In/visibility, Mobility, and Making Do in Contemporary Latina/o Migrant Rhetorics

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A dissertation submitted in partial fulfillment of the requirements for the degree of

Doctor of Philosophy

(English)

at the

UNIVERSITY OF WISCONSIN-MADISON

2016

Date of final oral examination: 5/19/2016

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Abstract

This dissertation examines the rhetorical valences of in/visibility in undocumented Latina/o migrants' everyday lives. I argue for an expanded conceptualization of Burke's identification that accounts not only those instances in which undocumented migrants enter into identifications with others, but also those in which they opt to remain unseen in order to continue being in and moving through the U.S. without getting caught. This expansion of identification allows rhetorical scholars to see and study how rhetoric is engaged through negotiations of in/visibility, as opposed to seeing only (and prescribing) visibility politics as the means to gain rhetorical agency.

Here I study migrants talking to (and showing themselves) to other migrants online, in sites and spaces where migrants are able to remain anonymous or give as much or as little identifying information as they want. In these sites migrants talk about their daily lives and about policy proposals that target them as either victims to be saved, or a problem to be solved. My analysis focuses on how migrants engage both in/visibility to make a place and a way for themselves within disempowering contexts.

After establishing the theoretical basis for linking in/visibility, identification, and mobility in the introduction, I analyze how migrants engage in non-identification when refusing to take out the driver's licenses offered to them. In this first chapter I focus on how migrants assess the risks of visibility and how they often opt to engage in invisibility instead. In the second chapter I examine how migrant day laborers are reframing identification through their microblogging on VozMob, concluding that their documentation of everyday, mundane life allows them to re-show and re-present themselves to each other in ways that counter the disempowering representations they are often subjected to. In the final chapter I analyze the "dollar vans" of New York City, and how these exemplify the nuanced courting and negotiation of in/visibility that their migrant operators and riders value. In the final chapter and conclusion, I further demonstrate that it possible and ethical to

study vulnerable subjects without asking them to show themselves either for our benefit or in exchange for rights.

Acknowledgements

I wish to thank my family and extended family—namely my mother, María; siblings, Mario, Leonor, Sergio, Angelina; and aunt, uncle, and cousins in Chicago—for their long-time support of my education.

Additionally, my professors/committee members at UW-Madison, Morris Young, Mike Bernard-Donals, Kate Vieira, Rob Asen, and especially Christa Olson, whose generosity, expertise, and mentorship have been essential to my development as a scholar and a teacher.

I also wish to thank a group of friends and colleagues, both here at UW-Madison and beyond, whose support has been invaluable in the process of attaining my Ph.D. and in writing this dissertation: Sharon Yam, Chris Earle, Elisabeth Miller, Elliot Morris, Nancy Reddy, Anne Wheeler, Stephanie White, Susan Meyers, Lisa Ede, Michael Faris, Taylor Boulware, Gin Schwarz.

Thanks also goes to the English Department and the Graduate school for the financial support they offered in the form of travel grants and fellowships, all of which were crucial to researching, writing, and presenting this work.

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Introduction

The ability of a person or a group to "make do" within disempowering contexts is rhetorical. By "making do" I mean the ways people and groups draw upon whatever informal resources are available to them (informal because these resources result from lived experience, the day-to-day, and are gleaned opportunistically from systems and institutions not necessarily catering to the disempowered) and which they leverage to transform one's lived realities. "Making do" becomes significant, in a rhetorical sense, when it creates access and opportunities that are otherwise withheld from people who lack legal status and political and economic power. I posit "making do" as a rhetorical enterprise because, in the case of undocumented immigrants, it's making do that largely results in their continued ability to be where they aren't expected to be, in the U.S., making a place and a way for themselves. Not only are undocumented migrants subject to popular discourses and public policy debates that are meant to immobilize them and exploit them, recent waves of anti-immigrant sentiment have resulted in renewed calls for their physical removal. And, on top of that, undocumented migrants are often depicted as people lacking in education, in financial resources, in agency. These factors are what I call "disempowering contexts," and it's within these that I posit "making do" as rhetorical.[1]

In these instances, making do isn't what people or groups do because they have no other option or recourse. "Making do" here isn't a temporary fix for a problem you will permanently

[1] I use "migrants" as opposed to "immigrants" to signal that, for many people, arriving in the U.S. isn't a neat and concise act of moving to a new place, setting down roots, building "the American Dream," and adopting/being adopted into "America." In fact, many people who come to the U.S. lead highly unstable lives that require them to keep moving, as it were, in their search for a livelihood and in their efforts to not get caught and deported. For a more robust explication of this distinction, see De Genova, Nicholas, P. "Migrant" illegality" and deportability in everyday life." *Annual review of anthropology* (2002): 419-447. Moreover, when I write "migrants" I will be referring to undocumented Latina/o migrants, even though it's not always possible to know, for sure, what a certain individual's legal status is.

address on the weekend when you have more time or once you get your next paycheck. For undocumented Latina/o migrants, making do is what is possible and what is available in their ongoing efforts to get things done, to make a way and place for themselves. For our purposes, making do is what results in the rhetorical agency that isn't coming to undocumented migrants given their lack economic or political power. While it is true that a society such as ours has established deliberative mechanisms through which to bring about change and transformation (i.e. voting), undocumented migrants lack access to these because of their legal status and because they don't come these mechanisms with the requisite political and/or economic power needed to participate in them. If migrants can't aspire to participate in these official ways, then what can they do? My sense is that undocumented migrants in the U.S. aren't settling for a rhetorical agency that gets assigned on the basis of citizenship, rather they are drawing upon a manner of informal recourses to make a better place for themselves. They are "making do."[2]

There are myriad ways undocumented migrants draw upon informal resources to ensure another day of work, another opportunity to attend a night class, another chance to go to the park—and all without getting caught. In this dissertation I focus on one particular way undocumented migrants are making do, and that is how they navigate and negotiate visibility and invisibility. Despite their lack of access to, and despite a shared sense that they don't have many resources or even the ability needed to participate in the institutions and mechanisms U.S. society recognizes,

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[2] Although, not all making do is rhetorical. The ability to make a place and a way for yourself through whatever informal resources are available becomes rhetorically significant when this ability is employed within disempowering conditions. This is why much of what migrants do on a day-to-day basis can be thought of as being rhetorical: not only are the conditions in which migrants dwell, work, and play largely inhospitable, no one expects them to do more than subsist. If migrants manage a modicum of success it's largely seen as the result of a progressively motivated policy changes, or the product of benevolent groups' or organizations' efforts. There is little if any expectation that migrants can find and exert their own agency in making a place and a way for themselves within disempowering and inhospitable conditions. When they do, this is rhetorical as this making do opens up opportunities for them that are otherwise not available to them.

migrants are managing to remain in the U.S. and to be where they aren't expected to be because they've become adept at courting the types of visibility required by politics in the U.S.; at the same time, undocumented migrants also strive to remain unseen at certain times because invisibility allows them to more freely move—to get about their business—without getting caught. As such, visibility and invisibility aren't temporary fixes for a persistent problem, rather they are strategic positionings that result in rhetorical agency. For migrants, visibility and invisibility go hand-in-hand, and through nuanced negotiations of both they are able to make a place and a way for themselves.

But there's more to it: in occasioning rhetoric through both visibility and invisibility undocumented migrants demonstrate that it's not only visibility politics that can result in the type of change that disempowered and oppressed bodies want or need. This is an insight that, perhaps, runs counter to normative understandings of how advocacy works and, especially, how others are won over. In matters of rhetoric, it calls into question the operation of Burke's identification, which I argue relies heavily on social ways of seeing and looking—on visuality. Here in lies the intervention I want to make through this dissertation, that in the study of Latina/o undocumented migrant's making do (specifically, how they make do through both visibility and invisibility) we gain a more complete understanding of identification—when it works and when it doesn't—as well as a greater sense of how invisibility can also be rhetorically productive. If there's the potential for rhetorical agency in remaining unseen, then this suggests that one is not limited to modes of rhetoric that require one to show him or herself in exchange for a right or an ability to self-advocate, to become consubstantial, to influence others—that there's the possibility for rhetoric beyond identification.

For most of us, at least those of us who benefit from the symbolic rewards of citizenship, making do doesn't necessarily carry rhetorical potential; citizens and legal residents can advocate for themselves in other ways, and access to the deliberative modes established for the purposes of influencing others. If and when empowered people make do, it's only a temporary as they'll be able

to participate in officially sanctioned and recognized activities that are designed to bring about change. These sanctioned and recognized activities, we should recognize, function largely through how we appear or are made to appear to others (and vice versa). But for undocumented migrants, social ways of seeing often makes them out to be victims or powerless, subjects in need of saving by those of us in a position to grant them rights, thus "making do" represents a rhetorically significant way of making a place and a way for themselves on their own terms and using their own agency. In terms of visibility and invisibility, the migrants in the following pages are showing that there's rhetorical possibility in being seen (something we already know), but also in remaining unseen.

Expectations about what migrants can do—about their rhetorical agency—these are directly tied to the social filter and a frame available to us for seeing undocumented migrants. Mirzoeff terms this frame "visuality," and visuality is an important theoretical concept in this dissertation ("On Visuality" 2006). The way undocumented migrants are visualized in our society—as people who don't know better and who can't do better—places rhetorical agency in the hands of others, in the hands of empowered citizens. This means that whatever reprieve is to come to undocumented migrants, that it is the result of actions taken up by empowered people on behalf of disempowered people. Consider the ongoing debate about comprehensive immigration reform, a national debate that casts undocumented migrants as "criminals," their families as "broken," as "job takers," as "rapists." Even the more positive representations, that undocumented migrants are "hard-working" for example, collapse the whole persons migrants are (though it's not hard to see why: whether "job takers" or "hard-working," these ways of seeing migrants make them intelligible within the common narrative "Americans" seek to see themselves in). If we look for rhetoric among undocumented migrants using the parameters we use to locate rhetoric among empowered citizens we are unlikely to find anything of theoretical value: undocumented migrants don't presume to persuade, argue, make claims, or deliberate in the ways we've come to think of as rhetorical. Which is why we need a

different frame through which to see and understand what migrants do. Making do in relation to visibility and invisibility gives us a way of thinking about what migrants are doing and which results in change and transformation that falls outside of the trappings of normative visuality. In this way making do offers scholars of rhetoric opportunities to study how rhetorical agency can and does emerge outside of a good character, authorial status, or socio-economic-political capital. Within the field of rhetorical studies, making do seeks to extend the recent orientation towards the everyday and the material.[3] Making do happens at the level of everyday life, and therefore posits a rhetoric premised on daily life activities, i.e., work, family, and leisure. Specifically, this dissertation looks at how certain undocumented Latina/o migrants make do in relation to visuality and how this making does affects their movements and mobility.

Importantly, the informal resources Latina/o migrants, especially undocumented ones, draw upon in order to make do in disempowering contexts do not necessarily have overtly political aims as their primary focus. Instead, making do in these situations is primarily about getting things done in a circumscribed, local way—securing another day of work, getting one's kids to school, paying rent and putting food on the table—without getting caught and deported. This is the primary distinction to make between the rhetoric I premise in this dissertation and between a more conventional, traditionally bound sense of it: rather than conceiving it as a way into political life and into public deliberation, I posit rhetoric as emergent in situations and contexts in which actors have a need to get things done. As such, rhetoric can even emerge in realms not directly related to public life, and as operative even when the ends are limited and personal (O'Gorman 72).[4] Further, I

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[3] See Hallenbeck 2012 for a persuasive explication of how attention to the everyday and the material can result in a more nuanced, critical, and productive understanding of rhetorical agency.

[4] It seems important to recognize here that a similar conception of rhetoric has been attributed to Longinus in relation to his *Peri Hypsous*, specifically by O'Gorman (2004), whom claims that rhetoric has historically been subordinated to certain essences or ends, e.g. *technê* and persuasion respectively (72). If we are to critically and analytically approach migrants' making do, then we should make

suspect that all the ways rhetoric does and might emerge in all the contexts in which humans and systems intersect and interact are not yet all known (and that they may never be all known). What this means is that, for all our attention to how agentive subjects position themselves deliberatively in order to influence others may only represent a small slice of a very large slice (and that there are other slices beyond the one we are currently working on). Allowing—rather, recognizing—that rhetoric is as much the provenance of those whose lives don't leave much time or desire to engage in the "affairs of government and men," but whom still engage rhetoric no less and with perceivable effects, ensures that rhetoric remains relevant in the 21st century (Nystrand and Duffy ix). Because this is a century that has been characterized by greater connection in a certain sense (i.e. globalization), but also in disconnection in another sense (between people and purposes). And deliberation, political judgments, and persuasion are inherently difficult projects to undertake in this new reality (Lyon 2013). A concept of rhetoric that elucidates how influence and change can result even within disconnection is especially necessary now.

As we further emerge into the 21st century, and as its transnational and neoliberal reorientations continue to variously displace and relocate people around the globe, the limits of deliberation, political judgment, and consensus will continue to be tested. We already do—and will certainly continue to—find ourselves in situations and contexts in which we can't easily (if at all) achieve the basis needed to take up shared projects of persuasion; we find it increasingly hard to depend on shared language, values, or goals in our efforts to be with and among each other. None of which is to say that people will have any less need to define and take up shared public goals, but if commonalities won't get us to a place where we can individually and collectively take up a process

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rhetoric about rhetoric itself and not be too quick to attach rhetoric to a particular discourse or tradition (75). If we allow for this then rhetoric can also be seen as operating in realms and contexts not explicitly political and as being of practical value to those—*especially* those—whose lives are rendered invalid or invaluable by politics, then we can observe and study rhetoric in contexts that are not necessarily about persuasion or politics.

that results in change and transformation, then we will need a more up-to-date and comprehensive theory and practice of rhetoric to help us make sense of the revised symbolic realms of this new century. This, however, isn't a new a new project. In many ways, the study of rhetoric is also the study of change. Beisecker's and Lucaites' lead with this assertion in *Rhetoric, Materiality, & Politics* (2009):

> The history of rhetoric is a history of change and adaptation. Whether understood as a theoretical concept, a cultural practice, or a sociopolitical phenomenon, rhetoric's meaning has been consistently situated and evaluated in terms of the social, political, and economic needs for and demands on discourse. (1)

As a rhetorician in the 21st century, I understand rhetoric to be all of these at various times and in various spaces. Scholars of rhetoric expend much energy treating rhetoric as a theoretical concept, and we seek to always locate it cultural practice and/or as a phenomenon within the sociopolitical realm; I do too. But as Beiseker and Lucaites assert, to study rhetoric is also to study change and adaptation; indeed, the observance and study of rhetoric has always been linked to how conditions change and how symbol-using beings exist, adapt to, and thrive within changing conditions. This is especially true now, in the early part of the 21st century, and as the globe and its inhabitants reorient in unprecedented ways, and so this requires that we once again see rhetoric as a force within and causative of change. Given how the particular changes we're experiencing and observing in a globalized and neoliberal context continue to tax our normative understanding of rhetoric and how it emerges out of shared goals and commonalities, it is now necessary to theorize rhetoric differently. This is a project that will require study and inquiry that is situated within the macropolitical and economic discourses, sure, but also at the mundane existences of people in even the most micro of contexts, in the everyday.

Burke's identification is one concept within the "new rhetoric" that seems to be taxed by our new and current realities. The massive relocations of people currently taking place across the globe as a result of warfare, economic crises, and climate change have brought people of different tradition and custom to the borders and interiors of those countries that have most subscribed to and benefited from a tradition rhetoric centered around the rhetorical valences of identification. These mass relocations have occasioned contexts in which achieving consubstantiality proves incredibly difficult, if not outright impossible. Necessarily, this calls into question the effectiveness of identification in people's attempts to influence others. The proliferation of situations in which consubstantiality is untenable indicates that there are significant limitations to a model of rhetoric that is premised on shared values, language, goals, and ways of being, which is to say, on identification (or to the rather facile ways the field has taken up Burke's concept).[5] Because not all acts of consubstantiality are possible, and even when they are, they don't guarantee that identification will take place.

Identification, as I explain later, assumes equality. But there can be no context in which all those present aren't placed on a power differential. If we apply a theory of rhetoric that requires people to align their ways with others without accounting for how these alignments either reify or result in further misalignments of power, privilege, and access, then we stand to perpetuate these misalignments. But beyond that—if we don't recognize the unequal status that exists in all acts of identification, then we fail to see why some may opt to forgo identification. And if we fail to acknowledge these instances (or if we see them as failures as opposed to strategic positionings), then

[5] As a for instance, consider that a 2013 U.N. report found that there were 51 million forcibly displaced people around the world—the largest number since the end of World War II. Nearly every metropolitan area in the U.S. has become a sort of home for a large number of refugees, asylum seekers, or people forced to leave their own countries as a result of conflict, extreme poverty, and disease, or economic hardship (UNHCR Report). To this number we add the millions of migrants who've also been made to leave their own countries as a result of international economic policy that results in local economic shifts that produce poverty and violence.

we also fail to see what those who choose not to enter into identification might be gaining in exchange. Here I argue for an option beyond identification, non-identification. This is an option which more readily results in rhetorical action for people who assess a situation and decide that the visibility required will either put them at greater risk or won't result in consubstantiality. I also argue that there are good reasons to look for instances in which people opt for non-identification over identification because in these we stand to learn something about how people lacking in power and status are able to create opportunities and to transform their realities without having to depend on empowered others to grant them rights or agency.

Necessarily, this dissertation is in conversation with Burkean identification, but it is also in conversation with certain scholars who have been critical of it. Specifically, I approach identification with an understanding that there are implications to identifying with others that go beyond creating the conditions for persuasion. Moreover, I argue that not all of these implications are desirable for certain people whose lived conditions make it difficult to access rhetorical agency, and that in some cases these implications actually act as an impediment to rhetorical action. Here I align with Phelan (2003) and Brouwer (1998), two scholars which helped me link looking and seeing to identification. But it's not only that certain types of visibility could be dangerous because of how it results in marking, in unwanted surveillance, and invites the disciplining of bodies—to these critiques I add the notion that even those types of looking and seeing that are meant to help can also be risky.

These critiques of visibility and how I connect these to identification find resonance in Hesford (2004; 2011) and Samuels (2003; 2014), whose various critiques of witnessing, spectacle, and representation—the various elements comprising representational politics and which often result in the assigning of disempowering identifications—have also allowed me to interrogate the link between identification and visibility. Moreover, Hesford's and Samuels' keen attention to how visibility and representation function in relation to gender and race respectively further supports my

assertion that that there is a real risk to the already disempowered and unequal in the transaction that is identification.

As I've worked to critique the primacy of this oft described and prescribed mode of human interaction, I also began to ask how people who are not served by identification in all cases and all the time manage to be rhetorical outside of it. This is where my dissertation moves beyond critique—in pointing out what there is beyond or in addition to identification, and why it behooves us to study it. The migrants whose everyday actions and words I pay attention to in the following pages give ample evidence that there is greater rhetorical value in entering into identifications selectively, in refusing some outright, and in cultivating invisibility at times. This is visibility and invisibility on a case-by-case basis. This goes against a normative understanding of how many have come to think about activism, advocacy, and social movements, all of which assume and prescribe a wholesale visibility. Over and over we hear the loudest political actors calling on migrants to be more visible—to make themselves and their struggles known. Indeed, some do, and with some positive effects (i.e., to DREAMers and "coming out of the shadows"). The visibility politics operating in social movement work and advocacy make visibility a prerequisite for change and transformation. Visibility, we see here, is central to the project of identification as it requires people to make themselves seen and known so that others might be moved to identify with them, in which case those who now see themselves in or as migrants might be moved to grant them some rights. As long as we continue to encourage or require visibility for the purposes of persuading others or as a basis to make claims of rights, then we stand to make the lives of the already vulnerable that much more difficult.

Of the many likely implications occasioned by this under-examined link between identification and visibility are the effects greater visibility has on the mobility of migrants. Migrants' livelihood largely depends on their ability to move, to keep moving, and on their successful

avoidance of obstacles, physical and symbolic. This dissertation therefore regularly circles back around to how calls for greater visibility could result in hindered mobility; at the same time, it works to show how migrant's negotiations of in/visibility results in their ability to keep moving. Even as movement and mobility are distinct concepts in an analytical sense, the two are much more difficult to separate when it comes to the lived experiences of migrants. In many instances those activities that most of us would consider as resulting in social/upward mobility are separate from the movements people have to do in the course of their daily lives (e.g., getting to work, school). For instance, many activities that could result in upward mobility have to be gleaned opportunistically from more mundane movements or they have to be undertaken at the expense of necessary life-sustaining movements (e.g., taking English-language classes have to be scheduled during times when one really should be working). Or this: going to school can't be separated from the movements associated with physical labor in the sense that working a fast-food job correlates with their ability to pay for school, which in turn facilitates upward mobility. The distinctions some of us are able to make between physical movement and mobility are not always available to undocumented migrants. All of this to say that, while I'm aware that there's a technical distinction to make here, I don't always move to make it because migrants themselves don't make it. As Vieira (2016) has argued, migrants in the U.S. have a reasonable expectation that "social mobility [is] a natural extension of physical mobility "(9). Movement and mobility, these are intricately braided for migrants in away that further characterizes the complexity of migrants' lives as we will see in the first chapter.

In/visibility, mobility, and making do—these are the three concepts on undergirding this dissertation, and these are the three tenants of a more comprehensive conceptualization of rhetoric for use in the 21st century. Looking at and beyond identification towards the alternatives available to and oft engaged by marginal subjects shows us that there are good reasons to eschew the totalizing visibility called for by identification. Being selective about which identifications one enters into, one

refuses, and one reframes—this is what others affords undocumented Latina/o migrants dexterity, flexibility, and expedience needed to be in and, in time, transform "conditions of little or no respect" (Cintron 164).

The intricacies of visuality in respect to undocumented Latina/o migrants are fully on display in artist Ramiro Gomez' recent project entitled "Happy Hills." The artist explains how his experiences as a live-in nanny in some of Los Angeles' most affluent neighborhoods made him aware "of the workers [Mexican] workers who are an integral but invisible part of wealthy society in Los Angeles" (Sullivan). "Happy Hills" is Gomez's attempt to make those invisible workers visible by putting them directly into the social and physical milieu in which many of us have been socialized to *not* see them. The project is comprised of revised (truly, re-seen and re-conceived) artworks, advertisements, and physical spaces. In these Gomez purposely re-inserts Mexican workers doing the work that allows the original actions and realities of the original artwork, advertisement, and space to exist and function in the first place (through what is sometimes called "invisible labor"). For example, in an ad selling floor-to-celling bathroom windows (for the Ferguson Bathroom and Kitchen Gallery line), Gomez leaves the advert mostly in tact—there's a statuesque model standing near a window and she's on the balls of her feet; her slender arms lift her hair up behind her head; she's dressed in an over-sized men's dress shirt (perhaps she's spent the night at male lover's place) and she is taking in the picturesque view of the valley below. The shirt billows behind her. The bathroom is sparse, almost antiseptic, and the sparsely clothed model doesn't do much to weigh down the space or the ad: the entire advertisement communicates openness, airiness, cleanliness. There's a tag line in the bottom corner of the advertisement that reads: "PuraVida. A new sense of lightness in the bathroom."

Like most advertisements, this one doesn't invite any interrogation of the claims being made by the manufacturer. Like most advertisements, this one invites a viewer to place him or herself in

the moment of the scene put before him or her and to, in this case, luxuriate in the potential effects of buying Ferguson's PuraVida windows. Gomez, however, resists this version of this reality. He knows that a clean, sparse, airy bathroom has more to do with the labor of persons not invited into the advertisement than it does to Ferguson's windows. To that end he's added something to the advert for his version, a drawing of a dark-skinned woman bent down in the lower right portion of the ad. She is bending down at the knees, cleaning. Dressed in jeans, tennis shoes, and a black top, she's busy sweeping debris into a dust pan. This interpolated woman isn't rendered in the life-like manner that the statuesque model is. She's an obvious addition to the scene, and Gomez has used darker, more muted colors, as well as heavier and rougher strokes, to render this woman, a worker. She isn't a model, her life is more rough than the other woman's, and she's certainly not as care-free. Gomez has titled this piece "Lightness and Heaviness."

Gomez also revises David Hockney's "A Bigger Splash," an iconic painting which, with its depiction of two blue planes, one a bright blue for the Southern California sky and another (an indigo blue) depicting the surface of a pristine pool into which an unseen driver has just jumped into. The lower plain of the original painting runs off the bottom edge of the canvas in a way that invites the viewer in, as if she or he were next in line to dive into the pool. Hackney's painting has come to shape a modern imaginary about the easy living of Southern California. The original painting is striking for it's lack of people (the only person who is in the picture is obfuscated by the splash); only a pair of very tall, very slender palms bear witness to the fun happening. Gomez, however, shows us this scene at a time before or after Hockney's choice of moment; in Gomez's re-vision the pool is now still and two dark-skinned figures have been placed in the foreground. One of them is skimming the surface of the pool with a net, the other is a woman sweeping the floor nearby. These two are here before the splash or after it. And it's obvious that their presence is what

makes that life of leisure, a life we're really only invited to see and know California at the time of the pool party, the splash.

In another of Gomez's works, this one an installation in physical space, we are made to see a group of migrant workers bereft over the death of one of their own. In the dessert, under the outstretched arms of a saguaro, a grouping of six cardboard cutouts is arranged around a make-shift cross on the ground. Three figures stand to the left and three more to the right. All of them posed and in postures that communicate grief and sadness. There are men, women (one is pregnant), and babes in arms. Who are they mourning? Isn't that the question we might ask whenever we are confronted with a make-shift cross or memorial on the side of the road or some other public space? This particular work calls forth the thousands of lives lost in the Arizona desert, the lives of migrants who aren't fortunate enough to survive the border crossing. These deaths happen miles away from roads of any kind, miles away from where anyone might happen by them and wonder, Who died here? It seems that Gomez is here asking us to look doubly, once at those who died crossing the border, here represented by the make-shift cross and the mourning, and also at those who might know them, those who might mourn their death. There are two invitations to look at and to see here, one is to consider and acknowledge all those who have died in crossing the Arizona desert, and another to consider the living—the survivors who, despite these losses, must find a way to keep moving, to keep working, to keep living. These are people and experiences we aren't invited or encouraged to see on a daily basis, and certainly not in popular debates and discourses about migrants.

As I understand it, Gomez's art is meant to revise our sense of what migrants do and why it matters. And it does this by forcing us to see migrants in places and at times when we aren't accustomed to see them. Gomez might identity as a migrant himself, and even as he's achieved a modicum of success as an artist it seems obvious that he still identifies with migrant laborers. This

very well could be a project of self-sighting and of reframing, which is something we'll see more of in the second chapter. My interest in Gomez's work doesn't end there, however, as I see his work as indicative of how representation and perception are also integral parts of any process of identification. Because how people know, understand and see themselves is not always how others see them. This art reminds me that, when it comes to identification, in order for it to function optimally, there needs to be a reconciliation between the way the world sees you and the way you see yourself. This reconciliation hardly ever happens, certainly not in the case of undocumented migrants and other disempowered people. In identification perception and representation are crucial, but they aren't always allowed to achieve stasis prior to their being a sharing of substances. Gomez's art is an attempt to counter erasure (which is also a matter of perception) in how it asks us to see migrant workers, and to see them in non-customary ways (as they are commonly represented). But does Gomez's work occasion the reconciliation necessary for identification? No. In order for this reconciliation to occur there needs to be a shift in perception at the social level, and that' something that can only occur when the viewing is given back to migrants themselves. That's what I'll get into in the third chapter.

In this dissertation I will argue for the need to let migrants show themselves—to "self-sight" as it were, doing the things and engaging in the activities and taking up the actions that they consider integral to their place in U.S. society. As we will see, seeing migrants engaging in the uncelebrated, mundane, everyday actions and doings of everyday life as they would have us see them is rhetorically significant because it grants them rhetorical agency where representations that are assigned to them don't. These acts of self-sighting are a form of what Mirzoeff calls "countervisuality." Essentially "a dispute over what is visible," over which visible elements are rendered common to all within a particular situation, is what is at stake when we talk about countervisuality. Most situations grant the power to render certain elements common to those who arrived with power in the first place, so the

capacity of disempowered subjects to designate what common and "to argue for it" is the process of countervisuality (Rancière, qtd. in Mirzoeff 24.) If rhetoric is a force through which people get things done, then the ability and capacity to leverage everyday doings and actions for one's own purposes and which allows migrants to create opportunities that aren't otherwise available to them, represents a way into rhetoric that isn't entirely premised on how more powerful others see us, recognize us, know us. In effect, undocumented migrants aren't only limited to what others think about them, or to what others see in them and that is of value—they also have the ability to create new commonalities through their making do. This is the essence of making do: the ability to take what is common to you and to show others that it is also common to them. In making do undocumented migrants create opportunities for themselves (to influence, to transform) that aren't otherwise available to them.

In leveraging the everyday, mundane, and the informal into arguments about their own worth and value—in "making do"—migrants are transforming their everyday realities and, by extension, ours. The significance of quotidian and everyday actions and behaviors—things like cleaning, putting on a roof, experiencing loss or celebrating a birthday, making use of unauthorized transit options—these have rhetorical significance not in and of themselves, but because of where they happen, and by whose hand. Whereas many people can aspire to influence others and affect change in their own lives and in their lived realities through more recognized and "official" means, i.e., voting, organizing around political causes, making demands in public forums, bringing suit, etc., there are many among us—undocumented migrants specifically—whose lack of legal and social status requires that they find alternative means of influencing others and of causing change. Undocumented migrants, I have found in the course of my research, have to make do in this regard, which is to say, they must find ways of using all manner of informal resources in a sustained manner; negotiations of in/visibility are chief among these.

What this emphasis on everyday actions and behaviors does is deemphasize the authorial status of the undocumented migrant in any given rhetorical situation. And this is important because other ways of assigning rhetorical significance to an agent's actions often relies on the status they bring to any particular situation *a priori*. Undocumented migrants lack in social, political, and economic status (not always, but often), so this means that assigning rhetorical significance to what is otherwise un-meaningful within normative understandings of rhetoric and rhetorical contexts requires a reconceptualizing of rhetorical agency. Here I find Alex Reid's explications of rhetorical agency useful. He writes: "If we thought of human rhetorical agency as not being ontologically exceptional, then we would see it more the way we see Yellowstone Park or elephant evolution, as an emergent, ecological process in which humans participate" ("What if Wolves," February 27, 2016). Undocumented migrants have rhetorical agency within a concept of rhetoric that doesn't presuppose status-as-author (or speaker), and which sees all agents (who happen upon the situation) as potentially participant in the situation as it unfolds. (What I'll, in a bit, talk about in terms of "potentiality".) The "compositional process" (per Reid's formulation) is "networked, ecological, relational." This is a formulation that allows even those lacking is social, political, and economic status rhetorical agency.[6] What and how undocumented migrants leverage in this state of becoming—of potentiality—is what this dissertation is about.

Rhetoric is first and foremost a force through which things get done. Sometimes these things are large, multifaceted longitudinal projects that require the buy-in and participation of large swaths of people (as in a democracy), but other times these things are small, circumscribed goals that individuals or small groups take up in micro-contexts. Undocumented migrants emerge onto all manner of rhetorical contexts in their everyday life, and they are able to exert influence in these contexts despite their lack of status. And whereas we are trained to recognize and consider mostly

[6] And yes, this is a decidedly materialist approach to rhetoric.

those rhetorical actions that take place as part of democratic projects of persuasion and other contexts of public deliberation, there is also rhetoric at work in more circumscribed and immediate contexts; migrants everyday actions as they happen through in/visibility can show us this rhetoric at work. Therefore, I posit that we also learn a lot about how people get things done when we apply a rhetorical lens to the quotidian and everyday actions of disempowered people, i.e. undocumented migrants.

There is a rhetoric that operates in, and which can be studied in how people do Politics, a rhetoric that people engage in when participating in projects of persuasion that can be taken up in the public sphere. This dissertation is not about this type of rhetoric (it's certainly not its focus). Rather, this dissertation is about a rhetoric that allows for disempowered people to also get things done even when they can't or won't participate in these public sphere projects of persuasion. Burke's identification is, in a large way, conducive to the study of the ways people have of creating opportunities for influence within larger publics, but what about those contexts in which people can't or won't access the modes of participation that have been set up within deliberative systems? It's true that identification elucidates rhetorical actions take up by people outside the trappings of politics, but can it also help us account for how people do this outside of the visuality that identification requires? Because identification isn't itself free of the assumptions that get attached to visibility, and so one major question going into this project was: can identification also operate through invisibility?

This is where the role of mundane, everyday actions and behaviors becomes important to the study of rhetoric: if and when the types of visibility required for identification are judged to be too risky (especially when we consider that identification doesn't conclude in or guarantee consensus or success for one party or another), then there must exist other ways of exerting influence that don't require one to be seen in further disempowering ways. In a society that has historically

elevated a work ethic, "family values," and productivity as desirable attributes among "Americans" and would-be Americans alike, undocumented migrants are finding that they could create possibilities for themselves by showing themselves doing these things, by enacting these values. Their courting of these types of seeing hint at one way that identification can be reframed. Putting on roof, celebrating a birthday, riding unauthorized "dollar vans" run by and for "enterprising" migrants—these are all mundane acts, yes, but they are also informal resources that give disempowered people an opportunity to show themselves in favorable terms. But reframing is but one thing that migrants can do; migrants can an do also cultivate invisibility as way to ensure that they can continue moving, that they can make a place and a way.

This dissertation is about men and women living in the U.S. who are transforming their material conditions by leveraging the everyday in rhetorically significant ways. It is about people who, through everyday practice, are negotiating in/visibility rhetorically so that their movements are productive beyond what is dictated within a neoliberal system. Necessarily, transformations in the material conditions of those on whose labor we depend on to support our economy and to increase capital gains also results in transformations in all of our material conditions in general. My argument is that these transformations take place through nuanced negotiations of visibility and invisibility within particular situations, and which result in greater capacity for migrants to move, to be, to stay. If there's a way for undocumented migrants to achieve actual or, at least, a more equal consubstantiality, it is the result of these negotiations.[7]

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[7] Without wading too deeply into the muddled waters of what Burke means by "substance" in regards to becoming "consubstantial with another," I want to say more about how I am using consubstantiality, especially in relation to identification. Following Olson (2013), I see consubstantiality as the place where two or more bodies can become one "substantially one." There are two important aspects of this worth pointing out here, the first being that consubstantiality is a possibility, not an inevitability. This is important because it makes identification a risky proposition for one or some of the bodies on site; consubstantiality does not require or render bodies to be equal in order to become "substantially one," and therefore it's essential that we recognize that some bodies are at greater risk than others when it comes to identification. The second important aspect

Because consubstantiality neither requires nor results in equal power or rhetorical agency among parties to identification, it's probable and entirely likely that whatever power and status differentials precede consubstantiality exist within it (and after it). This makes identification quite a risky proposition for the subaltern. It stands to reason, then, that migrants lacking in status and power in the U.S. might be weary of entering into symbolic spaces that, even as a sharing of substances might result in an "acting together," could potentially disempower them even more and/or make them more vulnerable in other ways and in other contexts. (Because even as there's a "moving together," there's no guarantee that the direction in which they are moving is to the equal benefit of all parties involved, or that one or some of the parties aren't being coerced; or that unforeseen circumstances won't negatively affect some partiers more than others due to differences in access to resources and to legal protections.) The migrants I write about in this dissertation not only evince just how risky identification is (even when it appears within efforts meant to help migrants), they also demonstrate that there are ways of weighing those risks and of acting to counter them. In their everyday actions and behaviors migrants demonstrate that there are other ways to "gain advantage" within disempowering contexts and which, very immediately, allow migrants to avoid exploitation, detainment, deportation (Rummel 49).[8]

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has to do with the nature of consubstantiality: it's not that in becoming consubstantial two or more bodies become the same or one (or, for that matter, equal), rather it's that we come to share some substance(s), a part of the whole, not the entire whole. Olson explains it as "just as biological offspring both share the body of their mother and yet also remain distinct from it" (163). As such, to become consubstantial renders bodies in that space as both "one" and "other" or, as "physically aligned with the positions of another but not quite the other" (164).

[8] "To gain advantage" is, perhaps, a dimension of rhetoric that has been devalued and/or under-theorized due to its link to the sophists; however, what were to happen if we think about rhetorical practices that results in an advantage—not in political fora or for the purposes of persuasion—but rather in the small, mundane matters of everyday life? Understandably, Isocrates' relativism exposed his conception of rhetoric to charges of potential opportunism, amorality (or immorality), and the like. Within the confines of politics, it's not difficult to see how a rhetorical practice that isn't premised on some (allegedly) shared sense of good or right makes people uncomfortable. No less, there are aspects of Isocrates' conception of rhetoric that seems extremely pertinent to people for

For those of us attuned to how rhetoric's meaning shifts over time and across contexts, the everyday actions of migrants are important because we sense and realize that what migrants do outside of identification is changing the way we think about and theorize the social-rhetorical practices that actually result in agency in a globalized 21st century; more over, undocumented migrants' ways into rhetoric serve as an invitation to rethink the terms of identification, when and how it works, and when it doesn't. My goal in this dissertation is to locate rhetoric in light of and beyond identification. Second to this goal is an attempt to describe a pragmatic, expedient rhetoric, one originating from complex negotiations of in/visibility as we see demonstrated through out the three case studies that follow.

The first chapter centers on migrants talking about state-based efforts to grant undocumented migrants drivers' licenses. In the first decade of the 21st century a number of states around the U.S. took up legislative proposals that, if made into law, would have allowed undocumented migrants to acquire a driver's license. Many proponents of such measures touted the various benefits, if not for migrants themselves, then to our roads (licensed drivers could be insured

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whom participation in politics is denied or undesirable. For instance, Isocrates places *episteme* on part with *doxa*, thus indicating that the surety of (constructed) knowledge isn't sure at all, and therefore is as useful at getting at the "right to do" as a person's earned opinions are. This is useful for thinking about how people who aren't trained in rhetoric can be—and are—no less, rhetorical. Our legacy of western history of rhetoric places rhetoric among those who've studied language and communication exclusively. This orientation leaves little room for people whose rhetorical practices are garnered through experience; it also makes rhetorical scholars sinners through omission because, in our myopic attention to the ways of rhetoric among the elite, we miss opportunities to see rhetoric elsewhere. Isocrates rejects a simplistic version of rhetoric that makes it out to be a science of communication and persuasion made up of rules that can be learned and imparted. In Isocrates we have room for rhetorics emphasizing personal judgment, taste, measure, and flexibility: "good rhetoric is difficult to learn," writes Isocrates," because it requires imagination and awareness of *kairos*," imagination and an awareness of knowing when and what to say—and do—being central to the "making do" of migrants. What good is knowledge of rhetorical terms, of *topoi*, or the forms public speeches to the migrant whose social realities keep him moving—to another bus, to another city, to another job, and all while not getting caught? None, unless he has "the ability to make use of them," and this ability is not necessarily the rhetorician's or the pedagogue's to give. Indeed, there are good reasons to take up rhetoric as a force by which people living on the margins of political life "gain advantage" in their day-to-day.

drivers) and to the coffers of municipalities (fees and taxes) and insurance companies (premiums). By and large progressive voices within the voting public supported these measures, while conservative voices rejected them on the basis of fallacies, arguing that people in the country illegally had no rights, should be given no rights. These debates were had out on local and cable news programs, in state and national newspapers, and on comment threads online. For me, there are two significant attributes to these debates: 1) the voices were always the same, even if the speaker was different; invariably, a newspaper story or television news segment featured a liberal person talking about the benefits of granting undocumented licenses (and their appeals were often market-driven or ideologically driven), a conservative person talking arguing against the policy (also along economic and ideological lines), and then, towards the end, a migrant's quip about how much his or her life would be easier if she or he could be allowed to drive with a license. As I was interested in what migrants themselves had to say about these policies, I often focused on these moments at the end of the story, but was soon perplexed about the unvarying statements migrants were quoted as saying. Soon enough, I realized that the overall stories themselves were unvarying, that there was really only one story being told over and over in the mainstream press. After weeks of locating and bookmarking news stories, I realized that what I'd collected were dozens of versions of the same story. I realized then that this approach to what I was hoping to find would, in fact, not yield it.

Luckily, I happened upon a segment of NPR's and the Futuro Media Group's *Latino USA* radio program in which the producer profiled a small internet radio station operating in the basement of a Philadelphia store. Philatinos Radio, which started with three hours of programming per night geared towards Philadelphia's Latin American migrant community and its counterpart south of the border, featured music, community bulletins, and occasional transnational messaging (and song dedicating) between listeners in the U.S. and listeners in Latin America. Within months, I learned, the station had grown its programming to include a number of programs, all hosted by

members of Philadelphia's migrant community, and directed at other migrants both near and far. There were programs dedicated to public affairs, health and nutrition education, legal advice, and there was even one program hosted by two working mothers who shared information and tips for rearing children and navigating health and education bureaucracies. Within a year of its inception, Philatinos Radio had grown to offer round-the-clock programming, all by and for migrants. I spent several days listening listening to dozens of hours of archived programming, and soon enough I found some of what I was looking for: a public affairs program that dedicated two consecutive segments to a discussion of House Bill 1648, a bill that was introduced in 2013 and which would have granted undocumented residents in Pennsylvania the ability to carry a driver's license. (The bill was ultimately abandoned once it arrived at the state legislature's transportation committee.) Listening to this program alerted me to a critical problem within the debate over licensing undocumented migrants, one which I would have totally missed had I limited myself to the contours of the debate as it was happening in mainstream media: migrants themselves were conflicted about the proposed legislation, specifically about whether or not the benefits promised through carrying a driver's license outweighed the inherent risks. As I looked more into it, I realized that this was, at its core, a critical problem of identification.

