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Introduction

Today, several years after the passage of Proposition 187, a 1994 California voting initiative, we have the opportunity to reflect seriously on the issue of migration and its importance to human survival. Studying contemporary migration reminds us, for example, that movement and mobility are fundamental elements of living that help us develop and maintain ties with friends and family. Migrants sometimes find their way onto airplanes or boats, seeking economic opportunity or temporary refuge from the threat of death. They may live in makeshift camps awaiting return to their homes or transportation to new ones. Some who sojourn hope to go back home after accumulating wealth. Some die while making the trip. Those who flee their home countries searching for new homes, long-term sustenance, and survivable living conditions become part of an international diaspora. Eventually, those who move build communities in the image of their own culture and produce new, syncretic cultural formations. Whether or not specific people or groups ever actually return home, their migration will have forever altered the web of relationships between men and women, racial and ethnic groups, and, ultimately, among communities worldwide. It will change the histories and saturate the stories they eventually tell about themselves.

This book examines the rhetoric of migration by focusing on contemporary media representations of migration in the United States and, more specifically, on the rhetoric surrounding Proposition 187. The images and information about

these and other issues that we receive through newspapers, television shows, and other media come to us through a complex network of information sources. Very little, if any, of it comes from our direct, personal observation, let alone from any substantive understanding of what it means to be migrant people. Stories told by western media often have a generic quality; the images and language used to depict people "elsewhere" have an uncanny resemblance to things we have already seen or heard "at home." All this is to say that in our study, what we are witnessing within the popular press, television broadcasts, in the office, on the streets, and in our homes are contemporary rhetorics of immigration.[1]

Contemporary mainstream media produce information, but they also provide a specific locale, a space, where social issues collide, where political issues are struggled over and subject positions (in this study, immigrants) are constituted. What is at stake is the power to control what is represented publicly as dominant truths. Words and images populate the mediascape, and audiences' understanding of the politics of their communities (e.g., who is in power and who is not) may be based on, among other things, how these representations appear. Thus, "struggles over representation . . . are not just substitutes for some 'real' politics that they inevitably replace or at best delay"; they provide "a different, but no less important, site in the contemporary technological and postindustrial society where political struggles take place" (Gray 1995, 6, summarizing Lipsitz 1990).

After centuries of migrations across U.S. borders, the criss-crossing paths of peoples with many different backgrounds, traditions, and histories, European colonizations of the Americas and its peoples, public policies aimed at drawing and redrawing borders, and military and economic colonial battles waged internationally, historical processes that extend several centuries into the past continue to linger in the minds and imaginations of people living today. But the story of migration extends beyond that history and the trace of so many lives that came before us to the issues that face those living in the United States today: civil and human rights, legal and social memory, race and gender relations, citizenship and membership in communities.

We could study any period of U.S. history to gain a fuller understanding of immigration and the discourses that frame it. We chose to study the discourse surrounding Proposition 187 because this measure invited widespread public discussion about immigration and U.S. citizenship and, as such, allows us to address questions of race, politics, and

marginality directly. Proposition 187 is a contemporary example of a popular public policy issue that produced a sustained rhetoric of nativism and xenophobia. The discourse surrounding Proposition 187 shatters the cultural assumption that the United States is a "post-racist" society, that mass, public racism cannot happen today, and that the United States is an open land of opportunity for all those who want to improve their own and their family's lot.

Proposition 187 was profoundly important to those who live in California; rumblings about the issue continue even now to reverberate throughout the state, as well as in the United States generally. During California election coverage in Sacramento during fall 2000, Proposition 187 came up over and over again, this time as a negative issue sure to upend any candidate linked to its having passed in California six years earlier.[2] By 2000, Proposition 187 conjured in many minds a trace of some of the most virulent racist discourse in the history of the United States.

Proposition 187 allows us to study the role rhetoric plays in shaping social borders and constructing immigrant identities and international relationships. It also allows us to reflect on race relations in contemporary U.S. society. Because of events during the past decade in California, the United States, and indeed throughout the world, we can be certain that Proposition 187 will resonate far into the new century. Thus, we examine local, regional, and national mass media rhetoric about Proposition 187.

