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## 4. English- and Spanish-Language Media

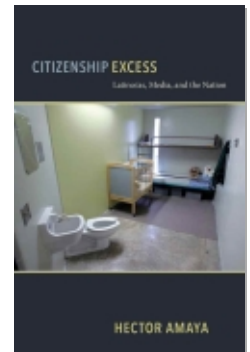
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## English- and Spanish-Language Media

The modern world-system was born in the long sixteenth century. The Americas as a geosocial construct were born in the long sixteenth century. The creation of this geosocial entity, the Americas, was the constitutive act of the modern world-system. The Americas were not incorporated into an already existing capitalist world-economy. There could not have been capitalist world-economy without the Americas.

—Quijano and Wallerstein (1992), qtd. in Mignolo (2000, 219)

Latinas/os have never owned much media in the United States. Today, although Latinas/os are 15 percent of the population and their buying power stands at roughly \$1 trillion, lack of ownership persists. As Catherine Sandoval (2005–2006), Kent Wilkinson (2009), and Leonard Baynes (2009) have noted, Latinas/os own roughly 1 percent of radio stations and only 1.25 percent of television stations (for a general picture, see Valdivia 2010, 54–63). Majorities, dominated by ethno-racially white interests, own all major broadcasting networks in radio and television, and the future of the ownership landscape seems equally dystopic for Latinas/os, who face the challenge of economically competing for ownership and an unfriendly regulatory apparatus. Spanish-language media (SLM) have changed hands repeatedly, and the Federal Communications Commission (FCC) has never made a priority to frame the sales in terms of minority ownership. That is, the FCC does not treat SLM as minority media; instead, in radio, the FCC treats Spanish-language radio as a format, a definition that links

SLM more to taste cultures (e.g., jazz and country are other formats) than to an ethnic and political identity. This has meant, according to Sandoval, that FCC restrictions on the number of stations that can be owned by a single corporation do not apply to Spanish-language radio. This has translated into the conglomeration of Spanish radio in the hands of large radio corporations such as Clear Channel and Hispanic Broadcasting Corporation, now owned by Univision. Similarly, the FCC has treated television as any other for-profit media, a simple commodity, allowing Spanish-language media corporations to change hands without respect for the basic notion that to have a successful public sphere, minorities ought to own and control their own media. Currently, Univision, the largest Spanish-language media corporation in the United States, is owned by a financial group headed by a number of equity firms. Telemundo, the second-largest Spanish-language media network, is owned by NBC.

In this chapter, I investigate this state of affairs and begin with the observation that the utter commodification of SLM is intimately linked to SLM's political devaluation. I also note that in contrast, English is politically overvalued and treated as the U.S. national language. The political devaluation of SLM happens at the intersection of economics and politics, an ambivalent space where SLM is measured against two contrasting definitions of public interest. The first definition of public interest is rooted in neoliberalism, a way of thinking that trusts in the ability of the market to deliver individual and public goods. In neoliberalism, the public interest is served when media is regulated with attention to market competition, and the wishes of audiences are represented in ratings and advertising revenue (Aufderheide 1990; Rowland 1997; Simone and Fernback 2006, 290). The proper role of the Federal Communications Commission under neoliberal understandings of the public interest is to ensure vibrant market competition, to reduce the likeliness of monopolies, and to assure that corporations invest in infrastructure and technological innovation. Under this definition of public interest, all media, including SLM, are depoliticized. The second definition of public interest is fully political, rooted in ethnonationalism and the proposition that the security of the nation-state depends partly on establishing sovereignty over media (see chapter 2). In this definition of the public interest, media is the place where cultural citizenship happens, and it becomes a symbolic territory that the FCC will protect with ownership rules. In the neoliberal definition of the public interest, SLM is simply a commodity; in the ethnonational definition of the public interest, SLM is all politics because it is the media of foreigners and

of immigrants. Both definitions of the public interest politically devalue SLM. I argue that both definitions of the public interest are rooted in the linguistic frameworks of coloniality that have established Spanish as a particular object of state regulation. These are the same linguistic frameworks that have made English the U.S. national language and the basis for ethnonational forms of neoliberalism.

In this chapter, I show that the political devaluation of SLM and the linguistic frameworks of coloniality that regulate language are clear examples of citizenship excess. The result of this excess is that Spanish in general and SLM in particular are weak platforms for citizenship rights and that as Spanish is weakened, English and its media accumulate greater political capital. The political capital accumulation involved in making English and ELM hegemonic in history, law, and politics is citizenship excess that depends on erasing the history and juridical location of Spanish and SLM in the United States. The relationship of English to Spanish and of ELM to SLM marks spaces where political practices and struggles demarcate national belonging.<sup>1</sup> Like all politics, these spaces are multidimensional and expressed in law, culture, economics, and social relations. Here I am interested in the juridical and the way language becomes an object of regulation. In the United States, language policy structures the political field, as when we officially sanction the printing of bilingual voting ballots, and the educational field, as when we declare that bilingualism is a state or federal goal. Less often do we think of media policy as language policy. Yet media are fundamental to the live expression, reproduction, and vitality of languages. For these reasons, in this chapter, I link media policy to language policy and explore the connections between the political marginalization of Spanish and SLM policy.

In the first section of this chapter, I apply coloniality to the media field and argue that an ethnonational linguistic political technology is at work in broadcasting policy, an issue that has long-lasting implications to Latina/o life. Then I historicize the practice of treating Spanish as a foreign language and place it within a politics of the state constructed around ethnonational goals. These ethnonational goals are tied to coloniality and to processes of governmentality that use language as a political mechanism to separate peoples and to define resource allocation. I introduce multicultural liberalism, a political framework that has the potential to expand the linguistic claims of Latinas/os by repoliticizing Spanish at the national level. Lastly, I examine the types of political effects that could be expected if SLM and Spanish were treated as linguistic, political, and cultural rights.

## Depoliticizing SLM

Neoliberal and ethnonational definitions of the public interest have depoliticized SLM and are the immediate reasons for the shape and limitations of the Latino public sphere. Under neoliberalism, SLM becomes a deregulated commodity and the FCC a state agency in charge of facilitating trade and market competition. The result of neoliberal definitions of the public interest have affected all media, but they have affected SLM in very particular ways that speak of a neoliberalism that is also invested in ethnonational agendas. In this section, I note that this mixing of neoliberalism (capitalism on steroids) and ethnonationalism is a common feature of coloniality, a claim that I continue exploring in following sections. I used Quijano and Wallerstein in the epigraph to this chapter in order to illustrate this very point and to note that nation-states are as much political organizations as they are economic territories meant to regulate, police, and administer a national economy. Nikolas Rose argues this point when he states that since Adam Smith and David Ricardo, it is common to

presuppose that an economy is more or less coincident with the territorial boundaries of a nation state. . . . It was thus only in the nineteenth century that we can see the birth of a language of national economy as a domain with its own characteristics which could be spoken about and about which knowledge could be gained. Once such an economy had been delineated, it could become the object and target of political programmes that would seek to evaluate and increase the power of nations by governing and managing “the economy.” (1999, 33)

Rose helps us see that, in the West, the development of capitalism happens alongside liberal governmentality and that questions of how to govern have often been paralleled by questions of how to organize society to the benefit of industrial, corporate, and financial interests. In his chapter on “advanced liberalism,” Rose also argues that what we term *neoliberalism* is an evolving form of liberalism that seeks to further enmesh state functions with the goals of private economic development (138–140). Rose and Quijano and Wallerstein also propose that the rise of capitalism and the nation-state are ethnic and racial projects in which politics, economics, and law were instruments key to the disciplining, categorizing, and administering of racial others. Based on these scholars, it is fair to assume that neoliberalism itself is partly a racial project meant to

reconstitute vertical hierarchies and an ethnonational project meant to push away immigrant populations with xenophobic laws. With this assumption in mind, this chapter proposes that economic terms such as *commodity*, *market*, and *trade* are anchored in ethnonational discourses. The evidence, as I show, comes from the slippery way in which SLM has been treated in majoritarian political and legal circles and the contradictory definitions of public interest that are used to evaluate its worth.