The first chapter, then, takes up all the ways migrants talk to each other about these seemingly generous (albeit economically and ideologically driven) and progressive policy proposals in these online radio forums. Happening upon Philatinos Radio made me realize that other migrants in other states were likely having similar discussions and in similar forums. I knew better than to expect to read or hear them in mainstream forums, so I looked online, in internet-enabled spaces. This led me to Radio Bilingüe in California and Radio Educate in Colorado. I also found some critical discussion on (then NPR's) *This American Life*, in an episode dedicated to Alabama's HB 56. Together, these primary sources allowed me to hear migrants talking to each other about policy

debates that, even as these were of direct consequence to them, they were mostly excluded from, or in which they were largely mischaracterized. More over, their talk and critical discussion cued me in to the all the ways that identification can put undocumented migrants at further risk; for me it was a revelation that my own thoughts about what could help migrants/how migrants could help themselves was, in part, false. Easy for me to say that these licenses were a good thing, that migrants should be allowed them. But that's only because I'm not in a place where I don't already possess a certain level of legal and social status, a position that shields me from the side-effects of being seen and looked at. This insight led me to another question: in what other ways were undocumented migrants courting invisibility, and to what effects? And another question came later: how were invisibility and visibility used by undocumented migrants to ensure their mobility?

In the second chapter I move forward with these questions to consider how migrants themselves choose to appear (to engage visibility) when given the opportunity, ability, and forum to represent themselves in public life. Chapter 2 focuses on a group of migrants/day laborers in L.A. who've been equipped with smartphones and some basic training in microblogging. A collaboration between the Annenberg School for Communication and Journalism at the University of Southern California and the Institute of Popular Education of Southern California resulted in the VozMob ("Voces Móviles/Mobile Voices") platform, a depository of annotated images (still and moving) depicting the lives of migrant day laborers in Los Angeles. The "About" page of the (bilingual) VozMob website describes the project as "a platform for immigrant and/or low-wage workers in Los Angeles to create stories about their lives and communities directly from their cellphones" ("About vozmob").

In VozMob I found a ready-made archive of the quotidian and the mundane, a collection of material that I, erroneously, nearly dismissed because I didn't immediately recognize the critical value in the ordinary aspects of the lives of people who are mostly thought of and discussed in relation to

larger political discourses (i.e. laborer rights and immigration policy). I even described it as "a Facebook" for day laborers to friends and colleagues. Inherently, I felt that the material on VozMob was precisely what I was looking for—it was, after all, distinctly about the everyday—but I had a hard time seeing these depictions of ordinary and rather humdrum activities critically (i.e., a baby dancing ecstatically to a *cumbia*; an outing to a community fair; a birthday greeting; pictures from a Valentine's Day party held at the day laborer center, etc.). It took a few conversations with my advisor to realize that that was precisely what was interesting and of critical value, the very fact that these people, when given the chance, weren't talking about or representing themselves as political subjects, but rather as banal beings. Here were people who find themselves regularly and wholly caught up in a web of political debates that too often render them voiceless and invisible (though not on their own terms), as something to talk about as opposed to agentive individuals with lives outside of political maneuverings. When migrant day laborers appear in these debates on the English-language pages of national newspapers or on television or radio news programs they are variously criminalized, and when they are evoked in Spanish-language media they rarely appear speaking in their own voices or in their terms. Typically, policymakers talk about "immigrants" as an aggregate problem meant to be fixed through comprehensive immigration reform. I, like the institutional sponsors of the VozMob project, likely expected that, given the means and the chance to speak of themselves and for themselves, these migrant day laborers were going to actively resist, counter, and readdress all the ways they are rendered invisible or inaudible on the national stage; instead, I got pictures of people's kids, pictures of people celebrating, and video of men working on a roof talking about soccer (among other things).

None of this to say that the material I found on the VozMob website wasn't in some way attuned to the larger political discourses in circulation about migrants and immigration. Indeed, most of the regular contributors/microbloggers referenced or mentioned immigrant rights rallies or

developments in the national immigration debates, but most did so obtusely, as if saying that they were aware—like we are all aware—that U.S. society is having these debates, and that they are important, but also that they aren't central to their lives (much in the same way, perhaps, that they aren't central to my life). Front-and-center are work, children, school, and leisure, which is to say, the things that are central to all of our lives.

Chapter two, then, proposes another way to think about how people in our society—especially people for whom recognized forms of civic participation and deliberation are not possible or desirable (because of material constraints, i.e., having to work multiple jobs, and the risks inherent to being seen, identified), make a place and a way for themselves: through self-sighting and through reframings of identification. I use the term "recognition" in this chapter to get at these two concepts because it's the term that I most often encountered within VozMob as these migrant day laborers made sense of what they were doing with their smartphones and their sharing. They talk about recognizing themselves and for themselves in and through their microblogging, and they talk about how their microblogging could serve as an invitation to others to see them as they see themselves, as they actually are. One prominent microblogger, for example, asks the viewer to consider—to recognize—how he and the many day laborers in L.A. are "builders of community" in reference to pictures of a garden he and other day laborers planted in a public space.

Approached critically, there are numerous ways to pick this term, "recognition," apart (and there are reasons to be suspect of a version of rhetoric that requires the recognition of others—more powerful others—in order to be or to act). Still, with these critiques in mind, I find the term useful in writing about these migrant day laborers. They seem too as well. Because a lot of what we will see in chapter 2 is migrant workers showing themselves first and foremost to each other, I propose taking up recognition first and foremost within this immediate and circumscribed context—to see it as something that migrants are doing for themselves and for reasons particular to them. The

recognition at work on VozMob is meant to create opportunities for these migrants that aren't otherwise available to them. In showing themselves to each other—in making visible the small and seemingly insignificant ways migrants make do in daily life, they are self-sighting and reframing other disempowering ways of seeing and looking. Even as recognition may prove to be an imperfect concept for thinking about questions of resistance and oppositional rhetoric, it proves useful for thinking about how people without a place to stand manage to make a place for themselves in the long run. Put another way, here are migrants seeing each other differently than we might see them; it's also an invitation to see them as they wished to be seen. (And that is not the same thing as asking us to be identified with them or them with us.)

In the third chapter I analyze how migrants engage both visibility and invisibility in order to keep moving in and around New York City using "dollar vans," paratransit services run by and for (mostly) migrants. In this chapter I treat in/visibility in all its complexity, as it might appear and function for migrants on a daily basis. Here I posit that it may not be useful to approach visibility independent of visibility, and that in any given situation or context migrants are likely to be cultivating and engaging both and simultaneously at time to ensure that they are able to keep moving.

In operation since the 1980s (as a result of a transit strike left many people stranded for the better part of a work week), these dollar vans now make up networks that span most of New York's outer boroughs and a sliver of New Jersey. Unmarked cars and vans pick up and drop off riders where it is convenient for them, often shadowing regular bus routes but never following too-rigid of a schedule or trajectory. They also charge less per passenger. Migrants report that they prefer these "dollar vans" for a variety of reasons: they run when buses don't (often allowing migrants to get to and from third shifts), riders are ensured a seat, other riders and the drivers themselves are migrants and speak the same language, riders can arrange for door-to-door service, drivers are willing to wait

while a rider runs out to get a child from school or daycare, parents can prearrange with a driver to take and bring a child to school (a service the brings piece of mind when parents have to work long hours or irregular shifts), and because they are familiar. Indeed, dollar vans provide migrants with a suite of benefits that, taken together, exemplify the dexterity, flexibility, and practicality required by migrants in their making do. The only problem is (if we approach paratransit services from within an identification-based frame) that these services are largely unauthorized. But this is only a concern to the authorities as many of the migrants using them are themselves unauthorized, and so they understand that there's value in eschewing governmental oversight. The invisibility that these paratransit services operate under, coupled with the types of seeing they do seek out, proves to be an asset for people who themselves are negotiating in/visibility in order to keep moving.

The third chapter further establishes the rhetorical benefits of cultivating invisibility while also engaging visibility, albeit strategically. In/visibility, undocumented migrants show, is a richer rhetorical resource than it's often made out to be in civil rights discourse, social movement scholarship, and other advocacy work. It's isn't the case that disempowered people have either the option to submit to misrepresentations or that they have only to show themselves and their struggle in exchange for rights or a change in status. This view leaves little room for migrants' own rhetorical agency to emerge and to operate. But the migrants in this chapter operate at the intersection of different types of seeing and looking, including the seeing and looking they do on their own and for their own purposes. In this particular context we see how visibility is differentially applied in and around New York City as various policies seek to identify migrants through measuring, counting, and mapping that often claim to be for the benefit of migrants but which don't always result in greater allocations of resources for migrants. Sometimes migrant communities are measured, counted, and documented and the result in disinvestment. In light of these differentially applied ways of of official seeing migrants do looking and seeing of their own—they engage in

countervisuality—and thus are able to counter reductions in service so that they can continue to get to school, work, the market, etc. when and how they need to.

Chapter there, therefore, is part case study and part invitation: on the one hand the rhetorical context in which New York's migrants and their dollar vans operate in presents us with an opportunity to consider how migrants variously do in/visibility so as to be able to get things done despite the disempowering identifications they are subjected to; on the other hand, this particular context invites rhetorical scholars to consider how even generously motivated efforts to research, write about, and advocate for migrants can be operating under the assumption that all visibility is good, and that migrants needs only show themselves or allow themselves to be seen (studied) in exchange for rights or higher status. This chapter invites alternatives to this type of advocacy. As an analytical focuses this chapter takes up a recent (2014) "interactive project" published in the *New Yorker* that sought to legitimize the dollar van networks by rendering in the style of the familiar and ubiquitous New York MTA Subway Map. The project undoubtedly assumes that making what has, until now, been an open secret in the city, visible and intelligible to intelligent and progressive readers of the *New Yorker* will result in the dignifying of migrants' movements. Little if any attention is paid to how this visualization might result in exposure and risk for those who, so far, have opted to remain mostly unseen. This realization, I hope, will serve to give others pause as they go about doing the work of studying migrants and other vulnerable populations. There are other ways to study rhetoric in situations where subjects have signaled that they don't want to be seen (at all or in certain ways), and it begins by asking first how it is that migrants are choosing to show themselves, when, and for what reasons.

Aside from bringing together the various theoretical strands that emerge in the various chapter, the conclusion invites further thinking into how we might then study those who are clearly cultivating a strategic in/visibility. In this concluding section I discuss my own realization that one of

the incidents I originally considered writing about for this project, the deadly police shooting of an undocumented migrant from Pasco, Washington, Antonio Zambrano-Montes, was one such case in which those involved were giving clear indication that they did not want to be seen, studied. The more I read about the incident and the local response, the clearer it became to me that these migrants were attempting to cast off the looking that the shooting occasioned. Even as footage of the shooting was captured and reached wide circulation on the Internet, the local response was muted, and this despite the national attention and momentum that the recent death of Michael Brown in Ferguson, Missouri, had sparked. The media was quick to draw comparisons between the two incidents and questions were raised in news coverage about the lack of response and outrage on the part of the Hispanic and Latina/o community in Pasco. In the conclusion I posit that underneath this question is an assumption about how victimized communities ought to seek justice and rights: by making themselves visible. When they don't it's seen as a failure on their part, a failure to cash in on the benefits of visibility politics. And while at least one reporter did make a distinction between the largely undocumented community of migrants and the largely African American community in Ferguson, and how this might have prevented Zambrano-Montes' family and friends from making a more public display of grief and outrage as a way of seeking the righting of this wrong, the overall expectation was that these migrants should have built on and built up the momentum created by the "Ferguson moment."

Even though family members said that they trusted the local authorities to bring about justice, It's not possible to say whether or not Zambrano-Montes' family actually believed that the local authorities could and would conduct a fair investigation; whether they did or did not doesn't take away from the rhetorical significance of this response: to express anything other than faith in the ability of local law enforcement would invite oversight—other seers, as it were—at the federal level, namely the FBI and the Justice Department. This type of looking could very well result in the

detention and deportation of many in Pasco and its surrounds. Whatever uneasy trust the undocumented migrants had achieved with local law enforcement, it was essential that they continue to demonstrate it if they meant to continue to stay there. Enacting trust, in this case, even in the face of national calls to demand justice, was their way of making do, a way of creating opportunities where there otherwise weren't any. In this case, trust (whether its actual or not) is a rhetorical resource because it prevents what Brouwer (1998) calls "oppressive surveillance." My contention in the conclusion is that there's more to learn about why and how the migrant community of Pasco, Washington, has sought out a strategic invisibility through trust than there is by asking these migrants to submit to visibility politics. And one of the more important things to learn from this is that even as migrants aren't engaging visibility they are still able to exert some rhetorical agency in this context through their enactment of trust.

There is much to gain when we consider how migrants get things done in ways other than through identification and the outright visibility it requires. Even as identification is precisely what is called for within certain contexts in which people with relatively equal access to power and influence need to deliberate and pass judgment on something of mutual importance, there are other contexts in which identification and its attendant visibility acts as an impediment to rhetorical action. My project here has been to demonstrate that there is rhetorical value in eschewing visibility even when it means forgoing the potential benefits of identification. As scholars of rhetoric we cannot continue to assume that visibility and identification are always a foolproof way into rhetoric, and we ought to attend to instances in which people are strategically cultivating invisibility alongside more deliberate forms of seeing and looking.

Feminist rhetorical scholarship of the past 60 years has adequately indicated how women and other disempowered people have been silenced, as well as how we might begin to listen, recognize, and build theory from what they say and do (i.e., Glenn 1997; Jarratt 1998). Now, as we

add to this scholarship, critical considerations of how discourses travel across transnational lines have assumed a central role in rhetorical analysis; because of this we're able to ask new and important questions about the function of rhetoric in this, our current moment. As Dingo notes, "in tracing [how rhetorics travel and are transformed] we see how rhetorical meaning is not always stable. Rhetorics can shift and, thus, have drastically different material effects" (6). The neoliberal realignment of the 21st century has certainly caused a shift in how people move through and understand their place in the world, and so a method of analysis that emphasizes the examination of extra- and transnational discourses is especially useful in our attempts to understand how rhetoric functions and is being transformed in the 21st century. This dissertation seeks to build on this project of seeing rhetoric at work in a new transnational context, one which calls for different ways of conceiving how it is that people that share little if anything can still manage to get things done.

"Globalization, specifically subsequent changes to national economies, has had an uneven impact on [persons] across the globe" (Dingo 8). This is certainly true for migrants and other displaced peoples who've travelled across the globe in response to the reorientations of globalization and whose legal status puts them at a disadvantage when it comes to identification and the long-term projects of persuasion it allows for. For these, rhetoric isn't—can't be—a haughty theoretical notion, or some art or procedure that must first be learned (institutionally, no less) in order to make change happen. Rhetoric must also be located and studied in sites where people can't count on a pre-determined and widely recognized credibility, or on a willing audience, or one normative expectations of efficacy. Migrants and other displaced people must be doing something to make sense of their place in this "American" society, and to change or positively affect their experiences and conditions. We see evidence of it daily, in how new waves of immigrants are making place and making way, and in how they are changing their lived realities and ours too. In their case rhetoric has to be understood as a material force, and not as set of practices that must be learned, honed, and

deployed on a willing audience who already see them as worthy interlocutors. Rhetoric, for those meaning to thrive in the 21st century, is a force that emerges also in mundane everyday doings, and which imparts the ability to affect one's material conditions through these. If we agree on this, then we recognize that rhetoric is available whether or not one has access to power and despite a lack of legal or social status.

How migrants mediate a highly symbolic field, one that's often foreign in language and custom is, at its core, an important rhetorical consideration: how does rhetoric function—how is it used by—people whose realities are essentially contingent, temporary, unstable, and always in flux? Neoliberalism makes it so that certain people are always on the move or, conversely, immobilized; in their contingency migrants can't be expected to wait until willing empowered people grant them the necessary status to participate or engage in civic action. So, migrants make do. One way they do this is by navigating and negotiating in/visibility strategically. Through these negotiations migrants are "crafting or forging something practical out of these possibilities, practicing an embodied rhetoric, changing the world as we move through it" (Dolmage 230).

There's a saying in Spanish, "la carga hace al burro andar," that reminds me of why "making do" is important to the study of rhetoric moving forward. The saying translates to, "the load makes the donkey walk," meaning that often, one has no choice but to get up, get out, and to get working, regardless of how heavy the burden. That one has to carry a burden, that's enough motivation to get up and carry it another it. There are things to get done. Here it doesn't matter that the ass is, well, an ass (stubborn, dumb, lowly), it just matters that it is able to take action so as to lighten its load. Because these sayings are really about humans and the human condition, we know what this load is: we must work to put food on the table, rent or a mortgage need to get paid, children need to get school, doctor's bills need to get paid, remittances need to be sent. Yes, life is hard at times and one wishes to make it better, lighter. And we know that there are things we can do: vote new people into

office, vote for this or that policy, go to a PTA meeting, talk to the boss. Except that these aren't always possible or desirable. One may not be able to attend a city council meeting, or take part in an election, or contribute to a political campaign. One may not be able to attend a rally for fear of getting caught. The government wants to catch you and deport you. Your boss is a racist, sexist asshole. Your hours get cut. Co-workers keep talking about immigration raids. Your back aches. You want nothing more than to take a break from work (or, at least, to quit one of your jobs). But you don't. You need to get things done. What can you do? Wait to be saved by the NPR-set? Wait until the business-friendly faction of the GOP votes for a bill that makes going to work less risky for you? These can't be your only options.

When I asked my mom about this phrase I had only said the first three words before she jumped in and finished it for me. She's familiar with the phrase and intimately familiar with its meaning. What does it mean to you, I asked? That no matter how heavy your load, you have to carry it. They are your problems and even though they are too heavy to bear you have to forge ahead. Everyday. The only motivation you need is that things need to get done. My mother and millions of other migrants from the world over have emerged into this context: the load is too heavy; I must carry the load. Things need to get things done and I say that rhetoric is as accessible to them as it is to the candidate, the lawyer, the voter, the citizen. It's how, in a land that never ceases to remind you that you can't be—shouldn't be—here, you're still here, making it work, making a way, making a place. This dissertation asks how.

But first: some (more sustained) thoughts on identification and movement

On Identification

Identification appears in these pages in at least three forms: first, in the way the migrants of the first chapter talk about identification, as physical documents that identify them to and with a state (and with society). Necessarily, this use of identification meshes with Burke's concept of

identification, which I understand as his way of describing how individuals draw upon commonalities in an effort to achieve the common ground that permits groups to take up common projects through persuasion. This is the second form identification takes in this dissertation, Burke's. Because Burke's identification is meant to happen among equals (it assumes equality),[9] I will call this type of identification "horizontal identification," a qualification I make in order to make a distinction between Burke and Ellen Samuels, who offers the third form of identification at work here (Samuels, it should be noted, doesn't build on Burke's work, and her scholarly project is distinct from his). When Samuels writes about identification she is referring to all the ways a state has of imposing identities on individuals and groups—through measuring, marking, counting—and which result in regulation, control, and disciplining. This identification I will call "top-down identification" as it is exercised on individuals and groups from up top, from offices and positions of authority and nebulous sources of power. While not exactly a corrective for horizontal identification, bringing Samuels to bear on Burke in my analysis of identification reminds me of how in political deliberation there will always be some parties, groups, and people who enjoy greater access and who exert greater influence in the process, that there can never be true and full equality in an act of identification, because of how status and power gets conferred in any given society. What this means is that a full consubstantiality is unlikely and ultimately untenable. Put another way, the cooperation that we celebrate in deliberation can never be 100%-free of coercion. In this way "horizontal" and "top-down" identifications can overlap, and a full consideration and discussion of this important rhetorical concept should pay mind to both. At the same time, it's important to keep these theoretical concepts grounded in the materiality that attaches them to people and their lived

[9] Or, as Greg Clark (1994) puts it, the discursive processes we've come to recognize and prescribe in the field "assumes that those people are more or less equal politically, the they have equal access to and equal influence upon the discourse that determines the beliefs and values they will share" (61).

experiences, and that's why I also refer to the documents that identity us to the state and to other members of a nation as "identification."

Of course, these distinctions don't play out neatly within the rhetorical contexts I analyze in this dissertation. In effect, these forms and aspects of identification complicate all our lives, and especially the lives of people who are mostly at a disadvantage when it comes to identification in U.S. society. What I hope to do throughout is show that there is still the possibility for rhetorical agency and action even when undocumented migrants decide that the risks of identification outweigh its potential benefits, in their refusals of identification. In this section I hope to sketch out a theoretical basis for the potential I see in non-identification. Because I realize that identification, in its privileged place within the "new rhetoric," too often gets treated as both the starting point of all meaningful rhetorical action and as the panacea to all failure in communication, I think it important to offer a solid theoretical grounding for my assertion that there is rhetoric outside of identification. Which is not the same thing as saying that identification doesn't work or that we need to replace it—actually, identification can and does help scholars of rhetoric realize and study how people come to influence each other and, in most cases, achieve joint goals, in certain contexts. But, as I mention above, this approach mostly illuminates rhetoric's emergence within political contexts in which *people are relatively equal in power, access, and influence*. Or seem to be. Here, though, I want to see and understand how disempowered and marginalized subjects manage to engage rhetoric despite their inability or, in some cases, lack of desire to become consubstantial with others.

One reason for wanting to understand the limitations of identification is because there are those among who lack the necessary *ethos* and/or status required for participation and engagements in/with the deliberative mechanisms we recognize and consider legitimate in U.S. society. Undocumented migrants—people lacking in access to citizenship, social and political capital, and in the formal and cultural literacies we require for participation—loom large among this group of

people. And yet, we realize that they still exert influence within the environments they live, work, and play in. More over, we can appreciate they are able to transform their lived realities. And this despite their lack of access to the modes of engagement in which we most often locate and study rhetoric. Even as we might expect and prescribe identification for undocumented migrants because we understand this to be a primary mode of exerting influence with and on others in our lives, there are good reasons to take up the ways people exert influence and make change in ways beyond identification, or in ways that have us think about identification differently. Because it's not always (or hardly) the case that when migrants appear reluctant or unwilling to submit to identification (often this is communicated through complaints about various migrant groups' inability or unwillingness to assimilate) that what we are seeing is people wo don't care or who don't know any better. In fact, what we may be seeing is an alternative way of engaging one's society and neighbors, but which doesn't at all look like what we expect.

Rhetorical studies would benefit from a reconsideration of identification that doesn't subsume all potential rhetorical action to whether or not a person or a party has taken full advantage of the benefits of consubstantiality and of taking up projects of persuasion in with others. Identification is also laced with risk, and there is much to learn about when and how subjects do or don't do identification—or when they reframe it—in light of these risks. If we stop at, "Well, this person or party doesn't vote/doesn't show up to town halls or city council meetings/doesn't sign petitions, so it's obvious that they don't care," then we betray an orthodox position in regards to identification, namely that the only productive way of engaging in rhetorical action is to enter into identification. I propose that in these cases we don't stop there, that we instead ask, could there be a reason why this person is forgoing this opportunity to share in their substances and to take up communal projects? And further, if so, what are these persons or parties gaining from choosing to remain separate? This line of questioning is what has led me to see undocumented migrants as

agentive subjects whom also access and act through rhetoric even as they don't always get to enter into identification. In what follows I offer a theoretical basis for thinking of Burkean identification as an option (a good one, no doubt) as opposed to as a prerequisite.

Dana Anderson's discussion of constitutions and substances (2007), and how these operate within Burke's larger discussion of identity and identification, offer a good place to start. Anderson explains how, for Burke, substance is enactment of constitution, what Anderson renders as "a body of wills" (164-165). And constitutions/bodies of will, writes Anderson, are much more than "essences" that exist somehow untouched by "history, language, and culture" (Burke, qtd. in Anderson 165). Rather, constitutions are like packets of will and desire that are themselves contextual, and which agents can use to understand and inform realities all around him or her. As such, they are, according to Anderson (via Burke) a consummate "act" (Anderson 165; Burke, *RM* 21). Substances are enactments of constitutions, and constitutions are what's needed to act upon and within our lived realities. This rendition of such a key term for Burke attracts me because it places an abstract concept solidly in the realm of action, which in turn allows us to more readily attend to what migrants *do*—their actions—in physical space over what they might say or think or enact in a symbolic sense (e.g. "participation" becomes something of action as opposed to something abstract).

Anderson is useful to understanding Burkean identification precisely because he links back to Burke's epistemology, the foundation for what was to become identification. As I understand it, identification wasn't always (or originally) motivated by or intent on persuasion. Early on, substances and constitutions were merely the starting points for the types of actions that result in better understandings of realities, and in the potential for changing them. At this early point there is yet no prescription as to what one ought to do with substances; in this early space substances and constitutions are conceived of as pure rhetorical potential and as the precursor to action. Anderson

writes: "Constitutions are agonistic, admonitory "instruments" whose very nature is to effect the transformation of those to be addressed" (165). Substance and constitutions can be taken up with others, but they don't have to. One has a choice in terms of what one might do—and with whom—with his or her substances and constitutions. One thing a person might do is become consubstantial. A person may also choose to reserve them for future opportunities or, perhaps, for a project one takes up unilaterally. But before we act on these options our substances are already useful to us (even without others) as they are instruments of understanding and change. It's at this stage, where we use our packets of will as an instrument for understanding our realities and the contexts in which we wish to act or change, where we might decide that the best course of action is to act together or to remain separate or to act alone. It's at this stage where someone might realize that persuasion isn't possible or that it's not even the most effective way to move forward, to make change, to get things done.

This is where I locate the rhetorics of undocumented Latina/o migrants in the contemporary moment—in the space just before there is to be an acting together and certainly before persuasion is decided upon as the best mode to pass judgment, work towards consensus, achieve decisions. The migrant operates in space where s/he still has the option to act together or to act alone (as we all do, actually), and s/he may decide to do so in spite of what we know works in relation to identification. Indeed, Burke offers identification as an alternative to overt political action, indicating that there is more than one way of acting on the world, of changing it. Up to this point I see a lot of use in Burkean identification, as it emerges out of a need to find rhetoric even within interactions (to borrow Harold Barrett's terminology (1991)). It's at this point, where rhetors haven't yet decided that they want to act, or if they could, where the potential for action exists. And it's a potential available to all regardless of power or status. A such, identification represents a way out of the highly systematized understandings of rhetoric that come out of the "classical tradition" in that it doesn't

make persuasion central to the project of rhetoric, recognizing that agents have options prior to and beyond persuasion, but identification is still an options among a few at this early stage. Here I wish to reinstate identification into the realm of options as opposed to what I see it has become, a prescription. Doing so will no doubt make it possible to study and understand how people whose lack of status and power make them less persuasive overall.

The context in which Burke developed his concept of identification says a lot about why the concept gets articulated in terms of unification (George and Selzer 2007). Even now, in the early part of the 21st century, as the U.S. political scape continues to fracture and parts of it recede into evermore polarizing positions, the idea that citizens could engage in process that will result in collective action over matters of national importance seems important and necessary. But do humans really have a natural tendency towards unification as Burke says we do? Is identification, or the desire to be unified with others, really all that natural in all cases? And when it comes to division vs. identification, even as Burke writes that both are "natural" aspects of human existence (*RM* 22), is one necessarily more desirable than the other, is one more conducive to rhetoric than the other? Does identification present humans with the most or best possibilities for rhetorical action in all instances? It's the "naturalness" of identification, as well as the circumspect centrality of division, where I find myself wanting something more from Burke. I'm not here suggesting that either concept is incorrect or poorly thought-out, rather what I am eager for is an expanded view of what else division can do in our current rhetorical contexts (i.e., war, politics). At the same time, I wonder if division (or, those situations in which rhetors decide not to act together) can also help us locate rhetoric in new and different contexts, namely those in which we want to say that certain others don't care or aren't civically engaged.

Understandably, division, given the shadow of the Second World War, was a much more threatening proposition for Burke than it is for me, now, in the 21st century. Division for Burke

results in destructive warfare. Writing in a different time and context I am able to consider and treat both identification and division with greater nuance, seeing more possibility than a single one, destruction. As such, I am motivated by what this greater nuance and possibility can render for rhetoric and its meaning and function in these new and unprecedented contexts. Because the migrants whose actions I've studied here indicate that there is great risk in acting with others, and that there can also be opportunity in choosing to remain separate.[10] So, while it's true that division can have certain undesirable outcomes for national and collective projects, it's not true that opting to remain separate in individual cases forecloses the possibility of rhetorical action. How to reconcile these two possibilities within identification is a large project, one that goes beyond what I've set out to do here, but which seems essential to the study and doing of rhetoric in the 21st century.

Constitutions are purposeful in that they exist to enable action—*to do things* in the world. As such, constitutions are foundational to change and transformation regardless of whether or not they are put to use within identification or not. So when it comes to a sharing of substances, as Burke's identification would have it, it's also worth asking if opting to not become consubstantial with another or with certain others might also be conducive to necessary rhetorical action. One wonders if, upon sizing up a certain situation, one might not ensure a greater capacity to bring about change and transformation (or in greater degree and/or with more expediency) by choosing to reserve one's constitutions for one's more immediate purposes or for use in another situation. Here I'm suggesting that when it comes to identification, it's also possible to make the choice to not become consubstantial because in remaining separate there also lies the potential to take action, to cause change and transformation. This, I argue, suggests that Burkean identification allows for both

[10] And I'm not saying here that Burke is saying that we ought to submit to identifications whenever they are possible or presented; Burke was quite emphatic about the need to remain critical about identifications and alignments, especially those with the state, because of "notable risks and dangers" ("National Greatness" 47).

entering into identification as it does to remain outside of it, what I call (and further explain in the next chapter) non-identification.

If we allow that action, change, and transformation can be taken and can occur outside of consubstantiality, then we can talk about how undocumented migrants can aspire to rhetoric even as they lack the access to power and status. Because without this access disempowered people have little choice to but approach the space of identification hoping that their substances will be taken up and enjoined in ways that benefit them and not just those who have arrived with greater power. But there are no guarantees. I'm therefore positing another way into rhetorical agency and rhetorical action that doesn't inadvertently make disempowered people handicapped players in a game of power where the hierarchy has already been settled. Many of the migrants I study here can be seen refusing and reframing identification, and in other cases entering into it because they understand that doing one or the other is what results in greater opportunities to do and act in certain situations. To me this suggests that we've only started to understand how identification works (and when it doesn't), and that there's a whole other side of this thing that requires us to reconsider how substances can also be withheld or wielded in ways that don't necessarily represent consubstantiality, but which result in action and change no less.

Because it's not that migrants don't understand or appreciate the power of persuasion, rather it's that they see possibilities beyond and before it. Their "packets of will," as it were, are indeed sometimes enacted with others, but sometimes not. I argue that their decision to act outside of identification in certain instances is conducive to rhetorical action, and that we stand to learn more about identification and its functions by also studying these refusals and reframings than if we remain satisfied with the looking at and studying of primarily those instances in which identification leads to rhetorical agency and meaningful action. The measure, I posit, of whether or not a migrant's doings are or can be seen and/or studied as rhetorical lies not in whether or not they act with others,

but on whether or not—and to what degree—they are able to change the world around them, to get things done.

As I show through my analyses in the following pages, consubstantiality and division are both potentially conducive to rhetorical agency (which is something Burke would agree with; what I'm positing here is that it's good time to start approaching identification as the multifaceted thing it is). There is a critical relationship between acting together and division running through identification; both processes are important, both allow for rhetorical agency and action (see Barrett 147). It matters that we move in this direction because it allows for both an acknowledgement that what migrants do matters in a rhetorical sense (even if it doesn't appear to on the surface), as well as a reconceptualization of identification that builds from what non-majority status rhetors do.

Realizing that Burke remained emphatic about the potential dangers of uncritical identifications (see "The Rhetoric of Hitler's Battle" 1941), and that he did recognize division as also being an inescapable aspect of being human, perhaps what I mostly saying here is that it is not enough to talk about our social and cultural realities in the 21st century on the basis of persuasively oriented identification—that it is equally important to realize and study how division operates rhetorically—not as a condition to overcome and replace with shared beliefs, values, and other commonalities—but as itself a process by which humans achieve the potential for rhetorical action. In the 21st century it is necessary to talk about consubstantiality *and* division in relation to rhetoric, of both identification and non-identification. Because like Clark, "I am unwilling to abandon the theoretical project of articulating how people can pursue their own interests in ways that contribute positively to the pursuits of differing others as well as to the cooperative pursuit of interests that are shared" ("Community" 62).

On movement and mobility

The PEW Research Center published a report in February 2013 indicating that the children of Latina/o immigrants are "doing substantially better than their parents on all socioeconomic measures" ("Second-generation Americans").[11] That second- and third-generation Latinas/os are managing to make more than their parents, own homes at a higher rate, and attend and graduate college to a greater degree, all speak to how Latina/o migrants are making a place for themselves in the U.S.; it speaks to the efficacy of their rhetorical "making do." Indeed, Latinas/os are demonstrating that there is a large potential for migrants to find mobility despite being disenfranchised and marginal. The executive vice president of Pew Research, Paul Taylor, speaks to this capacity for movement when he explains how "Most Latino immigrants came here without a formal education so the jump in college completion among the second generation is significant" (Lilley). The "jump" that Taylor describes speaks to the importance of movement for Latina/o migrants in general, and it also shows that there is a big and significant capacity—a potential—for Latina/o migrants when it come to movement. And this despite an assumed lack of formal education and standard literacies. To be able to launch their children and grandchildren into college, and later into stable socioeconomic lives, really does represent a significant jump. It's a capacity and potential that we should expect has everything to do with how Latina/o migrants are able to draw upon all manner of informal resources to make a way and a place for themselves in spite of the many obstacles in their way, and in variance to our typical understandings of how people employ rhetoric to get things done. In this dissertation I seek to further the project of linking rhetoric and movement that Burke himself took up originally, and which rhetorical scholars have recently re-

[11] PEW doesn't seem to distinguish between undocumented and documented immigrants, and I recognize that this might have some bearing on the statistics they offer.

taken up (Hawhee chief among them), by attending to the various ways movement and mobility are intertwined with Latina/o making do.

The study of rhetoric is, in important ways, akin to the study of movement. Burke himself emphasized the need to see substances as conducive to rhetorical acts—which is to say, as the precursors to movement, to action (*RM* 21). And even as it is common to think of rhetoric as an activity centered around persuasion, to action that is largely symbolic,[12] we have come to understand that rhetoric also operates in physical and material space as well, that it could be cultivated and observed in physical ways. Here I want to further the project of re-locating rhetoric in the material realm, thus my sense that rhetoric is first and foremost a force through which things get done. Through rhetoric we cause things and others to move, and are caused to move. It might even be said that rhetoric is movement. And even if one were to insist on keeping persuasion central to a definition of rhetoric, one must ask: what is persuasion if not an inducement to movement (*RM* 8; Bygrave 4)? We are moved to agree or disagree, our movement induces change, and we are also often moved in physical ways. Persuasion is but a mode through which we can link rhetoric and movement. Undocumented migrants therefore can aspire to rhetorical action even when they understand that there are numerous and persistent obstacles to their ability to make persuasive claims/to move others through persuasion.

Burke gives us another way of thinking about movement in relation to rhetoric in his discussion of language as action (*Language as Symbolic Action*). Specifically, in his essay "Terministic Screens," he offers a definition of dramatism that seems useful in linking movement to rhetoric as I'm trying to do here. Here he writes that dramatism is "a technique of analysis of language and

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[12] And this even as Burke attempted to displace persuasion with the advent of identification. Persuasion persists and remains, paradoxically, central to how we conceive of and teach rhetoric. Although, to be fair, Burke seemed conflicted in this project for, even as he sought to offer a viable alternative to persuasion via identification, he no less proceeded to make persuasion central to his own working definitions of rhetoric throughout the *Rhetoric of Motives* (see pp. 46).

thought as basically modes of action rather than as means of conveying information" (54). The task here is to link language/thought and action, which is not unlike what I'm trying to do here between rhetoric (which is often relegated to the realm of language) and action—to link them more fully. Yes, we very much are "symbol-using animals," be we are so in service to our necessity to move and to be active. We can't be one without the other.

Burke certainly does make a strong distinction between types of actions, and between action and general movement, and I would be remiss to ignore those distinctions here. "Action," explains Burke in the first chapter of *On Symbols and Society* is the term best applied to the "kind of behavior possible to" humans, and it's distinct from the "non-symbolic operations" otherwise common in the world (53). This is a worthwhile distinction as not all movement is necessarily productive: "sheer motion and action," where things in the natural world can be observed to be moving, isn't always though due to a thing's (or person's) own volition. There are species of action, writes Burke, language being one such type of action given how humans use language in order to induce action. The action I'm interested in analyzing here is of the kind Burke describes as "the human body in conscious or purposive motion" (*GM* 14). This is different than the motion a baseball or a stone or a book are capable of (objects that can move or be moved, but not unless we throw or move them, in which case the purpose and consciousness is all the thrower's). Action, then, refers to capacity to act (136). For Burke action is motion towards a goal—it must be purposeful and deliberate, and there needs to be the making of something new (transformation) that results from it. This is the type of action that falls into the realm of rhetoric, a species of action that, even as it may not typically be thought of as capable, transformative action—can and does result in change and transformation. It's this focus on action that helps explain how disempowered migrants can be said to be successful in terms of mobility within a society whose traditions and ways of knowing and doing are largely symbolic.

The distinction Burke makes between action and motion connects with what Deleuze and Guattari explain about movement and the nomad in "Treatise on Nomadology: The War Machine" (1987). Here Deleuze and Guattari set up a relationship between the state and the nomad that is premised on movement and immobility. In their schema, the state is sedentary and the nomad moves about. What's of critical interest to Deleuze and Guattari are the characteristics of the nomad that position him or her as the agents of change wanted in a society: the agency lies with the nomad and not with the powerful state. This is to me particularly useful in trying to understand how migrants make a way and a place for themselves through rhetoric within disempowering conditions, and how they go about transforming their lived and material realities: in equating migrant with the nomad, I can likewise assign (or locate) the "becoming, passage, and continuous variation" to nomad that seems to essential to Deleuze and Guattari to the migrant (363). For Deleuze and Guattari the nomad isn't a mere wanderer, directionless because s/he has no will of their own to get somewhere or be in place (a book that's thrown across a room)—no, nomadism represents a deliberate lifestyle, that of a person always on the move, always on their way to another place—a choice. The nomad is always on the way to "becoming." Moreover, there is the suggestion that this becoming is itself a form of dwelling, a position from which to act: "the elements of his dwelling are concretized in terms of the trajectory that is forever mobilizing them"—the nomad (the migrant) are at home in their continuous movement and, therefore, can claim all the affordances of not yet being/becoming—of their potentiality (380).[13] This explanation of what causes the nomad to

[13] Deleuze and Guattari makes a distinction between the nomad and the migrant that I no longer think is possible to make (in the 21st century, in our transnationalized world). He writes:

> The nomad is not at all the same as the migrant; for the migrant goes principally from one point to another, even if the second point is uncertain, unforeseen, or not well localized. But the nomad goes from point to point only as a consequence and as a factual necessity; in principle, points for him are relays along a trajectory.

In fact, migrants of the 21st century find themselves constantly moved across borders and through nations as they find themselves pulled this way and that by transnational and neoliberal forces which often manifest themselves in guest-worker programs and attrition-through-enforcement policies that

become empowered as an agent of change aligns with my sense that there is always a space before consubstantiality in which a person could choose to either enter identification or not (or how). This is a space of becoming, and it is suffused with potentiality. Rather than close off this space by insisting on one of these options (consubstantiality), I think it more productive to see what it is that migrants gain by dwelling in this space.

When a person's way of life—his or her dwelling—is always between two points (i.e., a migrant subsisting within a transnational context), their life becomes one of constant in-betweenness. Deleuze and Guattari claims that this state proffers the nomad (the migrant) a consistency all its own, and that it "enjoys both an autonomy and a direction all its own" (380). There's potential in this constant state of movement, and the migrants I attend to here have leveraged this potential in rhetorically significant ways.

The "becoming" inherent in this state of in-betweeness (a perpetually contingent state that requires and rewards making do I ague) is further explicated by Elizabeth Grosz (2001) in relation to the concept of "virtuality." She writes:

> What does it mean to reflect upon a position, a relation, a place related to other places but with no place of it's own? The in-between is a strange place […] falls between the ideal and the material; it is a receptacle or nurse that brings matter into being […] it is that which facilitates, allows into being, all identities, all matter, all substance. It is itself a strange becoming. (91)

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ensure the ready presence of an exploitable labor class that can be drawn upon for a variety of economic and political projects on either/both sides of the border. Indeed, within the immigration policies and programs proposed by either/both nations, Latina/o migrants never fully leave Mexico (and other parts of Latin America) just as they never are fully able to become part of the U.S. They are, in a phrase, a "permanent-temporary" class of people constituted by and for the benefit of the larger political and economic reorientations of the 21st century.

For the migrant, the becoming is a productive space; the passage is a position from which a person can take actions that bring "matter into being," e.g., movement and change (what is meant by "a strange becoming.") Within this position/place the migrant is able to take action and engage in motions and movements that, in their particularity, allow him or her to get things done. And it's strange because we don't expect that anything of value or consequence could come from this place that isn't, from all this contingency. They are movements and motions and actions that are not idealized by those who enjoy and boast a more permanent position, but they result in change no less. It's a constant state of motion, an impermanent condition that continually mobilizes migrants to move in the direction of some other state or place. As such, they enjoy an autonomy and a direction "all their own" which facilitates and, in certain cases, engenders substance, or a necessary instrument though which they can better understand and remake their lived realities. There's agency to be found here. As such, migrants are always in the process of becoming, and their constant movement from within this space can indeed change everything around them. The actions of movements of migrants, mundane and quotidian as they might be, are indeed transformative.[14]

The significance of in-betweeness and virtuality lies in what Deleuze and Guattari terms "potentiality," in what Grosz sees as related to other positions but not actually those positions. Potentiality exists in that space between the idea and the material. It's the place where migrants dwell and the position from which they take action. There is potential in this space, and undocumented migrants, at least the ones I study here, have found a way of getting things done and of transforming their lived realities with this potential. As it corresponds to substances and constitutions, this

[14] Virtuality is also important here. Grosz ascribes these features to this concept: "the idea of the indeterminate, unspecifiable future, open-endedness, the preeminence of futurity over the present and the past"; and futurity these: "a continual rewriting, rehabition" (89). Grosz, however, sees virtuality as an idea that all should aspire as she writes, "we can only live in the real insofar as it is continually [re]inhabited, reinvested, and reinvented by virtuality" (89). It would seem that migrants, as I'm encountering them, satisfy Grosz's criteria in this sense as they are continually re- inhabiting, -investing, and –invented by the symbolic and social milieu that is always mobilizing them.

virtuality represents a way for rhetoric to emerge when people don't have a place to stand on of their own. As contingent beings, migrants are not relegated to whatever status they are assigned, rather they are capable of "reconstituting another relation, in different terms" (94). And they do. Later I will draw from LuMing Mao and his concept of "togetherness in difference" as a way of creating possibilities for the subaltern that don't further disempower and which also provide us all with new ways of relating to one another.