In November 1994, just over a century after Congress passed the 1882 Chinese Exclusion Act barring Chinese people from migrating to the United States for ten years,[3] voters in the state of California argued over, and eventually passed, the anti-immigration Proposition 187.[4] Developed by a coalition of nativist Californians, together with a then anti-immigration governor, Pete Wilson, Proposition 187 sought to eliminate public health, welfare, and education provisions for undocumented migrants. It recreated demeaning depictions of undocumented workers, primarily from Mexico, and attempted to rally the general public against them. For many, the policy conjured up memories of the racialized "alien" land law restrictions against Japanese Americans; legislation severely limiting Asian immigration[5]; the incarceration of Japanese Americans during World War II (see, e.g., Takaki 1989); the 1930s repatriation campaigns to force Mexicans in the United States and their children to move back to Mexico (see Balderrama and Rodríguez 1995);

and the 1954 "Operation Wetback," in which more than a million Mexican migrant workers were forcibly deported from the United States to Mexico (see Juan García 1980). Proposition 187 was punitive, because the law already denied health and welfare benefits to undocumented workers.[6] Proponents of Proposition 187 falsely suggested that workers were getting "benefits" they were already ineligible to receive; then, using a tortured logic, proponents called for a "new" policy to end such benefits. In addition to further polarizing racialized communities in California and beyond, the campaign helped to construct a crisis surrounding California's economy and its ethnic diversity, which continues to grow apace (e.g., Chicanas and Chicanos will soon be California's largest ethnic group). It also reminded, and continues to remind, migrants and "natives" alike of the privileges of U.S. citizenship and the lack of such privileges for noncitizens.

District Court Judge Marianne Pfaelzer overturned the major provisions of Proposition 187 in March 1998 (McDonnell 1998). The effects of the proposition continue, however, with feelings running high on both sides of the issue.[7] For example, the State Government of California issued an official notice in English and Spanish that one of us found posted in a California doctor's office in spring 1999 directing patients to a telephone number to call if they felt they were unfairly discriminated against because of perceptions produced by Proposition 187. The Academy Award–winning director Laura Simon (1999) admitted around that same time that the lingering resentment about Proposition 187 by people she worked with in Los Angeles was part of her decision to quit her job as an inner-city school teacher and to go into filmmaking full-time. A powerful public protest followed an attempt by Immigration and Naturalization Service commissioner Doris M. Meissner to punish undocumented workers from Mexico in the Yakima Valley by forcing their employers to fire them. Meissner, who had been enforcing border controls and approving workplace raids, was also responsible for racial profiling along the border. One protest sign accompanying a story about the effects of Meissner's decision on the community reads "RACISM HURTS US ALL," and another reads "STOP RACE-BASED I.N.S. RAIDS!" (Verhovek 1999).

Following passage of California's Proposition 187, many states, including Florida, Arizona, and Texas, considered introducing similar legislation. But passage of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 in many ways ended the need

for states to establish individual policies. President Bill Clinton signed the bipartisan welfare reform legislation into law 22 August 1996. The federal restrictions on immigration benefits in the bill duplicated many of the provisions of Proposition 187.[8] Responding to much public pressure from nativist voters, newly appointed California Governor Gray Davis, who had originally voted against Proposition 187, decided not to end his predecessor's appeal of Judge Pfaelzer's decision, choosing instead the politically expedient route of letting a court-appointed reviewer make an "objective" decision (Purdum 1999).[9]

The rhetoric of Proposition 187, as we argue throughout this book, will have long-standing effects not only on what kinds of things get said in the media but also on perceptions of immigrants and immigration in the United States, as well as on race relations. The rhetoric of Proposition 187 fundamentally affects the way many will understand the meaning of the "nation" and its "borders." Indeed, we argue that such rhetoric *shifts* borders, changing what they mean publicly, influencing public policy, altering the ways borders affect people, and circumscribing political responses to such legislation. We are suggesting that rhetoric shapes understandings of how the border functions; taken further, because of its increasingly powerful role, rhetoric at times even determines where, and what, the border is. We use the word "shifting" to call attention to the way rhetoric about Proposition 187 continues to alter what the border means and how it functions and to suggest that productive future work needs to be done in order to alter purposefully the meaning of borders, of nations, and of peoples.

Our project is not alone in attempting to change the way people conceive of nations, borders, and migration. Recent research in the humanities and social sciences has addressed many different aspects of immigration in the United States. Such studies range from feminist to critical race theory projects and from literary to anthropological.[10] They range from being case studies to theoretical analyses and from examinations of xenophobia to examinations of transnationalism. Although there have been no books devoted solely to Proposition 187 published in academic circles, many articles look specifically at the subject, particularly from the perspective of critical race theory. Nevertheless, while many of these articles briefly discuss rhetoric (some even state outright the significance media rhetoric played in the campaign), no studies engage in the kind of detailed, sustained analysis of the media rhetoric of Proposition 187 we undertake in this book.[11]