The neoliberal notion of public interest that regulatory bodies use with SLM reduce it to its commodity status without regard for the effects SLM has on its users. I am not suggesting that regulatory bodies should treat SLM as a noncommodity. All things that are subject to trade are commodities, and this includes privately owned media such as SLM. However, some commodities are defined in complex social and political ways and thus are subject to different government regulations. Medicine, food, alcohol, and tobacco are all commodities subject to different complex sets of regulations. Often, as in the case of medicine, food, alcohol, or tobacco, regulation is meant to protect users from, among other things, the dangers of substandard products. So when I note in dismay that SLM is primarily being defined as a commodity, I mean that SLM is not defined in terms of what it does or what it does not do for its “users.” Regulatory bodies have approved sales of SLM without recognizing that SLM is central to Latinas/os’ cultural and political life (F. Gutiérrez 1985). Most media scholars believe that, as with food or medicine, the state ought to be involved in the process of selling and buying of media companies and that, as with food or medicine, the main principles behind media trade regulation should be a broad understanding of the negative effects that a substandard product will have on society’s well-being. This is the primer for critical definitions of public interest, which argue that media are central to democracy because they create the space where public debate happens and broad political consensus is formed (McChesney 1993, 2004; McMurria 2009; Miller 2007; Napoli 2001; Noriega 2000; Perlman 2007; Schudson 2002; Simone and Fernback 2006; Valdivia 2010). Over the decades, the principles around which the Federal Radio Commission (FRC) and, later, the Federal Communications Commission (FCC) regulated media have changed; the definition of “public interest” is after all subject to political control as well as social and historical transformation.<sup>2</sup> Yet since the civil rights movement, these principles have included the recognition and protection of diversity of programming and the sense that to foster diversity in programming one needs to foster diversity in media

employment and diversity in media ownership (Baker 1998; Corbett 1996; Eule 1990; Perlman 2007; Simone and Fernback 2006; Weinberg 1993). So my position here is that a notion of public interest that includes the idea that minorities ought to own their own media is part of the FCC tradition, and what is surprising is how this tradition is rejected by the FCC when it comes to SLM.

Simply put, SLM has been subject to weak public interest standards. As such, SLM is regulated following whatever capitalist lexicon is popular at the time. Today, this lexicon, inflected by neoliberalism, includes terms such as *convergence*, *deregulation*, and *transnationalism*, all terms that define SLM as a particular type of commodity of little cultural or political importance for the unimportant transient immigrant communities that it serves. In the spirit of deregulation and convergence, in 2003 the FCC allowed Univision to purchase the Hispanic Broadcast Corporation (HBC), the largest Spanish-language radio network in the United States, creating a mammoth media conglomerate that Latino critics saw as diluting media options for Latinas/os and narrowing down programming diversity (Dougherty 2003, 72; Valdivia 2010, 56–59). Although the FCC has policies (e.g., H.R. 3207 and S. 1563) to safeguard ethnic, non-English media, these were not enough to frame the issue in political terms, and the sale was approved. The FCC's policies require a hearing anytime a transfer of ownership affecting minority languages is imminent, which forces the FCC to produce a report to Congress. Yet these safeguards are clearly not enough. Although Latino civic organizations and legal suits challenged the sale, the government sided with Univision and its market-driven logic. The result is a Spanish-language mediascape dominated by Univision, a situation that activists and corporations fear will permanently endanger Latino political culture and consumer rights. This result is an outcome predicted by critics of deregulation, such as Philip Napoli, who argues that technological convergence provides new ways of decreasing competition and limiting access, further hurting nonhegemonic communities (2001, 90–93). Napoli also reminds us that the “diversity principle,” which has the goal of maximizing sources of information and points of view available to citizens, has become a rhetorical tool to justify policy outcomes (2005, 350). Despite evidence that the new Univision conglomerate would dominate 75 percent of revenue from SLM, the FCC declared that the merger “would not adversely affect competition or diversity in any media market” (Dougherty 2003, 72). Kristin Moran (2007, 18), who has researched Spanish-language news after the merger, argues that the

oligopoly status of Univision is partly at fault in making the Univision news more like English-language news, making it responsive to some needs of the Latino community but overall embracing the corporate values of other language news organizations.

Echoing similar disregard for the importance of SLM to Latino communities, in April 2002, the FCC approved the sale of Telemundo to NBC for \$2.7 billion, formalizing what was already clear, that the FCC's commitment to minority ownership was lip service only (Valdivia 2010, 58). The last betrayal by the FCC of its stated goal of providing the ground for minority ownership policies happened in March 2007 with the approval of the \$12 billion sale of Univision to Thomas H. Lee Partners, the Texas Pacific Group, Madison Dearborn Partners, Providence Equity Partners, and the billionaire Haim Saban. Like the Black Entertainment Network before it, Univision shares the fate of other ethnic media under post-Reagan neoliberalism, which defines media as corporate institutions, not as cultural spaces. Today, a weak definition of competition becomes the central good that the FCC dispenses to the public. Who controls media and to what ends become secondary issues. Clearly, if the FCC understood SLM as central to the exercise of Latino cultural citizenship and language rights, who controlled SLM would be a more relevant matter.

The commodification of SLM did not begin with neoliberalism, nor has it been a straightforward process of defining SLM only within the discourse of the market. Different media have a different history of commodification. Spanish-language newspapers and radio were often simultaneously commodified and politicized. América Rodríguez (1999) notes that early Spanish-language newspapers in the nineteenth century, for instance, were supported by the economic interests of marginal but active Latino communities. Although chiefly advertising driven, some of these newspapers were subsidized, especially in California, where local and state policies treated them as necessary instruments for internal colonization in the wake of annexation (F. Gutiérrez 1977, 39). Most of these privately owned newspapers defined themselves in terms of ethnicity and nationality and often became political advocates of Latino interests. This was true of papers such as *El Clamor Público* (1850s, Los Angeles), *El Heraldo de México* (1916–1920, Los Angeles), and *La Prensa* (1913–1957, San Antonio). Similarly, early Spanish-language radio was chiefly a commercial enterprise that behaved as political media and that engaged with issues relevant to the local Latino community they served (see chapter 3). From its beginnings in the 1920s, Spanish-language radio stations



behaved partly as what Dolores Inés Casillas calls “acoustic allies” of Spanish-dominant listeners, who benefited from radio programming encompassing advocacy-oriented issues and entertainment (2006, 19).

Unlike newspapers and radio, Spanish-language television has a history of depoliticization, and this is evident from its beginnings in 1961.<sup>3</sup> Highly commercialized and dominated by Mexican media interests, the Spanish International Network (SIN) was a vehicle for Televisa’s programming and advertising. Conceived as an extension of Televisa, Latin America’s most influential Spanish-language television company, for the first two decades, SIN did not produce local programming except for a few low-budget talk shows. Evidencing a lack of interest in servicing the national or local cultural and political needs of Latinas/os, SIN’s hypermodified practices even included the importation of news programming from Mexico. SIN, in short, behaved as if the Spanish-speaking Latinas/os it served did not have national or local interests.

Ironically, the depoliticizing of Spanish-language television was happening at the same time that other mass media were becoming politicized. The 1960s and 1970s were characterized by civil-rights-influenced media activism seeking to influence the FCC and other regulatory agencies in charge of structuring the media landscape. In 1964, the United Church of Christ (UCC) partnered with the NAACP to try to withhold the broadcasting license of WLBT-TV in Jackson, Mississippi, for failing to serve the cultural and political needs of the substantial African American community (Horwitz 1997). Though the FCC ruled against UCC and NAACP, the victory in the appeal process gave communities the right to stand before the FCC. Having gained the right to stand in front of the FCC—that is, to have a say on processes of license renewal—communities and activist organizations exercised that right through broadcasting media advocacy. Processes of license renewal became the bread and butter of media activism during the following years. As important, the notion that television ought to serve the public interest became a more central part of the legal imaginary. In the 1970s, this notion also included the logical proposition that to best serve the public interest of minority communities, some media needed to be owned by members of the minority community. During this period, the FCC created rules to energize minority ownership, including the provision that when television stations were put on sale, the FCC would favor bids by minorities. Specifically, bids by minorities would be considered equal even if they included smaller upfront payments and more payments in installments (Forty megahertz 1995, 1150).

Public interest FCC policies and the type of broadcasting advocacy common during the 1960s became quite relevant to Latinas/os in general, as Chon Noriega (2000) narrates in his book on Latino media. However, only once since 1961, the year SIN was founded, have Latinas/os had an opportunity to buy a large SLM corporation. The FCC chose the non-Latino bid. SIN was put on sale in the mid-1980s, and Latino groups believed that the FCC would use minority-ownership policies to make the buy possible. Frank del Olmo, from the *Los Angeles Times*, organized a bid and framed it in the following terms:

There are many thoughtful Latinos in this country who think the network could do a far better job than it does. Most of the entertainment programming that the network gets from Mexico is no better, and often much worse than the sophomoric pap television from ABC, NBC, and CBS. As for community involvement, Christmas telethons to help poor families in the barrio are wonderful. But it would be nice too, if local news outlets like KMEX had bigger budgets. Then they would report all year long on the causes of the poverty, like school dropouts, and the consequences, like gang violence. (del Olmo, qtd. in América Rodríguez 1999, 62–63)

Despite significant pressure from Latino activists and business groups, civic rights organizations, and the Congressional Hispanic Caucus, and as a testament to the rise of neoliberalism and Reaganism in media policy, the FCC chose the nonminority bid by Hallmark, the giant greeting-card company. Under Hallmark, SIN became Univision.

The neoliberal commodification of SLM is partly constructed through discourses that depoliticize it within the nation while framing it as an international political threat or issue. So, in a sense, SLM is not regulated as a medicine; it is regulated as a fighter jet, a commodity that cannot be sold to enemy nations but could be traded with allies. This implies a notion of public interest that is national, defined in a world-system, and meant to protect the nation from foreign threats. This type of regulatory approach and this understanding of the public interest goes back almost a century, and it has involved radio and television. When reviewing this history, it is also clear that this notion of public interest is not simply national but is also defined ethnically and must be considered ethnonational.