This linking of motion, action, and of the symbolic brings us back to Burke, as he too makes necessary distinctions between the types of actions and types of motions bodies can take and make. First, Burke explains how motion is essential to symbolic action: "there could be no symbolic action unless grounded in the realm of motion"—motion comes before symbolic action and it will survive it (NM/SA 811).[15] One thing we might take from this curious phrase is that even as it seems that Burke is creating a binary relationship between symbolic action and motion, in fact there is an essential relationship between the two: people move through and do things in the world, but there needs to be a world to do them in. The physical world is the milieu in which things are moved and in which people do things (with language and through action). This relationship is important to how I see migrants—people whom lack in power and status—as doing things through rhetoric. Grosz's description of the "in-between" space as one that occurs between the ideal and the material might be applied here to understand, partly, what Burke explains about symbolic and non-symbolic language. Even as all people take actions in a physical world, there is also a symbolic milieu in which we all presume to act, one in which our actions are always purposeful and always consequential, supposedly. In a social-symbolic realm the ideal always rewards and validates those who can and do take action in relation to and with others; indeed, many empowered persons can move about the

[15] And Barbara Beisecker has stated that "nothing could be more simple" than this "pivotal distinction" (25)

world thinking that they are in-and-of-themselves "doers," and they see themselves as people "who have arrived" (not as in-between, but already in place, the opposite of where undocumented migrants are). But for people who are invalidated in the same social-symbolic realm and who find themselves always on the way, there is no "arriving." For them the possibility that their doing will fail is always present—and yet to continue to do anyway; they must as they are within a "trajectory that is forever mobilizing them" (Deleuze and Guattari 208). Migrants, in their constant state of motion and as people who cannot take their movements and actions for granted, can help us realize the distinction Burke makes between one type of action and another.

I want to emphasize here that Burke also talks about symbolic action as being practical in nature: language is as much about describing the world as it is about doing things in it. While this may not be a new project—that of decoupling rhetoric from language, it it is especially important when we talk about people for whom language and normative means of persuasion have been inconsequential (or worse, has further disempowered them), i.e. undocumented migrants. I am not saying that because migrants can't speak as (or persuade like) empowered citizens can, that they can't engage in symbolic action, rather I am again trying to re-center the value of importance of action, a practical kind (everyday actions and doing) in this discussion of rhetoric. What am arguing is that migrants do engage in symbolic action, and that, in their case, the rhetoric we find at work with them inheres not in language but in routine, everyday doings.[16]

In all of this it's important to remember that we are talking about and dealing with bodies in motion, about people doing things in the world. And while much has been said and written about rhetoric in relation to language, my goal here is to elevate movements and actions of an everyday kind to a realm on par with language in regards to rhetoric. I'm not talking about sit-ins and marches

[16] This is also my way of skirting the are "action/motion" dialectic or can-there-be-a-third-term debates. Though I acknowledge that both Beisecker (1997) and Foss and White 1999) helped me think through the utility (and not so much the relationship between) of the two concepts.

here, I'm talking about the patient doing of everyday life: getting up early, going to work, attending night school, helping children with their homework, celebrating anniversaries, taking a stroll, making ends meet. Put another way, I'm here reinforcing an insight that Gregory Clark offers in the conclusion to his own explorations of identification, that "the *rhetorical* might take the form of an encounter with nonverbal symbols as readily as that of an encounter with words" (147, emphasis in the original). Already Debra Hawhee has shown us that, in the classical Greek tradition, moving bodies where linked directly to rhetoric when she finds that "the overall manner of walking, speaking, and carrying oneself," and that these quotidian movements show how "value circulate[s] through particular bodies" (4). Hawhee's work reminds us (or asks us to recognize) that rhetoric is a bodily practice. Her reconsideration of the Greek rhetorical tradition shows how rhetoric emerges and is articulated through and by bodies in action (5-6). The following pages offer evidence of how undocumented Latina/o migrants are making a way and place for themselves—a meaningful and valuable life—where one isn't offered or expected of them. And that they do so through their patient doing of everyday life. It's a different way of conceiving of rhetorical agency and rhetorical action than the one that's been proffered by the orthodoxy in rhetorical studies, but it's important to take it up if we are to more accurately describe and theorize rhetoric's role in the 21st century.

Chapter 1

Identification refused: On visibility, movement, and rhetorical checkpoints

On the perils of being seen

Patricia Gomez, a migrant from Costa Rica now living in Philadelphia, Pennsylvania, has come on to Philatinos Radio, an internet radio station operating from the unfinished basement of a mobile phone store, to talk about driver's licenses. The program itself was dedicated to discussing the potential effects of a proposed Pennsylvania state bill (HB 1648) which would allow undocumented migrants such as Patricia to take out and carry a state-issued driver's license. She shares a personal story as she begins to discuss how this law would affect her: one day, on her way to see a friend, she was pulled over for driving in a bike lane. As a resident of a state which, at the time, didn't grant undocumented migrants a license to drive, Patricia recalls how the police officer that pulled her over first asked for her keys and then for her license, registration, and proof of insurance. Patricia reports having obliged with all she could, but when the officer asked about her driver's license, Patricia told him, in halting English, that she didn't have one. The officer asked for any form of identification, and Patricia gave him her Costa Rican identification card. Patricia reports that the officer wanted to know how she could have registration and insurance for the vehicle if she didn't have a driver's license. Patricia told him that when she first immigrated she had an international driver's license, and that that had been enough to register the vehicle. Even as Patricia works to assert some control over this particular memory, a slight tremble in her voice belies strong feelings about this particular event, feelings that many undocumented migrants across the nation are sure to share.

Patricia was given two citations, one for breaking a traffic law, and another for driving without a license. Her vehicle was impounded. "Eso me hizo sentir muy indefensa," says Patricia,

"porque no hablo inglés," she says, "y no me podía explicar bien a el." After appearing before a judge and paying various fines and towing fees, Patricia was able to reclaim her vehicle. And while Patricia admits that the ordeal was a financial burden, she particularly emphasizes the psychological toll it took on her: "Me dio mucha tristeza," she admits. "Saber que en este país no nos permiten tener una licencia, y que somos personas que trabajamos aquí, y que estamos aportando a este país. Y no tenemos por lo menos una identificación."[17] Having escaped this encounter with the state relatively unscathed—she has her car if a little less money—Patricia is still faced with the stark reality that regardless of how much she contributes to this nation, her movements and her being (here) are illicit. This experience has reminded her that her value to the nation exists primarily at the discretion of the state, and that the state is unwilling to identify her or to be identified with her. It does, however, reserve the right to occasionally stop her in her movements in order to have her perform her (non)citizenship, and to fine her for not having the proper documentation.

Patricia's experience is probably a common one among the millions of undocumented migrants currently living and working in the U.S. Her way of talking about the effects of having been pulled over indicate that these go far beyond the fear of being pulled over and getting caught; the greater fear comes from the possibility of being found out as someone whose very presence in the U.S. is impermissible. At these moments Patricia and others like her are reminded that the state doesn't recognize them, or their work, or their contributions. Patricia talks about feeling "defenseless" when the officer is questioning her: "I couldn't explain myself well," she says. The language barrier is certainly the main reason for this, but it's also possible that Patricia feels immobilized by the fear that this could be the moment she is found out and forced to stop the life she's built for herself in the U.S. Because the U.S. hasn't entered into an identification with her (nor

[17] "It made me so sad. To know that in this country they won't permit us to have a license, even though we are people who work here, who contribute to this country. And we don't have at the very least an identification." Translations are mine. For longer quotations see appendix.

has it assigned one). Likewise, when Patricia talks about feeling "sadness" over the situation, she's not talking about the financial burden this scrape with the law caused her, but of the reminder that she doesn't have a place here, that the state doesn't see her, as it were, and that even her routine movements could get her found out and removed. "To know that we are people that work here, that support this country. And we can't even have, at the very least, and identification." So, in all of this, Patricia is talking about a bad experience with law enforcement, but she's also (and perhaps primarily) talking about the overall effect of being a person to whom the state denies identification (and it's a denial that extends to how other members of U.S. society might or might not see Patricia).

Patricia's use of the term "identification" is especially significant, and it can be understood in at least two ways: first, in reference to the question of licensing—yes, it would be very convenient if the government would grant her permission to move about the city as she already does, if her need and ability to move was recognized officially by administering a test and mailing out a piece of plastic. This is the lesser identification at work here, but it's not unrelated to the symbolic and higher-order identification Patricia partly seeks, if not with the state, then with other Pennsylvania residents. Because a document is useful in so far as it serves to identify her to authorities and which she can use to navigate various bureaucracies—and Patricia wants that. But notice her quick shift to talking about "being persons who work here and who support this country" in regards to this identification; in linking the work and support she and others give to this country she is marking a relation that, to her at least, should be reciprocal: Patricia would welcome the opportunity to enter into a reciprocal relationship with the nation and its citizens. A driver's license would go part way in representing that relationship. So, there's the physical document that allows for certain types of movement, and then there's the symbolic (and reciprocal) relationship it signifies. In that way, Patricia's use of "identification" references both. Patricia then is sad not only because she didn't have a piece of laminated plastic with her name and address on it to provide the citing police officer,

she is sad because she knows that not having this document also means that no matter how much she works and contributes to this society, she isn't being seen, recognized, valued, or invited to stay.

When Patricia references identification as something that the state denies her she is marking a top-down identification, which is something that the state can grant (or impose, as it were) on subjects. Patricia's experiences demonstrate that the state also has the ability to withhold top-down identifications and that these withholdings make a person ineligible for identifications that could be taken up with other, presumed equals (e.g., horizontal identification). This suggests that different types of identification can be at work in any given context, and that invitations or denials of one type can affect whether or not one can aspire to or achieve identifications in another. In this chapter I will reference both of these senses of identification as I discuss and analyze migrants' efforts to refuse or eschew certain identifications even as some of these promise greater mobility and rights (if the migrant is willing to wait for the deliberative process to work). In addition, I will use identification to refer to the material documents that migrants themselves conflate with the abstract concepts I'm working with throughout. All of this to demonstrate that identification operates complexly, and not only for subjects like Patricia who don't enjoy the status and legal protections proffered by citizenship. Treating this complexity is necessary if we are to arrive at a more rounded-out understanding of Burke's identification. For now, it's enough to understand that identification can and should include identifications that are imposed by the state from above because these, as they so often and obviously act to maintain the state's power, affect whether or not we can aspire to horizontal identification. We seek a robust understanding of identification that not only celebrates its rhetorical potential, but which also recognizes that certain identifications or withholdings of it can affect whether or not—or how—one might act together with others.

But this complex sense of identification should also give one pause; it's not only (merely) that we should recognize that identification works more complexly than we may have originally

thought, but also that there are risks to identification. For that reason, a main thrust of this chapter is to promote a theory of rhetoric that doesn't make identification a prerequisite for rhetorical action or central to its study. If there are certain functions of identification that would make a sharing of substances untenable in other contexts, then it's possible that, in certain situations, the rhetorically expedient thing to do is to *no*t identify, to refuse certain identifications. Which is not to say that we should do away with identification altogether—no, indeed identification remains a useful and illuminating concept in many contexts, especially those in which all who would identify are or appear to be equals. But whether or not someone can aspire to identify as an equal is ultimately as important as what is possible outside and beyond identification, especially when we are talking about Patricia and others like her, as identification is always a fraught proposition for them. Rather, we seek to understand how Patricia can and does make a way and place for herself in spite of identification (and not only because it's withheld, but also because she opts out of it).

There are many good reasons for why individuals or groups should want to identify and be identified with. Indeed, many rhetorical contexts in which empowered members of U.S. society (i.e., citizens) operate benefit from finding common ground with others, and in "acting together" towards common goals and purpose. Neighbors professing different faiths and of different political parties, for example, ought to become consubstantial before appealing to a city council for reduced speed limits on their neighborhood streets; and diverse students across a state's institutions of higher ed wanting to appeal to the board of regents for a tuition freeze—entering into identification with each other students despite differences in social-economic status and majors will allow them to build a unified case around. Identification (of a horizontal kind) is even useful in contexts in which subjects holding very different ideologies become consubstantial in order to enact a shared agenda. Take the association between the American Civil Liberties Union, the Center for American Progress, the liberal District Attorney for Milwaukee County (in Wisconsin), and the activist libertarian Koch

Brothers, all of whom found common ground in the 2000s on which they built a multifaceted effort to reform mandatory sentencing statues and prison sentencing in general.[18] These parties have much to disagree on, and in other contexts their political and civic efforts might actually oppose and undermine the others', but here they have found it useful to share substances in order to accomplish a common goal. Because these players have so readily entered into identification, it makes sense that we approach a study of how rhetoric is operating in this instance using an identification-based frame. But when it comes to how Patricia and other undocumented migrants are doing to ensure that they are able to stay in the U.S., and to ensure their continued mobility, identification may not offer the most suitable frame through which to take up how rhetoric is operating here. For one, Patricia doesn't get to so easily enter into identifications with others as her lack of legal status and social and political capital make her seem like an unattractive candidate for consubstantiality. Further, her lack of legal status puts her at risk of being seen and subsequently detained and deported. Patricia has more to lose than to gain in normative contexts in which identification is called for.

Unlike Patricia, what the neighbors, the students, and the Koch Brothers all have in common is that they enjoy a certain amount of social status and are ensured legal protection within U.S. society. What this means is that they could operate within their respective contexts with little, if any risk. Because in order to become consubstantial with another one has to to first decide (though not always consciously) that one will show an aspect of him or herself so that another might see if s/he shares it. This decision happens in the in-between space in which we all dwell, but which is of particular importance for migrants as they can't aspire to the permanence of being in a place of power. In this space there are those who will decide that, given how the state refuses to grant them

[18] See Jeffrey Toobin's article, "The Milwaukie Experiment," in the May 11, 2015 issue of the *New Yorker*.

an identification, they risk being caught and removed if they show themselves to others. But if they show themselves to others there's also the possibility that someone will turn them in. And arriving at the site of consubstantiality without the intent of fully showing oneself is not likely to result in a sharing of substances as there is no "identifying your ways with his" if all involved don't first agree to show/be seen (Burke, *RM*, 55). It's hardly possible to identify if you don't first know with what/with whom you are being asked to identify. If one arrives at a site of consubstantiality without the legal status and protection that an identification from the state offers, then one isn't likely to achieve one's goals in instances of horizontal identification.

Burke himself recognizes that "social status is not fixed or clearly defined," and so its necessary for all of us to continuously seek out what Burke calls "objective evidence" of our identity as we consider when and whether to enter into identifications with others (qtd. in Clark, *Rhetorical Landscapes*, 3). For many—especially those of us who enjoy citizenship—the state and our place within U.S. society communicates to us that we are legitimate and protected, and that we do indeed share some essential aspect with those around us. It's status that allows us to make certain assumptions and to take certain things for granted; we get to act (alone and with others) without much care or thought; we don't need to dwell, as it were, in any state of becoming—we can move right into consubstantiality and expect, rightly, to be rewarded. This is true even if we fail to persuade those we sought to be identified with. Overall, our place in what Burke calls "the scene" is ensured: "For he can feel that he participates in the quality of which the scene itself is thought to possess" (qtd. in Clark, *Rhetorical Landscapes*, 3). While many of us move through the world with an assurance of our place in it, there are those who don't. And this surety isn't affected, necessarily, by our success or failures in influencing others. Patricia and other undocumented migrants, they know and understand that their place in the scene of American public life is anything but ensured, and they must work daily to reduce the risk that many of us don't even have to think about. They don't

move quickly into potential acts of identification because of how these might expose them as people here without permission.

The assertion that not all subjects are equal in any or all human interactions isn't a new one. Feminist rhetoricians have for some time now made our collective blind spots about the disparities in political and public life apparent. This is no less true in rhetorical studies. There is Jarratt's work, which was motivated by a need to "bring to light that Aristotelean orientation and offer an alternative" (xvii), to Glenn's remapping of rhetorical territory in such a way that women are recuperated, included, and heard (3), to Enoch's project to do "the rhetorical work that goes into creating and disturbing the gendered distinctions, social categories, and asymmetrical power relationships that women and men encounter in their daily lives" (167), to Hallenbeck's call to move beyond recuperation and to a fuller consideration of the impact the rhetorics of women and other dis- and non-enfranchised people on the lives of men and women (10). Indeed, the project of recognition, recuperation, and the ensuing call to do something more than recover has been ongoing since the early '90s (See Biesecker, Bizzell, Mountford, Johnson, and Jack). Yet, as Hallenbeck notes, this project has not been fully realized in the sense that the everyday rhetorics we find women and some men engaged in haven't informed our current or new theories of how rhetoric works (or when, or how) in all the contexts in which people need to get things done. More over, when scholars in rhetorical studies do pay attention to the everyday rhetorical acts and practice of the less powerful they have tended to do so against the backdrop of direct deliberation or deliberate political participation or activism. There's a blind spot in what we recognize and study as rhetorical, and to remedy this we must look past what citizens do in and through identification and towards what contingent, marginal, disempowered people do outside it. An essential first step towards this is to look intently at those instances in which identification is refused, and why, and with what effects.

Chávez's "Beyond Inclusion: Rethinking Rhetoric's Historical Narrative" (2015) offers the most recent and the most direct call to move beyond inclusion. In it I find even greater reason to take up what migrants accomplish through refusals of identification, and to see these actions as transformative of both lived realties as well as of our collective paradigms when it comes to the study of rhetoric. Chávez posits that "projects of inclusion don't rupture oppressive structures; instead they uphold and reinforce those structures by showing how they can be kinder and gentler and better without actually changing much at all" (166). Inclusion, Chávez concludes, reinforces the concept and category of citizenship, a construct that benefits in a big way from the extant power structure and social hierarchies that have historically disempowered women and certain men: "Citizenship is the quintessential example of this kind of inclusionary process that serves not to transform structures, but to enhance them" (106). Rhetoric, we know, is also to be found among non-citizens. We owe it to non-citizens to study their uses of rhetoric on their own terms, and to not assess their ways with rhetoric on the basis of what works for citizens. We've done plenty of recognizing; it's now time to build more complete theories that transform our field, not merely enhance what we already have.

In continuing to organize our study of rhetoric around identification without also recognizing that there are rhetorical actions that don't readily emerge from it perpetuates the "narrative of rhetoric" that Chávez critiques. While I don't argue that we need to stop attending to how identification can result in rhetorical action, to only acknowledge and study rhetorical action that fits within an identification-based frame not only prevents us from realizing a fuller, more comprehensive understanding of rhetoric in history and for the 21st century, it also "reinscribes the system in a way that makes posing alternatives to it or offering critiques of it much harder" (106). And given the global reorientations characterizing this new millennium, we can't afford not to seek out new and novel—more representative—theories of rhetoric that help us understand how those

who cannot or will no enter into identification still manage to exert influence, to transform lived realties, to get things done.

Indeed, "the rhetorical can be experienced in a variety of ways we are not taught to recognize as rhetorical," and while identification can "be used to reveal how much of our everyday social experience is" rhetorical, I argue that what people do outside of identification can be equally revelatory (Clarke, *Rhetorical Landscapes*, 147). With that in mind, I return to Patricia and to others like her, because it's their experiences and movements that are showing us that there's the potential for rhetorical action outside and beyond identification; these non-citizens are providing us with the insight and knowledge needed to build a more accurate and comprehensive theory of rhetoric for the 21st century.

In dismissal, an opportunity for rhetorical action

Notably, Patricia expresses seemingly conflicting sentiments in her story: she wants to be recognized for her contributions to the country (which could be read as a desire to enter into identifications with citizens of the nation), but she also wishes to remain distinct from a society that makes its most vulnerable feel "defenseless, silenced, and sad." In language and sentiment, Patricia makes it clear that she is conflicted about how she wants to be in relation to the nation and U.S. society. This ambivalence could be seen as evidence for how she approaches identification deliberately: yes, identification could potentially allow her to make influential claims to citizens, but she also recognizes that it may not be in her best interest to do so as this country seems intent on her disempowerment and, perhaps, removal. Her attitudes may, at first glance, come off as contradictory, but when we realize that Patricia is approaching identification carefully and cautiously, we can attribute deliberateness and criticality to her sentiments. It's not that Patricia doesn't understand that being able to identity—either with citizens or with the state—can result in rights she

doesn't currently possess, it's that she also realizes that in order to enter into any potential identifications she first needs to agree to become exposed as a person who needs to be given those rights—she needs to offer up her vulnerable status and hope that others will sympathize with her. It's a risky proposition, and because Patricia understands the "scene" in which she is in—there is a persistent xenophobic and anti-immigrant strain in U.S. history—she knows better than to jump into any potential identifications. What at first seems contradictory is actually nuance. Identification operates complexly, and Patricia approaches it as such.

This cautious approach to identification is seen among other undocumented migrants as they discuss the possibility of being able to take out driver's licenses in states where that possibility has been proposed. In my time listening to hours of online radio programming I soon came to realize that many undocumented migrants, despite being fearful of getting stopped and interrogated by the police and, potentially, getting detained and deported, were opting not to take out a government issued identification because, as I'll discuss later, there were too many risks involved. The decision to not enter into identifications resulting from an assessment of risk I call "rhetorical refusals" (of identification). They are rhetorical because, contradictory or ill-advised as they may seem, they are enacted to give a person more opportunities, at least in comparison to what identification has to offer within that context. I came up with this concept in relation to Clara E. Rojas' analysis (2008) of the rhetoric of dismissal evident in the infamous femicides that afflicted Juarez, Mexico, in the 2000s. Rojas claims that high rates of homicide among Juarez's young women is largely the result of what she calls a "retórica del menosprecio," an authoritative dismissal of what subalterns say or do. This rhetorical dismissal on the part of men, civic authorities, and local and national government resulted in the death of thousands of women, concludes Rojas. This "rhetoric of dismissal" manifested itself in ignorance of women's concerns, safety, as well as of the significance of their mounting deaths. Rojas writes writes about this rhetoric:

> [Es] una práctica retórica significante–constructora de sentido–hegemónica sustentada por diversas estrategias persuasivas (descalificación, estereotipos negativos) centradas en devaluar, minimizar o silenciar tanto a las víctimas como a las demandas de justicia promovidas por las activistas locales. (27-28)

In Rojas' analysis it was a rhetoric of dismissal towards women and their status in Mexican society that brought about and perpetuated the femicides in the city of Juarez. The dismissals were collective, and they were evident in the polices of local and state government, and in how people and civic authorities ignored reports by and of missing women, and in how the media ignored and then talked about women's deaths. They appeared in the form of obstruction and disqualifications, in stereotyping and victim-blaming. A collective and amalgamated rhetoric, this rhetoric of dismissal delegitimized women and legitimized violence against them. The state and Mexican society share blame for the deaths of countless women as they refused to see women as anything other than disposable, something to be ignored and disrespected.

My take on this rhetoric of dismissal is that it doesn't only need to be applied from power down, but that subjects themselves can engage in a rhetoric of dismissal towards the state and towards society that variously devalues and minimalizes their power. Of course, the effects of a rhetoric of dismissal are different when applied from the bottom up, but there are symbolic similarities. The rhetorical refusals I assign to undocumented migrants are an example of how a rhetoric of dismissal can be applied in reverse. The effects, though, are likely to be more immediately felt by the migrant as there's little they can do to actually harm the state (but I'm not arguing that migrants have the death of the state as a goal in the first place). What a rhetoric of dismissal grants undocumented migrants are opportunities to remain within the borders of the state in order to make a place for themselves, to live and to thrive despite the myriad obstacles in their way. Refusing the

identifications offered (or assigned) to them by the state seems to be one way migrants employ a rhetoric of dismissal all their own.

Rojas stipulates that the rhetorical dismissal operating from the top-down in places like Juarez isn't accidental or even an act of omission. What we actually see happening in these contexts is a systematic disqualification, disenfranchisement, social silencing, and stereotyping that operates strategically. As Rojas states, these are "persuasive strategies" intent on "devaluing and minimizing" the women. When a more powerful entity rhetorically dismisses an entire group of people we are all liable to be persuaded that this group carries no value. Undoubtedly, undocumented migrants in the U.S. are subjected to a very similar disqualification, disenfranchisement, social silencing and devaluing—persuasive strategies that result in social and political death. What is an undocumented migrant to do in the face of this minimization? They can engage in a rhetorical of dismissal all their own. They can refuse, for rhetorical reasons, the identifications the state wants to give them even when these seem generously motivated. While it's entirely possible to here discuss and analyze the ways the state (and, also, U.S. society) devalues and minimalizes undocumented migrants, this wouldn't be particularly novel; really, it's the second iteration of a rhetoric of refusal that I want to take up now: to consider how Patricia and other migrants engage in their own dismissal of identification, and how these might also be devaluing and minimizing the discourses that disempower them in the first place.

It's not that being able to drive with permission from the state wouldn't make the lives of many migrants easier in some ways, rather it's that the identification the state is offering carriers a significant risk. The document marks the carrier as a person, making them and their contingent presence (in the case of undocumented migrants) a matter of permanent and official record. As Patricia explains, "I have to drive without a license because I have a lot of things to do. Like take my son to school, or for when he needs to be taken to the doctor, or to go and buy the things we need.

That's why we don't want to be pulled over and to be treated like delinquents. Because, really, we are not." Patricia equates an inability to show identification with being treated (or seen) as a delinquent). She'd rather not be cast in this role. But the option that's being offered to her wouldn't make it so that she wouldn't be treated like a delinquent either. In fact, it may make it easier for a police officer to target her and to detain her as "an illegal." In this case, the driver's license further exposes migrants who would rather not move about with a document on their person that says that the state neither claims them nor protects them. Patricia again alludes to both senses of identification in how she first appeals to an all too familiar aspect of life in the U.S., getting around by car, but she also pivots her remarks to indicate that this ubiquitous and taken-for-granted activity can also be a disempowering and dangerous one as it, occasionally, forces one to interact with the state. So, on the one hand, she seeks to be identified with more recognized and valued members of U.S. society on the basis of her mobility needs; at the same time, she is also signaling that she doesn't want to be a delinquent for doing what most people in the U.S. do (and have a need to do), drive. Patricia wants certain types of identification, but not necessarily all of them. And different types of seeing—actual and potential—are caught up in her necessity to move. She has to be very careful about which types of looking she courts and which she refuses, and driving with a state-issued license may make that more difficult than it already is.

If we were to approach and analyze Patricia's statements solely through the lens of identification, we would mark her attempts to create commonalities between herself and the millions of other people in the U.S. who require a car to get to and from work, and that's it. But we might not know what to do with a simultaneous refusal of identification with a society who treats her like a delinquent. Can she have it both ways? Applying a simplistic identification-focused frame would likely render a simplistic answer: no. But what if we stop and ask what it is that Patricia wants from this situation. Does she want to persuade a willing audience to let her stay and let her drive? If we

approach Patricia's words expecting to see her making persuasive appeals, then we won't know what to do with her statements about how she also wants to remain separate from a society that disrespects her. We'd likely say that she fails in her attempts to attain the right to drive, and then move on. But there's another way to think about what Patricia is doing here, as well as what she may be wanting from this situation.

First, let us not assume that Patricia has an audience, or that there are those who would want to identify with her in order to be persuaded by what she has to say. In all reality, Patricia can't harbor much hope that she is persuading or influencing those that could make it so that she could drive with permission and without fear of being made a criminal or a delinquent for merely doing what we all recognize people need to do. Her employers, the police officer who pulled her over, the judge she appealed her case to—none of these entities are required or incentivized to identify with Patricia, even if they are sympathetic to her plight. It's likely that our analysis of her statements would yield little rhetorical insight since we can't say if her appeals to common ground are effectively identifying others to her, or whether these appeals are persuasive in any way. So it's best not to try to read Patricia's words and actions on the basis of how well it fits an expected rhetorical model. Instead, we could ask what Patricia might be gaining by insisting of being able to remain in the U.S. but separate from it in some important ways. What does Patricia gain through her rhetorical refusals of consubstantiality and identification? What we are seeing is that migrants who are weighing the benefits of identification (in its full and complex sense) are demonstrating that it's the strategic refusal of identification that best allows them to keep moving, especially in those moments when they are asked to perform citizenship or their right to be here.

Refusing identifications, or how to keep moving

Patricia's comments on Philatinos Radio were made amidst a series of recent efforts by various states to allow undocumented migrants to take out driver's licenses. As of March 2014, 11 states had moved to allow migrants to apply for driver's licenses regardless of their legal status, while another ten states had introduced legislation that would allow migrants to apply for driver's licenses regardless of immigration status (National Immigration Law Center). I was fortunate enough to locate a number of community-run internet radio programs in a number of states in which migrants were interviewed or invited to call in to discuss their respective state's proposals. In addition to the program aired on Philatinos Radio, I focus here on two others, Colorado's Radio Educate and California's Radio Bilingüe. In what follows I analyze migrants' own ways words about these proposals as they expressed them in these internet radio programs, and through it find that migrants primarily seek to refuse the identifications (both the actual documents and the symbolic effects these would proffer) in order to continue moving.

For many immigration-reform activists and progressive groups and organizations, efforts to allow undocumented migrants drivers' licenses represented a logical and much needed change. To some, it was simply the right thing to do, while to others it was a way to ensure that all drivers on the road were trained, vetted, and able to carry liability insurance (Oregon's unsuccessful 2015 proposed bill, for instance, was titled the "Safe Roads Act"). In California, a state with a large number of undocumented migrants, Governor Jerry Brown expressed his support for the state's own Assembly Bill 60, the Safe and Responsible Driver Act, and hoped it would serve as a model for other states: "When a million people without their documents drive legally and with respect in the state of California, the rest of this country will have to stand up and take notice," adding, "[undocumented migrants] are alive and well and respected in the state of California" (Hurtado and Schiochet). And some migrants themselves expressed their gratitude for this official shift: Frida

Hinojosa, for example, stated: "To have a license is not a luxury. It is a necessity, because in cars we go to work, to school and shopping and without a license really we are limited in many things (Hurtado and Schiochet). Certainly, bills like these do stand to affect migrants in certain ways, but it's difficult to pinpoint precisely what those effects might be given that many undocumented migrants (like Patricia) have been driving for many years without legal permission as a matter of necessity; to wit: it's unlikely that a new bureaucratic procedure is going to get them to alter their driving one way or another. At most, it would allow them to have interactions with the state that wouldn't automatically mark them as "criminals and delinquents" (per Patricia)—or would it?

The effects of being able to take out a driver's licenses for undocumented migrants would be largely symbolic; in agreeing to let undocumented migrants carry divers' licenses the state would, in effect, be identifying them (if not with them). In a sense, the state would be recognizing that migrants, like other other workers in the nation, need to be able to get to and from work, the grocery store, the doctor's office, etc. But that's about as much as it would be doing. In what has to do with what undocumented migrants really need from the state, it's not enough. On the other hand, requiring undocumented migrants to carry state-issued licenses—a form of identification—the state is gaining much more than finally realizing that undocumented migrants drive cars to get to where they need to get. In the overall scheme of things, the state has more to gain than migrants do.

First, the process of taking out a license requires that a person show him or herself in important ways, and this better allows the government to track and regulate a person's movements; second, because these policies are largely informed by the recognition that migrants are using cars to get to jobs and to places where they spend money, the licenses further identity migrants as workers, as labor, as consumers, and these are identifications that serve a neoliberal system more than they do migrants themselves. In this sense identification works a lot like how Burke intended, but because there are significant disparities in power and status within this particular identificatory context,

there's also significant risk and danger for migrants. So, while liberal-minded individuals might be enthusiastic about these policy efforts as they offer an affirmative corrective to anti-immigrant and xenophobic attitudes and discourses that result in disempowering policies, we should pay close attention to how migrants themselves position themselves within these contexts—and how they negotiate these seemingly generous policy initiatives—as it is there actions that reveal a necessary critical approach to identification, as well as viable alternatives to it.

Here's an example of how migrants seem to be navigating these fraught identificatory contexts. In a call made to Radio Bilingüe, another internet radio station based in California's Salinas Valley dedicating two hours of programming to discussing California's AB 60, Ramiro, a migrant living in Fresno, California, commented:

> Parece que nos quieren señalar a la comunidad indocumentada. Se aspiran hacer algo para ayudarnos, y me gustara que me dieran la licencia, pero no se. Pienso yo—ojala que no—pero siento yo que puede ser una espada de doble filo. Porque si nos para un policía y es un poquito discriminador o algo así, al ver esa licencia nos va ha decir, 'espera un poco, voy a chequear tu licencia.' Y va a llamar a la inmigración. La verdad es que es un comienzo, a como están las cosas, ahorita, como esta la situación con el Presidente Obama que tenemos ahorita con las deportaciones, yo pienso que nada más nos va a señalar para facilitar su trabajo.

Ramiro's concerns about how these licenses would only mark and single out the "undocumented community" aren't off-based or even far-reaching. Because these licenses would effectively identify undocumented immigrants in a physical and highly visible way. To the state's representative's yes, but also do others who are required or expected to ask for an identification as a matter of course. The implications of being made to carry a document that, yes, recognizes your need to drive a motor vehicle on the one hand but that also marks you and singles you out on the other, that's very risky.

Because these licenses don't actually symbolize a shift in status, nor do they offer protections for migrants, Ramiro is correct in seeing this policy as "a good start," but ultimately not the fix he needs.

Not very long after Governor Brown made his comments on the steps of the state capitol did the law's implementation hit a roadblock when the Department of Homeland Security (DHS) rejected the state's proposed design for the licenses. The debate that ensued lent credibility to Ramiro's concerns. In a letter sent to the state's Department of Motor Vehicles the DHS noted that the state's intent on switching out the "DL" (designating "Driver's License) for "DP" (designated "Driving Privilege") on the new licenses did not go far enough in differentiating the two documents, and therefore were noncompliant with the federal REAL ID Act passed in the wake of 9/11 (McGreevy). The state had good reason to make the documents as inconspicuous as possible because, as State Senator Ricardo Lara, chairman of the California Latino Legislative Caucus, said, "migrants continue to be very vulnerable, subject to discrimination, victims of crime and targets of scams. "We don't want to provide them with licenses that will open them up to further discrimination" (McGreevy). But the federal government wanted cards that more readily identified the carrier as different from citizens and legal residents.

Ramiro's comments indicate that migrants are well aware of how even generous overtures on the part of authorities and advocacy groups are imbricated in larger discourses over their presence in the U.S. The licenses being offered, and the identifications they represented, where much more than a state-recognized permission to drive. Indeed, the (un)intended functions of these documents were very much still in flux when California moved to grant undocumented migrants driving cards, and so were the effects. Even as Ramiro expresses hope that the process will result in something better for him and other undocumented migrants, he qualifies his statements because he understands the "current situation with this President and all the deportations." He knows that this overture won't do away with the dangers migrants already face. For Ramiro, all the good intentions

in the world won't do away with the discrimination, prejudice, and nativism undocumented migrants face when confronted by the state and by members of society, and the prospects of being made to carry a document that marks them as people lacking legal status in this country in exchange for the recognition that they could drive represents "a double-edged sword." Ramiro knows that in "the current situation" meaning the larger national and transnational discourses of and over immigration, and the thousands people being deported under this President's tenure, he must be careful about how much he shows of himself, to whom, and why.

Migrants are indeed knowledgeable and therefore distrustful of the larger political debates happening nation-wide about and over immigration. In referencing "the current situation" Ramiro signals that he is aware that a local conversation about licenses for undocumented migrants isn't apart from that the national debate; at the same time, he isn't making any overt claims about the larger political scene, he merely demonstrates the he is aware of it and that he cares about how this particular policy will affect his mobility. Likewise, Ramiro avoids making this a conversation about the merits of licensing undocumented migrants, or about the merits of the larger immigration debates. While some might point to this particular approach as evidence that Latinas/os don't care about politics or are otherwise disengaged from the political milieu of the U.S., I argue that Ramiro's comments are actually a demonstration of a rhetoric of dismissal that, over time and through accrual can serve to delegitimize the forces and agents that variously seek to disenfranchise and marginalize Latina/o migrants. Ramiro's focus on the more immediate effects of this law takes away from these larger debates.

And Ramiro isn't unique in approaching this policy in this immediate and circumscribed way; this was by far the way the majority of callers and guests on each of the three programs I listened to talked about these policies: when prompted (though sometimes on their own), callers signaled their knowledge of larger policy debates, but time after time they refused to engage them in

substantive ways. When they did refer to them they did so in abstract terms, obliquely, quickly returning to the specific and particular effects these new (or proposed) law would have on their day-to-day life. In light of Rojas's notion of s rhetoric of dismissal, it's quite likely that these migrants are withholding their own voices from these debates, not only because they realize that their voices don't carry significant weight within them, but also because it's a way of signaling that, when it comes down to it, they don't need to be participants in order to carry out their existences. Other people may get fired up and indignant about immigration and migrants, and they may make these debates a large part of their daily existence, but migrants see it best to ignore them, mostly. What people say and do in the far-away forums about them and about immigration—these are things to be aware of, but not necessarily to engage in. It's a rhetoric of dismissal in reverse, where migrants employ similar rhetorical tactics to delegitimize national debates about them but which do not include them. Their refusal to lend their voices to these "important issues" can be seen as a rhetorical act in itself.

Dismissal should not be mistaken for disinterest. Even as Ramiro and others are dismissive of the national debates that, while about them, are not inclusive of undocumented migrants, this doesn't mean that they don't see themselves as affected by the discourses that circulate through these. Given recent efforts by certain states to enforce immigration laws through attrition (i.e.., "self-deportation), the most draconian examples including Arizona's HB1080 (the Support Our Law Enforcement and Safe Neighborhoods Act) and Alabama's HB56 (the Beason-Hammon Alabama Taxpayer and Citizen Protection Act), two laws that require law enforcement and other public employees to attempt to verify a person's legal status if they have a "reasonable suspicion" that that person is not in the country legally, migrants like Ramiro are right to be worried that the documentation he would have to carry would subject him to potentially harmful identifications. He is rightfully concerned that a driver's license that marks him could make it easier for those wishing to

detain and/or deport migrants to identity him as a person who is here without permission. Yes, Ramiro and the many other migrants I heard from are keenly aware that a policy change in one state doesn't happen independently of the larger national climate pertaining to immigration and migrants. As such, a document that is meant to recognize and legalize their movements in one part of the nation could result in immobility in another. Or, even in other parts of the same state.

The DHS requirement that all licenses and forms of identification granted to undocumented migrants be significantly different from those of "regular" drivers represents the clear danger that identification can be for undocumented migrants. On the one hand, a state-issued document gives the illusion that the carrier is worthy of identification (e.g., that the state has identified with the carrier, and that others in the society can also choose to identify with the carrier); on the other hand, a mark on the document that identifies the carrier as someone in the country without permission could easily result in the opposite—in dissociation—that could expose the carrier to harassment, detainment, and deportation. In this case, identification makes migrants subject to "persistent and often violent imposition of identity upon people whose subjectivity is overruled by a homogenizing, bureaucratic imperative is, like fingerprinting, one of the fantasies of identification that permit the state to undertake certain "bureaucratic imperatives" (Samuels 3). Ramiro and Salvador are right to be weary of this seemingly generous offer by state and its liberal majority because, aside from having their ability to drive recognized, they further become entangled in the "bureaucratic imperatives" of a nation that has historically worked to create and maintain an exploitable class of working-class people on which it sustains its economic vitality. While there might be a general and abstract benefit to having the state recognize what many undocumented migrants are already doing, there's a more present and immediate danger inherent in this proposition.

By extending the "right" or privilege to drive to migrants, the surface message is that migrants are welcome, respected, their value and worth recognized (see Governor Jerry Brown's

comments). The right presents itself as a recognition that migrants can move freely about the city on its public roadways without fear of being caught and possibly deported. And yet, without the legal protections that come with actual legal status or citizenship, there's no guarantee a racist or xenophobic police officer won't look at the driver card and, upon realizing that s/he is dealing with an undocumented person (or a person whose legal status is not confirmed), won't use the occasion to obstruct the holder from moving along, from getting through and getting by? Nothing, actually, and as Salvador realizes, "la situación ahorita" is "muy, muy complicada" to ignore the very real possibility that this "right" to drive may actually make it far more difficult and risky to be in the U.S.

Another implication of these identifications has to do with what I call "rhetorical checkpoints," how it proliferates them and how it makes it more difficult for undocumented migrants to navigate them effectively. As migrants go about their daily business, the document they carry and which marks them as people lacking in status, power, and legal protection, will make them susceptible to the types of looking that could get them caught. And because there's evidence of their lack of status, they won't be able to get through these routine checkpoints as easily as if they weren't carrying ("I forgot my ID at home.") Therefore, in choosing to continue driving without licenses that mark them as underclass and no-status people migrants are ensuring that they are able to keep moving and that, when they are stopped and asked about their "status" that they will be able to, in the moment, make an immediate case for why the should be able to leave that situation. Maybe they'll get a ticket or maybe their transaction at the store will be denied. Or maybe they'll get an "Okay, have a nice day," and they'll be able to move on.

Another caller to Radio Bilingüe, Salvador, a migrant living in Visalia, California, also recognizes the potential dangers of being made to carry a document that, under the auspices of helping migrants, exposes him to disrespect, mistreatment, and possible deportation. His comment is also what led me to think about checkpoints as rhetorical sites, and how there's a distinction to be

made between physical and immaterial ones. Salvador asked: "¿Sí yo agarro esta licencia y, por decir, paso un refren de inmigración, soy automáticamente deportable?[19] Salvador's question is certainly a curious one given he's calling from Visalia, which is relatively removed from the border and therefore wouldn't be immediately affected by immigration checkpoints. Before I discuss the significance of this question, though, I want to highlight how, like in Ramiro, Salvador is well aware that a document that, on the one hand, recognizes that the carrier is known to the state as a driver but which also identifies him or her as a person without legal permission to be in the country is no right at all. Devoid of of an actual recognition of their worth and value as whole beings whom, despite not having "papers," Salvador yearns for something more that a document that shows that he can drive. But beyond that, there's the other function of the document, that it could potentially make him "more deportable." It's unlikely that Salvador spends much time near or around physical immigration checkpoints, so it's not that he's asking how this license will affect him if he tries to leave or enter the country using this document, rather he's asking about how it might make him deportable where he lives and does his day-to-day life, all the way up in Central California. Ramiro indicates that this policy might actually make it so that his immigration status is questioned even at large distances from the physical border.

