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1. Toward a Latino Critique of Public Sphere Theory

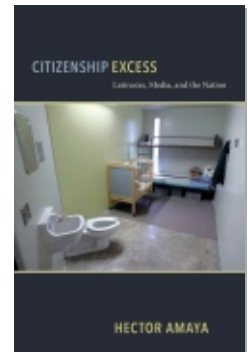
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Toward a Latino Critique of Public Sphere Theory

There is a paradox that defines Latino political and cultural power. No other ethno-racial minority group has as much access to the mediated public sphere as Latinas/os, and yet Latino underrepresentation in the field of power is substantive. Paul Taylor, the director of the Pew Hispanic Center, offers the metaphor, “Latinas/os have so far punched below their weight in American politics, in contrast to blacks, who have punched above theirs” (Power in numbers 2010). Kim Geron (2005) places this metaphor in perspective when she notes that in 2004 Latinas/os accounted for less than 1 percent of the elected officials in the nation, significantly lower than their 10 percent share of the electable population (see also L. Daniels 2011). (By the way, in 2004 blacks were 13 percent of the electable population and only accounted for 2 percent of elected officials.) Judging from the underrepresentation of Latinas/os in politics, one may assume that the Latino public sphere is extremely weak, but this is simply not true. Latinas/os struggle to get access to English-language media

(ELM) but have significant access to Spanish-language media (SLM). The sheer economic and cultural power of SLM, which includes Univision, the fifth-largest television network in the nation; half a dozen other TV networks; hundreds of radio stations; hundreds of newspapers; and significant presence on the Web, speaks of a vital cultural resource that behaves as a mediated public sphere.¹ If we consider SLM, we are forced to question the very axiom stating that access to media correlates to a healthy public sphere and that access to the public sphere somehow correlates to access to political power. With Latinas/os, more access to a public sphere equals less political power.

Clearly, access to a public sphere alone cannot solve inequality. As Eduardo Mendieta (2003) has noted in his discussion of Latino publicity, for Latinas/os, things are more complicated than having or not having access. He argues that, at least ideally, conditions of publicity should match conditions of oppression, and thus Latino publicity should “denationalize and delocalize, globalizing and postcolonializing processes of social transformation and critical self-reflection” (220). Latino publicity, in other words, is not simply about being able to participate in current power structures, but it should also do the strenuous work of changing the political paradigms that constitute Latino subjection. As Mendieta also notes, this is a significantly high bar for publicity that, nonetheless, presupposes and problematizes access.² Access alone can hardly guarantee that Latino publicity will be understood, respected, perceived as reasonable, agreed on, or even politically useful, yet access remains an a priori to publicity. Thus, in this chapter I query the relevance of access and its political efficacy. So profiting from Mendieta’s insights and arguments by others who question the public sphere from the perspective of feminism (e.g., Benhabib 1992), ethics (e.g., McCarthy 2004), rhetoric (Garnham 1992), and political theory (e.g., Fraser 1990, 2007), in this chapter, following Peter Dahlgren (1995) and W. Lance Bennet et al. (2004), I investigate access as a structural precondition for publicity.

The issue of access to publicity has two significant foundations: liberalism and political economy. Public sphere theory is based on liberal political theory, a particular subset of political thought that assumes that liberalism and its pursuit of legally defined individual freedoms can only exist in societies in which citizens can actively participate in the structuring of government and society. The public sphere is an essential part of this beneficent liberal structure.

Just as the public sphere is based on liberalism, the notion of access is rooted in political economy. Access is meant to denote the ability of

someone to participate, enter, reach, and/or influence a social structure. Access also connotes the capacity of a social structure to have some flexibility, to accept new members, and, potentially, to change. Yet the Latino paradox reminds us of the limits of both publicity and access. I believe that the Latino public sphere paradox (more access has equaled less power) is a call for understanding access and publicity from ethno-racial and political perspectives that match, following Mendieta (2003), the patterns of Latino oppression. These patterns include oppressions rooted in transnationalism, colonialism, immigration, and multilingualism.

So, in tension with public sphere scholarship that takes liberalism and political economy as truisms, I question both. I do this by reference to Michel Foucault's theory of governmentality and, later, coloniality, a Latin American theory of power. Because governmentality historicizes basic political ideas found in liberalism and capitalism, governmentality is useful for explaining how contemporary ways of thinking about politics and the economy give way to specific technologies of governance, including, I show, the public sphere. In addition to a theory of politics and the economy, governmentality is also a theory of the modern subject, a characteristic that makes it a great tool for theorizing the links between politics, the public sphere, the economy, and citizenship. These links are, often, processes of mediation that participate in the mutual constitution of political and personal practices. Because of governmentality's sophisticated use of history, power, and discourse, as well as its ability to link macro and micro levels of analysis, some of the most exciting work connecting media to political theory uses governmentality (Amaya 2010; Miller 1993, 1998; Ouellette and Hay 2008).

Governmentality, however, is not a perfect analytic tool. Its weaknesses can be theorized by reference to nation-centrism. In the spirit of criticizing and complementing governmentality, in the last section of the chapter, I propose a way of reassembling the different concerns, from public sphere theory to Latinas/os, by referencing coloniality, a political theory developed by Latino and Latin American scholars that properly theorizes the deficiencies of liberal governmentality. Coloniality places the colonial past at the center of the U.S. national project, hence allowing us to properly evaluate the role of ethno-racialization in U.S. liberalism.

From the Public Sphere to the Nation and Back

Public sphere theory marks the most significant intersection between media and normative political theory. As Nancy Fraser notes, public sphere

theory proposes that, at least in liberalism, citizens need spaces for deliberation, a public sphere where they can come together and positively influence the nation-state (1990, 57). I focus on Fraser because her theories of subalterns, which I detail in the following sections, offer the most robust theorization of power and the public sphere for a multicultural society. She proposes that the public sphere, in its ideal form, is not the economy or the private realm or spaces inserted in the apparatus of the state. It is a discursive realm that allows for making the state accountable to the citizenry (59). These ideal conditions are rare, particularly when we reflect on access and its political economy. If political economy refers to the influence of capitalism in politics and law, then the way media structures in the United States connect to regulation (law and policy) and capitalism is one the biggest predictors of a healthy public sphere, at least from the perspective of access.