From early radio broadcasting to the present, SLM has been partly constructed in relationship to a “Latin’ culture outside U.S. borders”

(Casillas 2006, 25; see also F. Gutiérrez 1985). In particular during the 1930s, when President Franklin Roosevelt's Good Neighbor Policy shaped U.S. relations to Latin America, Spanish-language radio was part of the tactical arsenal used by the United States to construct solidarities with Latin American nations. As Catherine Benamou (2007) notes, these solidarities, in turn, would facilitate U.S. economic, political, scientific, and military influence in the region. These radio ventures, which included major broadcasters such as NBC and the built-to-purpose two Pan-American Union radio stations, helped constitute Spanish as a political international language, foreign yet allied. In a different political spectrum, Latinas/os in the Southwest had been producing Spanish-language radio programming since the early 1920s. As Casillas writes, "Physically present within the 'real' public sphere, yet imagined as largely foreign within the landscape of radio," Latinas/os of Mexican origin constructed shows that mixed entertainment with community service (2006, 39). These early radio efforts were commodified political performances that gave cultural solidity to longtime Spanish-speaking citizens of the region and newly arrived immigrant populations (América Rodríguez 1999). Their origins roughly coincided with the rise of anti-Latino nativism in the 1920s. This nativism was exacerbated by the economic imperative of the Depression era, a period of systematic deportations. These deportations were nothing less than labor purges that majoritarian political and nativist communities rationalized with fantastic claims about the negative effects of immigrant labor in the Southwest. In 1930, President Herbert Hoover went as far as declaring that Mexicans were one of the main causes of the economic depression (Casillas 2006, 43). Opposing this hateful environment, commercially organized Spanish-language radio became one of the few public spaces in which Latin American immigrants and Latino citizens could experience belonging and a sense of limited but meaningful political power and franchise.

Early Spanish-language radio was greatly affected by the FRC's and the FCC's ethnonational agendas. During the late 1920s and the 1930s, these regulatory bodies imposed stricter controls on what they referred to as "foreign"-language programming, including Spanish-language radio. Foreign broadcasters were deemed subversive, a potential threat to the nation. Often within the context of war and threats to sovereignty, early ownership restrictions were formalized first in the Radio Act of 1912 by forbidding foreign nationals from owning broadcasting stations and, later, by prohibiting foreigners from owning more than 25 percent of a licensee's

company stock (I. Rose 1995, 1194). In an effort to dodge these restrictions, during the 1930s, a large portion of Spanish-language radio moved to the Mexican side of the border, exacerbating its foreign character. These same broadcasting restrictions affected Spanish-language television. But the effect of ownership restrictions did not end then. As América Rodríguez (1999) recounts, SIN was put on sale in 1985 because FCC administrative judge John H. Conlin ruled it was controlled by foreign interests, specifically, Televisa. As George Ramos writes in the *Los Angeles Times*, Emilio Azcárraga, owner of Televisa, “and his family had created an ‘abnormal relationship’ that made the Spanish-language stations in the United States dependent on their influence and direction. The relationship, according to Conlin, stemmed from the long association between the Azcárraga family, which controls the giant Televisa TV network in Mexico, and Anselmo, a U.S. citizen who was an export division manager for Azcárraga’s company in the early 1960s” (1986; see also I. Rose 1995, 1197). Up until 1985, the FCC had turned a blind eye to Azcárraga’s influence and, at least partial, ownership of SIN. Politicizing the sale of SIN in nationalistic terms, casting it in terms of the threat of foreigners, did not preclude the FCC from approving the sale purely in market terms. Hallmark was the winner and, as a testament to the context of the sale, immediately got rid of the name Spanish International Network. Univision was created, and its neoliberal commodity status has been held constant to the present.

The worst consequence of defining SLM in nationalistic terms is that SLM’s role as a cultural and political platform for Latinas/os is diminished. I also believe that overplaying the SLM’s foreign status reconstitutes a notion of public interest that marginalizes Latinas/os, who are treated as immigrant, transient populations not central to the nation and not deserving of the right to have and control their own public sphere. When SLM is treated in relation to its connections to foreign media, Latinas/os lose. What is startling is that most people in the United States treat SLM this way, including academics. I mention academics because academia tends to monitor, affect, and often define good discursive practices. Academia is partly in charge of crafting the discourses that widely define media as an economic and/or political issue. And yet academics here are at fault in defining SLM in these dangerous ways.

A quick illustration of this national/foreign frame in academia is found in work by Robert Kent and Maura Huntz and by Kenton Wilkinson. When Kent and Huntz introduce their study of Spanish-language newspapers, they begin with the following:

Throughout the history of the United States most immigrants have arrived speaking only their native language. When population concentrations who spoke the same language arose, foreign-language newspapers often appeared to serve them. Typically, these newspapers terminated publication once the group gained command of the English language and when the influx of additional group members in the area subsided. The Spanish-language press, however, is different from other foreign-language publications. Spanish-language newspapers were published in New Orleans as early as 1808, and their presence in the Southwest predated the United States' territorial acquisition in the wake of the 1848 Mexican-American War. (1996, 446; internal citations omitted)

Well intentioned, Kent and Huntz grant Spanish antiquity but never question its status as foreign. Similarly, Wilkinson concludes his chapter on bilingual media as follows: "Since its origin early in the nineteenth century, Spanish language media in the United States has helped its audiences stay connected with *their cultures of origin*. . . . Publicly supported media in Spanish are few and far between, likely because of the general expectation that immigrants to the United States learn English" (2009, 14; emphasis added). Like Kent and Huntz, Wilkinson rearticulates the notion that SLM is foreign immigrant media and should be treated as such. Other examples abound. During a recent visit to a giant media library of a prestigious research university, I was informed by the head of acquisitions that the library's massive collection contained not a single Spanish-language U.S. television program. She kindly stated that "foreign-language programming" is typically acquired by faculty request. In 2010, I presented a paper on Spanish-language television at the Society of Cinema and Media Studies, a top conference in my field. Instead of being placed on a panel with other ethnic or racial media, the leaders in my field placed me on a panel with foreign television, which included papers on Norwegian and Palestinian television. Ironically, the conference was held in Los Angeles.

Perhaps because SLM is frequently imagined as foreign, it is often absent from academic discussions of national television. When most academics talk about U.S. television, they are referring to English-language television. This is clear when we consider the discursive practices of trade press and academia. Let me illustrate this with the following example. On November 9, 2007, I entered the following search terms in LexisNexis: "television *and* network *and* CBS *and* ABC *and* NBC *and* WB *and* not Univision." The results were a staggering 1,766 entries that in one way or

another discuss U.S. network television without mentioning Univision (or any other Spanish-language television network such as Telemundo, Azteca America, or Galavision). I then used the Boolean operators to add Univision to the search (“television *and* network *and* CBS *and* ABC *and* NBC *and* WB *and* Univision”), and the search engine returned 229 entries. Of the almost 2,000 total articles and trade news items, less than 12 percent included Univision in their discussion of U.S. broadcast television. Even more startling, the vast majority of the 229 news pieces about Univision were ratings reports. These data refer to the televisual map predating the creation of the CW in 2006 (the WB and UPN merged to form the CW on January 24, 2006). Next, I conducted a similar search with more contemporary names or terms, typing “CW” instead of “WB,” and the results were somewhat different. A total of 983 reports excluded Univision, and 470 included it; or roughly 31 percent of news and trade press included the Spanish-language network. The press perhaps was atypically interested in Univision at this time, as the company was being bought and sold and was involved in legal battles with Nielsen, the giant ratings corporation.

Another example of Univision’s conspicuous absence comes from academic tools and institutions. The differences here are much more startling. I searched the Communication and Mass Media Complete database, restricting the search to peer-reviewed articles. I typed “Univision *and* television”: 59 entries. I then typed “UPN *and* television” (remember that UPN is now defunct and never enjoyed substantial ratings): 142 entries. I typed “Fox *and* television”: 2,463 entries. The results with CBS, ABC, and NBC were all above 3,000. I was very surprised to learn that the number of articles about Univision was 1.5 percent of the number of articles about CBS. I searched syllabi on television studies within media studies departments across the United States and discovered that the vast majority did not include research on Spanish-language television, and only a few departments even offered courses addressing Latino media. The only journal dedicated to the subject, the *Journal of Spanish Language Media*, is not indexed by any of the major databases such as EBSCO or JSTOR.

I do not believe academics are willfully trying to define the public interest in ethnonational terms, and some of the aforementioned scholars are the life and blood of SLM research. However, when discussions of SLM treat it as foreign, they sideline the fact that SLM is *the* Latino media, and when discussions of national television ignore SLM, they definitely constitute the U.S. viewer in ethnonational terms. Ultimately, the chances

that Latinas/os will have a more energetic public sphere are weakened by the two oddly contradictory and complementary definitions of public interest that go into media regulation: neoliberalism and ethnonationalism, which are hardly the same but work in tandem.