For Ramiro, Salvador, Patricia, and other migrants, the question of whether or not to take out a driver's license should these become available was first and foremost a question of how it would affect their ability to continue moving in a physical and material sense. While these migrants do recognize that these policy initiatives do have a potential effect on their ability to move in a social sense (what we might call mobility), it isn't the immediate concern. This is the main difference between how migrants see this particular issue and how those of us who aren't directly affected by

[19] "If I take out this license and I, let's say, have to go through an immigration checkpoint, does that make me automatically deportable?"

immigration and the realities facing migrants see them (regardless of whether we support or oppose these policies): migrants are concerned with how it will affect their ability to get to and from work, school, the market and the doctor's office, while more empowered deliberators see it primarily as as something that is either right or wrong to do based on our ideologies regarding who belongs and who doesn't. Migrants are dealing in material realities while most of us are dealing in abstract ones. And this disparity also signals the limitations of Burke's identification as it presumes and privileges the symbolic over the more immediate, particular, and physical realm in which many choose to or are forced to primarily move in.

To return to Salvador's concerns about the *refrenes* (checkpoints) he encounters on a routine basis, and how his ability to navigate them might be affected by a license that marks him as person without legal status or recourse: The Department of Motor Vehicles (DMV) representative whose been invited to the program to answer questions from callers has just explained that the law explicitly prohibits California law enforcement from sharing information they gather about a person in the course of a traffic stop with immigration authorities. He offers this explanation in an attempt to dismiss Salvador's concerns, but the way he does it also seeks to discredit Salvador ("Does he not know how far he is from the U.S.-Mexico border? Immigration doesn't operate this far up in California.") The DMV representative states that he isn't aware of any immigration checkpoints in the Salinas Valley and tells Salvador that the nearest checkpoint to him is in San Clemente (250 miles south of Visalia, near the U.S.-Mexico border). "Perhaps you're talking about DUI checkpoints," quips the representative. The exchange is patronizing, and even as the state representative doesn't go as far as to call Salvador a drunk driver, he certainly creates the association. At the very least he makes the migrant caller seem like an uninformed, confused person who doesn't know his geography or the difference between one law enforcement operation from another. The DMV representative can't imagine that Salvador might actually be referring to checkpoints of a symbolic

kind, a rhetorical checkpoint as it were, in which disempowered people lacking in status are made to perform citizenship in order to be able to move on, to get on with their day. In fact, that's exactly what Salvador is talking about, and he has to explain this to the DMV representative:

> Si, aquí en Visalia, la gente que va a trabajar al fil. Si ponen a veces los refrenes en el freeway 99 o en el 65. No exactamente ponen un reten, pero ahí esta un carro de la migra. Cuando ven un coche que va pasando con mucha gente, los están parando. No es realmente un reten, pero esta la inmigración ahí. ("Edición De Inmigración")

Salvador is likely aware that Immigration and Custom Enforcement doesn't officially operate that far up from the border, but he's also aware the policing and enforcement of the border reaches well beyond the physical border. Perhaps more so than the DMV representative, Salvador is cognizant of how immigration enforcement is as much a matter of physical structures at which people have to proffer physical evidence of their right to cross borders, as it is about the countless ways one has to perform one's legality on a routine basis. What Salvador knows and is pointing out here is that he and other migrants have to routinely navigate de-facto checkpoints as they go to and from the *fil*—the field—even as these are physically removed from the places we expect immigration status to come up, borders. For migrants, there are many other rhetorical checkpoints in which they are required to do the symbolic work of convincing others that they are allowed to be here.

Immigration checkpoints represent unique moments in which to study the complexities of identification as I've been laying them out here. It's at these occasions where we observe the intersection of the symbolic and the material aspects of identification. We see the top-down identification that Samuels talks about in how the state seeks to identify those who would cross into the nation as either citizen or as alien; in how the state engages in the requisition and proffering of documents that identify one as citizen or as alien; and we see the horizontal identification that Burke posits when an agent of the state sizes up those seeking entrance for markers of fitness as citizens

(or for temporary admittance), and also in the sizing up that a person seeking entrance does of the immigration officer in order to perform said fitness (and to what degree). These checkpoints are a rhetorical performance through and through; the state and its representatives perform its power to identify, mark, and measure in order to admit or exclude; the citizen performs her citizenship for the benefit of another citizen whose been empowered to identify (horizontally) with her for the purposes of admittance; and the alien has to perform their fitness for temporary admittance, proving that they aren't a threat. While it may be easy to locate the rhetoric in these physical immigration checkpoints, Salvador's line of reasoning and questioning on this day should alert us to the possibility that people are having to engage in these types of rhetorical performances in places far away from the border too.[20]

When Salvador references the checkpoints he and other migrants encounter on a routine basis he isn't indicating that he is confronted by ICE officers in California's Central Valley, rather he is pointing out how he and other migrants are constantly being made to perform their legality, and how they experience daily surveillance, and how they realize that they are in constant danger of being detained and deported. And, because Salvador realizes that rhetorical checkpoints can happen anywhere and anytime—be it 250 miles or 1000 miles away from the border—Salvador wants to know what effect this document—this top-down identification—will have on his ability to move from home to the farm, from the farm to the market, etc. Salvador, then, isn't an uninformed, illiterate migrant who doesn't understand that ICE can't and isn't setting up border checkpoints in central California, rather he proves to be a knowledgeable, critically aware, and rhetorically nuanced actor and doer. He knows that even as these licenses might represent a potential improvement in

[20] For more discussion on rhetoric's function on the border and of how fitness and citizenship intersect at borders, see Flores, Lisa A. "Constructing rhetorical borders: Peons, illegal aliens, and competing narratives of immigration." *Critical Studies in Media Communication* 20.4 (2003): 362-387 and Luibhéid, Eithne. *Entry denied: Controlling sexuality at the border*. U of Minnesota Press, 2002 respectively.

regards to his movements, it also has the potential of further ensnaring migrants in the macro-discourses and mechanisms that are daily making it difficult for them to move, to get things done: "If I get this license and I'm stopped at a checkpoint, am I automatically deportable?" Salvador suspects that's the case (and he's probably right).

The rhetorical savvy demonstrated by these migrants is analogous with what some rhetorical scholars have been observing, documenting, and researching in regards to how the border and border enforcement operate symbolically (Chávez 2009; 2010). Through this work we understand that, even as the agency known as Immigration and Customs Enforcement (ICE/la migra) is the entity by which the U.S. state seeks to sort humans and things as they move through the border, the function this entity serves can be experienced far beyond the physical border. Salvador's question aptly marks two forms this function takes, the physical checkpoint and the rhetorical checkpoint. This distinction opens up a space in which to consider how Burke's notion of identification is not a neutral process—that identifications can have ill effects depending on who the participants are—and in which to consider how some identifications might actually inhibit rhetorical action as a result.

Another implication of Salvador's comments has to do with how the symbolic and the material intertwine to affect migrant mobility. Rhetorical checkpoints work in cohort with physical border checkpoints to control migrants' movements at the border and beyond it. Kate Vieira describes this dynamic in terms of "the thickening border," a concept borrowed from anthropological border studies (2016). The border is thickened symbolically when policies extend the reach of border enforcements to places far flung from the physical border. This happens through discourse and policy, and Salvador's question about how this license would affect him when it comes to the *refrenes* near the fields in which he works are an example of a border thickened. Arizona's and Alabama's recent laws requiring law enforcement officials to stop and question those whom offer a "reasonable suspicion" of being in the country illegally is another example of how this

process unfolds as these policies allow for and proliferate so many other rhetorical checkpoints within those states. In a physical sense, we expect to see ICE function in the border checkpoints in San Clemente (as the DMV representative does), but we don't in places like the Salinas Valley. In fact, we may not even know what one was if we came across it on highway 99 (we may confuse it for a DUI checkpoint). But Salvador sees them and recognizes them for what they are. As do other migrants. And they recognize that the identification the state is offering them will make them more vulnerable at these rhetorical checkpoints. For them, the border has already thickened and because he knows that he has to submit himself to rhetorical checkpoints even 250 miles north of border, he's right to be weary of an identification that calls his right to be there into greater question.

Ramiro's interlocutor tells him that, while his fear of being exposed to a discriminatory law enforcement officer is indeed valid, not driving without a license is also risky. Salvador want to make a distinction between types of risks, and how what is being sold to him as a "privilege" is not true if you're undocumented:

> Okay, yo tengo un comentario por el significado que usted uso de "privilegio." Yo honestamente—yo honestamente—no voy a sacar esa licencia. No es que tenga record criminal o tenga "DUIs"—yo no tengo nada. Pero yo personalmente, yo no voy a sacar la licencia con una marca, le digo. La razón, como dijo el otro amigo que llamo [Salvador], es que, nos van ha—nos van a señalar. Aquí en esta área donde vivo, honestamente, hay muchos policías que son racistas. Y a veces son Latinos igual que nosotros. Entonces lo paran y automáticamente van a saber que usted no tiene papeles. ("Edición De Inmigración")

Ramiro takes issues with the use of "privilege" in this context, and rightly so. Like Salvador, Ramiro realizes that, under the auspices of this seemingly generous provision, being made to carry a driver's license that marks one as an undocumented migrant opens the door to more surveillance and might

even make one more susceptible to deportation. Ramiro cites the many racist cops who patrol in his area and is rightly afraid that if one of these cops pulls him over they will "automatically know that he doesn't have papers." The privilege of driving comes with strings attached (a privilege he's not sure makes sense since he's been driving for a while now), and these strings far outweigh the symbolic value of this document. Ramiro concludes by saying:

> Yo no voy a sacar mi licencia, quizás, hasta uno o dos años después de que salgan porque, como dijo el señor [Salvador], es como exponerse uno entre la espada y la pared. Van a tener toda su información, van a saber donde vive—todo van a saber. Y así como veo, esta todo muy, muy complicado para mostrar toda esta información. ("Edición De Inmigración")

When the DMV representative asks him if he's not worried that by choosing not to carry a driver's license he might be pulled over and, because he's not carrying a license, he might open himself up to deportation anyway, Salvador responds, by saying that he's not afraid he's going to be pulled over on the basis of his driving, so there's really nothing to worry about there. On the other hand, if he's pulled over because he's suspected of being "an illegal," then there's something to be worried about if he has a document that confirms that status:

> Sabe, le voy a ser honesto. Llevo más de 25 años manejando y solo e agarrado dos infracciones de trafico—en 25 años. No creo que en solo dos años vaya agarrar otros dos. No lo creo, honestamente. Siempre e manejado conforme a la ley, y conozco casi todas las leyes de transito aquí en California. Francamente no me interesa agarrar esta licencia. ("Edición De Inmigración")

Salvador's response shows us the critical calculations migrants do when deciding whether to submit to identifications when he tells the hosts that he doesn't need to take out a license to drive as he's been doing that and will continue to do so, license or not. Taking out a state-issues license isn't

going to change any of that. What it might change, though, is that he opens himself up to harassment and detainment: "Frankly, I'm not interested in taking out this license," he says. That type of identification, Salvador concludes, is less than expedient given "la situación," which he recognizes as being "very complicated" so as to be so quick to identity oneself in such a way. This particular rationale lends credence to the notion that these migrants are engaging in a rhetoric of dismissal all their own even as they engage in a mode of rhetoric that allows them avoid the dangers of being identified. They are refusing identifications in order to remain mobile and safe.

Another caller, Hector from Santa Maria, California, wants to recapitulate that there's still something desirable about being able to be licensed to drive when he says that it's good that there are undocumented migrants who drive "con precaución," which is to say, cautiously, but that he recognizes that "si se necesita un licencia para manejar como identificación." Hector echoes Patricia's sentiments up top, who also wishes that the U.S. would recognize her and her contributions to this society, especially at moments in which she interacts with the state, such as are traffic stops. For Patricia and Hector, a traffic stop is, by necessity, a negative occasion, but it could/should also be a moment of recognition of how much one contributes in this country. Maybe these licenses will allow for that. It's a hopeful sentiment to be sure, but is it smart? As it is, traffic stops are fraught with fear and anxiety that one will be removed from the life and home one has built, and that one will be forcibly removed from the country and taken away from one's loved ones. If only a license could be a permission on the basis of the person's value and worth. Hector and others recognize that these licenses do little, if anything, to recognize a person and their contributions, while it does a lot to mark and document them as being "illegal," "unlawful," "without permission," "undocumented." It's a good start, but these licenses don't go far enough in creating the actual types of identification undocumented migrants desire.

As Vieira writes, these licenses evince "the logic of documentary checkpoints: one presents a text to an authority figure in the hopes that one will be allowed to move on, to move up. In this way, transnationals' associations with documents—associations of authority, mobility, regulation"—are all rolled up in these policies. It might seem easy to accuse migrants of being stubborn or ungrateful, but the truth is that they are being critical and strategic in regards to these policies. Here is the enactment of an expedient rhetoric, one that exacts dexterity in order to ensure that you can, the very next day, locate work, put food on the table, get kids to and from school, and all without getting caught. A document that identifies a person to the state as an act of recognition would be nice, but not at the expense of the relative expediency *not* identifying offers.

"The reason I am against these licenses," remarks Hector, is that they will be, "marcadas," so that when a person gives them to a police officer the officer will know "que la persona que tiene la licencia no tiene documentos. Porque va haber una diferencia con la licencia original de California…si es un arma de doble filo."[21] Hector reiterates many of the sentiments other callers have expressed, and he employs the "double-edged sword" metaphor as well to signify that this new policy, while desirable on its face, could have very serious consequences for undocumented migrants, and that, therefore, there's good reason to be cautious about the policy as it may not necessarily result in greater mobility and expediency for migrants.

The representative from the DMV responds to Hector's comment by stating that, to him, there's greater risk in not taking out a license even if it's marked than there is in continuing to drive without one. "Even if you're a safe driver," he says, "others may not be and you don't know when you'll be in an accident." As a representative of the state, the representative articulates the documentarian logic described by Samuels, who sees the state's efforts to place everyone within a

[21] "…that the person carrying it doesn't have documents. Because there will be a difference between this license and the original one in California…yes, this is a double-edged sword."

bureaucratic matrix that links "an individual body and a paper record held by the state"' (paraphrasing Simon Cole, 6). This representative doesn't see the reason or the rationale behind these rhetorical refusals of identification. His assessment of risk runs counter to the migrants he's interacting with that day, but it's not difficult to see why: as an empowered person in the U.S. he doesn't have to worry about being marked, detained, removed. The extent of his worries are whether or not he can proffer a license to take out insurance so that he's covered in case of an accident. That's a very different reality that Hector's.

Recalling what Patricia said about how licenses represent more than a mere permission to drive, how receiving a license is also a way of being identified as someone who contributes to "this country," we see that the issue of licensing for undocumented migrants is more complex than liberal proponents and advocates (with legal standing) might recognize. Taken together, Patricia, Salvador, Ramiro, and Hector demonstrate how, for migrants, licenses don't merely represent the "privilege" of being able to move along public roads, but they also represent a sense of reciprocity—or a lack there of—between the state and the subject. Without an actual identification from the state that does the work of recognizing them as valuable members of society, all these migrants see is yet another way that they are to be surveilled and controlled. And this latter effect is facilitated by identification's dependence on visibility—on a person's agreeing to show themselves or to submit to how others are seeing them—in order to be identified with. This suggests that not all forms of visibility are desirable.

"As history suggests, struggles for recognition are also struggles for visibility," writes (Hesford 30). When liberal advocates push for licensing they fail to see how these might further ensnare migrants in extant networks of surveillance and political agendas. They fail to see how, while granting migrants the privilege of driving, they might also be making it more difficult for them to make do and move through. As Peggy Phelan recognizes, "visibility is a trap; it summons

surveillance and the law, and it provokes voyeurism, fetishism, the colonial/imperial appetite for possession" (6). It's true that visibility and recognition, as Patricia and Salvador highlight, has a certain political appeal, but not so much that an astute person would forget that to be rendered visible has real consequences. Given the current immigration discourses and the policies and enforcement they have helped bring about, it's no wonder that migrants are weary of lining up to get these licenses.

Of course, continued invisibility, especially when it facilitates further exploitation, is not entirely desirable nor am I advocating for invisibility at all times and of all forms. What I am pointing out is that that the binary between visibility and invisibility underlying identification is a false one, and that there's real power is remaining, in certain instances and to varying degrees, not invisible, unmarked. That there's value in engaging both visibility and invisibility strategically. Migrants, when it comes to licenses that would signal them as being different, are enacting disproving that binary by refusing to take out these licenses as they can remain unseen when they need to be unseen in order to more effectively navigate rhetorical checkpoints.

Hesford adds that "[Identification] reflects the ideology of the [already] visible, an ideology which erases the power of the unmarked" (7), and that "representation is almost always on the side of the one who looks and almost never on the one who is seen" (25-26). Insofar as we uncritically support policies that purport to help migrants while failing to recognize how a) they might actually make them less able to get things done without getting caught, and b) not fully recognizing the strategic decision to continue driving without a license so as to engage the benefits of remaining unmarked as many migrants are choosing to do, is to fail to scrutinize the power relations maintained and sustained by these policies. It's to fail to see the value of non-identification/rhetorical refusals of identification. Liberal advocates can't merely assume that migrants lacking legal status (and even those who do) will feel greater pride merely because their

need to and ability to drive is recognized—not if these superficial forms of recognition don't also come with legal protections and a raise in status.

By requiring migrants to carry licenses to do what they are already doing inevitably enfranchises migrants into a neo-liberal discourse that ultimately reiterates the social hierarchies in wherein the state and its empowered citizens are the holders and granters of rights; it leaves little room for migrants to disturb this hierarchy, to claim rights for themselves. Migrants, by all accounts, drive to and from work, to and from school, to and from the grocery store, the doctor, schools, malls, restaurants, parks, etc. They don't really need someone to recognize that through documentation. Over and over their comments indicate that their interest in the policy is a pragmatic one: will it make me more deportable? Will it open me up to further discrimination? The migrants calling in to the various shows and discussing the policy over the air weren't discussing the merits of the policy, they just wanted to know if it would make it more or less difficult for them to do the things that they needed to do.

The reason these migrants are weary to apply for and carry a driver's license is because it may also serve to extend the border beyond its physical placement. Even as the border remains in place, "there is a sense in which the experience of crossing the border is, for many people, not unlike entering a large corporate building […] or a computer network. In each case the subject is scanned, identified and profiled. A databank is accessed, a record created. An entry occurs or, perhaps, access is denied" (Walters 197). Driver's licenses represent but another way through which the border could thicken, and in what has to do with migrants, it's how their movements are surveilled, monitored, and restricted and potentially stopped.

When we consider that these policy initiatives, even as they could potentially result in some greater movement for migrants, could just as likely to stop them in their tracks and get them removed from the nation, we understand that even these efforts to recognize migrants' movements

could proliferate rhetorical checkpoints, making it more dangerous to be in the U.S. As such, we can appreciate migrants' reluctance to acquiesce to the identifications these licenses offer. We can also study them and theorize from them. To do so means that we understand how and why migrants engage in their own rhetoric of dismissal when they opt not to enter into abstract discourses about about (the nature of) immigrants, immigration reform, and the policy debates these engender. Whether we are on the side of migrants and see ourselves as advocates for progressive polices such as these, or whether we see them as an economic or national security problem to fix—a failure to see how these debates and the policies they proffer actually and materially affect migrants' ability to move and to get things done belies, ultimately, an uncritical understanding of identification and its supposed benefits. No doubt, migrants like Patricia, Salvador, and Ramiro care about the larger abstract discourses about immigration currently in circulation, but for them each policy initiative—progressive or otherwise—needs to be assessed for how it will affect their ability to move, to get things done. For this reason, we ought to recognize that a decision to refuse identification could result in greater mobility in time even if it means that you don't get to claim the right that is being offered you now. We ought to recognize that, in some cases, not identifying is what more expediently results in rhetorical agency.

Is isn't the case then that undocumented migrants contradict themselves when they say they would like be able to "have an identification" or a license only to refuse them when these are offered. Or that they are misinformed or confused about how these would actually benefit them. If we approach these questions with the assumption that identification is the sole way to persuasion and to rhetorical action, then these migrants' refusals of identification necessarily leads us to failure, but if we allow for the option within identification of refusing it, then there's room for what these migrants are doing in relation to being seen, identified, marked. Here I am arguing that migrants aren't opting out of identification because they are misinformed or confused, but because they

realize that certain identification could be potentially harmful. The migrants I study here seem to be approaching and understanding identification more complexly than many have up until now. Really, non-identification/refusals of identification can also be conducive to rhetorical action.

What it all means

While there are a number of implications to these claims, I put forth two important ones here: first, identification is a double-sided concept—one side was presented by Burke and has been amply explored, studied, and critiqued since Burke first elaborated it. The other side is less familiar but is no less present, possible, important: for those who cannot enter into a site of potential consubstantiality on equal terms to others, there is the option to refuse consubstantiality and therefore identification—to engage non-identification. People might do this for at least two reasons: because to identify would make one even less equal/more disempowered, and/or because refusing identification is a quicker, more efficient way to access rhetoric. And sure, it may not be the type of action that is recognized by the orthodoxy, but it is rhetoric no less. This last reasons leads us to the second implication: whereas acquiescing to identification does allow agents to undertake common long-term, long-range goals (to which persuasion is important), refusing identification causes a more circumscribed rhetoric to emerge, a rhetoric that an agent could access and employ alone and for more immediate goals and needs. This second implication has some resonance with Burke's sense of the need for there to be "corresponding rhetorics," as he writes, "There are the incentives to individual advantage (and its corresponding rhetoric)," which makes sense, as Burke likewise recognizes that "agreement about the future is not necessary for the analysis of rhetoric as such" (*RM* 147; 212).

Identification, then, is about how people use commonalities to come to a place where they can act together, but identification is also about the possibility of opting out of consubstantiality

when one recognizes that another set of needs takes precedent, and therefore that another type of rhetoric is what they most need in that particular situation. When we see identification in this larger way we can better understand how someone like Patricia could simultaneously desire identification (the kind that doesn't disempower further/that carries necessary legal protections and status) while also engage in a refusal of it. Patricia and the many migrants I studied see that the better option for them when it comes to identification *vis-à-vi* driver's licenses is to refuse it so that they can continue moving about and getting things done.

Christa Olson, writing in 2013, notes how "Division coincides with identification as the primary means of making the public whole" (159). In her analysis, Olson locates the emergence of rhetoric that's possible through division (as opposed to identification) in the institutions of the Ecuadorian state of the 19th and 20th centuries. In refusing (or in withholding, perhaps) identification with the "other-yet-not," the "compatriot-yet-not", e.g., the indigenous people of the nation—Olson argues for a theory of national publics that includes refusals of identification, which is to say, how the notion of "the people" of Ecuador came about not only through identification with each other, but also through the refusal of identification with certain others (the indigenous people of Ecuador.) In claiming that "we are these but not these" we see how it is possible to desire/enter into certain identifications while simultaneously refusing others. This isn't unlike what Patricia was laying out at the outset. As Olson locates the force of rhetoric among the state's refusals of identification in certain cases, I locate the force of rhetoric among migrants in their ability to refuse identification with the state in certain cases, too.

This approach to identification also serves as an opportunity to more critically consider how consubstantiality works, what it actually is. As Olson notes, Burke's sense of consubstantiality, is never meant to communicate a "wholly" transformation but rather a "substantial one," much in the way "offspring both share the body of their mother and yet also remain distinct from it" (163). I see

this as an important distinction when talking about undocumented migrants and their approaches to identification. When Patricia asks to be recognized though not necessarily identified, she's marking that she wants to share some but not "wholly" as this would mean that she gets subsumed into the very society that is putting her through such turmoil. One is not forced or required to become "substantially one" with others if this act will essentially work to maintain the structures (either directly or through omission) that disempower you in the first place. Patricia doesn't seem to be intent on "emerging into hegemony" as it were (Gramisci 1978). Rather, undocumented migrants seem to be more in who or what they seek to share substances with, not necessarily because they have some political intent in mind, but because there are good reasons to remain separate and distinct from a nation that's historically made it difficult for you to be in it. If and when migrants seek out and/or give into consubstantiality, they are likely doing it as "a matter of bodies in relation" as opposed to as attempt to become as one with the body politic (Olson 163). Through how undocumented migrants approach identification—as a proposition that can be either accepted or refused—we realize, too, that there's rhetorical potential: a better understanding of how consubstantiality is, and how it works.

Could I stay or should I go: the thickening border and controlled movements

As I've shown, the thickening of the border that results from policy and the rhetorical checkpoints it engenders has vast implications for the physical and symbolic mobility of migrants. As such, a migrant's ability to refuse certain identifications is one way that they have of navigating these in order to continue moving. As Vieira finds from her time with undocumented youth in the Northeast, the threats of the state keep "undocumented transnationals running" (17). So, that's one way that policies affect migrants' movement—it keeps them running, which is to say, it keeps them on the move, and not always in productive ways. If they are able to exert some control over the

movements they are forced to take, then they stand to reclaim some agency. Refusing identifications makes it so that they can exert some level of control over their movements. We also know, per Ramiro's and Salvador's concerns, that policies can also have a halting effect on motion and mobility—even generous-seeming ones. Movement, mobility, immobility—these are tangled concepts that deserve attention if we are to see how migrants ensure their mobility in light of symbolic and material obstacles. As the experiences of Vieira's research participants demonstrate, migrants in the U.S. have a reasonable expectation that "social mobility [is] a natural extension of physical mobility "(9). And even as progressive policies tend to have a migrants' mobility—in a social sense—in mind, it's not always clear whether or not these policies can materially affect movement, or how. And if migrants can't move, in a physical sense, then there's little chance that they will gain the desired mobility in a symbolic sense. In this section I analyze how migrants manage to move in light of polices that are meant to immobilize them.

Rarely do we stop to consider the many ways migrants are made to slow down, stop, the many ways their movements get restricted and redirected. This is likely because we take our own mobility for granted. There are the physical roadblocks they encounter in and near the border, and then there are what I have been calling "rhetorical checkpoints," which can emerge far away from the border, at the bank, at school, at work, at the market. Less do we consider how these physical and immaterial impediments intersect to constrict a person's overall mobility. For many migrants, a desire to go to school or get some vocational training gets squandered when migrants realize that they can't pay for it, or that they have to work to help make ends meet, or that they lack a means to get to and from school, or that they're simply to tired to concentrate after working long hours along with having to raise a family. At that root of these complicated realities are the regulated movements and un-movements produced by policies, popular discourses, and legal procedure, few of which are actually productive for migrants. This, then, is another reason to analyze how migrants position

themselves in relation to seemingly well-intentioned policies such as California's AB60 as these laws are neither a corrective for, nor separate from, laws in other states that very directly aim to immobilize migrants.

We see this in Gabriela's case, an undocumented migrant living in Alabama, who reports being immobilized as a result of HB56 (the Beason-Hammon Alabama Taxpayer and Citizen Protection Act). Because she fears being picked up and taken away from her children, she quit her job. She says she is afraid that by driving to and from work, she's exposing herself to deportation. She feels forced to hide away at home: "I have to be here, hiding in my own home," she says, "because I need to be there for my childrens when they come back from the school" (Hitt). The actual effects of the law are such that Gabriela's home has become a *de facto* holding cell of sorts, a domestic site of detention. This is one way that the border and its enforcement has thickened for Gabriela and other undocumented migrants in Alabama. In this context undocumented migrants don't need to be stopped and questioned about their legal status for them to fear deportation. Nor do they need to be detained and held in detention centers. In effect, HB56 makes it so that migrants themselves restrict, redirect, or stop their own movements, and that they might even remove themselves from the state—from within its borders and/or from the social and economic functions comprising the state and its society. The fear of being caught, separated from their family and loved, ones is enough to make one person quit her job and stay home.

For Gabriela and other residents of Alabama, *la migra* does not need to have a physical presence in the state in order to to feel that they are monitored and at risk of being detained and deported. In how it makes every potential interaction with the state or with business owners a rhetorical checkpoint, HB56 thickens the border and extends the function of its enforcement into the state, making it so that nearly every point of contact with others "ultimately constitutes a process that situates migrants within lifelong networks of surveillance and disciplinary relations" (Luibheid

xvii). It's a different approach than California's, and we can even talk about how these polices are so differently motivated, but is it the case that migrants are experiencing that much differently?

Policies form networks that seek to imbed undocumented migrants; in concert, policies "function as a perfectly Foucauldian mechanism that disciplines individuals into objects of state control while maintaining the illusion of individual autonomy" (Samuels 7). In this way, HB56 isn't that different from a law the presumes to allow migrants greater mobility through licensing; the two ultimately ensnare migrants in a web of documentation that results in 1) the regulation of migrants' movements (with the ready option of variously stopping, redirecting, or removing them) and 2) a thickening border that functions by and large through the proliferation of rhetorical checkpoints. This becomes apparent when we consider that calls for mass deportation or even self-deportation don't carry much weight even among those who propose them. In reality, neither mass deportation nor self-deportation makes much fiscal sense since both come with a high ticket price, either up-front and/or because of the economic loss represented by a lack of labor. For instance, soon after HB56 passed, it was farmers in the state who first expressed their opposition to the new law because of what it would mean for their industry (Trotta).[22] As such, I posit that laws like HB56 aren't actually meant to remove migrants from within the borders of the nation—at least not a majority of them—but rather, the next best thing, which is to proscribe and limit their movements, and to give political and economic actors and forces the ability to direct and redirect migrants—both physically and symbolically—for profit, political and economic. When taken up with other laws around the country that target migrants, even those that are meant to help them, the effect is such that migrants find themselves always having to assess how the network of immigration laws affects their mobility.

[22] The U.S. economy—and middle- and upper-class Americans—would be hard-pressed to maintain that status quo without this vulnerable labor force toiling away unseen though in plain sight. More over, rounding up, processing, and removing the many (8.3 million, about 5% of the population) undocumented people currently living in the U.S. would be prohibitively expensive—somewhere near 285 billion according to the Center for American Progress (Fitz, et. al.).

Consider the effects of the HB56 on Carolina, a Costa Rican woman who's overstayed her visa. For her birthday, Carolina's mother sent her money to buy herself a gift. She sent it as a money gram, which Carolina went to Walmart to pick it up as she usually does. The transaction should have been routine, even after HB56 came into effect. Carolina expected to approach the counter, tell the person working that she was there to pick up a money gram, show her I.D., enter the secret code her mother had given her, and receive the money. On this occasion, that's not what happened. The clerk and then the manager refused to give Carolina the money. They asked Carolina about her immigration status. Of course, Walmart could give Carolina the money—they are a private business, not a government agency—and therefore not required or expected to verify a person's legal status. HB56 changed that, though, and Carolina was now encountering a rhetorical checkpoint in the course of a routine day and a routine activity. She was being asked to perform and to prove her right to be in the country in order to get her money. The effects of HB56 are such that, regardless of the letter of the law, Carolina's previous easy access to her money was now limited, if not denied. We don't know what Carolina was going to do with that money—she may have treated herself to a rare meal out or to a pair of earrings she'd be wanting. Or maybe she was going to use it to pay for more prepaid mobile minutes or to help make rent that month. In any case, this new checkpoint was having a material and a symbolic effect on Carolina's mobility. Carolina says that she "went already to three different Walmarts and I don't have my money yet" (Hitt). And this was just one of the many rhetorical checkpoints Carolina could expect to encounter as a result of the law.

For Carolina, the effects of the law go beyond the inconveniences posed by her interactions with Walmart. Carolina says that now, every time she gets into her car to drive somewhere, she says a prayer. She has also appointed a legal guardian, "an American," to assume custody of her three-year-old son in case she "disappears into an immigration detention center." More over, she's stopped driving her son to and from school— "it's too risky," she says. With a crack in her voice

you hear her say, "And actually, this is the last month that my son he's going to school. Because he's not safe with me to take him to school. And he's going to be safe in here, at home" (Hitt). Whereas her interactions with Walmart stand to limit her physical movements, the fear that she or her son might be detained and deported is causing her to limit her family's social/upward mobility as she's decided to keep her child home from school "because he's no safe" outside of their home.[23]

Carolina's fear is not without base as HB56 requires law enforcement officers holding a "reasonable suspicion" (the law doesn't specify what this might constitute) to make an attempt to verify a person's legal status. It goes beyond law enforcement, too: if a person seeks out public benefits (i.e., education, healthcare, or other forms of welfare), the law requires the person conducting the transaction on behalf of the state to verify legal status. In effect, all contacts with the state are now actual and rhetorical checkpoints, as are certain points of contact with residents of the state. For Carolina this means that enrolling her son in a public school turns into a checkpoint; it means that if there's a situation with her son at school and she has to come in to deal with it, this turns into a checkpoint; renting an apartment or signing a lease, that's a checkpoint; applying for work, a checkpoint (and, actually, attempting to acquire employment as an undocumented migrant constitutes a crime in and of itself); registering to vote, checkpoint; attempting to get a permit (to own a mobile home, for example), checkpoint; entering into a contract (i.e. with an employer), checkpoint. Attempting to get a birth certificate, death certificate, or a driver's license, checkpoint. Attempting to get a ride (to work, to the store, to the hospital), checkpoint. So draconian was HB56

[23] Consider, also, what Carolina doesn't say: her only options are to take her son to school herself, indicating that the neither the city nor the school district provide adequate transportation for pupils. Cutting back on public services, a trend that's been with us for a few decades now, disproportionally affects migrant communities (and other minority communities); we can only imagine that Carolina has, already, plenty of fear and anxiety about driving herself to work each day, but now this fear is compounded by the prospect of being stopped and detained in front of her school-aged son. The law's effects of movement and mobility are distinctly seen in Carolina's unfortunate situation.

that Mary Bauer, the legal director of the Southern Poverty Law Center, testified as to how the law made it so "undocumented persons are unable to interact with the government in any way and for any purpose," effectively made a whole class of people "non-persons" (Bauer). This is akin to Rojas' "rhetoric of dismissal," and its effects go far beyond what the law says is and isn't possible; like with the women of Juarez, this law was persuasive in how it affected how other, more empowered residents of the state, see and think about undocumented migrants. The point of the law was to get migrants to "self-deport," and while some have, it's also true that not all migrants made the decision to leave—some stayed, though they did so at the cost of their ability to move freely about, even if it's just to work or to their child's school.

Even as physical immigration checkpoints and immigration centers exist in the U.S., laws such as HB56 work to enhance the function of ICE extending the symbolic and discursive strictures and structures of an immigration enforcement body into people's own homes and private lives. The law communicates to undocumented migrants (and Latinos/as in general) that they are being watched, and that their presence, as necessary as it might be, is unwelcome. The law communicates to all lawful citizens that they are to be watching also, and that they are to be communicating to "illegals" that they are not welcome. Indeed, just like being an actual prisoner makes one a non-person (in civic and legal sense—a criminal record prevents one from voting, getting financial aid, and from accessing many of the economic resources otherwise required for class mobility), so too does HB56. Whatever movement and mobility there is to be is reserved for the needs of the political and economic forces in the state.

Understandably, laws that cause people to hunker down in their own home has adverse effects on their social mobility. If a child is made to miss school his or her future academic achievement will suffer, and so too will their job and career options. These laws, then, have both immediate and long-term effects on movement and mobility, and as such they ensure an exploitable

class of people in the present and into the future. We see this in Stephanie, a high school student, who talked about how these laws have affected her and other students, some of which have had to move away. She says that there are at least five students missing from each of her classes since the law passed—some are still in the state, they just don't come to school, while others she's not sure if they moved away or not. In a way, it's as if they have removed themselves from the state by not participating in its social or economic life.

Additionally, Stephanie signals how these effects are felt in relation to gender:

> Mostly 'cos they were girls. One of their names was Jessie. She was my best friend but she had to leave because of the law. So, what we did is we went to the movies then I went to the store and bought her a teddy bear. We started to cry [audible sigh]. She moved to Mexico. She says it's funner than here. She says that she's like—she can move around. Her parents let her go out more 'cos they're not scared that immigration or something—that she can just be free. Go out to the mall by herself. 'Cos here we can't do that without getting in trouble or something. (Hitt)

Gender, certainly, plays a large role in how the effects of HB56 are felt by girls and women in particular, as Stephanie points out here. But gender also plays a large role in how women and girls experience laws like HB56 because it removes important and necessary access to resources and protections that exist for women who are abused, assaulted, or otherwise threatened. Because in instances of harassment, abuse, or assault, women don't feel safe enough to report it, since these complaints are now a checkpoint.

Interestingly, Stephanie's friend sees the move to Mexico as positive specifically because she feels she can "move around," which indicates that she felt immobilized in the U.S. And this is in spite of the regular reports we get about violence in Mexico, a situation that leaves many migrants between a rock and hard place when it comes to deciding whether or not to stay in the U.S. or move

back to Mexico. Gabriela, for example, tells of a friend of hers who did move to Mexico and who shared with Gabriela that Mexico was "scary." Crying, she explained how she "preferred to be there [the U.S.] waiting for the police to catch me, but here I'm afraid that they are going to kill my children…or me" (Hitt). This friend sees her choices as either being in the U.S. at the risk of being caught by the police or staying in Mexico in fear that she and/or her family will be killed. For Gabriela moving to Mexico is not an option, and not only because of *la inseguridad* (the drug violence and the crime we hear so much about), but because her kids are American—born and raised in the U.S.; Gabriela does not want to uproot them. This is a reality for many undocumented migrants. HB56 and laws like it either force people to move (to Mexico or to another city or state), or to hunker down in place, imprisoned in their own homes and with little chance of improving their lot. In conjunction with laws that purport to help migrants but which requires them to acquiesce to identifications that may further disempower them, we understand that there is indeed a network that persistently and at times violently subject migrants to identities that don't give much option other than to agree to be homogenized or be a ready exploitable class for the political and economic projects of the nation's empowered elite.

Even before laws like HB56 were passed, migrants saw themselves constantly threatened—a routine traffic stop, applying for work, an immigration raid. Now that HB56 has been made into law (even as some aspects of it have been deemed unconstitutional) the threat is everywhere: being caught, arrested, detained, and separated from one's family—these are things that merely moving through the town or city you live in put you at risk of. In it's effect, it would be unwise to separate laws like HB56 from laws like those being passed in California, Colorado, and Pennsylvania. Within the neoliberal logics we've all been subjected to, it's not always easy to see how two seemingly distinct laws actually comprise part of a larger disempowering discourse that operates largely through our expectations of what disempowered people should do if they want a better plight in life. But it's

necessary to see these seemingly contradictory laws as of a piece, not only because they help us see how migrants are actually and fully marginalized, but also because it gives us more to do with identification and how migrants position themselves in relation to it.

In certain cases, migrants respond by hunkering down down, by saying prayers. At times they respond by not driving, by staying home themselves, or by keeping children away from school. Sometimes migrants do actually move, if not to a home country, then to another state. Sometimes they decide not to apply for or carry a driver's license that further imposes an "unauthorized" identity on them. When they do it its not necessarily because they don't realize that this offer *could* result in something better for them, rather it may be that they recognize how, in light of other laws and policy initiatives (like HB56), such an identification could just as easily bring about their detainment and deportation should the political and economic projects *de jure* require it. As such, exercising the option of non-identification is a strategic way of countering these forces, of remaining off the totalizing networks that so effectively immobilize or redirect migrant's movements in ways that are not their own.

Another implication of the taking up these networks of policies in our study of identification lies in how it also helps us make a critical distinction between different types of movement, for not all movement necessarily results in mobility. We see this in Patricia's ordeal when trying to get her money from Walmart; her particular experiences show that the law can also promote movement, though of an unfruitful kind. There is, we see, a dialectic between movement that is productive and movement that, in a Beckett-like sense, doesn't get you anywhere. By forcing Patricia to go to different Walmart locations in pursuit of her money means that she can be forced to move in ways that actually benefit her. In this way HB56 keeps migrants engaged in futility. It's another way in which the network resulting from these various laws variously affects migrants' mobility.

We also see it in Carolina's newly adopted approach to shopping in markets. Carolina describes how she and others walk up and down grocery store aisles before approaching the register hoping to catch a smile—any subtle hint that the person with whom they'll interact is friendly and won't interrogate them about their immigration status. Carolina also tells of how migrants identify shop owners, organizations, groups, and other individuals willing to defy the law in selling them permits or in giving them rides, and how they share this information with each other. These particular strategies are representative of a migrants' making do, and when they do it, it creates opportunities where there otherwise aren't many. To be sure, when most of us get a smile from a store clerk we see it as simply a nice gesture, but for Patricia it's a signal that she can approach with a little less fear that she's going to be questioned about her legal status. It's an informal strategy borne out of necessity, the need to continue to do the things they need to do.[24] So, we understand that not all movement can be equated with mobility. Whether forced to move about the city in pursuit of birthday money or up and down store aisles to make sure her purchase of groceries won't land her in a detention center, or when someone is made to "hunker down" at home, movement is both stopped and promoted, though the effects end up being largely the same: the undocumented migrant's mobility is restricted in direct relation to how s/he is made to move/not move.

Alabama's HB56 exacerbates the limits on social mobility already experienced by migrants as they turn every possible interaction with the state (and, by proxy, other citizens and residents) into *de facto* checkpoints. Patricia's experiences at Walmart and Gabriela's decision to keep her children home from school do indeed show us how migrants are negatively affected by policy debates and other social discourses, but they also offer scholars of rhetoric an opportunity to consider the

[24] In some cases, migrants identify merchants, individuals, advocacy and religious groups whom are defiant of laws such as HB56 and whom are willing to rent to them, to give them rides, to sell them permits, to employ them or seek out employment on their behalf, to assume care of their children in their absence.

emergence of rhetoric in instances where people act counter to what we know and understand to be useful about identification (they refuse it). I've been arguing that there is a rhetorical significance to exercising this option of non-identification, an option that's always been there, albeit little recognized or theorized. If we understand that migrants negotiate in/visibility strategically within potential identifications, then we also stand to see that migrants aren't victims in need of our saving, nor do they have the single option of aligning themselves with us in their pursuit of a better lot. A more comprehensive theory of rhetoric for the present will recognize this. We can begin to work towards it by realizing that identification works also through its own negation.