Poems, short stories, and novels on the study of borders and immigration do influence people's thinking, but literary works do not reach as wide an audience, ranging from migrant farm workers to policy makers, as do the newspaper articles, e-mail messages, and television spots that are mediated daily, in some instances transnationally, for public audiences. They are part of the very fabric of day-to-day living—unlike literature, which can more easily be removed from everyday reality—and as such constitute a reservoir of shared images, ideas, and knowledge about matters of public importance. They are the textual residue of daily life. National, regional, and local media have produced myriad news programs, articles, and e-mail messages about Proposition 187. These texts far outnumber the discourses of professionals talking to other professionals and make legal documents accessible by translating them into everyday language. The words and images in the notes, letters, articles, and news spots and stories that are the artifacts of this book fundamentally shape what issues become salient, the way issues come to have meaning, and the audiences who participate in learning about issues, as well as what responses ultimately become possible. Throughout the book, we examine rhetoric publicly spoken and written, question the meanings of texts, and draw conclusions about how people are affected by messages and what kinds of influences such representations have beyond predictable ones. Furthermore, by taking a discursive approach to the study of rhetoric, we assume each text, whether it is meant to be neutral, in favor of, or opposed to Proposition 187, works from existing cultural assumptions about immigrants and immigration and may work in contradistinction to a text's stated purpose. Thus, we assume certain "regimes of truth" may be in operation that do not mirror familiar patterns such as ideologies and class hierarchies.[12] Finally, whether or not people react to these messages, such messages may have long-term political effects across generations of people. By calling attention to the *constructedness* of media communication—that is, to how an utterance, comment, or image depends on previous representations in order to make sense—we attempt to elucidate the cultural fabrics that circumscribe future political acts, discourses, and resistances.

In the remainder of this introduction we first discuss some theoretical issues pertaining to the task of investigating the rhetoric of contemporary culture. The discipline of rhetorical studies has developed a perspective that has much to offer the study of culture and the circula-

tion of meanings and representations. Next, we present an overview of a theory of rhetoric in order to explain our choices of discourse investigated in this study. Finally, we provide a brief preview of each chapter of the book.

Negotiating the Posts in Rhetorical Criticism

Given the attention paid to poststructural theories of discourse over the past two decades or so and given the changes in the overall "postmodern" cultural condition within the United States and outside of it, it was inevitable that there would also be important changes in the reasons people give for studying public rhetoric as well as the approaches taken to study it. "Rhetorical criticism," as it has emerged in the field of communication studies in the United States, provides a unique model with which to address the role of the academy in facilitating social change. Unlike literary criticism and theory, which has roots in aesthetics and textual objects, rhetorical theory, emerging historically from the ephemeral quality of orality, takes as its practice daily participation in civic and political life. Hence, when rhetoric broke from English departments, it did so by arguing that English was too far removed from everyday social life and that the critical study of public speech provided a unique opportunity to help maintain a relationship between the political and social lives of people and ideas circulating in the academy.[13] Philip Wander and Steven Jenkins's call (1972) for a more socially effective rhetorical practice, a call grounded in the work of rhetoric's early twentieth-century proponent Herbert Wichelns (1925), rightly understands the opportunities that rhetorical studies provides in mediating relationships and meanings in the social world. The very basis for Wichelns's rhetoric was social. Wichelns, as well as Wander and Jenkins, recognized that there had to be a way to bridge the incommensurable fields of academic disciplines, academic processes, political institutions, and ordinary subjects and the influence they have within everyday life. Hence, rhetorical studies from very early on had built into it a political edge, even if it takes generational reminders throughout its history to encourage practitioners to pay attention to that political edge and to linking thought with practice.

While rhetorical studies is by definition always concerned with the relationship between politics and civic life, rhetorical criticism has not always "been performed" as an activity directly engaged in politics.

Rather, there has been a general historical tension between using rhetorical criticism as a way to improve the abilities of public speakers who engage in civic life (an "indirect politics") and employing criticism itself as a direct performance of a political act. As in other fields in the humanities and social sciences, in the field of rhetoric the push to see rhetorical criticism as a political performance grew in the early 1980s when numerous calls for a politically engaged rhetorical criticism emerged.[14] As progressive as some of the calls for an engaged rhetoric were (and still are), such arguments posited a politics with modernist assumptions. In this vein of research, the autonomous critic attempted to uncover the "truth" of a given political situation and to improve social conditions in a world or paradigm in which what constituted "improvements" or "right action" was seen as being more universal than contingent (e.g., prescribed by a kind of base Marxist utopia rather than by provisional ideas of social goods). Moreover, outside of the history of feminist public address conducted by such scholars as Karlyn Kohrs Campbell,[15] and outside of Philip Wander's appeal (1984) to study power relationships between reader and writer (a "third persona"), there seemed to be little concern with those individuals who did not have access (either materially or educationally) to public forums.[16] Hence, part of our task in this introduction is to provide an understanding of the function of criticism in general within the changing landscape of our broad cultural condition (postmodernity) and in a theoretical landscape in which various forms of poststructuralisms (e.g., Marxist, feminist) have taken a strong foothold.[17]

