIVE (Kathleen McLaughlin & David Pellauer trans., 1984-85); JAMES B. WHITE, HERACLES' BOW: ESSAYS ON THE RHETORIC AND POETICS OF THE LAW (1985); JAMES B. WHITE, WHEN WORDS LOSE THEIR MEANING (1984); Richard Delgado, *Mindset and Metaphor*, 103 HARV. L. REV. 1872 (1990); Symposium, *Legal Storytelling*, 87 MICH. L. REV. 2073 (1989) (containing articles by Derrick Bell, Milner Ball, Mari Matsuda, Richard Delgado, and others).

9. *See, e.g.*, DERRICK BELL, AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE (1987) [hereinafter BELL, AND WE ARE NOT SAVED]; DERRICK BELL, FACES AT THE BOTTOM OF THE WELL. THE PERMANENCE OF RACISM (1992) [hereinafter BELL, FACES AT THE BOTTOM OF THE WELL]; Derrick Bell, *Foreword: The Civil Rights Chronicles*, 99 HARV. L. REV. 4 (1985).

10. *See, e.g.*, Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320 (1989) [hereinafter Matsuda, *Public Response to Racist Speech*]; Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REP. 7 (1989).

11. *See, e.g.*, Charles R. Lawrence, III, *If He Hollers Let Him Go: Regulating Racist Speech on Campus*, 1990 DUKE L.J. 431 [hereinafter Lawrence, *If He Hollers Let Him Go*]; Charles R. Lawrence, III, *The Word and the River: Pedagogy as Scholarship as Struggle*, 65 S. CAL. L. REV. 2231 (1992).

12. *See, e.g.*, Thomas Ross, *Innocence and Affirmative Action*, 43 VAND. L. REV. 297 (1990) [hereinafter Ross, *Innocence and Affirmative Action*]; Thomas Ross, *The Rhetorical Tapestry of Race: White Innocence and Black Abstraction*, 32 WM. & MARY L. REV. 1 (1990) [hereinafter Ross, *The Rhetorical Tapestry of Race*]; Thomas Ross, *The Richmond Narratives*, 68 TEX. L. REV. 381 (1989) [hereinafter Ross, *The Richmond Narratives*].

13. *See, e.g.*, Kathryn Abrams, *Hearing the Call of Stories*, 79 CAL. L. REV. 971

Kennedy[15] have analyzed stories dealing with inequality in general. Much of the new work draws upon cognitive psychology, semiotics, literary criticism, and post-structural thought in an effort to understand the relationship among text, meaning, culture, and change.

One of the new scholarship's central tenets is that if one wants to understand how law works, one must do more than analyze its manifest content—the terms, precedential value, and logical cogency of the texts themselves. Rather, one must also understand how statutes and case law interact with the setting and background against which they are issued and read.[16] Many authors show how stories become internalized, after which they efficiently and invisibly determine what we see. In particular, stories about outsider groups impede their progress by portraying them as undeserving and unworthy of support. Thus, for example, Thomas Ross has analyzed the Supreme Court narrative of poverty and immorality and the innocent white;[17] Derrick Bell, the "tipping point";[18] Charles Lawrence, redressable racism as bounded and dichotomous;[19] and Angela Harris, the narrative of the unitary essential woman in feminist thought.[20]

(1991).

14. *See, e.g.*, Toni M. Massaro, *Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?*, 87 MICH. L. REV. 2099 (1989).

15. *See, e.g.*, Kennedy, *supra* note 6; Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745 (1989).

16. On the need to move beyond formalist analysis, see, for example, MILNER S. BALL, LYING DOWN TOGETHER: LAW, METAPHOR, AND THEOLOGY (1985) (suggesting a new conceptual metaphor for law: a medium for human solidarity); BELL, AND WE ARE NOT SAVED, *supra* note 9, at 3-10; Richard Delgado, *Shadowboxing: An Essay on Power*, 77 CORNELL L. REV. 813 (1992) (proposing an examination of the legal background against which the familiar interpretive work of courts and legislatures takes place); Lawrence, *If He Hollers Let Him Go*, *supra* note 11, at 437, 476-81; Ross, *The Richmond Narratives*, *supra* note 12.

17. Ross, *Innocence and Affirmative Action*, *supra* note 12; Thomas Ross, *The Rhetoric of Poverty: Their Immorality, Our Helplessness*, 79 GEO. L.J. 1499 (1991) [hereinafter Ross, *The Rhetoric of Poverty*]; Ross, *The Rhetorical Tapestry of Race*, *supra* note 12.

18. *E.g.*, BELL, AND WE ARE NOT SAVED, *supra* note 9, at 140-61 (relating the "Chronicle of the DeVine Gift" to illustrate the unspoken limit on affirmative action).

19. Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317 (1987) (proposing a new test to trigger judicial recognition of race-based behavior).

20. Angela P Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN.

Although much of their work has dealt with the reception of new or critical scholarly ideas, some narrative scholars go beyond that. They point out that majoritarians tell stories too, indeed, that law can be seen as a collection of tales and stock stories.[21] This "counterstorytelling" approach examines majoritarian stories in order to understand their structure and function, especially in relation to social justice.[22]

This Article, which focuses on the imposition narrative, draws on both approaches. We trace the development of imposition language, give examples from different periods, and show the part it plays in crystallizing opposition to social reform. We show how early stages of a reform movement often elicit sympathy Our self-image is that of a tolerant and welcoming people. But eventually the new movement gains momentum. It turns out that it wants to do more than march, talk, sing, and pray; it wants to redistribute wealth and influence. Around this point, rhetoric shifts. We portray the reformers in less flattering terms. Now they are illegitimate and opportunistic. We are the victims. They are imposing on us.

III. THE NARRATIVE OF IMPOSITION

In this Section, we set out a series of ways in which mainstream writers, including Justices of the Supreme Court, have written about reformers. Common to each is the idea that the reformer is the one who is overstepping, is abusing his or her welcome, or is going too far.

We first consider words that focus on the reformer personally, or on some trait or quality that renders him unreasonable, a nuisance. We then focus on words that impugn the outsider's motives, then ones that focus on his or her external actions. A fourth category focuses on the implications or effects of reformist

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L. REV. 581 (1990) (arguing that gender essentialism fails to challenge the law's tendency to privilege the abstract and unitary voice).

21. *E.g.*, Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411 (1989) [hereinafter Delgado, *Storytelling for Oppositionists and Others*]; Richard Delgado, *Rodrigo's Chronicle*, 101 YALE L.J. 1357 (1992) [hereinafter Delgado, *Rodrigo's Chronicle*]; Matsuda, *Public Response to Racist Speech*, *supra* note 10.

22. *E.g.*, Delgado, *Storytelling for Oppositionists and Others*, *supra* note 21.

behavior. In general, society attaches the imposition label only to individuals or groups whom we have already constituted as bearers of a stigma.[23] We rarely hold our friends guilty of imposition; at most they are guilty of momentary lapses. Only outsiders, persons whom we have already rendered "other," exhibit behavior we can deem to be an imposition.

A. Words That Impugn the Outsider Personally

Sometimes courts and others deem an individual guilty of imposing by virtue of who he or she is—that is, simply by being a Jew, woman, Chinese, or black, engaged in some ordinary activity of life. These examples were somewhat more common early in our history than they are now.[24] But they have not entirely died out; one hears overtones of the essentialist approach even today, fifty years after we abandoned the pseudoscientific theories of human differences that gave rise to it.[25]

1. Examples from Court Opinions

Four cases dealing with racial minorities or women illustrate the imposition per se approach. In the *Dred Scott* decision,[26] the United States Supreme Court considered for the first time a direct challenge to the institution of slavery. Writing for the majority, Justice Taney reviewed the history of Negro slavery beginning with early colonial times, concluding that blacks always had been regarded as property.[27] The early colonial leaders and Framers of the Constitution were "great men," who re-

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23. *See* Richard Delgado & Jean Stefancic, *Images of the Outsider in American Law and Culture: Can Free Expression Remedy Systemic Social Ills?*, 77 CORNELL L. REV. 1258 (1992) (describing how stigmatic imagery of various outgroups strains conventional First Amendment doctrine). On stigma in general, see ERVING GOFFMAN, STIGMA: NOTES ON THE MANAGEMENT OF SPOILED IDENTITY (1974); IRVING KATZ, STIGMA: A SOCIAL PSYCHOLOGICAL ANALYSIS (1981) (discussing the societal response to stigmatized groups).

24. *See generally* STEPHEN J. GOULD, THE MISMEASURE OF MAN (1981) (providing an account of this period).

25. *Id.* at 28.