A version of rhetoric that promises to confer status, *ethos*, and a willing audience on the basis of shared language, goals, values, and ways of being is not likely attractive to migrants whose status prevents them from possessing these pre-requisites in the first place. More over, it's unlikely to attract migrants whose immediate needs require a more expedient rhetoric, a force that will allow them to get things done in a more immediate sense. Even as they might see themselves implicated in larger, future-oriented social and political goals, they understand that their lack of status and protection undermine their ability to participate fully in whatever deliberations will take place on the way to accomplishing these goals. The promise of status, *ethos*, and an audience more willing to hear you and to be moved by your appeals, attractive as it is, does little to help migrant now. Further, identification also requires them to show themselves—or to give in to imposed-upon identifies and representations—that, can easily be turned against them, making it riskier for them to be in the U.S. So, when migrants refuse identifications it's significant. For one, it demonstrates that they are able to act in ways that delegitimizes disempowering discourses, structures, and institutions, a version of Rojas' notion of a *retorica de menosprecio*, and it also helps them avoid the types of visuality that makes them even more vulnerable. It also serves to recast them as something other than victims in need of rescuing, and shows them to be resourceful agents that can identify various informal resources

through which they create opportunities for themselves. This is a rhetoric that isn't oriented towards persuasion or towards a better future for all, but it is rhetoric no less.

Migrants and other displaced people will continue to comprise part of U.S. society in the 21st century. And even as the political, economic, and legal discourses that have long conspired to make migrants an exploitable class of people continue to grow stronger in our neoliberal moment, we have a way of approaching migrants' doings in a different way, a way that allows for their own rhetorical agency to emerge. This also proffers greater opportunities to study and theorize identification complexly. No doubt, migrants will continue to experience a thickening border, and rhetorical checkpoints will become routine and common. Their movements will be regulated and redirected, often unproductively, and their mobility will continue to be curtailed. But insofar as we recognize that migrants benefit from identification also in their ability to not do it—that they can continue to get things done by entering into certain identification while refusing others—then we realize that they have opportunities to change their lived realities on their own terms. Those of us interested in understanding how rhetoric works within contexts in which people are unequal and where there's little shared can learn a lot from how people like Patricia in Philadelphia, Ramiro in California, and Gabriela in Alabama continue to engage non-identification as they seek to make a life and way in the U.S.

Chapter 2

Identification reframed: Self-sighting and re-knowings on VozMob

On the 25th anniversary of the Centro de Trabajo Harbor City (Center), December 21, 2013, Ranferi Velásquez, a.k.a. "Aheizer," posted an entry on a microblogging platform, Voces Móbiles (VozMob) commemorating the Center and those whose work lives are organized around it. He uploaded an image of the center as it was festooned on that day for the celebration and annotated it with, "bendiciones a muchas personas de las ciudades vecinas, porque en ella ha habido personas que se desempeñan en varios oficios, que son necesarios y que algunas otras personas no las pueden efectuar, talvez por falta de tiempo o por que nunca se practicado."[25] The picture showed the Center as it was, an open-air, A-frame metal structure holding up a wooden roof painted grey, and on which someone had hand-painted the words "Workers Available" in white. The shelter, on this celebratory occasion, provided cover for a dozen or so rows of wooden tables and white plastic chairs all decorated with purple and white balloons. The bottom center of the image showed a woman standing next to a portable generator and talking into a cellphone. This image offers a fitting focal point for the entire VozMob website, an archive of day laborer everyday life and activity comprised of images and text created and uploaded by migrant day laborers themselves. Aheizer's post is particularly representative of this space—both the online one and the physical one—as it shows how migrants show themselves (what I will call self-sight) as laborers/jornaleros (I'll use these terms interchangeably), yes—but also as whole people.

In this chapter I position these acts of self-sighting and self-representation as rhetorically significant because through these migrants are seeking to reframe identification in ways that allow

[25] "blessings to many people of the neighboring town, because here have been people who do a variety of jobs, all of which are necessary and which many others cannot do either because they don't have time or because they've never practiced."

them to better make a place and a way for themselves within disempowering contexts. The VozMob archive is a rhetorically rich site in which to study the many ways people do more than merely contest disempowering discourses about themselves, as well as their attempts to remake the spaces they live and work and play in through through their own seeing and documentation. Whereas the previous chapter discussed identification as something that can be refused strategically, in this chapter I take up identification as it occurs among equally seeming subjects and parties (what might be best called "horizontal identification"), migrants themselves, and as something that can be reframed to suit one's own purposes. In *toto*, reframings of identification can work alongside refusals of it as disempowered subjects work to create opportunities for themselves where there otherwise aren't any. In what has to do with the migrant day laborers of VozMob, it's through these reframings that they are able to revise and transform their lived realities.

Patricia's story (in Chapter 1) reminds us that identification is a complex phenomenon, one that can't be discussed or analyzed without considering how power operates within the sites of identification. For this reason, it's important to recognize that even as migrants refuse certain identifications, they may not refuse others: whereas the migrants in the previous chapters expressed a keen desire to avoid certain types of identification from above, there are instances in which migrants find value in entering into identifications with other, though maybe not as these are first presented to them. So we shouldn't take a willingness to enter into certain identifications as an outright endorsement of the representations that operate within these as these too can be negotiated. Migrants seems to be willing and able to approach identification with an eye towards revision, which is to say, with an eye towards re-presenting themselves in ways that aren't so disempowering and which show them as more complete persons. In their revisions of how they are made to appear migrants are able to reframe identifications in ways that allow greater range, mobility, and rhetorical agency. Given how entering into identification represents a political

commitment (Samuels 4), and political commitments at that, assuming or taking on political commitments can be risky. Because entering into identification, even as one seeks to reframe it, means leaving that space of potentiality valued by Grosz, and of foreclosing the opportunities inherent to it. How migrants assess the risk and the rewards of certain identifications so as to decide which to refuse, which to enter into, and which to reframe—these all comprise a strategic approach to identification that ensures that migrants are able to get things done.

How migrants negotiate in/visibility—how they refuse certain identifications while selectively enter and seek to reframe others—is one important ways that Latina/o migrants make do. The migrants I pay attention to here demonstrate that they operate through a critical understanding of how identification is complex terrain, and therefore are more judicious about how they do or don't do identification. For many of us the promise of identification is one of intelligibility, accord, and togetherness, but that isn't the case for those whose very presence is questioned or contested. In these cases, identification can be constitutive of identities that, while politically expedient to some, can fix the very aspects of one's life that make one vulnerable, exploitable, and removable to begin with (i.e., "illegals," welfare recipients, job takers, criminals). In the previous chapter we saw migrants rejecting political and governmental identifications that call for and result in verification and unwanted visibility. This doesn't mean that these migrants don't see or desire forms of visibility that could result in intelligibility, respect, and agency. In this chapter I further theorize the rhetorical how migrant laborers seem to be courting visibility strategically through their microblogging on VozMob.

Aheizer's annotation of the image I mentioned at the outset, which posits that the Center has brought "blessings" to people from neighboring cities, is an indication of how migrants seek to be recognized. It's in some ways different than how they are cast in larger debates about what their value is within a neoliberal society. What we are able to see through their microblogging on VozMob

is an attempt to recast more common visualizations of migrants and their place in U.S. society. It also points to how these migrants are actively seeking to reframe the visibility so many of them are subjected to via the dominant political and popular discourses currently in circulation over immigration and migrants. On the surface it might be easy to think that when Aheizer says that he and other migrant day laborers are "blessings" to the surrounding communities that he is making an appeal to a general audience (perhaps to "Americans" as they are typically conceived us); one might even think that he is offering a rebuttal to whatever negative characterizations he's read or heard about. While it's possible that this is, in part, what Aheizer is doing here (by adding that migrant day laborers do work that "others don't know how to do themselves or don't have time to do"), it's not the only thing that's happening, and it may not be fruitful to assume that Aheizer assumes a more general, wider audience than other members of VozMob. While Aheizer's appeal to work might indicate that he is emphasizing this particular value for the benefit of an "American" audience that is said to value a strong work ethic, I argue that Aheizer's first goal is to show the migrant laborers to themselves, and for their own benefit.

Indeed, the entire collection of blogs, and the bulk of the entries within VozMob, show that these migrants are engaging in a much more complex negotiation of in/visibility where, on the hand, the migrant microbloggers do seek to be identified with work because "work" and "a strong work ethic" carry symbolic weight in U.S. society, but also with other, less visible ways of being. Aheizer's claim that he and the people he knows are blessings to the communities neighboring the Center is based on a much larger, more capacious sense of self. Aheizer, then, is reframing a popular sense of who migrants are and what their worth is.

Migrant labor in places like Southern California represents a significant percentage of the work that makes neighborhoods and cities work. Both contractors and private persons rely on informal workers to complete major construction projects, renovations, landscaping, cleaning, and

nannying, and more. In a very literal sense the work that these day laborers do can be talked about in terms of "blessings" by many, even if they also harbor anti-immigrant sentiments. But those people who are quoted in the mainstream press and which appear in news stories about immigration don't often talk about migrants as blessings. In the mouths of these "Americans," migrants are either an invisible labor force or they "steal American jobs." The migrants of VozMob demonstrate that they know how their worth and value is attached, necessarily, to their labor, but a more careful look at the content of this website, one that doesn't use identification with others as its sole critical frame, shows that these migrants are attempting to represent themselves as blessings for reasons that go beyond their labor.

Because work is an easy identification to enter into, but it hasn't resulted in the rise in social status that would make undocumented migrants' lives easier. As I studied the entries on the various blogs of VozMob I was interested in how these migrants where positioning themselves in relation to work and labor, but I also wanted to know how these migrants recast their worth and value by other means—actions, practices, doings common in everyday life—through their blogs. What I found was that much of what they document is mundane—birthdays and holiday celebrations, conversations with random and everyday people, leisure activities, etc. This is significant because we see how migrants see themselves—not merely as workers, but as complete people in the truest, most basic sense. What emerges is a more nuanced attempt to re-present themselves as people whose worth and value is premised not merely on their work and productivity, but on their entire complex (and boring) selves. They are, in a sense, making a place and way for themselves like we all do: one day at a time, and just as unremarkably. But because this making do is happening in inhospitable conditions, it carries rhetorical significance.

The image that Aheizer includes in the "blessings" post goes a long way in establishing this nascent argument about how migrants selectively enter into certain identifications while reframing

others. On the one hand, the image shows items and symbols related to work: there are the grounds of the Centro de Trabajadores itself, with its very large advertisement on its roof announcing that there are people here who are available to work, but there are also elements of the image that show that this space is not all about work and workers. On this day the Center is hosting another perhaps equally important activity, a celebration. There are balloons and ribbons, and later posts show food, vendors, live music, and lots of socializing. Curiously (but perhaps not), there's a generator front and center in the image. Intentionally or not, Aheizer juxtaposes the importance of both work and leisure in this post, as he does in many of his posts. Collectively, Ahiezer's posts make a strong argument for how migrant day laborers should be seen: yes, they are workers, but they are also people who gain joy and meaning out of life activities not in way related to work, which is to say leisure.[26] This is a powerful statement amidst the economically weighted arguments made for or against immigration reform at the national level, where immigrants and migrants are talked about as an economic issue (and/or a criminal one): either they are contributing to the economy[27] (i.e., they pay into Social Security by won't draw from it later on), or they are hurting it[28] (i.e., they take jobs away from Americans, immigrants put a strain on welfare and other social services). In documenting all the ways migrant day laborers work and, in that way, bless communities, Aheizer emphasizes one

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[26] Consider Aheizer's post one year later (December 15, 2014) titled "Centro Trabajo "Harbor City": [The] "Harbor City" Centro de Trabajadores at 1301 Figueroa Pl, Wilmington, CA. 90744, assists in providing worker personnel and they are available to take up any type of labor that the community needs." Aheizer also includes this: "On this occasion, the 13th of December of our current year, we are also giving our children presents it being so close to Christmas and the end of the year" ("Centro de Trabajo"). The image in the post is taken from almost the same vantage point as the one included in the prior year's post, but this one shows new garden beds where the generator stood last year, and this time there are numerous children in play in the rear of the shot.

[27] See "Ten Ways Immigrants Help Build and Strengthen Our Economy" on the *White House Blog* (July 12, 2012): https://www.whitehouse.gov/blog/2012/07/12/ten-ways-immigrants-help-build-and-strengthen-our-economy

[28] See "Why Americans Think Immigration Hurt the Economy," in *Newsweek* (May 13, 2010): http://www.newsweek.com/why-americans-think-immigration-hurts-economy-72909

way that migrant day laborers actually wish to be seen. By including images and discussions about how these day laborers celebrate, play, and enjoy their lives outside of work, Aheizer shows us the many other ways migrants create meaning in their lives. Within the context of U.S. society, a context which continuously places obstacles in the way of migrants, and which regularly reminds them that they are a "problem" to solve through policy, that these migrants manage to do things like celebrate and enjoy time away from work, rebuffs the limiting and victimizing narratives and characterizations they are mostly cast in. These documented acts of work *and* leisure provide evidence of how disempowered people are making do—how they make a place and a way for themselves—in conditions of little or no respect (Cintron 164).

The documentation of everyday life that I found on the VozMob website represents a rich archive of how people's quotidian, mundane acts and actions can indeed be rhetorical. Celebrating anniversaries, giving presents to children, attending school events, going to a community fair—these may not be rhetorical for those of us who find ourselves mostly empowered and validated by the society we live in, and because we have other ways of effecting change in our lives. But for people whose lives are contingent and marginal or regulated and actively organized by the social and economic discourses characteristic of a neoliberal society, the doing of—and the re-presentation therein—of everyday life, especially when it doesn't always revolve around labor, work, and productivity, proves to be a rhetorically rich (if informal) way of making place and making way.[29] It's a matter of considering both the activity and the self-sighting of this activity that is significant here.

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[29] Changes in immigration and labor policies between the U.S. and Mexico provide a good example of how neoliberal forces have rendered immigrants and migrants invisible and more exploitable. Throughout the 20th century migration between Mexico and U.S. was best described as "seasonal." Policies and border enforcement made it possible for workers to come to the U.S. seasonally, working for a specific period of time and subsequently returning to Mexico. From 1962 to 1964 Mexico and the U.S. even had a formalized agreement, the Bracero Program, which facilitated the temporary migration of more than 4 million workers, many of whom came and went regularly during those years. While not ideal or without its problems, this type of migration, also known as circular migration, optimized labor markets and economic gains in both Mexico and the U.S. at the

Everyday actions and behaviors can carry rhetorical significance—this in and of itself is not a new insight, so here I am additionally calling attention to what migrants themselves are doing to show themselves engaging in activities that bring about change and transformation over time. I don't want to lose sight of either of these as I go on to locate and analyze rhetoric in this context. That migrant day laborers not only labor but also live and play in ways that others recognize themselves in—that carries rhetorical significance because it positions migrants to be able to influence others on more commonalities than the one that's assigned to them (e.g., that they are good workers). That migrants have found a platform in which to show themselves doing those things we expect them to be doing as well as a good amount of things we don't—that's also rhetorical because it gives migrants a platform in which they can reframe identification. Here are seemingly disempowered people wrestling away the right to look and the right to assign meaning to how they are seen away from empowered audiences and claiming it for themselves and for their purposes (Mirzoeff 24). Locating rhetoric in this context requires attention to both what migrant day laborers are doing (everyday life that centers around leisure and not only work), as well as to when and how and to whom they are showing themselves.

Because within neoliberal logics, life apart from work doesn't hold much persuasive sway (unless one is doing the converse of work, which is spending). Which is why approaching the microblogging on VozMob merely through a lens of normative identification leaves us short of

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same time that it allowed for a modicum of freedom and respect for migrants as they had options in terms of where and when they went, and they could return to family and friends regularly. Towards the end of the 20th century and into the 21st, the U.S. became much more restrictive, both in terms of granting fewer visas and through greater and more extensive border enforcement, this seasonal or circular migration effectively came to an end. Many former or would-be seasonal migrants settled in the U.S. even in instances where they might have opted to return. In the wake of 9/11 and rising concerns over "national security," along with the economic upheavals that have affected the first part of the 21st century have all but shut down the possibility for migrants to freely come and go between Mexico and the U.S. Combined with the deregulation that comes with the neoliberal reorientation of the U.S. economy, the fact that many migrants lack financial resources or legal status makes them highly exploitable and virtually invisible.

understanding the rhetorical significance of these posts: what good are these mundane acts of everyday life unless migrants can leverage them to show themselves as productive members of U.S. society? Approaching their documentation of everyday life through identification as usual doesn't allow us to see significance in the mundane acts of others or why we should want to be identified with them. We want "hard-workers" and "family oriented" people because these narratives fit the political purposes of a capitalist state and society. If we can't see them as we want to see them, migrants aren't worthy of our identification. But the migrants on VozMob are re-casting themselves outside of this particular frame and asking us to see them as more complete people, not merely as a human resource to be exploited for our economic and political purposes.

The impulse to persuade naturally leads people to identification, so it's no wonder that we in rhetorical studies have made identification a central concern of what we recognize and study. And because identification does often result in persuasive success for those of us who can aspire to it and who enjoy the protections of legal status, it's understandable why we might want to locate in all places where we see change and transformation happening. The migrants I study in this dissertation, however, demonstrate that sometimes the risks of being seen outweigh the immediate rewards that are promised, and that there might be a better reward in reframing or refusing certain identifications. Like the migrants of the first chapter, reframings of identification are taken up because they represent a more viable way of getting things done, both in an immediate sense (i.e., get to work without getting caught) and in a more long-term sense (i.e., make a place for oneself and one's family). But is rhetorical intent enough, or do these efforts to refuse and/or reframe identification also result in rhetorical agency? And: can migrants aspire to more than intent? Do they foreclose options for themselves in choosing to re-sight themselves differently than what most of us would rather see? Does it make it so that they are less able to operate with identification when they do manage to show themselves differently? These questions are what is at stake when we consider the

documentation occurring on VozMob. But my sense is that in focusing on how and why undocumented migrants seek to reframe identifications we stand to learn that not all types of seeing are conducive to rhetorical agency, and that there are good reasons to try to change the visuality one is subject to when it comes to being with others. As we realize that one can inform how one is seen, when, and by whom, and for what purposes, then we will better understand how the risks to identification can be counteracted so as to ensure a more level playing field when it is that we decide that identification is the way to go.

Recall the artwork discussed in the introduction, Ramiro Gomez's "Happy Hills," how it purposely aims to put the workers back in the spaces and places where, if we think about it, we know intuitively that they are present—on the landscaped medians on wide boulevards, in the valet lots of the expensive restaurant, near the pristine pools in the lavish homes in the canyon, by the marble tubs of the master bedroom's en-suite—but it's a presence that easily escapes our sight. Gomez's art reminds us that these workers are integral but invisible. Putting them back into these spaces and places forces us to see them and to value them for the work that they do. It's a valid and valuable argument, but it doesn't ultimately escape the neoliberal trappings that ensnare migrant day laborers in the first place (although some of Gomez's gets us close: see "Los Olvidados."). Aheizer's blog posts, on the other hand, seeks to dignify migrant day laborers through the work and through the times when they are working. Aheizer never lets us forget that jornaleros are deserving of dignity and respect for who they are completely: workers, yes, but also people who don't work (and who play, celebrate, and joyfully do life).

This invitation to see migrants as more than just labor is present throughout the VozMob website. In its entirety, the VozMob website amounts to a powerful argument against the more powerful forces of neoliberalism and the exploitation it causes. Hesford's *Spectacular Rhetorics* (2011) helps us think about the rhetorical significance of the documentation of everyday life comprising the

VozMob website. Hesford's analysis of the rhetorical frameworks and narratives underlying the processes of social and legal recognition allows for a powerful critique of how visual images—even those purporting to aide or help people—most often incorporate vulnerable bodies into discourses geared towards—and ultimately beneficial for—already empowered people. Just as Hesford is able to conclude that certain visual images in wide circulation of women around the world results in their "incorporation into the discourse of neo-liberalism" (6), incorporation that results in a reasserting of the social hierarchies wherein immigrants have no choice but to wait for a benevolent nation to see them as deserving of rights, I posit that migrant day laborers are also subject to this incorporation. This is why the re-presentation and self-sighting that is occurring on the VozMob website by jornaleros themselves is so significant: here we have the production and circulation of images that isn't directed towards "Westerners, mostly Americans" (i.e. those of us who claim the right to identity those deserving of rights and the right to dole out these rights); instead, we have a seeing that is initiated and meant for migrants themselves, on their terms, for their purposes.

The microbloggers on VozMob are thus able to counter the limiting notion that jornaleros are only victims, entirely at the behest of rights-holders and begetters. As such, these migrants are able to gain some agency through this recasting of visibility (even as it is sponsored by the partnership of an academic institution and a grassroots organization). In self-sighting they are reclaiming the looking that is otherwise reserved for citizens, for the more powerful parties in any situation in which identification could occur. What's more, whereas other forms of visibility leave vulnerable persons with little recourse but to acquiesce to identification, here migrants can offer their own version of how they should be seen—or how they see themselves. The phones they carry and the servers they upload images to—these are allowing these migrant workers to build more robust and strategic arguments on why they should be allowed to be in the U.S.

The VozMob website is not only a site of self-sighting, in an indirect way it's also an invitation to others to see them as they see themselves. And we are invited to see them in ways that are so different to how they are represented on film, television, and the news media. These technologies of visuality show migrants—and migrant day laborers especially—as groups of sullen-looking men waiting eagerly on a corner near home-improvement stores or at busy intersections. They are susceptible to abuse from both passersby and from local law enforcement. Mainly, migrant day laborers are seen as victims with little or no ability to advocate for themselves. Interestingly, scholarship about migrant day laborers seems to depict them similarly. Consider Valenzuela (2003):

> Most day laborers are male, foreign-born, recently arrived and unauthorized, and have low levels of education and a poor command of English. [These] men (and, in a few cases, women) who congregate in open-air curbside or visible markets such as empty lots, street corners, parking lots, designated public spaces, or storefronts of home improvement establishments to solicit temporary daily work […] are often exploited [as this] type of temporary employment that is distinguished by hazards in or undesirability of the work, the absence of fringe and other typical workplace benefits (i.e., breaks, safety equipment), and the daily search for employment. (308-309)

In most places day laborers are considered a public nuisance or are accused of loitering, and whatever consideration they do get is likely to come in the form of pity or, again, in the all-too-familiar trope of victims awaiting a benevolent savior. In 2005, for example, a notorious ruling requiring Home Depot to "do something" with the many men who gather day after day near in their parking lots or nearby street corners to wait for contractors or homeowners requiring an extra pair of hands, stirred many comments from various corners of various communities. A group in California called "Save our State" protested at various Home Depots, accusing the company of

aiding unlawful immigration; in Texas residents in support of immigrants asked stores to designate spaces—grassy and shaded—for day laborers to congregate in; the owner of small business near a Home Depot said that he'd lost customers because of day laborers; Valentin Pedraza, a Home Depot security guard evoked the "neighbors" and their complaints: "They [the day laborers] whistle at 12- and 13-year-old girls on the way to school. They urinate in back of the store. They throw trash on the sidewalk. Maybe it's just a few of the guys who do it, but it upsets a lot of the neighbors." An actual neighbor, Sabina Treviño, who lives three blocks away from a Home Depot, saw no problems in having the men congregate near or at the stores: "I don't see what people are so bothered about - they're just looking for work. It's better to look for work than to rob or make trouble" (Greenhouse).

As these debates show, people have a lot to say about migrant day laborers, little if any of it positive. Mostly, people see jornaleros as people to put up with because they sometimes help—because they work. No dignity results from this way of thinking about—of seeing—migrant day laborers. This way of seeing migrants leaves little room for agency.[30] If agency is possible within this frame, it's in the hands of those of us who can afford to help them. Identification, then, is something that citizens can invite or withhold in this context, and mostly we withhold. Over and over, talk about migrants and migrant laborers revolves around the economy, immigration status, public safety, etc. We talk about migrants in relation to issues, but rarely about migrants as people deserving of respect just because they are people. Moreover, talk about jornaleros often excludes

[30] A word on agency: Without ignoring the rich and complex discussion going on in regards to agency, I mostly understand agency to be, in line with Grewal's conceptualization, "differentially constructed." Unlike traditional understandings within rhetorical studies and a deployment of agency that relies heavily on intentionality, "an autonomous subject, and an identifiable audience and rhetorical context" (Hesford 154), my use of agency here is first and foremost interested in who has access to rhetorical agency and how "rhetors without taken-for-granted access do, nevertheless, manage to exercise agency" (Geisler 2004, 3). See also Cooper's "Rhetorical Agency as Emergent and Enacted" (2011).

jornaleros themselves from the discussion. The VozMob website offers an alternative to this, and where we might have expected migrant day laborers to be saying things about immigration or to counter the negative stereotypes, we get documentation of their mundane everyday lives. As if saying, "yes, we work, but we also live. We're here, completely."

The implications of reclaiming looking and of reframing identification are that much more significant upon recognizing how claiming the right to look "further implies a claim of the right to the real" (Mirzoeff 25). Identification depends on external recognition; it's never autonomous. Knowing that consubstantiality can never truly be free of power differentials and hierarchies, the right to look almost always falls to those who arrive to the space of consubstantiality with the most power, and this right to look extends to and coincides with the right to designate what is real and what is possible. By reserving the right to remain separate (i.e., refusing to enter into consubstantiality because of the identifications one would need to submit to) Latina/o migrants are able to seek out opportunities in which they can more easily claim the right to look. In reframing identification, we find the next step, which is that migrants have acted upon the right to look; VozMob, this is them re-looking. Even as they can't aspire to the sites of identification sanctioned and recognized by our democratic society in every case, migrants make do by seeking out and taking up informal opportunities for reclaiming and reframing identification so that when they can and do enter into these identifications they do so with a larger claim of the reality that is at work in that case. That's what we see happening on VozMob, a site where non-migrants are invited to see migrant day laborers as they see themselves; this is also an invitation to recognize and acknowledge a different reality for Latina/o migrants, different than the one that's been laid out for them in popular and mainstream discourses. Seeking out and taking up opportunities to remake one's reality, this is where I locate the rhetoric in migrant's everyday doings (and in their re-presentation of these).

"manos que trabajan y mentes que piensan"

Another prolific microblogger on VozMob, Madelou, likewise demonstrates how these migrants are seeking to reframe identification. In this section I tack back and forth between Madelou's microblogging and Aheizer's to show how they are collectively building a counternarrative that positions the day laborers on the Center as "blessings" and as builders of communities. Like Aheizer, Madelou routinely documents the many things migrants do besides work. She offers visual evidence of how their everyday actions and activities puts her and others like her on par with those we all recognize as builders—the contractors and the engineers, the teachers, the doctors, the judges, etc. Together, Aheizer and Madelou claim that they and other migrant workers are just as much builders of the communities they live in. As such, they recognize that building community is as much a symbolic act as it is a physical one, and that communities are made up of—and by—people who get up everyday to go to work, who sometimes struggle to pay bills, who rejoice at the birth of a child, who take pleasure in celebrating birthdays, who feel saddened by loss or by distance, who are angered by current political affairs.

On February 9, 2014, Madelou, whose avatar is a photo of an open hand, and whose tag line is "manos que trabajan y mentes que piensan," posted an entry in which she wished a happy birthday to granddaughter, Valeria: "Hace 19 años nació mi primer nieta que se llama Valeria. En la distancia recibí la noticia: 'Ya nació tu nieta' dijo mi hermana Irene vía teléfono. Mi vida tomo otro color y calor. Paso mas de un año para verte por primera vez."[31] To the message Madelou appended a picture of a yellow rose in full bloom and an mp3 file containing a popular Spanish-language birthday song. I begin my analysis of Madelou's blogging with this example because this post is representative of the type of communication Madelou, Aheizer, and others commonly engage in on

[31] "19 years ago my first niece was born, her name is Valeria. In the distance I received the news: 'Your niece is born' said my sister Irene over the phone. My life took on another color and warmth. More than a year went by before I was able to see you for the first time."

the VozMob website; Madelou, like many of the most prolific bloggers, routinely document everyday activities, mundane and commonplace occurrences, etc. In doing so, these migrant bloggers begin to sketch out the parameters of rhetorical action that extends beyond the ways of seeing they are typically subjected to in normative identification.

In this representative example we see an example of reframing that is at once aware of larger socio-political discourses, as it is of the normative expectations we often hold about how one "participates" in public life. At the same time, we also see a dismissal of typified ways of seeing in how Madelou chooses to show and emphasize other aspects of a migrant's life, and of how one can re-center these in a discussion of what actually matters—what carries meaning and significance in the day-to-day. An important outcome of this type of self-sighting and re-presentation is that, through their focus and emphasis on the mundane and everyday, these migrants show us that they, like the rest of us, are merely trying get by, trying to get things done day in and day out, even as larger forces work through and around us. Many of these forces we can directly affect, many more we can't. Still, there are ways of being that can result in a transformation of our lived realities that don't rely solely on being recognized by others. Madelou realizes that there are obstacles in her way, but she also shows us that one need not acquiesce to disempowering visibility politics in order to get things done. Madelou, in this post, shows us that one can remove him or herself from identificatory frames that want to relegate one to work and productivity, and that one can put him or herself in other frames where it's leisure and joy that, together with work, result in a more complete sense of self.

The documentation of everyday life that we see Aheizer and Madelou undertaking on VozMob isn't necessarily meant to be persuasive. Were one looking to analyze the discourse on the VozMob website through the lens of stock identification one might dismiss the content therein as non-rhetorical or as slightly rhetorical since it doesn't outright make persuasive appeals. Though it's

possible that some of what these migrant microbloggers post is reaching an audience that presumes itself to be persuadable (i.e., the saviors of the less fortunate) what we actually find is the documentation of everyday life happening on VozMob is for *by and for migrants themselves*. These blogs aren't motivated by an attempt to achieve consubstantiality with empowered citizens, which means that, at least on the VozMob website, migrants aren't attempting to show themselves as members of U.S. society through the identifications that are scripted for them, but rather by how they see themselves for themselves. Approaching this re-presentation via the lens of identification would not necessarily allow us to realize this, nor would it allow us to appreciate the rhetorical valences of these acts of self-recognition and re-presentation.

When we realize that there are some among us who don't aspire to arrive at commonalities (i.e., to share substances in order to, supposedly, undertake collective action) with empowered citizens in the ways that have been laid out for them, then we can move to see how it is that they do wish to be seen, wish to be identified with. For many of us, identification is a precursor to persuasion, and as long as we enjoy the protections that come with citizenship and other forms of status, we can give in to identification with little risk and, ideally, achieve some persuasive goal. For migrants, however, most invitations to identify or to be identified are really invitations to emerge "into hegemony,"[32] which is why the ways migrants are shown or seen within these acts of identification matter. If migrants are intent on not emerging into a symbolic field that proves disempowering to begin with, then they must seek out ways of being seen differently, more

[32] Here I am referencing and critiquing neo-Gramscians and their influence in contemporary political science and theory for how, despite acknowledging all the ways state formation—its politics and economic systems—have become decidedly globalized and neoliberal, fail to move considerations of class formation and counterhegemony outside of hegemony itself. Even with these new theories of state and power, the ability to change one's lived experience is still conceived of us as the product of deliberate political activity, e.g. "movements," which ultimately organize themselves and rely on the hegemonic (and neoliberal) logics that cause problems for the subaltern to begin with. See R.J. Barry Jones, *Routledge Encyclopedia of International Political Economy*, Routledge: 2001, pg. 1106.

completely. Because extant structures of power have much to gain by annexing a growing (in number and cultural status) demographic into its hierarchies, but what good would it do undocumented migrants? Waiting to see if an U.S. voting public will grant rights to migrant workers is neither expedient nor does it present migrants with an actually brighter or better future. In reframing and recasting the identifications they are subject to migrants are able to assume some control over the ways they are to be seen, and in so doing they are able to better able to inform the future conditions they do emerge into.

None of this to say that identification isn't also (partly) useful in helping us understand some of what is happening on the VozMob website. Firstly, it's through a Burkean identification that we can understand some of what Madelou is doing in terms how she positions herself as an author, as the creator and producer of the communication she posts; also, it's through an identificatory frame that we can appreciate how Madelou approaches and emulates the genre of her communication. For instance, in her earliest posts (during the first year of blogging), Madelou is seen assuming the role of an on-the-street reporter. She assumes this position to ask people about their lives and their take on current events. She not only assumes this identification (with reporters and with her interviewees), she also emulates the form of short reportage pieces by offering a brief, quasi-objective description of the context for the meeting (she meets a lot of people on the bus, for example). Madelou also includes some identifying information (i.e., country of origin and profession) for each of her interviewees, along with a picture of the person she talked to. When people object to having their picture taken and/or posted, Madelou would state as much, and she would post a generic image instead (e.g. a flower or a picture of the site in which the interview took place). When Madelou uses images from the internet she always cites the source. It's apparent that Madelou is attempting to establish credibility in her microblog, and that she adheres to familiar journalistic forms and conventions to garner some *ethos* from her imagined and actual audience. There's no doubt that

Madelou is engaging in an act of identification here, and that she does deliberately so as to gain an audience. In fact, Madelou even leverages her participation in the microblogging program as a form of credentials by stating, in certain posts, that she invited the interviewee to look for the story once it's posted.

Undoubtedly, seeing Madelou's blogging through the lens of identification reveals some of how this communication adheres to rhetorical conventions, and that might be useful when we want to know certain things about how people negotiate the relationship between genre and content (Bawarshi 6-7). However, when we approach Madelou's communication on the VozMob solely through a conventional rhetorical analysis we privilege the form of her communication over what she is communicating, or why she is communicating it. This approach makes it easy to dismiss the content of the VozMob website as insignificant given the mundane nature of what these microbloggers share; what seems important, we might say, are the genre and rhetorical conventions she seems to know and emulate. There's danger in that because it vacates the ideology inherent in analyzing discourse; sometimes the shape and focus of our analysis is itself a judgment on whether or not a text is rhetorical. In this case, because Madelou seems to only be writing about the everyday doings of migrants (as opposed to disempowering political discourses and debates) it becomes all to easy to either focus solely on how Madelou makes "rhetorical moves" and/or to dismiss her blogging as rhetorically insignificant because it doesn't conform to our expectations that it should be directly persuasive and/or political. In so doing we miss out on an important opportunity to ask questions about the significance of her choice to move away from political talk and towards a self-recognition of how migrant day laborers like herself do everyday life.

What I'm proposing here is that we do more than merely analyze Madelou's and the other migrant microbloggers' discourse for how they do identification, and that we also analyze it for how they variously refute/recast/reframe certain identifications even as—and maybe especially

because—the content of their communication isn't persuasive. To do so would give us a more complete sense of how migrants get things done in the face of significant physical and symbolic obstacles. For instance, a closer analysis of Madelou's post in honor of her granddaughter's 19th birthday demonstrates that there is a subtle and nuanced ideological dimension in her documenting of this otherwise everyday occurrence. In her post Madelou recalls the phone call she got from her sister, stating the significance of the birth in terms how it gave her life "a new color and warmth." Beyond that she presents her granddaughter with a flower (rather, an image of one). At first glance, there's nothing extraordinary in Madelou's birthday greeting blog post, and yet, her reminiscence also includes words and phrases that introduce critical and slightly political undertones to her birthday greeting: she says that the news came "in the distance," "via telephone." And she says that it took more than a year before she was "able to see you for the first time." Even as Madelou's life took on a new "color and warmth," there's still the ever-present distance—both geographic and temporal—that every immigrant knows intimately. For Madelou, the occasion of her granddaughter's birth remains a bittersweet occurrence, once wrapped up in both joy and longing, as it comes with a reminder of the distance that results from having moved away from one's home country, that comes with displacement, and with the increased policing of borders.

Notice, also, how at times Madelou directs the birthday greeting directly at her granddaughter, Valeria, while at other times Madelou addresses an unknown audience. The flower, the "color and warmth," and the bittersweet remembering of how it took a year to "see you for the first time"—these are all for Valeria, but for whom are the underlying evocations of feelings of distance, longing, and displacement? To whom does Madelou offer her remark regarding the temporary relief a telephone brings? Madelou, in this otherwise mundane post about a birthday, manages to both mark the anniversary of her granddaughter's birth and to identify herself with the millions of others who also have to wish their loved ones a "happy birthday" from afar.

Identification is at work here, but of a horizontal kind, one that isn't necessarily intent on appealing to or persuading empowered citizens of the U.S. Rather, here is an attempt to be seen alongside other migrants. It is an act of self-sighting and of self-recognition that she takes up for herself and for others in her situation. And also: her remarks and her multi-audience address are a kind of refutation, albeit not an overt one, of the identifications that come to here via the state and a society so intent on immobilizing her. As such, Madelou's seemingly apolitical and mundane post on this occasion works rhetorically on multiple levels: in making public an aspect of her life that, to many of us, seems rather ordinary and easy to dismiss; also, Madelou is simultaneously refuting identifications that would relegate her to victimhood while elevating would-be rights-granters; and she also self-sights and and aligns herself with a not insignificant number of people who, like her, are everyday making do. As such we have an invitation here, those of us who enjoy relative status and power, to recognize how we she and others like her garner rhetorical agency without, necessarily, our help.

In light of Hauser (1995), and Cintron (1997), we've come to appreciate how our notions of community—how they are formed and maintained—are the product of local, sustained dialogue over shared goals and concerns. If Hauser relied heavily on the speaking subject, Cintron moved us productively into a critical consideration and discussion of everyday practice. His attention to the symbols circulating and in constant exchange around and by the inhabitants of Angel's Town—from storytelling, to gestures, to folk healing, to posters on a boy's wall, low-riders, and graffiti—all of these indicate that, in order to understand how meaning is made one must attend to what people *do* at least as much as to what people say (or write). We see an application of these concepts in Kells' (2001) analysis of Héctor P. García, whose less than extraordinary life yielded extraordinary results in the form of greater civil rights and avenues for civic participation for Mexican Americans. Both Cintron and Kells offer a backdrop to the conception of rhetoric (and theories of) that I'm

elaborating here. It's a conception premised on practice, action, movement, and doing, and it's a conception that sees these as foundational to the transformations we ascribe to rhetoric.

Most recently, Topinka's (2012) "Resisting the Fixity of Suburban Space: The Walker as Rhetoric," made a compelling case for how a simple act of walking "opens up "a space of difference and rhetorical invention" (66). But Topinka emphasizes the context in which walking occurs, indicating that walking in and of itself doesn't necessarily constitute rhetorical action. For Topinka its Iowa street in Lawrence, Kansas, which represents the "rhetorical space" in which to analyze the "minutely regulated systems of order" that result in a walking that can be considered rhetorical. Similarly, Madelou's ability to weave together the quotidian and the quietly political in her posts suggests that, for some, everyday life is a site at which the personal, the private, and the political could intersect in rhetorically significant ways. Whereas many of us can and do make distinctions between our political and personal lives, there are some that can't or won't, either because they aren't allowed to or because they are stripped of political agency due to their lack of legal status.[33] It is in this cases in particular where what subjects do on a day-to-day basis in order to make a place and way for themselves where we stand to find rhetoric emerging.

Our expectation is that Madelou, having been given a smartphone and the training and platform necessary to gain an audience, might tackle political discussion directly. She doesn't; instead she centers on everyday experiences, actions, doings. She looks for others on their way home or to work and asks them about their days and about their lives. She focuses on her own daily experience and occurrences. When she does wade into political waters she does so obliquely, never failing to recognize how she is a complete person even outside of work. For Madelou and many of the microbloggers on the VozMob website, their primary task is readily apparent: to self-sight and self-

[33] Admittedly, this is a curious contradiction, since asking people to enter into identifications is also asking them to make a political commitment of one form or another.

recognize. That's it. Just as walking where one isn't supposed to walk can indeed be rhetorical because it gives the person another option than to be in a store, shopping, self-recognition and self-sighting gives migrants options beyond the neoliberal scripts set aside for them. We don't expect to see migrants doing anything else but subsisting through menial labor, so their documentation of celebrations, leisure, and the everyday represent rhetorical acts that permit them to appear more wholly than they are otherwise allowed to be.

As Samuels remarks, identifications not only serve to describe, categorize, and govern identities, they are also constitutive of identities that, while politically expedient in certain realms, prove to be further disempowering to those whom identification is meant to empower (4). It's no wonder that migrants, at least those comprising this research, opt to not take part in political discussions that have as a prerequisite that they acknowledge and engage in the identifications that make them victims and/or criminals. To not enter into these public sphere debates is to reject those representations and a means into rhetoric through alternative means. It is an example of a rhetoric of dismissal (Rojas 2008), one in which the decision to not identity/identify differently results in options for rhetorical action.

Medelou, Aheizer, and others on the VozMob website make a compelling case for how "The rhetorics that people deploy on a daily basis as they operate in material spaces deserve attention" (Clarke 67). These migrant microbloggers continue to point to all the ways people can access rhetoric, even when they lack access to the status and resources that would make others want to be identified with them. It's true that migrant day laborers may be in the country without permission; it's true that many of them are lacking in English-language and literacy skills; it's true that many are relegated to menial labor and the indignities that come with it—and yet, neither Madelou nor Aheizer forefront these undeniable aspects of their lives in their posts. Expecting them to engage in debates about immigration policy and immigrant rights would necessarily require them to think

about themselves in terms of—and to address discourses emphasizing their criminality and victimhood—disempowerment; doing so may disempower them further. There's little to gain from entering into these identifications as they are, and there's plenty to lose. We see this happen with those migrants whose voices end up in national newspapers and newscasts, the best among them doing nothing more than perpetuating what Hesford calls a "paternalistic rescue narrative" in which the migrants are cast as victims and liberal advocates and activists as their liberators (125).

Hesford's critiques of feminist anti-trafficking campaigns and how they rely on "victimization narratives to structure their rhetorical appeal" apply to this discussion as well because these migrants too have to contend with "context-specific issues of migration and labor" (126). Yet, the bloggers on VozMob don't limit themselves to these unproductive and victimizing deliberations and opt, instead, to show how they are complete persons above and beyond the roles neoliberal society has scripted for them. Yes, work remains an important aspect of these jornaleros' lives, but work isn't the only resource they have available to as they attempt to make a way and a place themselves. The VozMob website is, in many respects, an invitation to *reconocer* (literally, to "re-know") these migrant day laborers, to know them for their work, yes, but also for all the ways they are like us, persons who possess agency and dignity outside of it.