Our cultural condition has changed considerably since the early part of the twentieth century when Wichelns wrote.[18] Theorists and critics alike commonly characterize "postmodernism" as a general cultural condition marked by sound bites, a loss of history, nonrational logics, fragmented arguments, a decay of metanarratives (overarching explanations), historical and narrative nonlinearity, an ironic attitude toward social truths, and political disaffection, all of which leads to an overall decline of the modern nation-state. We have come to understand postmodernism as a cultural condition in which metanarratives of all sorts appear less stable or foundational and in which the division between simulation and experience has diminished.[19] Briefly said, the world that is virtual has fundamentally altered what we have come to understand as reality. Postmodernism, then, is part of a changing condition rather than a theory about culture and, as Michele Barrett (1988, xxxiv) notes,

it is not something that one can be "for or against"; it consists of the daily assumptions and habits with which one lives everyday life. Moreover, as rhetorical critic Michael McGee (1990) has argued, this condition, and changing media technologies from television to the Internet, have generally altered the way persuasive arguments are made, the way public business gets handled, and the way public arguments "make sense" to consumers.[20] Hence, McGee argues that communication within mass culture (rather than changes in theory) is the primary impetus for changing the task of criticism. For McGee, the task of criticism in postmodernity is performative. Rather than assuming we simply can look at cultural texts and analyze them, part of the major function of criticism is rhetorical—not only to examine, assess, and understand texts but also to build a text out of various fragments of communication that are taking place in a variety of locales throughout mass culture and, with that text, to shape the overall discursive terrain. That is, critical analysis of culture and cultural texts can play a material role in shaping culture. In such a view, rhetorical criticism must see itself as also taking on the function of text construction as well as text analysis. All the while, of course, critics are to realize that their choices of fragments, and the ways they put together those fragments, as well as the outlets they access for the texts that are the outcome of this pastiche of fragments, are political decisions that have influence on the meanings of mass culture.

If McGee offers a program of research based on the changes resulting from mass communication as the impetus for a politically engaged and performative style of rhetorical criticism, then Raymie McKerrow (1989) can be seen as offering a critical paradigm to accompany a shift in one set of theoretical assumptions about discourse.[21] Drawing on poststructural research, McKerrow develops an approach to the study of rhetoric he calls "critical rhetoric." Since the story of the various transformations in rhetorical theory we describe has been amply recounted elsewhere (Gaonkar 1990; Lucaites and Condit 1999; Thomas 1997), we here just touch on some of the assumptions implied by these changes and some of the terminology we use in this work. Whereas postmodernism is a cultural condition, poststructuralism is a theory of discourse (something one logically *could* be "for or against," or, at least, think is largely correct or incorrect); it is a set of assumptions one makes about how humans come to understand the world and the relationship between "words and things." While structuralism, in its broadest strokes, suggests that meanings inhere stably in a number of different structural relations

(depending on the particular theory), and that by studying the structure of things one can come to some fundamental Truth or driving force (e.g., economic materialism as a driving force of history in some forms of Marxism), or the objectivity of knowledge and morals, poststructuralism begins with the assumption that all knowledge is interpretive, subjective, and local—knowledge is understood in and through cultural discourses and can be understood *only* through discourse. A poststructural view sees the subjectiveness in claims to rationality and objectivity, and hence to truth. A poststructuralist does not look for general laws or material causes for social phenomena but rather searches for contingent truths and pragmatic means of improving social conditions, with "improvement" itself being a relative term. However, this does not mean that "post" theorists are "ludic," to use Teresa Ebert's (1996) phrase. Poststructuralism, for example does not assume people in ordinary life have no foundational reasons for being, thinking, and acting. Rather, poststructural theories understand that all materials are known by humans only through cultural discourses. While "material" does exist and does "act" within the world, the meaning of materials and the meaning of the actions of materials, whether human actions or otherwise, only have significance in the world as humans make sense of them. As Stuart Hall suggests, while things do exist outside of discourse, "Nothing *meaningful* exists outside of discourse" (1997, emphasis added).

Hence, poststructuralism problemizes the move to understand criticism as a way of using, in Philip Wander's (1983, 18) words, "good reasons" to promote "right action." Poststructuralism renders unavailable if not impossible a universal notion of the social good; it also denies the ability to gain access to some Truth located outside of human experience. As John Lucaites and Celeste Condit (1999, 11) note in their narrative of contemporary rhetorical theory, "On this [poststructural] view, struggle, not consensus, is the defining characteristic of social life; accordingly, social discord is not a pathology to be cured but a condition to be productively managed." Regardless of any single critic's specific assumptions, poststructuralism certainly changes the direction of criticism in terms of both purpose and method(s). When notions of "total emancipation" are removed, when Archimedean points are suddenly obscured, a critic must rethink the meaning and shape of cultural performances, including critical performances.

McKerrow (1989) takes the basic assumptions of poststructuralism and argues that rhetorical criticism needs to reverse its emphasis, seeing

itself as "critical rhetoric"—a self-reflective gathering together of fragments from cultural discussions in order to "perform" new meanings. Drawing on McGee's attention to the performative dimension of rhetoric, McKerrow argues that, by performing critical rhetoric rather than rhetorical criticism, our primary task is to be "rhetoricians"—to participate in the process of social transformation, not simply to record the effects of it. The critical rhetorician is a political actor, picking up fragments from the ongoing political struggle over meanings and rearticulating them, becoming another voice in that struggle, thereby bringing different sets of issues and identities to bear in the study of discourses.