26. Scott v. Sandford, 60 U.S. (19 How.) 393 (1856).

27. *Id.* at 407 ("He was bought and sold, and treated as an ordinary article of merchandise ").

garded the institution of private property, including the ownership of slaves, as the basis of civilized government.[28] Consequently, Justice Taney found it "impossible to believe that these rights and privileges [of citizenship] were intended to be" extended to slaves.[29] His opinion showed little contrition, sorrow, or inner tension, in effect chastising the petitioner for having asked the Court to do something absurd on the face of it, given his status as a Negro.[30]

In *Bradwell v. Illinois*,[31] Myra Bradwell sought admission to the Illinois bar, which rejected her application. The United States Supreme Court agreed that a woman's desire to practice law did not constitute a privilege of citizenship protected by the Constitution.[32] If permitted to practice law, women might want to "engage in any and every profession, occupation, or employment"[33]—something the Court obviously considered outlandish. Justice Bradley, in his concurrence, used words of imposition to describe how unreasonable Myra Bradwell was in making her request: "[i]n the nature of things it is not every citizen that is qualified for every calling and position."[34] Evidently the Supreme Court found Ms. Bradwell, who had already performed an

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28. *See id.* at 410 (describing the Framers as "great men—high in literary acquirements—high in their sense of honor"); *see also* Hirabayashi v. United States, 320 U.S. 81, 100 (1943) (" '[I]t is *a constitution* we are expounding.' ") (quoting McCulloch v. Maryland, 17 U.S. 316, 407 (1819)).

29. *Scott*, 60 U.S. (19 How.) at 412.

30. *Id.* at 410 (arguing that the Framers knew full citizenship "would not in any part of the civilized world be supposed to embrace the Negro race"); *id.* at 407 (explaining that Negroes' exclusion from citizenship "was regarded as an axiom in morals" at the time the Constitution was adopted); *id.* at 405 (describing the Court's duty "to interpret the instrument according to its true intent and meaning when it was adopted").

For a more recent variation on this black-hence-overreaching approach, see Harris v. Marsh, 679 F Supp. 1204, 1221 (E.D.N.C. 1987) (admonishing that race discrimination charges are very serious, "because if proved, [they] carry an enormously stigmatizing effect," and so "should only be leveled after careful investigation [and] thoughtful deliberation"), *aff'd in part, rev'd in part sub nom.* Blue v. United States, 914 F.2d 525 (4th Cir. 1990), *cert. denied*, 111 S. Ct. 1580 (1991).

31. 83 U.S. (16 Wall.) 130 (1872).

32. *Id.* at 138-39.

33. *Id.* at 140 (Bradley, J., concurring).

34. *Id.* at 142.

apprenticeship and passed a written examination,[35] unqualified by virtue of her womanhood, and peculiar for wishing to follow a course more characteristic of "the sterner sex."[36]

In *Chae Chan Ping v. United States*,[37] the Supreme Court upheld the Chinese Exclusion Act limiting immigration to the United States from that country Writing for the majority, Justice Field pointed out that Chinese immigration had increased rapidly because of the Gold Rush in the middle of the century [38] Many of the Chinese settlers were hardworking and frugal, which led to friction between them and their white neighbors.[39] They struck others as clannish and aloof, holding to their own customs, language, and norms even in their new land.[40] A convention to consider the problem found that the Chinese were a "menace to our civilization" and had a "baneful effect on the material interests of the state."[41] Emphasizing these supposed traits, Justice Field upheld the statute. Every sovereign nation must have jurisdiction over its own borders, he reasoned; otherwise, other groups would have power to determine its destiny [42] Control over immigration is necessary for "security against foreign aggression and encroachment"[43] and from "vast hordes of people crowding in upon us."[44] These dangers are especially acute when the foreigners are of a "different race"[45] not likely to "assimilate with our people."[46] The imposition language could not be plainer. The characterization of the Chinese as undesirables who do not deserve to be here could not be more manifest.

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35. *Id.* at 130 (majority opinion).
36. *See id.* at 142 (Bradley, J., concurring).
37. 130 U.S. 581 (1889).
38. *Id.* at 594-95.
39. *Id.* at 595.
40. *Id.* at 592-96.
41. *Id.* at 595.
42. *Id.* at 603-04.
43. *Id.* at 606.
44. *Id.*
45. *Id.*
46. *Id.* at 595. Nor was this early hyperbole or one-time-only error. Seventy years later the Court spoke of *Japanese*-Americans in much the same terms. *See* Hirabayashi v. United States, 320 U.S. 81, 96-97 (1942) (referring to persons of Japanese descent as nationalistic, cloistered, and reluctant to assimilate).

More recently, in *Maher v. Roe*,[47] the United States Supreme Court considered a challenge to a Connecticut funding program that paid fully for the cost of an indigent woman's childbirth, but did not fund abortions that were not medically necessary The Court held that Connecticut's program did not violate the Equal Protection Clause, even though an earlier decision, *Roe v. Wade*,[48] had found abortion to be a fundamental right.[49] Because Connecticut did not create the petitioner's indigence, it had no obligation to make her abortion free or affordable.[50] Her poverty, in other words, gave her no special standing.[51] The Court saw no difference between what Ms. Roe was demanding and a hundred other possible claims an indigent woman might make for welfare support.[52] It noted that she failed to see something that was "abundantly clear"—that seeking aid for a choice other than "normal childbirth" constituted serious overstepping.[53] The Court stopped just short of telling her she did not understand her role as a poor woman—namely, to be as quiet, prudent, and nondemanding as possible.[54] Although not as blatant a case of exclusion as the previous examples, *Maher*'s effect is just as serious: women who cannot afford abortions will not be able to obtain them. The opinion's indignation over the woman's effrontery is practically as plain as that of the nineteenth century cases.

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47. 432 U.S. 464 (1977).

48. 410 U.S. 113 (1973).

49. *Maher*, 432 U.S. at 470-71.

50. *Id.* at 474 (recognizing that indigency makes it difficult or impossible to have an abortion, yet maintaining that the Connecticut regulation places no obstacle in an indigent woman's path that was not already there).

51. *See id.* at 470-71 (underscoring that "[a]n indigent woman desiring an abortion does not come within the limited category of disadvantaged classes").

52. *See id.* at 471.

53. *Id.* at 477.

54. *See id.* at 471 ("In a sense, every denial of welfare to an indigent creates a wealth classification But this Court has never held that financial need alone identifies a suspect class for purpose of equal protection analysis."); *id.* ("Nor does the fact that the impact of the regulation falls upon those who cannot pay lead to a different conclusion."); *id.* at 479 ("We certainly are not unsympathetic 'but the Constitution does not provide judicial remedies for every social and economic ill.' ") (quoting Lindsey v. Normet, 405 U.S. 56, 74 (1972)).

2. General Popular Discourse

Although the Supreme Court today uses imposition per se language less frequently than prior Courts, certain social commentators have no such inhibition. For example, in a recent issue of *The New Republic*, Mickey Kaus penned a scathing review entitled *The Godmother: What's Wrong with Marian Wright Edelman*.[55] For Kaus, Ms. Edelman's book on the plight of poor children avoids the root cause of the problem, namely, their parents' dependency and unwillingness to work.[56] Edelman's interpretation thus constitutes a kind of double hubris. Her clients overstepped in the first place by being poor and making us feel guilty And she overstepped as author by blaming society for neglecting its schools and children. Kaus further charged Edelman with opportunism, implying that she wrote as she did in order to increase funding for her organization.[57]

Linda Chavez, writing in the same magazine, seems to ridicule in the title of her article, *Just Say Latino*, Hispanic groups who insist on calling themselves "Latino."[58] How tiresome—yet another new name, yet another imposition on our good natures! Her article also describes the call for affirmative action programs for Hispanics in Washington, D C. as amounting to quotas,[59] and the group's troubles as its own fault for refusing to legalize and assimilate into the culture as previous immigrants have done.[60] There is little to indicate that Chavez wrote as she did to exhort her countrymen to do better. She describes their traits in fatalistic terms, as though they are inborn and unlikely

55. Mickey Kaus, *The Godmother: What's Wrong with Marian Wright Edelman*, NEW REPUBLIC, Feb. 15, 1993, at 21 (reviewing MARIAN W EDELMAN, THE MEASURE OF OUR SUCCESS: A LETTER TO MY CHILDREN AND YOURS (1992)).

56. *Id.* at 22, 24.

57. *Id.* at 25.

58. Linda Chavez, *Just Say Latino*, NEW REPUBLIC, Mar. 22, 1993, at 18.

59. *Id.* Other writers also find quotas lurking in proposals that contain no mention of them. *See, e.g.*, Chester E. Finn, Jr., *Quotas and the Bush Administration*, COMMENTARY, Nov. 1991, at 17, 21 (finding quotas in the proposed civil rights legislation of both political parties); *Clinton's Nominee Gets the Bork Treatment*, INT'L HERALD TRIB., May 24, 1993, at 3 (reporting that law review articles of Justice Department nominee Lani Guinier were seen as quota measures, and that some described her as a "quota queen" who advocated a "racial spoils system").