Yet it would seem that the political economy of access to the public sphere does not fully explain the political and media world in which Latinas/os exist, particularly if immigration, Spanish, and linguistic difference enter the equation. This is so because transnationalism and multilingualism force us to retheorize the economy, particularly media economy, because media is substantively fragmented in terms of language. A political economy of media must start with the recognition that languages make markets plural, not national. In addition, transnationalism and multilingualism force us to retheorize the state, the other side of the political economy equation, from a transnational perspective. As noted by Fraser, public sphere theory must be redrawn for transnational and multilingual conditions:

In general, then, the task is clear: if public sphere theory is to function today as a *critical* theory, it must revise its account of the normative legitimacy and political efficacy of public opinion. No longer content to leave half the picture in the shadows, it must treat each of those notions as comprising two analytically distinct but practically entwined critical requirements. Thus, the legitimacy critique of existing publicity must now interrogate not only the “how” but also the “who” of existing publicity. Or rather, it must interrogate parity and inclusiveness together, by asking: *participatory parity among whom?* Likewise, the efficacy critique must now be expanded to encompass both the translation and capacity conditions of existing publicity. Putting those two requirements together, it must envision new transnational public powers, which can

be made accountable to new democratic transnational circuits of public opinion.

But only if public sphere theory rises to the occasion can it serve as a critical theory in a post-Westphalian world. For that purpose, it is not enough for cultural studies and media studies scholars to map existing communications flows. Rather, critical social and political theorists will need to rethink the theory's core premises concerning the legitimacy and efficacy of public opinion. Only then will the theory recover its critical edge and its political point. Only then will public sphere theory keep faith with its original promise to contribute to struggles for emancipation. (2007)

Here, Fraser notes that the goal of public sphere theory is to have normative legitimacy and political efficacy. Normative legitimacy is partly achieved with participatory parity, that is, by assuring that different groups will have equal access and equal deliberative powers. However, Fraser notes that transnationalism is a condition of marginalization that constitutes groups beyond the reach of politics. Otherwise stated, the "who" of publicity is typically the citizen. Noncitizens are not the typical concern of public sphere theories, which assume political agency. Transnational communities hence are a challenge to the normative legitimacy standard. In addition, transnational communities and diasporas, particularly those marked by linguistic difference, force us to query the political efficacy standard. By political efficacy, Fraser understands the ability of publicity to be translated into arguments that can shape politics. Yet transnationalism and multilingualism produce marginalities particularly difficult to translate into traditional political language because, as Fraser (1990) noted, they often originate at the border of the polis. Because publicity typically assumes citizenship or translational efficiencies, public sphere theory is fundamentally political and relates to the type of government that public sphere theory legitimizes: the liberal state.

The challenges to the normative legitimacy and the political efficacy standards can be traced back to what Anthony Smith (1983), Daniel Chernilo (2007), and Andreas Wimmer and Nina Glick Schiller (2002), among others, have called "methodological nationalism."³ Methodological nationalism refers to the conflation of the concept of society and the nation-state and, as Wimmer and Schiller put it, to the methodological assumption that the "natural social and political form of the modern world" is the nation-state (2002, 302). As these scholars have noted, one of

the key problems with methodological nationalism is that it precludes us from properly understanding the nation-state and, as Wimmer and Schiller highlight, from properly studying immigration processes and populations. Because public sphere theory starts with the state, it inherits the weaknesses of methodological nationalism, including the central weakness of the political imaginary of citizenship excess: the notion that political agency is equal to citizenship (see the introduction). Because this basic assumption about political agency has such profound consequences for public sphere theory, an examination of public sphere theory must start prior to arguments about good government, publicity, deliberation, or equality. It must start with an examination of the nation and the modern liberal state at its core and then move forward to examine the role of publicity in the liberal nation-state.

The Political Economy of the Public Sphere

Because citizenship is so central to the processes we associate with the public sphere, a political economy analysis of culture and media attentive to the public sphere cannot rely on economic arguments alone. It should be anchored on the political. Yet the centrality of citizenship to political economy is not the place where theories of culture start. Instead, citizenship and the nation are often taken-for-granted categories of analysis. This weakness starts with Marx, a seminal thinker in political economy and culture, and continues with Foucault and his theories of liberalism. By reflecting on political economy and liberalism, this section moves citizenship to the surface of public sphere theory.

Political economy is fundamentally a theory of power that emphasizes the role capitalism has in shaping politics. Yet Marxian political economy may have been different if Marx had reflected more on his own citizenship status. Much of Marx's work was carried on while he was stateless, either in Paris, Brussels, or London. But, speaking at a historical moment when nations were just becoming normal, Marx's concerns were not statelessness or the socio-political problems of immigrants. His interests, state capitalism and labor, had originated back in Prussia. There Marx learned that his training in law and philosophy was insufficient to make sense of the political maneuverings that had depicted his journalistic practice at the *Rheinische Zeitung* in Cologne as unsavory to the Prussian state. These same maneuverings had allowed Frederick William IV to tightly control political opposition. Friedrich Engels notes that it was at this point that

Marx abandoned a Hegelian philosophy of law, which was concerned with the power emanating from the state, for a philosophy of law that privileged the study of civil society and political economy. From 1842 onward, Marx dedicated his life to producing a theory of civil society that could explain material interest and power. So what culminated in 1867 with the history-changing theories of labor found in *Capital: A Critique of Political Economy* began as a reflection on the relationship of media censorship, law, political control, civil society, and the state.

Although Marx's economic theories have come to tower over all his others, his cultural theories and his concern with civil society continue to be central to Marxian thought and can be found in work seminal to media studies from Antonio Gramsci to Louis Althusser. The central continuity found in these thinkers is that state power depends for its stability on the management of civil society and that conditions of hegemony rely on cultural control that, in a liberal democracy, as Michel Foucault suggests, can only be achieved through citizen participation and the interiorization of the law. But law is not only inside people: it is also outside, and it governs. It is this law as exteriority that censored and exiled Marx, imprisoned Gramsci, and spurred contemporary theories of legal subjectivity including Althusser's and Foucault's. So law poses two interrelated problems to political economy approaches to culture and media theory. In its exteriority, law organizes, maintains, and legitimizes material allocation (as in public and private media infrastructure), social structures (as in membership, labor pools, and so on), and discourses (by giving primacy to some voices over others). As an interiority, which is partly produced through popular culture, law produces, reproduces, and maintains docile subjectivities. As both interiority and exteriority, law is a political technology that poses a third additional problem to a political economy concerned with transnationalism and Latinas/os, a problem Marx could not have predicted, even if his own juridical identity was similar to an immigrant's. Law, as a political technology, naturalizes the national as the preeminent social sphere, monopolizing the discourses with which we talk about justice, equity, and freedom.⁴