Consider these examples: On August 6, 2011 "Marquitos" posted a picture of two young women in graduation regalia titled, "Y con mucha perseverancia!" On July 6, 2014 mxidorianINdaUS posted a video entry titled "Techumbre y el Futbol." The accompanying text explained how the video had been recorded by a jornalero "mientras trabajaba con otros compañeros quitando techo dañado por la lluvia. Mientras trabajan, los jornaleros platican sobre varios temas incluyendo sobre los equipos de futbol del Atlético de Madrid y El América."[34] The

[34] "while I worked with fellow workers to remove a roof damaged by the rain. While they worked they talked about various topics, including the Atlético Madrid and El América soccer clubs."

video is comprised of two parts spanning a total of one minute and 44 seconds. The first part of the video shows four men tearing apart a roof in a tree-lined suburban neighborhood. Two men tear away shingles while another man works at pulling away a vent. Another man is seen attempting to clear away a branch that will otherwise be in the way of the workers. In the first part of the video the men become aware of the videotaping and two of them address the person taking the video. One of them asks if he gave permission to be recorded (jokingly). The cameraperson takes a few more seconds of footage showing the men and the surrounding area. In the second part the men seem to have become more accustomed to the camera as they do indeed engage in a conversation about fútbol and the respective merits of certain clubs. A few weeks before that the same blogger posted another video entry titled "¡Felicidad! in which he showed his or her baby daughter dancing. The accompanying text explained how, "Nadie le enseno a bailar más ella sola busco y encontró la manera de expresar su felicidad al oír este tipo de música."[35] On May 10, 2014 Luis Valentin posted an entry titled "Surfing." The image this blogger uploaded depicted a surfer atop a surfboard in front of a dock. The text accompanying comprising the entry (totaling about 200 words) explained how the blogger had recently visited Venice Beach and how he was surprised and delighted to see a group of octogenarian surfers. Because surfing was typically a youthful activity, the blogger was happy to see these people take up the challenge and act themselves youthfully. The entry turns from observation to self-reflection and personal aspiration when Valentin concludes,

> Me puse a pensar que quizás a estas persona de la tercera edad quienes durante su juventud no tuvieron la oportunidad de practicar estas actividades por diferentes circunstancias, o quizás por que dedicaron su vida a otros deberes. Hoy se dan esa

[35] "No one taught her to dance she looked for and found the way of expressing herself on her own when she heard this type of music."

> oportunidad de hacer algo que quizás les apasiono desde siempre y nunca es tarde para realizarlo.
>
> Ahora es algo que seguramente a mi me verán realizar muy pronto. (Luis Valentin)

This post exemplifies the types of activities and actions documented by the bloggers on VozMob, a group of people organized around a semi-permanent day laborer shelter, but whose self-sighting depicts them doing and acting—and aspiring—in all sorts of ways that trump what might otherwise be a singular, static, and homogenized identity, that of the menial laborer. With the exception of mxidorianINdaUS's post depicting a group of men working on a roof (and even then, the focus of this video is the conversations they are having about soccer clubs, and not the work), the samples I select here show that these jornaleros see themselves as engaging in activities and actions—in practices—above and beyond the identity that might otherwise be assigned them.

To recall Topinka: much like typical American streets make consumers out of us all, 21st-century neoliberal immigration and labor policies seek to make migrant day laborers an exploitable labor class and nothing more. Low-paid, menial workers with little if any chance of gaining social, legal, or economic stability. But the VozMob website gives ample evidence that jornaleros do things every day that subvert the legal, political, and popular discourses that trap migrants in webs of immobility and seeming powerlessness. Aheizer, Madelou, and many of the microbloggers on the VozMob website show us how they are rhetorical every single day, not in the ways that we've come to expect and/or recognize as rhetorical action necessarily, but simply by being in places and in ways that we don't expect them to be in. These everyday actions and behaviors may indeed be small in comparison, but when we consider all the "minutely regulated systems of order" that seek to render migrant workers immobile and invisible, spending time at the beach, finding a moment to dance, or taking the time to enjoy a soccer game with friends and co-workers—these are all the ways migrant day laborers are writing and rewriting their realities.

Identification works well across many contexts particular to U.S. public and civic life, but it can't be the only frame through which we observe, theorize, and prescribe civic action and public life. Rather, we ought to understand there are limits to identification, both in terms of how one might engage rhetoric to get things done, and in terms of how we study and theorize rhetoric. The migrants whose actions and communication comprise the subject of this project provide ready evidence that there is a significant group of people living in the U.S. whom, despite their lack of access to social and political power, manage to engage rhetoric for meaningful ends. A lack of access makes it difficult for them to make persuasive claims, and it makes them susceptible to disassociation from the various categorizations we reserve for empowered subjects (i.e., citizens, "Americans"), but that doesn't mean they are hopeless in their cause. Asking them to submit to the identifications we do reserve for migrant laborers often result in greater vulnerability and contingency. In positioning themselves deliberately and critically among these identifications—refusing some and reframing others—the migrant microbloggers of VozMob demonstrate how it is possible to engage in rhetorical action that results in meaningful transformations in ways beyond identification.

This is an important contribution to rhetorical studies precisely because our ever globalizing, transnational, and neoliberal 21st century has brought about unprecedented social contexts in which consubstantiality becomes extremely difficult to achieve, if it is even possible. And yet, the need to get things done remains. Migrants in the U.S. find themselves in these contexts on a routine basis, and the ways they have of navigating the symbolic and often contradictory milieu that is U.S. society merit attention and analysis if we are to understand all the ways rhetoric appears and functions in our modern moment. Arabella Lyon, writing in 2013, arrives at the same insight when she writes, "The transnational circulation of people, ideas, and capital places new pressures on deliberative theory" (3). These aren't necessarily new pressures, but they have been "acknowledged inadequately"

up until now, and this poses problems for us in rhetorical studies because within "the frames of global capital, transnational networks, and weakened nation-states, do the limitations of earlier theories become clear" (3). In order to more adequately approach and study how the circulation of people, ideas, and capital inform rhetorical theory it's incumbent upon rhetorical scholars to analyze all the ways undocumented migrants have of making do as its this making do that's transforming their realities.

Even as deliberation may well be the ideal mechanism through which non-present bodies come to conclusions about human rights, representation, civil rights, the environment, national security, and the like, not everyone can aspire to the consubstantiality required for this deliberation. And, even if disempowered people are indeed invited, its in ways that delimit their agency. Migrants, especially, don't necessarily share goals or values with the rest of us, and they may never get to as migrants find themselves pulled this way and that—across state and national borders—in an ever transnationalizing society. For many reasons and factors, migrants in the U.S. in the 21st century aren't the migrants of the 19th and 20th century, the biggest difference being that the conditions promoting and regulating the movement of peoples across borders and through adopted nations makes it difficult or nearly impossible to lay down roots, claim one's piece of the "American Dream." Indeed, consubstantiality may not be ever possible for certain people among us.

Because deliberation in the U.S. has become even more difficult as we are besought by "extreme difference, troubled recognitions, competing values, and political hegemonies," it is evermore crucial that we find other ways of thinking and talking about how people actually make a place and a way for themselves—because they do (3). Indeed, we must all—migrants and citizens and legal residents—find a way of being here, if not together, then alongside each other. Identification as usual doesn't go nearly far enough in showing us how this will happen, but other ways of conceiving of rhetoric in the 21st century might, and one such way emerges out of the

depictions of everyday life on the VozMob website because here we see that identification can be reframed, and those who would identity, re-presented.

Recognition and transformation: new ways into the future

In Spanish, the term "recognize" translates literally as "reconocer," which more directly translates as "know again" or "meet again." This sense of the term gets closer to how I see recognition operating on the VozMob website. Migrant workers themselves are taking the opportunity to see themselves anew, to discover their worth again in a social context that otherwise relegates them to an exploitable underclass. Also, VozMob gives them an opportunity to, as it were, meet each other again, on very different terms than how they might be used to hearing about themselves on the news and in the media. Seen along these lines, Aheizer's posts take on a new, more poignant meaning. Aheizer, in calling attention to the "bendiciones" brought on by the jornaleros organized around the Center, indirectly but effectively revises and rewrites depictions of migrant workers that mostly make them out to be a public nuisance, a threat to public safety. News, scholarship, entertainment, media—they all contribute in some way to the devaluing and the subjugation of migrant laborers, while Aheizer just comes out and counters with: jornaleros bring and *are* blessings to/in the communities they live and work in. This is an act of recognition, of "re-knowing" and "re-seeing" himself and other migrants anew. A such, this self-sighting and re-cognizing is allowing migrants to rewrite the rhetorical contexts in which they find themselves.

It may be that these acts of recognition result in a transformation of all our realities. Scholars such as LuMing Mao (2006), for example, have written provocatively about how cross-cultural approaches that move beyond hybridity and rather into existences that allow for there to be "togetherness in difference" could well lead us into new discursive, political, cultural, and social territory. To me, Mao's concept of "togetherness in difference" is another way of accessing the force

of rhetoric that doesn't make identification a prerequisite, and therefore it makes a great corollary to recognition as I'm using it here. Because I can't say if the migrant day laborers on the VozMob website have direct political aims in their microblogging (I would say that they don't), it's not possible for me to project a future in which the self-sighting these migrant microbloggers are doing will result in less xenophobia, or in the fair and equitable treatment of migrants, or in greater social mobility for them and their families. What I am able to assert, though, is that the everyday doings of migrant workers—and their self-recognition of these—have rhetorical value as they are leveraging these against calls for them to make themselves more visible in potentially disempowering ways (the other alternative: to cower down and move only when absolutely necessary and a great risk).

In refuting state-issued identification (as the migrants in previous chapter do), and in being deliberate and selective about the identifications they do enter into—these migrants are opening up other options for themselves. These acts may not result in a new social and political utopian future for migrants, but they will at the very least allow them to better make do in their current contexts. In documenting the mundane aspects of their everyday lives migrants stand to regain some of the dignity and respect that is mostly stripped away from them in our society. In so doing migrant microbloggers can show themselves to themselves as something other than victims and pawns in our globalized economic system. Now, if others around them take up the prospect of "re-knowing" or "re-meeting" migrant day laborers as a result of these efforts—and if we stop asking migrants to become more like us or to acquiesce to being put in the social hierarchy that's proved disempowering to migrants in the first place—then there is the possibility for there to be a "togetherness in difference." But this togetherness in difference cannot be had if we limit our understanding of migrant rhetorics to one that premises identification, instead we want to see what migrants are actually doing in order to access rhetorical agency: selectively identifying in certain cases

and refusing identification in other cases. If we do that, then we might all benefit from the possibilities that emerge from a togetherness in difference.

And there's good reason to want to get there. Mao argues that there is also the possibility that we will find new ways of subverting power structures when we work towards ways of being that honor the impulse to be together in difference (21-23). The migrant microbloggers on VozMob are showing us the way to togetherness in difference. This also means that they are showing us how it is indeed possible to subvert extant power structures that result in disempowerment for many. It's important to remember, however, that identification sometimes presumes unreasonable and unrealistic commonalities, a presumption that is antithetical to "togetherness in difference."

The self-sighting and re-framing occurring on the VozMob website results in the type of visibility that permits migrants to better make do in disempowering contexts; it's also a different type of visibility than the one activists and advocates often implore marginalized groups to enter into (and which migrants are keen to refuse). At least for Aheizer, the self-recognition he does on VozMob permits him to show himself and other migrants as workers, yes, but also as "builders" of community. This term is key for Aheizer, and it has a rhetorical significance that shouldn't be lost on us here: workers can't often take credit for the fruits of their labor, this often goes to the contractor or the business owner—but builders, on the other hand, have a decidedly more positive symbolism attached to them. They build things, physical and symbolic, on which the rest of us can stand. Here Aheizer is recognizing that despite it all, he can aspire to the status of builder, of blessing.

Chapter 3

Rethinking identification: Visuality and oversight in New York's "Shadow Networks"

A nurse—a migrant—who works the night shift feels unsafe taking public transportation so late at night and therefore arranges for an unauthorized commuter van service to provide door-to-door service for herself and other night-shift nurses. Another migrant worker, a mother, arranged for a similar service, a "dollar van," to take her young daughter from home to school each day (Garnett 206). Another migrant, a mother of two, shares that,

> My sons have to be to school early. To get there on time, they would have to wake up an hour earlier if they took the bus. The bus goes through its whole route; it travels all over the place. The van takes half the time. They can jump on the van and go straight to school. If they depended on the bus, I worry that they wouldn't get to school on time…My husband works in Manhattan…he has to work at 4:30 in the afternoon. If he's late, he can forget his job. The bus comes every so often. In the winter sometimes not at all. (206)

Speaking to the New York *Times*, another woman shares how

> she has never returned to public transit since she discovered "the vans" more than a year ago. They get me to where I want to go faster and they're safer and they're cheaper. I could spend hours waiting for the bus and nothing. Here you have a comfortable seat, you have music, you have heat. (Mitchell)

Known colloquially as "dollar vans," the paratransit services these migrants have come to rely on to get by and move through the outer boroughs of New York, parts of the city that are mostly inhabited by lower and working-class migrants from Latin America and the Caribbean (Reiss), prove essential to migrant mobility in the face of reduced or eliminated official transportation services. But

migrants' use of these services goes beyond a need to fill a void; in their use of these paratransit services we see also the rhetorical negotiation of in/visibility through which migrants are able to get things done.

The vans and transportation services referenced here are more than merely convenient; they aren't popular and preferred merely because they provide a service where the city doesn't, rather the paratransit services known commonly as "dollar vans" offer migrant riders a needed service that is also flexible (e.g., there are no pre-fixed stops and vans can be hailed and asked to stop at the convenience of riders and, as we read above, riders can arrange for door-to-door service) and, most important for this study, a way of moving that can operating clandestinely, invisibly. Nicole Steele Garnett, whose work on poverty and welfare law led her to ride some of these dollar vans, reports on how her clients were using these services to get to work; she explains how poor migrant workers have long "depended on illegal transportation services—or legal services that operate in extra-legal ways—to serve their daily needs" (203). The rise of these dollar vans has been credited to migrants by both popular histories and the city's own documents. My sense is that the rise of these services is rooted in migrants' "making do" because it emerges out of a particular need to get around the city in ways that don't make them seen or known to those who don't need to see or know about them, and because these stem from a tradition of informal transportation services that migrants adapted from their home countries (Cervero 1997). Here I recognize that migrants prefer dollar vans and jitneys because they prove to be more convenient, flexible, and in some cases, comfortable, but I'm also arguing that there is more to it than that. As I've so far argued, undocumented migrants also have a need to move about in ways that don't invite certain types of visibility or exposure; to that end, unmarked vehicles that eschew normative and official looking, such as those operating throughout New York, provide both convenience, familiarity, and the important option to remain unseen.

While conventional ideas regarding civil rights and social justice would have us believe that continuing to do things in illegal or extra-legal ways (i.e., "under the table"), or without permission poses greater risk to those whom might be seeking (or ought to be) legal or official status in the U.S. (recall the DMV representative on Radio Bilingüe), the unauthorized modes of transportation used by migrants in New York are yet another indication that a totalizing visibility isn't what migrants want, seek, or need. The reality is that migrants in New York continue to make do by preferring and using unauthorized paratransit to the degree that full-fledged networks have formed. On the one hand, official ways of seeing recognize these networks as largely problematic, not only because they aren't regulated, but also because they cost the city money in the form of lost revenue. The network of unauthorized paratransit services annually represents a multi-million dollar loss in revenue for the city (Mitchell).[36] Looked at another way, the way migrants might be looking at it, this also speaks to their success. In fact, their reach and scope is now extensive enough that it's possible to map them, and someone has. The *New Yorker* in 2014 commissioned an interactive visualized data project that maps the routes in a way that's familiar to anyone who has seen a New York City Subway Map. It's a neat project, one that plays well into the recent popularity of infographics and the like. But there are important questions to consider when we acknowledge that migrants might have good reasons to keep these networks unseen/invisible. This project is a key site in which to study the normative assumptions people hold about visibility as well as the risks these assumptions carry.

If we stop to consider there's likely good reasons for why these paratransit services continue to operate outside of the law and without legal permission, then we might admit that to make visible what migrants haven't moved to show themselves could result in risk. It could be argued that the

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[36] In 1992 the New York Times reported that, "All over the city, illegal vans, buses, and car services are believed to be costing the official transit system $30 million a year by the most conservative estimate in lost revenue" (Mitchell).

convenience of these paratransit services would make them popular among all residents of the city, not only migrants. It could also be argued that this project seeks to raise or lift the movements of migrants by equating them to the movements all New Yorkers take up through other modes of transportation. To be sure, the interactive project seeks to identify migrants with the rest of New Yorkers, but at what cost? We know that at all points migrants in New York are negotiating in/visibility in rhetorically significant ways by opting to operate and use these services, and in doing they ensure that they are able to move through and get by—to make do—in an otherwise disempowering social context. As a result of this imposed-upon visuality it is might now be more difficult for them to move about the city to get things done. In what follows I analyze the many ways visuality is operating in this context in order to show how orthodox assumptions about visibility don't hold up when applied to contexts in which people work through in/visibility, in which people engage non-identification as readily as they do identification.

New York City's paratransit networks offer a unique occasion to consider how traditional understandings of visuality continue to inform both popular and scholarly conceptions of how marginalized and disempowered people gain and retain mobility. More over, New York City's paratransit networks also give scholars of rhetoric (and visual rhetoric especially) insight into the ways migrants actually negotiate in/visibility in order to make do, and how they do identification strategically through both rhetorical refusals and reframings of it. In order to offer an alternative to the popular, civic, and scholarly discourses that variously describe and theorize social movements and civil rights discourses as being the product of what we can see, measure, and describe (i.e., the politics of representation), in this chapter I focus on how migrants negotiate in/visibility in more nuanced ways than we might have previously imagined. In light of the discussions had in the previous chapters, this chapter considers three different (though interconnected) instances in which New York's paratransit networks have been discussed in relation to visuality. First, the city's own

approach to dollar vans and non-authorized "commuter van services"; second, the Reiss/the *New Yorker* interactive mapping project; third, talk about the paratransit networks by migrant riders and operators themselves. The goal of this chapter is to hold up these instances as if one were looking through a prism so as to gain insight into the ways an identification frames and circumscribes visuality within this one context. This type of "looking" and analysis is meant to yield greater insight into how migrants position themselves strategically at the intersections of in/visibility—i.e., looking, seeing, being show, remaining unseen—in their continued efforts to get things done.

Visibility and visuality: at the corner of rights and risk

Within the normative identificatory framework derived in the 20th century, it's become easy to take for granted the link between visibility and identification. In this project I've worked to denaturalize that link, and to call into question the assumptions we make about visibility in relation to identification. I continue that project here by asking how already vulnerable subjects act in relation to calls for greater visibility, especially when this call is assumed to yield greater rights and mobility. Because visibility politics are driven by myriad and complex rhetorical factors, and because they emerge in a variety of rhetorical settings (i.e., gay and lesbian "comings out"/National Coming Out Day; Civil Rights marches; Immigrant "Coming Out of the Shadows" rallies), it's important to consider how visuality is taken up by these subjects in these instances; we don't want to proceed in assuming that visibility is always desirable and always rhetorically productive. Here I emphasize the nuanced ways migrants in New York do visibility and invisibility in relation to dollar vans, and in light of/in contrast to a recent effort to make their movements seen and known.

In regards to the Civil Rights movement: "authors and scholars […] are in general agreement that mediated visual images aided in the pace of social change sought by movement activists" (Gallagher and Zagacki 175). Gallagher and Zagacki point to journalist David Habelstram as an

example: "David Halberstam, who covered the movement as a journalist, argues that one of the essential things Martin Luther King, Jr. (and, by association, the civil rights movement) accomplished was making visible the realities of segregation through the popular media" (175). When it comes to rights-discourses in the U.S., a common assumption has been that, if a subject wants more rights and/or recognition, she or he (or a community) should consent to be seen more and by more people. In civil rights contexts especially, making (undesirable) lived realities and conditions visible to others represents an essential strategy. (This assumption is certainly at work in policies seeking to grand undocumented driver's licenses, i.e. if they assent to be seen by the state the state will recognize their right to drive, as will members of U.S. society.) Visibility-as-strategy in a civil rights frame is about forcing the state to see something so that it is compelled to address an injustice. But invisibility can also be strategic, especially when it is coupled with strategic visibility. I've focused on how in/visibility allows migrants greater opportunity and a greater range of motion and mobility, but these migrants' negotiations intimate that in/visibility can also be strategic, that it can also can also be leveraged subversively and to disrupt. If that is the case, then this presents rhetorical studies with another vein in which to study the rhetorical significance of in/visibility.

The reigning assumption here is that greater visibility results in more rights because of how acts of seeing activates *pathos* in already empowered audiences. Or that it should. The unstated premise operating here is that if less well-off persons can work to—and succeed—in having us identify with them and their plight then we, those in a position to grant them, will be persuaded to give them more rights (or to recognize their claim for more rights). Within rhetorical studies this assumption seems to have the consequence of elevating visibility and its attendant politics above other possibilities. For example, Gallagher's and Zagackin's discussion of the importance of photography during the civil rights movement begins and ends with this assumption, ultimately concluding that "the power of visual works of art to evoke common humanity in […] significant

ways" (175). And there's DeLuca's (1999) oft-cited article about social movements, specifically about Earth First!, Act Up, and Queer Nation, which claims that the public performances of these three organizations represent an important form of rhetoric that is less about formal public address and more about "the mobilization of signs, images, and discourses for the articulation of identities, ideologies, consciousness, communities, publics, and cultures" (10). More specifically, DeLuca locates the efficacy in these types of social movement visibility in how activists allow themselves to be seen, practicing what he calls "an alternative image politics, performing images events designed for mass media dissemination" (10). While these contributions do result in greater insight into how marginal groups achieve rhetorical agency within certain circumstances, they assume that this is the best way to achieve it.

DeLuca does recognize that there's an alternative visibility politics at play here (these image vents display "vulnerable, dangerous, taboo bodies"), but it's visibility politics no less. In both of these examples and in a majority of cases, the assumption that a greater visibility of vulnerable bodies is desirable and rhetorically required is one shared by many activists and by those studying them. For the most part, the question of whether greater visibility is, in fact, a rhetorical requirement for the seeking of greater rights and status, is mostly taken for granted. This is merely one side of visibility politics, but there is another side: at times invisibility is what is called for—is what results in a greater ability to make a place and a way for oneself. A more complete visibility politics would account for those instances in which subjects choose not to be seen—or to be seen differently—than what imposed-upon identifications require of them.

This and other assumptions seem to precede much of the rhetorical scholarship pertaining to social movements of the preceding and present century. It's an assumption that can potentially serve to further disempower and immobilize precarious bodies, in this case, migrants. Dan Brouwer, in describing the functions and effects of wearing HIV/AIDS tattoos, explores one such effect,

oppressive surveillance (116). According to Brouwer, oppressive surveillance, a product of visibility politics (and its attending discourses) applied uncritically, "invite[s] verbal or physical harassment, or lead that person to be defined primarily on the basis of that foregrounded identity marker" (116). This recognition of how visibility politics could and does result in greater risk and peril is the start of a reconsideration of how visibility and identification are intertwined, and how they could act against a person or group's ability to engage rhetorically. It's the start of finding our way into alternatives to identification also, as it suggests that not giving into visibility politics might serve as a sort of protection against disempowering discourses.

To remind ourselves of what we mean when we say visibility politics (which I've also referred to as the politics of visibility), I offer Brouwer's own definition: "[the idea that] 'being seen' and 'being heard' are beneficial and often crucial for individuals or a group to gain greater social, political, cultural or economic legitimacy, power, authority, or access to resources" (118). In showing how migrants benefit from opting to not ride public transportation and choosing to ride in unmarked, non-licensed, and unauthorized dollar vans instead, I aim to append this needed other side of visibility politics to our ongoing engagements with visuality and the identifications it allows for. This, of course, extends not only to advocacy work and activism, but to scholarship as well, for even scholarship that is meant to "bring to light" or otherwise help vulnerable populations can result in unwanted seeing and visibility. This is partly the case with the map the Reiss produced for the *New Yorker*, and even as it might be too early to tell what the consequences of the effort to dignify the movements of these migrants by representing them as if they were MTA subway lines, it's readily apparent that the entire project works from this assumption that visibility—as opposed to invisibility—is what's called for. Therefore, this chapter is also partly a call for greater care in how and when we ask vulnerable subjects to submit themselves to the politics of representation.

The movements of migrants in and around New York City via dollar vans offer a unique and contemporary setting in which to analyze the rhetorical complexities of in/visibility. On the one hand, agreeing to participate in public life in line with the politics of visibility can and has resulted in, if not greater rights and agency, then in changed conditions—changed in the sense that certain migrants have been able to advocate for themselves in certain cases; on the other hand, acquiescing to the politics of visibility by allowing themselves to be seen by more powerful others without also having certain necessary legal protections can and has resulted in greater surveillance, discipline, and in the case of migrants, forceful removal from the within the discursive and physical boundaries of the nation. From this we understand that visuality and the way it is politically motivated, can affect—does affect—migrants and their movements; more than that, the ways migrants negotiate being seen/unseen have profound implications on the way visuality is described, theorized, and applied to other contexts in which power and status are tethered.

Have Need, Will Travel: New York's Shadow/Underground Networks

It was an actual crisis, the 1980 transit strike, that brought New York City's ubiquitous dollar vans into existence: "West Indian immigrants began picking up stranded commuters in Brooklyn and Queens. After the strike, dollar vans remained, and again played roles" in the life of the city (Husock 1996). Research has shown that, because these types of networks are "low-cost, flexible-route, and demand-responsive," immigrant and ethnic communities in large metropolitan areas rely on them to move about and get things done (Garnett 2001). Descriptions like these make dollar vans appear to be more like a private entrepreneurship than a form of public transit. Those of us who have cars realize that, even as we could take a bus or a train somewhere, a car provides us with much more flexibility—it's ready and able to go as soon as we are. And, in the U.S. at least, operating a car is not so much of a luxury for middle-class people. If paratransit services provide

migrants with the ability to move about the city in something that is effectively a private car but which they don't have to own, it's no wonder why dollar vans are such an attractive option for them, especially over public transit, which doesn't always reach all they way into their neighborhoods or run on the same irregular schedules common among working people. The issue, then, isn't so much about how these paratransit networks fill gaps in existing and official transit services, rather what we are talking about here is a more efficient, flexible, convenient, and preferred (and maybe even a safer) option, an especially appealing option for working migrant women (Garnett 2001).[37]

This research points to the practical value of New York's paratransit services: they are available and they are flexible. Dollar vans take only as many riders as they have seats, which translates into a more comfortable ride, and a speedier ride, too, because the driver makes fewer stops, only those where riders need to get off. And because dollar vans far exceed city buses (on the routes on which they operate), riders can expect more frequent service. Even during off-peak hours. But migrants, some of whom are in the U.S. without permission, and many of whom lack social and political status, also benefit from modes of transportation that keep them away from the gaze of government officials and law enforcement.

For all the physical comfort they provide, these services continue to operate clandestinely, eschewing government authorization and thereby regulation, pointing to another important factor that goes beyond convenience. It's about the politics of visibility, and how these aren't always applied in an equal manner. On the one hand, official seeing done by government and law enforcement doesn't extend into the neighborhoods and communities where migrants live in ways that benefit them or make their lives easier. In another sense, the lives and movements of migrants

[37] And it's not just in New York where paratransit networks operated by and for migrants are popular: Cervero (1992) found that there are between 400 and 500 such services in downtown and East L.A., while Garnett found that even after such services were prohibited in Miami (in the mid-1980s), "as of 1992, 393 jitneys were still operating in Miami, carrying a passenger volume approximately equal to one-fourth of Miami's Metrobus ridership" (211).

are highly visible to government officials and policymakers, and city and official governments regularly undertake vast and detailed demographic research that becomes useful when seeking state and the federal funding. For example, a recent borough report produced by the City of New York for the Edenwald neighborhood offers one instance in which this kind of differential seeing is at work. Here was an instance in which government observation and measuring was used to secure state money to initiate social services that would help the residents of Edenwald find work; these services where ultimately located in the central part of the city, at some remove from the Edenwald neighborhood (because Edenwald is the neighborhood that is farthest away from downtown). This happened at the same time that other city authorities failed to see the residents of Edenwald in another way, as the MTA moved to reduce already scarce bus service into the neighborhood. While city and state authorities could claim that these occurrences were unrelated as they were executed by separate arms of a very large and complex bureaucracy, it's also true that the residents of Edenwald are negatively affected by how visibility and invisibility is being cast on them from above here. For them it's not about one part of the government failing to coordinate with another, rather it's about how the government fails to see them even when it does (or claims to); it's a differential type of seeing that ultimately doesn't promote mobility and often hinders it.

It's within this context that we can appreciate the existence of dollar vans and the networks they comprise. Dollar vans themselves aren't a secret in New York, not to the authorities and not to other residents. If you know what you're looking for, it's easy to spot them. And their controversial history has done a lot to put them on the pages of newspapers. This is especially true when some flare up in the city's budget occasions fare increases, service cuts, and fights with bus driver and train operator unions. At these times the government and other groups in New York will either celebrate and promote these services, calling them enterprising and a valid extension of the city's complex transit; at other times they are a nuisance, a threat to safety, and the government is required to do

something about a perceived problem. But these conversations and debates can't be only about the services themselves; in some important way we are also talking about the people who use these services, the migrants who find greater value, convenience and relative safety in them. While it's true that certain residents and communities within New York City are invisible to civic authorities, these services remain a constant reminder that these seemingly invisible people are taken rather visible movements in and about the city. It is, to be sure, a unique context in which we see people negotiating in/visibility in significant ways. For those who study rhetoric, it's an opportunity to consider how invisibility—and not only visibility—allows for a modicum of rhetorical agency to emerge within a disempowering context.

It's this differential application of visibility that creates the need for paratransit services in the first place. Because when governments and civic authorities fail to see migrants and their movements, migrant mobility is directly affected. And sometimes, even when migrants and the communities they live in are known to government and civic authorities, their particular ways of moving and needs are ignored (so, a bus line does reach into the community, but on a schedule that doesn't synch up with local realities, i.e. working the third shift or working multiple jobs, having kids that need to get to school and back home, and the many permutations of these movements). Many migrants are also in a vulnerable position because their legal status is in question, so the modes they use to move about the city need to be clandestine and away from the gaze of government officials and law enforcement. And because visibility is deployed unevenly in these contexts, it makes sense that we approach our study and analysis of it carefully—not unevenly per se, but with a sense that for as much as state-based efforts to observe and measure people are represented as positive and as resulting in greater visibility, the truth is that these contexts also carry a heavy dose of unseeing (deliberate and not) which, taken as a whole, negatively affect how migrants are able to move, to get things done. A migrants' making do, then, requires knowledge of these differential ways in which

seeing and unseeing are applied, and a corresponding set of practices and actions need to be engaged in response. Migrants negotiate the seeing and unseeing that's applied to them by they themselves negotiating and work in and around in/visibility in ways that benefit them. And if we are to study how people actually make a way and a place for themselves within disempowering contexts, it makes sense that we pay attention to and analyze how these negotiations happen. We can't merely focus on what is readily visible, rather we ought to attend to all the ways the visibility and invisibility intersect.

The first place we see this meaningful negotiation of in/visibility is among the migrant operators of these dollar vans. They, especially, court a relationship with the city of New York that places them in a state of seen/unseen. It's a position that seems to benefit them the most as they set about to get things done. Because, on the one hand, they have a say into whether or not they will allow their services to be regulated by the city's bureaucracies. Yes, the reasons for why some operators might choose to operate illegally might well be personal and maybe even capitalistic. Really, though, when it comes to dollar vans and so-called "sharing economy" car services such as Uber, the differences are greater than the similarities. Whereas Uber's resistance to regulation is ideologically motivated—the company works hard to mask this resistance in the language of either the tech industry, i.e. regulation doesn't allow for "innovation" or of neoliberalism, i.e., regulation stops "job creation" and affects "small business", dollar vans mostly resist regulation because it's a matter of necessity as much as it is of convenience.[38] It's not about avoiding regulation purely for profit or because one believes in deregulation, but because either you and/or your riders lack the legal protections afforded to/available to companies and corporations and through citizenship. In this case, remaining unseen and unregulated is directly tied to one's ability to keep moving. Avoiding regulation is all about being able to getting to work, getting to school, getting to the clinic, etc.

[38] http://blog.uber.com/tag/regulations/

without getting caught and, potentially, deported, and less about how one believes the government should relate to business.

Dollar vans operate as an open secret, though New Yorkers (who aren't themselves migrants and users of dollar vans) really only hear about them in moments crisis such as transit strikes or during one of the cyclical periods of disinvestment in public services, periods which result in reduced bus or train service to neighborhoods where city services are scant to begin with. Sometimes (when budget cuts result in reduced bus lines and/or service) the city authorities encourage commuters to make better use of the "enterprising" paratransit services already in existence. At other times, when cowing to pressure from public transportation unions, authorities characterize dollar vans as illegal and potentially unsafe, and in need of regulation (Mitchell 1992; Santos 2010; Silverstein 2010). This back-and-forth between "enterprising" and "illegal and unsafe" tells us a lot about how visuality is caught up in the retention and extension of power. Ultimately, it's probably the case that dollar vans and all paratransit services are at times unsafe and at times enterprising, but they aren't one or the other exclusively or all the time. We seem to allow for both things to be true in services like Uber, a paratransit service which has had numerable allegations made against its drivers in regards to passenger safety. But Uber still gets positioned as an example of market-driven enterprise and, ultimately, something that should be fostered and promoted and not shutdown. The dollar vans of New York as also caught up in these tug-of-wars between city authorities, driver and operator unions, civic groups, and now competing paratransit services, but it's worth remembering that dollar vans have been navigating these intricacies far longer than Uber has, and for different reasons/with different stakes. A main difference between the two is the ridership, however, as one serves marginal, working class, and low-status peoples, while the other serves affluent, upper-middle class, higher-status people. No doubt, both services move in and out in/visibility, but dollar vans and their riders are doing so within disempowering situations and for

reasons that go beyond enterprise or safety. As such they offer a more salient example of how visibility and invisibility are at work in contexts of identification.

A New York *Times* story titled "Vans Vie Illegally for New York Bus Riders" describes a typical sight pertaining to dollar vans:

> One every two minutes, the unmarked vans scoot into city bus stops along Flatbush Avenue, scooping up clumps of waiting commuters. Sometimes, the vans simply cut the buses off in a brazen race to the curb. As soon as one is pulled over by the police—and they often are—its passengers slip out and around the corner, where another idles out of sight of the law. (Mitchell)

This description reiterates the very reasons the immigrant-run and immigrant-serving transportation networks in New York are as effective as they are: volume, frequency, flexibility, dexterity and, I would add, a willingness to make unauthorized movements, to remain unseen. Indeed, I might argue that without a willingness to operate illegally or in an affront to city efforts to authorize and regulate them—to make them visible—dollar vans would stop being useful to migrants in their quest to continue to make do and move through the city in ways that don't make them more vulnerable than they already are.

This need to sometimes remain unseen is corroborated by a rider. Ángel Ríos' experiences speak to this when he tells a reporter how, if "he's a dollar short on fare, […] the driver will let him ride anyway; he makes up the difference on the next ride. 'If you try that on the subway, the cops'll pull you—take you away'." As the reporter concludes, "The shuttles are largely left alone: drivers in New Jersey complain more about the price of gasoline than about ticketing" ("Eastern New Jersey Network"). In this regard paratransit services that are themselves unauthorized might well be a benefit in itself for many migrants because they represent modes of movement that aren't owned and regulated by government and civic authorities.

If indeed it is the case that migrants are benefitting from being visible sometimes and not at others, and if dollar vans are undertaking and facilitating this type of negotiation, then this means that there are dimensions of rhetoric and rhetorical practice that aren't dependent on greater and/or identifiable visibility—that there are ways into rhetoric that don't require a person to align him or herself with others if the types of visibility this alignment requires further disempowers a person. Yet, scholars and journalists see or have seen these transportation networks only when there is a political gaze turned upon them, when there's some dispute about their safety or their cost in competition. This makes sense as visibility is a common prescription for those seeking to gain political recognition or advantage. Insofar as rhetoric is relegated to a purely political role (in the sense that people deliberate, judge, and then change policy and attitudes), then we will continue to turn our attention to only that which we can see or exploit politically. But New York's migrants show that there are ways of being, acting, and doing things that are not benefited by visibility, and that they do so for not necessarily nefarious reasons, but because it ensures their ability to make way and make place. I posit that requiring people to frame their claims for greater rights and status in visible and identifiable ways is probably the easiest way of getting at how people exert rhetorical agency, but that it isn't the only way that people do it, and that we stand to gain a greater, more comprehensive look into how rhetoric works if we also attend to how people make do by remaining invisible.

This is certainly true of politicians, whose seeing of vulnerable populations is more often than not directly tied to how seeing and recognizing can help them retain power. A moment in 1997 offers an instance in which this type of seeing is at work in relation to New York's paratransit. Likely in response to ongoing pressure from the bus driver union, various council members drafted a bill that would establish a one-year moratorium on the acceptance, processing, and approval of any applications for authorization to operate or expand a commuter van service. The bill specifically

targeted "van commuter services," a designation that comes about once a dollar van operator applies for a limited license to pick up and carry passengers. It's a license that really only yields a nominal form of recognition, however, since Garnett and others find that the conditions placed upon van drivers are largely ignored (i.e., to not shadow official bus routes and to not accepts hails). At the same time, the recognition makes them newly susceptible to regulation and penalties and other punitive actions. Then mayor Giuliani vetoed the bill, calling it "illegal," and citing the need for "an industry that is needed and supported by many communities throughout this City." The mayor's comments, while specific to "commuter van services" which, on paper at least, were operating legally, could just as easily be applied to the thousands of other vans operating illegally:

> A moratorium of any length will be detrimental to the citizens of New York. Commuter vans play an important role in the City's transportation network, particularly in areas that are insufficiently served by the existing mass transit system. The main purpose of commuter vans is to provide a cost effective way to complement existing mass transit systems by providing direct services between points of origin and destination which are often far removed from designated bus routes or subway lines. Commuter vans have flourished in many communities where mass transit is inadequate and few people have access to cars. Commuter vans play an important role in providing these communities with safe, efficient, affordable and convenient transportation to assist them in traveling to and from work, school, day care, medical centers and shopping districts. (Giuliani 603-97)

Even though mayor Giuliani is careful to reference the bill's likely effects on "commuter vans" specifically, which is to say, those vans which had allowed themselves to be seen by applying for and carrying a license, his characterization of the services provide can easily apply to all dollar vans and "commuter van services"—unauthorized and authorized alike. Indeed, the entire system of

networks "is needed and supported by many communities throughout the city." Mayor Giuliani was using the terminology proffered by the bureaucracy, "commuter vans," to recognize the value of the entire system of vans in recognition of the needs of the immigrant communities as well as of "governmental interests of the City"; at the end of the day, this act of seeing on the part of mayor Giuliani was as much about recognizing the need for paratransit as it was about how this recognition could be leveraged to serve the city's interests.

In this instance Giuliani toggles between "legality" and "illegality" throughout, a move that has significance here because it evinces an important function of the law: it first needs to see something before it can name it, organize it, regulate it. This is perhaps one of the clearest indications that visuality and power are connected in important ways, a connection that has everything to do with how—and if—we see the movements migrants make and the modes they engage to make them. It's an instance of the identification from above that I put forth in the introduction. As Mirzoeff notes, in the colonial context "Visualized techniques were central to the operations of the Atlantic world […] and its ordering of reality (10). My sense is that various past and current efforts to visualize the movements of migrants in New York City are themselves techniques central to power and its ordering of reality. This is also true of those efforts that are more ethically motivated, i.e. Reiss' mapping project. But in effect, any attempt to make a system or way of life seen that those living it have worked to keep invisible puts people at risk of having their movements and ways of being integrated into extant power structures. In this case, mayor Giuliani's decision to not outlaw "commuter van services" is as much about recognition as it is about retaining and extending the power of the law to see, name, and subsequently oversee and regulate the movements of already vulnerable people.

This example is a clear indication of a function of power, one that operates through the politics of visibility, and which subsequently allows power to regulate, control, and remove those it

deems undesirable. Conversely, Mayor Giuliani's back-and-forth also demonstrates a significant limit of legal discourse: the law can only presume to name and thereby regulate that which it has seen/that and those which allow themselves to be seen. Insofar as an individual or group manages to reject such seeing, she/he/they may also be able to move on, get through another day. This relates to the the ways migrants in California are able to better navigate rhetorical checkpoints by refusing the documentation-identification being offered to them in the form of driver's licenses.

By remaining in the blind spots of the law, unauthorized people are able to take up greater movement. We see this explicitly in New York's unauthorized transit services, where the law can only obtusely refer to what is an extensive shadow transportation network; while authorized commuter services exist all around New York City, it's those services applying for certain types of authorization and/or documentation whom are extending and facilitating the city's power to look for intently, and to regulate these services and the movements of those they cater to. In carrying documentation proffered by the city these vans gained the status of "commuter van services," a nominally higher status than non-authorized dollar vans but which also subjected them to the political whims of politicians and lawmakers. At the particular moment when mayor Giuliani was considering whether or not to call those permit-carrying services "illegal" we recognize that the action could only legally affect those particular operators and vans, but we also recognize that the mayor's pronouncements were also applicable to the entire system of dollar vans. As for those operators who hadn't applied for a received a permit and the "commuter van service" designation, Giuliani chose not to mention them or speak about the larger network they comprised, as they didn't legally exist. What we learn from this particular instance in the ongoing debate over New York's unauthorized transportation networks is that visibility, even as it poses less risk for marginalized bodies and communities, can still result in restricted movements and hindered mobility. We also learn that, in choosing to remain invisible to city and civic authorities, many operators have

been able to retain a modicum of freedom in their movements, which in turn facilitates and permits the freedom of movement of their riders. The fact that mayor Giuliani was now having to veto a bill that threatened an industry that is widely recognized to be safe, efficient, affordable, and convenient by both the migrant communities and by city authorities demonstrates how easily visuality can move already vulnerable bodies into even more disempowering and vulnerable positions.