60. Chavez, *supra* note 58, at 18.

to change.[61] The English-only movement supplies further examples of inherent imposition. Supporters speak of immigrants who wish to maintain their culture with an irritation that sometimes verges on revulsion. They are unpatriotic and unfit to reside here, their presence (in their unreformed foreign language speaking condition) calculated only to precipitate "white flight."[62] Certain Latino and Asian groups' insistence on speaking their own language with each other merits special scorn.[63]

In an ironic twist, Asians who succeed can also draw unfavorable attention. Recently, a United States Representative met with leaders of two Asian groups to make amends for what he was forced to admit were "poorly chosen words" related to Asian American students who win scholarships.[64] Speaking to the Maryland congressional delegation, Republican congressman Roscoe G. Bartlett noted that of recently awarded scholarly prizes, "half went to those with Oriental names, a sixth to Indian names, and the rest to what we would consider normal Americans."[65] Bartlett later explained that he meant "normal" only in the sense of average, that he did not mean to offend anyone, and that the news media had taken liberties[66]—thereby completing a nearly perfect triple-trope. The Asian schoolchildren overstepped by being here in the first place—note the use of the

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61. *See id.* ("Given these realities"—the group's illegality, rapid growth rate, and poor education—an affirmative action program to redress Hispanic underemployment in D.C. "is a little absurd."); *id.* ("In its fixation on quotas, the commission simply ignores the enormous problem of illegal immigration ").

62. *See, e.g.*, Juan Perea, *Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English*, 77 MINN. L. REV. 269 (1992) (analyzing antibilingualism rhetoric); Abigail M. Thermstron, *Bilingual Miseducation*, COMMENTARY, Feb. 1990, at 44 (asserting that bilingualism entrenches difference and weakens consensus); *Bilingualism*, ECONOMIST, May 22, 1993, at 32 (implying that the backers of the bicultural movement are unpatriotic and that an influx of non-English speaking immigrants will cause whites to leave).

63. *E.g.*, Michelle Maglalang, *A Day to Remember What It Means to Be American*, DAILY CAMERA (Boulder, Colo.), July 5, 1993, at 2C (describing the practice as "tearing through our common fiber," sending a "terrible" signal, "losing the meaning of what it means to be American," and unpatriotic); *Bilingualism*, *supra* note 62.

64. *Ways and Means*, CHRON. HIGHER EDUC., Mar. 17, 1993, at A23.

65. *Id.*

66. *Id.* Bartlett complained that reporters had distorted his remarks and that he had meant no offense. Consequently, he declined to apologize, standing by the sentiment of what he was trying to say. *Id.*

slightly derogatory term "Oriental." Next, the Asian students had the effrontery to apply themselves at school, thereby imposing on the prerogative of the native-born to take things easy and still get good grades—witness the use of the word "normal" to imply that the Asian children were strange. Finally, the media overstepped by reporting the congressman's remarks, thereby invading his prerogative to put the foreigners in their place without drawing attention.

B. Words That Impugn the Outsider's Motives

Imposition language also can cast reformers or an outsider group in a negative light because of their supposed bad motives or unstated agenda. The outsider is not looking for social justice, but spoiling for a fight, with a chip on his or her shoulder. Or the outsider has an impermissible motive—advancing social claims to win funding, acclaim, or power he or she does not deserve.

1. Supreme Court Opinions

A line of recent cases, including the ones mentioned at the beginning of this Article,[67] illustrates the first approach. Courts have been rejecting prisoners' writs brusquely, sometimes implying that prisoners write them because they are bored and have too much time on their hands.[68] Sometimes, judges imply bad character in other ways, as well. A plurality opinion of Justice Sandra Day O'Connor in *City of Richmond v. J.A. Croson Co.*,[69] in addition to other reservations, warned of the danger of acceding to "a politics of racial hostility"[70] In doing so she implied that the backers of the Richmond program, which would have increased the number of minority contractors, were themselves racially hostile and were prepared to be unfair to innocent

67. *See supra* notes 1-5 and accompanying text.

68. *See, e.g.*, Harris v. Marsh, 679 F Supp. 1204, 1347 (E.D.N.C. 1987) (castigating a plaintiff for initiating "baseless charges of discrimination" and for failing to learn her lesson), *aff'd in part, rev'd in part sub. nom* Blue v. United States, 914 F.2d 525 (4th Cir. 1990), *cert. denied*, 111 S. Ct. 1580 (1991).

69. 488 U.S. 469 (1989).

70. *Id.* at 493.

whites.[71] The opinion echoed earlier Supreme Court cases that also viewed black demands as hypersensitivity In the *Civil Rights Cases* of 1883,[72] the Court struck down a federal civil rights statute under which black plaintiffs had brought suit, finding that Congress lacked the power to enact it.[73] Although the grounds for invalidation were technical and narrow,[74] the Court went on to chide the plaintiffs for bringing the suit in the first place, observing that what they seemed to want was not equal but special treatment.[75] The cases all concerned access to public accommodations, such as inns and public conveyances,[76] yet to the Court, the demands seemed like a request for special aid. It was time for African Americans to stop insisting on such treatment and to become "mere citizen[s]."[77] A few years later in *Plessy v. Ferguson*,[78] the Court again scolded blacks, this time for wanting to ride in the same railroad car as whites.[79] The Court failed to see the insult in the railroad company's rule, declaring that any injury lay in the plaintiffs' minds and in the interpretation they placed on their treatment.[80]

2. *General Popular Discourse*

Columnists and reviewers have been even less reticent about attributing base motives to reformers than has the Court. Recall, for example, the article mentioned earlier that depicted a well-known advocate for children's rights as concerned mainly with her own funding.[81] Similarly, detractors criticized Repre-

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71. *See id.* at 495-501 (claiming that the City of Richmond was the one using distasteful racial categories and tactics sure to backfire by granting benefits to black contractors); *see also* City of Rome v. United States, 446 U.S. 156, 218-19 (1980) (Rehnquist, J., dissenting) (implying that blacks who have suffered no wrongs often sue to "get even" for injuries suffered by their forebears long ago).

72. 109 U.S. 3 (1883).

73. *Id.* at 25.

74. *See id.* at 10-17.

75. *Id.* at 25.

76. *See id.* at 4-5.

77. *Id.* at 25.

78. 163 U.S. 537 (1896).

79. *Id.* at 550-52.

80. *Id.* at 551.

81. *See* Kaus, *supra* note 55; *supra* notes 55-57 and accompanying text.

sentative Maxine Waters for her role in the wake of the Los Angeles disturbances in 1992 following the verdict in the first trial of police officers accused of beating Rodney King. Waters had spoken to reporters about the causes of the riots, namely, black poverty and the unresponsiveness of the city's bureaucracy.[82] Her accusers charged her with cynically exploiting the tragedy and attempting to thrust herself into a limelight she had not deserved or won.[83]

Another writer, in an article on the English-only movement, described activists working with immigrants and bilingual teachers as disrespectful of the majority culture, seemingly only because they were respectful of the immigrants' culture.[84] In a note on street hassling,[85] the editors of *The New Republic* ridiculed a theory pioneered in a *Harvard Law Review* article which urged that women who are subjected to leers, whistles, and unwanted remarks on the streets should have legal recourse.[86] The note suggested that those who support this movement are petty and vindictive, that being hassled is "a hazard of existence," and that the author is advocating a violation of the constitutional rights of men.[87]

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82. *See, e.g.*, Douglas P Shuit, *Waters Focuses Her Rage at System*, L.A. TIMES, May 10, 1992, at A1 (describing the focus of Representative Waters' public expressions of anger after the riots as "the years of indifference by the political power structure, the unshakable poverty of the inner city, and a federal government that seems more concerned with putting Eastern Europe back on its feet than with America's blighted cities").

83. Midge Decter, *How the Rioters Won*, COMMENTARY, July 1992, at 17, 18-19 (implying that Waters basked in the limelight and posed as an expert and commenting that "never again would she have quite so good a time").

84. James Traub, *Back to Basic: P.C. v. English*, NEW REPUBLIC, Feb. 8, 1993, at 18. Other writers find insult to white institutions in a wide range of advocacy or conduct. *See, e.g.*, Ken Hamblin, *Some See Only Evil in Our Legal System*, DENVER POST, June 30, 1992, at 7B (discussing insult in Hispanic dress customs); John Leo, *Honesty About Race Is Gaining New Ground*, DAILY CAMERA (Boulder, Colo.), Apr. 14, 1992, at 5A (discussing insult in the general mindset that supports minorities at the majority's expense); Howard Pankratz, *Judge's Speech to Be Reviewed for Bias*, DENVER POST, Apr. 14, 1993, at 1A (discussing the insult in a judge's pro-feminist speech).