Marx's notion of power distribution is concerned with culture but emphasizes economics. Other scholars have recentered the cultural in political economy, notably, the work of Bourdieu and his vision of power in society (1984, 1990, 1991, 1993, 1996). Bourdieu's work recenters culture in political economy by highlighting the ways in which culture is a product of forms of social domination and competition and by remarking on the

way culture also functions as a type of capital that individuals and groups use to compete for social positions. In his work on literature, aesthetics, photography, art museums, and academics, Bourdieu reveals how the cultural product and the cultural producer are linked not only because of the dynamics of product and producer but also through the social character of product and producer. That is, cultural producers endow culture with more than material, economic, or monetary value. They endow it with social meanings that help cultural consumers construct identities of distinction. Product and producer, hence, lend social value to consumption, and this value can be exchanged for social positioning. Eminently concerned with fluid and complex class definitions, Bourdieu's sociology explains stability by noting that the value of any given stock is typically determined prior to the moment of exchange, and the moment of exchange works as a confirmation of the stock's value. Cultural capital, thus, becomes necessary to enter specific social markets, which are hierarchically positioned.

In addition to culture, Bourdieu theorizes different types of symbolic capital and their relationships to fields of social organization, including the political field. Political capital accumulation is concerned with Bourdieu's sense that contemporary forms of governance rely heavily on the acquisition of cultural, social, and political markers that individuals can use to naturally occupy positions of power. Bourdieu arrives at this insight by updating Marx's notion of capital. According to Bourdieu, capital has several "guises" including economic capital (money and tradable commodities, as in property), cultural capital (cultural markers and credentials such as educational titles and certifications), social capital (acquaintances and social networks), and symbolic capital (which secures legitimization) (Bourdieu 1986, 242). Accumulation can happen in all of these guises, and, as importantly, accumulation in one type of capital can be converted into a different type of capital. As Marx would note, economic capital easily translates into social and cultural capital (as in the superstructure). Bourdieu notes that cultural capital can become economic and social capital (the term he uses is "interconvertibility"), as in the acquisition of distinction that becomes symbolic capital legitimizing access to wealthier social networks and so on.

Although political capital is not one of Bourdieu's central guises or concerns, he defines the term, albeit succinctly. For Bourdieu, political capital governs the field of politics and corresponds to the types of symbolic capital that members of the field compete for. Although others after Bourdieu, including Niilo Kauppi (2003) and Kimberly Casey (2008),

have tried to expand on the term, their definition of the field of politics and, of necessity, their definition of political capital are skewed toward electoral processes. That is, for Bourdieu, Kauppi, and Casey, the type of symbolic capital used in the field of politics is one that can bring a person or a party electoral victory.

Public sphere theory can be seen as essentially a theory of interconvertibility that assumes that under the right circumstances, cultural capital can be converted into political capital. What Fraser calls normative legitimacy and political efficacy are in fact two of the fundamental rules that convert the cultural milieu that is the public sphere into electoral power. Yet, from the perspective of Latinas/os, the difficulties of this conversion point to a factor beyond the scope of the rules of capitalization of either the cultural or political fields. Both fields are organized around the figure of the citizen: the citizen is both the foundational element of both social systems and the ultimate target of their existence.

In Bourdieu's recognition that political economic principles are applicable beyond economics, he adds to Marx. But in Bourdieu, as in Marx, the centrality of citizenship remains hidden. Hence, neither approach is sufficient to theorize the public sphere from a Latino perspective. Yet, together, they point us in the right direction. Bourdieu is better than Marx at painting a social system that is ruled by communities with access to different types of capital. Yet more traditional Marxist approaches to power, such as those found in Gramsci or Althusser, have a substantial advantage over Bourdieu. Gramsci, Althusser, and, later, Foucault understand that not all social markets are equal: those markets that are closer to the law will have substantively more power. Interconvertibility, including normative legitimacy and political efficacy, is not random. Citizenship excess theorizes that the juridical holds the rules of capital conversion and effectively shapes the allocation of immediate and lasting capital. Both the centrality of the juridical and the relevance of different types of capital are necessary for a theory of the public sphere. As I show next, public sphere theory depends on the fundamental liberal idea that consensus can always be expressed in law.

Governmentality and Political Economy

The dynamic process of political capital accumulation that characterizes citizenship excess does not exist independent from the theories that legitimize and normalize politics, including liberalism and democracy.

According to Foucault, these theories generate the discourses, knowledges, and descriptions of reality that serve as bases of action for governments and populations. I would add, they also produce the conditions of citizenship excess, for, as I argued in the introduction, these theories franchise a citizen who is ethno-racially constituted. Typically discussed under the rubric of governmentality, Foucault's vision recaptures Marx's concern with political economy in contemporary states, but contrary to economist interpretations of Marx's work, Foucault refuses to believe that profit is always the answer to questions of government and power. In other words, his governmentality invigorates the political in political economy.

Like Marx, Foucault could have broken with methodological nationalism, but he did not. Biographers acknowledge that French colonialism, especially in Algeria, influenced Foucault's scholarship to the point of changing its direction in the late 1960s (Miller 2000, 185). But the turning point was caused not by a concern with colonialism alone but also by a general concern with the state of French politics at a time when Marxisms were popular political cultures in French universities but not popular enough to become winning political propositions. The 1968 violent defeat and subsequent political retreat of French communisms forced Foucault to reevaluate politics and power, and the results were expressed in his theories of governmentality. His main concerns remained the nation-state and the politics it engendered, and his highly influential theories of power did not consider the French immigration problem of the time or the systems of racialization that were giving way to a highly stratified and nativist social reality. Predictably, Foucault's post-1968 work is better for theorizing the resilience of liberal nation-states controlled by a single breed of ethnonationalism. Although Foucault's work did not address immigration as such, his ideas help outline the reasons why nativism is so apt at sustaining hegemonic arrangements that remarginalize immigrant populations such as Latinas/os. Governmentality helps us understand how this marginalization is partly engendered by legal and political systems and can shed light on the political complexity of the nation-state. Governmentality, in short, is particularly good at theorizing the nativism and legalism described in the introduction.⁵ As influential as Foucault's work on governmentality has been, it is also a theoretical framework ill suited for making sense of ethnic minorities and immigrants within the project of liberalism. In fact, Jonathan Inda argues that theories of governmentality limit the types of questions we ask about ethnic minorities and immigrants (2006, 24).