The potential effects of buying into visibility politics are on display in another instance involving a potential policy shift over these transit services on the part of another of New York's mayors, Michael Bloomberg. In this case, mayor Bloomberg moved to recognize a certain number of dollar vans at a time when the city was coming under critique for cutting back on bus service. In this case of a small number of dollar vans whose operators acted on the city's offer to license them in exchange for permission to operate, agreeing thus to be seen by city authorities and to be be regulated by them. For their own reasons, some of the operators bought into the common assumption that greater "visibility is an act of freedom" (Brouwer 116). And perhaps it was for these particular drivers and riders—we don't know if this was strategic on their part or how it ultimately affected their ability to move about and to move their passengers into the city. In this particular case we see both top-down and horizontal identifications at work as government, drivers, riders, and residents of the city engaged in seeing each other and in an act of identification that allowed all involved to, in some measure, continue business as usual. The migrants of this chapter are imbricated in this complex visuality all the time, and their negotiations within it are showing us that there are more critical ways of thinking about how one identifies/is identified with, how one is seen/shows oneself. It goes beyond a dichotomy of visibility and invisibility.

And yet, at the time when Bloomberg made the announcement (in June 2008) about the year-long pilot program that would allow existing "commuter van services" to pick up and transport passengers in parts of Brooklyn and Queens where bus service was already scarce and where it was

about to become even scarcer as a result of service cuts, preparations were already underway to penalize other non-conforming operators. This was the first time since the early 1990s that the city administrators had considered the unauthorized networks in any official way. This announcement came at the height of a conflict with the MTA bus union (a failed budget proposal resulted in service cuts). But for as much as mayor Bloomberg espoused the value of the value of dollar vans for commuters— "we have to do right by them," he argued—the promises that came with an agreement to be seen and recognized by the city as a result of the pilot program resulted in something other than freedom for drivers and riders of other services. David Yassky, the then taxi and limousine commissioner, told the New York *Times* that "enforcement would be key to the pilot program" (Santos). And sure enough, the week prior to Mayor Bloomberg's announcement "during a few hours in central and southern Brooklyn, taxi inspectors and officers from four police precincts seized 35 illegal vans and issued 73 summonses to unregulated drivers"; according to Yassky, similar operations were planned and would be "executed with more frequency than in the past" (Santos). It would seem that the city's program aiming to permit the "unregulated drivers" had, to some degree, the goal of also cracking down on other drivers/services. (This isn't unlike like policy initiatives that promise amnesty to undocumented immigrants but which come hand-in-hand with increased border securitization). It's not difficult to conclude that the program could and would curtail the type of mobility and anonymity that many of the dollar van ridership depends on. What's more, this outcome demonstrates that identification, whether refused or entered into, can affect how others are able to continue to get things done.

Certainly, an individual's or group's lack of buy-in into visibility politics makes it hard for researchers and scholars to study them and their rhetorical ways of being. This has been mostly true of informal transportation networks operating in New York; For the most part, scholars didn't know much about them other than they exist. The small amount of primary data we had on them

strongly indicates that migrants prefer these informal networks because they have worked to remain unseen. Yes, the fact that they operate outside of the law makes it even more difficult to know much about them, but it is also true that if we are interested in how rhetoric emerges even in these contexts we have to approach them without asking or forcing people to show themselves. How to do that is what I take up, partly, in the conclusion.

That most dollar van operators resist official status even when it is offered to them suggests that there's a significant rhetorical benefit to remaining unseen in official ways. In attending to the negotiation of visuality that happens between official discourse and power and the operators and users of New York's paratransit networks, the movements undertaken by migrants in New York City indicates that there is a mode of rhetoric that rewards not being identified, of remaining mostly unseen (though certainly not unrecognized). At the same time, that some dollar van operators have opted to be seen and recognized in more official ways and, in turn, have made their movements (and those of their riders) more visible to city authorities, indicates that certain forms of visibility often make the movements of marginalized people easier to co-opt and regulate, thus jeopardizing whatever expediency and flexibility made these networks useful to migrants in the first place. But some migrants finds certain trade-off desirable, indicating that they don't see it as a choice between or or the other, but that it's possible to do both to some degree.

Dexterity and flexibility are important factors in a migrant's day-to-day struggle to get out the door and to the various places where they are required (or want) to be. And if they are to get there and back without getting caught, then their movements and the modes they engage to make them need to, to some degree, assure that access and flexibility are paired with the ability to move about clandestinely and, in certain instances, invisibly. In some cases, to be seen is to court immobility, and to be immobilized means that they can't get to work, school, or play. By remaining unseen many migrants avoid becoming even more exploitable and they avoid being forcibly

removed from the country. The negotiations of in/visibility that migrants undertake are indeed rhetorical as they ensure the dexterity, flexibility, and efficiency necessary to making their way and to moving through the U.S. discreetly and anonymously. It's no wonder that modes of transportation and movement that are themselves intent on remaining unseen and unmarked are being used by migrants to get about their day. In spite of the city's seeing/unseeing, migrant-run dollar vans allow migrants to continue to negotiate in/visibility rhetorically. These networks allow for what ought to remain invisible but to a few people to remain so, and this shows that visibility is a far more complex process than identification-based modes of rhetoric and agency have thus far acknowledged.

Reiss' Maps, at the Intersection of Identification, Visuality, and Power

Somewhere between a map and an information graphic, Adam Reiss's representations of the routes followed by the dollar vans that make up the thriving shadow transportation system in the outer boroughs of New York City offer scholars of visual culture and rhetoric a salient example of how visual representations of space (and the information related to that space) remain a critical function of power. Even as Reiss' mapping of migrant's movements seems to be generous and well-intended (I'll speak to how later), the maps play into the politics of visibility uncritically and thus stand to make what might otherwise remain invisible, visible. Indeed, Reiss' attempts to recognize and represent migrant movements in more familiar and dignified ways evinces just how much identification, visuality, and power are intertwined. In this section I locate the impulse that likely motivated Reiss and the *New Yorker* to produce and publish this project in a history of seeing and looking, a history that is deeply ingrained in colonialist oversight and control.

Riess' maps, in representing the movements of many of New York's migrants in the style of a popular and emblematic official map of New York City movement, seems to be granting a certain kind of status to migrants and their movements. On face value, this attempt seems noble and

generous, and it belies a belief in the promise of greater freedom in exchange for being seen. But without a critical consideration of what the inherent risks that come with visualizing said movements, one also risks perpetuating the hierarchical structures that disempower the people using these paratransit services in the first place. In effect, Reiss's maps put on display the intertwinededness of visuality and power, and it's important to interrogate that link in this case because visuality often serves to enforce and maintain extent power structures; it almost never dismantles them. And yet, it's an easy assumption to make, and we see activists, journalists, politicians, and scholars even constantly making that assumption in their work.

If you've ever seen and/or used an official MTA's New York City Subway Map you know what Reiss's maps look like. Like the popular New York subway map, the maps produced by Reiss color-code the various routes running along Manhattan's periphery and outer boroughs. These are represented as clean, attractive straight lines representing what we should imagine and know to be messy and at times chaotic. Reiss' mapping have a similar effect, and his clean an orderly lines go a long way in flattening and assigning a controlled rigidity to what we can easily imagine as a tangle of movement in and around New York City. Interestingly, the official MTA subway maps also represent an amalgamation of once competing transit services that over time and due to oversight, policy, and good graphic design, now exist as a unified system of transportation that's known the world over. It wasn't always so.

Designer and critic Michael Beirut describes early and original representations of New York's transit services as a "tangled spaghetti of train lines, a mess of a 'system' that [is] almost comical in its complexity ("Mr. Vignelli's Map'). The extant map comes to us as the latest in a long line of design efforts to represent the tangled movements of New York City is an ordered and beautiful way. It gives the impression that New York always enjoyed organized, regulated, efficient movement. That's hardly the case. But we have a map that gives that impression, and that may be all

that matters. It's worth remembering, however, that maps are not what they seem. They are not an an accurate representation of something occurring in actual space and time; rather, maps impose a way of seeing reality on a viewer, giving the impression that what one is looking at actually exists on the ground. But neither the representation nor the vantage point are real—instead, what we are getting when we look at maps is the vestige of a Eurocentric/Cartesian way of looking at the world that sought to situate newly conquered lands and space into a larger, European-centered geography. At a certain point in history the bird's-eye view that we now take for granted in maps would have been an entirely strange way of seeing and thinking about the world. Unless, of course, you were a European monarch whose power and domain was being elevated through these unrepresentative acts of mapping.

It's with this in mind that we turn our attention to Reiss' mapping project, which takes so much from the MTA's desire to represent what is otherwise a complicated mess of movement. It too is an attempt to have us imagine and think about the movements of an unseen and marginal people in the same way that we might think about the movements of Wall Street bankers, Fortune 500 execs, attorneys, judges and teachers, tech workers, and authors: as necessary and essential to the city, and as orderly as those movements, too.

When you first land on the interactive *New Yorker* site you're met with a headline that reads "New York's Shadow Transit" and explanatory text that reads, "New York's unofficial shuttles, called "dollar vans" in some neighborhoods, make up a thriving transportation system that operates where subways and bussed don't. This interactive project, with videos, maps out the system." A total of five networks are "mapped out," Chinatown, Flatbush, Eastern Queens, Eastern New Jersey, and the Edenwald Line, each with its own map, narrative text, and videos. The Chinatown network is represented in rose, pink, and magenta, the Flatbush network in lavender and violet, the Eastern Queens network in green, forest green, blue, indigo, aqua, and turquoise, the Eastern New Jersey

network in mustard, yellow, burnt sienna, and brown, and the Edenwald network in fuchsia. The second and most prominent graphic on the webpage is the full map, which combines each individual network into a full system map. Each network and the full system map are laid out over a grey-scale depiction of New York City. Certain neighborhoods (i.e., Chinatown Manhattan), landmarks (i.e., Journal Square), and roads and infrastructure are also indicated (i.e., George Washington Bridge; Jamaica Avenue). When seen in full, the map certainly does evoke the famous MTA New York City subway map, but for anyone familiar with the subway system and its reach, the map of New York's "shadow transit" has an uncanny effect in that it re-creates a very familiar geography through unfamiliar means; simply, the routes we see in our head and the ones depicted on the map, they don't line up. As much as much as we want to see the 1 and 2 trains, or the A and R trains on the full map, they aren't there. In their place are routes leading into and out of neighborhoods that are likely unfamiliar to most visitors (and perhaps maybe a majority of New York's white residents).

Hovering over any one of the networks greys out the other networks on the full map while a pop up a message box naming the network directs you to "Click to explore." Clicking takes you down to a particular network's section on the page, where you do indeed find a subset of the full map, a short descriptive narrative, and one or two videos. Clicking on the Eastern Queens network, for example, scrolls the page down to section highlighting the five routes radiating out from Jamaica Center Parsons/Archer. The map shows that five lines originate from here and reach out to 227th Street/Belt Parkway (following Liberty Avenue and 113th); Linden/Belt Parkway (following Linden Boulevard); Green Acres Mall (following Merrick Boulevard); Far Rockaway/Mott Street (following Guy R. Brewer Boulevard and Rockaway Turnpike. The sixth line picks up from where Far Rockaway/Mott Street line ends and heads southeast on Beach Channel Drive down to Beach 95. I know Jamaica Station as the place where I transfer to or from the AirTrain from J.F.K. and onto or off of the A train into the city; Jamaica Station has routinely been my place to enter or to leave New

York City, and hardly ever have I stopped to consider that this very location is the starting point for a network of movements taken up by many Caribbean residents of New York whom are also making their way into the city or into Eastern Queens:

> Jamaica Center is known to many New Yorkers as a place to catch the AirTrain to J.F.K. But, aboveground, it also represents the biggest dollar-van hub in New York. "This is it—this is the terminal," Amanda Mackey, who uses the vans to get to and from her home in Rosedale, said. "You have to come here to get to Manhattan, come here to get to Brooklyn, come here to get to Long Island. You need to come here to get to where you need to go." (Reiss)

This sentiment, that "you need to come here to get where you need to go," could well be the mantra of the underground networks Reiss represents in his project for the *New Yorker*. Mackey's comments echo those of most of the riders of New York's "dollar vans," whether they ride them through Chinatown, Eastern Queens, or Eastern New Jersey: these elusive and unauthorized networks are simply the most efficient and effective way for New York's migrant communities to move about the city and into/out of their communities. You certainly need them to "get where you need to go."

Reiss' maps are a good indicator of the rhetorical significance of maps; as Mirzoeff puts it, maps have an ability to communicate and extend pre-existing ideas about spaces and the bodies that move through them. So, my argument is that we shouldn't attend to Reiss's maps "as an *object* but as a *medium* of communication," because if we don't then we miss an opportunity to see how they function rhetorically (Jacob and Dahl xv). As a medium these maps show a popular and affluent audience (readers of the *New Yorker*) a phenomenon that has mostly gone unseen, not in a physical sense, per se (many of these networks operate as open secrets), but as it pertains to official power and governance and for their ready consumption. In rendering them visible maps reify certain pre-existing ideas about these networks and their operators and users, but they also allow new discourses

to arise (discourses the are likely to benefit the educated and liberal readership of the magazine more than they will benefit migrants likely). More importantly, it potentially makes these networks more susceptible to oppressive surveillance. At the same time, it does give scholars or rhetoric (visual rhetoric especially) an opportunity to test the idea that, in many cases, there are rhetorically significant ways of going about one's daily, public, and civic life that goes mostly unseen.[39]

Power claims dominion over things by plotting them, representing them, and by naming them. The first to come of these is representation, a practice that, in our society at least, facilitates legislation, regulation, and policing of behaviors and practices (Melamed 2). This chain is largely enabled through identification, and identification functions largely on visuality, which is to say on how reality is pictured (and by whom, and for what purposes) (Mirzoeff 2006). Historically, mapmaking has facilitated the relationship between power and visuality. Nicholas Mirzoeff makes this point in *The Right to Look*, where he notes how the "order of colonial things was itself visualized in the practical guides for the practice of planters published in the period" (51). Indeed, the spaces and landscapes of the colonial world can be aptly characterized as a "confused mass without agreement" which was divided, organized, and made sense of through plantation manuals and their attendant maps (Du Tertre, qtd. on 52). "As a regime of power," writes Mirzoeff, oversight

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[39] The rhetorical force of maps is further explained by Ralph Cintron and Michel De Certeau: A map is a representation (Cintron 15); it is also a metaphor (De Certeau 18). The mapmaker observes and also invents while making a map. Maps aren't mere representations (De Certeau 1985, 17). A map essentially asks the viewer/user to buy into what the mapmaker sees and, more importantly, what he or she wishes to see. Thus, the process of observing and inventing inherent in map making is, at its root, a productive one because of how it attempts to move viewers/users "from what is to what *could be*" (18). Understanding maps as such allows us to better understand how maps function rhetorically, for maps promote movement, not merely in a physical sense, but in a symbolic sense as well. Maps ask their reader/user to move from one understanding of particular space and place to another; maps, as De Certeau explains, promote "passage from one place to another" (18), a passage that could just as well represent moving from seeing and understanding a particular phenomenon from one way to another.

depended on a set of combined techniques […] techniques which can be summarized as mapping, natural history, and the force of law" (56 – 57). Reiss's project and its attendant maps in the *New Yorker* represent a modern example of these techniques of seeing that facilitate oversight, which in turn facilitates control. As such, Reiss's mapping of migrant movements in New York City has become part of "a [recent] history of selective and differential visibility" (30).

Just as the mapping of the colonies "reified observations made at the local level" to then be substantiated by "natural history and made sustainable by the force of law," Reiss's project, which includes narrative text, videos, and maps, similarly works to legitimize what might actually benefit from remaining non-legitimate. This is a possibility that otherwise escapes most of the discourse surrounding visibility, which sees visibility as always desirable. Scholars of rhetoric—and of visual rhetoric specifically—have questioned this facile construction of the relationship between information/data and its transmission to audiences, emphasizing the social and rhetorical nature of infographics (Barton and Barton 1993; Brasseur 2006; Kostelnick and Hassett 2003; Dragga and Voss 2001), concluding that "Visual communication is always coded," even as it always seems transparent (Kress and Leeuwen 32).

Mirzoeff's claims and scholarship serve as a foil to a large body of research that seeks to present visuality as an overall desirable and positive force within a democratic society. Reiss' project shows us that these assumptions can have unintended consequences, yes, but they also give us occasion to analyze the ways migrants are already negotiating visuality in their everyday lives. It's a contradictory dynamic, for sure, and its worth acknowledging here. Doing this double (if not entirely undesirable) work allows us to apply Mirzoeff's claims to a contemporary instance in order to see how a) maps are linked to power and b) how individuals and groups demonstrate the rhetorical of value of cultivating invisibility for the purposes of getting things done.

The complexity of visuality on display in three of Reiss' maps

Various "minibuses" of the Eastern New Jersey Network (as the paratransit vehicles running between New York and East New Jersey are called) transport riders between the George Washington Bridge or the Port Authority Bus Terminal across the New York/New Jersey state line. This makes sense considering that both West New York and North Bergen boast large populations of Hispanics/Latinos—78% and 68% of the total population, according to the 2010 census (U.S. Census). According to Reiss, the operators working this line serve a "big, working-class population that is underserved by public transit," transporting these Latin American migrants from Manhattan and into major residential neighborhoods in New Jersey, including North Bergen and West New York, or other transit hubs i.e., the PATH station. To see, hear, and speak Spanish is common on the minibuses comprising this network, "On many shuttles in New Jersey, drivers call out street names in English and Spanish ('Thirty-second Street! Treinta y Dos!'), ads for immigration-related legal counsel are taped behind the driver's seat, and riders bounce along to Spanish-language radio hits," writes Reiss ("Eastern New Jersey Network").

Reiss finds that the Eastern New Jersey Network is an effective and efficient mode of transportation for migrants for the same reasons that others have: they travel on fixed routes into major residential neighborhoods […] with passengers hopping on and off as they please" ("Eastern New Jersey Network"). Reiss' observations align with what other reporters and scholars have said about the value and worth of these informal and unauthorized transportation networks, that they are convenient, flexible, comfortable, and go where public transit doesn't (or at least not when migrants need it). At the same time, they indicate that governance and law are always present, if indirectly. Reiss marks how the largely migrant neighborhoods of West New York and North Bergen are underserved by transit authorities in either New York or New Jersey; on the other hand, Ríos remarks on how his inability to, sometimes, pay would cause him to pulled out of the bus and

taken away by the cops. This is also true of migrant riders in other networks in the city. An operator for the Edenwald line, for example, marks how he assures that riders have their needs met when he says, "A lot of my riders, they don't need to tell me where to go; I just drop them off at home as I make my rounds." The regular fare in Edenwald is two dollars, but you can get dropped off at your doorstep for an extra quarter." Indeed, many drivers will often help older passengers in and out of the vans, and carry groceries and heavy parcels, and they charge schoolchildren half the standard fare ("Edenwald Line"). Likewise, the demand for dollar vans among migrants in Brooklyn is especially noted when the police and the Taxi and Limousine Commission come around seeking the ticket unlicensed drivers and unauthorized vans, a semi-regular occurrence that causes vans to "park for the day, and sidewalks overflow with people waiting for the bus instead" ("Flatbush").

The three networks I analyze here demonstrate how visuality operates complexly, and how it is comprised of much more than what we can see. As such, I point to how the visual in rhetoric can't be merely attended to by what we can see, but also by what is there but which can't readily be perceived. The negotiations of in/visibility that migrants take up seem to ensure their continued movement, and as such seem to offer an alterative to our normative dependence on identification as a primary frame for understanding how people act rhetorically. The assumptions inherent to this dependence on what can be see too often collapse the nuances of visuality into facile and uncritical claims about what and how people actually manage to make a way and place for themselves, especially when the risks to visibility far outweigh whatever promises come with the politics of representation.

Mirzoeff offers a way of understanding the potential affordances of remaining unseen when he correlates visualization with authority through oversight. Mirzoeff writes: "As a technique of governance, visualized domination was both represented by and encapsulated in the emergent technology of mapping" (58). We can appreciate this correlation in the ways Reiss represents

movements via the Eastern New Jersey Network: here is a community of migrant workers whose transit needs aren't met—aren't seen by civic and transit authorities—but also by how he attempts to show us the making do and moving through of migrants in light of that unseeing. First, there's the map of the network he produces, a map that draws from the *topos* of the famous MTA Subway map. Then there is the video he includes of a busy pick-up spot somewhere near the Port Authority Bus Terminal.

A large part of the visualization the Reiss does in this project is meant to legitimize the movements (and perhaps even the existence of) migrants in and around New York. The MTA Subway map, the style of which has been widely used and is instantly recognizable around the U.S. (and, indeed, many parts of the world) symbolizes efficient, cost-effective, and democratized movement in a large metropolitan city. In many ways, the MTA Subway map has become an enthymeme for the city of New York, a city that through the 20st century was considered the epitome of capitalistic progress. We accept that people and places are inextricably bound, and how people move about a place is one way in which this binding happens. Without a doubt the city of New York has invested a lot of time and resources in enabling its residents to undertake the social and economic activity that has made New York the cultural and economic symbol that it is. Indeed, the New York Subway System is an awesome piece of infrastructure. The 108-year old system is the most extensive in the country; it carries a ridership of 110 million (MTA 2006). The New York Subway system, it's representative map, has become a symbol of New York City itself, and to represent non-authorized transit services such as those used by migrants, some of whom are themselves unauthorized, in the style and shape of the system and its maps is to attempt to lend an air of legitimization to them and, by proxy, to their users.[40]

[40] In discussing various mapped representations of the City of Madison and its people, Wang et.al. discuss Michael Duffy's "Madison Underground," a project that, "Cribbing from well-known subway maps to refashion Madison as a rapid-transit city, […] depicts a picture of what Madison

The Edenwald Line: If oversight seems scant in the Eastern New Jersey Network (according to Reiss, "The shuttles are largely left alone: drivers in New Jersey complain more about the price of gasoline than about ticketing), it hasn't been along the Edenwald Line ("Eastern New Jersey Network"). The shortest of the networks (it runs for barely a mile, from the 233rd Street Subway stop into a largely Caribbean neighborhood from which the line gets its name), the Edenwald Line in the Bronx has the only real one-dollar route. The Edenwald Line originated when the MTA cut bus service along what was then called Edenwald Avenue (now it's named after Dorothy Gomes, one of the two original operators of the Edenwald Line dollar vans). Just as official un-seeing of Eastern New Jersey's migrants and their movements prompted a home-grown network to serve their particular transit needs, so too the official disinvestment in the Edenwald community. But disinvestment and un-seeing aren't the same thing, and the Edenwald Line demonstrates this perhaps better than the Eastern New Jersey Network does.

Edenwald, a sub-neighborhood of the Bronx, has the distinction of being the neighborhood that's farthest away from Manhattan (second only to neighboring Walnut), but this doesn't mean that it is unknown to local and state authorities. According to city data, 36.7% of the population of Bronx Community District 12, of which Edenwald is part of, receives some form of public assistance. In the 2010 U.S. Census found that in 2000 Edenwald median household income was 21, 881, and that 37.9 of families fell below the poverty line. Other official data points that are likely to make Edenwald quite known to authorities are a 62.5 high school graduation rate and a 14.2%

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could be with the proper investments and vision: a city that functions well for all its residents and not just those residing on the over-served isthmus. Stylistically, *Madison Underground* puts us into conversation with the great cities of the world -- ridiculous on its face, but functioning to enlarge myopic Madison perspectives" ("Cultural Representations"). I posit that something similar is happening in Reiss' mapping project. No doubt, Reiss wants readers/viewers of the *New Yorker* to consider how migrants and their movements constitute valuable movements and actions in the city, that migrants and their lives are as legitimate and as necessary to the city as the day-in, day-out riders of the city's official transit systems.

unemployment rate (U.S. Census).[41] A demographic profile such as this makes neighborhoods notorious to authorities, even as they might make policy decisions that further disenfranchise them from more affluent areas of municipalities thus making it seem that authorities don't see—or recognize the needs of—residents in these communities. The MTA's decision to cut bus service into and out of Edenwald in 1984 could very well seem to some like an act of un-seeing. Because Edenwald depends on access to the business and institutions more readily available in Manhattan (e.g. jobs are there, social services are there, shopping is there), cutting the direct bus route (a not-so-nearby subway stop and infrequent local bus service is all that remains) did effectively constrict the mobility of Edenwalds's residents in both a physical and a social sense.

Reiss explains through his project that, "in the resulting vacuum, two local residents, Carl and Dorothy Gomes, began driving minibuses along the old route. 'We were not going to let this area die,'" said Carl ("Edenwald Line"). This sentiment or desire for greater recognition seems to be common among, if not the community of Edenwald, then at least the van operators. In comparison to the Eastern New Jersey Network, the Edenwald Line has indeed been more proactive in attempting to get official recognition from authorities. One way that operators on this line have attempted to gain official recognition and thus visibility is by asking the city for an officially designated pick-up and drop-off zone: "A sign would let everyone know that what we are doing is legitimate and protected," said Peert, one of the operators ("Edenwald Line"). To date no such zone or designation has been approved, but certainly not for lack of trying.

Which is not to say that the Edenwald line isn't seen by transit authorities. On the contrary, the operators on the Edenwald line operate vans that have acquiesced to a level of visibility in exchange for designation of "commuter van service" from the city, a designation that requires

[41] This is before the Great Recession. After a dip in unemployment ending in 2007 and a surge during the Great Recession, the unemployment rate has remained at about 12%.

regulation. This seems to help operators on the Edenwald line to avoid accusations that other, more clandestine networks, often face (e.g. that they are unsafe). None the less, it is a trade-off:

> Peert and Gomes told me that drivers typically bring in a hundred and fifty to two hundred dollars per day from fares. But there are a lot of expenses, too—gasoline, biannual inspections, regular tickets, licenses and tests, and so on. Peert doesn't expect to get rich driving the vans. He does it, he says, because the community needs the service. "If these people don't have no transport to go to work, they can't pay rent, they can't pay mortgage, they can't send their kids to school." ("Edenwald Line")

To be sure, the needs of the many migrants living in Edenwald are the needs of most if not all the migrants residing in the various boroughs that comprise New York City. Keen among these is the need to get to and from work, kids too and from school, doctor's appointments, and to and from markets and retailers, a need that isn't exactly met by official transit services and networks. The Edenwald Line exists to serve this particular need for the residents in that neighborhood, but it also exists at the crux of differential visuality, which is to say, it exists in a zone where some of the movements facilitated by the network are seen and therefore regulated, but it's a function of visuality that doesn't extend to actual legitimization and recognition. In such a state both operators and their riders—their movements, especially—remain contingent and exploitable.

In a short video accompanying Reiss' section on Edenwald, Peert opens his glove compartment to show the reporter the van's registration and proof of insurance. He also leafs through a stack of sheets contained on a clipboard that, he explains, is used to track mileage. Finally, Peert pulls open his wallet to show the three licenses he is expected to carry: a personal driver's license, a commuter van operator's license, and a license for the van. "What happens if you don't have these three," asks the reporter off-camera. "They give you a ticket," answers Peert. Sometimes

it's like for 500 dollars" ("Edenwald Line"). No doubt, there are certain reasons for why operators on the Edenwald should want to be seen and recognized in certain instances, but we should also wonder and look into the reasons for why operators might want to cast off visibility in other instances. Here we see some of this dynamic at play, where operators themselves recognize that it's not just about the legitimization that comes from being recognized and authorized, but also about the trade-offs that come with it. In light of that, we move to another route within the network that takes a decidedly different approach to Edenwald's.

In contrast, if you were stand on any street corner along Flatbush Avenue in Brooklyn, you're likely to see a steady stream of dollar vans drive by, many of which are operated by unlicensed Haitian migrant drivers. Unlike the Edenwald line, the Flatbush network is notorious (e.g., quite visible) for its illegality. Reiss reports that "unlicensed dollar-van drivers like Skates remain ubiquitous in the borough and are in a constant legal tug-of-war with city authorities, dodging fines and repossession as they navigate the streets," and 240 vans were impounded in 2013 alone, a figure that represents one-third of the total number of illegal vans impounded by the Taxi and Limousine Commission ("Flatbush"). Unlike the operators on the Edenwald line, the Flatbush line operators don't seem to be invested in legitimization or recognition, at least not in the way that an officially sanctioned zone or sign would presumably grant. According to Patrice Gibbons, a teaching fellow at Long Island University, would-be riders need to be on the look out for the vans, which is to say, they need to see the vans without the aide of official ways of seeing/recognition: "You hear about the vans by word of mouth," admittedly something that might be easier for Gibbons than for an outsider: But also, I'm Guyanese, and we have vans like this back in Guyana, so when I saw the van on the street I knew what it was" ("Flatbush").

Here is a good place to stop and consider how these negotiations of in/visibility tie into the strategic use of invisibility I've been analyzing thus far. Gibbons suggests that her ability to see the

vans running up and down Flatbush is more because she is Guyanese and these, in some way or form, resemble the ones she's accustomed to seeing in Guyana. That Gibbons is able to see them while others may not be able to pick them out from within traffic intimates an oft ignored aspect of visuality: that it is more the product of what one perceives that of what one sees. Mirzoeff puts it so: "Visuality is very much to do with picturing and nothing to do with vision, if by vision we understand how an individual person registers visual sensory impressions" (4). That Gibbons and others from Guayana or other nations where jitneys are common can perceive dollar vans while others cannot is "a problem of the conceptual scheme of modernity and representation that underlies it (4)", though within the analyzes I'm undertaking here, it's only a problem for those of us who can only perceive what a capitalistic politics of representation deems to show us; it's not so much a problem for migrants who know how to remain unseen in plain sight so as to gain or maintain a broader range of motion.

Gibbons' comment also calls back Mirzoeff's claim regarding the functions of visuality, and how oversight can often function through mapping. Mirzoeff offers a compelling example in the case of the Maroons, escaped slaves that were able to establish and maintain communities that became autonomous precisely because they eschewed all attempts at being mapped (in the colonial sense). These communities existed mostly in the interior of Saint-Domingue, "away from the plantations [which were mapped and assigned an overseer], that lined the coast" (61). This area of the island "was unmapped right until the revolution and was first formally represented in an atlas as late as 1985" (61). This doesn't mean that the area was unseen ("Unknown" per Mirzoeff). What we have here is a seeing that has not a lot to do with the physical stimuli that hit the eye and rather a seeing that results from practice and use. As Mirzoeff explains, the area was mapped through *kustom*, which is to say, through "oral and other forms of vernacular sign making" (61). Indeed, the seeing and knowing—the mapping—of these slavery-free zones was done in decidedly everyday-use sort of

ways as opposed to top-down, oversight/managerial ways, and that was crucial to remaining free of colonial oversight and control. It's a way of seeing that Gibbons is familiar with while many others are not.

Kustom here evokes for me Margaret D. Zulick's conceptualization of *ethos* as being "the point of intersection between language and subject where invention occurs" (20). Zulick is able to trace *ethos* back to an original sense of "habit," "custom," "dwelling place," and "haunt" (via Heidegger and through Charles Chamberlain and Herclitus). Zulick concludes that *ethos* as "dwelling place" is "the locus of convergence of ethics and aesthetics in the subjective act of invention" (20). As such, *ethos*, when understood as the constellation of customs and habits that add up to "dwelling place," does indeed become a necessary condition for invention and, in that way, relates closely to *kustom*, for *kustom* is a way of knowing and being in the environment that is primarily vernacular in form: *kustom*, like *ethos*, are matters of habit and custom—of day-to-day living and doing. And it's through these particular ways of being that rhetorical invention emerges, especially in contexts where the subject has opted not show him or herself.

Kustom, within the context of New York's paratransit networks, takes on the form of seeking to remain invisible while still operating in plain site. A combination of practical need, a desire to remain (in some cases) unseen by government authorities, and (also in some cases) lived experience has resulted in these unauthorized networks that seem to serve New York's migrants so well. The ability to maintain or gain mobility in the face of increased surveillance, differential seeing on the part of government (resulting in cuts to bus and train service), and lack of social and financial capital is all the product of migrants' making do. Courting invisibility and making it a part of their strategic in/visibility is one informal resources they have at their disposal and through which they are able to invent, fashion, and arrange a better way of making place and making way. It's a suitable alternative

to the constant calls for them to make themselves seen and known in all the ways that civic and government authorities would benefit from.

The implications of mapping territory and movement through *kustom* as opposed to colonial visualizations (e.g., maps) have profound implications to how we think about and study visibility. Flatbush operators risked having their cars impounded or being fined so as not to be be seen or legitimized by official city and state authorities. Even as one should be careful to not collapse the experiences of modern-day migrants in New York City to the fugitive slaves of 19th-century Saint-Domgine, there is much to gain from bringing the two contexts together, as in each case we see people able to make themselves unseen by more powerful overseers for the purposes of remaining, in some way or form, free to move about. According to abbé Raynal, writing in *Histoire des Deux Indes*, Maroon colonies enjoyed relative freedom, in both a physical and a symbolic sense: "Already two colonies of black fugitives [maroons] have established themselves safe from assaults, through treaties and force" (qtd. in Mirzoeff 61). Indeed, by casting off colonial visuality and its functioning via mapping and its attendant oversight, black fugitives/maroons were able to avoid further violence, some of which came through physical force, some of which came through legal language and contracts. When we consider how the Edenwald line is now subject to oversight resulting from operators' desire to be recognized and legitimized, oversight that is maintained through documentation, inspections, and fines, we can better appreciate the desire and decision of the Flatbush operators to operate illegally and clandestinely, their movements only perceivable through "word of mouth" and by members of the community, by *kustom*. And even though the operators of dollar vans are still susceptible to oversight (sometimes of their own accord), what we see is an attempt to reframe visuality in ways that give disempowered people a greater ability to move about the city and with less risk than if they merely acquiesced to the top-down visibility that is called for

by the politics of representation. It is truly a negotiation of in/visibility that, even as it is still partly caught up in power struggles, give migrants other options where there by default are very few.

Concluding thoughts on maps and visuality

It may not seem so always, but maps represent a strange way of seeing the world. And while maps give viewers/users a sense that what they are seeing is a precise and measured representation of a real space or place, the reality is that maps are actually a tool for visualizing and imaging. Benedict Anderson, in a reconsideration of his *Imagined Communities*, considers the role of maps in the colonization of Asia and Africa, concluding, ultimately, that "The Mercatorian map, brought in by the European colonizers, [shaped] the imagination of Southeast Asians" ("Census, Map, Museum"). Anderson notes how print maps worked on the basis of a totalizing classification, and led their bureaucratic producers and consumers towards policies with revolutionary consequences," polices that were substantiated and subsequently enforced by "explorers, surveyors, and military force" respectively ("Census, Map, Museum"). Anderson, like Mirzoeff, makes it a point to signal that the lands and territories that were ultimately mapped in print in the European style weren't previously unknown or uncharted even—on the contrary, Anderson notes that, in Siam for example, two ways of charting space and land were already in use long before European mapping arrived: One was what could be called a "cosmograph," a formal, symbolic representation of the Three Worlds of traditional Buddhist cosmology. The cosmograph was not organized horizontally, like the maps we know today, rather a series of supraterrestrial heavens and subterrestrial hells wedged in the visible world along a single vertical axis. It was useless for any journey save that in search of merit and salvation. The second type, wholly profane, consisted of diagrammatic guides for military campaigns and coastal shipping. Organized roughly by the quadrant, their main features were written-in notes on marching and sailing times, required because the mapmakers had no technical

conception of scale. Covering only terrestrial, profane space, they were usually drawn in a queer oblique perspective or mixture of perspectives, as if the drawer's eyes (not yet a cartographer), accustomed from daily life to see the landscape horizontally, at eye-level, nonetheless were influenced subliminally by the verticality of the cosmograph.

The cosmography and the diagrammatic guides in use in Siam before the arrival of European colonizers indicate that lands and space where already being charted and described by locals, but the difference between these colloquial guides and European Cartesian mapping was that the latter sought to represent land and space in such a way that invited viewers/users to visualize the land and space in a different way than it actually existed or was used. Whereas the European print map sought to situate land and space in relation to a larger geography (e.g. concept), the guides produced by the Siamese were always local, their use specific and circumscribed; more over, the bird-eye view assumed by the viewer/user of a European map was invited to take in the land from a bird's-eye view, which is to say, from up on high and entirely. This was a type of seeing that would have been foreign to Siamese guidemakers and users. Ultimately, European Cartesian maps resulted in a shift in visuality for local Siamese people who were now forced to see and understand their world by asking from an unnatural and totalizing perspective, a perspective more suited to oversight, control—to colonizing—than the perspectives assumed by their extant guides.

I offer this reminder now, as I move this chapter to a close, not only to remind the reader of how peculiar maps really are, but to indicate that maps, even when they are motivated by good intentions, still operate as a function of power. Given their widespread use now, it is easy to forget that maps really don't represent reality, and that, ultimately, a map "is a model for, rather than a model of, what it purported to represent…It [has] become a real instrument to concretize projections," and not much more than that ("Census, Map, Museum"). Reminding ourselves of how maps shifted ways of seeing through histories such as Mirzoeff's and Anderson's familiarizes maps

for us once more, they re-position them as they uncanny instruments they really are. In so doing we are able to reconsider the effects of their use critically. On the surface Reiss' maps are an attractive representation of the movements of migrants within the city, but that's all. They don't have a bearing on reality. But beyond that, they expose migrants in ways that could further immobilize them. His choice to plot the networks in the style of New York's subway system certainly serves as a *topos*, and thus we can, from a certain perspective, see what Reiss was trying to do, to identity the movements of migrants with the movements of New York City's more affluent and socially mobile residents, the users of the subway system. It's a democratic impulse to be sure, but one that can't help escape the trappings inherent to mapmaking.

Reiss' maps, even as it might be seeking to legitimize the movements of migrants by representing them in a way that is recognizable and favorable find themselves in the middle of a much more complex set of negotiations than our prevailing assumptions about how visibility works would have us believe. This is why Reiss' mapping project is so interesting. In representing the movements of migrants into and around the city of New York, Reiss' mapping project asks viewers to see what migrants have, for such a long time, mostly worked to keep unseen. And because the maps are reproduced in a way that strongly evokes the ubiquitous MTA subway map, the viewer can only be imagined to be affluent, which is to say, someone who is served by one of the world's most famous transportation systems (because she is either a resident or a tourist to the city), and who readily buys into the notion that public transportation is democratic through and through. In a way, Reiss' mapping project, even though though it is meant to evoke a democratic impulse and thereby promote migrant advocacy, still operates through an identification-based assumption that prescribes greater visibility in exchange for the promise that others will see themselves in you and thereby be moved to grant you rights or a higher status. Even if that were true, it still does nothing to correct all the ways mapping end up a function of power.

Historically and presently, maps have proved to be necessary for the administrative mechanisms and projects of oversight that made for—and maintained—the structures of power that have resulted in the precarious status and disempowerment of people in the first place, so it's more than ironic that someone would seek to legitimize (at the very least) or empower (at the most) a vulnerable population within our society such as are migrants by making a map. But such a move is understandable considering how invested our political and deliberative models are in identification and in the politics of representation. To be sure, Reiss' maps do, in fact, make the movements of migrants more visible—I, for example, could not have come to this analysis had I not come across them in my research. It's also possible that certain liberal forces will be able to appeal to them in an effort to change policies so that migrant communities in the city of New York are better served by public transportation. Greater visibility, in this case, might very well result in a modicum of advocacy as a result of research or activism, but it is more likely that it will result in a perpetuation of the conditions that disempower migrants to begin with. Migrants themselves have not attempted to produce a map of individual networks (much less the entire system of networks) in the entire span of time they've been operating and using these networks; mostly they've been content to know that there is a service that can get them to and from work, the market, and their kids to and from school. What is especially significant about these paratransit services is that they operate in part by moving in and out of visibility. This is true for both networks like Edenwald whose operators have sought some sort of recognition or legitimization on the part of city authorities, and it's certainly true for the Flatbush network, where operators have strived to remain virtually unseen (though certainly not unknown by riders within the community), risking fines and impounded vehicles because they resist any formal regulation. These negotiations of in/visibility are a strong indication that, for the migrant operators and riders of these networks at least, there is greater freedom and mobility remaining invisible at times, and in seeking visibility of at others. This negotiation of in/visibility offers a

different and more deliberate way of taking up visuality and the politics of representation than the paradigm we currently have now. Ultimately, the underground/shadow networks of New York show us that there are real perils in buying into the promise of greater rights in exchange for greater visibility wholesale, and that there's more to be gained by being deliberate about when one is seen and when one is not.

Conclusion

Like Clarke (1994), "I am unwilling to abandon the theoretical project of articulating how people can pursue their own interests in ways that contribute positively to the pursuits of differing others as well as to the cooperative pursuit of interests that are shared" (62). In this dissertation I have worked to elaborate a concept of rhetoric that is useful and observable among people who, because of their legal status, choose not to enter into consubstantiality and therefore identification. Yes, there are a great number of activists among migrants, some of whom are undocumented. This dissertation has not been about them, rather it has been about those whom, even as they understand that there's something to gain through identification, opt to refuse it or, when possible, to reframe it. I have chosen to look for the possibility of rhetoric even among those who cannot aspire to take up long-term projects of persuasion with empowered citizens because they can't or because they won't. These are people who have a real need to get things done—to get to work and to school, their children to school and the doctor's office, to parks and restaurants and relative's houses—all without getting caught, and despite the long-standing prescription that the best way to do these things is by taking up projects of persuasion with others, these individuals have weighed the risks and have decided that remaining separate and, by proxy, unseen, is what best allows them to get things done.

Even as undocumented migrants might wish for a better societal and political context in which to do daily life—and even as they might wish they could more directly enter into deliberations with others to make these better conditions come about—the structural impediments to doing so are, for now, too large to overcome with another protest, another rally. But this doesn't mean that undocumented Latina/o migrants are optionless when it comes to making a way and place for themselves in the U.S., on the contrary, Latina/o migrants are proving able participants in U.S. public life, though not necessarily by participating in the institutionally sanctioned and recognized

modes (i.e. voting); instead, they find that the quotidian and mundane actions and doings of their daily lives can be leveraged rhetorically. This is what I've called "making do." In pursuing their own interests these Latina/o migrants "contribute positively to the pursuits of differing others as well as to the cooperative pursuit of interests that are shared" (62).