85. *Notebook*, NEW REPUBLIC, Mar. 1, 1993, at 8.

86. Cynthia G. Bowman, *Street Harassment and the Informal Ghettoization of Women*, 106 HARV. L. REV. 517 (1993).

87. *Notebook*, *supra* note 85, at 8; *see also Talking Dirty*, NEW REPUBLIC, Nov. 4, 1991, at 7-8 (arguing that some aspects of sexual harassment are a constitutional

C. *Words That Find Imposition in Particular Forms of Behavior*

In a third variant, the speaker does not impeach reformers or their motives, but rather their actions. These accusations tend to be less harsh than the first kind. Nevertheless, they hold that the reformer is doing something wrong—either demanding something that by its very nature constitutes imposition, or going about things the wrong way, e.g., by trying to vault to the head of the line.

1. *Legal and Supreme Court Discourse*

Civil rights measures for blacks invariably strike some commentators as troublesome. For example, the Civil Rights Act of 1964,[88] enacted in the wake of John F Kennedy's assassination and Martin Luther King's marches in Southern cities, today is regarded as a moderate mainstay of legal protection for minorities. When it was proposed, however, Senator Barry Goldwater and Alabama Governor George Wallace argued that it might take the creation of a police state to enforce the measure.[89] In *Regents of the University of California v. Bakke*,[90] the university instituted a program that gave minorities certain priorities in admission to medical school.[91] In striking down the program, Justice Powell highlighted the way in which the program, although aimed at increasing diversity, nevertheless operated unfairly against "innocent persons in respondent's position."[92] The

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right). For a collection of quotations and poll results on white males' fear of swamping by women and minorities, see David Gates, *White Male Paranoia*, NEWSWEEK, Mar. 29, 1993, at 48.

88. 42 U.S.C. §§ 2000a et seq. (1988).

89. *See* DAVID G. SAVAGE, TURNING RIGHT: THE MAKING OF THE REHNQUIST SUPREME COURT 30 (1992); *see also* CHARLES WHALEN & BARBARA WHALEN, THE LONGEST DEBATE: A LEGISLATIVE HISTORY OF THE 1964 CIVIL RIGHTS ACT 143 (1985) (reporting that Senator Strom Thurmond filibustered a record 24 hours, 18 minutes to delay deliberations on the 1957 Civil Rights Bill); A. Leon Higginbotham, Jr., *An Open Letter to Justice Clarence Thomas from a Federal Judicial Colleague*, 140 U. PA. L. REV. 1005, 1019 (1992) (reporting that Senator Thurmond opposed an earlier bill, the 1957 Civil Rights Act, on the ground that it would amount to "an enslavement of white people").

90. 438 U.S. 265 (1978).

91. *Id.* at 274-76.

92. *Id.* at 298.

"innocent whites" concern has been appearing more and more frequently in judicial opinions rejecting black demands. The judge, for example, notices that a complicated job program increases the number of jobs for blacks but decreases or holds constant those for whites. He or she fixates on the latter, finds a causal connection, and holds that no program of racial justice can come at the expense of nonminorities not personally responsible for the African Americans' predicament.[93]

For example, in two recent decisions, cities had enacted programs under which minority firefighters or teachers who ranked below whites in job security or eligibility for promotion could sometimes be treated more favorably than if they were white.[94] Focusing largely on this aspect of the programs, the Court struck them down as containing an impermissible "leapfrogging"[95] remedy.[96] All job and promotion criteria, of course, enable some to advance while others do not—that is their function. That the Court saw this scheme as impermissible seems to rest on a premise that minorities should not expect or attempt to advance rapidly, and certainly not at the expense of whites.

In *McCleskey v. Kemp*,[97] a Georgia death penalty case, the Court highlighted the potentially unlimited scope of the remedy

93. *See* Sheet Metal Workers Int'l Ass'n v. EEOC, 478 U.S. 421, 500 (1986) (Rehnquist, J., dissenting) (holding that the Court may not grant relief "to those who were not victims at the expense of innocent nonminority workers injured by racial preferences"); Wygant v. Jackson Bd. of Educ., 476 U.S. 267, 276 (1986) (Powell, J.) ("[A]s the basis for imposing discriminatory *legal* remedies that work against innocent people, societal discrimination is insufficient and overexpansive."); Fullilove v. Klutznick, 448 U.S. 448, 530 n.12 (1980) (Stewart, J., dissenting) (commenting that it would be an oversimplification to assume that all those seeking to take advantage of minority set asides "currently suffer from the effects of past or present discrimination"); *see also* Ross, *Innocence and Affirmative Action*, *supra* note 12 (arguing that the racially-loaded "rhetoric of innocence" should be put aside); Ross, *The Rhetorical Tapestry of Race*, *supra* note 12, at 9-12 (discussing the rhetorical facade the author believes permeates the Supreme Court's race decisions).

94. Local Number 93, Int'l Ass'n of Firefighters v. City of Cleveland, 478 U.S. 501 (1986) (firefighters); *Wygant*, 476 U.S. 267 (teachers).

95. The term is Justice White's. *See Local Number 93, Int'l Ass'n of Firefighters*, 478 U.S. at 534-35 (White, J., dissenting) (discussing Firefighters Local Union No. 1784 v. Stotts, 467 U.S. 561 (1984)).

96. *Id.*, *Wygant*, 476 U.S. at 279-85.

97. 481 U.S. 279 (1987).

the challengers had requested.[98] If the legal system accepted the idea that statistical disparities in jury outcomes along racial lines warranted relief in death penalty cases, things might not stop there. Challengers might be able to show physical attractiveness, race, or sex-based disparities in other types of sentencing as well, placing the integrity of our entire jury system in question.[99] The Court displayed some thinly veiled exasperation with McCleskey and the attorneys who had brought the case, describing McCleskey's earlier motion for a new trial as "extraordinary,"[100] calling the study upon which the case was based "clearly insufficient,"[101] and referring to McClesky's arguments as "wide-ranging."[102]

2. *General Public Discourse*

Nonlegal writers also see many forms of behavior and advocacy as encroachment. For example, some conservative writers describe gays and lesbians as *pushing* themselves into the mainstream, or *pressing* their sexuality upon the rest of us.[103] The physical images evoked are striking, if unconscious—the efforts of gay activists to resist discrimination are seen as a kind of aggression, verging on rape. Writers advocating immigration restraints use similar, if less colorful, language. The illegal alien

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98. *Id.* at 315-18.
99. *Id.* at 315-17.
100. *Id.* at 285.
101. *Id.* at 297.
102. *Id.* at 319. An expanding body of lower court decisions have imposed Rule 11 sanctions on civil rights and other plaintiffs for bringing suits the judge finds frivolous or bizarre. *See* Witzsche v. Jaeger & Haines, Inc., 707 F Supp. 407, 408, 412 (W.D. Ark. 1989) (stating that "the court has noted with some alarm that it sees more frivolous Title VII cases than any other type By this opinion, the court serves notice "); Delgado & Stefancic, *supra* note 4, at 1082-85 (discussing other such cases).
103. *E.g.*, John Leo, *We Need Not Endorse Everything We Tolerate*, DAILY CAMERA (Boulder, Colo.), Aug. 10, 1992, at 7A; Adam Nagourney, *Homophiliac*, NEW REPUBLIC, Jan. 4 & 11, 1993, at 16 (discussing the actions of gay activists in the Clinton campaign and Administration); *see also Medical Correctness*, NAT'L REV., Mar. 15, 1993, at 19, 19-20 (suggesting that reports concerning the spread of AIDS have been exaggerated by "special-interest groups," including homosexual activists, to insure resources were committed to this "disease associated mainly with homosexuality and drugs").

is said to sneak into the United States, insinuate himself into our midst, hide, remain without asking permission.[104] The introjection language, language of overstepping, is both literal and unmistakable.

Finally, feminists seeking to regulate hardcore pornography and civil rights activists attempting to control hate speech often evoke charges of censorship.[105] Commentators ranging from moderate liberals to archconservatives often focus exclusively on the restraint of speech, overlooking the equally serious harms to equality and dignity the reformers are trying to redress.[106] The reformers' behavior is judged according to the one standard alone—that of freedom of speech—and found wanting.

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104. *See, e.g.*, Peter Brimelow, *Time to Rethink Immigration?*, NAT'L REV. June 22, 1992, at 30 (commenting on the adverse history of immigration in the United States and the need to change the country's image as an immigrant nation); *The Immigrants*, NEW REPUBLIC, Apr. 19, 1993, at 7 (discussing the latest wave of Arab immigrants and their supposed connection with the World Trade Center bombing).