In chapter 3, I explored detention centers for undocumented immigrants and refugees and the systems of justice that consider them legal. I noted that it was common for people to think that the legal protection of foreigners was not equal to the legal protection of nationals. Similarly, here I argue that when Spanish enters the political framework of the foreign-versus-national, its political potential is skewed. Fueled by decades-old nativist hysterias, the position that a foreign SLM ought to be treated in the framework of the liberalism of rights or within the purview of First Amendment protections is not likely to succeed. Contrarily, placing SLM in a foreign-versus-national framework reenergizes the sense that Spanish in general is a threat to the national character, which is defined in English-centric terms. So, the foreign-versus-national frame is a net loss for Latinas/os and a net political gain for ethnonationalists. In an attempt to rearticulate a position from which Spanish and SLM function as net political gains for Latinas/os, in the next sections, I problematize the treatment of Spanish as a foreign language and link it to systems of coloniality and ethnonationalism all too common in U.S. history. The goal of these sections is to reintroduce Spanish within the liberalism of rights and then to evaluate its national political potential. I will also consider the effect that Spanish's reintroduction would have on the discourses defining SLM.

### English and the Notion of Foreign Languages

Modernity is, for many (for Jürgen Habermas or Charles Taylor) an essentially or exclusively European phenomenon. In these lectures, I will argue that modernity is, in fact, a European phenomenon but one constituted in a dialectical relation with a non-European alterity that is its ultimate content. Modernity appears when Europe affirms itself as the “center” of a World History that it inaugurates: the “periphery” that surrounds this center is consequently part of its self-definition. The occlusion of this periphery (and of the role of Spain and Portugal in the formation of the modern world system from the late fifteenth to the mid-seventeenth centuries) leads the major contemporary thinkers of the “center” into a Eurocentric fallacy in their understanding of

modernity. *If their understanding of the genealogy of modernity is thus partial and provincial, their attempts at a critique or defense of it are likewise unilateral and, in part, false.* (Dussel 1995, 65)

A central thread in philosopher Enrique Dussel's work is that the eminent content of European modernity is alterity. Hence, the epistemology produced by this modernity partly revolves around the dialectical understanding of the European against non-Europeans. This provocative idea that functions to recenter colonialism and racialization in modernity serves to recontextualize myths of European origin central to nationalism and capitalism. Among these myths is citizenship itself, which has often been theorized, in the U.S. context, in terms of its links to liberalism and republicanism, that is, in terms of the relation of the community to itself. Rogers Smith (1997), Bonnie Honig (2001), and Engin Isin (2002) have criticized this type of theorization and have argued that more complex processes of alterity were and have been at play (see chapter 1). Smith has shown that ascription, which concretizes theories of alterity into the juridical and social processes of colonialism and slavery, has been also at the center of our legal and cultural ideas about citizenship. Honig shows that the images of the foreigner and of the immigrant have been central to the very imagining of the possibility of U.S. liberal democracy. Isin, in examining the historical and philosophical roots of citizenship, also uses the notion of alterity. He argues, echoing Dussel, that we must not only consider citizenship as constituted by processes of exclusion and inclusion but also consider citizenship in relationship to its alterity. In these works, citizenship's fluidity is expressed as a dialogical process of constitution between the citizen and its others. If Smith, Honig, and Isin are correct, language, a central feature of identity and national membership, is equally constituted through processes of alterity. Thus, the national and the foreign are more than systems of inclusion and exclusion. They exist in dialogue and are co-dependent in systems of co-creation. If Dussel is correct, U.S. modernity is expressed in discourses about language that *occlude* the role of languages other than English in their history, modernity, and knowledge systems. In this section, I engage with the idea of English as a national language. Contrary to nation-centric approaches, my approach assumes alterity and, in particular, a dialogical relation between English and Spanish.

How does alterity relate to language? Alterity is manifested in the recognition that our relationship to *our* language is dependent on the way



we see, understand, and define the other's relationship to our language. Regarding English and Spanish, alterity works both ways. Our linguistic sense of self can only exist because of and with the other. Let me offer a quick illustration. Starting on September 15 and extending to October 2009, CNN dedicated a lot of time and institutional energy to exploring Latino reality. Since 1988, the thirty days following September 15 have been recognized as Hispanic Heritage Month. CNN has participated in this celebration of the contributions and cultures of Latinas/os with special reporting and a documentary (aired on October 23, 2009), which was featured on CNN's website (<http://cnn.com>) under the header "Latinos in America." On October 16, Ruben Navarrete, one of CNN's Latino commentators, wrote a piece in which he argued that forty-seven million Latinas/os are quickly integrating into U.S. life, becoming successful economic and political actors. Although Navarrete is a writer whom I consider to be conservative for his ongoing reliance on the discourses of assimilation, he apparently crossed a threshold with this celebratory piece.<sup>4</sup> In the comments and opinions section at the bottom of the page, the huge majority of the comments (on the CNN website, this feature allows for only fifty comments) were anti-Latino and anti-Navarrete. One could quickly see that most of the complaints were about language. "Learn English," wrote Mike, an immigrant of Indian descent. Similarly, Debra R. corrected Navarrete by stating that "Latinos will assimilate [*sic*] if they learn to speak, read, and write english [*sic*]." Candi agrees—"learn the language"—and so does Frank B: "You came here. We didn't go there. So learn the language and press one for English." J.R. pleads, "Yeah, we can't ignore you, it's too bad, because I am sick of hearing people chatting loudly in spanish [*sic*], asking me questions in Spanish, and having to hit the 'English' button all the time on the internet, at ATM's and on the phone. I am sick of hispanics [*sic*], they're everywhere." Of the fifty comments, two were positive. Together, the negative, angry comments evidence a sense of English as a national language—a felt right not to have to select an English option, a desire for English to be the only option (or an assumption that this is the proper order of things, the contract these men and women signed) (Petersen 2011). The comments also show that to these men and women, Spanish takes them away from feeling at home in the cities and spaces they inhabit. It is as if Spanish clashed with a sense of self that is fragile, contingent, and in danger of being overtaken by the other. Spanish seems to force a redefinition of self that these men and women have not chosen, thus undermining the sense of personal sovereignty that is the

basis of their ontological security. To these men and women, their home is changing, and unless they embrace a personal change, they will feel estranged, like foreigners in their own home. This is alterity at its clearest, a structure where self and other are mutually constituted not simply in terms of inclusion and exclusion but in a more fundamental sense. Alterity explains that the sense of self these men and women have constructed is based on affective (“I am sick of Hispanics”), spatial (“you came here”), biographical (“We didn’t go there. So, learn the language”), and practical (“you . . . press one for English”) determinants. As an immigrant, I am familiar with these feelings and with how challenging it is to remain oneself in a different political/linguistic environment. The difference between these English-centric respondents and me is that I do not assume that a threat to my sense of self should be corrected by changing the world around me (Ana Rodríguez 2002, 114). Contrarily, the arguments against Spanish that these men and women put forth assume that a threat to one’s sense of self ought to be addressed at the level of political membership. This infantile assumption clearly shows that to these men and women, the ethno-linguistic characteristics of their selves are equal to and should remain equal to the nation as a political organization.

The responses to Navarrete are indicative of some important features of current anti-Latino discourse and the way alterity, the other, threatens, constructs, and becomes the very environment in which the self defines itself. To these respondents, the sense of personal threat activated by Spanish and Spanish speakers translates into a political rhetoric centered on three ideas that try to give a rational veneer to their reactions: being in this society means, among other things, speaking English; Spanish is injurious to the aesthetic of the nation-state; and Spanish is a foreign language. These three propositions together constitute the backbone of much nativist rhetoric, which uses the other to overvalorize the centrality of English to the nation-state. Ideas about how Spanish speakers renege on the privilege of linguistic assimilation (“learn the language”) confirm to nativists that the ineffable value of English is not for everyone but is for the exceptional. English brings nativists together. Organizations such as the American Immigration Control Foundation (AICF), the National Organization for European American Rights (NOFEAR), ProjectUSA, and V-Dare may lobby, research, and publicize on a variety of issues, but they tend to coalesce around the linguistic issue, arguing for English-only policies at the federal and state levels.

The core of the three propositions—that is, the one proposition that

serves as anchor for all—is the last proposition, the notion that Spanish is a foreign language, a proposition that is widely held by Americans of all political inclinations and sympathies. As mentioned earlier, that SLM is understood as foreign by head librarians and lead academics in media studies exemplifies the provincialism that Dussel refers to in the epigraph. In this provincialism, I find the convergence of Anglocentrism, ethno-nationalism, the disavowal of U.S. history vis-à-vis English and Spanish, the mapping of state language over the television world, and the faulty liberal accommodation of justice claims to fund, maintain, and educate in Spanish.