Governmentality refers to a series of theoretical questions introduced by Foucault in lectures aimed at exploring the relationships between governance, power, and conduct. He was interested in illuminating both governmental and individual practices of governance, discipline, and self-construction (Foucault 1991, 87). In bringing to the same arena issues of government and self, Foucault recast questions about politics and furthered his theories of power. Governmentality, understood as the arts of government, is thus essential to everyone and central to questions of ethics and justice (Foucault 2007, 116; Burchell, Gordon, and Miller 1991; Bennett 1998; Gordon 1991, 3). Foucault's concerns are partly historical (e.g., he explores East Asian pastoral forms of governance), but his historical explorations are meant to highlight aspects of governmentality found in modern state arrangements and in contemporary liberal nation-states such as the United States (e.g., liberalism is a governmentality that uses the pastoral) (Foucault 2007, 123). Liberal governmentality assumes that the modern state gathers and uses historically particular techniques to create technologies of power that can bring the population under control without breaking the delicate balance between social consensus and hegemony. In modernity, governmentality consists, among other things, of a variety of epistemic and institutional techniques that define individuals in highly measurable ways, befitting of an epoch that overemphasizes productivity, commodification, and planning (Inda 2006, 3–23). To make populations knowable and manageable is partly the role of policy and law.

This type of governmentality enacted through law is found in the United States from its beginnings to the present. Already the founding documents are invested in producing governmental techniques that will allow government to know the population so that government can apply this knowledge for administration and management. The very first article of the U.S. Constitution accomplishes this when it institutes the census, which would be used to number and classify citizens but also to calculate taxation, revenue, and political representation. It states,

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every

subsequent Term of ten Years, in such Manner as they shall by Law direct. (U.S. Constitution, art. 1, sec. 2, cl. 3)

Although it is quite remarkable that the very first article institutes the census, it is equally significant that it does this in language that today we recognize as proto-nativist. That is, in addition to instituting the census, this article is the basis for the logic of citizenship inclusion and exclusion. First, the Indian exclusion reformulates the basis for political exclusion of colonial others. Second, the citizen, defined as a “free Person,” stands opposite to the “three fifths.” The “three fifths” rule is euphemistic language referring to the counting of slaves, who are not, it should be noted, counted because slaves are thought to be superior to Indians. Rather, states with large slave populations negotiated this provision to secure a larger portion of direct taxes and representatives, not because of the welfare or political rights of slaves.

These governmental techniques, such as the census and the loaded notion of “free Persons,” anticipated an ethno-racial capitalism and liberalism (N. Rose 1999, 215). Together, the techniques suggested that politics ought to behave and be understood primarily through the economic logics of efficiency and progress and that the political world ought to be populated by ethno-racialized individuals (Mezey 2003; C. Harris 1997). More importantly, what I call *ethno-racial liberal governmental* techniques continue to have a huge impact on contemporary racializations, and Latinas/os are often victims of their logic. Census data today dictate the allocation of more than \$100 billion of federal funds, and to be counted becomes economically significant. To be counted is also central to political access for minorities. For instance, “Voting rights laws explicitly link census data with political access for minorities. . . . [Voting] rights enforcement depends on the racial make-up of Congressional districts as determined by census numbers” (Mezey 2003, 1745). Public funding money depends on census data. Labor discrimination cases are often solved by comparing labor statistics with census statistics. In a Foucauldian tone, Naomi Mezey argues that “where the census is one of the primary vehicles for the distribution of certain group protections and entitlements based on race, one sees the strategic investment in the politics of enumeration for many groups in the modern welfare state” (2003, 1746). The census as a technique of governance is invested not simply in knowing the real but in producing a political reality that will serve the basis for the enfranchisement of citizens. It is thus among the processes franchising citizenship

excess. The U.S. census did not have an official category for Hispanics, Mexicans, or Latinas/os (or for Native Americans) for the longest time; in 1930, Latinas/os were briefly quantified by the census as a race, but they disappeared from the following census (Almaguer 1994, 46). Only in 1970 did the census include the category of Hispanic, and despite the great controversy over the term *Hispanic*, this census marked a new era for governmentality and *Latinidad* (Gibson and Jung 2006, 9–10). Governmental techniques, here, are the root causes of the political and legal practices molding a national polity in racialized ways (Aparicio 2003, 93).

In liberalism, the political and economic fields are closely entwined, and hence, political economy is truly about the coming together of economics and politics. Foucault argues that law is at the center of this convergence, which I illustrate in the figure of the citizen. Yet, as discussed earlier, there is more to political economy than politics and economics. In the U.S. Constitution, the citizen (“free Person”) becomes the depository of political and economic rights that are outlined by reference to ethno-racial characteristics. Hence, in liberalism, the citizen has always already existed in several different and substantive fields: in politics, in economics, and, through ethno-racialization, in the fields of social membership and culture. Because it is legally and simultaneously coded in these four fields, *the figure of citizen is the technical innovation that liberalism brought to governmentality.*

Interconvertibility depends on one element of a system having identity and import in another one. Because the figure of the citizen exists centrally in the economic, political, social, and cultural fields, it allows for the interconvertibility between them. Thanks to the citizen, what originates in the social may shape the cultural, the political, or the economic. Public sphere theory, of necessity, cannot be divorced from the fantastic potentialities of the citizen figure or from its dreadful foundations in ethno-racialization.

The Public Sphere and Pastoralism

The citizen may be the anchor that allows for conversion between the cultural, political, social, and economic fields, but interconvertibility itself relies on the concretion of a space of conversion where faculties inherent to the citizen can be put to use. In the contemporary world, this space is the mediated public sphere. In Gramscian parlance, culture and media become central to governmentality as a public sphere for the transaction

of ideas, the formation of consensus, and modern citizenship. On this, Tony Bennett notes, “the relations of culture and power which most typically characterize modern societies are best understood in the light of the respects in which the field of culture is now increasingly governmentally organized and constructed” (1998, 61). In the United States, the field of culture exists in such close proximity to politics and economics that both partner to give discursive and social shape to ethno-racial liberal governmentality. And because the field of culture, and particularly media, is the most important element of the public sphere, the potential for the public sphere to function as a space for political deliberation is always already limited.

Ethno-racial liberal governmentality improperly shapes the public sphere through the juridical and economic fields. Foucault anticipates this political effect. Foucault’s ideas on governmentality explain the formation of the political field through the juridical-legal constitution of subjects in liberal states and the relationship of the juridical-legal to the economic realm, which I detail later. Because of this link between the juridical-legal and economic realms, governmentality is useful for exploring the particular brand of capitalism that Latinas/os must engage as a condition to participate in majoritarian political systems, legal fields, and the public sphere.