As McKerrow's notion of critical rhetoric was refined, it has become evident that one of the major concerns with the influx of poststructural theories and criticism into rhetorical studies is that the practice should not be so self-reflexive, so suspicious of any and all grounded observations or claims (i.e., taking poststructuralism to its logical extreme, if solid foundations and utopias are taken away, why is any given direction better or worse than any other?), that critical observations and political actions cannot be pragmatically useful in bringing about change.[22] That is, as we and others have argued, critical rhetoricians need to be careful not to place a permanent question mark next to the very notions of "good reasons" and "right action." The questions become, and these are questions we have been pondering over the past several years, "How do critics simultaneously take seriously the notions of radical contingency and of political action? And if it is possible to take both seriously simultaneously, then what shape does criticism take?"[23]

This book is intended to provide a model of a critical rhetoric that could be useful in consensus formation and policy making in the social sphere. Rather than bemoan the loss of rational culture and complain about the increasing apathy of new generations, we are working through a critical rhetoric to incite social change with the future in mind, while simultaneously recognizing contingency and not assuming a simplistic Utopian agenda with a capital *U*. Our work up to this point, and the work on which this project is based, illustrates the chronological and theoretical path of what we see as a *purposeful poststructural critical rhetoric*, a critical rhetoric that engages cultural studies while taking a uniquely rhetorical studies vision to the study and politics of cultural discourses.[24] Before discussing the specifics of our vision of this particular rhetorical project, we first outline several concepts that are key in carrying it out.

The Assumed Audiences and Logics of Discourse

Our interest in this book is to illustrate a poststructural critical orientation that engages and utilizes meanings, logics, and arguments from multiple areas of discussion, and so we need to lay out some general contours of just what types of discourse we are studying. After providing more detail about each of these discourse types, we then explain how they intersect conceptually. This is fairly tricky ground, however, because while we recognize the need to have a loose set of terms describing our "object of study" (and how we are in fact studying it), we also want to be careful not to reify these terms as being somehow objective or unchangeable. That is, we are fully aware that our choices of categories and the definitions we give them here are pragmatic ones, useful in conducting our specific project. The categories we describe can be seen as tools of criticism rather than as objective categories into which given discourses fit snugly. We want to note that while the "grid-like" nature of the types of discourse we describe has been comfortable for some anthropologists and sociologists who have reviewed this work, literary and cultural critics may find them somewhat formulaic. The "logics of discourse" should be seen simply as conceptual guides rather than as indicators of actual, existing material divisions. We are not building these distinctions for the sake of typology; rather, we suggest that these intersections provide the critic with a "grid of intelligibility" through which to make decisions concerning which discourses to investigate, to make meanings of discourses, and to establish ends for these investigations (Hall 1997).

Civic versus Vernacular Discourse

The first distinction we make is between the target and the potential audience of a given media text. We use "civic discourse," to signify those discourses that are either meant to provide information (entertainment, persuasion, etc.) for a large population of people (regardless of the demographics of actual consumption patterns) or that a broad-based consumer group purchases or consumes. Although we realize that the word "civic" may connote a nostalgic and romantic view of social life, we do not mean to align ourselves with this view. We define civic pragmatically: simply as a descriptor of discourse meant to be viewed universally, not necessarily as a "civil," "civilizing," or "proper" dis-

course, and certainly not as a discourse in which all members of society have equal power to participate. We distinguish civic discourses from "vernacular discourses," which emerge from discussions between members of self-identified smaller communities within the larger civic community.[25] The origins of identity as a community are not important for this project (i.e., Is this a label applied from mass communication outlets? from within self-identified members of the community? from both?); instead we focus on discourses that grow from smaller communities, are spoken with in-group purposes in mind, and are directed to audiences composed of members of the smaller community. The first distinction, then, is between communication available to people in general, *civic discourses*, and communication that is assumed to be for the direct purposes of supplying information to more limited demographic groups within that larger community, *vernacular discourses*.

Civic discourses include newspaper articles in the *New York Times* and *USA Today* and television shows on any of the "major" networks (e.g., ABC, CBS, NBC, UPN, WB, or Fox). These and other such media are represented (and at times represent themselves) as providing information or entertainment serving all consumers. For example, the *New York Times* line "*All* the news that's fit to print" (emphasis added) illustrates a self-presentation as civic discourse, no matter how limited or specific the actual reading audience of the newspaper is. To a certain degree then, "civic discourses" appear to be invisible (much like the invisibility of, say, "whiteness"). While *Jet* magazine is clear that it attempts to serve the interests of at least some element of the African American community (granting that its publishers might not mind if everyone chose to read it), the *New York Times* does not declare itself as the publisher of news for any specific race or class. Rather, it appears as the daily record of what has occurred, claiming as much "objectivity" or "nonbiasedness" as possible.