The U.S. mainstream idea that Spanish is a foreign language is not a historical claim; it is a claim about the preferred histories we enjoy using to justify our present. It is a myth. It is connected to the traditional socio-political location of Spanish speakers in the social grid, just as it is connected to the socio-political location of English speakers (Achugar 2008). Simply, the socio-political location of English speakers has for a long time given them control over most official (schooling and law) and private (media such as newspapers, magazines, and the telegraph) institutions in charge of producing the official histories and myths of origin that most populations accept as truthful history. The National Park Service, for instance, advertises Jamestown in this fashion. The first paragraph on the historic site's website states, "Come, walk in the steps of Captain John Smith and Pocahontas as we explore America's beginnings. Here is where the successful English colonization of North America began." That Pocahontas lived in the area before the arrival of the English is quickly dismissed, in typical Eurocentric fashion, which does not consider Native Americans to be part of the founding culture or myth of origin. Instead, the National Park Service publicizes the most common Eurocentric myth of origin, but even this myth is highly ideological and not based on historical fact. Questioning this common myth of origin, Anna Brickhouse (2008, 714) shows that the area of Jamestown was a successful Spanish settlement in 1570, thirty-seven years before the English arrived to the area and seventeen years before the failed British colonization of Roanoke in interior Virginia. Similarly notable is the fact that Juan de Oñate began the settlement of San Juan, located in today's New Mexico, in 1598; Santa Fe was founded in 1610. In spite of this history, most U.S. citizens recognize only the British myths of origin and regard Anglo roots and English language as natural expressions of the nation's beginning and its continuation.

This ethno-racial myth of origin depends on the disavowal of racial others (African American slaves, Native Americans, and Latinas/os) and also on the disavowal of ethnic others, such as the Dutch, Irish, Germans, Jews, and others participating in the colonization of the Americas. Simply, people forget that European migration to the British colonies did not mean only British migration. For instance, as James Crawford (1992) narrates, German immigrants were a huge concern among the elite. In 1753, Benjamin Franklin wrote a letter to British Parliamentarian Peter Collison complaining, “Those [Germans] who come hither are generally the most ignorant Stupid Sort of their own Nation, . . . and as few of the English understand the german Language, and so cannot address them either from the Press or Pulpit, ’tis almost impossible to remove any prejudices they once entertained” (B. Franklin [1753] 1992, 19). Germans, who maintained a lively German press and fought against the British for independence in German-language battalions, eventually gained Franklin’s respect, and he helped promote and establish the first German-language institution of higher education in the United States: Franklin and Marshall College. In 1787, the college’s founding year, German was a language of instruction and continued to be one throughout the nineteenth century. Today, German is again a foreign language. But what made it foreign was clearly not its lack of rootedness in the United States but the socio-political location of Germans, who were subject to majoritarian cultural and political pressures (World War I purges and ethnic profiling) that forced this important population to disidentify with its past. I taught in Texas, a state with one of the largest German heritages in the nation. None of my students took German for heritage reasons. That, very literally, made no sense to them. But it would be a mistake to think of this outcome as cultural, because it was furnished partly by Texas linguistic policies that, for instance, made English the official language of instruction in 1856 and that made German instruction a criminal offense in 1918 (Soltero 2006).

What is foreign is not equal to what comes from the outside, and the history of German, Dutch, Zulu, Spanish, and Mohican is evidence of that. Everybody’s sense of the domestic, of the native, is discursively constructed in alterity. Informed by preferred histories (e.g., our nation was a British colony) and fictional narratives (e.g., captive narratives of the nineteenth century), the discourses in charge of producing a strong sense of the domestic and the foreign tend to spin around the axis of ethnonational identity, a relational style of being that relies on the ongoing monitoring of self and others to mark boundaries of belonging and kinship.

Let me be clear: I am neither arguing for ending ethnonationalism (that is a project for utopianism) nor interested in calling it unjust or burdened with ethical problems. With Jacob Levy (2000), I understand the feelings, discourses, and identifications of ethnonationalism to be part of social and political organizing and the source of both good and evil.<sup>5</sup> Although I do not believe that ethnonationalism is, in principle, problematic, in the United States, white ethnonationalism *is* a problem because of the ability of this ethnic group to control the corporate, legal, cultural, and political fields and, more broadly, because of its ability to claim itself equal to the state. Hence, white ethnonationalism produces citizenship excess. The notions of foreignness are rooted in this centralizing power, a modern fallacy that equals one ethnonationalism, one nation, to the state. Here, I use the terms *nation* and *state* in their formal definitions. *Nation* refers to a group of people who believe they are connected to each other and have been so for a long time. Thus, by this definition, *nation* is closer to the term *kin*, which connotes stock and ethnicity. However, Balibar (1991) reminds us that these connotations of kinship and ethnicity are socially and culturally constructed, and so he uses the term “fictive ethnicity” to refer to nation. This fictive ethnicity, which uses language and race as its most recognizable characteristics, is a precondition for becoming a people (see chapter 1). Fictive ethnicities help organize our political values, affective structures (Whom do we love? Whom do we hate?), and juridical subjectivity (see chapter 2). When a nation becomes equal to the state, fictive ethnicities also draw the boundaries of state. Balibar writes, “The ‘external frontiers’ of the state have to become ‘internal frontiers’ or—which amounts to the same thing—external frontiers have to be imagined constantly as a projection and protection of an internal collective personality, which each of us carries within ourselves and enables us to inhabit the space of the state as a place where we have always been—and always will be—‘at home’” (1991, 95). The resulting cultural and affective processes generate and rely on the discourse of foreignness, which becomes part of a process of recognition whereby nationals project their own sense of collective kinship onto others and evaluate their worth on the basis of whether the other reflects back the projection. Ethnonationalism can be seen as a hermeneutics that helps establish intersubjectivity and gives form to social life. And language, as one of the preeminent markers of ethnonationalism and the primary means for intersubjectivity, becomes central to kinship and foreignness.

While nations are fictive, states are relatively arbitrary political, geographical, and social institutions (Connor 1994, xi). Most modern states are multinational, multilingual, porous, and changing, and the United States is one of the most multinational and multilingual states, sharing this arbitrary characteristic with other states born through empire, such as the United Kingdom, Russia, and Mexico. However, the territorial and imperial expansionism that defined the United States in the nineteenth century brought the territories of Louisiana (1803) and the Southwest (1846) and the island colonies of Puerto Rico, the Philippines, and Guam (1898) into the state. With these new territories, the state became composed of hundreds of thousands of nonwhite ethnics. In the Southwest, the Mexican-American War resulted in the 1848 Treaty of Guadalupe Hidalgo, which gave international legitimacy to the annexation of the territories of California and New Mexico, including today's states of Colorado, Arizona, and Wyoming. The treaty also formalized the annexation of Texas, which Mexico had not yet recognized. As in other colonial enterprises, the annexation of these territories and the treaty that formalized it changed U.S. membership. The treaty granted citizenship to roughly 116,000 Mexican citizens residing in the area.<sup>6</sup> This number was between 25 and 30 percent of the total population of the area that also included Native Americans, free and slave African Americans, and a growing ethno-racially white population.<sup>7</sup> As Rodolfo Acuña (1988) has shown, Article IX of the treaty guaranteed Mexicans all the rights of citizens. Lynn Perrigo adds, "In other words, besides the rights and duties of U.S. citizenship, they [the Mexicans] would have some special privileges derived from their previous customs in language, law, and religion" (qtd. in *ibid.*, 19).

Extending citizenship in 1848 to previously Mexican citizens meant two things that challenged the white fictive ethnicity. It reclassified Mexicans as white (to legally codify them within a system of law insistent on not recognizing nonwhites as citizens), and it legally recognized the citizenship of Spanish speakers (Almaguer 1994, 54). This type of classification accounts for a contradiction that still persists at the center of the Latino experience, a contradiction enabled by coloniality. Latinas/os have been U.S. citizens, with Spanish, for roughly 160 years, and Spanish-speaking Latinas/os are still treated as a foreign population that speaks a foreign language. One of the roots of these cultural and political practices is found in the weaponization of administrative logic, exemplified here by linguistic policies in general and media policies in particular. In the next section, I show the processes that led to English becoming the national

language and the role ethnonationalism and race played in discursively constructing Spanish as a foreign language.

### Coloniality and Spanish

Coloniality locates a stealthy colonialism in today's systems of administration, policy, and law. Governmentality argues that governmental techniques rely on citizens' interiorization of policy and law. Hence, the psychic mapping of contemporary citizens, Foucault observes, can be described with the term *juridical subjectivity*. If coloniality and governmentality are sound arguments about politics and civic life, then the juridical subjectivities of U.S. citizens are interiorized colonialism toward ethnic and racial others. In the previous section, I showed that conceiving of Spanish as a foreign language, and grafting that conception into law, are examples of ethnonationalism and of complex legal practices. This section expands on this idea and links ethnonationalism to coloniality. Although a legal treaty should have compelled government and the judicial system to protect the citizenship rights of Mexican Americans and Puerto Ricans, other quasi-juridical racialist thinking served as the base to forgo legal principle and to engineer contradictory law. English became the official language of instruction to Spanish-speaking citizens, and linguistic discrimination became legalized. Ironically, coloniality in the United States exists alongside democratic liberalism; so one must reflect on this linkage and consider the potential that liberalism has for erasing or at least diminishing the effects of coloniality in language.