Following Hallenbeck (2012), who builds on Enoch (2010), this is a project of creation and of disturbance of the "asymmetrical power relationships that women and men encounter in their daily lives" (Enoch 2011, 115–116). In positing a different approach to the study of those who have indicated that there are aspects of everyday life that they would prefer to not make known or seen, I am, like Hallenbeck, proposing a recalibration "of the questions we ask and the methods we use" in studying rhetoric (11). When studying rhetoric in fraught and asymmetrical deliberative contexts such as the ones I've laid out in this project, it's important to recognize that the discourses we observe and can study within these are "issuing from actual people in a time-, place- and institution-bound context" (Keith 169). What I take from this is a sense that people aren't always intent on or focused on a single political outcome so that everything they say and do should be measured against how well or how much these contribute to that particular outcome.

It may be that the members of what is described as the Latina/o "community" share common goals, but also that that their actions and disengagements, rather then being targeted at a singular political goal, are taken in the service of more immediate, pragmatic, and every-day life goals. What I mean is that a fuller understanding of rhetoric will require us to also locate and study rhetoric within contexts in which we can's assign an obvious political goal to what people do; doing so will help us understand how to best meet the challenges of this century, the challenges of increasingly globalized world. Questions of national identify, belonging, governance, citizenship, social welfare, and of who to hire, befriend, entrust, and cohabit with—these all become vexed in a world that pits different people with different customs against each other, and people holding

different values together in unprecedented ways and in new and strange locations (i.e. the migrant refugee crisis en Europe). My project has sought to better understand where rhetoric occurs and how it functions within a local but highly complex context, undocumented Latina/o immigrants and the varied policy field in which they operate in here in the U.S.

I find Hallenbeck's argument especially persuasive when she recounts her own coming to terms with the idea that the women she studied were not always examples of agents acting *against* the world so much as they were beings in it (12). I find this to be true in the case of undocumented migrants as well: it seems that in our study of civil rights and social movements and activism we want to see people fighting actively against the world—to see them engage in a deliberate and offensive rhetoric of the kind we might feel we are participant in or supportive of, when in reality we might actually find that, in the case of many migrants at least, there are as many if not more people who are merely trying to get by, to be here without getting caught and deported. Mine is a project that doesn't assign the fight to people who are merely trying to make a life and a way for themselves. If we grant that so much of what migrants do is less about being against the world and more about finding ways to be in and remain in it, then we might also grant that these routine and mundane daily actions and behaviors have a role to play in deliberative contexts, and that they can be assigned rhetorical value because it's these ways of being and doing that are resulting in their ability to be here, in the U.S., in spite of discourses and policies and forces working for their removal.

This is what I've tried to show and demonstrate throughout this dissertation, that there is a value and meaning to remaining unseen, even when remaining unseen gets taken up as "not engaged" or as a failure to participate. Working from a recognition that Burke's identification has been quite useful in the study of rhetoric in the 20th century, in the introduction I showed that there are new and pressing contexts in this 21st century in which identification proves a limited framework. My inquiries into identification where motivated by a set of questions that I hadn't been able to

answer via the extant literature pertaining to civic engagement and deliberation. Going into this project, I wanted to know: How can it be that Latina/o migrants are managing to forge a life for themselves despite the many structural and symbolic obstacles put in their way? If it's true that Latinas/os don't' participate in the political process to the degree that other groups do, to what do we attribute a growing social, cultural, and political influence of Latinas/os? Do undocumented migrants really only have one option, to sit passively by and wait for empowered citizens to grant them rights piecemeal as they can't directly enter into the deliberative processes in which they could self-advocate and make appeals on their own behalf? The answers I have been able to offer through this dissertation required me to look beyond identification and for a different frame that didn't make commonalities or shared goals, interests, or values vital to the emergence of rhetoric, as well as a model that could account for instances in which people insisted on maintaining or cultivating difference and a sense of being apart in their endeavors to make a place and a way.

In this concluding chapter I want to summarize the three case studies I presented, and then to turn to several conclusions that we could draw from them and which are important to the study of rhetoric in the 21st century. But there is a large question looming in all of this that remains unanswered: How, then, do we study those who have signaled that they don't wish to be seen (or, at least, not be seen in all the ways we might require of them)? I take this question up as a way of concluding the conclusion, and my overall work here. My forays into this last question are meant to show a way forward with the claims I've put forth in the preceding chapters.

The migrants I have attended to in this project—their ways of being and living and of doing every day life—convince me that rhetoric isn't merely a strategic project people take up in consort, but that it is a force through which people get things done in pursuit of their own interests. Often, these pursuits do end up affecting contexts and situations on a larger scale. I certainly think this is true in regards to Latina/o migrants as evidenced by the persistence of—and rising status of—

Spanish in the U.S. despite large and official efforts to make English the official language of the U.S. How circumscribed and mundane everyday day actions add up to change physical and symbolic spaces is a project I intend to take up in the future. This project, however, has been about how Latina/o undocumented migrants manage to make opportunities for themselves in spite of the myriad obstacles (material and symbolic) in their way. I have argued that they do so rhetorically by negotiating visibility and invisibility in the realms they do exert influence over, namely home life, work, and leisure. This negotiating I have categorized an aspect of their "making do," which is to say, their ability to fashion all manner of informal resources to make a place and way for themselves.

As much as current and ongoing political debates in this country revolve around the issue of immigration and immigrants, these don't often make a space or offer opportunities for undocumented migrants to take part in them. The field of rhetoric's orientation towards Burke's identification sets us up to expect that undocumented migrants ought to be intent on finding common ground with empowered citizens so that they can enter into a space with them in which they can make persuasive appeals on their behalf and which could, in turn, result in their ability to stay in the U.S. But this orientation towards identification doesn't account for what is actually required of a person or a group who intends of achieving rhetorical agency through this mechanism. This dissertation has been motivated by a desire to figure out what options there are for people who, because of their legal status, can't risk the visuality at work in acts of identification. Each of the case studies I presented here indicates that, even as migrants are aware of the larger political talk and discourses, their approach to the national and transnational debates over immigration, for example, is less about arriving at common ground with citizens in which they can make persuasive appeals on their own behalf, and more about finding the means to stay, work, and live in a context intent on not having them. This awareness, likewise, extends to an understanding of how their legal status delimits their ability to participate in policy debates via the institutional instruments made available

to citizens. It doesn't, however, mean that migrants are not interested in making opportunities for themselves in spite of the legal, social, economic and political hurdles in their way, and this is where we, I have argued, can locate rhetoric—in their negotiations of in/visibility, and how these allow them opportunities not otherwise available to them through identification.

In chapter 1 I analyzed the significance of undocumented migrants' eschewing of certain types of visibility invited by top-down identifications (i.e., identification that is assigned by governments, legal discourse, more powerful people), in this case the issuance of driver's licenses that marks a carrier as a person here without permission. Because these don't offer any raise in status or legal protection, carrying a state-issued document makes it that much more difficult to navigate the rhetorical checkpoints that this and other policies targeted at immigrants proliferate. The analysis of this chapter leads me to three conclusions: 1) that identification is closely related to seeing and unseeing—to visuality—e.g., the social processes that govern seeing and unseeing; 2) that one's ability to negotiate in/visibility within any given context affects how one is moved or how one is able to move: to wit: identifications, in how they are founded in ways of seeing and seeing, affect mobility; 3) that there is rhetorical value in exercising the option of non-identification, which is to say, in recognizing and deciding that, in certain situations, what best causes rhetoric to emerge—what creates opportunities where there weren't any before—is the option to remain unseen, unmarked.

Working through Ellen Samuels (2014) and Wendy Hesford (2011), I make the argument that identification, in how it relies on social ways of seeing and unseeing, doesn't in and of itself account for how differences in gender and race affect one's (or a group's) prospects of becoming consubstantial with others. To these categories of difference I add the question of legal status, as it seems clear that the neoliberal orientations of the 21st century have created a plethora of categories outside of citizenship in which people can be within a nation; refugees, migrants, guest workers (to

name a few)—these are all possible ways of being in the world today, as transnational subjects that don't require any one nation to extend the protections and privileges of citizenship to millions of people working and living within its borders.[42] One's legal status does also include considerations of race, ethnicity, national origin, and gender, but in a society that has displaced long-standing anxieties and conflicts regarding race and gender with an new obsession over "national security," one's legal status—whether one has been vetted and seen as fit to be an "American" or, instead, as a potential threat that needs to be constantly surveilled—has become the acceptable way of keeping certain bodies and groups from the protections and privileges available to U.S. citizens. As we move forward with the project of figuring how it is the people achieve a common ground with others in order to enter into deliberation, we must also consider how one's legal status impedes or facilitates this process. To put it more succinctly, it may no be longer possible or decorous to pass a "Chinese Exclusion Act," but it is possible to propose the "Resettlement Accountability National Security Act," which states as its purpose, "To suspend the admission into the United States of refugees in order to examine the costs of providing benefits to such individuals, and for other purposes" (H.R. 3314). One's legal status—and how it's leveraged to make people appear as that which we don't want near us (i.e., criminals, job-takers, a drain on public monies) certainly affects how—and whether or not—migrants can achieve consubstantiality.

For those whose lives are contingent and whose legal status, if found out, could get them deported, identification is a risk because it relies so heavily on how one is seen and made to appear

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[42] See Schiller, Nina Glick, Linda Basch, and Cristina Szanton Blanc. "From immigrant to transmigrant: Theorizing transnational migration." *Anthropological quarterly* (1995): 48-63.; Cohen, Deborah. *Braceros: Migrant citizens and transnational subjects in the postwar United States and Mexico.* University of North Carolina Press, 2011.

(in a social sense: visuality) in relation to the deliberative context. In their assessments of the the risks that come with the types of visibility required of them in order to apply for and carry a driver's license, we understand that migrants have good reasons to, in certain cases, opt for the option of non-identification: non-identification allows them to better make do and move through disempowering contexts. As such, the first chapter leaves us with the sense that identification, as useful as it has been in allowing to see how it is the seemingly equal people come to a place where they can rely on their commonalities in their pursuit of join goals through rhetoric, carries with it an option that, although under-recognized and understudied, is one that undocumented Latina/o migrants are engaging in, non-identification. To study identification must therefore also include study of how and why people and groups reject or eschew it, and that's something I set out to do in the first chapter. In the case of undocumented migrants who would see their mobility hindered as a result of an identification that marks them as people in this country without permission, exercising the option of non-identification results in a more expedient rhetoric, one which allows people to get things done in a more immediate and circumscribed sense. Non-identification can cause rhetoric to emerge in certain situations as it gives people options and opportunities they may otherwise lack (and this is especially true for people whose legal status obstructs their opportunities to influence, persuade, participate).

In the second chapter I presented what it looks like when undocumented migrants are permitted to show themselves, in their own ways and for their own reasons. The migrant day laborers of VozMob have been showing themselves to be complete persons in their microblogging. Here they are not merely the victims or the criminals that they are made out to be in mainstream media and policy debates. These are representations that, while disempowering for migrants, are essential to the political projects of the more empowered, or, as Hesford writes, "representations such as these always reflect the ideology of the [already] visible, an ideology which erases the power

of the unmarked" (7) because "representation is almost always on the side of the one who looks and almost never on the one who is seen" (25 – 26). As undocumented migrants have found ways of recasting and reframing the types of seeing and unseeing that they are subjected to for easy incorporation into the neoliberal logics that make them contingent, exploitable, (re)movable, they have found opportunities to make a way and a place for themselves in spite of these—to move and to be in places where we don't expect them to be, opportunities that are more readily available through self-sighting and self-recognition. This is not the same thing migrants seem to be doing in relation to identification when it comes to driver's licenses. It, however, represents another critical and nuanced approach to identification, one which gives migrants both the opportunity to show and know themselves (*reconocer*) in new and different ways that than those they are assigned through popular and legal discourses. From these self-sightings migrants can emerge into identification with greater rhetorical agency.

If Burke's concept of identification takes for granted all the vectors of difference that may prevent one person or a group from being on equal footing with those with whom they seek common ground (what I call "horizontal identification"), this helps explain why some who find themselves disadvantaged or disempowered because of their legal status are reluctant to enter into identifications that basically require them to acquiesce to whatever roles seem most expedient for those who do have power. But this doesn't mean that undocumented migrants don't find identification useful at all; in showing themselves as people who work, yes, but also as people who go on outings, who take up hobbies, who celebrate birthdays, holidays, and anniversaries, the migrant day laborers on VozMob show that they, like the rest of us, are making a way and place for themselves just as we all are, by being workers, parents, members of communities, e.g., through everyday life. VozMob is an invitation to identification that comes from migrants themselves to

other migrants; secondly, it's an invitation to empowered persons too, if we choose to see them for more than neoliberal logics dictate. It's identification on undocumented migrants' own terms.

As much as the microblogging on VozMob represents a refusal of the political roles more mainstream and dominant discourses script for undocumented migrants and workers, the documentation of everyday life also reframes migrants in such a way that they can reclaim a sense of worth, value, and agency that grows out of them and their everyday doings and practice, as opposed to the liberal impulse to save them from themselves (if we see them as poor, uneducated, and limited in what they can do for themselves), or from a system of exploitation that renders them as pure labor to be moved and removed as our national political and economic whims dictate. Whether or not these liberal motives have merit isn't what I've worked to prove here, rather it's how these migrants are reframing identification so as to, if not counter disempowering representations, then to recast themselves as people on equal footing. A reframing and recasting not on the basis of legal or cultural citizenship, but rather on the basis of their everyday doings and actions. Because these migrants can't fall back on their legal status (which, one might say, can be a shortcut to identification), migrants intending to identity or be identified with need to find other footing on which to show themselves as people sharing in commonalities. In their microblogging we see people who are, in many respects, like us: they work, they play, they struggle, they celebrate. Their dignity and their standing shouldn't be based on their legal status, but rather on how they too are trying forge out an existence in this place we all work, live, and play in.

Chapter 3 takes these assertions about visuality and identification and places it within a context in which migrants are seen negotiating visibility and invisibility complexly and for rhetorical ends. Visibility is complex—much more complex that a typical visibility politics would have us believe. It's not just greater visibility that can result in access, rights, or agency, but invisibility too. And, conversely, it isn't true that invisibility is always equated with powerlessness. We see this play

out in the Reiss/*New Yorker* mapping project that sought to make visible (in a material and a symbolic sense) the movements of New York's migrant-run and migrant-serving paratransit services, the infamous "dollar vans." Here is a project motivated by the assumption that greater visibility is good. Much of the social activism and advocacy that happens in the U.S. seems to operate within this binary. The undocumented migrants I've attended to in this project, however, demonstrate a need to think more critically about the rhetorical affordances of visibility and invisibility, and that's something we also see in how the migrant operators of various paratransit services position themselves in relation to these two forces.

Prior to the Reiss/*New Yorker* map, there had been no attempt to show the movements of migrants in and around New York City in this way (a map for what is truly an empowered Western audience). Certainly not by the operators or riders themselves. Mostly, the paratransit lines eschewed most types of seeing, physical and official, as a way of ensuring their continued unregulated and unseen movements, and the anonymity of their passengers. In those cases in which an operator did court or give into official seeing, it was typically to gain some access to space or some legal permission that would make their work easier, but always with the knowledge that this seeing also further exposed them and their riders to the law. What's significant is that, for as many years as these paratransit services have been running, and for as popular as they are, they seem to have ensured their continued movement and relevance to a migrants not by buying wholesale into the liberatory promises of visibility, but by doing in/visibility complexly, by recognizing that not all visibility is describable or conducive to mobility. In New York's paratransit this recognition becomes actionable by working to remain unseen even when the city authorities promise intangibles like "safety," insurance, and other legal protections. And these negotiations have historically resulted in a system of movement that gets people to work, school, and elsewhere—all without getting caught.

Visibility by itself proves to be a blunt instrument through which to secure rights, access, or agency. In cohort with Mirzoeff, Chapter 3 posits a concept of rhetoric that also accounts for the affordances of remaining unseen. Seeing, being the social process that it is, isn't neutral, and even those attempts to see, observe, and know a person, a group, or their ways of being can and often is still complicit in the colonial gaze, in knowing and understanding something in ways that maintain power. So, even a map that intends to legitimize and dignify the movements of migrants by equating them with a system of movement that celebrates order, capital, progress—important work (i.e., the MTA Subway Map)—can have ill effects on the very people it is meant to help as it makes visible what, likely, has benefitted from remaining invisible. Now those movements can be tracked, redirected, regulated, or outright stopped to better serve the city or the state or capital, as opposed to the interests of migrants themselves. This outcome can be extended to apply to other disempowered people. Too often activist or advocacy scholarship starts with from the assumption that one needs to make seen what is unseen—the plight of the disenfranchised and the powerless—in order for one's work to be successful. Perhaps it is better to first stop and consider certain people or groups are complexly doing in/visibility, and to proceed with our work from there.

How, then, do you study those who wish to remain unseen? This is a question that came up when I moved to write about the police-involved shooting of a 35-year-old man, Antonio Zambrano-Montes, in Pasco, Washington. It was my intention to use this incident as a case study for this project, that is until I realized that the family and the community had taken actions and made statements indicating that they did not want to draw attention to—to be seen—in relation to this incident. Here I offer some background, then some discussion, of how I proceeded. And finally, I offer a discussion of how one might still study rhetoric within this context without actually violating the desire of some to remain unseen. I intend for this to be seen as a model for how to work within one of the implications of my research.

A migrant from Mexico, Zambrano-Montes was shot several times by police officers as he ran away from them. A bystander caught the shooting on video from across the street, from a distance of about 50 feet. The shooting occurred on February 10, 2015 (coincidently, I'm writing this on February 10, 2016), six months and one day after the shooting of Michael Brown in Ferguson, Missouri, a shooting that occasioned a vigorous debate about about law enforcement and the use of (lethal) force against African Americans. The activism that Brown's death engendered and helped coalesce played out on the streets but also on social media, a steady stream of video footage and images circulating on people's feeds and on many media outlets for weeks and months after the shooting. This visibility likely helped the activism as it's message of "Black Live Matter," and its associated trope, "Hands Up, Don't Shoot!" soon spread nation-wide. In Pasco, Washington, national media outlets speculated and predicted that a similar response would emerge, and that this response would both benefit from and further mobilize the social awareness that started in Ferguson. That's not what happened.

Consider this conversation between NPR's Arun Rath and Fusion's Daniel Rivero on *All Things Considered* "Weekend" (February 21, 2015). Rath is speaking to Rivero because he's been sent down by Fusion to cover the local response to the shooting. Rivero starts by describing what he's observed:

> The reaction has been a little bit muted. I mean, to be honest, I came out here expecting to see picketing and some protests. And what I found is really quiet. I mean, there's a core group of protesters and activists who camped out every day in front of City Hall, and they usually number around five or six. (February 21, 2015)

What stands out here are words like "muted" and "quiet." Rivero says that he came out expecting something louder, something bigger…something, perhaps, like what's been happening in cities and

communities across the U.S. in the wake of Ferguson. But what he's seen are five or six people out in front of city hall. A quiet and muted five or six people.

Rath seems to pick up on the syllogism at work here when he responds:

> And, you know, a lot of people and a lot of news outlets, including The New York Times, have drawn parallels between what happened in Pasco and the shooting in Ferguson, Mo. You say you've seen little protests, though, and you actually asked the question in one of your pieces - why aren't they protesting here? What's the reason? (February 21, 2015)

The parallels have been drawn, Rath points out, by others too: namely, the *New York Times* (here he is referencing a story published on February 16, 2015 which the headline, "Killing in Washington State Offers 'Ferguson' Moment for Hispanics").[43] The expectation, by the mainstream media and press at least, was that Ferguson had established a template for how other communities would respond to police-involved shootings, at least those that resulted in the death of a person of color. The *New York Times* even had a name for it, "the Ferguson Moment." But Rivero goes to Pasco and find that no, that the community response in Pasco is muted, quiet, small.

As Rath points out, Rivero did indeed write about how what happened in Pasco resonates with what happened in Ferguson, but he also is careful to make distinctions. Unlike the *New York Times* piece. The latter set up a sort of expectation, that the local community in Pasco would use the death of Zambrano-Montes to call attention to the racial and ethnic tensions between itself and local law enforcement. The *New York Time*'s piece, for instance, made a lot out of the lack of Latina/o presence in the city's institutions, pointing out how Latino workers have been present in the region since the 1960s, but how few serve in law enforcement or city government (e.g., out of 68 policy

[43] Turkewitz, Julie, and Richard A. Oppel. "Killing in Washington State Offers 'Ferguson' Moment for Hispanics." *The New York Times*, 16 Feb. 2015. Web. 10 Feb. 2016.

officers, only 14 were Latino/a; the City Council only counts one Latino/a member; the school board had, at the time of the shooting, no Latino/a members) (Turkewitz and Oppel). In so doing the *New York Time*'s story seemed to want to link the incident in Pasco to Ferguson by making it a civil rights issue by suggesting that readers see the death of Zambrano-Montes as that which would ignite something like a "Hispanic Lives Matter" movement across the nation. That's not what happened (and it well may be, but not in the immediate context in which Pasco's residents were operating).

Rivero's coverage of the Zambrano-Montes' shooting does suggest that there are similarities between Pasco and Ferguson, but it also stops short of suggesting that the local Latino/a community would see it as—or make it out to be—a civil rights issue that could be taken up as part of a national movement. Rivero basically notes that, "some facts seemed to line up: an unarmed member a politically underrepresented community, killed by cops in the city's fourth police-involved shooting since July," but he quickly moves on to emphasize the differences, asking the very important question, "given the very real tensions that have been building in this community: "Why isn't Pasco the new Ferguson?" (February 19, 2015).

One of the signs Rivero reports seeing in one of the few protests that did take place in Pasco read, "Good Police We Respect You"; another, "Use Your Training, Not Guns." These signs might give an indication of the important distinctions between the shooting and its aftermath in one place versus another. These signs don't give any indication that the local community was interested in having a "Ferguson moment" of their own. At most, these protestors were admonishing police officers by reminding them that they had training, that they could *not* shoot; the other sign wasn't even an admonishment, rather it was a quasi statement of support: "If/when you are good, we will respect you." This is a very different reaction and position to take than what transpired in Ferguson.

There are two important ways to think about the rhetorical significance of these signs: on the one hand, these signs belie trust in the police, which is a curious thing considering that the community just lost one of its members in a police-involved shooting; on the other, these signs could also be indicative of a strategic attempt to diffuse the situation, an attempt to disinvite any further contact with the police, any further looking. It very well could be both. The death of Zambrano-Montes and the attending response from the community brings up important question regarding trust—its function, namely—in situations where there is evident disagreement among people and groups, and in which there seems to be a desire to be left alone, to not be scrutinized, seen, looked at. Because here it seems that members of the Pasco community are performing trust in order to retain some autonomy and control over the narrative of what happened there and what was yet to come. This is a narrative that would stand to greatly affect their day-to-day life in the Central Washington region. Trust, in this situation, seems to be part of the strategic unseeing that Latina/o migrants seek times.

Speaking to Rath, Rivero mentioned that, as he perceived it, "A lot of people who I have spoken to seem to have faith that this will be an accurate and fair investigation" (February 21, 2015). In this iteration, "faith" stands in for "trust." This is certainly something city officials wanted to believe themselves. Rivero reports that the city manager explained the muted response by saying, "People aren't angry because they see themselves already being brought into the process"; Here he was referring to a larger effort by local and state politicians to better include Latinos/as in the political and civic life of the city. Specifically, the city had recently redrawn a couple of districts comprised of a Latino/a majority. City officials chose to see the muted response as a direct result of official efforts to grant Latinos/as a greater presence in local politics (February 21, 2015). While there may have been some truth to this, it is also possible that the largely migrant community in Pasco was positioning itself as a trusting one, as one less angry because of official efforts to include them, as a way of achieving a more immediate and essential goal, to disinvite any more attention.

Like the migrants appearing in the previous pages, the migrants comprising a large part of the Pasco community have good reasons for wanting to remain unseen. There is, to begin with, the fear of deportation. "Pasco is about 57 percent Hispanic. And an estimated 20 percent of that population here is undocumented," said David Cortinas, the publisher of *La Voz*, the local Spanish-language newspaper (February 19, 2015). Another source, a local activist named Loraine Reavely, also told Rivas about a rumor that was going around: "A lot of [Pasco's] Hispanic community is withdrawn because there are rumors going around that immigration is here, ready to take anybody who wants to speak up back to Mexico" (February 19, 2015). Like most rumors, it's hard to say what the provenance of this one was, but whatever the case, it's not difficult to understand why this looming possibility (or threat) would quell protest.[44]

In Pasco, the community most affected by the shooting of Zambrano-Montes is likely experiencing a heightened fear, because the fear of getting caught and deported isn't ever not present for undocumented migrants or their friends and loved ones, but it's even more present now as people hear that their response could make them ready targets for the type of seeing that could get them deported. In which case, trust takes on a heightened significance in this context—or, at least, the performance of trust. Writing in 2013, Robert Asen argues for a sense of trust much like the one I see operating among the many migrants of Pasco, Washington: "As a relational practice, trust is something that people do" (3). Because rhetorical scholars seem to agree that trust is an important (and desirable) aspect of deliberation (see Inglehart, 1999 and Putnam, 2000) even as they largely stop short of demonstrating just how trust emerges in complicated contexts, complicated by

[44] In a separate interview with Fusion, Univision anchor and Mexican political pundit Léon Krauze put it this way: "Mexicans in the United States cannot react like African Americans did in Ferguson. There are many who are not protected by the law. And when you protest and face a cop as an undocumented person, the consequences are infinitely higher" Rojas and Fernandez de Castro. Rojas, Ingrid, and Rafa Fernandez De Castro. "Pasco Victim's Father: 'They Killed Him like a Pig'" *Fusion*. Fusion Media Network, 28 Feb. 2015. Web. 22 Feb. 2016.

virtue of the disparities in culture, language, and power among those who are intent on deliberating. Indeed, "as a practice, trust appears not as a precondition or an outcome of deliberation but as an activity that unfolds through deliberation. Conceptualizing trust in this way comports with scholarly models of deliberation by foregrounding process and participation" (3). I posit that the way the Pasco community seems to be performing trust shows us one way that trust is "an activity that unfolds through deliberation," and that, as such, it also demonstrates how Latina/o migrants, even as their lack of legal status inhibits or prohibits their ability to enter into deliberation via the modes most often recognized and prescribed (i.e., institutionally sanctioned modes of participation such as marching and voting), still do participate, in this case by enacting trust.

Locating the analysis of this context in the ways trust emerges and operates within this context represents one ethical way of studying individuals or groups who have indicated or signaled that they would rather not be seen (i.e., studied) in certain ways. By putting the focus, in this case, on how and when trust appears, and with what effects, one can avoid asking people to share their victimization for the consumption of those who might be moved by it. It's the difference between looking at people or calling for greater exposure—in the form of interviewing, picture-taking, and video-recording—and deciding, rather, to mark and theorize how trust is an activity that people take up in the process of deliberation—how it is rhetorical. And there are good reasons to want to do this in relation to undocumented migrants and the fear they have to contend with. As Asen writes, "Practicing trust in deliberation draws on participants' experiences but does not require participants to possess shared experiences, values, and/or beliefs" (4). And as I've worked to explicate, a model of rhetoric that best elucidates how disempowered people make a way and a place for themselves needs to make less of people's shared experiences, values, and beliefs; as such, the practice or performance of trust within particular contexts, since it doesn't require people to become consubstantial if they don't want to, or to subject themselves to ways of seeing and looking that cast

them as victims, offers a more productive l model for locating rhetoric among—and studying people whom may not be keen on identification.

If we consider that the migrant community in Pasco, Washington, seeks to gain a modicum of justice in regards to the police-involved death of one of it's members, but that it doesn't necessarily want to call attention to itself, not of the type that might make others of its members susceptible to deportation, then we recognize that this community finds itself in a critical problem that has no easy solution. How does a person or a group advocate for itself or seek justice within a system of deliberation that prescribes, recognizes, and rewards visibility? And it's not as if the community in Pasco doesn't have a model for how it might seek justice in this case. The Ferguson protests offered a template for how a community might respond to historical and persistent abuses and death at the hand of local law enforcement. (Not to mention that the Ferguson response takes its cues from the visibility politics that informed various civil rights movements.) But it seems that the Latina/o migrant community in Pasco weighed the risks and decided that another approach was necessary, more advantageous. They decided to enact trust. Enacting trust, more than protest and a courting of national and official seeing, would ensure, if not justice, then a continued place and space in which to continue both the immediate task of making a way and life, and maybe, also, the long-term prospect of social justice. This is something we can observe and analyze without requiring or working towards greater visibility of the victim's family or the larger community.

Because the question of how the local community might either leverage the national momentum initiated in Ferguson and/or use this occasion to bring attention to it's own history of abuse at the hands of local law enforcement was put directly Zambrano-Montes' family, and they were unequivocal in their response:

> We did what we wanted to do on Saturday [where 700 people showed up], and it was very peaceful like how we wanted. But as far as anything else, we are concerned with

> trying to get his body, and praying the rosary right now. I don't think we're going to get into those other things because that's what the investigation is about. (February 19, 2015)

To be sure, there was a demonstration: 700 people showed up, but it was mostly a peaceful affair. No demands were made. Rivas reports following this initial protest the only presence in or around city hall were family members and close friends, at most 20 people gathered around a small altar comprised of a dozen or so *veladoras* and flowers. These people would pray the rosary and then be on their way. Not even the city council meeting held after the shooting drew a large, angry crowd; Rivas reports that there were at most 30 people present at that occasion (February 19, 2015). The family was keenly uninterested in getting into "those other things," presumably protracted protests in the style of Ferguson that, if not justice, would surely bring greater violence and the imminent threat of deportation to the community. And, besides, "that's what the investigation is about," said Zambrano-Montes' aunt, here performing trust.

"What the investigation is about" is justice; here Zambrano-Montes' family was signaling that they had trust in local officials' ability to investigate the shooting and to make sure justice was served. True or not, this enactment of trust would serve them well as they figured out how to get on with their lives. Enacting trust in this context was a way of making do. The family's statement works in cohort with the signs that were on display on the day of the march, especially the one that read, "Good Police We Respect You." In these peaceful displays, in these signs, and in these statements by the family—where we see trust emerge. A trust that ensures a continued space in which to deliberate. Trust may not have been there prior to the shooting, and it may not be there after the case is adjudicated and resolved, but we see it emerge here, as a product of the deliberations happening in this particular context, and we see it emerge from within a community that, for the most part, lacks access or the status required to participate in more normative ways into deliberation.

These enactments of trust are where we find rhetoric in situations like the ones playing out in Pasco, Washington. Because the dominant narrative asks vulnerable subjects to make themselves and their conditions seen for the benefit of those who can and might do something to help them (empowered citizens who could, if they so choose, identify with undocumented migrants).

What trust does here is give undocumented migrants an alternative to accessing rhetorical agency, one which is situated in the context itself and the contingencies of undocumented migrants. To put a finer point on it, enacting trust allows migrants to participate in the deliberation taking place in and around them with less risk than other more expected forms of participation carry. It creates opportunities where there might otherwise be few, if any. Asen notes how, "As it exhibits a temporal orientation that may link disparate encounters, the practice of deliberative trust—which remains context-specific—is informed by elements of contingency, risk, and reciprocity" (4). In the context of Pasco, Washington, a context in which contingency, risk, and reciprocity are present and pressing, deliberative trust proves to be a timely and efficient means of creating opportunities within otherwise uneven encounters. We see that in this case, where a community of largely undocumented migrants, as uneven as their footing may be, can still create meaningful links between themselves and the police and other city officials. Through it they can ensure that they'll be able to stay, that they'll be able to get on with making a way and place for themselves despite their legal status.

To see trust as emergent and as a resource that people could draw upon as they seek to get things done, also allows us to redefine what we mean and understand by "participation." For too long now Latinos/as, documented and undocumented alike, have been accused of not being civically engaged, of not participating in the democratic process. Could this be more the product of our conception of participation than it is of what Latina/o migrants do or don't do? While some may see the enactment of trust as, in essence, the foregoing of opportunities (see Mark Warren, 1999, p. 4), I agree with Asen when he argues that "the idea of foregoing opportunities does not

serve theories of democracy that value deliberation as a mode of engagement" (4). This is an important distinction to make if we are to recognize that there are those among us who still deliberate—who do indeed participate in the democratic practice—even as they can't vote or more fully participate in representative government. This might require us to reframe our sense of what the democratic process is or can be, and to see it as a process that leads to more than just the passage of laws or the election of public servants: "a deliberative model of trust should attend to *participation* in processes of reaching judgment," writes Asen (5). It's less about those we put in office or what policies we vote for, and more about the actual process itself, and how it leads people to have a greater say (and activity) in making a way and making a place. Voting and the like, these are convenient modes that give the illusion of participation, but do they actually engage people in the process that results in transformations of lived realities? Maybe so and maybe not, but if we focus on process rather than in the uptake of visible form of participation we leave ample room for the actions of migrants, namely those that can't risk being seen.

As I think about how I (and others) might study those who have signaled that they would rather not be seen, I'm encouraged by how enactments of trust can be thought of as being more than simply something people lacking in social and political capital do because they don't know any better. What we see happening in Pasco—this is not a case of misinformed immigrants putting trust in local authorities because they are ignorant—no, rather it's a savvy and rhetorical attempt to create (or maintain) the necessary conditions in which they can continue to live, work, and play. As such, I think it is necessary to do further research into how our definition and understanding of participation also includes actions and behaviors that can't be directly categorized as political, and of why and how these are rhetorical.

We could choose to see the performance of trust taken up by the Latina/o migrants in Pasco as ultimately ineffective if we are only looking for what these enactments of trust can do for them at

the level of laws being passed or officials being elected. If we limit ourselves to seeing these enactments of trust to the political outcomes we most often seek when we enter into deliberations over policy or politicians, then we might not see any useful value in migrants' practice of trust. But if we grant that, as migrants understand themselves to be largely disconnected from this type of participation, then we could ask a different question: what is it that migrants stand to gain by performing trust in this way? What they stand to gain is a space in which to advocate for themselves, a place in which they can continue to make a way and place for themselves.

The migrants in Pasco, Washington, are recognizing that there may not be any law or government official advocating on their behalf, and so they, through the performance of trust, are making a space in which they can do so for themselves. This is a space that it less for the purposes of getting justice as it were, and more for the maintenance and creation of opportunities in which undocumented migrants can make do. What I see happening is this: here is a community of migrants enacting trust not so that wrongdoings could be righted, but so that they could get up another day and be able to go to school, work, etc. As Asen argues, enacting trust opens up opportunities—it doesn't close them—because it's here where "deliberators do their own deliberating; they do not place their interests in someone else's hands but advocate their own positions" (4). Trust among the Latina/o migrants of Pasco is creating opportunities, and the migrants there could do what they will with these. Taking a more vocal and visible stance against injustice—buying into "the Ferguson effect" that many were ready to see happen in Pasco, this would not have resulted in grater opportunities, though it would have courted more powerful (and maybe less friendly) onlookers.

In Pasco, the conditions in which an enactment of trust could result in greater opportunity, if not for deliberation, then for self-advocacy, where already set. Latinas/os were making do by enacting trust because it was an informal resource available to them as a result of recent developments in the city: The Pasco city council had moved to redistrict the city in a way that would

better represent the Latino/a majority in March 2015. The "History and Facts Brief" provided as part of the city council's meeting agenda specifically states that one of the reasons the city council reviewed and voted to redistrict the city was in consideration of the "City's sizable Latino population and to attempt to draw boundaries which provide for equal voting opportunities" ("Agenda Report" January 2015). This redistricting efforts was, in part, a proactive attempt to better enfranchise Latina/o residents in the city by better ensuring a meaningful vote as well as more direct representation.[45] Given these official efforts to give Latinos/as a greater say in their governance and in local affairs, it may be that the muted response to Zambrano-Montes' police-involved shooting and death was a reflection of these efforts. Because of this, city authorities were eager to see some positive results—some indication that Latina/os were happy with them. While it may be partly true that Latinas/os were reacting to these recent developments, it's also possible that city officials were too congratulatory to see that the muted response was likewise (if not more) motivated by a desire on the part of the migrant community to remain unseen.

Pasco city manager Dave Zabell told Rivas that he was "very proud of how the community has reacted," and attributed the reaction to an awareness of the city's continued ongoing efforts to give Latinas/os in the city greater political power: "We are in the middle of redistricting, and two new Latino majority districts are being drawn up," he said. "We only have one Latino councilmember now, and that could change very quickly once this process is over" (January 19, 2015). Within these circumstances an enactment of trust—a trust that is relations and which emerges within a specific rhetorical context—can create a space for an otherwise disenfranchised and likely scared community to advocate for itself, to create an opportunity where one wasn't before. It seems

[45] For an example of how redistricting can also be used to curtail minority participation and representation, see Rutenberg, Jim. "The New Attack on Hispanic Voting Rights." *The New York Times*. nytimes.com, 19 Dec. 2015. Web. 01 Mar. 2016. <http://www.nytimes.com/2015/12/20/magazine/block-the-vote.html?_r=0>.

that Latinas/os in Pasco—even those that might not have been able to take advantage of the redistricting directly as a result of their legal status—were able to gain a modicum of agency through their performance of trust in this particular situation. Enacting trust proved a way of making do, and through it they were able to remain in Pasco, able to continue working at getting things done.

Another way to see the lack of response in Pasco, Washington, is as yet another instance of Latina/o disengagement, as yet another example of how Latinas/os don't do civic participation. But I argue that it is less possible to make that claim if we allow for a more nuanced understanding of trust and the role it plays in deliberation. I see what Latinas/os are doing in this case and in many other cases like it as disengagement, yes, but not necessarily as evidence of Latinas/os not caring or as not participating. Disengagement can be, at once, an act of self-preservation as well as a rhetorical act that opens up space and opportunities in which one can continue to be, continue to self-advocate (if we apply here Rojas' rhetoric of dismissal). Here, in Pasco, Latina/o migrants, in their enactments of trust, are able to remain in Pasco another day, week, month or season, even those that don't have legal permission to be here, and they are able to continue to work, live, and play, to make a place and way for themselves in spite of it all. Performing trust, in how it prevents the types of visibility that might get them stopped and deported, is a way of making do. It allows them to be where we don't expect (or want them) to be, doing things that we don't expect them to do. In this way disengagement can have rhetorical significance.

This is one way of studying those who have indicated or signaled that they don't wish to be seen, which is to say, of not studying *them*. We can, though, attend to those things that they do show and do enact, and analyze these for rhetorical significance. Understandably, this is difficult to do if we are expecting (and trained to see) only those visible acts of official participation and engagement. I had options when I first realized that the local Pasco community did not want the sort of national or official attention of the kind that has been assigned to other instances of police misconduct. I

could have prodded and poked to see if I could get members of the community to make statements and produce discourse that I could describe and analyze as prototypically rhetorical; or I could have seen their failure to take up the visibility politics we tend to ascribe to civil rights issues and social movements as a failure to engage in rhetoric, dismissing them and their ways of being in the world from critical attention. Another option—the one I promote here—was to imagine that their lack of engagement and their pronouncements of trust were deliberate and meaningful, and worthy of study and of theorization. This third option is the one I went with. In so doing I have attempted to go beyond a recuperation of typically unheard voices, and even beyond the recognition that rhetoric also happens in non-official spaces and places, and in ways that run counter to our institutional understandings of it. Rhetorical action is possible outside of the shared spaces created by people's desires to take up political action and other persuasive endeavors. Agency also emerges in the patient doing of everyday life. This is how a vast majority of Latina/o migrants are finding ways of changing their lived realities and, importantly, ours too.

Appendix

Spanish-to-English translations of block quotes appearing in Chapters 1 and 2

pp. 70

It is a rhetorically significant practice—constitutive in a sense—hegemonically sustained through a diverse set of persuasive strategies (disqualification, negative stereotypes) focused on devaluing, minimalizing, or silencing both the victims and the calls for justice put out by local activists. (27-28)

pp. 76

It seems that they want to mark the undocumented community. They aspire to do something to help us, and I would like for them to give us the license, but I don't know. I think that—and hopefully this isn't the case—but I feel that this could be a double-edged sword. Because if the police were to stop us and the police officer is a little bit discriminatory or something like that, when he sees this license he will say, 'Wait a second. I'm going to check your license.' And he'll call immigration. The truth is that it's a start, but how things are now, how the situation is with President Obama and what we have now with all the deportations, I think that that all this is only going to mark us to facilitate their work.

pp. 84

Yes, here in Visalia. The people who work in the fields. They sometimes set up checkpoints on highway 99 or 65. It's not exactly a checkpoint, but there is an immigration vehicle there. When they see a vehicle go by that has a lot of people in it, they stop it. It may not be an actual checkpoint, but immigration is there.

pp. 87

Okay, I have another comment about the meaning you used for "privilege." I honestly—honestly I am not going to take out this license. It's not that I have a criminal record or because I have DUIs—I don't have any of that. But I, personally, I'm not going to take out a license that has a mark on it, I'm telling you. The reason is, like the other friend said [Salvador], it's because, it's that they are going to single us out. Here, in the area in which I live, honestly, there's a lot of racist police officers. And sometimes they are Latinos like us. So they'll stop you and automatically they will know that you are undocumented.

pp. 88

I'm not going to take out this license, probably not until a year or two after they are available because, just like the other man [Salvador] said, it's like exposing yourself to a sword and a hard place. They will have all your information, they will know where you live—they will know it all. And as I see things, everything is just—it's just too complicated so as to show all of that information.

You know, I'm going to be honest with you. I've been driving for over 25 years and I've only gotten to traffic tickets—in 25 years. I don't think that in the next two years I'm going to get two more. I don't believe it, honestly. I've always driven according to the law, and I know the traffic laws of California. Frankly, I'm not interested in taking out this license.

pp. 134-135

I stopped to think about how it's possible that these people, now in their late years, perhaps didn't have the chance earlier in life to practice these activities due to a

number of reasons, or that perhaps they dedicated their lives to other duties. Now they are giving themselves the chance to do something else that perhaps they've always been passionate about for a long time. It's never too late to make it happen.

Now this is something you'll surely see me do very soon.

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