Especially in this era of narrowcasting in contrast to the historical era of broadcasting, it is doubtful, of course, that one could point to a media outlet that claims to cover all people's interests (it is much easier to point to publications that claim to cover the interests of limited audiences, such as specific ethnic groups and gendered audiences). Hence, here we are conceptualizing a continuum: At one pole is communication presented in generic terms in order to reach the largest possible audience; at the other pole is communication presented for particular in-group members, which includes conversations that take

place routinely in the informal contexts of everyday life.[26] Where the line is drawn on the continuum is determined by the critic's purposes.

Vernacular discourses refer both to everyday conversations and to mediated communication directed toward specific communities. We are not suggesting, however, that all such communication is politically resistant or that by virtue of its marginal status this communication should necessarily be valorized. Indeed, the next distinction we make involves the difference between vernacular discourse complicitous with, and vernacular discourse resistant to, dominant discourse. Hence, while vernacular discourse includes chats on street corners as well as popular mass media directed to specific audiences (e.g., Black Entertainment Television), the discourses in any of these venues will at times be more resistant than complicitous and at times more complicitous than resistant to "dominant" ideas and dominant logics—ideas and logics we refer to in the next section as "governmental."

Dominant versus Outlaw Discourse

We make a second distinction based on the "logics of judgment" used within a discussion. The polarities of this distinction are "dominant discourses" and "outlaw discourses."[27] Dominant discourses are those understandings, meanings, logics, and judgments that work within the most commonly accepted (and institutionally supported) understandings of what is just or unjust, good or bad. Outlaw discourses are those that are incommensurate with the logic of dominant discourses.

Dominant discourses operate through a logic of judgment or decision-making dependent upon the general cultural ideology found in public discussions, educational textbooks, legal decisions, legislation, and so forth. They work along the lines of judgment that would appear to emerge naturally, for example, within general popular cultural discussions of an extortion trial or in discussions about the importance of a good secondary education. These are the types of logics and judgments with a materiality in the sense referred to by Ronald Greene (1998, 22) that is focused on "how rhetorical practices create the conditions of possibility for a governing apparatus to judge and program reality." Dominant discourses are implicitly endorsed by governing bodies, and, because ideology so thoroughly saturates most educational and entertainment institutions, the logic of these dominant discourses tends to take on the form of common sense—or in the classical sense *doxa*—both at a civic level and at the level of the individual.

Outlaw discourses, in contrast, are those that represent a position incommensurable with dominant positions.[28] The outlaw position is not simply a disagreement, a conflict, or a controversy regarding a differing of opinions (Ono and Sloop 1999; Sloop and Ono 1997). Outlaw discourses are not, for example, those that enter a plea of "innocent" in a court case to which a judge or jury can weigh the evidence using legal criteria to determine the defendant's guilt or innocence. Outlaw discourses are not simple inversions of dominant discourses; they do not refute or counter dominant positions; rather, they are discourses outside the logics of dominant ones. While dominant logics allow for litigation and arguments within governing structures providing logics of "governmentality," or the logics by which governing bodies rule (Greene 1998),[29] outlaw discourses by definition operate by a different logic, that of the *differend*, what Jean-François Lyotard (1988, xi) defines as a "conflict, between (at least) two parties, that cannot be equitably resolved for lack of a rule of judgment applicable to both arguments. One side's legitimacy does not imply the other's lack of legitimacy."

We can borrow a fictional narrative example from Maurice Charland (1998) to illustrate the line between outlaw and dominant discourses, revealing how differences in logics might play themselves out in practice and how the intervention of litigation may sidestep outlaw logics and discourses. In "Property and Propriety," which draws on Lyotard's discussion of the *differend*, Charland provides an example in which a judge is asked to decide whether to zone a particular section of land for a golf course or for commercial use. Key to the question before the judge is that a community of Mohawk Indians says the land is an ancient burial ground and cannot be "owned" by anyone. In this traditional court case, the court requires representatives from each position to be present for a legal hearing. In Charland's story, however, when the Mohawk people go into the courtroom they "testify" by reciting poetry, telling stories, and singing songs. Their testifying in the fashion the court prescribes or waging an official legal battle, they believe, would signify recognition of the court's legitimacy and submission to the logic by which it operates. Thus, while appearing and communicating within the physical space of the courtroom, the litigants from the Mohawk nation do so in a language that is incommensurable with the language of the court, that is, in a language that does not imply the legitimacy of the court, the law, or the judge to adjudicate on the matter. Even if the