In principle, the liberalism of rights, legally engineered on top of Lockean natural rights and statist legal rights, is imperfect ground for the juridical subjectivity of coloniality. One horizontal, the other hierarchical, the contradictions between liberalism and coloniality have forced periodic reevaluations of the legal grounds of national membership. Instead of straightforward broadening of the category of national membership, the results of these reevaluations are deeply invested in a pragmatism that has regularly foreclosed avenues for radical critique in favor of reformist, accommodationist, or plainly conservative approaches to rights, justice, and politics. From Jefferson's and Madison's accommodations of slavery to the U.S. Constitution (which institutes the independence of Americans from British rule while denying the right to property and citizenship to Native Americans) to the recognition that to sign the Treaty of Guadalupe Hidalgo would mean legally codifying Mexicans as white (so that they could

be made citizens), the United States' elites have publicly relied on pragmatism toward their colonial others and have allowed themselves to forgo democratic/liberal principles for self-interest. The debate in Congress about whether to expand citizenship to Mexicans in the newly conquered territories of the Southwest is one clear example. Although the letter of the treaty did not differentiate between races (or between sexes, though it was widely accepted at this time that only males could be citizens), the spirit of the treaty and ensuing legislation was quickly racialized. Senator John C. Calhoun (South Carolina) passionately declared soon after the treaty's ratification,

We have never dreamt of incorporating into our Union any but the Caucasian race—free white race. To incorporate Mexico would be the first instance of the kind of incorporating an Indian race; for more than half the Mexicans are Indians, and the other is composed chiefly of mixed tribes. I protest against such a union as that! Ours, sirs, is the Government of a white race. The greatest misfortunes of Spanish America are to be traced to the fatal error of placing these colored races on an equality with the white race. That error destroyed the social arrangement which formed the basis of society. (Qtd. in Nieto-Phillips 1999, 53)

As extreme as Calhoun's words may sound, they accurately foretold the direction of racial and linguistic politics in the United States and territories and the type of citizenship rights that would be given to nonwhites. On this, David Montejano (1987) carefully documents how during the nineteenth and twentieth centuries, naturalization and citizenship notwithstanding, Mexicans in Texas, Tejanos, were systematically disenfranchised by white immigrants (yet full U.S. citizens) and residents with the acquiescence and/or cooperation of the U.S. legal and judicial systems. This disenfranchisement took the form of white citizens appropriating the land, the labor (indentured servitude), and the cultural, political (many, but not all, Mexicans were declared racially equal to blacks, and in accordance with U.S. conventions, their political rights were severely reduced), and social rights of Mexican Americans. Language was a factor: George Martinez notes that although the treaty guaranteed the property rights of Mexicans, the courts forced Mexicans to prove their rights in a language that was not theirs, and this provided the grounds for many land claim losses (2000, 42). Although an opening existed to welcome Mexicans into



a liberal state via the pragmatic application of citizenship rights, it was quickly shut by reference to colonial understandings of citizenship, which relied on cultures of law when needed and on cultures of legal impunity when required. Both the institution of law and impunity were central to what Angela Harris calls race law, “law pertaining to the formation, recognition, and maintenance of racial groups, as well as the law regulating the relationships among these groups” (2000, 88).

Although German was allowed to thrive, at least for some of the nineteenth century, Spanish was not. A language of the colonized, not of the immigrant, Spanish was treated as a foreign language in the Southwest as soon as the treaty’s ink had dried, and its foreignness became the basis of systematic injustice (Grasfoguel and Georas 2000). Soon after a few common schools were organized in 1855, the California State Bureau of Public Instruction declared English the exclusive language of instruction. In 1856, Texas legalized English as the language of instruction, though in rural areas, away from government oversight, schooling continued in Spanish and in German (MacDonald 2004, 54). The exception to this legal enfranchisement of English was in the territory of New Mexico, which did not create specific linguistic provisions, legally permitting education in Spanish throughout the century. The erosion of this legal possibility, however, was accomplished through other administrative and political provisions that legalized English as the language of administration, government, and law. By the beginning of the twentieth century, English had become the exclusive and official language in schools, administration, and law in mainland America. The exception was Puerto Rico, which continued to recognize Spanish and English as official languages.

New-century nativisms produced even more draconian linguistic laws. In 1903, fourteen states had laws making English the official language of instruction. By 1923, the number had multiplied to thirty-four states that had legalized English as the educational medium. Anti-German sentiment during and following World War I led to discrimination against German Americans (and other linguistic minorities) and to the passage of laws forbidding the teaching of German, even the conviction of teachers instructing in German. The Supreme Court reversed some of these convictions, as in *Meyer v. Nebraska* (1923) and *Bartels v. Iowa* (1923), arguing that the First Amendment included the protection to teach non-English languages (Soltero 2006, 185). Following anti-German and anti-Latino sentiment, Texas’s English-only law of 1918 made it a criminal offense for teachers, principals, and other school personnel to teach in languages

other than English. Supreme Court decisions notwithstanding, draconian rules continued. In the decades that followed post-World War I English-only laws, children who dared to speak Spanish in schools were routinely punished, and despite the concerted efforts of Puerto Rican parents in New York and of Chicanos in the Southwest, the practice of forbidding Spanish grew. The outcome of this history was an educational *habitus*, constituted through ethnocentric measures of academic success such as intelligence testing, that cemented the official view that Latino Spanish-speaking children were simply backward (MacDonald 2004).

In contemporary America, coloniality, expressed in race law, continues forging a population stratified by race and ethnicity. Language provides coloniality the perfect opportunity to do so. Ethno-racially white animosity has played out in linguistic policies that pit the legal status of English against that of Spanish. The 1960s brought some positive changes, including national antidiscrimination provisions in the Civil Rights Act of 1964 and the Voting Rights Act of 1965, which also translated into linguistic protections. In education, the Bilingual Education Act of 1968 legitimized instruction in Spanish and set the basis for the bilingual education system that survives until today. It should be noted that the goal of the educators who are the backbone of bilingual instruction is to ease Spanish speakers into English educational, professional, and academic environments. Hence, bilingual education works within an assimilationist paradigm that deflects, if not outright negates, the value of Spanish as such. Recently at a conference on the anthropology of education, I confirmed that the most courageous educators, who have no problem risking careers and advancement to advocate on behalf of Latino Spanish-speaking children, consider that the educational and economic future of these children depends on their command of English. Spanish is not in and of itself a language of instruction, in spite of the fact that the United States is part of the Latin American languagescape, the term used by Terhi Rantanen (2005). Within this languagescape, only Mexico, Colombia, and Argentina have more Spanish-speaking people than the United States. However, there is an ongoing denial of this fact. According to the 2010 U.S. Census, there are thirty-eight million U.S. Spanish speakers of different proficiencies who do not have access to schools, K-12 or college, organized around the goal of learning, mastering, and creating art and knowledge in Spanish. An additional six million people are learning it (Instituto Cervantes 2011, 4). Much as the institution of slavery used linguistic imposition to cut the links between slaves and their history, linguistic colonialism has been at

play against Latinas/os, who, in losing their language, lose the possibility of intimately experiencing their past and the bonds they might have with today's Latin American cultures.

Linguistic colonialism is present in other social arenas, including Puerto Rico (Pérez 2004, 108). Though dozens of states have embraced bilingualism in education and law (although not without ongoing conflict), by 2002, twenty-seven states had selected English as their official language. These states include California, Colorado, and Florida, all of which have gigantic Latina/o populations. In 2007, Arizona, for a third time, voted to join this special club. Lawsuits have challenged the right of these states to issue English-only policies and provisions in administration and the workforce, including *Lau v. Nicholas* (1974) in California, *Arizonans for Official English v. Arizona* (1997), and *Alexander v. Sandoval* (2001) in Alabama. However, the Supreme Court has refused to rule directly on the constitutionality of states declaring English their official language, resolving all of these cases in narrower terms (Soltero 2006, 185–193). This has meant the de facto legality of these discriminatory policies that are clearly at odds with Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on nationality, and that disproportionately affect Latinas/os and Asian Americans.

As a testament to the strength of white ethnonationalism, no state has officially adopted Spanish as its official language. (Spanish and English are the official languages of Puerto Rico, but, alas, Puerto Rico is not a state.) In 2006, the U.S. Senate passed an amendment to immigration law that came within an inch of declaring English the federation's official language. The stated purpose of an amendment to S. 2611 of the Senate reads, "To amend title 4 United States Code, to declare English as the national language of the United States and to promote the patriotic integration of prospective US citizens."<sup>8</sup> This measure passed sixty-two to thirty-six, with ten Democrats joining every Republican in the Senate. It never became law because it was not reviewed by the conference committee, but its passage marked a threshold confirming that nativism and the English-only movement had gained mainstream political status.