In Foucault’s work, as in Marx’s, the link between the juridical constitution of the subject, the central form of consciousness in the nation-state, and liberal governmentality lies in the notion of security (Marx 1975, 230). While in other types of governance political power is relatively centralized—thus guaranteeing the state’s stability through the monopoly of political authority—in liberalism political power is diffused through, among other things, the political franchise of citizenship. Hence, in liberalism power is potentially unstable because the question of “how to stay in power” cannot be answered without referencing the will of the people (Anderson 1991, 16; Brown 1993, 391). This will is, in capitalist societies, correlated to the people’s physical safety and economic interest, and consequently social prosperity becomes a matter of state security. The U.S. Constitution, again, serves to support Foucault’s views on the matter when it states, “We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America” (U.S. Constitution, Preamble). Security,

both physical and economic, is bound to the establishment of law and justice. Although the “We the people” sounds inclusive, Article I, which orders the establishment of the census, is not. Hence, the establishment of a U.S. juridical subjectivity must also be seen as an ethno-racial practice, and so must the notion of physical and economic security.

Caring for the people’s interests and security is not a general requirement of governance, but it is a common characteristic of liberal governmentality. Foucault believes that this very characteristic, which he relates to the pastoral, is emblematic of liberalism and modern political cultures. The pastoral is a type of governance discursively constructed around the figure of the shepherd, whose goal is to lead his or her flock to safety and to take care of the flock’s subsistence. “[Pastoral] power is fundamentally a beneficent power” (Foucault 2007, 125). Liberalism continues this discourse of beneficent power and constructs its *raison d’être* in doing good (“a more perfect union”). This ethical self-justification is, however, part of its governmentality. To stay in power the liberal state must fulfill the economic interests of the population or, at the very least, of the population with political franchise (Burchell 1991, 120). And, in the pursuit of this goal of imparting security through prosperity, the state becomes also the shepherd of the economy, which is led through policy and law. On this, Foucault is at odds with neo-Marxian theorizations of liberalism and law, which see the importance of law in relation to law’s ability to legitimize government (e.g., liberalism is a contract between government and subject). In neo-Marxian conceptions, Colin Gordon (1991) argues, law is in ideological harmony with government. For Foucault, the centrality of law has more to do with law’s ability to incorporate exceptional measures (changing doctrine), “because the participation of the governed in the elaboration of such law through parliament constitutes the most effective system for a governed economy” (Foucault, qtd. in Gordon 1991, 19). In his emphasis on security and interest, Foucault aims to bring together the legal and economic logics central to liberal governmentality in a sort of field (Bourdieu) dialectics. As Gordon writes, “Prosperity is the necessary condition of the state’s own security, and prosperity in itself is nothing if not the capacity to preserve and hold on to, and where possible even to enhance, a certain global level of existence” (1991, 19).

In Foucauldian theory in particular and political theory in general, the social instrument that enables the government and society to adapt to the changing understanding of security, prosperity, and popular interest is civil society, a space closely related to the public sphere. In civil society,

groups, clans, or classes come together to redress issues of distributive justice and economics at a political-juridical level (Gordon 1991, 22–23; Lipschutz and Rowe 2005, 21). Civil society is thus a space of transaction and the space for the alchemic transformation of the economic (interest) into the political (solidarity). This transaction or alchemic transformation is not only across groups or classes; it is also discursive and is energized by media cultures that separate speakers, marginalizing some and giving others the cultural relevance to produce the metaphors and literary tropes linking the economic and political socio-discursive realms. Critical race scholars working in media and communication studies have made this point clear. More specifically, regarding Latinas/os, stereotypes (Keller 1985; Ramírez Berg 2002; C. Rodríguez 1997; C. Rodríguez 2004; Noriega 1992), metaphors (Santa Ana 2002), and discourses of success and failure (Beltrán 2009) are the semantic ground on which the meaning of a Latina/o politics is built. So Latinas/os, like other groups, have to enter the space of civil society not only as political actors but as discursively constructed groups with more or less defined political meanings attached to them and to their political goals. This discursive platform guides political transactions and fosters and limits solidarities. Transactional outcomes in civil society are not solely or even primarily about “politics”; the outcomes of civil society are manifested in formal politics and law but are largely the result of discursive transactions. This is the point of public sphere theorists who correctly calculate the importance of deliberation, discursive wars, publicity, and media to the political field and civil society. Although these discursive transactions already imply access, they are at the core of public sphere theory. Arguing for access makes no sense without believing in the power of discourse. I believe that exploring this further will shed light on Foucault’s weaknesses and the potential ways in which theories of the public sphere can be modified to better theorize Latinas/os.

The public sphere serves at least two roles in liberal governmentality: it is a mechanism for consensus building, and it legitimizes liberalism. Just as culture is central to the production of consensus, the public sphere is the mechanism of this consensus. If liberal governmentality is centered around beneficent processes of consensus, the public sphere is the instrument that makes such consensus possible. According to Jürgen Habermas (1989), the public sphere is a space for deliberation where citizens come together independent of state pressures to discuss issues, to form opinions, and to coalesce as publics. As Fraser has noted, the usefulness of the public sphere has to do with the specificity that Habermas brought to the

concept; ideally, it is a discursive space independent from the economy or the state that citizens can use to engage with the state (1990, 59). Although Habermas understands that the public sphere is an ideal that has rarely been met in modern states, it is an ideal worth pursuing (Mendieta 2003, 228). Since Habermas's original propositions, Fraser and others have perfected, criticized, and modified the notion of the public sphere on theoretical and historical grounds. Habermas's ideas have been criticized for overemphasizing "rational norms of communication" and, in so doing, "[excluding] certain speakers and modes of communication" (Petersen 2011, 8). This includes women and nonwhites, whose communication styles have discursively been understood as emotional as opposed to rational, embodied as opposed to cerebral, and particular as opposed to universal (*ibid.*, 10–14). As Jennifer Petersen and others argue, expanding notions of deliberation, argumentation, rhetoric, and publicity are thus necessary steps toward better theorizing the public sphere.

Historically, as Fraser (1990) notes, the liberal public sphere sketched by Habermas never quite existed, and in fact, as history, Habermas's account is faulty. His argument's greatest fault was, according to Fraser, its lack of recognition that vibrant counterpublics, with different modalities of discourse and political goals, have always existed but were often marginalized by a masculinist class in control of power. Once public sphere theory has been rewritten to accommodate these complex histories and theoretical corrections, Fraser proposes that it should abandon the idealistic notions that people can bracket off their difference from others when they enter the public sphere. As Fraser notes, people's speech in the public sphere is "marked" by differences in power that are effects of material inequalities (1990, 61). In a stratified society, not all speech will be considered equal in the majoritarian public sphere. To better account for specificity and difference, Fraser proposes that a plurality of public spheres is required to meet the needs of our complex societies. Some will correspond to subordinated social groups, which Fraser calls subaltern counterpublics. This term signals "parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs" (*ibid.*, 67). For these subaltern counterpublics to have an impact in wider publics, they need to share enough protocols of communication to be able to bridge cultural differences and participate in processes of deliberation and contestation (63–70).

