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5. Labor and the Legal Structuring of Media Industries in the Case of Ugly Betty (ABC, 2006)

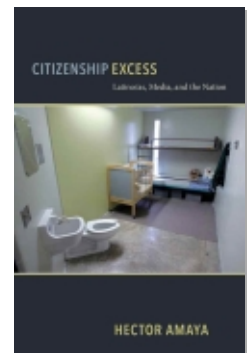
Published by

Amaya, Hector.

Citizenship Excess: Latino/as, Media, and the Nation.

NYU Press, 2013.

Project MUSE. <https://muse.jhu.edu/book/23412>.



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Labor and the Legal Structuring of Media Industries in the
Case of *Ugly Betty* (ABC, 2006)

Ethnonationalisms are flexible and can welcome others under certain conditions. Processes of inclusion are political but also cultural, and media participates by giving a few members of society the ability to construct the narratives that matter to the entire polis. This chapter reflects on processes of cultural inclusion by investigating the show *Ugly Betty* (ABC, 2006–2010) and by asking the questions, what can *Ugly Betty* tell us about the conditions Latinas/os have to fulfill in order to be part of mainstream English-language media? and, as important, what can these conditions tell about the relation of Latinas/os, mainstream media, and citizenship excess?

Before trying to answer these questions, let me frame the show in terms friendly to citizenship excess. Early in the first season of *Ugly Betty*, we learn that Betty's father, Ignacio Suarez (played by Cuban American actor Tony Plana), is having some problems with his Health Maintenance Organization (HMO). He is ill; his medicine has run out, but he does not

want to urge the HMO for a new prescription. In the episode “Fey’s Sleigh Ride,” Betty (America Ferrera) must go in person to the pharmacy, where she discovers that her father has been using a fake Social Security number. Up to this point in the narrative, Ignacio has been depicted as an unusual man and father. He is the primary caregiver to his two daughters: he cooks for them, stays at home, and shows kindness and emotional wisdom not typically associated with an older working-class Latino male. He has been made sympathetic through softening (or perhaps feminizing) his masculinity. But the plot throws a monkey wrench in the narrative when we discover that he is an undocumented immigrant, one who has committed what the legal and immigration system of the time tried to define as a felony.¹ Perhaps because of this sympathetic representation of an undocumented immigrant, perhaps because the show cast Latinas/os in key production, writing, and acting positions, *Ugly Betty* was seen in the media world as an example of good media corporate ethics. However, *Ugly Betty* was the only one-hour show centered on and at least partly produced by Latinas/os on prime-time English-speaking television. This makes *Ugly Betty* different from other ensemble cast shows such as *Desperate Housewives* (ABC, 2004–present) and *Modern Family* (ABC, 2009–present). These shows include Latinas/os, but they are not centered on, produced by, or written by Latinas/os. Ironically, *Ugly Betty*, by its very existence, has helped ABC maintain a respectable reputation regarding diversity programming. In the show’s exception and in the discursive positioning of it as good corporate ethics, *Ugly Betty* illustrates some of the key conditions Latinas/os have to fulfill to be incorporated in mainstream English-language media, conditions that include fitting into neoliberal definitions of diversity that further devalue the political and cultural capital associated with Latino narratives and Latino labor. It is in this convergence of narrative and labor that citizenship excess is manifested. Its result is the political and cultural capital accumulation of anti-Latino media practices and labor policies.

Ugly Betty is a text in which different ideas about labor and Latinas/os intersect. It narrativizes the life of a Latino undocumented worker; it is a work-place dramedy with a Latina at its center; it is the product of the labor of immigrant Latinas/os; and it is hailed as an example of labor diversity, in an industry often criticized for labor conservatism. Although each of these aspects of labor are important, in this chapter, I consider the text to be the product of specific cultures of production and political imaginaries. With the example of *Ugly Betty*, I argue that current ideas of

diversity and labor in media reproduce processes of political capital accumulation to the benefit of a citizen defined in ethno-racial ways. These ideas on diversity and labor craft pathways of inclusion that naturalize unjust labor systems and that, like alchemy, turn the racist political and labor practices of mainstream media into political gold. Giorgio Agamben (2005) theorizes how inclusions can be used for exclusions and how “inclusive exclusions” constitute nation-states. Diversity fits Agamben’s parameters for inclusive exclusions. Instead of being publicly shamed for embracing labor practices that systematically marginalize racial and ethnic minorities, mainstream media such as ABC use the disciplined public performances of Latinas/os, who are often thankful for the privilege of inclusion, to accumulate political capital. In short, *Ugly Betty*’s circulation as an exemplar of mainstream media ethics relies on the systemic marginalization of Latino labor in the industry and on a definition of diversity tuned more to corporate interests than to social justice (Brown 2004, 423). In the fusing of political and capitalist goals, the public circulation of this dramedy exemplifies processes of racialized political capital accumulation under the guise of what Thomas Streeter (1996) calls “corporate liberalism.” This term refers to the deep influence of capitalist logic on the egalitarian philosophy of liberalism and to the framing of political values in the language of capital. In the case of *Ugly Betty*, racialized political capital accumulation and corporate liberalism impact the legal production of citizenship by defining the show through media legal frameworks that normalize ideas of diversity and corporate civics that are unlikely to improve the overall social standing of Latinas/os and other minorities.

The following section links political capital accumulation to media, thus providing the general framework of analysis for the case. The next four sections speak to *Ugly Betty* as an exception to two rules about labor and politics: Rule 1: Controlling the meaning of labor and of labor laws is political capital. Rule 2: The power to control and narrativize labor is an intrinsic part of media cultures that use this power to marginalize Latinas/os. The four sections are organized dialectically in terms of the two rules, alternately explaining a rule and then discussing how *Ugly Betty* managed to circumvent or negotiate that rule. The first of these sections discusses the first rule and explains how political capital is extracted from the control of the meaning of labor and from labor law. This section starts with discussions of labor and race at the birth of the nation and ends with contemporary nativist media discussions on undocumented labor to ultimately show that being able to shape the discourse on labor is great

political capital. The following section investigates how *Ugly Betty* was able to participate in narrativizing citizenship, law, and labor. In particular, this section notes the textual concessions that *Ugly Betty* had to embrace to be part of prime time. The second rule is investigated in the next section, which argues that traditionally Latinas/os have been disenfranchised, and it shows two historical shifts in the way this happens. Starting in the late 1960s, new civil right legal frameworks allowed for more ethnic minorities to participate in mainstream media. This positive legal development did not last and, during the past three decades, mainstream corporate and media interests have worked hard at weakening civil rights labor provisions. The result is a new language of diversity that is ethnocentric and neoliberal. In the last of these four sections, I show how *Ugly Betty* fits within this new definition of diversity and unintentionally undermines civil rights gains. In short, this chapter presents two rules and two exceptions that speak to the way citizenship excess is activated in media labor and contemporary practices of diversity.

Political Capital Accumulation and Media

The notion of political capital accumulation assumes that political capital is distributed unequally and implies that this inequality is patterned. In particular, I am interested in investigating the manners in which media labor connects with political capital accumulation. Citizenship excess proposes that law and policy, including labor policy, regulate access to political capital. Citizenship excess is also a theory of media that argues that, because of media's impact on culture and because of its role in constituting what Max Weber calls "prestige," those who produce media are central to the distribution of prestige and social, cultural, and political capital. The media worker, in short, is a key player in processes of political capital accumulation, an argument that is consistent with Marxian theories of culture and political power. Beyond that, my contribution in this chapter is to acknowledge the political capital of fictional mainstream media, the way the cultural field is given shape by the political field through labor law, and the intricate relationships between media, discourse, and law.