Ethnonationalisms have some fluidity and accept new members, change character, and at times, embrace otherness. Yet this fluidity is often, if not always, structurally and discursively related to assimilation. And why should this not be so? Hoping that new members assimilate is consistent with attributing value to one's culture. However, when an ethnic group takes over the state, assimilation becomes an undue burden

on people of other ethnicities. As most immigrants will testify, they have moved here to live in the United States, not to become ethnically white. Because of the way the state is organized, and because of its embodied character, many Americans conflate the ethno-racially white nation with the state and seem convinced that assimilation, including linguistic assimilation, is a just burden placed on people of other ethnicities. This position is also shared by a portion of African Americans, Latinas/os, and others, who are willing to place the burden of assimilation to white ethnic markers on the newcomers, disregarding the assimilation asymmetry that they have been part of historically. Latinas/os or blacks who assimilate to ethno-racially white markers cannot remedy their racial difference and must enter into unequal social contracts with whites, who continue having a disproportionate control of systems of power and language policy tools (e.g., educational, legal, and media institutions).

As should be clear by now, one of the major systems of political control is language itself. In political theory debates, language is often discussed in relationship to rights—“Is language a right?” When a language is legally defined as a right, that language will receive protections not granted to other languages, such as the creation of affirmative actions for its preservation, reproduction, and diffusion. In post-Franco Spain, for instance, Catalan became an element of the portfolio of rights, and the state has provided subsidies for writers interested in writing in Catalan and for publishers interested in publishing those writings (Van Jacob and Vose 2010). Now, the issue of whether any language should be defined as a right is a different matter subject to ample debate. As Helder De Schutter notes, some people believe that language is a nonissue, and others go as far as supporting linguistic assimilation so that ethnic minorities may enjoy equal social and economic benefits (2007, 4). Often based on traditional views of liberalism, the latter position (which today is dominant) argues that the state should not prioritize between communities and institute policies that privilege only certain groups. This is not the same as the liberal argument that ethnic communities have no specific rights but rather is an argument that community rights should derive from the state’s broad and effective protection of individual rights. Thus, according to De Schutter, in matters of language policy, the state should foster the equal ability of individuals to have and use a language but cannot interfere on behalf of communities needing and wanting state support for the protection or promotion of a specific language. Here, state neutrality and noninterference is the standard of justice.

Opposing these views are theorists such as Will Kymlicka (1995, 45–46), who uses communitarianism to produce what is often referred to as “multicultural liberalism.” His influential position is that the liberal ideals of autonomy and individuality require the protection of the individual’s cultural context of choice (e.g., ethnic or subcultural contexts). With Alan Patten, Kymlicka argues that the state must provide the structure of justice by protecting the ability of groups to exist in meaningful ways in horizontal arrangements. Thus, cultural minorities have the right to state support and protection of their cultural context of choice, including language (Patten and Kymlicka 2003, 26–31). Although Patten and Kymlicka are rightfully concerned with the need to foster horizontal ethnic arrangements, their examples and arguments are meant to address more clearly defined political spaces, such as debates against English becoming the official language of the United States or bilingual education. Media, however, is not their concern. Yet Patten and Kymlicka’s ideas can be expanded from the notion of the context of choice to what is formally known as “cultural citizenship.” Drawing on a communitarian and multicultural perspective, William Flores and Rina Benmayor define cultural citizenship as activities that help Latinas/os “claim space in society and eventually claim rights. Although it involves difference, it is not as if Latinas/os seek out such difference. Rather, the motivation is simply to create space where the people feel ‘safe’ and ‘at home,’ where they feel a sense of belonging and membership” (1997, 15). The examples that Flores and Benmayor use are not corporate media. Yet, in thinking about the social stakes of cultural citizenship, Nick Stevenson argues that cultural citizenship must include media structures and the expectation that these structures are relatively free “from the excesses of the free market” (2001, 3). Returning to Patten and Kymlicka’s expectation for horizontal ethnic arrangements, it is possible to briefly sketch a multicultural liberal perspective on media and language. First, in today’s society, cultural citizenship is partly articulated through corporate media. Second, following Stevenson and Flores and Benmayor, one may note that Latinas/os can only experience the freedom to be who they are when mediatic contexts are properly provided and structured around political, not corporate and market, logic.

Within the framework of liberalism, a multicultural liberal perspective may be the best political project to ameliorate the negative effects of coloniality in language. But as I suggested in previous chapters, all liberalisms rely on legal frameworks that are national and thus cannot fully resolve the injustices that immigrant communities endure, particularly

when these communities have significant numbers of undocumented immigrants. Aware of this limitation, in the following section, I explore what it means to bring SLM within the framework of multicultural liberalism; in particular, I examine the political roles that Univision plays in favor of Latinas/os.

### Repoliticizing SLM

Up to this point, I have argued that the commodification of SLM is related to its depoliticization within the discourse of liberalism and its strident politicization within the discourse of ethnonationalism. A multicultural liberal perspective provides a path out of this impasse and points to a political future without the heavy baggage of coloniality. The path is not without obstacles. Reimagining SLM as a corporate media structure that participates in the politics of liberalism to the benefit of Latinas/os, not nativists, has to account for factors that push SLM away from the political. Most of these factors relate to the corporate practices that SLM carries on and that give it a capitalist (as opposed to political), transnational (as supposed to national), and Latin American (as opposed to Latina/o) identity.<sup>9</sup> But as I have argued for most of this chapter, several of these dichotomies require closer inspection. These dichotomies do the work of discursively depoliticizing SLM, which is the linguistic and cultural context of choice of millions of Latinas/os and others.

Earlier I showed the linguistic provincialism patent in the way trade press writers and academics imagine their objects of analysis and their disciplines. Here I argue that this provincialism is partly related to ethnonationalism and the colonialist result of imagining Latinas/os and Spanish as foreign and as transnational. Ironically, a closer look at the most successful SLM, Univision, supports the notion that Latinas/os and Spanish are foreign. Much of Univision's programming is either Mexican or Venezuelan or is otherwise imported from some other media system. Even the national programming is marked by transnationalism. The long-running Univision show *Don Francisco Presenta* stars Mario Kreutzberger Blumenfeld, a Chilean star. Likewise, Mexican and Venezuelan stars populate many of the sitcoms. If anything, Univision is a great example of a multinational media system built on the strength of transnational markets, converging media systems, and Latin American diasporas. But as I show with the argument on coloniality, imagining Spanish as foreign is a way of reconstituting political hierarchies between languages and people,

an ethnonationalist optic that renders invisible the other's political worth and meaning. Even a media corporation such as Univision, which indeed is transnational and corporate-centric, deserves a focused gaze. This gaze quickly reveals that Univision's programming is partly transnational, but it is also significantly political at the level of the nation. The case of the pro-immigration reform rallies discussed in chapter 1 implicitly argues this. But there are more reasons.

Univision is not only the most successful of the Spanish-language networks and the fourth or fifth most important network in America; it also functions as a primary element of Spanish-speaking Latinas/os' political culture. The Project for Excellence in Journalism, sponsored by the *Columbia Journalism Review (CJR)*, rates Univision's news division at the same level as the news divisions of English-language networks in terms of quality and professionalism. However, there are two significant differences that speak to the role of Spanish-language television broadcasting in Latino political culture. First, Spanish-language news is more likely to present foreign news from the point of view of other nations (chiefly Latin America) and to deal with issues such as immigration in a sustained fashion and from a Latino and international perspective. Second, in places where Spanish-language networks can afford local crews (and they have them in all large markets), they present the point of view of local Latinas/os in ways that no other network does (Alexandre and Reh binder 2008, 99–101). Federico Subervi-Vélez's and América Rodríguez's research on Spanish-language print and broadcasting news support the *CJR* findings. According to Subervi-Vélez, Spanish-language news addresses the particular needs of Latinas/os in issues such as health and politics on a more consistent basis and with more cultural sensibility than do other media (Subervi-Vélez et al. 1988; Subervi-Vélez 2008). As important, Rodríguez observes that *Noticiero Univision*, with bureaus in Mexico City, Lima, Bogota, and El Salvador, dedicates almost half its airtime to news from Latin America (1999, 100–102). Because of this, and because Latino journalists are better at reporting on Latino local issues, Rodríguez argues that Spanish-language journalistic practices have been essential for Latino cultural maintenance and the creation of a Latino symbolic space in U.S. culture (73–106). In all of these cases, SLM, even with its deep-rooted flaws, its commercialism, and its tendency to address a weakly defined Latino audience, is significantly better than ELM at addressing the particular needs of Latinas/os. And these news broadcasts do not go unnoticed. According to Louis DeSipio, 84 percent of bilingual Lati-

nas/os use Spanish-language news, a percentage that speaks to the importance viewers place on language and ethnic perspectives (2003, 11). Jorge Ramos, the top anchor of Univision's evening news and host of the weekly *El Punto*, is acquiring the gravitas of a respected television journalist and is becoming a spokesperson for Latinas/os across the televisual landscape. For example, he co-hosted the Democratic presidential debate sponsored by Univision on September 9, 2007, and, with CNN, co-hosted a second debate on February 21, 2008, at the University of Texas–Austin. In 2007, Univision joined forces with the National Council of La Raza in a voter-registration drive that aspired to increase the number of voting Latinas/os in the 2008 presidential election. They succeeded, with the Latino vote increasing 28.4 percent from the 2004 to the 2008 elections. In each of these instances, Univision is performing as a politically responsible ethnic media firm, aware that its mission is not only to seek profit but also to enfranchise its viewers.