105. *See, e.g.*, Ken Emerson, *Only Correct*, NEW REPUBLIC, Feb. 18, 1991, at 18 (discussing the University of Wisconsin's code of student conduct which prohibited various forms of hate speech and how similar codes, at nearly 125 other schools, have been characterized as "gag rules on free speech"); George Will, *"Compassion" on Campus*, NEWSWEEK, May 31, 1993, at 66 (discussing the "thought vigilantes" on America's college campuses); *see also* DINESH D'SOUZA, ILLIBERAL EDUCATION: THE POLITICS OF RACE AND SEX ON CAMPUS 140-56 (1991) (discussing and criticizing campus speech codes); Edward Alexander, *Race Fever*, COMMENTARY, Nov. 1990, at 45 (claiming that "freelance vigilantes are in a state of high alert for signs (real or alleged) of 'racism' " at America's universities); Richard Bernstein, *The Rising Hegemony of the Politically Correct*, N.Y. TIMES, Oct. 28, 1990, § 4, at 1 (discussing the increasing pressure to conform to politically correct ideas on university campuses); Robert Lerner & Stanley Rothman, *Newspeak, Feminist-Style*, COMMENTARY, Apr. 1990, at 54 (discussing the efforts of feminists to influence the content and selection of textbooks in elementary and secondary schools); Nadine Strossen, *Regulating Racial Speech on Campus: A Modest Proposal?*, 1990 DUKE L.J. 484, 562 (arguing that increasing speech is more effective in combatting racism than is the censorship of racist speech).

106. We have in mind the kind of response that begins, "Now, in this free speech issue " On the way in which the campus-speech controversy implicates two narratives, free speech and equal protection, each of which could with equal justification be deemed central, see Richard Delgado, *Campus Antiracism Rules: Constitutional Narratives in Collision*, 85 NW. U. L. REV. 343 (1991).

D. Imposition Through Effects or Implications

A final approach portrays a reform movement as threatening encroachment through its effects or symbolic impact.

1. Supreme Court Opinions

Courts seem to employ the reductio ad absurdum and the "where would you draw the line?" arguments in law reform cases more than anywhere else. As we shall describe later, these approaches also can be used when we do not want to take the reformers' request seriously, but are merely entertaining or toying with it. But at other times we deploy these arguments with a vengeance—when we have decided to confront the reformers' demands squarely and reject them.

For example, in *Harris v. McRae*,[107] the Supreme Court ridiculed the plaintiff's effort to establish a state's obligation to pay for abortion services.[108] If such an obligation were recognized, the Court reasoned, why would things have to stop there?[109] The next case might request that the state pay to send someone's child to a private school.[110] In language reminiscent of *Bradwell v. Illinois*,[111] the Court described the plaintiff's desired result as "extraordinary."[112]

In another case, a Florida school board's policy protected minority teachers in the event of layoff.[113] In *Wygant v. Jackson Board of Education*, the Supreme Court struck down the policy, reserving especially scathing treatment for the teacher-as-role-model argument.[114] Although the lower courts had held that "the Board's interest in providing minority role models for its

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107. 448 U.S. 297 (1980).
108. *Id.* at 316-18.
109. *Id.* at 318.
110. *Id.* (citing Pierce v. Society of Sisters, 268 U.S. 510 (1925)).
111. 83 U.S. (16 Wall.) 130 (1872). *See supra* notes 31-36 and accompanying text (discussing the Court's decision in *Bradwell* to uphold the Illinois bar's rejection of an applicant on the basis of her gender).
112. *Harris*, 448 U.S. at 318; *see also* City of Richmond v. J.A. Croson Co., 488 U.S. 469, 499, 498 (1989) (O'Connor, J.) (claiming that a remedy for an "amorphous" and "ill-defined [racial] wrong" could go on forever).
113. Wygant v. Jackson Bd. of Educ., 476 U.S. 267, 270-71 (1986).
114. *Id.* at 274-76.

minority students, as an attempt to alleviate the effects of societal discrimination, sufficiently important to justify the racial classification,"[115] the Court spurned the argument.[116] It would justify anything, could require discriminatory hiring practices to be maintained longer than is remedially necessary, and might even end up limiting the number of African American teachers in districts that had few black students.[117] That these dangers were theoretical, almost farfetched, did not seem to trouble the Court. The role model argument threatened to restructure classrooms, a sensitive area. By its very nature that seemed to usher in imposition.

2. The Figure in General Public Discourse

Popular writers have wielded the "drawing the line" or "where will it all stop?" arguments with frequency and fervor almost equal to those of courts. Dinesh D'Souza, for example, both in his book *Illiberal Education* and in a number of articles, warned that giving in to the demands of campus radicals eventually could spell the end of the university as we know it.[118] He depicted minority students' demands for meeting places, theme houses, and dormitories as steps toward Balkanization of the campus and the politicization of university life.[119] For D'Souza this first wave of requests was not so much dangerous in itself as for what it portended: a university in which knowledge is not unitary, but shifting and contestable, a community that contains not one voice but many [120]

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115. *Id.* at 274.

116. *Id.* at 275-76.

117. *Id.* At least one other Justice expressed similar concerns in Bowers v. Hardwick, 478 U.S. 186 (1986). *See id.* at 197 (Burger, C.J., concurring) (arguing that finding an individual has a fundamental right to engage in homosexual sodomy "would be to cast aside millennia of moral teaching").

118. D'SOUZA, *supra* note 105, at 1-2; Dinesh D'Souza, *The New Segregation on Campus*, COMMENTARY, Winter 1991, at 22.

119. *See* D'SOUZA, *supra* note 105, at 46-51.

120. *See id.* at 46-51, 55-68, 82-93, 112-15, 157-67, 184-90, 230-42. The settings in which columnists or others have perceived potential "floodgates" or where-will-it-end problems are almost unlimited. *See, e.g.*, Stacey Baca, *Jeffco Board Urged to Save "Redskins"*, DENVER POST, May 7, 1993, at 1B (sports mascots); *Beef Exec Says "Food Nazis" Just Want to Feel Superior*, DAILY CAMERA (Boulder, Colo.), Jan. 29,

Shelby Steele also draws attention to the ramifications of multiculturalism, but has added a new element—the dangers that the movement holds for blacks.[121] According to Steele, African American college students who seek special courses, professors, and departments will end up marginalizing themselves, and will fail to acquire the types of knowledge and competence that really matter.[122] Everyone will regard their degrees as second rate, while the rest of the university will feel it has discharged its obligation to the newcomers.[123] Steele warns of a kind of self-imposition in which black leaders demand changes the rest of the black community does not want or need.[124]

Mainstream columnists writing about gay rights also raise the where-will-it-all-end specter, sometimes going on to supply their own answer: "truculent tribalism."[125] One writer likens gay activists to "guerillas moving down from the hills to attack the cities."[126] Another warns that giving in to one group increases the chances that "other(s) will emerge demanding that their preferences or orientations receive similar treatment. If the barrier against homosexuality falls, there will be no other that can stand Men have forgotten God."[127]

1993, at 4B (food regulation); Tom Garvin, *Is Nobody Happy?*, DENVER POST, Apr. 25, 1993, at 7B (team names); John McCarron, *Enough Already with Victim Groups*, DAILY CAMERA (Boulder, Colo.), Jan. 26, 1993, at 2D (new minorities in general); Todd Wilkinson, *Earth First? No Way, Says "Wise Use"*, DENVER POST, June 28, 1992, at 1A (environmentalists).

121. *See generally* SHELBY STEELE, THE CONTENT OF OUR CHARACTER (1990) (providing a general critique of multiculturalism and affirmative action on campus).

122. *See id.* at 21-35, 111-25, 127-48, 173; Shelby Steele, *White Guilt*, COMMENTARY, Autumn 1990, at 497, 497-99.

123. *See* STEELE, *supra* note 121, at 90, 111, 116, 127-48, 173 (arguing that affirmative action and special courses deflate the value of black students' degrees and allow the university to avoid the hard work of providing them a real education).

124. *See id.* at 111-25.

125. John Leo, *Attack on White Males Starting to Get Ugly*, DAILY CAMERA (Boulder, Colo.), Apr. 22, 1993, at 3B.

126. *Id.*

127. Cal Thomas, *After Gay Rights, What?*, DAILY CAMERA (Boulder, Colo.), Apr. 27, 1993, at 7B; *see also* Virginia Culver, *Armstrong: Gays "A Grave Threat"*, DENVER POST, Mar. 20, 1992, at 1A (quoting a former U.S. Senator who called gay activism a "grave threat" and described sympathizers as "tragically misguided" since embracing the cause of gays could weaken support for "legitimate minority groups who've struggled to achieve true civil rights in America"). Echoes of this line of reasoning appear, as well, in Bowers v. Hardwick, 478 U.S. 186, 196 (1986) (observing

IV THE NARRATIVE'S EFFICACY AND ATTRACTION

The previous Section showed that the imposition narrative can be categorized in terms of its target. Another way of looking at it is in terms of the underlying themes and stories it taps and from which it draws its efficacy As we have seen, the narrative of imposition appears at predictable periods in history, namely when reform has gained momentum and appears poised to produce changes that make us uneasy When so deployed, it seems to have real bite. What accounts for its persistence and power? In this Section, we look at imposition in two ways. We examine its subtexts and component parts. Then, we examine its manifest content to see what makes it so plausible.