Fictional mainstream media closely relates to labor laws and political capital accumulation. This is so because fictional mainstream media, understood as speech, is patterned after the speaking political positions of media makers, who occupy locations in the media field that are structured by labor laws. Labor laws are the means by which the political and

juridical fields distribute resources, a factor that makes labor a type of politics and thus subject to citizenship excess. Fictional media is speech that has a political, economic, and legal basis. Examples of citizenship excess include the normalization and continuation of sexist, classist, racist, and ethnocentric textual traditions (Aparicio and Chávez-Silverman 1997; Fregoso 2003; Santa Ana 2002; Ramirez Berg 2002; Molina-Guzmán 2010; Beltrán and Fojas 2008; Valdivia 2000). But citizenship excess also exists in the way labor laws organize speakers, easing the path of some while blocking the advance of others. In media, labor laws help define hiring, firing, and advancement processes, which are attentive to political capital. Equally important is that labor laws and labor equity are normalized (and at times, challenged) through media; that is, we learn to relate to labor laws through media. Ultimately, the effects of labor laws and the effects of discourse on labor are multigenerational, structural, and material. Reconstituting each other, labor laws can become social inertia and the materiality of discourse.

So, what can *Ugly Betty* tell us about Latino participation in mainstream media? First, it is clear that *Ugly Betty* is unusual, and thus the issue becomes what labor and narrative factors made *Ugly Betty* a good candidate for occupying a spot in prime-time English-language television. Before addressing *Ugly Betty's* uniqueness, I need to explain Rule 1, which argues that controlling labor and the discourses of labor is political capital. In the next section, I present labor, labor law, and labor discourse as interlinked technologies of power used by the state to the benefit of some and the detriment of others. I also show that these technologies of power have traditionally been organized around racial and sexual axes that enable them to effectively construct a hierarchical economic world that uses labor as a political tool.

Rule 1: Controlling Labor and Its Meaning

The way we think and produce wealth today is the result of capitalism and its juridical counterpart, the nation-state. Nowhere is this more evident than in the way ideas about wealth, and the social concerns of the wealthy, became inscribed on modern notions of citizenship, and on this, the American case is particularly instructive. As many observers have noted, including Rogers Smith (1997), Grace Hong (2006), Judith Shklar (1991), and Evelyn Nagano Glenn (2002), the birth of the United States is bound to the social and discursive repositioning of the wealthy landowning class

as the naturalized ruling class. No longer believing that any subject of the British monarchy was in a natural position of authority, the wealthy land-owning class of the United States redefined itself as a group of independent individuals who were united and empowered by consensus. In the process, these American elites engaged in repeated and spirited debates on the meanings of wealth as it pertained to civics, politics, and leadership. The results of these debates were codified in law that gave political franchise, or citizenship, to various types of wealthy subjects, then discursively constructed as northern European males with either property or monetary assets. As Hong notes, “The concept of property defines the subject and also constructs the subject’s relationship to the state—the state is narrativized as guaranteeing the citizen’s right to property” (2006, 11). In the process of debating and legislating these ideas, American elites gave legal shape and social value to whiteness as a relatively newly minted racial category that was judicially discussed as property and thus as wealth, and to maleness as the natural possessor of the political and economic franchise of men *and* women (Nelson 1998; Shklar 1991, 39–42; Glenn 2002, 22).

Dana Nelson (1998) has convincingly argued that the racial category of white manhood was central to establishing a fraternity of citizens that was large enough to counteract the potential power of Native Americans and slaves.² Throughout the eighteenth and nineteenth centuries, discourse on white manhood increasingly supplants that on national and ethnic origins, and Dutch, British, and Scottish men become pooled together under the umbrella of the white race. Discourse became law, and during the nineteenth and twentieth centuries, citizenship legislation drew on (and co-generated) the relatively nascent racial category of whiteness to craft the socio-biological boundaries of national membership. This movement toward enfranchising northern Europeans cut along national and ethnic lines but also along class lines. At one point in American history, citizenship and political franchise (suffrage) were given only to propertied males or, quoting Thomas Jefferson, to the “responsible and virtuous electorate” (qtd. in Shklar 1991, 3).

Consequently, of the eight states admitted into the Union between 1796 and 1821, only six had universal suffrage for white adult males, but by the mid-nineteenth century, all states had adopted the principle of universal suffrage for white adult males (Glenn 2002, 27). This broadening of the category of full citizenship was only possible, following Glenn (2002), through the discursive repositioning of whiteness at the center of white

laborers' concerns for their identity, franchise, and independence. At issue was how to justify the political franchise to a population of people who, by the very legislative debates about franchise happening in the 1770s, lacked the necessary economic independence to make reasonable political choices. The laborer's economic dependence precluded him from the independence of will needed to carry out the political duties and responsibilities of full citizenship, namely, suffrage. According to Jefferson's standards for political agency, only owners had the will and freedom to exercise responsible electorate decisions. However, this way of interpreting political agency placed the new Union at risk by narrowing citizenship credentials to a population too small to defend it. So, in the spirit of securing a larger number of citizens and potential defenders of the Union, states allowed for the universal suffrage of white adult males, regardless of their laborer status. White male universal suffrage was only possible when white laborers could substitute their discursive deficit (economic dependence) for a surplus, here argued as a racial identity discursively spoken as follows: white manhood allowed northern European men to sell their labor *freely* and to eventually acquire property, which differentiated them from slaves and other nonwhite indentured servants.

Two things ought to be remarked on in regard to this racial discursive surplus that is so key to understanding American racialized political capital accumulation. The repositioning of whiteness as central to laborers' identity relied on the mythology of racial independence as necessary and sufficient to economic and political freedom. Regardless of indentured servitude, impressment, apprenticeship, convict labor, farm tenancy, or wage labor, all white males came to be discussed as having the potential to become propertied, a racial mythology that influenced what later became known as the American Dream myth (Hong 2006, 4; Roediger 2007, 25). Second, the binding of white manhood to freedom and to property becomes legally codified and, as Cheryl Harris argues, manifested in the American legal tradition of interpreting whiteness *as* property: "In protecting settled expectations based on white privilege," Harris notes, "American law has recognized a property interest in whiteness" (1997, 5). This has meant that throughout our legal history, the courts have recognized whiteness as a guarantor of rights over other things. On this, Harris reminds us that "the concept of property prevalent among most theorists, even prior to the twentieth century, is that property may 'consist of rights in "things" that are intangible, or whose existence is a matter of legal definition.' Property is thus said to be a right, not a thing, characterized as

metaphysical, not physical” (17). Hence, in the courts, whiteness has been treated not as an aspect of identity but as a vested interest that accrues benefits to the bearer and provides legal entitlements that, if removed, are equal to dispossession. Harris’s arguments move through cases beginning in the nineteenth century and ending with affirmative action, finding in each instance a constant use of whiteness as a vested interest that courts systematically protect.

If Glenn, Hong, Smith, Nelson, Shklar, and Harris are correct, then a central variant of political capital accumulation since the nation’s formation must be linked to the ability of some people to write, control, and semanticize labor and labor law. Perhaps obviously, the interconvertibility (Bourdieu’s term) of political capital gained through semanticization of labor and control of labor law is quite high: this is political capital that can quickly become economic capital. Legalizing slavery, indentured servitude, and the tactical appropriation of foreign labor (read: Mexican) through the Bracero program; defining women’s labor as unprotectable; depicting unions as communist and anti-American; portraying public universal health care as socialism; and declaring undocumented immigrant labor rightless, the political capital extracted from the control of labor and labor law functions as the link that ties citizenship to the economy and problematizes the distinction between political agency and economic tyranny.