In spite of Univision's inability to be a full alternative to mainstream English-speaking news, it and other SLM do cultural and political work that no English-speaking broadcaster is willing to do. Hence, SLM can be and must be understood as a cultural and political asset for Latinas/os, one required for the construction of a national public and central to Latino political participation. As previously mentioned, Univision aired the first bilingual presidential debate for the Democratic Party in 2007. The Democratic field included Hillary Clinton, Barack Obama, John Edwards, Mike Gravel, Bill Richardson, Christopher Dodd, and Dennis Kucinich. Of these, Richardson, a Latino from New Mexico, and Dodd spoke Spanish fluently, but they were not allowed to demonstrate that fluency during the debate. At one point, Richardson asked permission to use Spanish, and Jorge Ramos, the moderator, responded in his Mexican Spanish that it was not possible and that those were the rules agreed on by everybody. But why should the talking field be equal? When perfectly accented English is imposed on everybody wanting to have a "national" platform, why cannot Spanish be imposed on candidates wanting our (Latino) votes? Univision made history hosting the first bilingual presidential debate, but all the candidates were presented as speaking English. Only the hosts (Maria Elena Salinas co-hosted with Ramos) and listeners used Spanish. Regrettably, this is still an imperialist script and one that assumes English to be the state language. This script is partly constituted through media convergence and deregulation, the two policy principles that shape Univision's current configuration, wealth, and unique position



in the Spanish-language mediascape. It is also a script that requires or assumes linguistic assimilation for political participation. With the support of Univision, this replicates the idea that one ethnonationalism should “naturally” rule over the other.

## Conclusion

As Angharad Valdivia (2008) has noted, there is a tension brewing between the transnational and the national in media and Latina/o studies. As rates of media exchange continue to grow, as populations become more mobile and likely to migrate, as cultures seem to shift from national to transnational, global, and regional, it is common and perhaps necessary to imagine the future in terms of transnationalism and globalization. This is happening at the same time that the nation and the political world that it has created come under attack. In chapters 2 and 3, I used some of the arguments attacking the nation to point out the radically faulty ways in which political and legal cultures engage with Latinas/os. In particular, I showed that the pastoral character of democratic liberalism is the ground for a nativism that by now has been sedimented in law and political traditions. In this chapter, I continued this line of argumentation and showed the pastoral character of democratic liberalism through the prism of ethnonationalism and linguistic policies and practices. I also showed that the marginalization and commodification of Spanish and SLM are partly the result of being defined as the foreign linguistic practices of transnational, immigrant populations. So, in the cases of Spanish and SLM, the problems of citizenship excess are related to transnationalism and to ethnonationalism; in a sense, linguistic citizenship excess is the worst manifestation of the tension between the national and the transnational.

The transnational delegitimizes the political character of Spanish and SLM, while the ethnonational reconstitutes a staunchly provincial and ideological fictive ethnicity that marginalizes and weakens a huge segment of the Latino public sphere. Among others, I use the case of the sale of Univision in 2007 to Saban and associates to illustrate my point. The way the FCC treated Univision is consistent with the way one treats an apolitical commodity. Though the buyers were Saban and associates, the first suitor was Rupert Murdoch, the owner of Fox and the corporate agent most responsible for furnishing media nativism against Latinas/os. Saban, a billionaire with a history of donating to the Democratic Party, supported a voting drive sponsored by Univision which registered millions

of Latinas/os and gave an extra edge to the candidacy of now president Barack Obama. Because Saban was able to buy Univision, the Democratic Party was able to count on more Latino votes. Latinas/os traditionally vote Democratic, and increasing the Latina/o vote is a way of increasing the standing of the Democratic Party.<sup>10</sup> I do not think Saban and associates bought Univision to secure Democrats in the White House. That was a fortuitous byproduct that Saban likely enjoyed. However, I do believe that if Murdoch had succeeded in buying Univision, the political future of Latinas/os and of the Democratic Party would have changed, perhaps permanently. Treating SLM as a commodity has profound political implications that affect the present and future of Latina/o political cultures and the ability of Latinas/os to participate in mainstream politics.

Although linguistic citizenship excess is one of the worst manifestations of the tension between the national and the transnational, I propose that a linguistic multicultural liberal perspective is likely to ameliorate the significant injustices in our current linguist and ethnic media landscapes. A linguistic multicultural liberal approach is a way of imagining national reform, but this is different from arguing for the nation. The nation, as I showed in previous chapters, is at the base of many of the injustices Latinas/os have endured, including some at the level of epistemology, politics, and ethics. In chapter 1, I framed this issue in relationship to the problem of reification, that is, confusing the abstraction that the nation is with reality. It is partly because of reification that some people can argue that English is the national language while Spanish is a foreign one. The histories and laws that define the communities living in this territory prove otherwise.

A multicultural liberal perspective would produce affirmative actions to protect the right of Latinas/os to express their cultural and political lives in the language(s) of their choice. For millions, without question, the language of choice would be Spanish. For dozens of millions, the linguistic context of choice would be plural, a bilingualism equally attentive to English and to Spanish. But before having this Spanish, bilingual, or plurilingual legal and political world, a multicultural liberal perspective must be able to politicize Spanish, to make it subject to political debate and contestation, to reevaluate its status as a citizenship right, and in the process, to denaturalize the English-centric way of defining political rights.

What I propose is different from arguing that only true inclusion in the nation-state will remedy the linguistic problems facing Latinas/os. I believe that only the concretion of transnational systems of governance can

one day address issues of justice in our globalized world. But at present, transnational social and media realities, for the most part, lack systems of transnational citizenship and transnational rights. The nation-state, as Gayatri Spivak notes, remains the arbiter of rights and citizenship dispensations and is thus the main broker for issues of justice—globalization notwithstanding. Given this, it is necessary to continue using the nation as the base for justice claims and as the basic architectural metaphor for imagining egalitarianism.

For the here and now, constituting a national Latino public becomes a necessity for accessing equal rights, and media is a primary means by which to achieve a national Latino public. However profit driven networks such as Univision, Telemundo, and Azteca America may be, they are nevertheless in a unique position to address a Latino nation-state-wide viewership and are Latinas/os' best hope for engendering an informed public. This is not to replicate the fallacy that all Latinas/os speak Spanish but to assert that the political needs of Latinas/os, regardless of their language(s), are *not* served by English-language broadcasters.

Perhaps the most important issue supporting my argument that Spanish and Spanish-language media should be properly politicized is that we need to recast Spanish-language media as cultural and political platforms so that we can produce the studies, research, and arguments that will convince the FCC to consider it as such. On this, my position is closer to what Ruth Rubio-Marín (2003) calls “instrumental language rights.” She recognizes that at issue for the state are not only ethical and political principles but types of decisions and policies that can best accommodate the needs of a reasonable majority. Our union includes hundreds of languages, but the state and the economy need, for their better functioning, to operate on a number that is reasonable, albeit while providing minimum accommodations for all people to participate in government and markets. Due to the number of Spanish speakers and the historical contexts in which Spanish was absorbed by the state, it is reasonable to think of Spanish-language media as a right and to believe that its status as such can be reasonably accommodated by policies that are not cumbersome or costly to other ethnonationalisms. I agree with Rubio-Marín when she states that “language should not be a liability in the enjoyment of one’s general status of civil, social, and political rights and opportunities in society” (2003, 63). The benefits of treating Spanish-language media as a right are significant. Let us briefly consider the potential benefits of this position.

If Spanish-language media is a civic and cultural right because it is the

linguistic context of choice for millions of U.S. citizens, then that right can function to alter the basis by which language policy happens today. Instead of producing policy that tries to accommodate Spanish speakers and minimize their linguistic marginalization, we would be forced to find ways in which Spanish speakers can exercise their right to equal access to the same cultural and political structures that English speakers currently enjoy. Because Spanish speakers do not have a territorial concentration (or claim) like the Quebecois or the Kurds, the only reasonable way by which to enable ethnonational political positions is national media. I believe that this could be the basis for forcing the FCC to redefine Spanish-language media as a political and cultural right. So, for the here and now, I propose a new model of regulation that more forcefully takes into consideration the relationship of media to nationhood while abstaining from equating the nation-state to ethno-racially white markers. We need to reimagine the reality of our changing populations and to shift our media from espousing corporatism to functioning as a plurinational public sphere. However, a plurinational public sphere will always be in danger of disappearing without adequate legal protections. Spanish, I believe, should be so protected by the FCC, not as a language for commerce but as a language for community and politics.

Sadly, the FCC is not the only institution at issue here. Media studies departments across the United States consistently disregard Spanish-language media in their curricula and research agendas. When SLM receives any treatment at all, it is handled as a foreign-language issue. This disciplinary positioning is a naturalized violation of the right of Spanish speakers across the nation-state to have their language understood as constitutive of the federation and constitutive of our educational system. This chapter is a plea for reform and is offered with the hope that we reevaluate the way academic social practices in the here and now reconstitute Latino disenfranchisement.