A. Efficacy and the Role of Subnarratives

Our research disclosed a veritable landscape of imposition types, corresponding to a series of basic, almost innate, subnarratives, ranging from "who are you, anyway?" to "nobody talks about me anymore." Perhaps the most basic subnarrative of all is that of the bully Everyone recalls childhood games and activities in which one of the opponents did not play fair—relied on force, broke the rules, or insisted on special treatment. In adult life, things are almost never so simple. Most reformers are not seeking to break the rules but to change the game entirely We still carry images, however, from these early experiences and apply them to situations where they may or may not fit.

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that laws against sodomy are aimed at reinforcing morality, a legitimate social objective, and that "if all [such] laws are to be invalidated the courts will be very busy indeed").

1. Baselines and Tipping Points—"The Way Things Are"

Recently a columnist complained that all recent books seemed to be about women.[128] In actuality, the writer was referring to a small group of books, mostly written by women, and dealing with such issues as child care, divorce reform, spousal battery, and menopause.[129]

In any literal sense, the reviewer was wildly inaccurate. Every year tens of thousands of books are published, a considerable majority of them dealing with subjects such as war, sports, mechanics, and power politics predominantly of interest to men. To the reviewer, however, these did not seem like men's books, but just books. The current distribution, in other words, seemed fair and equal; the small group of new books about women unbalanced the publishing world. With minority hiring, according to Derrick Bell, much the same happens.[130] We think this perception is common. The reformer seems to be seeking special treatment, asking for a departure from a situation we have come to regard as neutral and fair. We fail to notice how the current situation itself reflects a particular distribution of power and authority, arrived at long ago. But we do notice changes and proposals for change. These stand out starkly, seem like departures, and require justification.

2. The Rule and the Exception—"What's So Special About You?"

In a related mechanism, we view outsiders as seeking an exemption from universal rules that all of us must obey For example, in *Employment Division v. Smith*[131] (the peyote case), the Supreme Court portrayed the small group of Indians in Oregon

128. *See* Jack Kisling, *No Uh Men Need Apply*, DENVER POST, May 4, 1993, at 9B (lamenting that most advice columnists and writers of self-help books are women); *see also* Christina H. Sommers, *Sister Soldiers: Live from a Women's Studies Conference*, NEW REPUBLIC, Oct. 5, 1992, at 29 (decrying excessive attention to feminist works of peripheral value to the exclusion of "great books of humanity in general").

129. *See* Kisling, *supra* note 128, at B9.

130. *See* BELL, AND WE ARE NOT SAVED, *supra* note 9, at 142-44, 152-53 (commenting on the "tipping point" phenomenon in university faculty hiring).

131. 494 U.S. 872 (1990).

as requesting to be excused from a uniform criminal law.[132] Demands associated with multiculturalism often trigger the same response—why should we excuse the new writers and curricula from the same test of time we apply to Shakespeare, Milton, and Mark Twain?[133]

Our preference for rules over ad hoc treatment gives this argument some initial plausibility. The difficulty is that there are rules and *rules*. For example, one could argue in the *Smith* case that the applicable rule is toleration for diverse cultures.[134] Then, Oregon's law would be seen as an exception, as an imposition on the Indians. Everything thus depends on the choice of rule that one declares central: the criminal prohibition, according to which taking mild drugs is illegal, or the principle of tolerance according to which Oregon was overstepping, imposing on the Indians who were merely trying to practice their religion.

Recall also Justice Brown's approach in *Plessy v Ferguson*,[135] in which he found blacks guilty of imposing on other travellers by demanding to sit in the same railroad cars as whites.[136] Viewed in that light, the Negroes were imposing on the whites' customary rule—separate but equal. Of course, if one declared that the relevant norm was the contrary one, the one that the Supreme Court adopted in *Brown v. Board of Education*[137]—namely, that citizens are entitled to public services regardless of color—then the railroad imposed on the blacks.

3. *"If You Give Them an Inch ..."*

As we have seen, many deployments of the imposition figure rest on a fear of the floodgates.[138] Because the first request

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132. *See id.* at 878-82, 888-89.

133. *See, e.g.*, ALAN BLOOM, THE CLOSING OF THE AMERICAN MIND: HOW HIGHER EDUCATION HAS FAILED DEMOCRACY AND IMPOVERISHED THE SOULS OF TODAY'S STUDENTS (1987) (decrying the attack on the canon of great books and their replacement by untested new entries); D'SOUZA, *supra* note 105, at 2-23, 55-68, 157-67, 173-93 (discussing the recent emphasis on racial and cultural diversity in faculty and curricula).

134. *See generally* Delgado, *supra* note 106, at 343-48 (offering a similar analysis of the campus hate-speech controversy).

135. 163 U.S. 537 (1896); *see also supra* notes 71-72 and accompanying text.

136. *Plessy*, 163 U.S. at 538-51.

137. 347 U.S. 483 (1954).

138. *See supra* notes 107-27 and accompanying text (giving examples of this ap-

strikes us as extreme, the possibility of others raises real fears. Giving in could set a precedent, start us down a path at the end of which is a world we might not even recognize. This in turn taps a related narrative—fear of the unfamiliar, fear of loss of control.

4. Fear of Loss of Control—"I Know What They Really Want"

All of us derive part of our self-definition from the wider society [139] Thus, on some level we understand that radical changes in our surroundings could change us as persons.[140] Changes in our city government, the curriculum or teachers in our children's schools, or the composition of our neighborhood could require us to adjust, to become different. In time our very identities might change—a prospect that of course discomfits. Anyone who makes this fear seem plausible commands our instant attention.

5. The Reformer as Ingrate—"After All We Have Done for Them"

Part of our identity is an image of ourselves as a tolerant and generous society Reformers, however, suggest that we have not lived up to our national ideals—that all men are not brothers, all immigrants are not welcome, and so on. This assertion cannot be true; the reformer must be wrong for even having raised the idea. The impositionist trope neatly enables us to accomplish both objectives. We get to reaffirm that society is as we think, and that the outsider has transgressed by suggesting that the contrary may be true.

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proach); *see also* McCleskey v. Kemp, 481 U.S. 279 (1987). In *McCleskey*, a black man was convicted for the murder of a white police officer. He challenged the Georgia capital punishment system on equal protection grounds, claiming that imposition of the death sentence was statistically related to the race of the victim and the defendant. *Id.* at 286-87. The Court rejected McCleskey's claim and observed that "there is no limiting principle to the type of challenge brought by McCleskey." *Id.* at 318.

139. *See* Delgado & Stefancic, *supra* note 23, at 1277-82.

140. *See id.* at 1280-82; Frederick R. Lynch, *Surviving Affirmative Action (More or Less)*, COMMENTARY, Aug. 1990, at 45 (deploring displacement of mainstream persons by "certified minorities").

6. The Usual and the Aberrant—"They're Standing the World on Its Head"

Most of us believe that the United States is a relatively fair, just society, one that offers opportunities to all. We prefer to think of racism, sexism, and homophobia as exceptions, occasional mistakes that with diligence can be reduced, if not eliminated entirely.[141] Reformers, however, often seem to be saying the opposite—that injustice is the norm and fairness the exception. This view seems to us to turn the world on its head, to insist that night is day, and day night.

7 Evasion of Responsibility, the Role of Denial—"It's Not My Fault"

Avoidance of blame and responsibility are universal human tendencies. No one likes to believe that he or she may be responsible for serious continuing injustice.[142] Yet the outsider seems to be saying just that. Declaring him misguided or an opportunist eliminates any need for soul-searching or admission of error.

8. The Ordinary and the Extraordinary—"I Have Problems Too"

The reformer's plea demands attention and possibly reallocation of resources. But everyone has problems. What about mine?[143] If we can characterize the outsider group's complaints as unexceptionable and ordinary, any urgency in addressing them of course dissipates. One may even discover that one's own problems are more interesting, more gripping, more subtle than

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141. On this interplay between racism as the exceptional or the ordinary, see, for example, Richard Delgado, *Recasting the American Race Problem*, 79 CAL. L. REV. 1389 (1991) (reviewing ROY L. BROOKS, RETHINKING THE AMERICAN RACE PROBLEM (1990)) (advocating critical analysis to help explain the persistence of racial problems in America).

142. *See generally* Shelby Steele, *I'm Black, You're White, Who's Innocent?: Race and Power in an Era of Blame*, HARPER'S, June 1988, at 45 (characterizing the racial struggle in America as a contest for innocence).