By virtue of being a Latino show that engaged with issues of citizenship, *Ugly Betty* became quickly entangled in the struggle over who gets to narrativize and give meaning to labor and labor law. This was evident in the reception of *Ugly Betty*, which activated a clear sense of ethnonational anxiety bound to contemporary nativist sentiment. Specifically, *Ugly Betty* received hate mail for the portrayal of Ignacio, and much to the dismay of Salma Hayek, one of the key Latinas/os responsible for producing the show, this hate mail was fundamentally racist. It is worth noting that the hate mail did not relate to the representation of queerness (which is central to the show’s story lines) or black characters (which are also central to the show): the hate mail was about Ignacio and his status as an undocumented immigrant (Devlyn and Harlow 2007). This is a strong reminder that the way Latinidad was being constructed during George W. Bush’s second term was heavily coded with labor and nationalistic anxieties, which typically fostered racist discourse against undocumented immigrants in general and Latinas/os in particular. This was the same epoch that saw the rise to popularity of the Minuteman Project in

Arizona, New Mexico, and Texas. This was also the time when the voices of Lou Dobbs (CNN), Glenn Beck (Fox), and Bill O'Reilly (Fox) began a relentless media campaign (Beck and O'Reilly were also quite important in the radio talk-show universe) targeting undocumented Latino immigrants and immigration law. Given the tone of politics at the time, their voices seemed unopposed, even though they aggressively engaged in normalizing hate against undocumented immigrants.

Reading transcript from Dobbs, Beck, or O'Reilly, it is impossible not to notice that ethnonational anxieties about ethnic and racial others (today, immigrant Latinas/os; then, black slaves and Native Americans) have been used by dominant media and political forces to augment hegemonic control over the lower classes. In the nineteenth century, these forces expanded the reach of hegemonic power by bringing a diverse set of ethnicities under the umbrella of whiteness. Whiteness was attractive partly because it had been defined as freedom, a notion that relied on the idea of free labor as opposed to slavery.

Today, a similar expansion of the notion of legal labor is having the effect of homogenizing the class challenges of a racially diverse populace through the construction of multiracial solidarities against undocumented immigrants. Unsurprisingly, a common theme on Dobbs's show is arguing that opposing "illegals" is not an act of racism, and he proves it by often including the voices of nonwhite nativists. For example, on April 26, 2006, during the weeks in which the huge immigration reform rallies were taking place, CNN's *Lou Dobbs Tonight* show included Marvin Stewart, a black member of the Minuteman Project, stating, "There are passionate people that love this nation. There are passionate black men like myself who have a love for this nation. There are passionate Hispanics—I've served with Asians on the borders, Los Compos (ph), Sierra Vista, Pacumba (ph), various other places, who have a passion for this nation." Later, Dobbs includes another segment with black voices: "Tonight, an increasing number of black Americans are coming to the realization that some illegal aliens are a threat to their economic well-being. A group called the Crispus Attucks Brigade held a rally in Los Angeles against illegal immigration yesterday, calling the illegal alien crisis the greatest threat to black people since slavery." Later, the show gives camera time to Ted Hayes, a member of the brigade: "We're not saying don't come. We want anybody to come to America, no matter color or religion or race. Just come legally to the country. And as black people, we feel we have a duty and responsibility to stand up against this illegal invasion, which

is ultimately destroying our people.” With Dobbs constructing the illegal threat as the greatest since slavery, the show is giving meaning to a new notion of “free labor” and definitions of inequality that substitute labor laws for immigration laws. In a labor system that systematically has twice as much black unemployment as white unemployment and that typically protects corporate over labor or union interests, shows such as Dobbs’s are magnifying the impact of undocumented labor on black unemployment and, in the process, diminishing the impact of neoliberal labor policies that constantly attack equalizing law such as equal opportunity employment and affirmative action (EEO/AA), living wage, universal health care, and educational rights. Shows such as Dobbs’s are also giving neoliberal shape to racialized political capital accumulation, popularizing alibis for corporatism and transracial but pro-neoliberal allegiances.

In this section, I have briefly presented a history of citizenship franchise that is filtered through the instrument of labor laws, and I have connected processes of exclusion at the birth of the nation with similar racial anxieties happening around *Ugly Betty* and during the second Bush administration. Although mainstream media was typically anti-immigrant and nativist in tone with regard to the show, *Ugly Betty* did enter the mainstream cultural markets and got to participate in giving meaning to citizenship, labor, and labor laws. The next section expands on this issue and pays particular attention to the narrative concessions the show had to make in order to make it to prime time.

Narrativizing Citizenship and Labor Laws

Inclusion in mainstream media is partly dependent on the ability of a text to connect with the political imaginary of millions of people. This imaginary gives meaning to the diverse politics of resource distribution that define the nation-state, making some processes politically proper (e.g., expelling “illegal” workers) while making others politically wrong (e.g., affirmative-action labor policies), antinational, and/or unfair. Labor is and has been central to the distribution of powers and resources in the nation-state, and it occupies a key role in many political imaginaries, impacting the relationship of the state with individuals, industry, and corporations. Although at any time a nation-state is home to multiple, fragmented, and even contradictory political imaginaries (e.g., labor unions; anti-affirmative-action beliefs; legal and illegal laborers), some political imaginaries have institutional expressions that are recorded as what

Pierre Bourdieu (1990) has called “doxa,” or the unconscious beliefs and values that seem in harmony with the way a social field is organized. Who counts as a legal worker and who does not belong to this labor doxa. Defining the role of the state in hiring and firing is another element of labor doxa. Because a politics of distribution depends on legal frameworks to institutionalize practices, a doxic political imaginary is also a legal subjectivity that helps individuals make sense of themselves as political and legal subjects in relations of alterity to those whose political/legal identity is imagined as foreign or substantively different and hence unworthy of protection. As I argued in chapter 3, in the nativist political imaginary, the political unworthiness of undocumented immigrants relies on the discursive tactic of primarily defining them as “illegal” residents and “illegal” workers. In the past decade, the nativist political imaginary has increasingly become doxa in mainstream English-language media, which, among other things, has embraced the term *illegal* and has failed to provide speaking platforms to antinativist, pro-Latino voices.

By some measures, *Ugly Betty* is an exception to this doxa. The show includes one of the few positive fictional representations in mainstream English-language television of an undocumented Latino. The show, much like Ignacio, has a complex transnational history that spans several countries (Valdivia 2010, 33). It began in Colombia, passed through Mexico, and ended up in the United States, first as an imported narrative aired by Univision and, now, in its English version, as an immigrant story. A hugely successful telenovela in its original version (the Mexican version of *Ugly Betty*—*La Fea Mas Bella*—is a ratings success at Univision, typically taking several spots in the top-ten highest rated shows on Spanish-language television), *Yo Soy Betty la Fea* has become an international phenomenon, re-created several times in only a few years. Chiefly another retelling of the “Ugly Duckling” story, all the versions of *Yo Soy Betty la Fea* tell the story of a young, homely woman who wishes to pursue a career in fashion, where she is an outcast for her physical appearance (Rivero 2003). In the Latin American versions, Betty’s wit, intelligence, and integrity help her succeed and gain her boss’s heart.