court were to decide on behalf of those trying to stop the golf course from being built on sacred Mohawk land, the a priori legitimacy of the court to render such a decision is put into question here. The basic claim made is that the land cannot be used, and no one, not even the judge who is the principal legal representative of the state in this case, has the right to consider the issue, regardless of the outcome of the decision. In Charland's example, when the court eventually does grant the land to the developer, the Mohawk people residing on the land refuse to leave. When they behave in "outlaw" ways (e.g., remaining physically on the land and placing their bodies in front of tractors), their actions are described by reporters and by the developer as the actions of "terrorists." In this example, then, there is a clearly marked *differend:* to settle the case in any single language (e.g., of "ownership," of "sacred grounds") would necessarily enact symbolic violence to any other language or logic being used to make sense of the issue. That violence would not be the same if there were a simple disagreement, conflict, or controversy over who held ownership of the land.[30] Simply recognizing the court's legitimacy would be an act of discursive violence against Mohawk people.

What does this discussion help us say about the logics of judgment? As a critic of this case, one could probably find much civic discourse to study, including court documents, local news reports, and discussions at local businesses and in classrooms. No doubt a large percentage of the published discourse on the case would operate through dominant logics. First, the decision itself, made within a court of law, reinforces dominant ways of making decisions. Second, most of the reporting on the case would make the unquestioned assumption that legal means of settling disputes are the correct methods, and hence the reporting be aligned with dominant logics. Furthermore, most of the local vernacular conversation on the topic would also support dominant logics, even if disputing the outcome of the case. That is, while those outside of the Native American community might take the part of the Mohawk people, many would very likely base their support on dominant grounds (e.g., that private ownership of land is guaranteed under the Constitution). Those supporters outside of the Native American community might argue that "the land was originally their land" and would expect the law to reflect the basic principle of land ownership, recognizing this fact. In a similar fashion, the supporters of the developers might suggest that they have "proper" ownership of the land and that they

went through "proper channels" to have the land appropriately rezoned. People on both sides of the dispute might all agree that the Native Americans should have been willing to make "legitimate arguments" in court if they expected to keep the land. Such expectations would of course simply reify the dominant logic of the courts and, arguably, that of the larger dominant U.S. society.

As soon as the differences between the Mohawk people and the developers are phrased within the terms of litigation, the voice of the outlaw is muted within the public. So, if the Mohawk Indian litigants had been willing to argue to the court that they owned the land, and as a result of making that argument had actually won the case, then the dominant logic by which the court operates generally would have been reaffirmed. The land would then be owned by the Mohawk people but the reasoning process they generally used, which we can say for the sake of example did not include the concept of private ownership, would be silenced, the *differend* erased, outlaw logic lost. They would materially win the land but would lose the fight for respect, honor, and legitimacy of the cultural logics of Mohawk people and the "war of position" over what is regarded as public knowledge. Hence, as Lyotard notes, what generally occurs (and this is by no mere accident, since the legal system, as well as all other contexts in which dominant logics are in play as a matter of course, make it occur) is that, when a case is litigated, a judge phrases the *differend* in such a way that it becomes no longer a *differend*; rather, it is filtered by terms, meanings, and logics of dominant discourse: Any resolution reached erases the logic of the outlaw and reaffirms existing law and the process by which decisions are reached. Hence, choosing to engage a system in which dominant logics predominate is treacherous for those practicing outlaw logics.

For our purposes, then, discourse can be distinguished along two key axes, one representing the difference between the producers, content, and audience of a text (i.e., civic and vernacular) and one representing the logic in which an argument or position "makes sense" (dominant and outlaw). To repeat, while each category is necessarily fluid, their intersections as concepts (and hence as critical tools) are useful in carrying out the critical rhetoric project as we envision it. In simple visual terms, if one envisions dominant and outlaw discourse on an x, y axis, with one on top and one on bottom, and civic and vernacular discourse, one on the right and one on the left, one can envision the four points of intersection we discuss below (see Figure 1). While there is a potential for

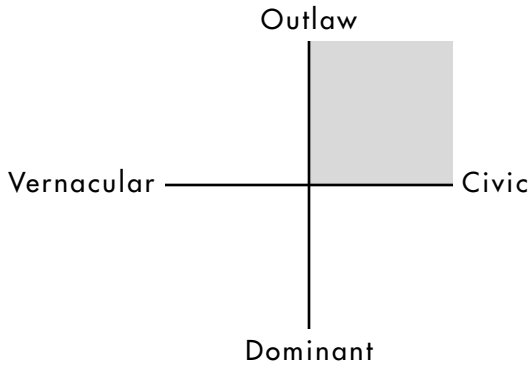

Figure 1. Outlaw/Dominant and Vernacular/Civic Discourses and areas of intersection. Shaded area (Outlaw/Civic) is ephemeral and eventually disappears.