In these theories of the public sphere, the structural role is roughly

similar. The public sphere (or public spheres or subaltern counterpublics) makes possible some citizen participation in processes of government. There is a second structural role of the public sphere that relates to Foucault's concerns. The public sphere legitimates liberalism because these spheres of transaction play the role of constructing the aura of beneficence central to liberal governmentality. This aura is a discursive production through which the existence or appearance of public spheres signifies that government is adaptable, open, and responsive. Because of the meanings attached to public spheres, they legitimize government, the nation-state, and the political processes that define them. Unsurprisingly, the terminology we use to evaluate the public sphere implies juridical subjectivities and political processes that replicate our national creed and, in the case of the United States, legitimize this bizarre bipartisan democratic system and ethno-racial liberal governmentality. So we call good citizens ("the" juridical subject of the nation-state) those who participate in a public sphere; and we call democratic consensus the outcomes of the deliberative processes that justify the existence of multiple public spheres. We call deliberative processes the relationship of media coverage and public opinion that can be polled by legitimized research organizations. In all of these cases, the structural functions of the public sphere serve as evidence of the shepherd's care.

If ideas of the public sphere also serve to legitimize liberalism, then even subaltern public spheres help constitute liberal governmentality, for they are instruments of consensus and political adaptability. While this is a general critique of the construction of consensus, Fraser reminds us that subaltern public spheres are quite different from each other. As importantly, she helps us update a theory of the public sphere that can accommodate cultural and ethnic difference, as in the case of Latinas/os. But as Fraser would note, a subaltern public sphere requires preconstituted spaces for expression. Minorities, in particular, need spaces where *their* ways of being and their political concerns can be expressed as if they were majoritarian, outside the brutal market of the public sphere, where minoritarian ways of being and minorities' political concerns may be dismissed and even ridiculed (Noriega 2000; Fraser 1990, 69).⁶ While this makes sense, I began this chapter noting that, for Latinas/os, having such a separate, subaltern public sphere has not improved their political power. This paradox is a meaningful reminder that while concerns about the public sphere are key to understanding citizenship's relationship to media and politics, we need to return to Foucault's understanding of

governmentality, security, and the juridical. This is so because though political struggles are often decided in the public sphere, the public sphere is itself constituted by law, particularly as law relates to the economic and political fields. Just as the citizen is the node that allows for interconvertibility between fields, the space of publicity where the citizen operates is juridically constituted.

Like Habermas and Fraser, research on the public sphere often incorporates political economy concerns and approaches. Ideally, this political economy should specify the commonalities between public sphere, media cultures, and media industries, but it should also clarify their differences. For broad political projects, the public sphere largely overlaps with media cultures and media industries. In regard to broad political issues, the public sphere cannot exist without media. But a political economy of media culture and media industries is not enough to comprehend the way media connects, shapes, and is shaped by governmentality or the way different media participate in processes of deliberation and confrontation between public spheres. Political economy approaches may overemphasize capital and ratings and put too little emphasis on the ability of small publics to have a huge impact if they are embraced by majoritarian media.

Let me illustrate this point with a glimpse of a case that will be thoroughly argued in following chapters. In 2006, Latinas/os and sympathizers used Spanish-language radio, television, and print to organize the largest marches the United States has seen involving Latinas/os. Millions participated. The goal was to produce immigration law that would provide a path to citizenship for millions of undocumented immigrants. Latinas/os lost. Nativists won because, though in the minority, they used English-language media to launch a successful counteroffensive. In the months that followed, city, state, and federal governments passed hundreds of changes to law and policy that secured the power of nativists. Significantly, nativist discourses gave the impression that a larger percentage of U.S. citizens opposed pro-immigrant legal reform than the percentage that actually did, indeed proving that the power of mediated rhetoric was to unduly amplify the commonality of nativist views.

I find no comfort in Fraser's discussion of the political work of subaltern public spheres when I look at this example, because public sphere theory is at its weakest when analyzing subalterns that are marked by language. However, my criticisms of Fraser and Foucault should not be read as invitations to abandon theories of the public sphere or liberal governmentality. I believe these have much to offer, for they are theories of

politics that, while giving a central role to the juridical, make the juridical amenable to cultural analysis. This is why Miller and Ouellette and Hay are so wonderful. However, I believe that in order to use liberal governmentality productively, we ought to understand it as a process of ethno-racialization. Hence, government beneficence can be seen as a technology of power with the role of securing the prosperity of specific citizen populations at the expense of others. Linguistic and ethno-racial markers can help us understand this processes of securitization, for they structure civil society and public spheres in ethno-racial ways.

Coloniality as an Answer to Governmentality

Foucault dedicated his intellectual energy to explaining national homeostasis and, in the process, produced immanent theories of national stability that can be interpreted as Eurocentric. Foucault's historical vision took him from the roots of Judeo-Christian political and philosophical thought to a present in which monarchic arrangements have given way to liberal and democratic forms of government. These modern political arrangements have political stability because of the ongoing balance between disciplinary forms of governance (e.g., political coercion) and pastoralism.

I argue that Foucault's is not the only way of historicizing European forms of liberal governmentality and likely not the best. For one, he does not consider the role that colonialism and racial hierarchies played in the constitution of European modernity. Several Latin American scholars have made this their point of departure and have produced theorizations more suited for explaining the pastoralist paradox. For instance, Enrique Dussel, Anibal Quijano, Walter Mignolo, and Mendieta try to denaturalize the epistemic cage of modernity and Eurocentrism from the standpoint of the colonized other. In their views, modernism, capitalism, racism, Eurocentrism, and the nation-state share a common origin: the invasion of the Americas (e.g., Quijano 2000, 534; Dussel 2002, 234). These sixteenth-century events, which Immanuel Wallerstein placed at the roots of the first world-system (the first manifestation of a global rationality), allowed, as Marx points out, for the wealth accumulation and the expansion of markets that are required for the flourishing of capitalism.⁷ Ideologically, these processes were in relative harmony with a new vision of history and of the world that defined racial hierarchies among peoples as natural, thus legitimizing the obscene human exploitation of the new colonialism and capitalism (Ruskola 2005, 862–865). With racism, slavery

(the naturalized economic position of the African), and serfdom (the position given to the Amerindian) came the basis for a new way of seeing society, history, and knowledge production.