The American version, *Ugly Betty*, is an unusual televisual text. It is performed, written, and produced partly by Latinas/os. However, just as Latinas/os are often coded as partly foreign regardless of whether they have lived in the United States for generations, this rare Latino show is heavily coded as immigrant for several reasons. Its script, parts of which have traveled across borders, has been modified by making Betty and her family

immigrants who must endure not only the challenges brought by class (as in the Colombian version) but also the challenges brought by race, ethnicity, and nationality. Also, those who are in charge of bringing the show to non-Latino audiences identify themselves as immigrants, and they refer to the show as an immigrant story. Silvio Horta, one of the show's three key executive producers and the person most responsible for its American adaptation, is a Cuban American who, in his speech when receiving the 2007 Golden Globe for Best Television Series (Musical or Comedy), described the show as an "immigrant" effort. On the business side of things, Salma Hayek, a Mexican American international media star, has been one of the persons most responsible for convincing ABC to pick the series and continues her involvement as executive producer and guest star.

Because *Ugly Betty* is coded as immigrant, it manifests the tensions between the national and transnational, tensions that are more evident when considering the nationally bound legal systems that shape labor alongside the show's transnational textualization and international distribution. On the textual side, the tensions are more clearly shown through Ignacio's story line. On the political economy side, explored in the sections that follow, the tensions are found in the legal field's relation to media industries and their employment practices that exemplify the worrisome shape of the television industrial field.

Ignacio's story line is a strong reminder that citizenship and labor exist in the political imaginary as legal subjectivities constructed through interaction with institutions, peoples, and cultural texts. For a legal subjectivity to be possible, law necessitates culture and media to normalize it, to make it unavoidable, to give it a benign aura, and to publicize it (B. Edelman 1979, 9–10; Streeter 1996, 8). Yet media does more than teach citizens how to become law-abiding individuals. Alongside legal behavior and mental schemas, media publicizes systems that rely on impunity, accepted illegality, and unequal application of legal principles to different peoples. Because of media's complex function as the publicist of law, its role in the legal production of citizenship and labor is not a direct translation of law into culture but a preferred translation. Certainly, in television, characters do not have to abide by legal precedent or the egalitarian principles of law. Media's legal "work" can thus be simply hegemonic (or, in some instances, counterhegemonic) and invested equally in producing a system of legal obedience and one that naturalizes strategic forms of legal impunity, central to the operations of legal cultures. *Ugly Betty* shows several of these practices.

In the show, Ignacio is an undocumented immigrant who is depicted sympathetically. As mentioned earlier, he is constructed through ideas of masculinity not typically associated with Latino males, who are often framed by stereotypical machismo. Instead of being violent, sexist, and thoughtless, Ignacio is caring, wise, and fair. He is the primary caregiver to two adult daughters, who look up to him for tenderness, comfort, and advice. Often found in the kitchen, cooking for his daughters and his grandson, Ignacio has a soft masculinity that makes him the perfect, non-threatening representation of an undocumented immigrant. Through his dealings with his HMO, viewers learn that Ignacio is not only undocumented; he has also stolen a Social Security number. Consequently, he should be the ideal target of new immigration-enforcement measures championed by then Homeland Security secretary Michael Chertoff. Charging undocumented immigrants with identity theft was one of the latest measures proposed by nativist voices to worsen the legal status of undocumented people in the United States. Since 2006, these powerful voices have succeeded in convincing many news organizations, politicians, and lawmakers that being an undocumented immigrant is equal to being a petty thief who engages in fraud and even money laundering. This depiction of undocumented immigrants as threatening identity thieves, whose actions have been hyperbolically described by xenophobes as equal to having pointed a gun at their victims' heads, is opposed by *Ugly Betty's* narrative and Ignacio's character, both of which are attempts to pose a public counterargument to unjust law. That this counterargument was almost unique in our mainstream media speaks to the lack of cultural citizenship experienced by Latinas/os and to the truly marginalized status of undocumented immigrants, whose voices outside Spanish-language media were and are practically silent.

It is important to remember that *Ugly Betty's* credentials as a pro-Latino-immigrant show exist alongside its character as a mainstream English-language fictional show. Hence, the space for counterhegemonic textualization is small. It follows that although elements of the textualization of Ignacio are, indeed, positive, the discourses about law and immigration around Ignacio are much more than simply sympathetic notions about "illegal aliens." These discourses show ambivalences that undermine (or explain) *Ugly Betty's* speech about citizenship and labor law. Some are the result of genre conventions ("dramedy"), which push the narrative toward comedic and farcical situations, precluding it from having clear-cut positions and proposals about law, citizenship, and labor justice (White

1991, 85–86). The clearest example of this genre limitation is the depiction of the U.S. Citizenship and Immigration Service (USCIS), the agency that after 9/11 was put in charge of dealing with immigration. Prior to 9/11, the Immigration and Naturalization Service agency (INS) was part of the Justice Department. Since June 2002, the USCIS is housed within the Department of Homeland Security, converting immigration from an issue of law into one of national security. The USCIS is represented through the character of Constance Grady (played by Octavia Spencer), a jovial, young, African American caseworker who tries to help Ignacio walk the path to citizenship. In the episode “I’m Coming Out” (aired on February 1, 2007), Ignacio learns that Grady has failed to turn in his paperwork, making his case impossible to win unless he marries her. Later, viewers learn that Grady has the habit of seducing her male clients in exchange for Permanent Resident Alien cards, the notorious green cards. In this plot twist that betrays the painful complexity of the immigration process, *Ugly Betty* is at its worst and does a disservice to its “immigrant text” status. Instead of working with the real comedic and tragic processes that immigrants must go through to get a green card, the writers choose a Hollywood cliché made famous by the popular 1990 film *Green Card* (dir. Peter Weir) and repeated since in other popular televisual texts such as *Will and Grace* (NBC, 1998–2006), in which Rosario (Shelley Morrison) must marry Jack (Sean Hayes) to stay in the country as a maid.

Immigration law is not the only type of law narrativized in *Ugly Betty*. In fact, labor law is referenced constantly. But most references to labor law are subtle and easily confused with social conventions. Because much of the show develops in Betty’s workplace—the headquarters of a fashion magazine called *Mode*—it frequently references legalized processes such as hiring, firing, and contract law. As a workplace, *Mode* is hardly exemplary. The show depicts many behaviors that could be grounds for lawsuits and criminal prosecutions in real life but that never turn into such realistic legal consequences on the show. In the first couple of episodes (“Pilot” and “The Box and the Bunny”), Betty is forced to work under conditions that can be interpreted as illegal. In “Pilot,” Daniel, who just inherited his way into the presidency of *Mode*, wants to get rid of Betty, who was hired by Daniel’s father, Bradford Meade (Alan Dale), in an attempt to stymie his son’s tendency to engage sexually with his assistants. Trying to force Betty to quit, Daniel abuses her, asking her to perform tasks totally outside her contracted obligations, such as going to Daniel’s apartment at three a.m. and cleaning the soles of his shoes, and exposes her to his

sexual behavior. These two things should provide the grounds for at least a labor complaint and likely a legal lawsuit on the grounds of sexual harassment, but they do not. The thought never crosses the plotline, which relies on the construction of a heroic narrative. Betty shall overcome, but what she will end up overcoming is illegal behavior that cannot be treated as illegal because it exists within a system of impunity. Her heroics only reproduce this system, which stipulates that Daniel's kind should be left to roam the labor and sexual markets unfettered by policies or restrictions. And Daniel does, repeatedly philandering with women who are his subordinates, including people who work at *Mode* (Amanda) and people looking to model in the magazine. The closest we come to seeing him in legal trouble is when he sleeps with a Russian model looking for a job. She turns out to be underage, and Daniel is forced into hiring her. Although Betty saves the day by finding the model's passport, which proves that she is not underage, the narrative never questions Daniel on the grounds of child abuse or statutory rape. The case of Amanda (played marvelously by Becki Newton) is just as astounding. Amanda sleeps with Daniel in the hope of getting Betty's job. Over the course of two seasons, she comes to understand that Daniel is only using her and commits to changing her unwise willingness to be sexually on call for Daniel. In the narrative, this is seen as growth. Meanwhile, Daniel has impunity, not only in the world of law but also in the world of the narrative, which seems committed to constructing him sympathetically as a "bad boy" whom viewers hope can be reformed. As demonstrated through the characters of Daniel, Amanda, Betty, and others, the experience of being American can be quite different for different people.