four areas of overlap or intersection—Outlaw Vernacular, Dominant Vernacular, Outlaw Civic, and Dominant Civic—in real terms no discourse or logic ever remains Outlaw Civic for long (see shaded area in the figure), for as it moves out of localized contexts into areas of the general culture, three possibilities emerge: (1) it becomes popularized and hence productively leads to social change, (2) it is disciplined to become part of the dominant discourse and thus loses what is resistant and challenging about it, thus rendering it unable to alter the status quo power relations, or (3) it remains Outlaw, which means it never becomes part of the larger civic discourse and is, in a sense, remarginalized. An independent feminist film titled *Born in Flames* offers one example of the ephemeral nature of outlaw civic discourse. In the film, while members of the Women's Army manage to take over a major television station and broadcast their social message, their outlaw logic has no permanence and is thus remarginalized. In the end, they give up on even accessing a civic space and instead choose to blow up the building that houses the television station. Thus, were one to take over a national television station and air a film with an outlaw logic, the film would either be accepted and blend in seamlessly with the prevailing modes of thought or (as in this example) it would remain outside of the realm of mainstream thinking and logics and thus retain its outlaw status.

Critical Rhetoric with an Attitude

In the most general terms, the critical rhetoric project we envision and use in this book is based on the four areas of discourse described in the previous section. According to theoretical arguments that have arisen concerning critical rhetoric, we suggest that criticism should be oriented with an eye toward (1) deconstructing the assumptions of dominant civic discourses, (2) illustrating the complicities of dominant vernacular discourses, and (3) highlighting and promoting what we see as progressive outlaw vernacular discourses. By drawing attention to outlaw vernacular discourses and logics, we are developing a "critical rhetoric with an attitude," one that attempts in part to change the assumptions (i.e., the logic of judgment) of dominant civic discourse while recognizing the contingencies of this change.[31]

We begin the book with a study of dominant civic discourse. While perhaps always a presence in the study of "knowledge," the study of dominant civic discourse can be seen in work emerging from cultural studies, the study of popular culture in rhetorical studies, and in American studies. What we are calling the study of dominant civic discourse would include Michel Foucault's *Discipline and Punish* (1977) or, in rhetorical studies, McGee's essay on ideographs (1980a), or Hall and colleagues' *Policing the Crisis: Mugging, the State, and Law and Order* (1978).[32] Such works attempt to understand discourse at the level of mass popular culture by seeking out the most common meanings for terms in public discussions. They get closest to Paul Bové's discussion (1990, 54–55) of the study of discourse as being made up of the study of "the organized and regulated, as well as the regulating and constituting, functions of language; . . . its aim is to describe the surface linkages between power, knowledge, institutions, intellectuals, the control of populations and the modern state as these intersect in the functions of systems of thought." What is at stake in such studies is how meanings and ideas become "naturalized," how they come to be the "common sense" at the broadest levels of popular culture. Such discourses are always already commensurate with the dominantly shared procedures and values constitutive of a culture at any given moment. For example, when one is watching television and notes peculiar symmetries between, say, episodes of the television series *Buffy, the Vampire Slayer* and the 1999 killing of students at Columbine High School in Colorado, one recognizes that what is common about

life and television is the cultural context that produces the material for both references.

Because the study of any and all vernacular discourses is uncommon, at best, the study of dominant civic discourses, and to some extent the unquestioned acceptance of the logics of dominant civic discourses, has made up a large part of rhetorical studies as well as studies in other fields (Ono and Sloop 1995). The deconstruction of dominant civic logics—or "ideology critique"—became popular in the social sciences and humanities in the 1970s. Challenges to ideological criticism focused primarily on the relatively uniform set of assumptions about economic materialism critics used; however, not until the development of poststructural theories in general throughout the academy, and more recently in rhetorical studies, did a thoroughgoing deconstruction of ideological criticism emerge, critical rhetoric. Both shifts, to ideological criticism and to poststructuralism, were meant to provide an outlet for political acts that sought to understand the predominant meanings and pleasures on a mass cultural level.

What was already at least implied in a political challenge to the study of dominant civic discourses was a related move to study discourses as used by a particular subset of communities or the discourse of conversations on the level of everyday life (i.e., vernacular discourses). That is, once critics began to turn away from the history of ideas and toward the study of cultural practices on a political level, it was an easy step to move to everyday conversations and communication within some of those communities that constitute the very fabric of culture generally. As Robin Cohen (1991, 108) notes in a discussion of types of protests against, and challenges to, existing immigration rules, these "hidden forms" of protest are more important than discourse on the mass cultural level, at least in terms of political change, because vernacular discourses are a "bedrock" of incremental changes in consciousness that are necessary for moving immigrants to a more politicized consciousness. Hence, in our own work (Ono and Sloop 1995), we made a turn to vernacular discourse.[33] Spurred on by a general optimism in cultural studies at the time concerning uses and consumption of mass mediated messages as resistant acts, our initial assumption was that the discourses of everyday life, especially those of marginalized communities, would necessarily and automatically be in large part resistant to dominant discourses. It was