Quijano uses the phrase “coloniality of power” to refer to the extension and expansion of administrative logic born out of colonialism to administration practices after colonialism (Quijano 2000, 2007). Centrally concerned with explaining contemporary social inequalities, Quijano reflects back on the conquest of the Americas to understand the contemporary centrality of race, capitalist exploitation, and modern epistemology to the constitution and reproduction of inequality. In his historical-sociological thesis, the first modernity brought about by the discovery and conquest of the Americas set in motion the ways of thinking, justifying, and administering societies that still exist today. So, instead of locating contemporary governmentality in the Greco-Roman and Judeo-Christian traditions, as Foucault does, Quijano locates it in the first modernity and the systems of ethno-racial domination that became lodged in the West’s political and legal traditions.

With coloniality in mind, I argue the following: *The very juridical center of the nation-state, which is the notion that rights are given life by (politics) and for (law) the citizen, is a juridical-subjectivity born out of colonialism and slavery.* Engin Isin (2002) notes that the equivalence of citizenship with political agency is as old as the Greeks. The tradition has continued, and as I showed regarding Article I of the U.S. Constitution, it is the central tenet of the U.S. legal system. From Athens to modernity, the citizen has always been defined in contrast with the colonial other, the slave, or, in more contemporary political imaginaries, the undocumented immigrant. Hence, the citizen’s political agency is constructed in contrast to the lack of agency of the other. It is always the quality of “free person” that defines the citizen. And it is the lack of freedom of the colonial other, slave, or undocumented immigrant that defines its abject personhood (Inda 2006, 53).

Liberal governmentality understood through the prism of coloniality is simply a different system of governance than the one Foucault imagines. Internal administration logics that govern the citizenry coexist with tyrannical forms of governance designed to control population at the nation’s political and racial borders. The legitimacy of these tyrannical forms of governance, which include provisions to assure the appropriation of the labor of noncitizens, dates back to the age of colonialism, when imperial powers constituted international legal systems that gave juridical basis to, for instance, land usurpation, as in the reactivation by the British

and Spanish of the Roman notion of *terra nullius* (empty land) to “legally” take possession of the Americas. Slavery, international war, and copyright frameworks are but three different manifestations of a coloniality that reaches deep into our past and present legal traditions. These traditions include issues of law but also the cultures of impunity that allow social arrangements to blatantly subvert legal provisions. Examples abound that illustrate citizenship excess. For instance, the history of public schooling in places such as Mississippi clearly illustrates the legal and political function of impunity. Only for seven years (1868–1875) after the Civil War did Mississippi provide competitive funds to black schools, a legal requirement grafted onto federal and state law. After these seven years, impunity cultures and legal chicanery reconstituted pre–Civil War stratifications. The combination of impunity and legal chicanery enabled blatant cases of stealing money earmarked for black schools to go unprosecuted, but such cases were also the product of a system of law carefully crafted to dispossess black schools (Jackson State University 2010).

In immigration, coloniality is not the exception but the rule. Cultures of impunity allow for the importation of labor from other nations and working conditions well below legal standards, while legal cultures harness state power to enact arrest, detention, and deportation procedures en masse when economically and/or politically convenient (Akers Chacón and Davis 2006; Bacon 2008; De Genova 2005; Ngai 2004; Ono and Sloop 2002). Contemporary legal requirements of arrest, detention, trial, and deportation are shocking in their incompatibility with legal traditions in other contexts. As Daniel Kanstroom argues, compared to criminals, non-citizens—documented or undocumented—have minimal rights:

Suppression of evidence that may have been seized in violation of the Fourth Amendment will be impossible in most cases. The noncitizen will not be read “Miranda” rights. Indeed, he [*sic*] may not even be advised that he has the right to obtain a lawyer (at his own expense) until after a government agent has interrogated him. He will never have the right to appointed counsel. If he believes he has been singled out due to race, religion, or political opinion, he will generally not be able to raise a “selective prosecution” defense. He will never have the right to a jury trial. If he has a formal hearing before an immigration judge, he will have certain due process rights: to be heard, to examine evidence, and to receive a written decision. He may, however, find that the burden of proof will be shifted to him once the government has made a showing

of “alienage.” If he wants to appeal the immigration judge’s decision, he may face incarceration during the length of that appeal—which could easily be years. He may then receive a summary decision made by a single member of the understaffed and overwhelmed Board of Immigration Appeals produced after a ten-minute review of his case. If he seeks a further appeal to a federal court, he may well find that the court declines review of “discretionary” questions, such as his potential eligibility for “relief” from removal. (2007, 4)

If noncitizens are detained under fast-track deportation procedures, which are used for nonresidents with criminal convictions, they have “no right to in-person hearings—their cases are adjudicated on paper. They are given only ten days to respond, in English, to charges against them. They do not even have the right to be provided with a copy of the evidence against them” (ibid., 11–12). Fast-track applies to documented and undocumented aliens, tourists, foreign students, and others accused of crimes as minimal as carrying small amounts of marijuana or shoplifting. The Sensenbrenner Act would have placed all undocumented immigrants under fast-track. Today, most Mexicans detained without proper documentation face versions of fast-track, regardless of whether the state can provide proof of criminal convictions and regardless of whether they are legal residents or, in some cases, U.S. citizens.

Through the lens of coloniality, law converts the social into a political field created by and for the citizen. Moreover, law expands and, I would argue, hides the logic of colonial administration, producing the suppleness that Foucault notes is central to liberal governmentality. Coloniality also facilitates the epistemological and social rationales at the base of the reproduction of law and legal structures, furnishing the social scripts that make unsustainable the justice claims of Latinas/os in general and immigrants in particular. Coloniality, in short, explains citizenship excess and locates its most nefarious manifestations in the ethno-racialization of politics and the economy.

Coloniality and the Public Sphere: The Beginning of a Conclusion

When I say that methodological nationalism is at the root of the shortcomings of public sphere theory, I am referring here to something so fundamental that is practically invisible even to the most astute scholars.