The legal lessons derived from popular culture can sometimes be surprising. In the case of *Ugly Betty*, they often are. We learn some of the ways in which the law can be and is used (who gets to be illegal? Ignacio; who breaks labor laws but remains legal? Daniel), but we also learn the valuable lesson that the law is not some rigid standard that applies equally to each occasion or to everyone. The law is alive, moldable, and ephemeral. Its substance is not in the words that we sometimes confuse with it (the Constitution, the Bill of Rights, or case law) but in the people who believe their right is to utter the laws, who feel authorized to interpret them, and whose franchise permits them to break them. As critical legal scholars have noted for decades now, the people through which the law exists, the ones who mediate it for the rest of society, tend to be of one kind and in close familiar or filial proximity to wealth and political capital. In *Ugly*

Betty, those who control *Mode* (Daniel and Bradford) embody the characteristics of the first citizens; they are the rulers of their kingdoms to the point of making obsolete some, if not most, state laws. They are the “who” and the “what” of citizenship.

Much in the same way that NBC’s *CSI* has likely altered expectations about legal technology, mainstream popular texts such as *Ugly Betty* construct or reconstruct our expectations of our legal world and culture. Depending on the show’s politics, which at times are as clear as the politics of *JAG* or *24* (both of which manifest pro-military, conservative, unilateralist politics), a televisual text references the legal world to produce specific political relations in the social world. *Ugly Betty* is a complex popular text that embodies the political ideas of immigrants and women yet plays, or has to play, to the assumed cultural and political expectations of millions of people in order to survive. So the process by which *Ugly Betty* references the law is a multilayered product of ABC’s rating expectations, the way Nielsen has designed its measuring tools (which, according to Hispanic media, typically undercount Latinas/os), and the willingness of advertiser agencies to interpret the show’s audience as a desirable one. None of these things are clear-cut. All rely on cultural understandings of citizenship (understood as a national, political, and social franchise), race/ethnicity, and the law.

These textual ambivalences are integral to the show’s ability to speak about citizenship and labor. By using comedy and farce, the text tones down its critical potential; instead of critique, viewers are invited to share a laugh at Ignacio’s tribulations and empathize with Daniel, who deep down has a heart of gold. *Ugly Betty* speaks to immigration, politics, and labor but does so within the limitations of media markets, carefully avoiding a full counterhegemonic, heterodoxic stance. Because of this, the show’s textual characteristics must be seen as a careful negotiation with contemporary nativist political imaginaries and cultures of production, in particular, labor and market cultures. Textualizing Ignacio’s dealings with the USCIS through farce is a way of minimizing the threat that a benign narrative of illegality may pose to viewers. Producing this text as immigrant and as Latina/o challenges the way media, as a social field, is organized, but the challenge has to be and is contained by blanching Latinidad in the name of ratings. Cultures of production behave like any other social system, vacillating between normativity, internal cohesion, and change. Because of this doxic inertia that helps mainstream media reconstitute already powerful political imaginaries, mainstream media cultures

participate in and co-create political cultures that reaffirm paths of political capital accumulation. In this political imaginary, the law has little bearing on Daniel but is all important to Ignacio. This insidious labor lesson is itself the product of labor. Through labor practices, which are given meaning through market-oriented discourses and a political imaginary of labor justice, media helps define participation and belonging, inclusion and exclusion, and gets to separate those who have zero political capital (the Ignacios of the world) from those who have all the political capital, who, in this fictional show and perhaps in reality, own the media and the means of production.

Rule 2: Anti-Latino Media Cultures

Ugly Betty participates in the privilege of narrativizing labor laws and does so in contradictory fashion, sometimes courageously presenting minoritarian views about undocumented immigrants but more often reproducing hegemonic notions on labor and citizenship that undermine the show's pro-immigrant character. This section continues showing the links between capitalism, law, and the state by briefly showing how media industries have participated in and influenced labor law and the discourses about labor, often to the detriment of Latinas/os. Labor laws continue producing differentiated citizenship experiences, and this is particularly true in media. Labor regulation in media industries is magnified by the economic, cultural, and political might of our media system, which has the unusual ability to influence government and society by constructing the cultural frameworks that, as I showed earlier, give meaning to political and legal behavior. Whoever controls our media system is also in partial control of mainstream political imaginaries, including the way we imagine just behavior in labor markets.

Media control cannot be exercised without government intervention. It requires a particular type of political capital. For instance, *Ugly Betty* airs on ABC, a television network that belongs to Disney, which, like other successful media corporations, has been successful at interacting with governmental and legal structures. According to Robert McChesney (2004) and Paul Starr (2004), media such as ABC have always existed within close proximity of political structures in at least two ways: First, they exist as industries tightly regulated by government, which monitors ownership patterns, holdings and mergers, technological infrastructure, market performance (competitiveness), and the media's relation to

the public good. As McChesney states, “The U.S. media system—even its most ‘free market’ sectors—is the direct result of explicit government policies and in fact would not exist without those policies” (2004, 17). Second, media industries shape the democratic process by influencing the types of knowledge the citizenry has about the political and legal world, thus helping legitimize this knowledge or put it into question. McChesney and Starr help us understand that the relative harmony between the political and media worlds, their multiple connections and interdependences, have profound implications for the political health of the nation.

In the 1960s, it became evident that our political structures were sick. During that decade, the government set the basis for the regulation of labor in all industries, including media, on the principles of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC), created to monitor discrimination in the workplace, was part of the Civil Rights Act, and while it exemplified the act’s achievements, it was also one of its biggest compromises. The EEOC’s official history acknowledges that the agency was toothless from 1965 to 1971; as a testament to the influence of corporations and industry in federal policy, the EEOC was created on the condition that it would only “receive, investigate, and conciliate complaints” (EEOC 2007). The EEOC could not enact remedies until later in the 1970s. Other research shows that corporate influence on these government agencies has led to weak enforcement of labor law or inefficient ways of using legal sanctions (Bullock and Lamb 1984; Leonard 1985). Our social ills were partly due to media, as the Kerner Commission argued. According to the commission’s final report, media news organizations contributed to the racial unrest by failing to convey the urgency of racial problems. This failure, the report continued, was based on the fact that television “is almost totally white in both appearance and attitude” (qtd. in Brooks, Daniels, and Hollifield 2003, 125). As Chon Noriega, among others, has observed, this conclusion placed employment and representation at the center of racial unrest, in a sense acknowledging the political and social power of media and the necessity to regulate it more closely (Noriega 2000, 29). During the following years, the media industries became regulated by different government agencies, chiefly the EEOC and the FCC, with the goal of remedying labor inequality (Brainard 2004, 45–46; América Rodríguez 1999, 62–63). Media also became the logical target of much civic activism. Noriega suggests a three-part historiography of this effort by Latino organizations. From 1968 to 1977, he notes, Latino media activists used the state’s civil rights institutions to

demand labor and representational justice. Between 1974 and 1984, Latinas/os made direct demands on the television industry but relied on public funding sources for production. Since 1981, Latino media activism has taken a corporate logic and has demanded from the state and the industry “‘consumer sovereignty’ in commercial *and* public broadcasting.” In Noriega’s view, during this time, activists have staked “a moral and economic claim to the Chicano citizen-consumer” (2000, 25).