143. *See* Trina Grillo & Stephanie M. Wildman, *Obscuring the Importance of Race: The Implication of Making Comparisons Between Racism and Sexism (or Other-Isms)*, 1991 DUKE L.J. 397 (discussing the necessity and the tension of using analogies comparing other oppressions to racism).

those of the outsider group. The outsider group is imposing, monopolizing attention that we deserve as well.[144]

B. The Metaphor's Seeming Legitimacy: Its Manifest Content and Why It Rings True

As we have shown, courts and other articulators of cultural wisdom find the imposition narrative natural and attractive. They deploy it freely, enthusiastically, unapologetically, and often with considerable effect.[145] We also have shown how the metaphor taps a variety of existing subnarratives ranging from "I know what they really want," to "no special treatment," to denial of responsibility.[146] A final question, which we must address briefly before turning to countervailing strategies, concerns the metaphor's manifest righteousness. A narrative might be powerful, but unattractive on its face for some reason—for example, white supremacy, or the idea that men should be women's protectors. In short, a rhetorical device must appear right and true, must enable the speaker to use it and still maintain his or her self-image as a moral actor.

The imposition narrative performs these tasks admirably. First, we typically apply it only to a group that bears a preexisting stigma.[147] When such a group mobilizes to make demands on us, it is easy to attach a further element to its stereotype: now, in addition to being shiftless, hapless, immoral, and so forth, it is overstepping and pushy. The new element seems to stand in a logical relation to the ones we have already assigned it. The attachment causes few qualms; indeed, it seems self-evidently correct. The group's demanding nature in itself verifies the accusation and shows that what we think of them is true.

Characterizing the outsider group as imposing also justifies our rejection of their claim. We seize the moral high ground. They are the ones metaphorically throwing the first blow. As

144. *See id.* (describing conversational gambit in which the speaker likens his own experience—e.g., being excluded from a little league baseball team because of short stature—to racism, in order to refocus the conversation on his experience and situation).

145. *See supra* part III.

146. *See supra* part IV.A.

147. *See supra* notes 23-24 and accompanying text.

victims, we are entitled not only to deny their demands, but to tell the world how unfair and unprincipled they are. Many writers who employ imposition language do so with a kind of relish and zeal.[148] They expect no rebuttal, for none is possible. Indeed, the background against which they deliver their message assures them that the rest of us will nod assent. Of course, that group is overstepping. That is what they do.

V REFORM: NATURAL HISTORY AND LESSONS FOR ITS PROPONENTS

A. How Our Society Treats Most Reform Movements

Underlying many uses of the imposition metaphor is nonreflexivity, the quite natural tendency to believe that one's own way of seeing and doing things is natural and universal. The nonreflexive person—which includes most of us on many occasions—on hearing his or her most settled beliefs impugned by an outsider immediately thinks that the outsider must be wrong. By a kind of backward reasoning we conclude that because the individual is questioning that which we believe, he or she must be wrong and probably operating from base motives as well.

The natural path of most reform movements, then, takes something like the following form. At early stages, the culture responds generously[149] We are curious, interested in the new things the reformers are saying. We invite them to our homes, read their books, discuss their theories and ideas. Behaving in this fashion reaffirms our self-image as an open, sharing people. Little seems to be at stake, indeed, our lives appear to be enriched by the reform movement—there is a new piquancy at parties, some welcome variety to talk in the faculty lounge.[150]

Later, the reality of what the reformers are asking for starts to sink in. Our attitudes change. We begin to wonder whether

148. *See, e.g., supra* notes 1-3, 33-36, 40-46, 55-60, 64-65, 72-86, 105, 112-27 and accompanying text.

149. *See supra* notes 5-6 and accompanying text (describing society's initial support for and identification with reform movements).

150. *See supra* notes 5-6 and accompanying text. *See also* TOM WOLFE, RADICAL CHIC & MAU-MAUING THE FLAK CATCHERS (1970).

the reformers actually can be asking for *that*. We question the reformers' factual predicate or description of the world as containing much injustice. We ask is there not another possible account? Could not the lack of blacks in the construction industry be due to some reason other than discrimination?[151] We question the necessity or plausibility of their story Or, we shrink from the substance of their demands, retreating into proceduralism. We profess not to understand their claim, or ask questions demanding greater specificity· Where would you draw the line?[152] We wonder about implications and floodgates. If we heeded your request, what other things would we have to do? What would you be asking for next?[153] All of these responses share something with the common-law device of the demurrer. Even if, for the sake of argument, what you say is true, what follows?[154]

At this stage of incipient denial, we also question the remedy the reformers request. In our view, racism or other injustices are aberrations, hence any remedy would naturally have to be short-lived and bounded. But this group's proposed reform appears to go on forever—how can that be?[155] We express concern, ask for clarification, pretend not fully to understand what the outsiders are demanding.

Each of these replies is a kind of shrinking from substance, an instance of canon-fear, a fear of the earth shifting, of what might happen if it turns out that structural change in fact is in order. Notice the metaphors of earth movement or washing away· "parade of horribles," "flood of litigation," "drawing the line," "open-

151. *See* City of Richmond v. J.A. Croson Co., 488 U.S. 469, 500-06, 728 (1989) (holding the city's minority set-aside ordinance for construction contracts invalid because of lack of sufficient evidence of racial discrimination in contracting); Fullilove v. Klutznick, 448 U.S. 448, 530 n. 12 (1980) (Stewart, J., dissenting) (stating that it is too simple to "assume that every single Negro, Spanish-speaking citizen, Oriental, Indian, Eskimo, and Aleut potentially interested in construction contracting currently suffers from the effects of past or present racial discrimination").

152. *See supra* notes 82-84, 107-27 and accompanying text.

153. *See supra* notes 94-99, 107-27, 138-40 and accompanying text.

154. *See, e.g.*, JACK H. FRIEDENTHAL ET AL., CIVIL PROCEDURE § 5.22, at 295 (2d ed. 1993) (explaining the use of demurrer to test a claim's validity under existing doctrine).

155. *E.g.*, *Croson*, 488 U.S. at 498 (expressing concern that the proposed remedies to racial discrimination would be "limitless in scope and duration").

ing the floodgates,"[156] and so on. Notice also the parallels to another procedural device by which the law eliminates irritating claims: misjoinder of parties.[157] The Court in *Croson* said in effect, "Another minority might come along and make the same claim—say an Aleut, or an Eskimo, or an Alsatian—and then what would happen?" and so dismissed the case.[158] Something similar happened in *McCleskey v. Kemp*,[159] which dismissed a death penalty challenge based on statistical evidence because this approach could lead to "too much justice."[160]

At later stages, of course, we put procedure behind us. We tell the reformer, "all right, we will reach the merits of your claim. We understand full well what you are saying, its implications, whom it will affect, who has standing. And, we find your claim illegitimate, unprincipled, and wrong." In the last decade or so, we seem to have reached such a decisive end point with blacks.[161] The imposition narratives we apply to them have lost the tentative, nibbling-at-the-edges quality we apply to groups that have merely begun to tax our patience. We now apply to them, practically alone, the most scathing forms of rejection—rejection on the merits, rejection that finds their claims, their very presence as persons, imposition-in-itself. One final task, before we turn to the question of responses, is to account for this special treatment.

B. The Special Situation of American Blacks

Throughout most of its history, the United States' formal values—its central federal ones—have been higher, more inclusive,

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156. *See supra* notes 94-100, 107-27 and accompanying text.

157. FRIEDENTHAL ET AL., *supra* note 154, at 334-35 (discussing joinder and misjoinder of claims).

158. *See Croson*, 488 U.S. at 505-06; *accord* Cleburne v. Cleburne Living Ctr., Inc., 473 U.S. 432, 445-46 (1985) (stating that if the mentally retarded were granted quasi-suspect status it could lead to similar status for other groups such as "the aging, the disabled, the mentally ill, and the infirm").

159. 481 U.S. 279 (1987).

160. *See McCleskey*, 481 U.S. at 315-17 (raising the fear that statistical challenges could produce claims based on unexplained discrepancies in group treatment in many different kinds of cases).

161. *See* BELL, FACES AT THE BOTTOM OF THE WELL, *supra* note 9 (asserting that racism against blacks is particularly virulent, probably ineradicable); *infra* part V.B.

more aspirational, more nonracist and nonsexist, than the private ones, the ones we act on during moments of intimacy, when among friends, in our club, in a neighborhood bar or cafe.[162] On these other occasions, many Americans feel freer, more inclined to tell a racist joke, or exclude a black from a small gathering. More Americans feel entitled to select a white tenant than an equally qualified black for an in-law apartment in their own home than would vote to permit similar behavior on the part of a governmental housing authority.[163] In recognition of this, most grass roots civil rights efforts have focused on formal, central structures—law, federal government, large institutions—because these are the ones most receptive to change, the ones whose formal values are the more egalitarian national ones.[164] At these levels, it is possible to remind one's target of the values to which our society formally is committed, and hope that the structure will change.