Fraser, in her highly celebrated critique of Habermas, introduced public sphere as follows: “[The public sphere] designates a theater in modern societies in which political participation is enacted through the medium of talk” (1990, 57). Just as Marx missed the chance of theorizing a political economy from the standpoint of the stateless, or Foucault failed to see how French colonialism was at the root of liberal power in the modern state, Fraser started with “talk” and did not address the problem of the public sphere from a multilingual and transnational perspective until much later. She lucidly examines how talk is differentiated by cultural and economic position and power yet fails to examine the power differentials between talk in different languages. For each of these seminal thinkers, not to mention Habermas, the problem of politics begins and ends with the nation-state, imagined in ethno-racial terms. This is coloniality at work. Methodological nationalism hence connects to coloniality, and the work of these thinkers of liberalism and the public sphere is evidence of this connection. Beyond coloniality’s role in administration, it reaches deep into our modernist ways of thinking and knowing. Reviewing Marx, Foucault, and Fraser helps us see that coloniality is hidden too in theory. Because so much academic work has been done under the shadow of methodological nationalism, it is difficult to theorize disenfranchised populations who, like Latinas/os, exist in substantively different legal, cultural, and linguistic contexts.

Talk. The public sphere paradox begins here. The Latino public sphere, which relies heavily on SLM, does not reach the linguistic majority and thus remains isolated. Fraser states this problematic as follows:

Consider, too, the presupposition of a single national language, which was supposed to constitute the linguistic medium of public sphere communication. As a result of the population mixing already noted, national languages do not map onto states. The problem is not simply that official state languages were consolidated at the expense of local and regional dialects, although they were. It is also that existing states are de facto multilingual, while language groups are territorially dispersed, and many more speakers are multilingual. Meanwhile, English has been consolidated as the lingua franca of global business, mass entertainment and academia. Yet language remains a political fault line, threatening to explode countries like Belgium, if no longer Canada, while complicating efforts to democratize countries like South Africa and to erect transnational formations like the European Union. (2007)

The United States, which has more Spanish speakers than all the minority-language speakers of Belgium, Canada, and South Africa combined, does not make the list. Under the spell of the colonial, Fraser is unable to see the United States as a site of linguistic turmoil. That said, the spirit of Fraser's ideas animates my own. The Spanish-language public sphere can create consensus internal to Spanish-speaking Latino communities, as the pro-immigration marches showed in 2006, but it cannot create consensus beyond (see the next chapter). Yet Latino talk is more complex than this. We Spanish-speaking Latinas/os become isolated from the majority not simply because we are not speaking in English but also because we speak in Spanish, a language that is systematically and semiotically marginalized. As I show in chapter 5, Spanish is a linguistic insult to many people in the United States, and this nativist perspective gives meaning to our speech. Spanish, according to many, pollutes the public sphere. The great majority of us Latinas/os, of course, are bilingual and can speak English, but when we do it, our accents convey stereotypical visions of ignorance, poverty, and foreignness. Unlike French, German, or Italian accents in the United States, which are interpreted as evidence of sophistication and cosmopolitanism, having a Spanish accent in the United States is interpreted as having a cultural deficit. Such is the ethno-racial world that nationalism constructs. Is it then surprising that SLM is isolated?

Translation does not fully solve this problem. If the Latino public sphere is mostly in Spanish, bilingual Latinas/os could translate the concerns of Spanish-speaking Latinas/os. But this simply places the problem of talk in a different arena (J. Martinez 2003, 255). In the media system we inhabit, public credibility is the result of media stardom. News anchors such as Katie Couric, famous journalists such as Charlie Rose, media-enfranchised political commentators such as Glenn Beck and Wolf Blitzer, media stars such as Sean Penn, public intellectuals such as Larry Sabato, and politicians monopolize the majoritarian public sphere. In this "theater," to use Fraser fortuitous term, the speaking parts are all taken. Univision news anchors such as María Elena Salinas or Jorge Ramos do not have the recognition and credibility in the English-speaking news world. Latino public intellectuals such as José David Saldívar, Richard Rodriguez, Jorge Gracia, and Linda Chavez are able to speak broadly to political and cultural issues, but they are a small cohort. The Latinas/os who do get to speak regularly in both Spanish- and English-language media and, hence, in the minoritarian and majoritarian public spheres are media celebrities such as Salma Hayek and politicians such as Bill Richardson.

Translation implies authority in at least two spheres. Predictably, the situation for Latino translators, as commented by Mendieta (2003), Jacqueline Martinez (2003), Jane Juffer (2003), and Paula Moya (2003), is dire. When Mendieta reflects on the relative lack of Latino public intellectuals, he is taking a cue from the role Cornel West plays in American political and intellectual life in general and his significant role among African Americans. West, without a question, is recognized and respected as an intellectual who speaks critically about race to a particular broad brand of American liberalism. Arguably, no Latino public intellectual has similar standing, and this is not because Latinas/os lack a public sphere, as Mendieta suggests, but rather because the sphere we bilingual Latinas/os do have is isolated from majoritarian politics and culture. As striking as it is to notice the way Marx, Foucault, and Fraser miss significant opportunities to theorize the social from a non-Eurocentric perspective, neither Mendieta, Martinez, Juffer, nor Moya, scholars deeply engaged in Latino studies, mention Spanish or SLM in their otherwise insightful reflections on the Latino public sphere. The situation, indeed, is dire.

Attentive to coloniality, the following chapters show how SLM and ELM are organized and given political value through administration, law, and policy. I show that a substantive number of these administrative and legal traditions originate in colonial schemas, including the way ethno-racialization allowed for nativist minorities to occupy prominent cultural roles at the expense of Latinas/os and the way SLM has been treated by media policies in the United States.

The core premises that Fraser is challenging us to question are more complex than publicity. Publicity implies speech, listening, visibility, and understanding. In short, publicity implies a shared language. Unsurprisingly, because language is the a priori condition of isolation, access to a public sphere is not enough for Latinas/os. The majoritarian political markets do not recognize the importance of Latino public opinion if this opinion is stated in Spanish. Hence, the issue of “participatory parity” that Fraser mentions becomes irrelevant in conditions of coloniality. Participating in a section or segment of the public sphere, such as SLM, does not guarantee the ability to engage in discursive transactions, particularly if this language is systematically and semiotically marginalized.

Can Latinas/os use the public sphere to emancipate themselves? Not without first transforming the ethno-racial character of the U.S. State and the manner in which current political culture isolates SLM. Can Latinas/os access the majoritarian public sphere? Minimally. Can Latinas/os

transform the ethno-racial character of the U.S. State without access to the majoritarian public sphere? No. Can the majority transform itself to allow access to Latinas/os to the majoritarian public sphere? Maybe, but not while nativists occupy so many prominent cultural and political positions. The conditions of coloniality cannot be undone without a radical rewriting of our political imaginaries.