Unfortunately, by and large, legal and activist efforts have failed. Latino numbers in English-language media industries remain dismal (Keller 1994; Mayer 2003; Noriega 2000; Ramirez Berg 2002; América Rodríguez 1999; Valdivia 2010, 39–46). Simply, Latinas/os have a hard time getting access to mainstream media jobs, and though it is hard to get a clear picture of the complex labor markets that we call media industries, as Angharad Valdivia notes, some numbers clearly indicate the challenges that Latino media workers face (2010, 39–46). In 2007, the National Association of Hispanic Journalists found that, in journalism, Latinas/os account for 4 percent of personnel in print news and 6 percent of news staffers on English-language television (Lopez Buck 2012). Bob Papper (2003, 21) has found that Latinas/os account for only 1.5 percent of radio news staffers and, in television, for only 4.4 percent of news directors. The lack of Latino personnel in news has a predictable effect on coverage. Federico Subervi-Vélez’s latest report on Latino representation in television news media shows that stories about Latinas/os account for only 0.82 percent of all stories on the major television networks and CNN (2005, 4). In mainstream, English-speaking television, Latinas/os accounted for 6.5 percent of prime-time characters and 6 percent of all people listed in the opening credits in 2003 (Children Now 2004). This is a significant improvement from 1999, when Latino prime-time representation was around 2 percent, but it is still unsatisfactory if we consider census figures in the United States and, in particular, California. As the U.S. Census figures have indicated for the past few years, Latinas/os have surpassed African Americans as the most populous racial/ethnic minority in the nation and account for more than 15.3 percent of the population in general and 35.5 percent of the population of California, the state where most media is produced. This lack of representation in media work is worrisome not only because it represents banning Latinas/os from the enormous wealth that media industries generate but, as important, because it has set the basis for culturally normalizing Latino disenfranchisement. Referring back to Richard Delgado and Jean Stefancic (1998), the “Latino condition” is largely caused

by legal disenfranchisement in most significant spheres of life, including, I add, media employment.

Lack of Latino representation in media industries has been normalized partly because of hiring practices that tend to work under what organizational demographers call the “similarity-attraction paradigm” (people tend to hire and promote others like themselves), partly because post-Reaganism has succeeded at eroding EEO/AA provisions, and partly because organizations have never fully believed in the value of racial justice (see also Valdivia 2010, 49). In a social system such as media organizations, Nan Lin (2001) notes, some values are interpreted as commonsensical and are internalized by most members of the system. He calls them “persuasive” values. Other values are developed through “coercion,” a “process by which fellow actors are forced to recognize the merit of a resource or face certain sanction or punishment” (30). Resources that become valued because of coercion (e.g., racial justice) are often not understood as holding intrinsic merit.³ Given the history that media corporations have with the values of racial and sexual equality, it is safe to assume that these have been perceived mostly as coercive values.⁴ Not surprisingly, researchers and civil rights state organizations have found that media corporations have tried, and too often succeeded in, cheating EEO/AA law, sidestepping their legal responsibilities, and lobbying against racial (and sexual) justice policies. Either by using the “twofer” (a woman of color whom a media corporation would report twice, as both a woman and a nonwhite employee), inflating their numbers of hires of color, isolating these hires from the advancement track, or placing them in highly visible but relatively powerless positions, media organizations have reacted to the values of racial and sexual justice in chauvinist but predictable ways (Wilson and Gutiérrez 1995; United States Commission on Civil Rights 1977, 93–97; Brooks, Daniels, and Hollifield 2003, 127). In doing so, they have normalized different ways of experiencing citizenship: one reserved for communities of people who, in their embodied selves, convey persuasive values and another one for those whose embodiment conveys coercive values.

Perhaps the biggest impact that corporations have had on legal remedies for racial discrimination in labor was semanticizing the ideas of racial justice within corporatist and managerial logics (L. Edelman 1992). This is the context for the current state of affairs: a media industry that four decades after the formation of the EEO/AA provisions still lacks racial and sexual equality (Brooks, Daniels, and Hollifield 2003, 123–146). Regarding EEO/AA, media and government have produced a state of de-

regulation. This does not mean that the idea of diversity is not current or popular in contemporary organizations but rather that diversity has been redefined in ways that weaken its applicability to the goal of racial and sexual justice.

For the past couple of decades, the work of Lauren Edelman has shown the ways in which civil rights legal prescriptions, including labor justice laws (e.g., EEO/AA), have been adopted by organizations, corporations, and the managerial class. She notes that EEO/AA law is particularly open to mediation by organizations because it is ambiguous, has weak enforcement, and emphasizes procedural over substantive effects. Title VII of the 1964 Civil Rights Act, for instance, makes it unlawful to discriminate but fails to define the term. EEO/AA law is weakly enforced because the EEOC's first goal is to conciliate between employer and employee; this process is lengthy and costly, and it has one of the lowest rates of success of any legal suit (plaintiffs win only 21 percent of cases). To make matters worse, the courts today emphasize process over substance. For instance, compliance with Title VII is widely interpreted as being based on whether employers followed hiring processes that encourage diversity rather than on actual hires. So if employers make a "good-faith effort" to achieve EEO goals, they are safe (L. Edelman 1992, 1536–1541). In Edelman's view, EEO/AA law is mediated by organizations in ways that minimize their effect on long-held cultural beliefs and managerial processes. The means by which organizations can do this is by creating offices, positions, and rules that visibly show the public and law enforcers that they are complying with the law.

Media organizations are not exceptions, as the amount of EEO/AA initiatives and postings show. Most media corporations now have diversity officers, diversity initiatives, and so on. Fox has an office of Diversity Development that proudly displays the racial variety of shows such as *House* (Omar Epps's photograph is on the front page), *24*, and the diversity jewel *K-Ville*, with Anthony Anderson's proud face legitimating these practices and goals.⁵ The ABC Television Group has a program for developing talent that prominently displayed in its 2007 calendar a "Native American Actors Mixer" in January, as well as an "African American Heritage Ceremony" and a "Hispanic Symposium Multicultural Day" in February.⁶ NBC has created what it calls "DiverseCity NBC," a webspace that showcases the diversity that already exists in NBC's programming and that also functions as a space that agents and casting executives can use to locate "unsigned talent."⁷ Media leaders often argue that "diversity" is one of their key goals.

Fox Entertainment president Peter Liguori has stated, “We think, as a network, [diversity is] the moral thing to do. And it’s the right business thing to do. When you look at the top 10, top 20 shows out there, they’re diverse. For TV and certainly for Fox to be vibrant, relevant and authentic, we need to be reflective of the general population” (qtd. in Toledo 2007). In a similar vein, Anne Sweeney, president of the Disney-ABC Television Group, declared to *Variety*, “The more textured, the more real, the more authentic our writing and directing staffs are and our on-air talent, the more successful we’ll be, because we are reflecting the real world around us, not just the bubble world” (Toledo 2007). Because many of these initiatives, with these stated goals, have been going on for some time, there is reason to believe that they are not having quite the desired effect, which supports what Edelman and her colleagues theorize: “Organizations create EEO/AA structures, then, largely as gestures to their legal environments; these structures are designed to secure legitimacy and minimize the threat of liability” (Edelman, Fuller, and Mara-Drita 2001, 1590).