Significantly, one would *not* employ that strategy in a society where the opposite situation prevails, South Africa for example, where the national values are less egalitarian than the private ones.[165] In that other kind of place, one is best off seeking succor from a private individual. If one is black and ill, out of money, or has a car breakdown during a long road trip, one is far more likely to find kindness at the hands of a private citizen, not a government agency or the police. Until recently, much the same was true in the American South.[166]

We believe that the United States is in the process of changing imperceptibly, so that it is becoming more like South Africa.

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162. Richard Delgado et al., *Fairness and Formality: Minimizing the Risk of Prejudice in Alternative Dispute Resolution*, 1985 WIS. L. REV. 1359, 1383-86.

163. *Id.* at 1386; *see also* WILSON, RANK ORDER OF DISCRIMINATION AND ITS RELEVANCE TO CIVIL RIGHTS PRIORITIES 216 (J. Brigham & T. Weissbach eds., 1972).

164. Delgado et al., *supra* note 162, at 1383; JUAN WILLIAMS, EYES ON THE PRIZE: AMERICA'S CIVIL RIGHTS YEARS, 1954-1965 (1987) (detailing the campaign to change national civil rights policy at the congressional and Supreme Court level). *But see* GIRARDEAU A. SPANN, RACE AGAINST THE COURT: THE SUPREME COURT AND MINORITIES IN CONTEMPORARY AMERICA (1993) (deploring this tendency).

165. Until recently, South Africa was committed formally to a policy of apartheid, or formal separation of the races. *See* THE ANTI-APARTHEID READER: SOUTH AFRICA AND THE STRUGGLE AGAINST WHITE RACIST RULE (David Mermelstein ed., 1987).

166. *See, e.g.*, GUNNAR MYRDAL, AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY (20th Anniversary ed. 1962).

Today, for the first time in half a century, large groups of people (e.g., the State of Colorado) behave according to a lower standard than do individuals or small cities (e.g., Boulder, Aspen, or Denver).[167] By the same token, the national government and Supreme Court are becoming less receptive to minority concerns than their state or local counterparts. In a remarkable reversal, the majority in *Croson* recognized this development, took note of it, and re-seized control away from local authority that wanted to institute favorable measures for blacks.[168] The Court told the city council in no uncertain terms that the Federal Constitution forbade what they were trying to do, and insisted that they abide by formality and a regime under which blacks had been excluded from city contracts.[169] Richmond's own interpretation of its regional history, customs, and culture, which dictated a remedy for the lack of black contractors and builders, was overridden in favor of a sterile neutralism. Never mind local kindness—be formal and neutralist, the Supreme Court insisted. Follow the old rules and criteria under which few minority subcontractors won awards.

There is, thus, a type of double axis. In all times and ages minority reformers face resistance, pretended incomprehension, and hostility at predictable points. And, at certain points in history, society is especially resistant to reform of any sort, because its formal values are beginning to move in another direction. With resistance of both types, imposition language serves as a prime mediating mechanism, portraying the reformer as extreme and irresponsible, portraying localism, love, and sympathy as out of order, wrong, subordinate to universalistic meritocratic, neutralist rules that assure the ascendancy of managerial whites. Imposition language reminds all concerned that

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167. *See* COLO. CONST. art. II, § 30(b) (1992). Commonly referred to as "Amendment Two," adopted by referendum, this new state constitutional provision prohibits local authorities from enacting antidiscrimination measures for gays and lesbians. Enforcement of the amendment is currently enjoined pending a state trial on the amendment's validity. *See* Dirk Johnson, *Trial Is Set on Colorado Laws Against Gay Rights*, N.Y. TIMES, Oct. 12, 1993, at A21.

168. *See Croson*, 488 U.S. at 504-11; *see* Ross, *The Richmond Narratives*, *supra* note 12, at 394-95.

169. *See Croson*, 488 U.S. at 504-07.

the center holds power and authority, dictates rules, controls results—and under those rules the reformer is out of line, is imposing, is wrong. How dare he?

C. *What a Reformer Can Do*

The issue arises, then, what can a reform movement do when it finds that imposition language is being used against it? Ultimately, we fear, very little. Society deploys the imposition metaphor only at a point when a broad consensus is forming that reform is going too far. The reformers are no longer in favor; we have decided that they are taxing our patience, imposing on our good natures. The point of designating someone guilty of imposition is to declare that no excuses are possible. From this point forward we need not listen to what he or she has to say: we have heard enough.

Nevertheless, there are a few measures that reformers can take, including simply naming and calling attention to the strategy being deployed against them.[170] One can also question the premise underlying the charge of imposition. Is not the status quo itself unfair, an imposition, an affront to minorities? Does it not reflect a centuries-old distribution of resources and power that should be open to question?[171]

Outsiders can counterdeploy the metaphor of the bully to depict their critics as unsympathetic and overbearing.[172] In our culture one is supposed to be generous to underdogs. One who unreasonably or too early declares them non grata runs the risk of being seen as uncharitable. Another approach, cultural nationalism, is sometimes available.[173] This strategy ignores the

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170. On the value of simply *naming* the evil that confronts one, see, for example, Richard Delgado & Jean Stefancic, *Why Do We Tell the Same Stories? Law Reform, Critical Librarianship and the Triple Helix Dilemma*, 42 STAN. L. REV. 207, 221 n.90 (1989) (stating that many societal problems, such as battering, are not dealt with until they are named).

171. On this strategy, see Delgado, *supra* note 16 (asserting that legal disputes on issues from cigarette warnings to date rape reflect an underlying struggle for cultural power, most often won by the dominant, stronger force).

172. We say "counterdeploy" because the imposition narrative paints *them* as the aggressor. *See supra* notes 4-7, 23-127, 138-40, 123-24, 160-61 and accompanying text.

173. On cultural nationalism and separation from the majority, see, for example,

way mainstream writers characterize one's movement, focusing instead on strengthening the group's own sense of itself and its own institutions. The hope is that by strategic retreat the group will avoid expending energy in nonproductive struggles over its own identity and legitimacy

A final strategy is the preemptive strike. As soon as one notices that opinion is changing, seize the initiative. Write a book like Martin Luther King's *Why We Can't Wait*.[174] Explain why the movement is not imposing, but has been long suffering and patient. As we mentioned, we are skeptical that measures like these will provide more than temporary benefit. Society has a built-in homeostat: the status quo appears natural, reform unnatural. The burden is always on the reformer. And when he or she tries to shoulder that burden the reformer finds that all the presumptions, all the prevailing narratives and expectations, cut the other way [175]

VI. CONCLUSION

In this Article, we have shown that the mechanism of *imposition* plays a central role in resisting reform. It enables us to paint reformers as grasping and unprincipled just when their movements begin to gain ground and change our world. Before that point, we are generous and welcoming. We empathize with the underdog, the person who champions the cause of the poor or oppressed. But at a certain point, our attitude changes. We begin to see the outsiders as overstepping, as asking for more than they deserve, as imposing on our good natures and generosity

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Delgado, *Rodrigo's Chronicle*, *supra* note 21; Gary Peller, *Race Consciousness*, 1990 DUKE L.J. 758.

174. MARTIN LUTHER KING, JR., WHY WE CAN'T WAIT (1964).

175. *See* Delgado, *supra* note 16 (discussing the difficulty a reformer has in opposing the status quo tendency of courts and legislators); Kimberlé Williams Crenshaw, *Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988) (characterizing the civil rights movement as a radical challenge to the "dominant order" of a white, racist hegemony); Alan D. Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 (1978) (summarizing Supreme Court decisions on antidiscrimination laws as merely legitimizing the existing social structure, race relations, and class system).

It is turnaround time. Now they are victimizing us, they the ones who are imposing, we the ones who deserve sympathy and consideration. We illustrated the operation of the imposition mechanism by means of examples drawn from different reform movements appearing at different times in history We showed the principal forms the imposition-narrative takes, and how it plays a role in Supreme Court rhetoric and ordinary language. We showed how it derives its efficacy from a family of subnarratives and stories, all of which combine to deprive the reformer of moral legitimacy at the same time that they enable the rest of us to feel comfortable about withdrawing support.

We analyzed countermeasures reformers can take when they find imposition language used against them, including separatism, turnabout, and the preemptive strike. None of these measures is likely to be fully effective, we concluded, because of our nature as situated actors. Our social situation is always, at some level, continuous with our selves. It seems natural, forms part of the baseline from which we reason. The current regime will always strike us as legitimate and justified. Reformers who are trying to restructure that regime radically invariably strike us as dangerous and extreme.

The paradox of reform is that we seem doomed to resist it until it essentially is too late—until it has already taken place or has lost its power to transform us.