Although these network initiatives are meant to bring these organizations into compliance with the EEO/AA legal environment, they exist within a discursive framework of diversity that no longer has as its goal racial and sexual justice, a value widely perceived as coercive. Instead, the new managerial discourse of diversity, which Edelman and her colleagues note has changed since the 1980s (Edelman, Fuller, and Mara-Drita 2001, 1589), recasts diversity as a legal prescription of a different sort. Typically, today’s discourse of diversity has expanded to include diversity of all sorts, including diversity of thought, religion, lifestyle, dress, and the like (ibid., 1616). As important, diversity has become a matter of organizational success, a new managerial tactic that tries to create wealth for the organization (1618). In this discourse, different types of employees have different ways of thinking and working and different background knowledge, thus providing organizations with increasing ways of succeeding in a changing world and a new economy. Fox’s office of Diversity Development justifies this initiative with precisely this language. Not surprisingly, the most frequent reason to embrace diversity in this managerial rhetoric is profit.

In this deregulated environment, a show such as *Ugly Betty* becomes evidence of the media industry’s compliance with current legal expectations of diversity. Sylvia Franklin (2007), in perfect corporate media liberal lingo, follows this rationale when she writes for *Television Weekly* regarding *Ugly Betty*, “Diversity pays.” She is referring to the ratings and critical success of *Ugly Betty* and other shows such as *Grey’s Anatomy* and *Lost*,

which also have diverse casts in front of and behind the camera. In today's media world, Franklin's definition, rooted in managerial rhetoric, has become the standard view of a diversity that can be embraced by profit-seeking organizations. As Charo Toledo (2007), *Variety's* writer, declares, ABC's diverse lineup has made it a success with Latinas/os. Six of the top-ten highest rated shows among Latinas/os (age eighteen to forty-nine) are shown on ABC. Although perhaps privately these media leaders may indeed believe that opening media to Latinas/os is a matter of basic justice, in public speeches, they seem to consistently stick to the script and justify their own positive behaviors as profitable. Such discourse of diversity is also reproduced by media activists working closely with the industry. For instance, Alex Nogales is the president and CEO of the National Hispanic Media Coalition, a wonderful organization that brings together Latino media workers and helps them enter into the industry's social networks. Nogales, in receiving an award from Southwest Airlines, justified diversity in terms of profit. In his speech, he noted, "ABC is the biggest model for everyone to follow. . . . Diversifying led to their success in ratings with hit shows like *Ugly Betty* and *Grey's Anatomy*" (Ruano 2007, 52). *Ugly Betty* also presents itself as a text extremely conscious of the extended notion of diversity by including in its story line transsexual, gay, immigrant, undocumented, black, Latina/o, and other so-called ugly characters, all of which have been understood as diverse by viewers and/or critics.

According to Edelman and her colleagues, the managerial view of diversity has arisen "in response to the decline of political support for affirmative action and civil rights law" (Edelman, Fuller, and Mara-Drita 2001, 1626). As troublesome, there is evidence that this definition of diversity is now mirrored in legal communities and major legal decision such as the 2003 Supreme Court ruling on university admissions at the University of Michigan. The rationale in that case framed diversity as a resource valued in universities because it provides a benefit to the existing university population (Harvey 2007, 57). The Supreme Court here, in a move that betrays the principles of legal frameworks created during the civil rights era, disregards the standard of racial justice and substitutes it with a standard that benefits the majority.

Embracing *Ugly Betty*

Ugly Betty succeeds in the public sphere partly because it exemplifies a type of media ethics and positive corporate civic behavior that is becoming

increasingly hegemonic at this time when the notion of diversity is linked to new profit opportunities (Aparicio 1998, 116). Here, ethics is complexly bound to good capitalism, which substitutes the nation-state as the primary grantor of citizenship rights. This is a perfect example of corporate liberalism, under which the definition of diversity morphs, and a term once rooted in the racial and sexual struggles of the civil rights movement becomes an ethnocentric term valued for the benefits it can provide to the national majority that identifies with our current racial patriarchy. In the media corporate world, diversity becomes a cross-cultural marketing strategy aimed at strengthening a media network's chances of victory in the ratings war. In mainstream politics and law, as our Supreme Court now believes, diversity should be valued only if it represents a net gain for the political majority, which in the current racial formation means net gains for the white, heterosexual, and patriarchal middle and upper classes. As a way of showing how *Ugly Betty* negotiated this media corporate value, in this section, I explore further how diversity itself became the corporate tactic to tackle ratings, signaling a moment in our political culture when the social space often referred to as the public sphere becomes, under this definition of diversity and these conditions of citizenship, neatly occupied by the values and ethical concerns of corporations.

Streeter (1996) argues that our broadcasting regulatory structure, led by the FCC, increasingly abides by the utilitarian, individualistic, and capitalist rules of corporate liberalism, and he suggests that the current legal field regulating media is under its spell. This is evident not only to scholars but also to Latino media activists who have adapted to this language. As Valdivia (2010, 42), Noriega (2000), and Dávila (2001, 2008) posit, many Latinas/os have understood that in order to share the privilege of media access, they have to stop using the argument that diversity is a stand-alone resource and utilize it, instead, in addition to or as a frame for corporatist logic. It is because of corporatist logic that *Ugly Betty* is able to enter ABC's lineup, and it is capitalism that authorizes this show to speak about citizenship and some of the laws that constitute it.

The most important corporate reasons for ABC to develop *Ugly Betty* have to do with the show's ability to plug into promising Latino textual forms and demographic potential. Regarding textuality, the show borrows from telenovelas. The telenovela, as a format (long series, with scripted endings) and a narrative style (melodrama, with over-the-top situations), has been made famous around the world by Latin American television, especially by Televisa in Mexico, Venevisa in Venezuela, and Globo in

Brazil. In Latin America and in the U.S. Spanish-language media market (e.g., Univision and Telemundo, Azteca America, and Galavisión), telenovelas are the prime time. Their success is sustained and international. Hoping to replicate this success, all American English-language television networks are developing telenovela-influenced series. The most advanced projects—and the ones that got airtime—are Fox’s MyNetworkTV programs *Desire* and *Fashion House* and ABC’s *Ugly Betty* (Domestic drama 2006). Part of the appeal of telenovelas is related to narrative style and conventions, which have typically produced stories that have multigenerational audiences. CBS senior vice president of daytime programs Barbara Bloom stated, these are programs that “I can watch with my 16-year-old daughter, and my mother” (Domestic drama 2006). The attraction of multigenerational audiences is not necessarily related to embracing “family values” or some kind of wholesome view of what television ought to be. The attraction of multigenerational shows is that this viewing practice may slow down network viewership erosion due to age-based market fragmentation (Potter 2004). Since the introduction of cable in the 1970s, the networks’ audiences have dwindled. Today, the four English-language networks (CBS, NBC, ABC, and Fox) average a 41 percent share during regular broadcast season and a 30 percent share during the summer (in 2007, the four networks averaged only a 27 percent share) (Consoli and Crupi 2007). Multigenerational shows may increase their audience share and revenue. The economic challenges faced by the networks due to losing viewers also forces them to rely more than ever on their ability to market their programming internationally and through different media. The telenovela scores high in both standards. Telenovelas are products that can be sold internationally, as Globo, Venevisión, and Televisa have shown, and that can be repackaged in different formats, such as DVDs and video-on-demand (VOD) (Whitney 2007, 26). Already *Ugly Betty* has been successful internationally, ABC having no difficulty placing it in national markets as dissimilar as Germany, Britain, Dubai, and Spain. The show has also been selected to be delivered on VOD and DVD (Hopewell and de Pablos 2006; Jaafar 2007; Valdivia 2010, 33).

The format’s attraction and the potential international success of telenovelas are part of the backstory to the development of *Ugly Betty*. Another part is the growing importance and wide recognition of the size of the Latino market and the mainstreaming of Latinidad. As Dávila (2000), Isabel Molina-Guzmán and Angharad Valdivia (2004, 206) have commented, Latinas/os are the “It” market. Partly this is so because of

demography. As stated before, Latinas/os are the fastest growing minority in the nation; they have surpassed African Americans as the numerically most important minority, and, if census projections are correct, they will only become more important as time goes by. Latino wealth is also quickly increasing. Since 1990, Latino wealth has been compounding at a rate of 8.2 percent, almost doubling the wealth growth of non-Latinas/os (4.9 percent). Their buying power has grown from \$220 billion in 1990, to \$687 billion in 2004 and will grow to a projected \$923 billion by 2009 (Humphreys 2006, 6). Because of this, marketers and advertisers who specialize in targeting Hispanics are thriving. As Dávila has shown, for more than five decades, professionals in the business of crafting markets have, sometimes painstakingly, given shape to a Hispanic market that can be described to advertisers in terms of ethnicity, language, international and national geographies (e.g., California and Texas or the growing Latino concentration in the South), and cultural specificity (2001, 24–38). Today, these marketers are harvesting the benefits of this groundwork.

The Hispanic market is not equal to the Latino communities it claims to represent. It is constructed through an array of archetypes, cultural stereotypes, and profit-driven exaggerations. For instance, Hispanic marketers have often suggested that “Hispanics” favor Spanish-language media, yet millions of middle- and upper-middle-class Latinas/os (who are one of the most marketable segments of the Latino community and many of whom have lived in the United States for generations) do not speak Spanish (Dávila 2001, 60–63). Highlighting the importance of Spanish, however, has allowed these marketers to sell their services and linguistic expertise: Hispanic marketers speak Spanish; most advertisers and mainstream marketers do not. Such a Spanish-centric view of the Hispanic market is eroding, and *Ugly Betty* is evidence of this. The show proves that cross-linguistic, transcultural marketing strategies are increasingly feasible. One of the target audiences for the show, according to ABC, is bilingual Latinas/os who are both viewers of *Betty la Fea* on Univision and *Ugly Betty* on ABC. As a nod to this audience, in the finale of season two of *Ugly Betty*, Betty, who travels to Mexico in order to try to fix her father’s migration status, meets her look-alike cousin, played by Angélica Vale, the Mexican actress who plays Betty in Televisa’s version of the telenovela (Ayala 2007). ABC’s tactic seems successful if we consider that *Ugly Betty* attracts eight hundred thousand Latinas/os every week. This same bilingual Hispanic market is also attractive to Univision, which partnered with ABC to produce a Spanish-language adaptation of ABC’s

hit *Desperate Housewives* in 2008. (This remapping of Univision's audiences came only months after Univision was acquired by the Texas Pacific Group, Thomas H. Lee Partners, and Haim Saban, two equity firms and an Egyptian media mogul. See chapter 4).

But for the show to be successful, ABC needed to target more viewers than bilingual Latinas/os. The show needed to have crossover appeal, and ABC has not been disappointed. The first two seasons were quite successful, and though the show was canceled after four seasons, *Ugly Betty* is a relative hit in syndication, international sales, and its DVD repackaging.

Because today more advertisers believe in the strength of the Hispanic market, television, which typically has been inhospitable to Latinas/os, may see a gradual change. If discourse around *Ugly Betty* is any indication, these changes will be defined partly in terms of diversity. But this is not the diversity of the civil rights era; instead, this is a social and economic tactic aimed to attract new profits, to infiltrate new markets, and to secure success for mainstream media in a Latinized future. By pointing this out, I am not arguing that such a view of diversity cannot have a positive impact on Latino representation and employment in mainstream media. But I believe that the recasting of diversity as a self-serving economic tactic also damages Latinas/os for several reasons: it precludes Latinas/os from using the language of justice; it forces Latina/o narratives to become "universal" rather than particular; it reconstitutes current stratifications between citizens and communities; and it helps resemanticize one of the few legally defined political gains of the civil rights era, the expectation of media and labor diversity. At the root of this newer notion of diversity is a tension between racial ethics (doing the right thing for racial/ethnic equality) and profit. Media makers almost invariably only espouse an ethics that can also be profitable and very rarely risk economic losses for a principle, however important this principle may be. The prioritization of profit over ethics has become normalized to the point that the inherent contradiction of having a principle that can only be embraced when it is economically convenient is never vocalized by media insiders or the press that reports on them.

Conclusion

Because *Ugly Betty* makes us laugh, it is perhaps easy to forget how unusual it is for Latinas/os to share in the privilege of broadcasting narratives in English-language media. It is equally easy to forget that mainstream

media is, at all times, dominated by the views of citizens—and not just any citizens. The bulk of those who are working in media industries, at all levels, are white, male, upper middle class, and aware of it. As the numbers show, with their cold, factual poise, English-language media is in the hands of a community of embodied individuals that reconstitutes itself through labor and through the control of political discourses including, now, its increasing control over the discourse of racial justice. This reality is citizenship excess, as is the grotesque morphing of civil rights ideals from ethical and political principles meant to protect and help minorities into political principles applicable only if they help majorities. Something was lost in translation between civil rights law and corporate structures. Beginning in the 1980s, the Reagan era of neoliberal policies and the language of diversity management transformed the discourse of diversity from one connoting racial justice to one connoting profit. Following the logic of this discourse, media corporations have created many diversity initiatives, all with the goal of fitting the legal environment of compliance with EEO/AA prescriptions, but only in cases in which this compliance can be translated into economic success. Everybody loves *Ugly Betty*: Latinas/os, immigrants, and media professionals. It is the latest example that diversity can indeed be profitable and the latest opportunity for a mostly white structure to embrace mainstream racial protocols without giving up structural privileges.

According to Streeter and Dávila, the influence of corporate liberalism in our political system has given form to a type of citizenship discursively regimented by corporate logic. Consumer rights stand in for political rights. Beyond this, I believe that changes in the discourse of diversity are evidence of more complex interiorizations of corporate citizenship. In naturalizing the idea that diversity should produce profit and benefit the majority (*Ugly Betty*, the University of Michigan), we redefine the legal and political elements of our subjectivity, circumscribing ethics to capitalism. Because our experiences as citizens are manifestations of legal structures, and because the legal field is so entwined with corporate logic, our political values become equal to our ability to generate profit for the majority. This is a highly racially conservative and alienating political schema that forces individuals to define their political worth based on majoritarian values. Central to these values is the idea that broadcasting televisual texts should speak to the majority, thus sidelining the argument that to have a just society, the majority must substantially learn about the other. This idea is at play in the public discussions of *Ugly Betty* and other

Latino programming. Ferrera, extremely happy and proud of having won a Golden Globe, explained to the press that Betty's story is "universal." Horta has repeated this notion on several occasions (Garvin 2006). Nina Tassler, who oversaw the development of *Cane* (another Latino-focused program) at CBS, has similarly stated, "This series illustrates our overall philosophy about diversity. It's the quintessential American dream. In its specificity, it becomes universal. We have to tell universal stories, and this is an American family" (Braxton 2007). To be universal is to de-specify race, class, and origin and to highlight majoritarian values, fantasies, and narratives. For whites, this is the norm. For nonwhites, this is cross-marketing.